

SUBSTITUTE FOR
HOUSE BILL NO. 5955

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 sections 1 and 3 (MCL 446.201 and 446.203), section 1 as amended by 2004 PA 585 and section 3 as amended by 2002 PA 469.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) A person, corporation, or firm shall not conduct
2 business as a pawnbroker in any of the governmental units of this
3 state without having first obtained from the chief executive
4 officer of that governmental unit a license under this act that
5 authorizes that person, corporation, or firm to conduct that
6 business. **THIS SUBSECTION DOES NOT REQUIRE AN INTERNET DROP-OFF**
7 **STORE COMPLYING WITH SUBSECTION (3), OR A PERSON ENGAGED IN THE**
8 **SALE, PURCHASE, CONSIGNMENT, OR TRADE OF PERSONAL PROPERTY OR OTHER**

1 VALUABLE THING FOR HIMSELF OR HERSELF, TO OBTAIN A LICENSE UNDER
2 THIS ACT.

3 (2) Licensure under either or both of the following acts does
4 not exempt a person from obtaining a license under this act:

5 (a) The precious metal and gem dealer act, 1981 PA 95, MCL
6 445.481 to 445.492.

7 (b) 1917 PA 350, MCL 445.401 to 445.408.

8 (3) AN INTERNET DROP-OFF STORE IN COMPLIANCE WITH THE
9 FOLLOWING CONDITIONS IS EXEMPT FROM LICENSURE AS A PAWNBROKER UNDER
10 THIS ACT:

11 (A) HAS A FIXED PLACE OF BUSINESS WITHIN THIS STATE EXCEPT
12 THAT HE OR SHE EXCLUSIVELY TRANSACTS ALL PURCHASES OR SALES BY
13 MEANS OF THE INTERNET AND THE PURCHASES AND SALES ARE NOT
14 PHYSICALLY TRANSACTED ON THE PREMISES OF THAT FIXED PLACE OF
15 BUSINESS.

16 (B) HAS THE PERSONAL PROPERTY OR OTHER VALUABLE THING
17 AVAILABLE ON A WEBSITE FOR VIEWING BY PHOTOGRAPH, IF AVAILABLE, BY
18 THE GENERAL PUBLIC AT NO CHARGE, WHICH WEBSITE SHALL BE SEARCHABLE
19 BY ZIP CODE OR STATE, OR BOTH. THE WEBSITE VIEWING SHALL INCLUDE,
20 AS APPLICABLE, SERIAL NUMBER, MAKE, MODEL, AND OTHER UNIQUE
21 IDENTIFYING MARKS, NUMBERS, NAMES, OR LETTERS APPEARING ON THE
22 PERSONAL PROPERTY OR OTHER VALUABLE THING.

23 (C) MAINTAINS RECORDS OF THE SALE, PURCHASE, CONSIGNMENT, OR
24 TRADE OF THE PERSONAL PROPERTY OR OTHER VALUABLE THING FOR AT LEAST
25 2 YEARS, WHICH RECORDS SHALL CONTAIN A DESCRIPTION, INCLUDING A
26 PHOTOGRAPH, IF AVAILABLE, AND, IF APPLICABLE, SERIAL NUMBER, MAKE,
27 MODEL, AND OTHER UNIQUE IDENTIFYING MARKS, NUMBERS, NAMES, OR

1 LETTERS APPEARING ON THE PERSONAL PROPERTY OR OTHER VALUABLE THING.

2 (D) PROVIDE THE LOCAL POLICE AGENCY WITH ANY NAME UNDER WHICH
3 IT CONDUCTS BUSINESS ON THE WEBSITE, ACCESS TO THE BUSINESS
4 PREMISES AT ANY TIME DURING NORMAL BUSINESS HOURS FOR PURPOSES OF
5 INSPECTION, AND, WITHIN 24 HOURS AFTER ENTERING INTO THE CONTRACT
6 FOR THE SALE, PURCHASE, CONSIGNMENT, OR TRADE OF THE PERSONAL
7 PROPERTY OR OTHER VALUABLE THING, AN ELECTRONIC COPY OF THE
8 SELLER'S OR CONSIGNOR'S NAME, ADDRESS, TELEPHONE NUMBER, DRIVER
9 LICENSE NUMBER AND ISSUING STATE, AND DESCRIPTION OF THE PERSONAL
10 PROPERTY OR OTHER VALUABLE THING AS DESCRIBED IN SUBDIVISION (C).
11 THE PROVISION OF INFORMATION SHALL BE IN A FORMAT ACCEPTABLE TO THE
12 LOCAL POLICE AGENCY BUT SHALL AT LEAST BE IN A LEGIBLE FORMAT AND
13 IN THE ENGLISH LANGUAGE.

14 (E) PROVIDE THAT PAYMENT FOR THE PERSONAL PROPERTY OR OTHER
15 VALUABLE THING IS EXECUTED BY MEANS OF CHECK OR OTHER ELECTRONIC
16 PAYMENT SYSTEM, SO LONG AS THE PAYMENT IS NOT MADE IN CASH.

17 (F) IMMEDIATELY REMOVE THE PERSONAL PROPERTY OR OTHER VALUABLE
18 THING FROM THE WEBSITE AND NOTIFY THE LOCAL POLICE AGENCY UPON
19 LEARNING IF THE VERIFICATION REVEALS THAT THE PERSONAL PROPERTY OR
20 OTHER VALUABLE THING IS STOLEN.

21 Sec. 3. As used in this act:

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

23 (i) For a city, the mayor.

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

25 (iii) For a township or charter township, the township
26 supervisor.

27 (iv) For a county, the county executive or, if there is no

1 county executive, the person designated by a resolution of the
2 county board of commissioners.

3 (b) "Governmental unit" means a city, township, charter
4 township, county, or incorporated village.

5 (C) "INTERNET DROP-OFF STORE" MEANS A PERSON, CORPORATION, OR
6 FIRM THAT CONTRACTS WITH OTHER PERSONS, CORPORATIONS, OR FIRMS TO
7 OFFER ITS PERSONAL PROPERTY OR OTHER VALUABLE THING FOR SALE,
8 PURCHASE, CONSIGNMENT, OR TRADE THROUGH MEANS OF AN INTERNET
9 WEBSITE AND MEETS THE CONDITIONS DESCRIBED IN SECTION 1(3).

10 (D) "LOCAL POLICE AGENCY" MEANS THE POLICE AGENCY OF THE CITY,
11 VILLAGE, OR TOWNSHIP, OR IF NONE, THE COUNTY SHERIFF OF THE COUNTY
12 IN WHICH THE INTERNET DROP-OFF STORE CONDUCTS BUSINESS.

13 (E) ~~-(e)-~~ "Pawnbroker" means a person, corporation, or member,
14 or members of a copartnership or firm, who loans money on deposit,
15 or pledge of personal property, or other valuable thing, other than
16 securities or printed evidence of indebtedness, or who deals in the
17 purchasing of personal property or other valuable thing on
18 condition of selling the same back again at a stipulated price.

19 Enacting section 1. This amendatory act does not take effect
20 unless all of the following bills of the 93rd Legislature are
21 enacted into law:

22 (a) House Bill No. 5956.

23 (b) House Bill NO. 5957.

24 (c) House Bill No. 5958.