

Effective 5/13/2014

13-32a-104 Register required to be maintained -- Contents -- Identification of items -- Prohibition against pawning or selling certain property.

- (1) Every pawnbroker or secondhand merchandise dealer shall keep a register of each article of property a person pawns or sells to the pawnbroker or secondhand merchandise dealer, except as provided in Subsection 13-32a-102(23)(b). Every pawn and secondhand business owner or operator, or his employee, shall enter the following information regarding every article pawned or sold to the owner or employee:
 - (a) the date and time of the transaction;
 - (b) the pawn transaction ticket number, if the article is pawned;
 - (c) the date by which the article must be redeemed;
 - (d) the following information regarding the person who pawns or sells the article:
 - (i) the person's name, residence address, and date of birth;
 - (ii) the number of the driver license or other form of positive identification presented by the person, and notations of discrepancies if the person's physical description, including gender, height, weight, race, age, hair color, and eye color, does not correspond with identification provided by the person;
 - (iii) the person's signature; and
 - (iv) a legible fingerprint of the person's right index finger, or if the right index finger cannot be fingerprinted, a legible fingerprint of the person with a written notation identifying the fingerprint and the reason why the index finger's print was unavailable;
 - (e) the amount loaned on or paid for the article, or the article for which it was traded;
 - (f) the identification of the pawn or secondhand business owner or the employee, whoever is making the register entry; and
 - (g) an accurate description of the article of property, including available identifying marks such as:
 - (i) names, brand names, numbers, serial numbers, model numbers, color, manufacturers' names, and size;
 - (ii) metallic composition, and any jewels, stones, or glass;
 - (iii) any other marks of identification or indicia of ownership on the article;
 - (iv) the weight of the article, if the payment is based on weight;
 - (v) any other unique identifying feature;
 - (vi) gold content, if indicated; and
 - (vii) if multiple articles of a similar nature are delivered together in one transaction and the articles do not bear serial or model numbers and do not include precious metals or gemstones, such as musical or video recordings, books, or hand tools, the description of the articles is adequate if it includes the quantity of the articles and a description of the type of articles delivered.
- (2) A pawn or secondhand business may not accept any personal property if, upon inspection, it is apparent that serial numbers, model names, or identifying characteristics have been intentionally defaced on that article of property.
- (3)
 - (a) A person may not pawn or sell any property to a business regulated under this chapter if the property is subject to being turned over to a law enforcement agency in accordance with Title 77, Chapter 24a, Lost or Mislaid Personal Property.
 - (b) If an individual attempts to sell or pawn property to a business regulated under this chapter and the employee or owner of the business knows or has reason to know that the property is subject to Title 77, Chapter 24a, Lost or Mislaid Personal Property, the employee or owner

shall advise the individual of the requirements of Title 77, Chapter 24a, Lost or Mislaid Personal Property, and may not receive the property in pawn or sale.

(4) A violation of this section is a class B misdemeanor and is also subject to civil penalties under Section 13-32a-110.

Amended by Chapter 189, 2014 General Session