

HOUSE BILL 422

C2
HB 333/07 – ECM

8lr1887

By: **Delegates Kirk, Conway, DeBoy, Haddaway, Harrison, Haynes, Impallaria, Jameson, King, Krysiak, Lafferty, Levy, Love, Malone, Manno, Mathias, Minnick, Niemann, Stifler, Taylor, and Wood**

Introduced and read first time: January 28, 2008

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Secondhand Precious Metal Object Dealers and Pawnbrokers – Definition of**
3 **Dealer**

4 FOR the purpose of altering the definition of dealer to mean an individual who
5 arranges for the sale or delivery of a secondhand precious metal object on behalf
6 of a person who does not hold a license to do business as a dealer; and
7 generally relating to the regulation of secondhand precious metal object dealers
8 and pawnbrokers.

9 BY repealing and reenacting, without amendments,
10 Article – Business Regulation
11 Section 12–101(a), (e), and (i) and 12–201
12 Annotated Code of Maryland
13 (2004 Replacement Volume and 2007 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Business Regulation
16 Section 12–101(b)
17 Annotated Code of Maryland
18 (2004 Replacement Volume and 2007 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Business Regulation**

22 12–101.

23 (a) In this title the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) “Dealer” means:

2 (I) an individual who acquires commercially from the public or
3 trades commercially with the public in secondhand precious metal objects;

4 (II) **AN INDIVIDUAL WHO FOR COMPENSATION ARRANGES**
5 **FOR THE SALE OR DELIVERY OF A SECONDHAND PRECIOUS METAL OBJECT ON**
6 **BEHALF OF A PERSON THAT DOES NOT HOLD A LICENSE UNDER THIS TITLE;** or

7 (III) [,] unless otherwise provided, a pawnbroker.

8 (2) “Dealer” includes a retail jeweler as to transactions in which the
9 retail jeweler acquires commercially from the public or trades commercially with the
10 public in secondhand precious metal objects.

11 (e) “License” means a license issued by the Secretary to do business as a
12 dealer.

13 (i) “Precious metal object” means:

14 (1) a precious metal that is:

15 (i) gold;

16 (ii) iridium;

17 (iii) palladium;

18 (iv) platinum; or

19 (v) silver;

20 (2) a precious or semiprecious stone, or a pearl, that is or appears to
21 have been attached to or inlaid in a precious metal listed in paragraph (1) of this
22 subsection or any alloy of a precious metal; or

23 (3) an object that is composed of a precious metal listed in paragraph
24 (1) of this subsection or any alloy of a precious metal if:

25 (i) the market value of the metal in the object lies principally in
26 its precious metal component; or

27 (ii) at least 25% of the weight of the object is precious metal.

28 12–201.

1 (a) Except as otherwise provided in this title, an individual shall have a
2 license before the individual does business as a dealer in the State.

3 (b) Except those pawnbrokers who are exempt from State licensing under §
4 12-102(c) of this title, all pawnbrokers must be licensed as dealers.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2008.