

**SENATE BILL NO. 292**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY SENATOR HUGGINS

Introduced: 2/24/10

Referred: Labor and Commerce, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the registration and operation of pawnbrokers and to the exemption**  
2 **for pawnbrokers under the Alaska Small Loans Act; and providing for an effective**  
3 **date."**

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

5 \* **Section 1.** AS 06.20.330(b) is amended to read:

6 (b) This chapter does not apply to individual loans by

7 (1) [PAWNBROKERS OR] loan shops where separate and individual  
8 loans do not exceed \$500; **or**

9 (2) a person who is regulated under AS 08.76.100 - 08.76.590.

10 \* **Sec. 2.** AS 08.01.010 is amended by adding a new paragraph to read:

11 (39) regulation of pawnbrokers (AS 08.76.100 - 08.76.590).

12 \* **Sec. 3.** AS 08.76.010(a) is amended to read:

13 (a) A person engaged in the business of buying and selling secondhand  
14 articles, [OR LENDING MONEY ON SECONDHAND ARTICLES,] except a bank

1 **or a person regulated by AS 08.76.100 - 08.76.590**, shall maintain a book, in  
 2 permanent form, in which the person shall enter in legible English at the time of each  
 3 [LOAN,] purchase [,] or sale

4 (1) the date of the transaction;

5 (2) the name of the person conducting the transaction;

6 (3) the name, age, and address of the customer;

7 (4) a description of the property bought [OR RECEIVED IN  
 8 PLEDGE], which includes, for any firearm, watch, camera, or optical equipment  
 9 bought [OR RECEIVED IN PLEDGE], the name of the maker, the serial, model, or  
 10 other number, and all letters and marks inscribed;

11 (5) the price paid [OR AMOUNT LOANED];

12 (6) the signature of the customer.

13 \* **Sec. 4.** AS 08.76.020 is amended to read:

14 **Sec. 08.76.020. Manner of recording entry.** The entries in the book [AND  
 15 THE ELECTRONIC RECORD] required by AS 08.76.010 shall appear in  
 16 chronological order [AND, WHEN MADE IN A BOOK,] in ink or indelible pencil.  
 17 Blank lines may not be left between entries. Obliterations, alterations, or erasures may  
 18 not be made. Corrections shall be made by drawing a line through the entry without  
 19 destroying its legibility, and [, WHEN MADE IN A BOOK,] the line shall be drawn in  
 20 ink. The book shall be open to the inspection of a peace officer at reasonable times.

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

22 **Article 2. Licensing and Regulation of Pawnbrokers.**

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

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

26 **Sec. 08.76.110. Requirements for license.** The department may issue a license  
 27 to a person if the person

28 (1) has good character;

29 (2) has the experience to engage in business as a pawnbroker;

30 (3) is fit to engage in business as a pawnbroker;

31 (4) submits an application as required by the department under

1 AS 08.01.060;

2 (5) pays a fee established by the department under AS 08.01.065; and

3 (6) pays the investigation fee under AS 08.76.120.

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

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

10 (1) the application does not contain all of the required information; or

11 (2) the information required for the application is not submitted to the  
12 department within 90 days after the department requests in writing that the person  
13 provide the department with the information.

14 **Sec. 08.76.140. Duration and renewal of license.** (a) A license is valid for  
15 two years.

16 (b) A person may renew a license under AS 08.01.100. The renewal fee must  
17 be equal to the fee established under AS 08.76.110(5).

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

22 (d) If a person fails to renew the person's license, the person may not engage  
23 in business as a pawnbroker until the person's license is renewed or a new license is  
24 issued.

25 (e) The department may refuse to renew a license under this section for  
26 reasons that would have prevented the issuance of the license to the person under  
27 AS 08.76.110.

28 **Sec. 08.76.160. Amount financed.** Except for the limitations in AS 08.76.210  
29 and 08.76.220 on interest and other charges that a licensee may charge, a licensee may  
30 enter into a pawn transaction for any amount.

31 **Sec. 08.76.170. Customer and transaction limitations.** (a) A pawnbroker

1 may not knowingly enter into a pawnbroker transaction with a person who is

2 (1) under 18 years of age;

3 (2) under the influence of alcohol or a controlled substance when the  
4 influence is apparent; or

5 (3) using the name of another person.

6 (b) A pawnbroker may not knowingly accept or receive misappropriated  
7 property from a person in a pawnbroker transaction.

8 **Sec. 08.76.180. Record of pawnbroker transactions.** (a) A pawnbroker shall  
9 maintain a record in which the pawnbroker shall enter in legible English at the time of  
10 each loan, purchase, or sale

11 (1) the date of the pawnbroker transaction;

12 (2) the name of the person conducting the pawnbroker transaction;

13 (3) the name, age, and address of the pledgor or purchaser;

14 (4) a description of the pledged property or purchased property,  
15 including, with regard to a firearm, a watch, a camera, or optical equipment, the name  
16 of the maker, the serial number, model number, or other number, and all letters and  
17 marks inscribed on the item of property;

18 (5) the price paid or amount loaned;

19 (6) the signature of the pledgor or seller; and

20 (7) the type of identification used by the pledgor or seller, the name of  
21 the government agency that issued the identification, and the number written on the  
22 identification.

23 (b) A pawnbroker may make a record in a book or in an electronic format.

24 (c) A pawnbroker may not falsify or intentionally fail to make an entry of a  
25 material matter in a pawnbroker record.

26 (d) A pawnbroker may not knowingly obliterate, discard, or destroy the record  
27 of a completed pawnbroker transaction within one year after the completion of a  
28 pawnbroker transaction.

29 **Sec. 08.76.190. Recording requirements.** The records required by  
30 AS 08.76.180 must appear in chronological order and, if made in a book, in ink or  
31 indelible pencil. Blank lines may not be left between entries. A pawnbroker may not

1 change a record by obliteration, alteration, or erasure. A pawnbroker may correct a  
2 record by drawing a line through the entry without destroying its legibility.

3 **Sec. 08.76.200. Transaction agreement.** A pawnbroker shall provide to a  
4 pledgor or seller a copy of the agreement between the pawnbroker and the pledgor or  
5 seller. The agreement must disclose each fee charged under AS 08.76.210 or  
6 08.76.220. The agreement must be on a form approved by the department.

7 **Sec. 08.76.210. Finance fee.** (a) Except as provided in AS 08.76.280, for each  
8 30-day period of a pawn transaction, including a grace period, a pawnbroker may  
9 charge a pledgor a finance fee of \$5 or an amount that equals interest at a rate that  
10 does not exceed 20 percent of the amount financed, whichever amount is greater.

11 (b) A finance fee is considered to be earned on the day that the pawn  
12 transaction is entered into and on the first day of each subsequent 30-day period of the  
13 pawn transaction.

14 **Sec. 08.76.220. Other charges allowed.** (a) Except as provided in  
15 AS 08.76.280, a pawnbroker may charge a processing fee of not more than \$5 for each  
16 pawn transaction for preparing and processing the pawn transaction documentation,  
17 providing reports to law enforcement officers, paying expenses, providing other  
18 services, and for losses.

19 (b) A pawnbroker may charge a pledgor who places with the pawnbroker a  
20 firearm that is required by law to be registered

21 (1) a registration fee of not more than \$5; and

22 (2) a governmental fee.

23 **Sec. 08.76.230. Insurance.** A pawnbroker may not sell to a pledgor or  
24 otherwise charge a pledgor for insurance in connection with a pawn transaction,  
25 except to cover the shipment of pledged property that is redeemed by mail.

26 **Sec. 08.76.240. Return of pledged property.** A pawnbroker shall return  
27 pledged property to a pledgor when the pledgor redeems the pledged property. The  
28 pawnbroker shall provide the pledgor with a receipt showing the redemption. The  
29 receipt must be on a form approved by the department.

30 **Sec. 08.76.250. Extension of grace period.** A pawnbroker and a pledgor may  
31 agree to extend the 30-day grace period allowed under AS 08.76.270(b), but each

1 extension may not exceed 30 days. An extension must be in writing, and the  
2 pawnbroker shall give the pledgor a copy of the extension agreement. The agreement  
3 must clearly state the last day of the extension and the finance fee charged for the  
4 extension.

5 **Sec. 08.76.260. Retention, storage, and lease.** A pawnbroker shall store  
6 pledged property in a secure area and maintain the pledged property in an unaltered  
7 condition. A pawnbroker may not lease pledged property.

8 **Sec. 08.76.270. Redemption.** (a) Unless there is a hold order on the pledged  
9 property, the pledged property is subject to a claim under AS 08.76.370 or 08.76.380,  
10 or the property is returned to a lessor under AS 08.76.400, a pledgor may redeem  
11 pledged property by paying the amount financed and the finance fee in full before the  
12 pawnbroker's scheduled closing time on the maturity date.

13 (b) If a pledgor does not pay the amount financed and the finance fee in full  
14 before the pawnbroker's scheduled closing time on the maturity date, the pawnbroker  
15 shall hold the pledged property on the pawnbroker's business premises for a grace  
16 period of 30 days plus any extension allowed under AS 08.76.250. A pledgor may  
17 redeem the pledged property during the actual grace period by paying the amount  
18 financed and the finance fee, but a pledgor may not redeem pledged property after the  
19 pawnbroker's scheduled closing time on the last day of the actual grace period. In this  
20 subsection, "actual grace period" means the grace period plus any extension allowed  
21 under AS 08.76.250.

22 (c) If there is a hold order on pledged property, the pledgor may redeem the  
23 pledged property only when the hold order is released.

24 (d) If pledged property is subject to a claim under AS 08.76.370 or 08.76.380,  
25 the pledgor may redeem the pledged property only when the pledged property  
26 becomes available under AS 08.76.370 or 08.76.380 for redemption.

27 (e) If a pledgor does not redeem pledged property under (a) - (d) of this  
28 section, the title and all interest in the pledged property transfer to the pawnbroker.

29 (f) The holder of a pawn ticket is presumed to be the person who is entitled to  
30 redeem the pledged property that is the subject of the pawn ticket, and a pawnbroker  
31 shall deliver the pledged property to the person who presents the pawn ticket and pays

1 the amount financed and the finance fee for the pawn transaction.

2 **Sec. 08.76.280. Military personnel.** A pawnbroker shall waive the unpaid  
3 amount financed and the finance fee due on a pawn transaction and hold, except as  
4 provided in AS 08.76.320 - 08.76.380, the pledged property that is the subject of the  
5 pawn transaction on the pawnbroker's business premises until 60 days after the  
6 pledgor, the pledgor's spouse, or the pledgor's dependent returns to the United States,  
7 if the pawnbroker receives a copy of military orders indicating that

8 (1) the pledgor, or the pledgor's spouse or dependent, is enlisted in the  
9 military service of a state or the federal government; and

10 (2) after the pawn transaction was entered into, the person was or is to  
11 be deployed abroad for service relating to a military conflict.

12 **Sec. 08.76.290. Business operation method and hours.** A pawnbroker may  
13 not engage in the business of being a pawnbroker

14 (1) by using a method, including a drive-through window, in which a  
15 person remains in a motor vehicle while conducting the pawnbroker transaction; or

16 (2) between the hours of 12 midnight and 6:00 a.m.

17 **Sec. 08.76.300. Waiver prohibited.** A pawnbroker may not require or allow a  
18 person to waive a provision of AS 08.76.100 - 08.76.590.

19 **Sec. 08.76.310. Employees.** A pawnbroker may not knowingly employ a  
20 person to work in a pawnshop if, within five years before the employment begins, the  
21 person was convicted of, entered a plea of guilty to, entered a plea of no contest to, or  
22 had adjudication withheld for a felony, or for a misdemeanor involving dishonesty.

23 **Sec. 08.76.320. Issuance of police hold order.** (a) When a law enforcement  
24 officer has probable cause to believe that property in the possession of a pawnbroker  
25 at a pawnshop in the law enforcement officer's jurisdiction has been misappropriated,  
26 the law enforcement officer may issue a police hold order that directs the pawnbroker  
27 not to release or dispose of the property until the police hold order terminates or a  
28 court orders the release or disposal.

29 (b) Unless a pawnbroker or the pawnbroker's designee refuses to sign the  
30 police hold order, a police hold order begins when the pawnbroker or the pawnbroker's  
31 designee receives the police hold order. If the pawnbroker or the pawnbroker's

1 designee refuses to sign the police hold order, the police hold order begins when the  
2 refusal occurs.

3 **Sec. 08.76.330. Evidentiary hold order.** (a) When property in the possession  
4 of the pawnbroker may be needed as evidence in a filed court action involving a  
5 criminal charge, a law enforcement agency may issue an evidentiary hold order to a  
6 pawnbroker that directs the pawnbroker not to release or dispose of the property until  
7 the evidentiary hold order terminates or a court orders the release or disposal.

8 (b) A pawnbroker who receives an evidentiary hold order under (a) of this  
9 section shall hold the property until the attorney general notifies the pawnbroker in  
10 writing of the disposition of the filed court action. The attorney general shall notify the  
11 pawnbroker within 15 days after the disposition of the filed court action for which the  
12 property may be needed as evidence.

13 **Sec. 08.76.340. Contents and form of hold order.** A hold order must be in  
14 writing and contain

15 (1) the name of the pawnbroker;

16 (2) if a police hold order, the name, title, and identification number of  
17 the law enforcement officer issuing the police hold order, and the name and address of  
18 the law enforcement agency for which the law enforcement officer is acting;

19 (3) if an evidentiary hold order, the name and address of the law  
20 enforcement agency issuing the evidentiary hold order;

21 (4) the number, if any, assigned by the law enforcement agency to the  
22 case, and, for an evidentiary hold order, the number and caption of the filed court  
23 action;

24 (5) a complete description of the property being held, including the  
25 model number and serial number, if any;

26 (6) if a police hold order, the name of the person, if any, who reported  
27 the property as misappropriated;

28 (7) the mailing address of the pawnshop where the property is being  
29 held; and

30 (8) the expiration date of the hold order.

31 **Sec. 08.76.350. Duration of police hold order.** (a) A police hold order may

1 not exceed 30 days. However, a law enforcement officer may extend the police hold  
2 order for two additional successive 30-day periods by giving written notification to the  
3 pawnbroker before the expiration of each 30-day period.

4 (b) A law enforcement agency may not issue a new police hold order for the  
5 same property after the second additional 30-day period allowed under this section.  
6 However, the termination of the police hold order does not affect an existing  
7 evidentiary hold order on the same property or prevent the issuance of an evidentiary  
8 hold order for the same property.

9 (c) A law enforcement agency may release a police hold order before the end  
10 of a 30-day period by issuing a written release to the pawnbroker.

11 **Sec. 08.76.360. Noncompliance with hold order.** The department may  
12 suspend or revoke a pawnbroker's license if the pawnbroker knowingly fails to comply  
13 with a hold order.

14 **Sec. 08.76.370. Claim notification.** (a) If a person believes that property in the  
15 possession of a pawnbroker was misappropriated from the person, and if the person  
16 wants to obtain possession of the property from the pawnbroker, the person shall first  
17 notify the pawnbroker by certified mail, return receipt requested, or in person of the  
18 person's claim and obtain a signed receipt from the pawnbroker that the pawnbroker  
19 was notified.

20 (b) A notice under (a) of this section must contain a complete and accurate  
21 description of the property and, if the claimant alleges that the property was stolen, be  
22 accompanied by a legible copy of a law enforcement agency's report indicating that  
23 the property was stolen.

24 (c) Except as provided in AS 08.76.380, a pawnbroker may not, for 30 days  
25 after the pawnbroker receives notice of the claim under this section, dispose of  
26 property that is the subject of a claim.

27 **Sec. 08.76.380. Court action on claim.** If a claimant and a pawnbroker do not  
28 resolve a claim within 10 days after the pawnbroker's receipt of a notice of the claim  
29 under AS 08.76.370, the claimant may bring an action in superior court to require the  
30 pawnbroker to return the property to the claimant. After a pawnbroker is notified that a  
31 court action has been filed, the pawnbroker may not dispose of the property until the

1 court disposes of the court action, disposes of the property, or allows the pawnbroker  
2 to dispose of the property.

3 **Sec. 08.76.390. Liability of pledgor.** A pledgor or seller of property to a  
4 pawnbroker is liable to the pawnbroker for the full amount that the pledgor or seller  
5 received from the pawnbroker, all charges owed by the pledgor for the pawnbroker  
6 transaction, and attorney fees and other costs as allowed by the rules of court if, in an  
7 action under AS 08.76.380,

8 (1) the superior court determines that the pledgor or seller  
9 misappropriated the property from the claimant; and

10 (2) the superior court orders the pawnbroker to return the property to  
11 the claimant.

12 **Sec. 08.76.400. Recovery of leased property.** (a) If property in the possession  
13 of a pawnbroker was leased to a pledgor or seller when the pledgor or seller pledged  
14 or sold the property to the pawnbroker, but the property did not have a permanent  
15 label or other conspicuous mark identifying it as the lessor's property, the pawnbroker  
16 shall return the property to the lessor if the lessor

17 (1) provides the pawnbroker with evidence that the property was the  
18 lessor's property and was leased to the pledgor or seller at the time the property was  
19 pledged or sold to the pawnbroker; and

20 (2) pays the pawnbroker

21 (A) the amount financed and the finance fee for the pawn  
22 transaction, if the property was pledged to the pawnbroker; or

23 (B) the amount that the pawnbroker paid the seller if the  
24 property was sold to the pawnbroker.

25 (b) A pawnbroker is not liable to the pledgor or seller of property that is  
26 recovered by a lessor under (a) of this section for returning the property to a lessor  
27 under (a) of this section.

28 **Sec. 08.76.410. Law enforcement reports.** (a) A pawnbroker shall provide a  
29 law enforcement officer with a law enforcement report in paper or electronic format  
30 on a daily or weekly basis, as determined by the law enforcement officer.

31 (b) A law enforcement report is confidential under AS 40.25.100 - 40.25.220,

1 and a law enforcement officer and a law enforcement agency may only use a law  
 2 enforcement report to investigate a crime involving the property that is the subject of  
 3 the pawnbroker transactions of the pawnbroker.

4 **Sec. 08.76.420. Contents of law enforcement reports.** (a) A law enforcement  
 5 report must contain

6 (1) a complete and accurate description of all property pledged to or  
 7 purchased by the pawnbroker, including, as applicable, the property's

8 (A) brand name, model number, and manufacturer's serial  
 9 number;

10 (B) size and the color that is apparent to an untrained eye;

11 (C) precious metal type, weight, and content, if known;

12 (D) gemstone description;

13 (E) type of action, caliber or gauge, number of barrels, barrel  
 14 length, and finish, if the property is a firearm; and

15 (F) other unique identifying marks, numbers, names, and  
 16 letters; and

17 (2) the number of the pawnbroker transaction document that the  
 18 pawnbroker used to document the pawnbroker transaction.

19 (b) Notwithstanding (a) of this section, the description of the items under  
 20 (a)(1) of this section is adequate if the description gives the quantity of the items and  
 21 describes the type of the items if the pawnbroker transaction consists solely of  
 22 multiple items that are of a similar type, do not have serial or model numbers, and do  
 23 not contain precious metals or gemstones.

24 **Sec. 08.76.430. Review by law enforcement officers.** (a) A pawnbroker shall  
 25 make purchased property, records, and pledged property that has not been redeemed  
 26 available for inspection by a law enforcement officer during normal business hours  
 27 during the 30 days after the pawnbroker transaction is entered into.

28 (b) A pawnbroker may not refuse to allow the department, a law enforcement  
 29 officer, a law enforcement agency, or the state attorney general to inspect the  
 30 pawnbroker's pledged property, purchased property, or records during the ordinary  
 31 hours of the pawnbroker's business or at other mutually acceptable times.

1                   **Sec. 08.76.440. Discipline.** (a) The department may, after notice to the licensee  
 2 and reasonable opportunity to be heard, take the following disciplinary action against a  
 3 licensee if the licensee or an officer, agent, or employee of the licensee violates  
 4 AS 08.76.100 - 08.76.590:

- 5                   (1) permanently revoke a license;
- 6                   (2) suspend a license for a specified period;
- 7                   (3) censure or reprimand a licensee;
- 8                   (4) impose limitations or conditions on the licensee;
- 9                   (5) impose probation requiring a licensee to report regularly to the  
 10 department on matters related to the grounds for probation;
- 11                  (6) impose on the licensee a civil fine not to exceed \$5,000;
- 12                  (7) order the licensee to make restitution.

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

- 16                  (1) the spouse of the licensee;
- 17                  (2) a partnership if the licensee is a partner of the partnership;
- 18                  (3) a corporation if the licensee is an officer of the corporation,  
 19 including a member of the board of directors of the corporation;
- 20                  (4) a limited liability company if the licensee is a member or manager  
 21 of the limited liability company; or
- 22                  (5) an employee of the licensee.

23                  (c) Before taking disciplinary action under (a) of this section, the department  
 24 shall allow a licensee 30 days to correct the violation.

25                  **Sec. 08.76.450. Penalty.** If a licensee, or an officer, agent, or employee of a  
 26 licensee violates AS 08.76.100 - 08.76.590, the licensee is liable to the state for a civil  
 27 penalty. Notwithstanding AS 08.01.075(a)(8), the penalty may not be less than \$200  
 28 or more than \$2,000. The amount of the civil penalty must be adjusted to the  
 29 seriousness of the violation.

30                  **Sec. 08.76.460. Criminal liability.** A person who violates AS 08.76.100 -  
 31 08.76.590 is guilty of a misdemeanor and upon conviction is punishable by a fine of

1 not more than \$500, or by imprisonment for not more than six months, or by both.

2 **Sec. 08.76.480. Municipal regulation.** (a) Subject to (b) of this section, a  
3 municipality with the authority under AS 29 to enact ordinances regulating  
4 pawnbrokers and pawnbroker transactions may adopt an ordinance regulating  
5 pawnbrokers and pawnbroker transactions if the ordinance complies with  
6 AS 08.76.100 - 08.76.590. However, the ordinance may not be more restrictive than  
7 AS 08.76.100 - 08.76.590.

8 (b) A municipality may not enact an ordinance that

9 (1) requires the payment of a fee or tax related to a pawnbroker  
10 transaction; or

11 (2) restricts the hours of operation of a pawnbroker, except that an  
12 ordinance may prohibit pawnbrokers from operating as provided under  
13 AS 08.76.290(2).

14 (c) An ordinance that violates this section is void.

15 **Sec. 08.76.490. Regulations.** (a) The department may adopt regulations to  
16 implement AS 08.76.100 - 08.76.590.

17 (b) Before the department adopts a regulation to implement AS 08.76.100 -  
18 08.76.590, the department shall, in addition to any other requirements under AS 44.62  
19 (Administrative Procedure Act), notify licensees of the proposed regulation. After the  
20 regulation is adopted, the department shall send each licensee a copy of the regulation  
21 adopted.

22 **Sec. 08.76.500. Exemptions.** This chapter does not apply to

23 (1) a financial institution that is subject to the regulation of the  
24 department under AS 06, including a commercial bank, savings bank, credit union,  
25 premium finance company, small loan company, bank holding company, financial  
26 holding company, trust company, savings and loan association, and deferred deposit  
27 advance licensee under AS 06.50; or

28 (2) a financial institution organized under federal law.

29 **Sec. 08.76.590. Definitions.** In AS 08.76.100 - 08.76.590,

30 (1) "amount financed" means the amount of money, excluding a  
31 finance fee, charged by a pawnbroker for a pawn transaction;

- 1 (2) "business" includes advertising;
- 2 (3) "claim" means a claim under AS 08.76.370;
- 3 (4) "claimant" means a person who makes a claim;
- 4 (5) "department" means the Department of Commerce, Community,  
5 and Economic Development;
- 6 (6) "evidentiary hold order" means an evidentiary hold order  
7 authorized under AS 08.76.330;
- 8 (7) "finance fee" means all the amounts that a pawnbroker may charge  
9 under AS 08.76.210;
- 10 (8) "governmental fee" means a fee imposed by a governmental  
11 agency on a pawnbroker to hold or transfer a firearm or conduct a background check  
12 required by the governmental agency;
- 13 (9) "grace period" means the 30-day period after a maturity date during  
14 which a pawnbroker is required by AS 08.76.270(b) to retain possession of pledged  
15 property;
- 16 (10) "hold order" means a police hold order or an evidentiary hold  
17 order;
- 18 (11) "identification" means
- 19 (A) a government-issued identification document that contains  
20 a photograph; or
- 21 (B) an electronic image of a document identified under (A) of  
22 this paragraph;
- 23 (12) "knowingly" has the meaning given in AS 11.81.900;
- 24 (13) "law enforcement agency" means
- 25 (A) the police department of a municipality where a pawnshop  
26 is located;
- 27 (B) the Department of Law;
- 28 (C) the Department of Public Safety;
- 29 (14) "law enforcement officer" means
- 30 (A) a police officer of the municipality where a pawnshop is  
31 located; or

1 (B) a state trooper if a pawnshop is located in the unorganized  
2 borough or if a pawnshop is located in a municipality that does not provide  
3 police protection services;

4 (15) "law enforcement report" means a report required by  
5 AS 08.76.410;

6 (16) "lease" means any form of rental;

7 (17) "license" means a license to engage in business as a pawnbroker  
8 issued under AS 08.76.110;

9 (18) "licensee" means a person who holds a license;

10 (19) "maturity date" means the date by which a pledgor is required to  
11 pay a pawnbroker the amount financed and the finance fee for a pawn transaction, but  
12 does not include a grace period;

13 (20) "misappropriated" means pledged or sold to a pawnbroker

14 (A) after being stolen; or

15 (B) while being leased to the pledgor or seller by another  
16 person if the property has a permanent label or other conspicuous mark  
17 identifying it as another person's property;

18 (21) "pawnbroker" means a person who lends money in exchange for a  
19 pledge of property;

20 (22) "pawnbroker transaction" means a pawn transaction or purchase;

21 (23) "pawn transaction" means a pledge given in exchange for a loan  
22 by a pawnbroker;

23 (24) "personal property" means tangible personal property, but does  
24 not include a security, a title to property, a deed, a bill of sale, or printed evidence of  
25 indebtedness;

26 (25) "pledge" means a deposit of property as security for payment of  
27 financial obligations to a pawnbroker in a pawn transaction;

28 (26) "pledged property" means the property that is pledged in a pawn  
29 transaction;

30 (27) "pledgor" means

31 (A) a person who delivers property to a pawnbroker for a pawn

1 transaction; or

2 (B) the principal, if the person who delivers property to a  
3 pawnbroker for a pawn transaction discloses that the delivery person is acting  
4 for a principal;

5 (28) "police hold order" means a hold order authorized under  
6 AS 08.76.320;

7 (29) "property" means personal property;

8 (30) "purchase" means a purchase of property by a pawnbroker that is  
9 not a pawn transaction;

10 (31) "record" means the record required to be maintained by  
11 AS 08.76.180;

12 (32) "redeem" means to obtain the return of pledged property under  
13 AS 08.76.270;

14 (33) "registration fee" means a fee for registering a firearm;

15 (34) "seller" means a person who sells property to a pawnbroker, but  
16 does not include a pledgor.

17 \* **Sec. 6.** AS 08.76.010(b) and 08.76.040 are repealed.

18 \* **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to  
19 read:

20 TRANSITION: REGULATIONS. The Department of Commerce, Community, and  
21 Economic Development may proceed to adopt regulations under AS 08.01.080 and  
22 AS 08.76.490, enacted by sec. 5 of this Act, necessary to implement this Act. The regulations  
23 take effect under AS 44.62 (Administrative Procedure Act), but not before July 1, 2011.

24 \* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to  
25 read:

26 TRANSITION: CURRENT MUNICIPAL LICENSEES. (a) Notwithstanding  
27 AS 08.76.100, enacted by sec. 5 of this Act, a person who holds a current municipal license  
28 on July 1, 2011, may continue to engage in business as a pawnbroker through June 30, 2014,  
29 without having a license issued by the Department of Commerce, Community, and Economic  
30 Development.

31 (b) Notwithstanding AS 08.76.110, enacted by sec. 5 of this Act, the department shall

1 issue a license to a person who holds a municipal license if the person

2 (1) submits, before July 1, 2014, an application as required by the department  
3 under AS 08.01.060; and

4 (2) pays a fee established by the department under AS 08.01.065.

5 (c) In this section,

6 (1) "license" has the meaning given in AS 08.76.590, enacted by sec. 5 of this  
7 Act;

8 (2) "municipal license" means a license that is issued by a municipality to  
9 authorize a person to engage in business as a pawnbroker; in this paragraph, "business" has  
10 the meaning given in AS 08.76.590, enacted by sec. 5 of this Act;

11 (3) "pawnbroker" has the meaning given in AS 08.76.590, enacted by sec. 5 of  
12 this Act.

13 \* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to  
14 read:

15 **TRANSITION: EXISTING ORDINANCES.** An ordinance of a municipality that is in  
16 effect on July 1, 2011, and that violates AS 08.76.480, enacted by sec. 5 of this Act, is void.

17 \* **Sec. 10.** Section 7 of this Act takes effect immediately under AS 01.10.070(c).

18 \* **Sec. 11.** Except as provided in sec. 10 of this Act, this Act takes effect July 1, 2011.