

SECONDHAND SALES AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Pawnshop and Secondhand Merchandise Transaction Information Act.

Highlighted Provisions:

This bill:

► provides an exemption to the 15-day holding period for secondhand merchandise that is ~~Ⓢ→ [valued less than \$50]~~ **a retail media item, including recorded music, a movie, or a video game, [and] ←Ⓢ** that ~~Ⓢ→~~ **is paid for as specified, and that ←Ⓢ** does not contain:

- a serial number or other identifiable marks; or
- any identifiable marks that appear to have been intentionally defaced.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

13-32a-109, as last amended by Laws of Utah 2013, Chapter 124

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **13-32a-109** is amended to read:

13-32a-109. Holding period for articles -- Penalty.

S.B. 162



28 (1) (a) A pawnbroker may sell an article pawned to the pawnbroker if:

29 (i) 15 days have passed since the day on which the contract between the pawnbroker
30 and the pledgor was executed;

31 (ii) the contract period between the pawnbroker and the pledgor has expired; and

32 (iii) the pawnbroker has complied with the requirements of Section 13-32a-106
33 regarding reporting to the central database and Section 13-32a-103.

34 (b) If an article, including scrap jewelry, is purchased by a pawn or secondhand
35 business or a coin dealer, the pawn or secondhand business or coin dealer may sell the article
36 after the pawn or secondhand business or coin dealer has held the article for 15 days and
37 complied with the requirements of Section 13-32a-106 regarding reporting to the central
38 database and Section 13-32a-103, except that pawn, secondhand, and coin dealer businesses are
39 not required to hold:

40 (i) precious metals or coins under this Subsection (1)(b); or

41 (ii) any ~~item valued at less than \$50 and~~ **retail media item, including recorded**
41a **music, a movie, or a video game, that is produced and distributed in hard copy format for**
41b **retail sale and that is the subject of a transaction with the retail establishment that involves**
41c **only a credit for future purchases and that does not involve cash, credit or debit cards, or a**
41d **retail establishment gift card, and** ~~that does not~~ **contain** :

42 (A) ~~a serial number or other~~ identifying numbers ~~or~~ , ~~marks~~ , or
42a **any indication of ownership** ; or

43 (B) a serial number or other identifying numbers or marks that appear to be
44 intentionally defaced.

45 (c) This Subsection (1) does not preclude a law enforcement agency from requiring a
46 pawn or secondhand business to hold an article if necessary in the course of an investigation.

47 (i) If the article was pawned, the law enforcement agency may require the article be
48 held beyond the terms of the contract between the pledgor and the pawn broker.

49 (ii) If the article was sold to the pawn or secondhand business, the law enforcement
50 agency may require the article be held if the pawn or secondhand business has not sold the
51 article.

52 (d) If the law enforcement agency requesting a hold on property under this Subsection
53 (1) is not the local law enforcement agency, the requesting law enforcement agency shall notify
54 the local law enforcement agency of the request and also the pawn or secondhand business.

55 (2) If a law enforcement agency requires the pawn or secondhand business to hold an
56 article as part of an investigation, the agency shall provide to the pawn or secondhand business
57 a hold ticket issued by the agency, which:

58 (a) states the active case number;