

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2018 Legislative Session

Bill No. CB-51-2018

Chapter No. _____

Proposed and Presented by Council Member Glaros

Introduced by Council Members Glaros, Toles, Franklin, Patterson and Lehman

Co-Sponsors _____

Date of Introduction July 2, 2018

CHARTER REFERENDUM

BILL

1 AN ACT concerning

2 Secondhand Dealers

3 For the purpose of imposing an electronic transaction fee on secondhand dealers, clarifying that
4 payment of an electronic transaction fee for secondhand dealers is a license or permit exempt
5 from Charter Section 813, and generally relating to secondhand dealers.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 5. BUSINESSES AND LICENSES.

8 Section 5-237,

9 The Prince George's County Code

10 (2015 Edition; 2017 Supplement).

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13 repealed and reenacted with the following amendments:

14 SUBTITLE 5. BUSINESSES AND LICENSES.

15 DIVISION 19. SECONDHAND AND PAWN DEALERS.

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

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

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

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

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

11 (4) Consideration received;

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

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

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

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

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

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

29 (d) All licensed secondhand dealers and pawn dealers shall be required to electronically
30 report in the Regional Automated Property Information Database (RAPID) or other designated
31 database. Fees relating to licenses and permits for secondhand dealers shall be exempt from the

1 requirements of Section 813 of the County Charter. The County Police Department shall
 2 designate a business entity to collect an electronic reporting fee from secondhand dealers [and
 3 pawn dealers].

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

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

13 SECTION 2. BE IT FURTHER ENACTED that, pursuant to Section 813 of the Prince
 14 George's County Charter, this Act is hereby referred to a referendum of the legally qualified
 15 voters of Prince George's County at the general election to be held in November of 2018. The
 16 County governing body and the Prince George's County Board of Elections shall do those things
 17 necessary and proper to provide for and hold the referendum required by Section 813 of the
 18 Prince George's County Charter. If a simple majority of the votes cast on the question are "For
 19 the referred law" the provisions of this Act shall become effective immediately, but if a simple
 20 majority of the votes cast on the question are "Against the referred law" the provisions of this
 21 Act are of no effect and null and void. The question to be certified to the Prince George's
 22 County Board of Elections for inclusion on the ballot for said general election shall be in
 23 substantially the following form:

24 SECONDHAND DEALERS ELECTRONIC TRANSACTION FEE

25 AN ACT to impose a new electronic transaction fee, having never been
 26 imposed, on secondhand dealers not to exceed \$350 per secondhand dealer,
 27 paid annually and paid directly to the business entity designated by the Prince
 28 George's County Police Department for the reporting and payment of the
 29 daily transmission of data related to the secondhand dealer business
 30 reporting.

1 SECTION 3. BE IT FURTHER ENACTED that in the event that any of the provisions of
2 Section 813 of the Prince George’s County Charter is declared invalid, inapplicable to Subtitle 5,
3 Division 19 of the County Code, or unconstitutional by a court of competent jurisdiction, the
4 provisions of Section 5-237 shall revert to the language in existence on December 7, 2017.

5 SECTION 4. BE IT FURTHER ENACTED that on November 14, 2017, the County
6 Council enacted CB-14-2017 (DR-3) Secondhand and Pawn Dealers, Chapter 77, Laws of Prince
7 George’s County 2017, that amended Section 5-237 of the Prince George’s Code as reflected in
8 this legislation. CB-14-2017 (DR-3) has not yet been codified due to the contingent effective
9 date based on further legislative action by the County, or the outcome of the referendum on
10 November 6, 2018.

11 SECTION 5. BE IT FURTHER ENACTED that this Act shall be void and of no further
12 effect unless this Act is referred to and approved by the qualified voters of the County at the
13 November 6, 2018, general election pursuant to Section 813 of the Prince George’s County
14 Charter.

15 SECTION 6. BE IT FURTHER ENACTED that the provisions of this Act are hereby
16 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
17 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
18 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
19 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
20 Act, since the same would have been enacted without the incorporation in this Act of any such
21 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
22 or section.

Adopted this ____ day of _____, 2018.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Dannielle M. Glaros
Chair

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.