

SENATE BILL 934

C2

5lr3107

By: **Senator Conway**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session
Introduced and read first time: March 16, 2015

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Pawnbrokers – Required Records – Photograph of Pawned Item**

3 FOR the purpose of requiring certain records that a pawnbroker is required to keep for
4 certain purposes to include a photograph of each item pawned; and generally relating
5 to required records of pawnbrokers.

6 BY repealing and reenacting, without amendments,

7 Article – Business Regulation

8 Section 12–101(a), (b)(1), and (g), 12–301(b) and (c), and 12–304

9 Annotated Code of Maryland

10 (2010 Replacement Volume and 2014 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article – Business Regulation

13 Section 12–302(b)

14 Annotated Code of Maryland

15 (2010 Replacement Volume and 2014 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

17 That the Laws of Maryland read as follows:

18 **Article – Business Regulation**

19 12–101.

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

21 (b) (1) “Dealer” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (ii) an individual who for compensation arranges for the sale or
4 delivery of a secondhand precious metal object on behalf of a person that does not hold a
5 license under this title; or

6 (iii) unless otherwise provided, a pawnbroker.

7 (g) "Pawnbroker" means a person who engages in pawn transactions.

8 12-301.

9 (b) Each pawnbroker shall make a written record, on a form provided by the
10 Secretary, of each business transaction that involves:

11 (1) lending money on pledge of personal property, other than a security or
12 printed evidence of indebtedness;

13 (2) buying personal property on condition of selling it back at a stipulated
14 price; or

15 (3) buying the following items for the purpose of resale:

16 (i) binoculars;

17 (ii) cameras;

18 (iii) firearms;

19 (iv) furs;

20 (v) household appliances;

21 (vi) musical instruments;

22 (vii) office machines or equipment;

23 (viii) radios, televisions, videodisc machines, videocassette recorders,
24 and stereo equipment;

25 (ix) personal computers, tapes, and disc recorders;

26 (x) watches;

27 (xi) bicycles; and

1 (xii) tangible personal property pledged as collateral.

2 (c) Each pawnbroker shall make a written record, on a form provided by the
3 Secretary, of each transaction that involves the acquisition of an item described in
4 subsection (b)(3) of this section for the purpose of resale.

5 12-302.

6 (b) In addition to any other information required by the Secretary, the records of
7 a pawnbroker shall include, for each item pawned:

8 (1) the type of item;

9 (2) its manufacturer, model number, year of manufacture if known, and
10 serial number if known; [and]

11 (3) its color and size; **AND**

12 **(4) A PHOTOGRAPH OF THE ITEM.**

13 12-304.

14 (a) (1) A dealer shall submit the required information from each record to the
15 primary law enforcement unit in accordance with subsection (b) of this section.

16 (2) If the dealer transacts business in accordance with § 12-206(b) of this
17 title, the dealer also shall submit the required information from the records to the local law
18 enforcement unit in accordance with subsection (b) of this section.

19 (3) On the request of a dealer, the Secretary shall provide to the dealer a
20 list of local law enforcement units.

21 (b) (1) Subject to paragraph (2) of this subsection, the dealer shall submit the
22 records by transmitting the required information from the records electronically, in a
23 format acceptable to the receiving law enforcement unit, by noon of the next business day.

24 (2) A dealer may request an extension of up to 48 hours to submit the
25 records required under paragraph (1) of this subsection.

26 (c) Each record, submitted to the primary law enforcement unit and, if applicable,
27 local law enforcement unit, shall include:

28 (1) the license number of the dealer;

29 (2) the location of each item listed in the record; and

30 (3) the information required under § 12-302 of this subtitle.

1 (d) The required information from a record submitted under this section:

2 (1) shall be kept confidential;

3 (2) is not a public record; and

4 (3) is not subject to Title 4 of the General Provisions Article.

5 (e) The primary law enforcement unit shall adopt a procedure for a dealer to
6 amend a record required to be submitted under this section.

7 (f) A law enforcement unit may cease to maintain a record submitted under this
8 section after 1 year from the date the law enforcement unit receives the copy.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2015.