

Act No. 233
Public Acts of 1998
Approved by the Governor
July 2, 1998
Filed with the Secretary of State
July 3, 1998
EFFECTIVE DATE: July 3, 1998

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Reps. Callahan, Schauer, Wojno, DeHart, Voorhees, Horton and Anthony

ENROLLED HOUSE BILL No. 5346

AN ACT 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:

Sec. 5. (1) A pawnbroker shall keep a record in which is written in English, at the time the pawnbroker receives any article of personal property or other valuable thing by way of pawn, a description of the article, a sequential transaction number, any amount of money loaned thereon, the name, residence, general description, and driver license number, official state personal identification card number, or government identification number of the person from whom the article was received, and the day and hour when the article was received. The record, the place where the business is carried on, and all articles of property in that place of business are subject to examination at any time by the city attorney, local police agency, the county prosecuting attorney of the county in which the city or village is situated, or the department of state police.

(2) Upon the receipt of any article of personal property or other valuable thing by way of pawn, the pawnbroker shall make a permanent record of the transaction on a form provided by the pawnbroker that substantially complies with the form described in subsection (4). Each record of transaction shall be completed in duplicate by the pawnbroker, legibly in the English language, and shall contain all applicable information required to complete the record of transaction form under subsection (4). This subsection does not prohibit the use and transmission of the information required in the record of the transaction by means of computer or other electronic media as permitted by the local police agency within the applicable local unit of government.

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

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

**RECORD OF TRANSACTION
FRONT**

Article				Serial No.		
Model No. or Case No.				Lens No. or Move. No.		
Trade Name				Color	Size	No. Jewels
Material			Stone Set Design			
Description			No.	Kind of Stone		Size
Inscription or Initials						
Purchase Price		Amt. Loaned				
Dealer						
City			Date		Ticket No.	
Lady's ☐		Gent's ☐		Wrist ☐		Pocket ☐
				Lapel ☐		

BACK

Operator's License # or Other I.D. #

Customer's Name (PRINT)

Street No. or RFD

City and State

Employed By:					Rolled print of right thumb (If impossible then some other fingerprint. Designate which.) ☐ Male ☐ Female	
Age Height						
Weight Race W ☐ B ☐ O ☐						
Time Received: AM PM						
Mail reports within 48 hours to local officers						
Signature of person taking print						

Sec. 9. (1) A licensed pawnbroker may charge upon any loan a rate of interest not to exceed 3% per month and is not required to accept any interest less than 50 cents on a single loan.

(2) A pawnbroker may also charge \$1.00 per month or fraction of a month for the storage of property under any single pledge or pawn.

(3) A pawnbroker or the pawnbroker's agent or employee shall not charge or receive interest on the loan in excess of the amounts provided for in this act.

(4) Interest on any loan is not payable in advance and shall be computed on unpaid monthly balances without compounding.

(5) A pawnbroker is not entitled to any examination fee and shall not make any charge in excess of the amounts provided for in this act.

Sec. 10. (1) Title to the item pledged or pawned vests in the pawnbroker upon the expiration of 3 months or of any period beyond 3 months agreed upon by the parties if the borrower has not paid the debt, interest, and charges on the item pledged or pawned.

(2) A pawnbroker shall not sell any pawn or pledge until the item has remained in his or her possession for at least 3 months.

Sec. 11. If at any time before the sale of the item pledged or pawned the borrower pays or tenders to the pawnbroker the debt and interest and charges on the item, that payment or tender reinvests the pawner with the title and right of possession to the property pledged.

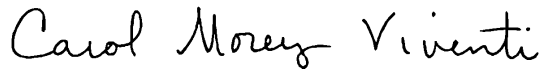
Sec. 14. A pawnbroker shall not receive for pawn any article from any person under 18 years of age or a person the pawnbroker suspects as having stolen the article to be pawned.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.