

739 Section 13. Section **13-32a-110** is amended to read:

740 **13-32a-110. Administrative or civil penalties -- Criminal prosecution.**

741 (1) A violation of any of the following sections is subject to ~~[a]~~ an administrative or
742 civil penalty of not more than \$500:

743 (a) Section 13-32a-104, ~~[register]~~ ticket required to be maintained;

744 (b) Section 13-32a-104.5, ticket by coin dealer to be maintained;

745 ~~[(b)]~~ (c) Section 13-32a-106, transaction information provided to law enforcement;

746 ~~[(c)]~~ (d) Section 13-32a-108, retention of records;

747 ~~[(d)]~~ (e) Section 13-32a-109, holding period for pawned [articles] or purchased
748 property;

749 (f) Section 13-32a-110.5, transactions with certain individuals prohibited;

750 ~~[(e)]~~ (g) Section 13-32a-111, payment of fees as required; or

751 ~~[(f)]~~ (h) Section 13-32a-112, training requirements for pawn[;] or secondhand[; and
752 coin dealer] business employees and officers of participating law enforcement agencies.

753 (2) This section does not prohibit civil action by a governmental entity regarding the
754 ~~[pawnbroker's business]~~ pawn or secondhand business' operation or licenses.

755 (3) The imposition of civil penalties under this section does not prohibit criminal
756 prosecution by a governmental entity for criminal violations of this chapter.

757 Section 14. Section **13-32a-110.5** is amended to read:

758 **13-32a-110.5. Transactions with certain individuals prohibited.**

759 ~~Ĥ→~~ ~~[(1)]~~ ~~←Ĥ~~ A pawn or secondhand business may not ~~[purchase, accept as a pawn, or take~~
759a ~~for~~
760 ~~consignment any property from a person]~~ engage in a pawn transaction or secondhand
761 merchandise transaction with an individual who:

762 ~~[(1)]~~ ~~Ĥ→~~ ~~[(a)]~~ ~~(1)~~ ~~←Ĥ~~ is younger than 18 years of age; or

763 ~~[(2)]~~ ~~Ĥ→~~ ~~[(b)]~~ ~~(2)~~ ~~←Ĥ~~ appears to be ~~[acting]~~ under the influence of alcohol or ~~[any]~~ a
763a ~~controlled~~
764 ~~substance.~~

765 ~~Ĥ→~~ ~~[(2)]~~ ~~Except as provided in Subsection (3), on and after January 1, 2020, a pawnbroker~~
766 ~~may not enter into a transaction with an individual who, including the transaction being~~
767 ~~proposed, will have engaged within the previous 30 days, with a pawnbroker regulated by this~~
768 ~~chapter, in:~~

769 ~~———(a) more than four transactions; or]~~ ~~←Ĥ~~

770 ~~Ĥ→ [(b) one or more transactions, if the total of items of property involved in the total of~~
 771 ~~transactions is more than 10:~~
 772 ~~—— (3) A pawnbroker may engage in a transaction with an individual in excess of the~~
 773 ~~limitations described in Subsection (2) if the pawnbroker determines that the transaction being~~
 774 ~~proposed is a pawn transaction and the transaction involves an item of property that:~~
 775 ~~—— (a) has a serial number or unique identifying mark; and~~
 776 ~~—— (b) has been pawned and redeemed by the same individual with the pawnbroker within~~
 777 ~~the previous 30 days.] ←Ĥ~~

778 Section 15. Section 13-32a-111 is amended to read:

779 **13-32a-111. Fees to fund account.**

780 ~~[(1) (a) (i) On and after January 1, 2005, each pawnshop or secondhand merchandise~~
 781 ~~dealer in operation shall annually pay \$250 to the division, to be deposited in the account.]~~

782 ~~[(ii) On and after January 1, 2013, each pawnshop or secondhand merchandise dealer~~
 783 ~~in operation shall annually pay \$300 to the division, to be deposited in the account.]~~

784 ~~[(b) For the period of July 1, 2009 through December 31, 2009, each coin dealer in~~
 785 ~~operation shall pay a fee of \$250 to the division to be deposited in the account.]~~

786 ~~[(c) (i) On and after January 1, 2010, each coin dealer in operation shall annually on~~
 787 ~~January 1 pay \$250 to the division to be deposited in the account.]~~

788 ~~[(ii) On and after January 1, 2013, each coin dealer in operation shall annually on~~
 789 ~~January 1 pay \$300 to the division to be deposited in the account.]~~

790 ~~[(2) (a) On and after January 1, 2005, each law enforcement agency that participates in~~
 791 ~~the use of the database shall annually pay to the division a fee of \$2 per sworn law enforcement~~
 792 ~~officer who is employed by the agency as of January 1 of that year. The fee shall be deposited~~
 793 ~~in the account.]~~

794 ~~[(b) On and after January 1, 2013, each]~~

795 ~~(1) (a) A pawn or secondhand business in operation shall pay an annual fee set in~~
 796 ~~accordance with Section 63J-1-504.~~

797 ~~(b) A law enforcement agency within Utah that participates in the use of the central~~
 798 ~~database shall [annually pay to the division a fee of \$3 per sworn law enforcement officer who~~
 799 ~~is employed by the agency as of January 1 of that year. The fee shall be deposited in the~~
 800 ~~account.] pay an annual fee set in accordance with Section 63J-1-504.~~

801 ~~[(3) The fees under Subsections (1) and (2) shall be paid to the account annually on or~~
 802 ~~before January 30.]~~

803 ~~[(4) (a) (i) If a] (c) A law enforcement agency outside Utah that requests access to the~~
 804 ~~central database[, the requesting agency] shall pay [a yearly] an annual fee [of \$750 for the~~
 805 ~~fiscal year beginning July 1, 2006, which shall be deposited in the account] set in accordance~~
 806 ~~with Section 63J-1-504.~~

807 ~~[(ii) If a law enforcement agency outside Utah requests access to the central database,~~
 808 ~~the requesting agency shall pay a yearly fee of \$900 for the fiscal year beginning July 1, 2013,~~
 809 ~~which shall be deposited in the account.]~~

810 ~~[(b) The board may establish the fee amount for fiscal years beginning on and after July~~
 811 ~~1, 2007 under Section 63J-1-504.]~~

812 (2) A fee paid under Subsection (1) shall be paid annually to the division on or before
 813 January 31.

814 (3) A fee received by the division under this section shall be deposited into the account.

815 (4) The division may ~~H→~~ [not, on or after May 14, 2019,] only ~~←H~~ increase fees for a
 815a pawnshop or

816 secondhand business ~~H→~~ under Section 63J-1-504 ~~←H~~ .

817 Section 16. Section ~~13-32a-112~~ is amended to read:

818 **13-32a-112. Pawnshop and Secondhand Merchandise Advisory Board.**

819 (1) There is created within the division the "Pawnshop and Secondhand Merchandise
 820 Advisory Board."

821 (2) The board consists of [~~13~~] seven voting members [~~and one nonvoting member~~]
 822 appointed by the executive director of the Department of Commerce:

823 (a) one [~~representative of~~] law enforcement officer whose work regularly involves
 824 pawn or secondhand business, recommended by the Utah Chiefs of Police Association;

825 (b) one [~~representative of~~] law enforcement officer whose work regularly involves
 826 pawn or secondhand business, recommended by the Utah Sheriffs Association;

827 (c) one [~~representative of the Statewide Association of Prosecutors~~] state, county, or
 828 municipal prosecutor, recommended by a prosecutors' association or council;

829 [~~(d) one representative of the Utah Municipal Prosecutors' Association;~~]

830 [~~(e) three representatives from the pawnshop industry;~~]

831 [~~(f) three representatives from the secondhand merchandise business industry;~~]