

HOUSE BILL No. 5955

April 19, 2006, Introduced by Reps. Hildenbrand, Palsrok, Nofs and Clemente and referred to the Committee on Energy and Technology.

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 A TRADING ASSISTANT**
7 **COMPLYING WITH SUBSECTION (3), OR A PERSON ENGAGED IN THE SALE,**

1 PURCHASE, CONSIGNMENT, OR TRADE OF PERSONAL PROPERTY OR OTHER
2 VALUABLE THING FOR HIMSELF OR HERSELF, TO OBTAIN A LICENSE UNDER
3 THIS ACT.

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

6 (a) The precious metal and gem dealer act, 1981 PA 95, MCL
7 445.481 to 445.492.

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

9 (3) A TRADING ASSISTANT IN COMPLIANCE WITH THE FOLLOWING
10 CONDITIONS IS EXEMPT FROM LICENSURE AS A PAWNBROKER UNDER THIS ACT:

11 (A) HAS A FIXED PLACE OF BUSINESS WITHIN THIS STATE.

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

19 (C) MAINTAINS RECORDS OF THE SALE, PURCHASE, CONSIGNMENT, OR
20 TRADE OF THE PERSONAL PROPERTY OR OTHER VALUABLE THING FOR AT LEAST
21 2 YEARS, WHICH RECORDS SHALL CONTAIN A DESCRIPTION, INCLUDING A
22 PHOTOGRAPH, IF AVAILABLE, AND, IF APPLICABLE, SERIAL NUMBER, MAKE,
23 MODEL, AND OTHER UNIQUE IDENTIFYING MARKS, NUMBERS, NAMES, OR
24 LETTERS APPEARING ON THE PERSONAL PROPERTY OR OTHER VALUABLE THING.

25 (D) PROVIDE THE LOCAL POLICE AGENCY WITH ANY NAME UNDER WHICH
26 IT CONDUCTS BUSINESS ON THE WEBSITE, ACCESS TO THE BUSINESS
27 PREMISES AT ANY TIME DURING NORMAL BUSINESS HOURS FOR PURPOSES OF

1 INSPECTION, AND, WITHIN 24 HOURS AFTER ENTERING INTO THE CONTRACT
2 FOR THE SALE, PURCHASE, CONSIGNMENT, OR TRADE OF THE PERSONAL
3 PROPERTY OR OTHER VALUABLE THING, AN ELECTRONIC COPY OF THE NAME,
4 ADDRESS, TELEPHONE NUMBER, DRIVER LICENSE NUMBER AND ISSUING STATE,
5 AND DESCRIPTION OF THE PERSONAL PROPERTY OR OTHER VALUABLE THING AS
6 DESCRIBED IN SUBDIVISION (C). THE PROVISION OF INFORMATION SHALL BE
7 IN A FORMAT ACCEPTABLE TO THE LOCAL POLICE AGENCY BUT SHALL AT
8 LEAST BE IN A LEGIBLE FORMAT AND IN THE ENGLISH LANGUAGE.

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

12 (F) IMMEDIATELY REMOVE THE PERSONAL PROPERTY OR OTHER VALUABLE
13 THING FROM THE WEBSITE AND NOTIFY THE LOCAL POLICE AGENCY UPON
14 LEARNING IF THE VERIFICATION REVEALS THAT THE PERSONAL PROPERTY OR
15 OTHER VALUABLE THING IS STOLEN.

16 Sec. 3. As used in this act:

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

18 (i) For a city, the mayor.

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

20 (iii) For a township or charter township, the township
21 supervisor.

22 (iv) For a county, the county executive or, if there is no
23 county executive, the person designated by a resolution of the
24 county board of commissioners.

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

27 (c) "Pawnbroker" means a person, corporation, or member, or

1 members of a copartnership or firm, who loans money on deposit, or
2 pledge of personal property, or other valuable thing, other than
3 securities or printed evidence of indebtedness, or who deals in the
4 purchasing of personal property or other valuable thing on
5 condition of selling the same back again at a stipulated price.

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

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

14 (a) Senate Bill No.____ or House Bill No. 5956(request no.
15 05001'05 a).

16 (b) Senate Bill No.____ or House Bill No. 5957(request no.
17 05001'05 b).

18 (c) Senate Bill No.____ or House Bill No. 5958(request no.
19 05001'05 c).