

SENATE BILL No. 116

February 6, 2001, Introduced by Senator SCHUETTE and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

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 the title and sections 1, 2, 3, 5, 6, 8, and 19

(MCL 446.201, 446.202, 446.203, 446.205, 446.206, 446.208, and 446.219), section 5 as amended by 1998 PA 233.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to regulate and license pawnbrokers in ~~cities and incorporated villages~~ CERTAIN GOVERNMENTAL UNITS of this state; ~~, having a population of more than 3,000~~ AND TO PRESCRIBE CERTAIN POWERS AND DUTIES OF CERTAIN LOCAL GOVERNMENTAL UNITS AND STATE AGENCIES.

Sec. 1. ~~No~~ A person, corporation, or firm shall ~~hereafter~~ NOT carry on the business of pawnbroker in any of the

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1 ~~cities or incorporated villages~~ GOVERNMENTAL UNITS of this
2 state ~~, having a population of more than 3,000,~~ without having
3 first obtained from the ~~mayor of the city or president of the~~
4 ~~village~~ CHIEF EXECUTIVE OFFICER OF THE GOVERNMENTAL UNIT where
5 the business is to be carried on, a license subject to the provi-
6 sions of this act, authorizing ~~such~~ THAT person, corporation,
7 or firm to carry on ~~such~~ THAT business. A PERSON, CORPORATION,
8 OR FIRM CARRYING ON THE BUSINESS OF PAWNBROKER THAT WAS NOT
9 REQUIRED TO OBTAIN A LICENSE BEFORE THE EFFECTIVE DATE OF THE
10 AMENDATORY ACT THAT ADDED THIS SENTENCE SHALL OBTAIN A LICENSE
11 WITHIN 180 DAYS AFTER THAT EFFECTIVE DATE.

12 Sec. 2. (1) The ~~mayor of any such city or president of~~
13 ~~such village~~ CHIEF EXECUTIVE OFFICER OF THE GOVERNMENTAL UNIT
14 may ~~from time to time~~ grant under his OR HER hand, and the
15 official seal of his OR HER office, to any suitable person,
16 corporation, or firm ~~,~~ a license authorizing ~~such~~ THAT
17 person, corporation, or firm to ~~carry on~~ CONDUCT the business
18 of a pawnbroker subject to the provisions of this act. ~~Said~~

19 (2) THE license shall designate the particular place in
20 ~~said city or incorporated village~~ THE GOVERNMENTAL UNIT where
21 ~~such~~ THAT person, corporation, or firm shall ~~carry on said~~
22 CONDUCT THE business. ~~, and no~~ A person, corporation, or firm
23 receiving ~~said~~ A license shall ~~carry on said~~ NOT CONDUCT THE
24 business in any other place than the ~~one~~ PLACE designated in
25 ~~said~~ THE license. ~~Said~~

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1 (3) THE TERM OF license ~~shall be for the period of~~ IS 1
2 year from date of issuance, unless ~~sooner~~ revoked for cause,
3 and ~~shall~~ IS not ~~be~~ transferable.

4 (4) Before ~~any such~~ ISSUANCE OF THE license, ~~shall be~~
5 issued the person applying therefor THE APPLICANT shall pay to
6 the treasurer of the ~~city or incorporated village~~ GOVERNMENTAL
7 UNIT an annual license fee ~~of 250 dollars,~~ IN THE AMOUNT DETER-
8 MINED UNDER SUBSECTION (5) and ~~shall~~ give a bond to the ~~said~~
9 ~~city or incorporated village~~ GOVERNMENTAL UNIT in its corporate
10 name, in the penal sum of ~~3,000 dollars~~ \$3,000.00, with at
11 least 2 sureties, ~~to be approved by the city or village council~~
12 conditioned for the faithful performance of the duties and obli-
13 gations pertaining to the ~~said~~ CONDUCT OF THE business and for
14 the payment of all costs and damages incurred by any violation of
15 this act. ~~:- Provided, That it shall be within the power of the~~
16 ~~common council of any city or village to~~ THE GOVERNMENTAL UNIT
17 SHALL APPROVE THE BOND.

18 (5) THE GOVERNMENTAL UNIT MAY fix the amount to be paid as
19 ~~such~~ THE annual license fee at any amount not less than ~~50~~
20 ~~dollars, nor~~ \$50.00 OR more than ~~500 dollars~~ \$500.00.

21 (6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE
22 AUTHORITY OF A GOVERNMENTAL UNIT TO ISSUE A LICENSE UNDER THIS
23 ACT IS LIMITED AS FOLLOWS:

24 (A) A COUNTY MAY NOT ISSUE A LICENSE FOR A LOCATION WITHIN A
25 CITY OR VILLAGE WITH A POPULATION GREATER THAN 3,000.

26 (B) A COUNTY MAY NOT ISSUE A LICENSE FOR A LOCATION WITHIN A
27 CITY OR VILLAGE WITH A POPULATION OF 3,000 OR LESS OR WITHIN A

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1 TOWNSHIP OR CHARTER TOWNSHIP IF THAT CITY, VILLAGE, TOWNSHIP, OR
2 CHARTER TOWNSHIP HAS ESTABLISHED THE LICENSE FEE PURSUANT TO SUB-
3 SECTION (5).

4 (C) A TOWNSHIP OR CHARTER TOWNSHIP MAY NOT ISSUE A LICENSE
5 FOR A LOCATION WITHIN A VILLAGE WITH A POPULATION OVER 3,000 OR A
6 VILLAGE WITH A POPULATION OF 3,000 OR LESS THAT HAS ESTABLISHED A
7 FEE UNDER SUBSECTION (5).

8 Sec. 3. ~~Any~~ AS USED IN THIS ACT:

9 (A) "CHIEF EXECUTIVE OFFICER" MEANS ANY OF THE FOLLOWING:

10 (i) FOR A CITY, THE MAYOR.

11 (ii) FOR A VILLAGE, THE VILLAGE PRESIDENT.

12 (iii) FOR A TOWNSHIP OR CHARTER TOWNSHIP, THE TOWNSHIP
13 SUPERVISOR.

14 (iv) FOR A COUNTY, THE COUNTY EXECUTIVE OR, IF THERE IS NO
15 COUNTY EXECUTIVE, THE PERSON DESIGNATED BY A RESOLUTION OF THE
16 COUNTY BOARD OF COMMISSIONERS.

17 (B) "GOVERNMENTAL UNIT" MEANS A CITY, TOWNSHIP, CHARTER
18 TOWNSHIP, COUNTY, OR INCORPORATED VILLAGE.

19 (C) "PAWNBROKER" MEANS A person, corporation, or member, or
20 members of a copartnership or firm, who loans money on deposit,
21 or pledge of personal property, or other valuable thing, other
22 than securities or printed evidence of indebtedness, or who deals
23 in the purchasing of personal property or other valuable thing on
24 condition of selling the same back again at a stipulated price.
25 ~~, is hereby defined to be a pawnbroker.~~

26 Sec. 5. (1) A pawnbroker shall keep a record ~~in which is~~
27 ~~written~~ in English, at the time the pawnbroker receives any
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1 article of personal property or other valuable thing by way of
2 pawn, THAT INCLUDES a description of the article, a sequential
3 transaction number, any amount of money loaned ~~thereon~~ ON THE
4 ARTICLE, the name, residence, general description, and driver
5 license number, official state personal identification card
6 number, or government identification number of the person from
7 whom the article was received, and the day and hour when the
8 article was received. The record, the place where the business
9 is carried on, and all articles of property in that place of
10 business are subject to examination at any time by the ~~city~~
11 attorney OF THE GOVERNMENTAL UNIT, local police agency, the
12 county prosecuting attorney of the county in which the ~~city or~~
13 ~~village~~ GOVERNMENTAL UNIT is situated, or the department of
14 state police.

15 (2) Upon the receipt of any article of personal property or
16 other valuable thing by way of pawn, the pawnbroker shall make a
17 permanent record of the transaction on a form provided by the
18 pawnbroker that substantially complies with the form described in
19 subsection (4). Each record of transaction shall be completed in
20 duplicate by the pawnbroker, legibly in the English language, and
21 shall contain all applicable information required to complete the
22 record of transaction form under subsection (4). This subsection
23 does not prohibit the use and transmission of the information
24 required in the record of the transaction by means of computer or
25 other electronic media as permitted by the local police agency
26 within the applicable ~~local~~ GOVERNMENTAL 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	Article		Serial No.		
2	Model No. or Case No.		Lens No. or Move. No.		
3	Trade Name		Color	Size	No. Jewels
4	Material		Stone Set Design		
5	Description		No.	Kind of Stone	Size
6	Inscription or Initials				
7	Purchase Price Amt. Loaned				
8	Dealer				
9	City		Date	Ticket No.	
10	Lady's []	Gent's []	Wrist []	Pocket []	Lapel []

BACK

11	Operator's License # or Other I.D. #				
12	Customer's Name (PRINT)				
13	Street No. or RFD				
14	City and State				
15	Employed By:		Rolled print of right thumb (If impossible then some other fingerprint. Designate which.)		
16	Age Height				
17	Weight Race W [] B [] O []				
18	Time Received: AM PM				
19	Mail reports within 48 hours to local officers				
20	Signature of person taking print		[] Male [] Female		

21 Sec. 6. ~~Every such~~ A pawnbroker shall make daily, except
 22 Sunday, a sworn statement of his OR HER transactions, describing
 23 the ~~goods or pledge~~ ARTICLES received, and setting forth the
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1 name, residence, and description of the person from whom the
2 ~~goods or pledge~~ ARTICLES were received, to the chief of police
3 or chief ~~police~~ LAW ENFORCEMENT officer of ~~such city or~~
4 ~~village~~ THE GOVERNMENTAL UNIT.

5 Sec. 8. A pawnbroker, at the time of ~~such~~ A loan, shall
6 deliver to the person pawning or pledging any ~~goods,~~ article
7 ~~or thing,~~ a memorandum or note signed by him OR HER, containing
8 the substance of the entry required to be made by him OR HER in
9 his OR HER book by section 6. ~~No~~ A charge shall NOT be made or
10 received by ~~any~~ THE pawnbroker for ~~any such~~ THE entry,
11 memorandum, or note. The memorandum or note shall be consecu-
12 tively numbered and upon its back shall be printed in English in
13 12-POINT type ~~as large as that in which the public acts of this~~
14 ~~state are printed,~~ the following: ~~words:~~ "If interest or
15 charges in excess of 3% per month, plus storage charges
16 ~~hereinafter~~ provided IN THIS DOCUMENT, are asked or received,
17 this loan is void and of no effect; and the borrower cannot be
18 made to pay back the money loaned, ~~or~~ any interest ON THE LOAN,
19 or any charges or any part ~~thereof~~ OF THE CHARGES, and the
20 pawnbroker loses all right to the possession of the goods,
21 article, or thing pawned, and shall surrender the ~~same~~ ITEM to
22 the borrower or pawner upon due demand ~~therefor~~ FOR THE
23 ITEM.".

24 Sec. 19. Upon ~~any such~~ A conviction of any person ~~doing~~
25 CONDUCTING business as a pawnbroker under ~~the provisions of~~
26 this act, or on conviction of any clerk, agent, servant, or
27 ~~employee~~ EMPLOYEE of ~~any such~~ THE person, the ~~license of such~~

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1 ~~person shall forthwith be revoked by the mayor of the city or~~
2 ~~president of the village,~~ CHIEF EXECUTIVE OFFICER OF THE GOVERN-
3 MENTAL UNIT SHALL REVOKE THE LICENSE OF THE PERSON and no part of
4 the license fee ~~of such party~~ shall be returned to him OR HER.
5 ~~, and no further~~ THE GOVERNMENTAL UNIT SHALL NOT ISSUE A
6 license as a pawnbroker ~~shall be granted to such~~ THAT person
7 for the period of 1 year from the date of ~~such~~ THE revocation.