

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5346

A bill to amend 1917 PA 273, entitled
"An act to regulate and license pawnbrokers in cities and incorporated villages of this state, having a population of more than 3,000,"
by amending sections 5, 9, 10, 11, and 14 (MCL 446.205, 446.209, 446.210, 446.211, and 446.214); and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) ~~Every such~~ A pawnbroker shall keep a ~~book to~~
2 ~~be inspected by the chief of police or chief police officer of~~
3 ~~the city or village~~ RECORD in which ~~shall be~~ IS written in
4 English, at the time ~~he shall receive~~ THE PAWNBROKER RECEIVES
5 any article of personal property ~~,~~ or other valuable thing by
6 way of ~~pledge or~~ pawn, a description of ~~such~~ THE article, A
7 SEQUENTIAL TRANSACTION NUMBER, ~~the~~ ANY amount of money loaned
8 thereon, ~~the rate of interest to be paid on such loan,~~ the

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1 name, residence, ~~and~~ general description, AND DRIVER LICENSE
2 NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR
3 GOVERNMENT IDENTIFICATION NUMBER of the person from whom THE
4 ARTICLE WAS RECEIVED, and the day and hour when ~~such property~~
5 THE ARTICLE was received. ~~;~~ ~~and such book,~~ and THE RECORD, the
6 place where ~~such~~ THE business is carried on, and all articles
7 of property ~~therein, shall be~~ IN THAT PLACE OF BUSINESS ARE
8 subject to examination at any time by the ~~mayor, president,~~
9 city attorney, ~~or other police officer of such city or village~~
10 ~~or by~~ LOCAL POLICE AGENCY, the COUNTY prosecuting attorney ~~or~~
11 ~~the sheriff or other police officer~~ of the county in which
12 ~~said~~ THE city or village is situated, OR THE DEPARTMENT OF
13 STATE POLICE.

14 (2) UPON THE RECEIPT OF ANY ARTICLE OF PERSONAL PROPERTY OR
15 OTHER VALUABLE THING BY WAY OF PAWN, THE PAWNBROKER SHALL MAKE A
16 PERMANENT RECORD OF THE TRANSACTION ON A FORM PROVIDED BY THE
17 PAWNBROKER THAT SUBSTANTIALLY COMPLIES WITH THE FORM DESCRIBED IN
18 SUBSECTION (4). EACH RECORD OF TRANSACTION SHALL BE COMPLETED IN
19 DUPLICATE BY THE PAWNBROKER, LEGIBLY IN THE ENGLISH LANGUAGE, AND
20 SHALL CONTAIN ALL APPLICABLE INFORMATION REQUIRED TO COMPLETE THE
21 RECORD OF TRANSACTION FORM UNDER SUBSECTION (4). THIS SUBSECTION
22 DOES NOT PROHIBIT THE USE AND TRANSMISSION OF THE INFORMATION
23 REQUIRED IN THE RECORD OF THE TRANSACTION BY MEANS OF COMPUTER OR
24 OTHER ELECTRONIC MEDIA AS PERMITTED BY THE LOCAL POLICE AGENCY
25 WITHIN THE APPLICABLE LOCAL UNIT OF GOVERNMENT.

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1 (3) THE PAWNBROKER SHALL RETAIN A RECORD OF EACH TRANSACTION
2 AND, WITHIN 48 HOURS AFTER THE PROPERTY IS RECEIVED, SHALL SEND 1
3 COPY OF THE RECORD OF TRANSACTION TO THE LOCAL POLICE AGENCY.

4 (4) THE RECORD OF TRANSACTION FORM SHALL BE 8-1/2 INCHES BY
5 11 INCHES IN SIZE AND SHALL BE AS FOLLOWS:

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**RECORD OF TRANSACTION
FRONT**

1				
2				
3	ARTICLE	SERIAL NO.		
4	MODEL NO. OR CASE NO.	LENS NO. OR MOVE. NO.		
5	TRADE NAME	COLOR	SIZE	NO. JEWELS
6				
7	MATERIAL	STONE SET DESIGN		
8				
9	DESCRIPTION	NO.	KIND OF STONE	SIZE
10				
11	INSCRIPTION OR INITIALS			
12				
13	PURCHASE PRICE AMT. LOANED			
14				
15	DEALER			
16				
17	CITY	DATE	TICKET NO.	
18				
19	LADY'S <input type="checkbox"/>	GENT'S <input type="checkbox"/>	WRIST <input type="checkbox"/>	POCKET <input type="checkbox"/> LAPEL <input type="checkbox"/>
20				
21				
22				

BACK

23				
24	OPERATOR'S LICENSE # OR OTHER I. D. #			
25				
26	CUSTOMER'S NAME (PRINT)			
27				
28	STREET NO. OR RFD			
29				
30	CITY AND STATE			
31				
32	EMPLOYED BY:	ROLLED PRINT OF RIGHT THUMB		
33		(IF IMPOSSIBLE THEN SOME		
34	AGE HEIGHT	OTHER FINGERPRINT.		
35		DESIGNATE WHICH.)		
36	WEIGHT RACE W <input type="checkbox"/> B <input type="checkbox"/> O <input type="checkbox"/>			
37				
38	TIME RECEIVED: AM PM			
39				
40	MAIL REPORTS WITHIN 48 HOURS TO			
41	LOCAL OFFICERS	<input type="checkbox"/> MALE	<input type="checkbox"/> FEMALE	
42				
43	SIGNATURE OF PERSON TAKING PRINT			
44				
45				

46 Sec. 9. (1) A licensed pawnbroker may charge upon any loan
47 a rate of interest not to exceed 3% per month ~~, except that he~~

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1 AND is not required to accept any interest less than 50 cents on
2 a single loan.

3 (2) A pawnbroker may also charge ~~50 cents~~ \$1.00 per month
4 or fraction ~~thereof~~ OF A MONTH for the storage of property ~~,~~
5 ~~except jewelry, after 30 days but for not more than 4 months,~~
6 under any single pledge or pawn. ~~No~~

7 (3) A pawnbroker or THE PAWNBROKER'S agent or employee
8 ~~thereof shall make a loan upon any deposit, pawn or pledge at a~~
9 ~~rate of interest and~~ SHALL NOT charge or receive ~~therefor~~
10 INTEREST ON THE LOAN in excess of the amounts provided for in
11 this act.

12 (4) Interest on any loan ~~shall~~ IS not ~~be~~ payable in
13 advance ~~,~~ and shall be computed on unpaid monthly balances
14 ~~only, but~~ without compounding.

15 (5) A pawnbroker is not entitled to any examination fee ~~or~~
16 ~~to~~ AND SHALL NOT make any charge in excess of the amounts pro-
17 vided for in this act.

18 Sec. 10. (1) TITLE TO THE ITEM PLEDGED OR PAWNED VESTS IN
19 THE PAWNBROKER UPON THE EXPIRATION OF 3 MONTHS OR OF ANY PERIOD
20 BEYOND 3 MONTHS AGREED UPON BY THE PARTIES IF THE BORROWER HAS
21 NOT PAID THE DEBT, INTEREST, AND CHARGES ON THE ITEM PLEDGED OR
22 PAWNED.

23 (2) ~~No~~ A pawnbroker shall NOT sell any pawn or pledge
24 until the ~~same shall have~~ ITEM HAS remained ~~6 months~~ in his
25 OR HER possession FOR AT LEAST 3 MONTHS. ~~, and all such sales~~
26 ~~shall be at public auction to the highest bidder, and not~~
27 ~~otherwise. Such sale shall be held under the direction and~~

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1 ~~control of the pawnbroker and in his regularly established place~~
2 ~~of business. Notice of such sale shall be published for at least~~
3 ~~6 days previous thereto in 1 of the daily newspapers to be desig-~~
4 ~~nated by the mayor or president, published in English, in the~~
5 ~~city or village where the business is carried on: Provided, That~~
6 ~~if there be no daily newspaper in such city or village, said~~
7 ~~notice shall be published at least 2 successive weeks, in a~~
8 ~~weekly newspaper, to be designated by the mayor or president,~~
9 ~~published in English, in such city or village. Such notice shall~~
10 ~~specify the time and place at which such sale is to take place~~
11 ~~and by whom it is to be conducted, and shall contain the same~~
12 ~~description of the articles or goods to be sold as was given in~~
13 ~~the memorandum or note delivered to the pawner under section 8 of~~
14 ~~this act, and shall give the number of such memorandum or note.~~
15 ~~An affidavit of the printer of such paper or of his foreman, or~~
16 ~~his principal clerk, annexed to a printed copy of such notice~~
17 ~~taken from the paper in which it was published and specifying the~~
18 ~~times when and papers in which it was published, shall be filed~~
19 ~~after the last day of such publication and before the day fixed~~
20 ~~for such sale with the county clerk of the county in which such~~
21 ~~sale is held. Such affidavit shall be kept in the office of the~~
22 ~~said county clerk as a public document, and open to the inspec-~~
23 ~~tion of any person. A fee of 50 cents shall be paid by the party~~
24 ~~filing such affidavit to the county clerk for the filing of the~~
25 ~~same.~~

26 Sec. 11. ~~The borrower,~~ IF at any time ~~prior to~~ BEFORE
27 the sale ~~, may pay or tender~~ OF THE ITEM PLEDGED OR PAWNED THE

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1 BORROWER PAYS OR TENDERS to the pawnbroker the debt and interest
2 and charges ~~thereon, together with the cost of advertising the~~
3 ~~sale, if the sale has been advertised. The~~ ON THE ITEM, THAT
4 payment or tender ~~shall reinvest~~ REINVESTS the pawner with the
5 title and right of possession to the property pledged.

6 Sec. 14. ~~No pawnbroker shall receive any pledge, pawn,~~
7 ~~articles or thing whatever from any person after receiving from~~
8 ~~any 1 of the officers mentioned in section 5 of this act, or the~~
9 ~~parent or guardian of any minor or person of unsound mind, writ-~~
10 ~~ten notice that such person is a minor, or is of unsound mind, or~~
11 ~~neglects all lawful business, or that he habitually spends his~~
12 ~~time in frequenting houses of ill-fame, gambling houses or tippl-~~
13 ~~ing houses, or that from drinking, gaming, idleness or debauchery~~
14 ~~of any kind he is squandering his earnings or wasting his estate,~~
15 ~~or that he is likely to bring himself or family to want, or to~~
16 ~~render himself or family a public charge, or that he is suspected~~
17 ~~of thievery. No~~ A pawnbroker shall NOT receive ~~any~~ FOR pawn
18 ANY ARTICLE from any person under 18 years of age OR A PERSON THE
19 PAWNBROKER SUSPECTS AS HAVING STOLEN THE ARTICLE TO BE PAWNED.

20 Enacting section 1. Section 12 of 1917 PA 273, MCL 446.212,
21 is repealed.