

# Prince George's County Council

## Agenda Item Summary

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**Meeting Date:** 9/28/2010  
**Reference No.:** CB-040-2010  
**Draft No.:** 3  
**Proposer(s):** Olson, Dernoga  
**Sponsor(s):** Olson, Dernoga, Bland, Turner, Exum, Knotts  
**Item Title:** An Act concerning Secondhand and Pawn Dealers for the purpose of further clarifying the definition of tangible personal property, the exceptions provision, and general regulations as it relates to the second hand dealer licensing

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**Drafter:** Carmen N Jackson-Brown, Legislative Officer  
**Resource Personnel:** Dannielle M. Glaros, Legislative Aide

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	5/11/2010	<b>Executive Action:</b>	10/14/2010 S
<b>Committee Referral:</b>	5/11/2010 - THE	<b>Effective Date:</b>	11/29/2010

**Committee Action:** 7/8/2010 - FAV

**Date Introduced:** 7/13/2010  
**Public Hearing:** 9/7/2010 - 10:00 AM

**Council Action (1)** 9/28/2010 - ENACTED  
**Council Votes:** MB:A, WC:-, SHD:A, TD:A, CE:A, AH:A, TK:A, EO:A, IT:A  
**Pass/Fail:** P  
**Remarks:**

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### AFFECTED CODE SECTIONS:

05-233, 05-234, 05-235, 05-240, 28-265

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### COMMITTEE REPORTS:

**Transportation, Housing and Environment Committee** **Date 7/8/2010**

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members Dernoga, Olson, Knotts and Turner)

The Legislative Officer provided a summary of the bill and referral comments that were received. CB-40-2010 is an act concerning Second Hand and Pawn Dealers for the purpose of further clarifying the definition of tangible personal property, the exception provisions, and general regulations as it relates to second hand dealer licensing.

The Department of Environmental Resources and the Police provided additional information to the Committee and spoke in support of this legislation.

The Office of Law determined that CB-40-2010 was in proper legislative form.

The Office of Audits and Investigation indicated there may be a positive fiscal impact the County as a result of adopting CB-40-2010.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

(Includes reason for proposal, as well as any unique statutory requirements)

Prince George's County has been delegated police power by subsection (S) Article 25A §5 Annotated Code of Maryland, also referred to as the General Welfare Clause, which includes the power to regulate private businesses to the extent necessary to protect the public health, safety, morals and welfare. The proliferation of consumable goods being re-sold by Secondhand and Pawn Dealers places at risk the health and safety of the public. This legislation will amend the provisions of the County Code governing the licensing of Secondhand and Pawn Dealers.

9/28/2010: CB-40-2010 (DR-2) was amended prior to enactment as follows:

On page 4 line 2; add "Such provision would not preclude the capital stock of publically traded companies, trading on a public stock exchange and registered with the Securities and Exchange Commission (the "SEC"), from being bought and sold."

CB-40-2010 (DR-3) was enacted.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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