

HOUSE BILL NO. 258

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE ROSES

Introduced: 5/13/07

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to pawnbrokers; and providing for an effective date."**

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

3 * **Section 1.** AS 08.01.010 is amended by adding a new paragraph to read:

4 (39) regulation of pawnbrokers (AS 08.76.100 - 08.76.195).

5 * **Sec. 2.** AS 08.76 is amended by adding new sections to read:

6 **Article 2. Licensing of Pawnbrokers.**

7 **Sec. 08.76.100. Licensing required.** (a) A person may not engage in business
8 as a pawnbroker without holding a license issued by the department.

9 (b) A license is not transferable or assignable.

10 **Sec. 08.76.110. Requirements for license.** The department may grant a
11 license to a person if the person has good character, has the experience to engage in
12 business as a pawnbroker, is fit to engage in business as a pawnbroker, submits an
13 application as required by the department under AS 08.01.060, pays a fee established
14 by the department under AS 08.01.065, and pays the investigation fee under
15 AS 08.76.120.

1 **Sec. 08.76.120. Investigation fee.** Notwithstanding AS 08.01.065, a person
2 applying for a license shall pay the department a nonrefundable initial investigation
3 fee of \$200. The investigation fee is nonrefundable even if the application is
4 considered withdrawn under AS 08.76.130.

5 **Sec. 08.76.130. Withdrawal of application.** The department may consider
6 that a person has withdrawn the person's application for a license if

7 (1) the application does not contain all of the required information; and
8 (2) the information required for the application is not submitted to the
9 department within 90 days after the department requests in writing that the person
10 provide the department with the information.

11 **Sec. 08.76.140. Duration of license.** Notwithstanding AS 08.01.100(a), a
12 license is valid from July 1 of one year through June 30 of the following year. An
13 initial license expires on the June 30th that follows the date the license is issued.

14 **Sec. 08.76.150. Renewal.** (a) Notwithstanding AS 08.01.100(b), a person shall
15 renew a license under AS 08.01.100 before July 1 of each year and, notwithstanding
16 AS 08.01.065, shall pay a renewal fee that is equal to the application fee established
17 under AS 08.76.110.

18 (b) Notwithstanding AS 08.01.100(b), if a person fails to renew a license
19 before September 1 of the calendar year when the license expires, the person shall pay
20 the department a delayed renewal penalty fee of \$100 in addition to the regular
21 renewal fee.

22 (c) If a person fails to renew the person's license before July 1, the person may
23 not engage in business as a pawnbroker until the person's license is renewed or a new
24 license is issued. A person who violates this subsection may be issued a citation under
25 AS 08.01.102.

26 (d) The department may refuse to issue or renew the license of a person who
27 violates this section for reasons that would have prevented the issuance of the license
28 to the person under AS 08.76.110.

29 **Sec. 08.76.170. Discipline.** (a) The department may, after notice to the
30 licensee and reasonable opportunity to be heard, take disciplinary action under
31 AS 08.01.075 against a licensee if the licensee, or an officer, agent, or employee of the

1 licensee violates AS 08.76.100 - 08.76.195.

2 (b) If the department takes disciplinary action under (a) of this section, the
3 department may not, for one year after the date of the disciplinary action, issue another
4 license to the licensee or a license to

5 (1) the spouse of the licensee;

6 (2) a partnership if the licensee is a partner of the partnership;

7 (3) a corporation if the licensee is an officer of the corporation;

8 (4) a limited liability company if the licensee is a member or manager
9 of the limited liability company; or

10 (5) an employee of the licensee.

11 **Sec. 08.76.180. Penalty.** Notwithstanding AS 08.01.075(a)(8), if a licensee, or
12 an officer, agent, or employee of a licensee violates AS 08.76.100 - 08.76.195, the
13 licensee is liable for a civil penalty. The penalty may not be less than \$200 or more
14 than \$2,000. The amount of the civil penalty must be appropriate to the seriousness of
15 the violation.

16 **Sec. 08.76.190. Regulations.** The department may adopt regulations to
17 implement AS 08.76.100 - 08.76.195.

18 **Sec. 08.76.195. Definitions.** In AS 08.76.100 - 08.76.195,

19 (1) "department" means the Department of Commerce, Community,
20 and Economic Development;

21 (2) "engage in business" includes advertising;

22 (3) "license" means a license to engage in business as a pawnbroker
23 under AS 08.76.100 - 08.76.195;

24 (4) "licensee" means a person who holds a license;

25 (5) "pawnbroker" means a person who lends money in exchange for

26 (A) a deposit or pledge of personal property; or

27 (B) a purchase of personal property where the person and the
28 seller agree that the person will make the personal property available to the
29 seller for repurchase within a specified time at a higher price;

30 (6) "personal property" does not include a security, a title to property, a
31 deed, a bill of sale, or a printed evidence of indebtedness.

1 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 TRANSITION: REGULATIONS. The Department of Commerce, Community, and
4 Economic Development may proceed to adopt regulations under AS 08.01.080 and
5 AS 08.76.190, enacted by sec. 2 of this Act, necessary to implement this Act. The regulations
6 take effect under AS 44.62 (Administrative Procedure Act), but not before July 1, 2008.

7 * **Sec. 4.** Section 3 of this Act takes effect immediately under AS 01.10.070(c).

8 * **Sec. 5.** Except as provided in sec. 4 of this Act, this Act takes effect July 1, 2008.