

Effective 5/3/2023

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

- (1) A pawn or secondhand business shall keep a ticket for property a person pawns or sells to the pawn or secondhand business. A pawn or secondhand business shall document on the ticket the following information regarding the property:
 - (a) the date and time of the transaction;
 - (b) whether the transaction is a pawn or purchase;
 - (c) the ticket number;
 - (d) the date by which the property must be redeemed, if the property is pawned;
 - (e) the following information regarding the individual who pawns or sells the property:
 - (i) the individual's full name and date of birth as they appear on the individual's identification and the individual's residence address and telephone number;
 - (ii) the unique number and type of identification presented to the pawn or secondhand business;
 - (iii) the individual's signature; and
 - (iv)
 - (A) subject to any rule made under Subsection (8), an electronic or tangible legible fingerprint of the individual's right index finger, or if the right index finger cannot be fingerprinted, a legible fingerprint of the individual with a notation identifying the fingerprint and the reason why the right index fingerprint was unavailable; and
 - (B) notwithstanding the other provisions of this Subsection (1), an electronic legible fingerprint is not required to be documented on the ticket;
 - (f) the amount loaned on, paid for, or value for trade-in of each article of property;
 - (g) the full name of the individual conducting the pawn transaction or secondhand merchandise transaction on behalf of the pawn or secondhand business or the initials or a unique identifying number of the individual, if the pawn or secondhand business maintains a record of the initials or unique identifying number of the individual; and
 - (h) an accurate description of each article of property, with available identifying marks, including:
 - (i)
 - (A) names, brand names, numbers, serial numbers, model numbers, IMEI numbers, color, manufacturers' names, and size;
 - (B) metallic composition, and any jewels, stones, or glass;
 - (C) any other marks of identification or indicia of ownership on the property;
 - (D) the weight of the property, if the payment is based on weight;
 - (E) any other unique identifying feature; and
 - (F) gold content, if indicated; or
 - (ii) if multiple articles of property of a similar nature are delivered together in one transaction and the articles of property 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) A pawn or secondhand business may not accept property if, upon inspection, it is apparent that:
 - (i) a serial number or another form of indicia of ownership has been removed, altered, defaced, or obliterated;

- (ii) the property is not a numismatic item and has indicia of being new, but is not accompanied by a written receipt or other satisfactory proof of ownership other than the seller's own statement; or
 - (iii) except as provided in Subsection 13-32a-103.1(3), the property is a gift card, transaction card, or other physical or digital card or certificate evidencing store credit.
 - (b) A pawn or secondhand business is not subject to Subsection (2)(a)(ii) if the pawn or secondhand business is the original seller of the property and is accepting a return of the property as provided by the pawn or secondhand business' established return policy.
 - (c) Property is presumed to have had indicia of being new at the time of a transaction if the property is subsequently advertised by the pawn or secondhand business as being new.
- (3)
- (a) An individual 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 11d, Lost or Mislaid 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 11d, Lost or Mislaid Property, the employee or owner shall advise the individual of the requirements of Title 77, Chapter 11d, Lost or Mislaid Property, and may not receive the property in pawn or sale.
- (4) A coin dealer is subject to Section 13-32a-104.5 and not subject to this section.
- (5) An automated recycling kiosk operator is subject to Section 13-32a-104.6 and is not subject to this section.
- (6) A catalytic converter purchaser is subject to Section 13-32a-104.7 and is not subject to this section.
- (7) A violation of this section is a class B misdemeanor and is also subject to civil penalties under Section 13-32a-110.
- (8) The division shall establish standards and criteria for fingerprint legibility by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (9)
- (a) As used in this Subsection (9), "jewelry" means:
 - (i) any jewelry purchased by the pawn or secondhand business, including scrap jewelry and watches; or
 - (ii) any jewelry pawned to a pawnbroker and the contract period between the pawnbroker and the pledgor has expired, including scrap jewelry and watches.
 - (b) On and after January 1, 2020, a pawn or secondhand business shall obtain:
 - (i) a color digital photograph clearly and accurately depicting:
 - (A) each item of jewelry; and
 - (B) if an item of jewelry has one or more engravings, an additional color digital photograph specifically depicting any engraving; and
 - (ii) a color digital photograph of an item that bears an identifying mark, including:
 - (A) a serial number, engraving, owner label, or similar identifying mark; and
 - (B) an additional photograph that clearly depicts the identifying mark described in Subsection (9)(b)(ii)(A).

Amended by Chapter 448, 2023 General Session