

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2017 Legislative Session

Bill No. CB-14-2017

Chapter No. 77

Proposed and Presented by Council Members Patterson and Toles

Introduced by Council Members Patterson, Lehman, Harrison and Davis

Co-Sponsors _____

Date of Introduction October 17, 2017

BILL

1 AN ACT concerning

2 Secondhand and Pawn Dealers

3 For the purpose of repealing the requirement that a pawn dealer or secondhand precious metal
 4 objects dealer pay a transaction fee and requiring that secondhand dealers pay a transaction fee to
 5 submit an electronic report required pursuant to State law, providing for a certain effective date,
 6 and generally relating to pawn dealers, secondhand dealers and secondhand precious metal
 7 objects dealers.

8 BY repealing and reenacting with amendments:

9 SUBTITLE 5. BUSINESSES AND LICENSES.

10 Section 5-237,

11 The Prince George's County Code

12 (2015 Edition; 2016 Supplement).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 14 Maryland, that Section 5-237 of the Prince George's County Code be and the same is hereby
 15 repealed and reenacted with the following amendments:

16 **SUBTITLE 5. BUSINESSES AND LICENSES.**

17 **DIVISION 19. SECONDHAND AND PAWN DEALERS.**

18 **Sec. 5-237. Requirement for record.**

19 (a) Each secondhand dealer or pawn dealer shall record or cause to be recorded the
 20 purchase, barter, exchange, pledge, or other receipt by him of any item described in Section 5-
 21 233 and also any subsequent disposition of that item from his possession. This Section does not

1 apply to entities operating as a licensed Automotive Dismantler and Recycler as defined by Title
2 15 -Section 501(b) of the Transportation Article of the Annotated Code of Maryland. Licensed
3 Automotive Dismantler and Recycler entities are not secondhand dealers. Information shall be
4 recorded on electronic data storage media in a format specified by the County Police Department
5 and shall include:

6 (1) The date, time, and place of the transaction;

7 (2) The name and address of the principal, if the transaction is by an agent;

8 (3) A comprehensive description of the items, including any visible identification
9 marks such as initials, name of manufacturer, model and serial numbers, and owner applied
10 identification numbers, and whether the item appears to be new or unused or in its original box
11 or packaging;

12 (4) Consideration received;

13 (5) The name, address, telephone number, date of birth, and physical description,
14 including the sex, race, distinguishing features, approximate age, height, weight, hair and eye
15 color of the person or persons from whom the item is received and to whom it is disposed. The
16 secondhand dealer or pawn dealer shall require two forms of identification of those persons by a
17 driver's license or similar credentials. The record shall be signed by the dealer or dealer's agent,
18 where applicable, and the seller.

19 (6) The secondhand dealer or pawn dealer shall retain a copy of the above records for
20 three (3) years after the date of the transaction.

21 (b) The requirements imposed upon a secondhand dealer or pawn dealer by this Section
22 shall also be binding upon any employee or other person acting for the secondhand dealer or
23 pawn dealer.

24 (c) The completed County Police Department form shall be submitted by the secondhand
25 dealer or pawn dealer to the County Police Department by:

26 (1) Delivering or electronically transmitting the copy by 10:00 A.M. on the next
27 business day after the record is made; or

28 (2) Mailing the copy at the end of the business day when the record is made, by first
29 class mail, from a post office or mailbox in Prince George's County.

30 (d) All secondhand dealers and pawn dealers shall be required to electronically report in
31 the Regional Automated Property Information Database (RAPID) or other designated database.

1 The County Police Department shall designate a business entity to collect an electronic reporting
2 fee from secondhand dealers [and pawn dealers].

3 [(e) Secondhand dealers shall report directly to the business entity designated by the County
4 Police Department for reporting and payment of the RAPID fee or other designated database
5 fee.]

6 [(f)] (e) [Pawn dealers shall report directly to the business entity for reporting in the RAPID
7 or other designated database but their fee shall be paid by a third party. If at some time, the third
8 party ceases payment of the RAPID fee or other designated database fee for secondhand dealers,
9 the] The secondhand dealers [and pawn dealers] shall pay the RAPID fee or other designated
10 database fee directly to the business entity designated by the County Police Department for
11 reporting and payment.

12 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
13 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
14 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
15 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
16 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
17 Act, since the same would have been enacted without the incorporation in this Act of any such
18 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
19 or section.

20 SECTION 3. BE IT FURTHER ENACTED that if the imposition of a secondhand dealer
21 electronic database fee is on the 2018 General Election Ballot and a majority of the votes cast on
22 the question are “For”, this Act shall become effective on the 30th day following the official
23 canvass of votes for the referendum; or if the imposition of a secondhand dealer electronic
24 database fee is not on the 2018 General Election Ballot, this Act shall be effective on January 1,
25 2019.

Adopted this 14th day of November, 2017.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Derrick Leon Davis
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

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