

Superseded 5/10/2016

13-32a-112 Secondhand Merchandise Advisory Board -- Membership -- Duties -- Providing training -- Records of compliance -- Training compliance -- Rulemaking.

- (1) There is created within the division the Secondhand Merchandise Advisory Board. The board consists of 13 voting members and one nonvoting member:
 - (a) one representative of the Utah Chiefs of Police Association;
 - (b) one representative of the Utah Sheriffs Association;
 - (c) one representative of the Statewide Association of Prosecutors;
 - (d) one representative of the Utah Municipal Prosecutors' Association;
 - (e) three representatives from the pawnshop industry, three representatives from the secondhand merchandise business industry, and one representative from the coin dealer industry who are all appointed by the director of the Utah Commission on Criminal and Juvenile Justice and who represent three separate pawnshops, three separate secondhand merchandise dealers, and one coin dealer, each of which are owned by a separate person or entity;
 - (f) one law enforcement officer who is appointed by the board members under Subsections (1)(a) through (e);
 - (g) one law enforcement officer whose work regularly involves pawn and secondhand businesses and who is appointed by the board members under Subsections (1)(a) through (e);
 - (h) one representative from the central database, who is nonvoting.
- (2)
 - (a) The board shall elect one voting member as the chair of the board by a majority of the members present at the board's first meeting each year.
 - (b) The chair shall preside over the board for a period of one year.
 - (c) The advisory board shall meet quarterly upon the call of the chair.
 - (d) A quorum of nine members is required for the board to take action.
- (3)
 - (a) The board shall conduct quarterly training sessions regarding compliance with this chapter and other applicable state laws for any person who owns or is employed by a pawn or secondhand business subject to this chapter.
 - (b) Each training session shall provide no fewer than two hours of training.
- (4)
 - (a) Each pawn, secondhand, and coin dealer business in operation as of January 1 shall ensure one or more persons employed by the pawn or secondhand business each participate in no fewer than two hours of compliance training within that year.
 - (b) This requirement does not limit the number of employees, directors, or officers of a pawn or secondhand business who attend the compliance training.
- (5) The board shall monitor and keep a record of the hours of compliance training accrued by each pawn or secondhand business.
- (6) The board shall provide each pawn or secondhand business with a certificate of compliance upon completion by an employee of the two hours of compliance training under Subsection (4).
- (7)
 - (a) Each law enforcement agency that has a pawn or secondhand business located within its jurisdiction shall ensure that at least one of its officers completes two hours of compliance training yearly.
 - (b) Subsection (7)(a) does not limit the number of law enforcement officers who attend the compliance training.
- (8) The board may propose to the division administrative rules establishing:

- (a) pawn and secondhand business industry standards for best practices;
 - (b) standardized property descriptions for the database created under this chapter; and
 - (c) a roster of software programs for pawn and secondhand businesses setting out minimum basic requirements for functionality.
- (9) Pawn and secondhand businesses may file with the board complaints regarding law enforcement agency practices perceived to be inconsistent with this chapter. The board may refer the complaints to the Peace Officers Standards and Training Division.