

553 (8) A pawn or secondhand business is not responsible for a delay in transmission of
554 information that results from a malfunction in the central database.

555 ~~§→ [(9) A pawnbroker is not responsible for a transaction in violation of Subsection~~
556 ~~13-32a-110.5(2) if, at the time of the transaction, the pawnbroker is unable to query the central~~
557 ~~database as a result of a malfunction of the central database.] ←§~~

558 [(9)] ~~§→ [(10)] (9) ←§~~ A violation of this section is a Class B misdemeanor and is also
558a subject to
559 civil penalties under Section 13-32a-110.

560 Section 9. Section **13-32a-106.5** is amended to read:

561 **13-32a-106.5. Confidentiality of pawn and purchase transactions.**

562 (1) ~~[All pawn and purchase transaction records]~~ A ticket, copy of a ticket, or
563 information from a ticket delivered to a local law enforcement ~~[official]~~ agency or transmitted
564 to the central database pursuant to Section 13-32a-106 ~~[are protected records]~~ is a protected
565 record under Section 63G-2-305. ~~[These records]~~ In addition to use by the issuing pawn or
566 secondhand business, the ticket, copy of a ticket, or information from a ticket may be used only
567 by a law enforcement ~~[officials]~~ agency and the division and only for the law enforcement and
568 administrative enforcement purposes of:

569 (a) investigating possible criminal conduct involving the property delivered to the
570 ~~[pawnbroker]~~ pawn or secondhand business in a pawn transaction or ~~[purchase]~~ secondhand
571 merchandise transaction;

572 (b) investigating a possible violation of the record keeping or reporting requirements of
573 this chapter when the local law enforcement ~~[official]~~ agency or the division, based on a review
574 of the records and information received, has reason to believe that a violation has occurred;

575 (c) responding to an inquiry from an insurance company investigating a claim for
576 physical loss of described property by searching the central database to determine if property
577 matching the description has been delivered to a ~~[pawnbroker]~~ pawn or secondhand business
578 by another person in a pawn transaction or secondhand merchandise purchase transaction and if
579 so, obtaining from the central database:

580 (i) a description of the property;

581 (ii) the name and address of the ~~[pawnbroker]~~ pawn or secondhand business ~~[who]~~ that
582 received the property; and

583 (iii) the name, address, and date of birth of the conveying ~~[person]~~ individual; and

584 (d) taking enforcement action under Section 13-2-5 against a [~~pawnbroker~~] pawn or
585 secondhand business.

586 (2) An insurance company making a request under Subsection (1)(c) shall provide the
587 police report case number concerning the described property.

588 (3) (a) A person may not knowingly and intentionally use, release, publish, or
589 otherwise make available to any person [~~or entity~~] any information obtained from the central
590 database for any purpose other than those specified in Subsection (1).

591 (b) Each separate violation of Subsection (3)(a) is a class B misdemeanor.

592 (c) Each separate violation of Subsection (3)(a) is subject to a civil penalty not to
593 exceed \$250.

594 Section 10. Section **13-32a-108** is amended to read:

595 **13-32a-108. Retention of records -- Reasonable inspection.**

596 (1) [~~The pawnbroker~~] A pawn or secondhand business or local law enforcement
597 agency, whichever has custody of [~~pawn tickets~~] a ticket or copy of a ticket, shall retain [~~them~~]
598 the ticket or copy for no less than three years from the date of the transaction.

599 (2) (a) A law enforcement agency or the division may conduct random reasonable
600 inspections of pawn or secondhand businesses for the purpose of monitoring compliance with
601 the [~~reporting~~] requirements of this chapter. [~~The inspections may be conducted to:~~]

602 [(i) ~~confirm that pawned or sold items match the description reported to the database~~
603 ~~by the pawnshop; and]~~

604 [(ii) ~~make spot checks of property at the pawn or secondhand business to determine if~~
605 ~~the property is appropriately reported.~~]

606 (b) Inspections under Subsection (2)(a) shall be performed during the regular business
607 hours of the pawn or secondhand business.

608 (3) A violation of this section is a Class B misdemeanor and is also subject to civil
609 penalties under Section 13-32a-110.

610 Section 11. Section **13-32a-109** is amended to read:

611 **13-32a-109. Holding period for property -- Return of property -- Penalty.**

612 (1) (a) A pawnbroker may sell [~~an article~~] property pawned to the pawnbroker if:

613 (i) 15 calendar days have passed [~~since~~] after the day on which the [~~contract between~~
614 ~~the pawnbroker and the pledgor was executed~~] pawnbroker submits the information ~~to~~ **and any**
614a **required photograph** ~~to~~ **to the**