

**Effective 5/1/2024**

**13-32a-102 Definitions.**

As used in this chapter:

- (1) "Account" means the Pawnbroker, Secondhand Merchandise, and Catalytic Converter 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 that deals primarily in the purchase, exchange, or sale of antique items.
- (4) "Automated recycling kiosk" means an interactive machine that:
  - (a) is installed inside a commercial site used for the selling of goods and services to consumers;
  - (b) is monitored remotely by a live representative during the hours of operation;
  - (c) only engages in secondhand merchandise transactions involving wireless communication devices; and
  - (d) has the following technological functions:
    - (i) verifies the seller's identity by a live representative using the individual's identification;
    - (ii) generates a ticket; and
    - (iii) electronically transmits the secondhand merchandise transaction information to the central database.
- (5) "Automated recycling kiosk operator" means a person whose sole business activity is the operation of one or more automated recycling kiosks.
- (6) "Catalytic converter" means the same as that term is defined in Section 76-6-1402.
- (7)
  - (a) "Catalytic converter purchase" means a purchase from an individual of a used catalytic converter that is no longer affixed to a vehicle.
  - (b) "Catalytic converter purchase" does not mean a purchase of a catalytic converter:
    - (i) from a business regularly engaged in automobile repair, crushing, dismantling, recycling, or salvage;
    - (ii) from a new or used vehicle dealer licensed under Title 41, Chapter 3, Motor Vehicle Business Regulation Act;
    - (iii) from another catalytic converter purchaser; or
    - (iv) that has never been affixed to a vehicle.
- (8) "Catalytic converter purchaser" means a person who purchases a used catalytic converter in a catalytic converter purchase.
- (9) "Central database" or "database" means the electronic database created and operated under Section 13-32a-105.
- (10) "Children's product" means a used item that is for the exclusive use of children, or for the care of children, including clothing and toys.
- (11) "Children's product resale business" means a business operating at a commercial location and primarily selling children's products.
- (12) "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.
- (13) "Coin dealer" means a person whose sole business activity is the selling and purchasing of numismatic items and precious metals.
- (14) "Collectible paper money" means paper currency that is no longer in circulation and is sold and purchased for the paper currency's collectible value.
- (15)
  - (a) "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:
    - (i) .99 fine or finer ingots of gold, silver, platinum, palladium, or other precious metals; or
    - (ii) .925 fine sterling silver ingots, art bars, and medallions.
  - (b) "Commercial grade precious metals" or "precious metals" does not include jewelry.
- (16) "Consignment shop" means a business, operating at an established location:
  - (a) that deals primarily in the offering for sale property owned by a third party; and
  - (b) where the owner of the property only receives consideration upon the sale of the property by the business.
- (17) "Division" means the Division of Consumer Protection created in Chapter 1, Department of Commerce.
- (18) "Exonumia" means a privately issued token for trade that is sold and purchased for the token's collectible value.
- (19) "Gift card" means a record that:
  - (a) is usable at:
    - (i) a single merchant; or
    - (ii) a specified group of merchants;
  - (b) is prefunded before the record is used; and
  - (c) can be used for the purchase of goods or services.
- (20) "Identification" means any of the following non-expired forms of identification issued by a state government, the United States government, or a federally recognized Indian tribe, if the identification includes a unique number, photograph of the bearer, and date of birth:
  - (a) a United States Passport or United States Passport Card;
  - (b) a state-issued driver license;
  - (c) a state-issued identification card;
  - (d) a state-issued concealed carry permit;
  - (e) a United States military identification;
  - (f) a United States resident alien card;
  - (g) an identification of a federally recognized Indian tribe; or
  - (h) notwithstanding Section 53-3-207, a Utah driving privilege card.
- (21) "IMEI number" means an International Mobile Equipment Identity number.
- (22) "Indicia of being new" means property that:
  - (a) is represented by the individual pawning or selling the property as new;
  - (b) is unopened in the original packaging; or
  - (c) possesses other distinguishing characteristics that indicate the property is new.
- (23) "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 pawn or secondhand business or catalytic converter purchaser is located.
- (24) "Numismatic item" means a coin, collectible paper money, or exonumia.
- (25) "Original victim" means a victim who is not a party to the pawn or sale transaction or catalytic converter purchase 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.
- (26) "Pawn or secondhand business" means a business operated by a pawnbroker or secondhand merchandise dealer, or the owner or operator of the business.
- (27) "Pawn transaction" means:
- (a) 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;
  - (b) a loan of money on one or more deposits of personal property;
  - (c) the purchase, exchange, or possession of personal property on condition of selling the same property back again to the pledgor or depositor; or
  - (d) a loan or advance of money on personal property by the pawnbroker taking chattel mortgage security on the personal property, taking or receiving the personal property into the pawnbroker's possession, and selling the unredeemed pledges.
- (28) "Pawnbroker" means a person whose business:
- (a) engages in a pawn transaction; or
  - (b) holds itself out as being in the business of a pawnbroker or pawnshop, regardless of whether the person or business enters into pawn transactions or secondhand merchandise transactions.
- (29) "Pawnshop" means the physical location or premises where a pawnbroker conducts business.
- (30) "Pledgor" means an individual who conducts a pawn transaction with a pawnshop.
- (31) "Property" means an article of tangible personal property, numismatic item, precious metal, gift card, transaction card, or other physical or digital card or certificate evidencing store credit, and includes a wireless communication device.
- (32) "Retail media item" means recorded music, a movie, or a video game that is produced and distributed in hard copy format for retail sale.
- (33) "Scrap jewelry" means an item purchased solely:
- (a) for its gold, silver, or platinum content; and
  - (b) for the purpose of reuse of the metal content.
- (34)
- (a) "Secondhand merchandise dealer" means a person whose business:
    - (i) engages in a secondhand merchandise transaction; and
    - (ii) does not engage in a pawn transaction.
  - (b) "Secondhand merchandise dealer" includes a coin dealer and an automated recycling kiosk operator.
  - (c) "Secondhand merchandise dealer" does not include:
    - (i) an antique shop when dealing in antique items;
    - (ii) a person who operates an auction house, flea market, or vehicle, vessel, and outboard motor dealers as defined in Section 41-1a-102;
    - (iii) the sale of secondhand goods at events commonly known as "garage sales," "yard sales," "estate sales," "storage unit sales," or "storage unit auctions";
    - (iv) the sale or receipt of secondhand books, magazines, post cards, or nonelectronic:
      - (A) card games;
      - (B) table-top games; or
      - (C) magic tricks;
    - (v) 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;

- (vi) the sale or receipt of secondhand clothing, shoes, furniture, or appliances;
  - (vii) a person offering the person's own personal property for sale, purchase, consignment, or trade via the Internet;
  - (viii) a person offering the personal property of others for sale, purchase, consignment, or trade via the Internet, when that person does not have, and is not required to have, a local business or occupational license or other authorization for this activity;
  - (ix) an owner or operator of a retail business that:
    - (A) receives used merchandise as a trade-in for similar new merchandise ; or
    - (B) receives used retail media items as a trade-in for similar new or used retail media items;
  - (x) an owner or operator of a business that contracts with other persons to offer those persons' secondhand goods for sale, purchase, consignment, or trade via the Internet;
  - (xi) any dealer as defined in Section 76-6-1402, that concerns scrap metal and secondary metals;
  - (xii) 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;
  - (xiii) the owner or operator of a children's product resale business;
  - (xiv) a consignment shop when dealing in consigned property; or
  - (xv) a catalytic converter purchaser.
- (35) "Secondhand merchandise transaction" means the purchase or exchange of used or secondhand property.
- (36) "Ticket" means a document upon which information is entered when a pawn transaction or secondhand merchandise transaction is made.
- (37) "Transaction card" means a card, code, or other means of access to a value with the retail business issued to a person that allows the person to obtain, purchase, or receive any of the following:
- (a) goods;
  - (b) services;
  - (c) money; or
  - (d) anything else of value.
- (38) "Wireless communication device" means a cellular telephone or a portable electronic device designed to receive and transmit a text message, email, video, or voice communication.

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