

CHAPTER 591

(Senate Bill 569)

AN ACT concerning

Secondhand Precious Metal Object Dealers and Pawnbrokers – Definition of Dealer

FOR the purpose of altering the definition of “dealer”, as it relates to the regulation of secondhand precious metal object dealers, to mean an individual who arranges for the sale or delivery of a secondhand precious metal object on behalf of a person who does not hold a license to do business as a dealer; altering the definitions of “fixed business address” and “local law enforcement unit”, as they relate to the regulation of secondhand precious metal object dealers, to clarify their scope; and generally relating to the regulation of secondhand precious metal object dealers and pawnbrokers.

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

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 12–101(b), (d), and (f)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Article – Business Regulation

12–101.

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

(b) (1) “Dealer” means:

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

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

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

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

(d) “Fixed business address” means a single physical location IN MARYLAND where a licensee regularly conducts business and at which the licensee or an employee of the licensee is physically present:

(1) during normal business hours; or

(2) other hours as provided in the application for the license which are sufficient to provide an authorized law enforcement officer or agent access to the licensee’s place of business as provided in § 12–306 of this title.

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

(f) “Local law enforcement unit” means the MARYLAND Department of State Police, a MARYLAND police department, or MARYLAND sheriff, as designated by resolution of the county or municipal governing body, with jurisdiction over any place where a dealer transacts business other than the dealer’s fixed business address.

(i) “Precious metal object” means:

(1) a precious metal that is:

(i) gold;

(ii) iridium;

(iii) palladium;

(iv) platinum; or

(v) silver;

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

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

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

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

12-201.

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

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

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

Approved by the Governor, May 22, 2008.