

HOUSE BILL No. 5956

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

A bill to amend 1945 PA 231, entitled

"An act to prescribe additional regulations and requirements for pawnbrokers, secondhand dealers and junk dealers; to provide for the taking of fingerprints and the making of reports to enforcement officers; to prescribe penalties for the violation of the provisions of this act; and to declare the effect of this act,"

by amending sections 1 and 6 (MCL 445.471 and 445.476).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) This act shall be construed as supplementing the
2 laws of this state and city and village ordinances and charters
3 regulating **OR LICENSING** pawnbrokers, secondhand dealers, and junk
4 dealers.

5 (2) ~~The term "secondhand"~~ **AS USED IN THIS ACT:**

6 (A) "**SECONDHAND** dealer" or "junk dealer" ~~as used in this act~~
7 ~~shall mean~~ **MEANS** any person, corporation, or member or members of

1 a co-partnership or firm, whose principal business is that of
 2 purchasing, storing, selling, exchanging, and receiving ~~second~~
 3 ~~hand~~ **SECONDHAND** personal property of any kind or description. ~~The~~
 4 ~~term "pawnbroker" as used in this act shall mean~~

5 **(B) "PAWNBROKER" MEANS** any person, corporation, or member or
 6 members of a co-partnership or firm, who loans money on deposit or
 7 pledge of personal property, or other valuable thing, other than
 8 securities or printed evidence of indebtedness, or who deals in the
 9 purchasing of personal property or other valuable thing on
 10 condition of selling the same back again at a stipulated price.

11 **(C) "TRADING ASSISTANT" MEANS A PERSON, CORPORATION, OR FIRM**
 12 **THAT CONTRACTS WITH OTHER PERSONS, CORPORATIONS, OR FIRMS TO OFFER**
 13 **ITS PERSONAL PROPERTY OR OTHER VALUABLE THING FOR SALE, PURCHASE,**
 14 **CONSIGNMENT, OR TRADE THROUGH MEANS OF AN INTERNET WEBSITE AND**
 15 **MEETS THE CONDITIONS DESCRIBED IN SECTION 6(3).**

16 Sec. 6. (1) ~~Nothing in this act shall be deemed to~~ **THIS ACT**
 17 **DOES NOT** apply to any secondhand or junk dealer purchasing scrap
 18 iron and metal, except scrapped motor vehicles not purchased from a
 19 licensed ~~second hand~~ **SECONDHAND** or junk dealer.

20 **(2) THIS ACT DOES NOT REQUIRE A TRADING ASSISTANT COMPLYING**
 21 **WITH SUBSECTION (3), OR A PERSON ENGAGED IN THE SALE, PURCHASE,**
 22 **CONSIGNMENT, OR TRADE OF PERSONAL PROPERTY OR OTHER VALUABLE THING**
 23 **FOR HIMSELF OR HERSELF, TO OBTAIN A LICENSE UNDER THIS ACT OR ANY**
 24 **ORDINANCE BEING SUPPLEMENTED BY THIS ACT.**

25 **(3) A TRADING ASSISTANT IN COMPLIANCE WITH THE FOLLOWING**
 26 **CONDITIONS IS EXEMPT FROM LICENSURE AS A PAWNBROKER, SECONDHAND**
 27 **DEALER, OR JUNK DEALER UNDER THIS ACT:**

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

2 (B) HAS THE PERSONAL PROPERTY OR OTHER VALUABLE THING
3 AVAILABLE ON A WEBSITE FOR VIEWING BY PHOTOGRAPH, IF AVAILABLE, BY
4 THE GENERAL PUBLIC AT NO CHARGE, WHICH WEBSITE SHALL BE SEARCHABLE
5 BY ZIP CODE OR STATE, OR BOTH. THE WEBSITE VIEWING SHALL INCLUDE,
6 AS APPLICABLE, SERIAL NUMBER, MAKE, MODEL, AND OTHER UNIQUE
7 IDENTIFYING MARKS, NUMBERS, NAMES, OR LETTERS APPEARING ON THE
8 PERSONAL PROPERTY OR OTHER VALUABLE THING.

9 (C) MAINTAINS RECORDS OF THE SALE, PURCHASE, CONSIGNMENT, OR
10 TRADE OF THE PERSONAL PROPERTY OR OTHER VALUABLE THING FOR AT LEAST
11 2 YEARS, WHICH RECORDS SHALL CONTAIN A DESCRIPTION, INCLUDING A
12 PHOTOGRAPH, IF AVAILABLE, AND, IF APPLICABLE, SERIAL NUMBER, MAKE,
13 MODEL, AND OTHER UNIQUE IDENTIFYING MARKS, NUMBERS, NAMES, OR
14 LETTERS APPEARING ON THE PERSONAL PROPERTY OR OTHER VALUABLE THING.

15 (D) PROVIDE THE LOCAL LAW ENFORCEMENT AGENCY WITH ANY NAME
16 UNDER WHICH IT CONDUCTS BUSINESS ON THE WEBSITE, ACCESS TO THE
17 BUSINESS PREMISES AT ANY TIME DURING NORMAL BUSINESS HOURS FOR
18 PURPOSES OF INSPECTION, AND, WITHIN 24 HOURS AFTER ENTERING INTO
19 THE CONTRACT FOR THE SALE, PURCHASE, CONSIGNMENT, OR TRADE OF THE
20 PERSONAL PROPERTY OR OTHER VALUABLE THING, AN ELECTRONIC COPY OF
21 THE NAME, ADDRESS, TELEPHONE NUMBER, DRIVER LICENSE NUMBER AND
22 ISSUING STATE, AND DESCRIPTION OF THE PERSONAL PROPERTY OR OTHER
23 VALUABLE THING AS DESCRIBED IN SUBDIVISION (C). THE PROVISION OF
24 INFORMATION SHALL BE IN A FORMAT ACCEPTABLE TO THE LOCAL LAW
25 ENFORCEMENT AGENCY BUT SHALL AT LEAST BE IN A LEGIBLE FORMAT AND IN
26 THE ENGLISH LANGUAGE.

27 (E) PROVIDE THAT PAYMENT FOR THE PERSONAL PROPERTY OR OTHER

1 VALUABLE THING IS EXECUTED BY MEANS OF CHECK OR OTHER ELECTRONIC
2 PAYMENT SYSTEM, SO LONG AS THE PAYMENT IS NOT MADE IN CASH.

3 (F) IMMEDIATELY REMOVE THE PERSONAL PROPERTY OR OTHER VALUABLE
4 THING FROM THE WEBSITE AND NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY
5 UPON LEARNING IF THE VERIFICATION REVEALS THAT THE PERSONAL
6 PROPERTY OR OTHER VALUABLE THING IS STOLEN.

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

10 (a) Senate Bill No.____ or House Bill No. 5955(request no.
11 05001'05).

12 (b) Senate Bill No.____ or House Bill No. 5957(request no.
13 05001'05 b).

14 (c) Senate Bill No.____ or House Bill No. 5958(request no.
15 05001'05 c).