

CS FOR HOUSE BILL NO. 472(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/22/02

Referred: Rules

Sponsor(s): REPRESENTATIVES GREEN, McGuire, Meyer

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to certain persons who buy and sell secondhand articles and to certain**
2 **persons who lend money on secondhand articles."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 08.76.010 is repealed and reenacted to read:

5 **Sec. 08.76.010. Records and verification of identity.** (a) A person who is a
6 pawnbroker or a secondhand dealer shall maintain a record for at least one year of an
7 item purchased or acquired by the person as a pawnbroker or secondhand dealer if the
8 item

9 (1) has a serial number;

10 (2) has a resale value of \$75 or more; or

11 (3) is presented in a lot of 10 or more similar items, except for books,
12 in a seven-day period by one individual.

13 (b) The record required by (a) of this section must contain the following
14 information, which the pawnbroker or secondhand dealer shall record at the time of

1 each purchase or acquisition:

2 (1) the date of the purchase or acquisition;

3 (2) the name of the person conducting the purchase or acquisition;

4 (3) the name and address of the customer and a physical description of
5 the customer, including age, height, weight, race, color of hair, and color of eyes;

6 (4) a description of the item purchased or acquired that includes, for a
7 firearm, watch, camera, or optical equipment bought or acquired, the name of the
8 maker, the serial, model, or other number, and all letters and marks on the item;

9 (5) the price paid or amount loaned for the item;

10 (6) the signature of the customer and a notation by the person
11 conducting the purchase or acquisition naming the type of identification card used to
12 identify the customer under (c) of this section and giving the number of the card.

13 (c) The person actually conducting the purchase or acquisition for which a
14 signature is required under (b)(6) of this section shall verify the identity of the
15 customer by comparing the signature of the customer with the signature on a driver's
16 license, state identification card, or other identification card issued by a governmental
17 entity to the customer.

18 * **Sec. 2.** AS 08.76.020 is repealed and reenacted to read:

19 **Sec. 08.76.020. Manner of recording entry.** (a) A pawnbroker or
20 secondhand dealer shall record the information required by AS 08.76.010 by
21 handwriting or on a computer.

22 (b) If a pawnbroker or secondhand dealer records the information required by
23 AS 08.76.010 by handwriting, the written entry shall be made in a bound ledger,
24 appear in chronological order, and be made in ink or indelible pencil. A pawnbroker
25 or secondhand dealer may not leave blank lines between entries or make obliterations,
26 alterations, or erasures. A pawnbroker or secondhand dealer shall make corrections by
27 drawing a line in ink through the entry without destroying its legibility.

28 (c) If a pawnbroker or secondhand dealer records the information required by
29 AS 08.76.010 on a computer, then the pawnbroker or secondhand dealer shall use a
30 system that guarantees that a record cannot be eliminated after entry, including using
31 software that prevents elimination from the computer, saving printed serialized

1 receipts, or using another method acceptable to the police department or state troopers
2 to whom reports are submitted under AS 08.76.025.

3 * **Sec. 3.** AS 08.76 is amended by adding a new section to read:

4 **Sec. 08.76.025. Reports and availability of records.** (a) A pawnbroker or
5 secondhand dealer shall make all records required by this chapter, whether entered by
6 handwriting or in a computer, available for inspection by a law enforcement officer at
7 all reasonable times.

8 (b) A pawnbroker or secondhand dealer who is required to maintain records
9 under AS 08.76.010 shall provide a report every two weeks to

10 (1) the police department of the municipality where the person's
11 business is located; or

12 (2) the state troopers if the person's business is not located in a
13 municipality or is located in a municipality that does not provide police protection
14 services.

15 (c) The report required by (b) of this section must summarize all purchases
16 and acquisitions of the pawnbroker or secondhand dealer during the previous two
17 weeks for which the information under AS 08.76.010 is required and must be on a
18 form or in a format established by the Department of Public Safety for the report.

19 * **Sec. 4.** AS 08.76.030 is amended to read:

20 **Sec. 08.76.030. Criminal liability.** A person who knowingly violates
21 AS 08.76.010, [OR] 08.76.020, or 08.76.025 is guilty of a class A misdemeanor
22 [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN
23 \$500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY
24 BOTH].

25 * **Sec. 5.** AS 08.76.030 is amended by adding a new subsection to read:

26 (b) In this section, "knowingly" has the meaning given in AS 11.81.900.

27 * **Sec. 6.** AS 08.76 is amended by adding new sections to read:

28 **Sec. 08.76.050. Property holding requirement.** Unless the pawnbroker has
29 acquired the item from a retailer or a wholesaler, a pawnbroker who is subject to the
30 reporting requirements of AS 08.76.010 shall hold an acquired item for 30 days after
31 the item is received by the pawnbroker before the item may be sold or transferred to

1 another person.

2 **Sec. 08.76.095. Definitions.** In this chapter,

3 (1) "pawnbroker" means a person who engages in the business of
4 acquiring secondhand items as collateral for loans, but does not include a person
5 regulated under AS 06;

6 (2) "secondhand dealer" means a person who engages in the business
7 of purchasing secondhand articles for resale in whole or part, including a jeweler, a
8 furrier, a coin dealer, and a computer dealer, but does not include a motor vehicle
9 dealer or buyer's agent subject to AS 08.66.