

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/3/2009
Reference No.: CB-038-2009
Draft No.: 1
Proposer(s): Olson
Sponsor(s): Olson, Exum, Dernoga
Item Title: An Act concerning Secondhand and Pawn Dealers for the purpose of clarifying the definition of tangible personal property; requiring the display of licenses and ordinances; and making related clarifying amendments

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

LEGISLATIVE HISTORY:

Date Presented:	9/29/2009	Executive Action:	11/16/2009 S
Committee Referral:	9/29/2009 - THE	Effective Date:	1/4/2010

Committee Action: 10/8/2009 - FAV

Date Introduced: 10/13/2009
Public Hearing: 11/3/2009 - 10:00 AM

Council Action (1) 11/3/2009 - ENACTED
Council Votes: MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, TK:-, EO:A, IT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

05-233, 05-234, 05-234.01, 05-235, 05-240

COMMITTEE REPORTS:

Transportation, Housing and Environment

Date 10/8/2009

Committee Vote: Favorable, 5-0 (In favor: Council Members Dernoga, Dean, Turner, Knotts and Harrison)

The Legislative Officer provided a summary of the bill and referral comments that were received. CB-38-2009 concerns Second Hand Pawn Dealers for the purpose of clarifying the definition of tangible personal property, requiring the display of licenses and ordinances, and making related clarifying amendments.

The purpose of the bill is to: (1) clearly define that certain consumer goods, such as cosmetics, drugs, medication, food and food additives for human consumption, are not tangible personal property and therefore prohibit for sale by licensed secondhand or pawn dealers; (2) grants the Director of the Department of Environmental Resources authority to revoke or suspend a license of a dealer that regularly engages in the sale of prohibit items; (3) requires the display of the County license, ordinance and sign prohibiting the sale of certain items at the licensee's place of business; and (4) prohibits the secondhand or pawn shop dealer license from holding an ordinary license or retail liquor license.

Representatives from the County Police Department, the County Health Department and the representatives of local retailers, including Target, CVS and Safeway, spoke in support of this bill and provided additional information to the Committee.

The Committee Chair requested that the materials provided by the Prince George's County Police Department and the statements from the representatives of the retail industry be included in the legislative record on the bill.

The Office of Law determined that CB-38-2009 was in proper legislative form.

The Office of Audits and Investigation indicated there will not be a negative fiscal impact on the County as a result of adopting CB-38-2009.

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.

CODE INDEX TOPICS:

INCLUSION FILES:
