

Superseded 5/10/2016

13-32a-102 Definitions.

As used in this chapter:

- (1) "Account" means the Pawnbroker and Secondhand Merchandise Operations Restricted Account created in Section 13-32a-113.
- (2) "Antique item" means an item:
 - (a) that is generally older than 25 years;
 - (b) whose value is based on age, rarity, condition, craftsmanship, or collectability;
 - (c) that is furniture or other decorative objects produced in a previous time period, as distinguished from new items of a similar nature; and
 - (d) obtained from auctions, estate sales, other antique shops, and individuals.
- (3) "Antique shop" means a business operating at an established location and that offers for sale antique items.
- (4) "Board" means the Pawnshop and Secondhand Merchandise Advisory Board created by this chapter.
- (5) "Central database" or "database" means the electronic database created and operated under Section 13-32a-105.
- (6) "Coin" means a piece of currency, usually metallic and usually in the shape of a disc that is:
 - (a) stamped metal, and issued by a government as monetary currency; or
 - (b)
 - (i) worth more than its current value as currency; and
 - (ii) worth more than its metal content value.
- (7) "Coin dealer" means a person or business whose sole business activity is the selling and purchasing of coins and precious metals.
- (8) "Commercial grade precious metals" or "precious metals" means ingots, monetized bullion, art bars, medallions, medals, tokens, and currency that are marked by the refiner or fabricator indicating their fineness and include:
 - (a) .99 fine or finer ingots of gold, silver, platinum, palladium, or other precious metals; or
 - (b) .925 fine sterling silver ingots, art bars, and medallions.
- (9) "Division" means the Division of Consumer Protection in Title 13, Chapter 1, Department of Commerce.
- (10) "Identification" means a valid U.S. federal or state-issued photo ID, including a U.S. passport, a U.S. passport card, a U.S. military ID, and a driver license.
- (11) "Local law enforcement agency" means the law enforcement agency that has direct responsibility for ensuring compliance with central database reporting requirements for the jurisdiction where the pawnshop or secondhand business is located.
- (12) "Misappropriated" means stolen, embezzled, converted, obtained by theft, or otherwise appropriated without authority of the lawful owner.
- (13) "Original victim" means a victim who is not a party to the pawn or sale transaction and includes:
 - (a) an authorized representative designated in writing by the original victim; and
 - (b) an insurer who has indemnified the original victim for the loss of the described property.
- (14) "Pawnbroker" means a person whose business engages in the following activities:
 - (a) loans money on one or more deposits of personal property;
 - (b) deals in the purchase, exchange, or possession of personal property on condition of selling the same property back again to the pledgor or depositor;

- (c) loans or advances money on personal property by taking chattel mortgage security on the property and takes or receives the personal property into his possession, and who sells the unredeemed pledges;
 - (d) deals in the purchase, exchange, or sale of used or secondhand merchandise or personal property; or
 - (e) engages in a licensed business enterprise as a pawnshop.
- (15) "Pawn and secondhand business" means any business operated by a pawnbroker or secondhand merchandise dealer, or the owner or operator of the business.
- (16) "Pawn ticket" means a document upon which information regarding a pawn transaction is entered when the pawn transaction is made.
- (17) "Pawn transaction" means an extension of credit in which an individual delivers property to a pawnbroker for an advance of money and retains the right to redeem the property for the redemption price within a fixed period of time.
- (18) "Pawnshop" means the physical location or premises where a pawnbroker conducts business.
- (19) "Pledgor" means a person who conducts a pawn transaction with a pawnshop.
- (20) "Property" means any tangible personal property.
- (21) "Register" means the record of information required under this chapter to be maintained by pawn and secondhand businesses. The register is an electronic record that is in a format that is compatible with the central database.
- (22) "Scrap jewelry" means any item purchased solely:
- (a) for its gold, silver, or platinum content; and
 - (b) for the purpose of reuse of the metal content.
- (23)
- (a) "Secondhand merchandise dealer" means an owner or operator of a business that:
 - (i) deals in the purchase, exchange, or sale of used or secondhand merchandise or personal property; and
 - (ii) does not function as a pawnbroker.
 - (b) "Secondhand merchandise dealer" does not include:
 - (i) the owner or operator of an antique shop;
 - (ii) any class of businesses exempt by administrative rule under Section 13-32a-112.5;
 - (iii) any person or entity who operates auction houses, flea markets, or vehicle, vessel, and outboard motor dealers as defined in Section 41-1a-102;
 - (iv) the sale of secondhand goods at events commonly known as "garage sales," "yard sales," or "estate sales";
 - (v) the sale or receipt of secondhand books, magazines, or post cards;
 - (vi) the sale or receipt of used merchandise donated to recognized nonprofit, religious, or charitable organizations or any school-sponsored association, and for which no compensation is paid;
 - (vii) the sale or receipt of secondhand clothing and shoes;
 - (viii) any person offering his own personal property for sale, purchase, consignment, or trade via the Internet;
 - (ix) any person or entity offering the personal property of others for sale, purchase, consignment, or trade via the Internet, when that person or entity does not have, and is not required to have, a local business or occupational license or other authorization for this activity;
 - (x) any owner or operator of a retail business that receives used merchandise as a trade-in for similar new merchandise;

- (xi) an owner or operator of a business that contracts with other persons or entities to offer those persons' secondhand goods for sale, purchase, consignment, or trade via the Internet;
- (xii) any dealer as defined in Section 76-6-1402, which concerns scrap metal and secondary metals; or
- (xiii) the purchase of items in bulk that are:
 - (A) sold at wholesale in bulk packaging;
 - (B) sold by a person licensed to conduct business in Utah; and
 - (C) regularly sold in bulk quantities as a recognized form of sale.