

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-77-2015

Chapter No. 73

Proposed and Presented by Council Members Patterson and Toles

Introduced by Council Members Patterson, Toles, Turner, Lehman, Davis, Glaros,
Taveras and Harrison

Date of Introduction October 20, 2015

BILL

1 AN ACT concerning

2 Secondhand and Pawn Dealers

3 For the purpose of adding to the definition of tangible personal property; requiring reporting to a
4 certain database; requiring a certain fee to be paid directly to a designated business retained for
5 certain reporting; and generally regarding secondhand dealers and pawn dealers.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 5. BUSINESSES AND LICENSES.

8 Section 5-233, 5-237,

9 The Prince George's County Code

10 (2011 Edition; 2014 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Section 5-233 and 5-237 of the Prince George's County Code be and the same are
13 hereby repealed and reenacted with the following amendments:

14 SUBTITLE 5. BUSINESSES AND LICENSES.

15 DIVISION 19. SECONDHAND AND PAWN DEALERS.

16 **Sec. 5-233. Definition.**

17 (a) The term "**secondhand dealer**" means any person, corporation, or other business entity
18 in this County engaged regularly in the business of receiving, in exchange for money, trade,
19 barter, or other valuable consideration, items of tangible personal property.

20 (b) The term "**tangible personal property**" includes the following used items:

21 (1) Binoculars;

- 1 (2) Cameras;
- 2 (3) Firearms;
- 3 (4) Furs;
- 4 (5) Household appliances;
- 5 (6) Musical instruments;
- 6 (7) Office machines or equipment (excluding furniture and similar furnishings);
- 7 (8) Radios, television sets, video disc machines, video cassette recorders, stereo
- 8 equipment;
- 9 (9) Personal computers, tape and disc recorders;
- 10 (10) Watches;
- 11 (11) Bicycles;
- 12 (12) Typewriters;
- 13 (13) Tangible personal property pledged as collateral (pawned items);
- 14 (14) Power tools;
- 15 (15) Any item serialized, marked for identification purposes, or engraved; [and]
- 16 (16) Precious metals and gems;
- 17 (17) Wheels and rims; and
- 18 (18) General use prepaid cards, gift certificates, store gift cards.

19 Tangible personal property does not include new unopened merchandise in the original sealed
 20 packaging, [general use prepaid cards, gift certificates, store gift cards,] cosmetics, devices,
 21 drugs or medications, food or food additives for human consumption as defined in Title 21
 22 Section 101(e), (f), (g), and (i) Health General Article, Annotated Code of Maryland. This
 23 section does not apply to entities operating as a licensed Automotive Dismantler and Recycler as
 24 defined by Title 15 Section 501(b) of the Transportation Article of the Annotated Code of
 25 Maryland. Licensed Automotive Dismantler and Recycler entities are not secondhand dealers.

26 (c) The term "**pawn dealer**" means any person, corporation, or other business entity in the
 27 County, including a secondhand dealer, engaged in the business of lending money on the deposit
 28 or pledge of tangible personal property or in the business of purchasing tangible personal
 29 property on the condition of reselling the same to the seller at a stipulated price.

30 * * * * *

1 **Sec. 5-235. Exceptions.**

2 (a) This Division shall have no application to the exchange of an item described in Section
3 5-233 if:

4 (1) The exchange is incident to the activities of a club or similar organization
5 meeting, church, church-sponsored group, charitable organization, antique show, trade show,
6 convention, or auction; or

7 (2) The item received by a secondhand dealer is used tangible personal property
8 transmitted directly from an established, reputable manufacturer or wholesaler with a fixed
9 business address and provided that the secondhand dealer retains as a part of his records an
10 invoice or other customary proof of origin of such merchandise; or

11 (3) The item received by a pawn or secondhand dealer is traded in for the purchase of
12 another item equal or greater in value.

13 (b) This Division shall have no application to the sale or exchange of books, periodicals or
14 other written materials.

15 * * * * *

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

17 (a) Each secondhand dealer or pawn dealer shall record or cause to be recorded the
18 purchase, barter, exchange, pledge, or other receipt by him of any item described in Section 5-
19 233 and also any subsequent disposition of that item from his possession. This section does not
20 apply to entities operating as a licensed Automotive Dismantler and Recycler as defined by Title
21 15 Section 501(b) of the Transportation Article of the Annotated Code of Maryland. Licensed
22 Automotive Dismantler and Recycler entities are not secondhand dealers. Information shall be
23 recorded on electronic data storage media in a format specified by the County Police Department
24 and shall include:

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

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

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

31 (4) Consideration received;

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

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

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

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

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

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

18 (d) All secondhand dealers and pawn dealers shall be required to electronically report in
19 the Regional Automated Property Information Database (RAPID) or other designated database.
20 The County Police Department shall designate a business entity to collect an electronic reporting
21 fee from secondhand dealers and pawn dealers.

22 (e) Secondhand dealers shall report directly to the business entity designated by the
23 County Police Department for reporting and payment of the RAPID fee or other designated
24 database fee.

25 (f) Pawn dealers shall report directly to the business entity for reporting in the RAPID or
26 other designated database but their fee shall be paid by a third party. If at some time, the third
27 party ceases payment of the RAPID fee or other designated database fee for secondhand dealers,
28 the secondhand dealers and pawn dealers shall pay the RAPID fee or other designated database
29 fee directly to the business entity designated by the County Police Department for reporting and
30 payment.

31 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby

1 | declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
2 | sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
3 | competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
4 | words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
5 | Act, since the same would have been enacted without the incorporation in this Act of any such
6 | invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
7 | or section.

8 | SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
9 | calendar days after it becomes law.

Adopted this 17th day of November, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Mel Franklin
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.