

# HOUSE BILL 206

C2

2lr1558  
CF SB 246

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By: **Delegates Jameson, Barkley, Burns, Haddaway–Riccio, Impallaria, Love,  
W. Miller, Olszewski, and Vaughn**

Introduced and read first time: January 25, 2012

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Secondhand Precious Metal Object Dealers – Securing and Tagging Items –**  
3 **Requirements**

4 FOR the purpose of authorizing a secondhand precious metal object dealer, during a  
5 certain holding period, to place certain items into a secure container under  
6 certain circumstances; requiring a dealer to tag certain items in a certain  
7 manner when the dealer places certain items in the dealer’s inventory; and  
8 generally relating to requirements for securing and tagging items by a  
9 secondhand precious metal object dealer.

10 BY repealing and reenacting, with amendments,  
11 Article – Business Regulation  
12 Section 12–301  
13 Annotated Code of Maryland  
14 (2010 Replacement Volume and 2011 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Business Regulation**

18 12–301.

19 (a) (1) Each dealer shall make a written record, on a form provided by the  
20 Secretary, of each business transaction that involves the acquisition of a secondhand  
21 precious metal object when the transaction is made.

22 (2) Each dealer shall retain the original copy of the written record  
23 required to be made under paragraph (1) of this subsection at the dealer’s place of  
24 business.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Each pawnbroker shall make a written record, on a form provided by the  
2 Secretary, of each business transaction that involves:

3 (1) lending money on pledge of personal property, other than a  
4 security or printed evidence of indebtedness; [or]

5 (2) buying personal property on condition of selling it back at a  
6 stipulated price; or

7 (3) buying the following items for the purpose of resale:

8 (i) binoculars;

9 (ii) cameras;

10 (iii) firearms;

11 (iv) furs;

12 (v) household appliances;

13 (vi) musical instruments;

14 (vii) office machines or equipment;

15 (viii) radios, televisions, videodisc machines, videocassette  
16 recorders, and stereo equipment;

17 (ix) personal computers, tapes, and disc recorders;

18 (x) watches;

19 (xi) bicycles; and

20 (xii) tangible personal property pledged as collateral.

21 (c) Each pawnbroker shall make a written record, on a form provided by the  
22 Secretary, of each transaction that involves the acquisition of an item described in  
23 subsection (b)(3) of this section for the purpose of resale.

24 (d) (1) A separate record entry shall be made for each item involved in a  
25 transaction.

26 (2) Items in a matching set may be recorded as a set if acquired in a  
27 single transaction.

1           (e)     **DURING THE HOLDING PERIOD REQUIRED UNDER § 12-305 OF THIS**  
2 **SUBTITLE, A DEALER MAY PLACE ALL OF THE ITEMS ACQUIRED IN A SINGLE**  
3 **TRANSACTION IN A SECURE CONTAINER THAT HAS BEEN APPROVED BY THE**  
4 **PRIMARY LAW ENFORCEMENT UNIT, IF:**

5                   (1)     **EACH ITEM IN THE TRANSACTION HAS A SEPARATE RECORD**  
6 **ENTRY IN THE WRITTEN RECORD REQUIRED UNDER THIS SECTION; AND**

7                   (2)     **THE SECURE CONTAINER IS TAGGED BY THE DEALER WITH**  
8 **THE NUMBER THAT CORRESPONDS TO THE TRANSACTION UNDER WHICH THE**  
9 **ITEMS WERE ACQUIRED AND THE WRITTEN RECORD LISTING THE ITEMS**  
10 **OBTAINED IN THE TRANSACTION.**

11           **(F) (1) [The] WHEN A DEALER PLACES ITEMS INTO THEIR**  
12 **INVENTORY, THE** dealer shall tag each item individually with a number that  
13 corresponds to the transaction under which it was acquired. However, items acquired  
14 in a matching set may be tagged as a set.

15                   (2)     Each item tagged by a dealer under paragraph (1) of this  
16 subsection shall remain tagged for the entire period the item is stored in the dealer's  
17 inventory.

18           **[(f)] (G)**     For the purposes of this subtitle, there is a presumption that an  
19 object is a precious metal object if:

20                   (1)     it reasonably appears to be a precious metal object; and

21                   (2)     it was received by a dealer in the course of business or is found in  
22 the place of business or storage facility of a dealer.

23           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2012.