

HOUSE BILL No. 5837

September 18, 2014, Introduced by Rep. Callton and referred to the Committee on Financial Services.

A bill to amend 1917 PA 273, entitled

"An act to regulate and license pawnbrokers in certain governmental units of this state; and to prescribe certain powers and duties of certain local governmental units and state agencies,"

by amending the title and sections 1, 2, 3, 5, 6, and 18 (MCL 446.201, 446.202, 446.203, 446.205, 446.206, and 446.218), the title and sections 2, 5, and 6 as amended by 2002 PA 469 and sections 1 and 3 as amended by 2006 PA 292.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to regulate and license pawnbrokers ~~in certain governmental units of~~ **THAT CONDUCT BUSINESS IN** this state; **TO PROVIDE FOR THE IMPLEMENTATION, MAINTENANCE, AND ADMINISTRATION OF A STATEWIDE ELECTRONIC DATABASE OF PAWNED ITEMS AND CERTAIN OTHER ARTICLES OF PERSONAL PROPERTY; TO PROVIDE REMEDIES AND**

1 **PRESCRIBE PENALTIES;** and to ~~prescribe certain~~ **PROVIDE FOR THE**
 2 powers and duties of certain local governmental units and state
 3 agencies.

4 Sec. 1. (1) A person ~~, corporation, or firm~~ shall not
 5 conduct business as a pawnbroker in any of the governmental units
 6 of this state without ~~having first obtained from~~ **A LICENSE ISSUED**
 7 **BY** the chief executive officer of that governmental unit a
 8 ~~license under this act that authorizes that person, corporation,~~
 9 ~~or firm~~ to conduct that business. ~~This~~ **HOWEVER, THIS** subsection
 10 does not require an internet drop-off store ~~complying~~ **THAT**
 11 **COMPLIES** with subsection (3), or ~~a person~~ **AN INDIVIDUAL WHO IS**
 12 engaged in the sale, purchase, consignment, or trade of personal
 13 property or other valuable thing for himself or herself, to
 14 obtain a license under this act.

15 (2) ~~Licensure under either or both of the following acts~~
 16 ~~does not exempt a person from obtaining a license under this act.~~

17 ~~—— (a) The~~ **REGISTRATION UNDER THE** precious metal and gem dealer
 18 act, 1981 PA 95, MCL 445.481 to 445.492, ~~—~~

19 ~~—— (b)~~ **DOES NOT EXEMPT A PERSON THAT IS CONDUCTING BUSINESS AS**
 20 **A PAWBROKER FROM THE REQUIREMENT TO OBTAIN A LICENSE UNDER THIS**
 21 **ACT. LICENSURE UNDER 1917 PA 350, MCL 445.401 to 445.408, DOES**
 22 **NOT EXEMPT A PERSON THAT IS CONDUCTING BUSINESS AS A PAWBROKER**
 23 **FROM THE REQUIREMENT TO OBTAIN A LICENSE UNDER THIS ACT.**

24 (3) ~~An~~ **A PERSON THAT OPERATES AN** internet drop-off store ~~in~~
 25 ~~compliance with~~ **THAT MEETS** the following conditions is exempt
 26 from ~~licensure~~ **THE REQUIREMENT TO OBTAIN A LICENSE** as a
 27 pawnbroker under this act:

1 (a) ~~Has~~ **THE PERSON HAS** a fixed place of business ~~within~~ **IN**
2 this state. ~~except that he or she~~

3 **(B) THE PERSON** exclusively transacts all purchases or sales
4 by means of the internet and the purchases and sales are not
5 physically transacted on the premises of ~~that~~ **THE** fixed place of
6 business **DESCRIBED IN SUBDIVISION (A)**.

7 **(C)** ~~(b) Has~~ **THE PERSON HAS** the personal property or other
8 valuable thing available on a website for viewing by photograph,
9 if available, by the general public at no charge, ~~which website~~
10 ~~shall be~~ **AND THE WEBSITE IS** searchable by zip code or state, or
11 both. The website viewing shall include, as applicable, serial
12 number, make, model, and other unique identifying marks, numbers,
13 names, or letters appearing on the personal property or other
14 valuable thing.

15 **(D)** ~~(c) Maintains~~ **THE PERSON MAINTAINS** records of the sale,
16 purchase, consignment, or trade of the personal property or other
17 valuable thing for at least 2 years. ~~, which~~ **THE** records shall
18 contain a description, including a photograph, if available, and,
19 if applicable, serial number, make, model, and other unique
20 identifying marks, numbers, names, or letters appearing on the
21 personal property or other valuable thing.

22 **(E)** ~~(d) Provide the~~ **THE PERSON PROVIDES A** local police
23 agency with any name under which it conducts business on the
24 website and access to the business premises at any time during
25 normal business hours for purposes of inspection.

26 **(F)** ~~(e) Within 24 hours after a request from a local police~~
27 agency, ~~provide~~ **THE PERSON PROVIDES** an electronic copy of the

1 seller's or consignor's name, address, telephone number, driver
 2 license number and issuing state, the buyer's name and address,
 3 if applicable, and a description of the personal property or
 4 other valuable thing as described in subdivision ~~(e)~~. **(D)**. The
 5 ~~provision of PERSON SHALL PROVIDE THE~~ information shall be in a
 6 format **THAT IS** acceptable to the local police agency but shall at
 7 least be in a legible format and in the English language.

8 **(G)** ~~(f) Provide THE PERSON PROVIDES~~ that payment for the
 9 personal property or other valuable thing is executed by means of
 10 check or other electronic payment system, ~~so long as the payment~~
 11 ~~is not made AND NOT~~ in cash. ~~No THE PERSON SHALL NOT PROVIDE~~
 12 payment shall be provided to the seller until the item is sold.

13 **(H)** ~~(g) Immediately remove THE PERSON IMMEDIATELY REMOVES~~
 14 the personal property or other valuable thing from the website if
 15 the local police agency determines that the personal property or
 16 other valuable thing is stolen.

17 Sec. 2. (1) ~~The SUBJECT TO SUBSECTION (5), THE~~ chief
 18 executive officer of ~~the A~~ governmental unit may ~~grant under his~~
 19 ~~or her hand, and the official seal of his or her office, to any~~
 20 ~~suitable person, corporation, or firm a license authorizing ISSUE~~
 21 **A LICENSE TO ANY SUITABLE PERSON UNDER THIS ACT THAT AUTHORIZES**
 22 that person, ~~corporation, or firm~~ to conduct the business of a
 23 pawnbroker **IN THAT GOVERNMENTAL UNIT**, subject to the provisions
 24 of this act.

25 (2) ~~The A~~ license **ISSUED UNDER THIS SECTION** shall designate
 26 the particular place in the governmental unit where that person, ~~corporation, or firm~~
 27 shall conduct the **PAWNBROKER** business. A

1 person ~~, corporation, or firm receiving~~ **THAT RECEIVES** a license
2 **UNDER THIS SECTION** shall not conduct ~~the~~ **A PAWNBROKER** business in
3 any other place than the place designated in the license.

4 (3) The term of **A license ISSUED UNDER THIS SECTION** is 1
5 year, ~~from~~ **BEGINNING ON THE** date of issuance. ~~, unless revoked~~
6 **THE LICENSE IS REVOCABLE** for cause ~~,~~ and is not transferable.

7 (4) ~~Before issuance of the license, the applicant shall pay~~
8 **A CHIEF EXECUTIVE OFFICER SHALL NOT ISSUE A LICENSE UNDER THIS**
9 **SECTION UNLESS THE APPLICANT DOES ALL OF THE FOLLOWING AT THE**
10 **TIME THE APPLICATION IS SUBMITTED:**

11 (A) **PAYS** to the treasurer of the governmental unit an annual
12 license fee. ~~in the amount determined under subsection (5) and~~
13 ~~give~~ **THE GOVERNMENTAL UNIT SHALL DETERMINE THE SPECIFIC AMOUNT OF**
14 **THE ANNUAL LICENSE FEE, BUT THE GOVERNMENTAL UNIT SHALL NOT**
15 **ESTABLISH AN ANNUAL LICENSE FEE THAT IS LESS THAN \$50.00 OR MORE**
16 **THAN \$500.00.**

17 (B) **PROVIDES** a bond to the governmental unit **THAT IS** in its
18 corporate name, in the penal sum of \$3,000.00, with at least 2
19 sureties, **THAT IS** conditioned ~~for~~ **ON** the faithful performance of
20 the duties and obligations pertaining to the conduct of the
21 **PAWNBROKER** business and for the payment of all costs and damages
22 incurred ~~by~~ **AS A RESULT OF** any violation of this act, ~~The~~
23 ~~governmental unit shall approve the bond.~~ **AND THAT IS SATISFACTORY**
24 **TO THE GOVERNMENTAL UNIT.**

25 ~~—— (5) The governmental unit may fix the amount to be paid as~~
26 ~~the annual license fee at any amount not less than \$50.00 or more~~
27 ~~than \$500.00.~~

1 (C) PAYS THE FEE DESCRIBED IN SECTION 6(5) TO THE TREASURER
 2 OF THE GOVERNMENTAL UNIT. THE TREASURER SHALL FORWARD THAT FEE TO
 3 THE DEPARTMENT ON RECEIPT.

4 (D) PAYS THE TREASURER OF THE GOVERNMENTAL UNIT AN
 5 APPLICATION PROCESSING FEE, IF ANY. A GOVERNMENTAL UNIT MAY
 6 ESTABLISH AN APPLICATION PROCESSING FEE, IN AN AMOUNT THAT DOES
 7 NOT EXCEED \$50.00, FOR THE REVIEW AND PROCESSING OF LICENSE
 8 APPLICATIONS UNDER THIS SECTION.

9 (E) PAYS THE TREASURER THE PROCESSING FEE DESCRIBED IN
 10 SECTION 6(6), IF ANY.

11 (5) ~~(6) Notwithstanding any other provision of this section,~~
 12 ~~the~~THE authority of a governmental unit to issue a license under
 13 this act ~~SECTION~~ is limited as follows:

14 (a) A county ~~may~~SHALL not issue a license for a location
 15 ~~within~~IN a city or village ~~with~~THAT HAS a population ~~greater~~OF
 16 MORE than 3,000.

17 (b) A county ~~may~~SHALL not issue a license for a location
 18 ~~within~~IN a city or village ~~with~~THAT HAS a population of 3,000
 19 or ~~less~~FEWER or ~~within~~IN a township or charter township if that
 20 city, village, township, or charter township has established the
 21 license fee ~~pursuant to~~UNDER subsection ~~(5)~~(4) (A).

22 (c) A township or charter township ~~may~~SHALL not issue a
 23 license for a location ~~within~~IN a village ~~with~~THAT HAS a
 24 population ~~over~~OF MORE THAN 3,000 or a village ~~with~~THAT HAS a
 25 population of 3,000 or ~~less~~FEWER that has established a ~~AN~~
 26 ANNUAL LICENSE fee under subsection ~~(5)~~(4) (A).

27 Sec. 3. As used in this act:

1 (a) "Chief executive officer" means any of the following:

2 (i) For a city, the mayor.

3 (ii) For a village, the village president.

4 (iii) For a township or charter township, the township
5 supervisor.

6 (iv) For a county, the county executive or, if there is no
7 county executive, ~~the person~~ **AN INDIVIDUAL** designated by a
8 resolution of the county board of commissioners.

9 **(B) "DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.**

10 **(C)** ~~(b)~~ "Governmental unit" means a city, township, charter
11 township, county, or incorporated village.

12 **(D)** ~~(e)~~ "Internet drop-off store" means a person ~~,~~
13 ~~corporation, or firm~~ that contracts with ~~other persons,~~
14 ~~corporations, or firms~~ **ANOTHER PERSON OR PERSONS** to offer its
15 ~~personal property or other valuable thing~~ **ITEMS** for sale,
16 purchase, consignment, or trade through means of an internet
17 website and meets the conditions described in section 1(3).

18 **(E) "ITEM" MEANS AN ARTICLE OF PERSONAL PROPERTY OR ANY**
19 **OTHER VALUABLE THING, EXCEPT SECURITIES OR PRINTED EVIDENCE OF**
20 **INDEBTEDNESS.**

21 **(F)** ~~(d)~~ "Local police agency" means the police agency of the
22 city, village, or township, or if none, the county sheriff of the
23 county, in which ~~the~~ **A PAWNBROKER OR** internet drop-off store
24 conducts business.

25 **(G)** ~~(e)~~ "Pawnbroker" means a person ~~,~~ ~~corporation, or~~
26 ~~member, or members of a copartnership or firm, who~~ **THAT** loans
27 money on deposit ~~,~~ or pledge of ~~personal property, or other~~

1 ~~valuable thing, other than securities or printed evidence of~~
 2 ~~indebtedness, or who~~ 1 OR MORE ITEMS OR THAT deals in the
 3 purchasing of ~~personal property or other valuable thing~~ ITEMS on
 4 condition of selling ~~the same~~ THOSE ITEMS back again at a
 5 stipulated price.

6 (H) "PAWNEED ITEM" MEANS AN ITEM TAKEN BY A PAWNBROKER AS
 7 COLLATERAL FOR A LOAN.

8 (I) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
 9 LIMITED LIABILITY COMPANY, OR OTHER LEGAL ENTITY.

10 (J) "PURCHASED ITEM" MEANS AN ITEM THAT IS ACQUIRED FOR CASH
 11 BY A PAWNBROKER WITHOUT THE INTENT TO SELL OR RETURN THAT ITEM
 12 BACK TO THE SELLER.

13 (K) "REPORTABLE ITEM" MEANS ANY OF THE FOLLOWING:

14 (i) AN ITEM PAWNEED TO OR PURCHASED BY A PAWNBROKER IN THIS
 15 STATE.

16 (ii) A PRECIOUS ITEM RECEIVED OR PURCHASED BY A DEALER IN
 17 THIS STATE UNDER THE PRECIOUS METAL AND GEM DEALER ACT, 1981 PA
 18 95, MCL 445.481 TO 445.492. AS USED IN THIS SUBPARAGRAPH,
 19 "DEALER" AND "PRECIOUS ITEM" MEAN THOSE TERMS AS DEFINED IN
 20 SECTION 2 OF THE PRECIOUS METAL AND GEM DEALER ACT, 1981 PA 95,
 21 MCL 445.482.

22 (iii) A SECOND HAND ARTICLE PURCHASED OR RECEIVED IN EXCHANGE
 23 BY A SECOND HAND DEALER OR JUNK DEALER UNDER 1917 PA 350, MCL
 24 445.401 TO 445.408. AS USED IN THIS SUBPARAGRAPH, "SECOND HAND
 25 DEALER" AND "JUNK DEALER" MEAN THOSE TERMS AS DEFINED IN SECTION
 26 3 OF 1917 PA 350, MCL 445.403.

27 Sec. 5. (1) A pawnbroker shall ~~keep a record~~ PREPARE in

1 ~~English, at the time the pawnbroker receives any article of~~
2 ~~personal property or other valuable thing by way of pawn, that~~
3 ~~includes a description of the article, a sequential transaction~~
4 ~~number, any amount of money loaned on the article, the name,~~
5 ~~residence, general description, and driver license number,~~
6 ~~official state personal identification card number, or government~~
7 ~~identification number of the person from whom the article was~~
8 ~~received, and the day and hour when the article was received. AND~~
9 **PERMANENTLY RETAIN, A SEPARATE, ACCURATE, AND LEGIBLE RECORD OF**
10 **EACH TRANSACTION IN WHICH IT ACQUIRES A PAWNED ITEM OR PURCHASED**
11 **ITEM.** The record, the **PAWNBROKER'S** place where ~~the~~**OF** business,
12 ~~is carried on,~~ and all articles of property **ITEMS** in that place
13 of business are subject to examination at any time by the
14 attorney of the governmental unit, **A** local police agency, the
15 county prosecuting attorney of the county in which the
16 governmental unit is situated, or the department. ~~of state~~
17 ~~police.~~

18 ~~—— (2) Upon the receipt of any article of personal property or~~
19 ~~other valuable thing by way of pawn, the pawnbroker shall make a~~
20 ~~permanent record of the transaction on a form provided by the~~
21 ~~pawnbroker that substantially complies with the form described in~~
22 ~~subsection (4). Each record of transaction shall be completed in~~
23 ~~duplicate by the pawnbroker, legibly in the English language, and~~
24 ~~shall contain all applicable information required to complete the~~
25 ~~record of transaction form under subsection (4). This subsection~~
26 ~~does not prohibit the use and transmission of the information~~
27 ~~required in the record of the transaction by means of computer or~~

1 ~~other electronic media as permitted by the local police agency~~
 2 ~~within the applicable governmental unit.~~

3 ~~—— (3) The pawnbroker shall retain a record of each transaction~~
 4 ~~and, within 48 hours after the property is received, shall send 1~~
 5 ~~copy of the record of transaction to the local police agency.~~

6 ~~—— (4) The record of transaction form shall be 8 1/2 inches by~~
 7 ~~11 inches in size and shall be as follows:~~

8 **RECORD OF TRANSACTION**
 9 **FRONT**

10 Article		10 Serial No.		
11 Model No. or Case No.		11 Lens No. or Move. No.		
12 Trade Name		12 Color	12 Size	12 No. Jewels
13 Material		13 Stone Set Design		
14 Description		14 No.	14 Kind of Stone	14 Size
15 Inscription or Initials				
16 Purchase Price	16 Amt. Loaned			
17 Dealer				
18 City		18 Date		18 Ticket No.
19 Lady's <input type="checkbox"/> Gent's <input type="checkbox"/> Wrist <input type="checkbox"/> Pocket <input type="checkbox"/> Lapel <input type="checkbox"/>				

31 **BACK**

32 Operator's License # or Other I.D. #	
33 Customer's Name (PRINT)	
34 Street No. or RFD	
35 City and State	
36 Employed By:	36 Rolled print of right thumb (If impossible then some

1	Age	Height			other fingerprint.
2					Designate which.)
3	Weight	Race	W <input type="checkbox"/>	B <input type="checkbox"/>	O <input type="checkbox"/>
4					
5	Time Received:	AM	PM		
6					
7	Mail reports within 48 hours to				
8	local officers		<input type="checkbox"/> Male	<input type="checkbox"/> Female	
9					
10	Signature of person taking print				
11					

12 (2) THE RECORD DESCRIBED IN SUBSECTION (1) MUST INCLUDE ALL
 13 OF THE FOLLOWING INFORMATION ABOUT EACH PAWNED ITEM OR PURCHASED
 14 ITEM ACQUIRED BY THE PAWNBROKER:

15 (A) A DESCRIPTION OF THE ITEM.

16 (B) IF APPLICABLE, THE SERIAL NUMBER, MODEL NUMBER, CASE
 17 NUMBER, OR LENS NUMBER OF THE ITEM.

18 (C) IF APPLICABLE, THE ITEM'S TRADE NAME, COLOR, SIZE,
 19 NUMBER OF JEWELS, MATERIAL, STONE SET DESIGN, NUMBER OF STONES,
 20 DESCRIPTION, KIND, AND SIZE OF EACH STONE, INSCRIPTION, OR
 21 INITIALS.

22 (D) FOR A PAWNED ITEM, THE AMOUNT LOANED ON THE ITEM.

23 (E) FOR A PURCHASED ITEM, THE PURCHASE PRICE OF THE ITEM.

24 (F) THE PAWNBROKER'S NAME AND ADDRESS.

25 (G) THE DATE AND TIME OF THE TRANSACTION.

26 (H) THE TRANSACTION NUMBER.

27 (I) THE NAME AND ADDRESS OF THE OWNER OF THE PAWNED OR
 28 PURCHASED ITEM.

29 (J) THE NAME AND OPERATOR'S LICENSE NUMBER OR OTHER
 30 IDENTIFICATION NUMBER OF THE INDIVIDUAL FROM WHOM THE ITEM WAS
 31 RECEIVED; HIS OR HER DATE OF BIRTH, HEIGHT, GENDER, WEIGHT, AND
 32 RACE; AND HIS OR HER SIGNATURE.

1 Sec. 6. A pawnbroker shall make daily, except Sunday, a
2 sworn statement of his or her transactions, describing the
3 articles received, and setting forth the name, residence, and
4 description of the person from whom the articles were received,
5 to the chief of police or chief law enforcement officer of the
6 governmental unit.

7 (1) WITHIN 48 HOURS AFTER IT RECEIVES A PAWNED ITEM IN A
8 TRANSACTION DESCRIBED IN SECTION 5(1), A PAWNBROKER SHALL
9 ELECTRONICALLY TRANSMIT THE INFORMATION DESCRIBED IN SECTION
10 5(2)(A), (B), (D), AND (F) TO (H) FOR THAT ITEM TO THE
11 DEPARTMENT, IN A FORMAT DETERMINED BY THE DEPARTMENT.

12 (2) WITHIN 48 HOURS AFTER IT RECEIVES A PURCHASED ITEM IN A
13 TRANSACTION DESCRIBED IN SECTION 5(1), A PAWNBROKER SHALL
14 ELECTRONICALLY TRANSMIT THE INFORMATION DESCRIBED IN SECTION
15 5(2)(A), (B), AND (E) TO (H) FOR THAT ITEM TO THE DEPARTMENT, IN
16 A FORMAT DETERMINED BY THE DEPARTMENT.

17 (3) WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE
18 AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE DEPARTMENT SHALL
19 IMPLEMENT AND MAINTAIN A STATEWIDE ELECTRONIC DATABASE OF ITEMS.
20 ALL OF THE FOLLOWING APPLY TO THE DATABASE:

21 (A) THE DATABASE SHALL INCLUDE THE INFORMATION TRANSMITTED
22 TO THE DEPARTMENT UNDER ANY OF THE FOLLOWING:

23 (i) SUBSECTION (1) OR (2).

24 (ii) SECTION 4A OF THE PRECIOUS METAL AND GEM DEALER ACT,
25 1981 PA 95, MCL 445.484A.

26 (iii) SECTION 4A OF 1917 PA 350, MCL 445.404A.

27 (B) ONLY THE DEPARTMENT AND OTHER LAW ENFORCEMENT AGENCIES

1 SHALL HAVE ACCESS TO THE INFORMATION IN THE DATABASE.

2 (C) THE DEPARTMENT MAY OPERATE THE DATABASE OR MAY SELECT
3 AND CONTRACT WITH A SINGLE THIRD-PARTY PROVIDER TO OPERATE THE
4 DATABASE. IF THE DEPARTMENT CONTRACTS WITH A THIRD-PARTY PROVIDER
5 FOR THE OPERATION OF THE DATABASE, ALL INFORMATION OBTAINED FROM
6 ANY OF THE FOLLOWING SHALL BE ELECTRONICALLY STORED IN THE
7 DEPARTMENT:

8 (i) PAWNBROKERS UNDER THIS SECTION.

9 (ii) DEALERS UNDER THE PRECIOUS METAL AND GEM DEALER ACT,
10 1981 PA 95, MCL 445.481 TO 445.492. AS USED IN THIS SUBPARAGRAPH,
11 "DEALER" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE PRECIOUS
12 METAL AND GEM DEALER ACT, 1981 PA 95, MCL 445.482.

13 (iii) SECOND HAND DEALERS OR JUNK DEALERS UNDER 1917 PA 350,
14 MCL 445.401 TO 445.408. AS USED IN THIS SUBPARAGRAPH, "SECOND
15 HAND DEALER" AND "JUNK DEALER" MEAN THOSE TERMS AS DEFINED IN
16 SECTION 3 OF 1917 PA 350, MCL 445.403.

17 (D) INFORMATION IN THE DATABASE IS CONFIDENTIAL, IS NOT
18 SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976
19 PA 442, MCL 15.231 TO 15.246, AND SHALL NOT BE DISCLOSED TO ANY
20 PERSON EXCEPT FOR PURPOSES OF THIS ACT AND FOR LAW ENFORCEMENT
21 PURPOSES.

22 (4) BY JULY 1, 2015, EACH PAWNBROKER SHALL IMPLEMENT ANY
23 SOFTWARE THAT THE DEPARTMENT DETERMINES IS NECESSARY TO
24 ADMINISTER THE COLLECTION OF INFORMATION REQUIRED UNDER THIS
25 SECTION.

26 (5) EACH PAWNBROKER SHALL PAY AN ANNUAL FEE OF NOT MORE THAN
27 \$250.00 FOR EACH OF ITS LICENSED LOCATIONS FOR THE IMPLEMENTATION

1 AND MAINTENANCE OF THE DATABASE DESCRIBED IN THIS SECTION. THE
2 DEPARTMENT SHALL DETERMINE THE SPECIFIC AMOUNT OF THE FEE. THE
3 TREASURER OF EACH GOVERNMENTAL UNIT SHALL COLLECT THE FEE ON
4 BEHALF OF THE DEPARTMENT UNDER SECTION 2(4)(C).

5 (6) THE TREASURER OF A GOVERNMENTAL UNIT THAT COLLECTS A
6 DATABASE FEE ON BEHALF OF THE DEPARTMENT MAY CHARGE AND COLLECT A
7 FEE FOR PROCESSING THE DATABASE FEE. THE AMOUNT OF A PROCESSING
8 FEE UNDER THIS SUBSECTION SHALL NOT EXCEED \$50.00. AS USED IN
9 THIS SUBSECTION, "DATABASE FEE" MEANS THE FEE DESCRIBED IN
10 SUBSECTION (5).

11 Sec. 18. (1) ~~Any person who shall violate any of the~~
12 ~~provisions of this act, whether as owner, or as clerk, agent,~~
13 ~~servant or employe, shall be guilty of a misdemeanor and upon~~
14 ~~conviction thereof in any court of competent jurisdiction be~~
15 ~~fined not less than 25 dollars nor more than 100 dollars, or by~~
16 ~~imprisonment in the county jail not less than 10 days nor more~~
17 ~~than 3 months, or by both such fine and imprisonment in the~~
18 ~~discretion of the court.~~ A PAWNBROKER THAT KNOWINGLY VIOLATES THIS
19 ACT IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT
20 MORE THAN 1 YEAR OR A FINE OF \$1,000.00, OR BOTH.

21 (2) A PAWNBROKER THAT VIOLATES THIS ACT A SUBSEQUENT TIME IS
22 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2
23 YEARS OR A FINE OF \$5,000.00, OR BOTH.

24 Enacting section 1. This amendatory act takes effect January
25 1, 2015.

26 Enacting section 2. This amendatory act does not take effect
27 unless all of the following bills of the 97th Legislature are

1 enacted into law:

2 (a) Senate Bill No. ____ or House Bill No. 5835 (request no.
3 04964'14 *).

4 (b) Senate Bill No. ____ or House Bill No. 5836 (request no.
5 04965'14 *).