

**13-32a-106 Transaction information provided to the central database -- Protected information.**

- (1) The information required to be recorded under Sections 13-32a-103 and 13-32a-104 that is capable of being transmitted electronically shall be transmitted electronically to the central database on the next business day following the transaction.
- (2) The pawnbroker shall maintain all pawn tickets generated by the pawnshop and shall maintain the tickets in a manner so that the tickets are available to local law enforcement agencies as required by this chapter and as requested by any law enforcement agency as part of an investigation or reasonable random inspection conducted pursuant to this chapter.
- (3)
  - (a) If a pawn or secondhand business experiences a computer or electronic malfunction that affects its ability to report transactions as required in Subsection (1), the pawn or secondhand business shall immediately notify the local law enforcement agency of the malfunction.
  - (b) The pawn or secondhand business shall solve the malfunction within three business days or notify law enforcement under Subsection (4).
- (4) If the computer or electronic malfunction under Subsection (3) cannot be solved within three business days, the pawn or secondhand business shall notify the local law enforcement agency of the reasons for the delay and provide documentation from a reputable computer maintenance company of the reasons why the computer or electronic malfunction cannot be solved within three business days.
- (5) A computer or electronic malfunction does not suspend the pawn or secondhand business' obligation to comply with all other provisions of this chapter.
- (6) During the malfunction under Subsections (3) and (4), the pawn or secondhand business shall:
  - (a) arrange with the local law enforcement agency a mutually acceptable alternative method by which the pawn or secondhand business provides the required information to the local law enforcement official; and
  - (b) a pawnshop shall maintain the pawn tickets and other related information required under this chapter in a written form.
- (7) A pawn or secondhand business that violates the electronic transaction reporting requirement of this section is subject to an administrative fine of \$50 per day if:
  - (a) the pawn or secondhand business is unable to submit the information electronically due to a computer or electronic malfunction;
  - (b) the three business day period under Subsection (3) has expired; and
  - (c) the pawn or secondhand business has not provided documentation regarding its inability to solve the malfunction as required under Subsection (4).
- (8) A pawn or secondhand business is not responsible for a delay in transmission of information that results from a malfunction in the central database.
- (9) 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 284, 2012 General Session