



Legislation Text

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EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: President Rawlings-Blake

A BILL ENTITLED

AN ORDINANCE concerning
Pawnbrokers - Dealers in Second - Hand Property, etc. - Daily Reports

FOR the purpose of requiring the daily reports of pawnbrokers and of dealers in second-hand property, antiques, and consignment goods to contain certain photographs; requiring daily reports to be made electronically; conforming, correcting, and clarifying certain language; and generally relating to the reporting requirements for pawnbrokers and for dealers in second-hand property, antiques, and consignment goods.

BY repealing and reordaining, with amendments

Article 2 - Consumer Protection
Section(s) 11-6, 11-7, 12-7, and 12-8
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 2. Consumer Protections

Subtitle 11. Pawnbrokers

§ 116. Daily reports required.

(a) In general.

(1) Each [and every] pawnbroker[, licensed as aforesaid,] shall [cause to be written in a legible and accurate manner on forms supplied by] SUBMIT TO the Police Commissioner [of Baltimore City,] A DAILY REPORT [a list] of ALL articles taken on pledge [and to forward the same daily to the Baltimore City Police Department

Pawnshop Unit].

[(2) The above reports made to the Police Department shall be open to the inspection of such persons as, in the discretion of the said Police Department, may be regarded as having an interest in the same.]

(2) THE PAWNBROKER SHALL FORWARD THE DAILY REPORT TO THE POLICE DEPARTMENT, AS PROVIDED IN § 117 OF THIS SUBTITLE.

(b) Information required in report.

THE DAILY REPORT SHALL INCLUDE:

- (1) the date, place, and time of each transaction;
- (2) the name and address of principal, if the transaction is by an agent;
- (3) a description of the transacted item, including:
 - (i) the type of item;
 - (ii) its manufacturer, model number, year of manufacture if known, and/or soundex number or unique identifying number found on said property;
 - (iii) its color and size;
 - (iv) for jewelry, a description by weight if payment is based on weight, style, gender, number of stones, configuration of stones, any initials or distinguishing marks or inscriptions;
- (v) a statement of whether it appears to have been altered by any means, including:
 - (A) obscuring a serial number or identifying feature;
 - (B) melting; or
 - (C) recutting a gem; and
- (vi) the amount paid or other consideration;
- (4) for each individual from whom a pawnbroker acquires a transacted item:
 - (i) the individual's name, date of birth, and license number from a clearly identifiable driver's license; or
 - (ii) identification information about the individual that:
 - (A) positively identifies the individual from at least 2 forms of identification, which may include an age of majority card, military identification, passport, or other similar photographic identification; and
 - (B) provides a physical description of the individual including sex, race, date of birth, any distinguishing features,

and weight of individual;

(5) a statement indicating whether or not the person making the transaction is known to the dealer, i.e. has done business with the pawnshop on a previous occasion;

(6) A PHOTOGRAPH OF THE TRANSACTED ITEM; and

(7) [(6)] the signature of the person from whom the item is acquired and the signature of the pawnbroker or dealer who accepted the item.

§ 11Z Filing with police.

(A) HOW.

(1) A pawnbroker shall submit [a copy of] each [transaction] DAILY REPORT to the [Pawnshop Unit of the Baltimore City] Police Department [by] IN TWO FORMATS:

(I) BY ELECTRONIC TRANSMITTAL, IN THE FORMAT AND MANNER REQUIRED BY THE POLICE COMMISSIONER; AND

(II) IN WRITING, ON THE FORMS SUPPLIED BY THE POLICE COMMISSIONER.

(2) THE PHOTOGRAPH REQUIRED BY § 11-6(B)(6) OF THIS SUBTITLE NEED ONLY BE SUBMITTED IN ONE OF THESE FORMATS.

(B) WHEN.

[(1) delivering the copy by 10 a.m. on the next business day after the transaction is made; or

(2) mailing the copy at the end of the business day when the transaction is made.]

(1) THE ELECTRONIC REPORT SHALL BE SUBMITTED BEFORE 10 A.M. ON THE BUSINESS DAY IMMEDIATELY FOLLOWING THE DAY FOR WHICH THE REPORT IS MADE.

(2) THE WRITTEN REPORT SHALL BE SUBMITTED BY:

(I) MAILING THE REPORT AT THE END OF THE BUSINESS DAY FOR WHICH THE REPORT IS MADE; OR

(II) HAND DELIVERY OR FACSIMILE TRANSMISSION BEFORE 10 A.M. ON THE BUSINESS DAY IMMEDIATELY FOLLOWING THE DAY FOR WHICH THE REPORT IS MADE.

(C) REPORTS OPEN TO INSPECTION.

A DAILY REPORT SUBMITTED UNDER THIS SUBTITLE SHALL BE OPEN TO THE INSPECTION BY THOSE PERSONS THAT, IN THE DISCRETION OF THE POLICE DEPARTMENT, ARE REGARDED AS HAVING AN INTEREST IN THEM.

Subtitle 12. SecondHand Property, Antiques, and Consignment Goods

§ 127. Daily reports required.

(a) In general.

(1) Each dealer shall [cause to be written in a legible and accurate manner on forms supplied by] SUBMIT TO the Police Commissioner[,] a daily report [for] OF each transaction in which a person transfers items to the dealer on that day.

(2) The dealer shall forward the daily report to the Police Department, as provided in § 128 of this subtitle.

(b) Scope of reports.

Except as provided in this subtitle, the daily report shall contain the information specified in subsection (c) of this section for:

(1) each item transferred; or

(2) each group of substantially similar items transferred as part of 1 transaction.

(c) Information required.

The daily report shall [contain the following information] INCLUDE:

(1) the date, place, and time of each transaction, including the location where the dealer purchased or received the item or group of items;

(2) a description of the item or group of items, including:

(i) the specific type and number of items;

(ii) the manufacturer, model number, and year of manufacture, if known, and any soundex number or unique identifying number found on the item;

(iii) the color, size, style, and approximate age;

(iv) for jewelry (other than costume jewelry meeting standards set by the Police Commissioner), a description by weight (if payment is based on weight), style, gender, number and configuration of stones, and any initials or distinguishing marks or inscriptions;

(v) a statement of whether or not the item appears to have been altered by any means, including:

(A) obscuring a serial number or identifying feature;

(B) melting; or

(C) recutting a gem; and

(vi) the amount paid or other consideration;

- (3) for each individual from whom the dealer acquires an item:
 - (i) the individual's name, date of birth, and license number from a clearly identifiable driver's license;
 - (ii) identification information about the individual that:
 - (A) positively identifies the individual from at least 2 forms of identification, which may include an age of majority card, military identification, passport, or other similar photographic identification; and
 - (B) provides a physical description of the individual, including the sex, race, date of birth, any distinguishing features, and weight of the individual; or
 - (iii) a statement by the dealer that:
 - (A) the dealer has known the transferor of the item for 10 years or longer and knows that the transferor has lived at his/her current residence for not less than 3 years;
 - (B) that the specific information required by subitems (i) or (ii) of this item (3) is retained in the dealer's records; and
 - (C) that a record of the transaction signed by the individual from whom the item is acquired is retained in the dealer's records;
 - (4) if the individual from whom the dealer acquires the item is acting as an agent for a principal, the same information for the principal as that which is required by item (3) of this subsection to be given for the agent;
 - (5) a statement indicating whether or not the person making the transfer is personally known to the dealer;
 - (6) A PHOTOGRAPH OF THE ITEM OR ITEMS; and
 - (7) [(6)] the signature of the dealer who accepted the item and, except for a transaction reported under item (3) (iii) of this subsection, the signature of the individual from whom the item is acquired.

§ 128. Filing with police.

(a) [In general.] HOW.

- (1) A dealer shall submit each daily report to the Police Department [by] IN TWO FORMATS:
 - (I) BY ELECTRONIC TRANSMITTAL, IN THE FORMAT AND MANNER REQUIRED BY THE POLICE COMMISSIONER; AND
 - (II) IN WRITING, ON THE FORMS SUPPLIED BY THE POLICE COMMISSIONER.
- (2) THE PHOTOGRAPH REQUIRED BY § 12-7(C)(6) OF THIS SUBTITLE NEED ONLY BE SUBMITTED IN ONE OF THESE FORMATS.

(B) WHEN.

[(1) delivering the report or electronically transmitting a facsimile of it before 10 a.m. on the business day immediately following the day for which the report is made; or

(2) mailing the report at the end of the business day for which the report is made.]

(1) THE ELECTRONIC REPORT SHALL BE SUBMITTED BEFORE 10 A.M. ON THE BUSINESS DAY IMMEDIATELY FOLLOWING THE DAY FOR WHICH THE REPORT IS MADE.

(2) THE WRITTEN REPORT SHALL BE SUBMITTED BY:

(I) MAILING THE REPORT AT THE END OF THE BUSINESS DAY FOR WHICH THE REPORT IS MADE; OR

(II) HAND DELIVERY OR FACSIMILE TRANSMISSION BEFORE 10 A.M. ON THE BUSINESS DAY IMMEDIATELY FOLLOWING THE DAY FOR WHICH THE REPORT IS MADE.

(C) [(b) Confidentiality] REPORTS CONFIDENTIAL.

A daily report submitted under this subtitle is confidential, as provided in § 12304(c) of the Business Regulation Article of the Maryland Code.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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