

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

Bill No. CB-52-2018

Chapter No. 26

Proposed and Presented by Council Members Glaros

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

Co-Sponsors _____

Date of Introduction July 2, 2018

EMERGENCY BILL

1 AN EMERGENCY ACT concerning

2 Secondhand and Pawn Dealers

3 For the purpose of clarifying that fees relating to licenses and permits for secondhand dealers
4 shall be exempt from the requirements of Section 813 of the County Charter, and generally
5 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 BY adding:

12 SUBTITLE 5. BUSINESSES AND LICENSES.

13 Section 5-237.01,

14 The Prince George's County Code

15 (2015 Edition; 2017 Supplement).

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18 repealed and reenacted with the following amendments:

19 **SUBTITLE 5. BUSINESSES AND LICENSES.**

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

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

1 (a) Each secondhand dealer or pawn dealer shall record or cause to be recorded the
2 purchase, barter, exchange, pledge, or other receipt by him of any item described in Section 5-
3 233 and also any subsequent disposition of that item from his possession. This Section does not
4 apply to entities operating as a licensed Automotive Dismantler and Recycler as defined by Title
5 15 Section 501(b) of the Transportation Article of the Annotated Code of Maryland. Licensed
6 Automotive Dismantler and Recycler entities are not secondhand dealers. Information shall be
7 recorded on electronic data storage media in a format specified by the County Police Department
8 and shall include:

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

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

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

15 (4) Consideration received;

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

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

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

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

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

31 (2) Mailing the copy at the end of the business day when the record is made, by first

1 class mail, from a post office or mailbox in Prince George's County.

2 (d) All licensed secondhand dealers and pawn dealers shall be required to electronically
 3 report in the Regional Automated Property Information Database (RAPID) or other designated
 4 database. Fees relating to licenses and permits for secondhand dealers shall be exempt from the
 5 requirements of Section 813 of the County Charter. The County Police Department shall
 6 designate a business entity to collect an electronic reporting fee from secondhand dealers [and
 7 pawn dealers].

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

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

17 SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George's
 18 County, Maryland, that Section 5-237.01 of the Prince George's County Code be and the same is
 19 hereby added:

20 **SUBTITLE 5. BUSINESSES AND LICENSES.**

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

22 **Sec. 5-237.01 - Fee.**

23 (a) A fee for a RAPID license as prescribed in the Table of Fees shall be paid by an
 24 applicant when the initial application for a license is filed; thereafter, unless the license is denied,
 25 suspended, revoked, or otherwise terminated, the license shall be renewed annually upon the
 26 payment of the license fee prescribed in the Table of Fees.

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

1 November 6, 2018.

2 SECTION 4. BE IT FURTHER ENACTED that upon becoming law, the provisions of this
3 Act hereby supersedes the provisions enacted by the County via CB-14-2017 (DR-3) on
4 November 14, 2017.

5 SECTION 5. BE IT FURTHER ENACTED that the provisions of this Act are hereby
6 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
7 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
8 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
9 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
10 Act, since the same would have been enacted without the incorporation in this Act of any such
11 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
12 or section.

13 SECTION 6. BE IT FURTHER ENACTED that in accordance with the provisions of
14 Section 317 of the Charter, the County Council hereby declares that a public emergency exists
15 affecting the public health, safety, and welfare; said emergency being the County’s immediate
16 need to clarify that fees relating to licenses and permits for secondhand dealers are exempt from
17 the referendum requirements of Section 813 of the County Charter, prior to the 2018 General
18 Election Ballot.

19 SECTION 7. BE IT FURTHER ENACTED that this Act shall take effect on the day it
20 becomes law.

Adopted this 24th day of July, 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.