

SECONDHAND MERCHANDISE DEALERS AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate Sponsor: Deidre M. Henderson

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

▶ defines "children's product" and "children's product resale business"; ~~§~~ ~~§~~ [†] ~~←§~~

and ~~§~~ [†]

~~→~~ ~~modifies the definition of "identification"; and~~ ~~←§~~ ~~←§~~

▶ exempts children's product resale businesses from ~~§~~ [the reporting and holding period]

~~←§~~

requirements regarding secondhand merchandise dealers.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

13-32a-102, as last amended by Laws of Utah 2016, Chapter 421

13-32a-104, as last amended by Laws of Utah 2014, Chapter 189

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

Section 1. Section **13-32a-102** is amended to read:

13-32a-102. Definitions.

H.B. 348



59 (b) .925 fine sterling silver ingots, art bars, and medallions.

60 ~~[(9)]~~ (11) "Division" means the Division of Consumer Protection in ~~[Title 13,]~~ Chapter
61 1, Department of Commerce.

62 ~~[(10)]~~ (12) "Identification" means a valid United States federal or state-issued photo
63 personal identification, including a United States passport, a United States passport card, ~~[U.S.]~~
64 United States military personal identification, ~~H→ S→ [f] ←S and S→ [f] ←S ←H~~ a
64a1 ~~H→ S→ [f] ←S~~ driver ~~S→ [f] ←S~~ driver's ~~←S ←H~~ license
64a ~~H→ S→ [f] ←S~~ ~~[, or a Utah driving privilege card] ←S ←H~~ .

65 ~~[(11)]~~ (13) "Local law enforcement agency" means the law enforcement agency that
66 has direct responsibility for ensuring compliance with central database reporting requirements
67 for the jurisdiction where the pawnshop or secondhand business is located.

68 ~~[(12)]~~ (14) "Misappropriated" means stolen, embezzled, converted, obtained by theft,
69 or otherwise appropriated without authority of the lawful owner.

70 ~~[(13)]~~ (15) "Original victim" means a victim who is not a party to the pawn or sale
71 transaction and includes:

72 (a) an authorized representative designated in writing by the original victim; and

73 (b) an insurer who has indemnified the original victim for the loss of the described
74 property.

75 ~~[(15)]~~ (16) "Pawn and secondhand business" means any business operated by a
76 pawnbroker or secondhand merchandise dealer, or the owner or operator of the business.

77 ~~[(14)]~~ (17) "Pawnbroker" means a person whose business engages in the following
78 activities:

79 (a) loans money on one or more deposits of personal property;

80 (b) deals in the purchase, exchange, or possession of personal property on condition of
81 selling the same property back again to the pledgor or depositor;

82 (c) loans or advances money on personal property by taking chattel mortgage security
83 on the property and takes or receives the personal property into his possession, and who sells
84 the unredeemed pledges;

85 (d) deals in the purchase, exchange, or sale of used or secondhand merchandise or
86 personal property; or

87 (e) engages in a licensed business enterprise as a pawnshop.

88 ~~[(16)]~~ (18) "Pawnshop" means the physical location or premises where a pawnbroker
89 conducts business.