

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

February 2, 2016
Legislative Session Day

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February 2, 2016

CODE HOME RULE
BILL NO. 2-2016

INTRODUCED BY: William W. Pickrum, President of the Board of County Commissioners for Kent County, Maryland.

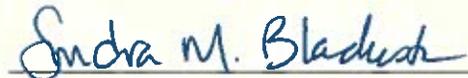
AN ACT to amend Section 8 of Chapter 120 Pawnbrokers and Secondhand Dealers of the Code of Public Local Laws of Kent County, Maryland to amend and clarify the recordkeeping requirements of regulated businesses under this Chapter, to provide a minimum value for items subject to recordkeeping requirements, and generally relating to Pawnbrokers and Secondhand Dealers and the regulation of the purchase, sale, recordkeeping, and reporting of certain transactions involving used items of value within Kent County.

THE COUNTY COMMISSIONERS OF KENT COUNTY


William W. Pickrum, President

INTRODUCED, read first time, February 2, 2016, ordered posted and public hearing scheduled on March 1, 2016, at 6:00 p.m. in the County Commissioners Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland.

By Order of:


Sondra M. Blackiston, Clerk

RECEIVED
CLERK, CIRCUIT COURT
2016 MAR 17 P 2:58
KENT COUNTY

PUBLIC HEARING

HAVING been posted and notice of time and place of hearing and copies having been made available to the public and the press, a public hearing was held on March 1, 2016. Reported favorably ~~[with]~~ [without] amendments; read second time and ordered to be considered on March 15, 2016, a legislative session day.

BILL NO. 2-2016

CAPITALS & BOLD INDICATES MATTER ADDED TO EXISTING LAW.

~~Strike-through~~ indicates matter deleted from existing law.

A BILL ENTITLED CHR 2-2016 PAWNBROKERS AND SECONDHAND DEALERS

SECTION 1. NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND that Section 8 of Chapter 120 of the Code of Public Local Laws of Kent County, Maryland is hereby repealed and be it further enacted that a new Section 8 of Chapter 120 is hereby enacted in lieu thereof to read as follows:

Chapter 120

PAWNBROKERS AND SECONDHAND DEALERS

“§ 120-8. Recordkeeping & Retention of Property.

A. Recordkeeping Requirements.

1. **FOR ALL SUCH ITEMS HAVING A RETAIL VALUE OF TWENTY-FIVE DOLLARS (\$25.00) OR MORE, a** A regulated business shall maintain a record of each item purchased, bartered, exchanged, or received in the course of business, including a record of the disposition of the item.
2. The record shall be signed by the seller and the regulated business, or an agent or employee of such business, and shall include:
 - a. The date, time, and place of the transaction;
 - b. The name and address of the principal, if the transaction is conducted by an agent;
 - c. A comprehensive description of the item, including any visible identification marks such as initials, name of manufacturer, model and serial number, owner applied identification numbers, and whether the item appears to be new or in its original box or packaging; and Photographs of all costume jewelry or any other item of unique design, or without serial number or owner applied number, including those regulated under Article 12, Business Regulation Article, Annotated Code of Maryland.
 - d. The consideration received;
- 3.e. For each individual from or to whom the regulated business acquires or transfers an item (a “transferor”) the following shall be recorded:
 - ~~a.i.~~ The name, address, telephone number, date of birth, and driver’s license number of the transferor; or
 - ~~ii.~~b. Identification information about the transferor that identifies the transferor from at least **ONE** ~~two~~ forms of identification, which may include a State Identification Card, military

identification, or passport; and ~~iii. Provides~~ provides a physical description of the transferor, including the gender, race, any distinguishing features, and approximate age, height, weight, hair, and eye color of the transferor; **AND**

~~iv.c.~~ The name, address, and telephone number ~~shall be recorded for~~ **OF** each ~~transferor~~ **PERSON** to whom the regulated business sells or transfers the item.

~~4.3.~~ The regulated business shall:

- a. Maintain the record for at least three years from the date of the transaction;
- b. Retain the record in an electronic data storage medium specified or accepted by the Sheriff's Office; and
- c. Submit a copy of the record to the Sheriff's Office by electronically transmitting the record by 10:00 a.m. on the next business day after the transaction.

~~5.d.~~ Photographs may be transmitted with the record but must also be retained in the dealer's records, either in hard copy or electronically.

~~6.e.~~ It shall be a violation of this Chapter to misstate or under-value any item received in order to evade or circumvent the provisions thereof.

~~7.4.~~ If a regulated businesses is required by law to report transactions via the Regional Pawn Data Sharing System (RPDSS) into the Regional Automated Property Information Database (RAPID), such reporting shall satisfy the reporting requirements of this Chapter, so long as such reporting includes all the information required in the Chapter, and includes all items that this Chapter requires to be reported.

B. Retention of Property.

1. **FOR ALL SUCH ITEMS FOR WHICH RECORDS ARE REQUIRED TO BE KEPT IN PURSUANT TO CHAPTER, A** regulated business shall hold each item purchased or received in the course of business for eighteen (18) days after submitting a copy of the record of the transaction or until the item is inspected by the Sheriff's Office, whichever occurs first.
2. During the holding period for an item, the regulated business:
 - a. Shall tag the item in a manner that identifies it as the property recorded in the dealer's records, including date and transaction number or receipt number;
 - b. Shall store the item in a secure location on the premises that is separate from items for sale or at an off-site storage location listed in the license application; and

- c. Shall not remove the item from the dealer's licensed location of business or off-site storage location.
3. The holding period required by this section does not apply to a pawned item that is redeemed with the original pawn ticket.”

BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall take effect on the 28th day of April, 2016.

Read Third Time March 15, 2016.

PASSED this 15th day March, 2016.

Failed of Passage _____



By Order of:

Sondra M. Blackiston
Sondra M. Blackiston, Clerk

THE COUNTY COMMISSIONERS OF KENT COUNTY

William W. Pickrum
William W. Pickrum, President

Ronald H. Fithian
Ronald H. Fithian, Member

William A. Short
William A. Short, Member

ORDERED a fair summary thereof of the entire bill shall be published in at least one newspaper of general circulation in the County, not less than three times at weekly intervals within a four week period.