

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 109**

Introduced by McGill, 26.

Read first time January 10, 2013

Committee:

A BILL

1 FOR AN ACT relating to precious metals dealers; to amend sections  
2 69-201, 69-204, 69-205, 69-208, and 69-210, Reissue  
3 Revised Statutes of Nebraska, and section 69-206, Revised  
4 Statutes Cumulative Supplement, 2012; to define a term;  
5 to provide requirements for dealers; to harmonize  
6 provisions; and to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 69-201, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           69-201 (1) Any person engaged in the business of lending  
4 money upon chattel property for security and requiring possession of  
5 the property so mortgaged on condition of returning the same upon  
6 payment of a stipulated amount of money, or purchasing property on  
7 condition of selling it back at a stipulated price, is declared to be  
8 a pawnbroker for the purpose of sections 69-201 to 69-210.

9           (2) For purposes of sections 69-201 to 69-210, precious  
10 metals dealer means a person who is engaged in the business of  
11 purchasing articles made of or containing gold, silver, platinum, or  
12 other precious metals or jewels of any description if, in any manner,  
13 including any form of advertisement or solicitation of customers, the  
14 person holds himself, herself, or itself out to the public as willing  
15 to purchase such articles. Precious metals dealer does not include a  
16 person who purchases and resells precious items exclusively in an  
17 Internet market.

18           Sec. 2. Section 69-204, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           69-204 All persons ~~who shall be engaged in the business~~  
21 ~~of as pawnbrokers, precious metals dealers, dealers in secondhand~~  
22 goods, or junk dealers, shall keep a ledger and complete a card, to  
23 be furnished by the city or village, on which shall be legibly  
24 written in ink, at the time of any loan or purchase, the following  
25 information:

- 1           (1) The date of the loan or purchase;
- 2           (2) The name of the person from whom the property is  
3 purchased or received, his or her signature, date of birth, and  
4 driver's license number or other means of identification;
- 5           (3) A full and accurate description of the property  
6 purchased or received, including any manufacturer's identifying  
7 insignia or serial number;
- 8           (4) The time when any loan becomes due;
- 9           (5) The amount of purchase money, or the amount lent and  
10 any loan charges, for each item; and
- 11          (6) The identification and signature of the clerk or  
12 agent for the business who handled the transaction.

13           Entries shall not in any manner be erased, obliterated,  
14 or defaced. The person receiving a loan or selling property shall  
15 receive at no charge a plain written or printed ticket for the loan,  
16 or a plain written or printed receipt for the articles sold,  
17 containing a copy of the entries required by this section.

18           Every pawnbroker or precious metals dealer, or employee  
19 of a pawnbroker or precious metals dealer, shall admit to the  
20 pawnbroker's or dealer's premises at any reasonable time during  
21 normal business hours any law enforcement officer for the purpose of  
22 examining any property and records on the premises, and shall allow  
23 such officer to place restrictions on the disposition of any property  
24 for which a reasonable belief exists that it has been stolen. Any  
25 person claiming an ownership interest in property received by a

1 pawnbroker for which a reasonable belief exists that such property  
2 has been stolen may recover such property as provided by sections  
3 25-1093 to 25-10,110.

4           Sec. 3. Section 69-205, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           69-205 It shall be the duty of every such pawnbroker,  
7 precious metals dealer, dealer in secondhand goods, or junk dealer,  
8 every day except Sunday before the hour of 12 noon, to deliver to the  
9 police department of the municipality where ~~said~~the business is  
10 located, or if the municipality does not have a police department, to  
11 the sheriff's office, a legible and correct copy of each card or  
12 ledger entry required by section 69-204 for the transactions of the  
13 previous day. Transactions occurring on Saturday shall be reported on  
14 the following Monday. No card shall be required for goods purchased  
15 from manufacturers or wholesale dealers having an established place  
16 of business, or goods purchased at open sale from any bankrupt stock  
17 or from any other person doing business and having an established  
18 place of business in the city or village, but such goods must be  
19 accompanied by a bill of sale or other evidence of open and  
20 legitimate purchase, and must be shown to the mayor or any law  
21 enforcement officer when demanded. Dealers in scrap metals, except  
22 gold and silver, shall not be included in the provisions of this  
23 section.

24           Sec. 4. Section 69-206, Revised Statutes Cumulative  
25 Supplement, 2012, is amended to read:

1                   69-206 No personal property received or purchased by any  
2 pawnbroker, precious metals dealer, dealer in secondhand goods, or  
3 junk dealer, shall be sold or permitted to be taken from the place of  
4 business of such person for fourteen days after the copy of the card  
5 or ledger entry required to be delivered to the police department or  
6 sheriff's office shall have been delivered as required by section  
7 69-205. Secondhand jewelry shall not be destroyed, damaged, or in any  
8 manner defaced for a period of fourteen days after the time of its  
9 purchase or receipt. For purposes of this section, jewelry shall mean  
10 any ornament which is intended to be worn on or about the body and  
11 which is made in whole or in part of any precious metal, including  
12 gold, silver, platinum, copper, brass, or pewter.

13                   All property accepted as collateral security or purchased  
14 by a pawnbroker or precious metals dealer shall be kept segregated  
15 from all other property in a separate area for a period of forty-  
16 eight hours after its receipt or purchase, except that valuable  
17 articles may be kept in a safe with other property if grouped  
18 according to the day of purchase or receipt. Notwithstanding the  
19 provisions of this section, a pawnbroker may return any property to  
20 the person pawning the same after the expiration of such forty-eight-  
21 hour period or when permitted by the chief of police, sheriff, or  
22 other authorized law enforcement officer.

23                   Sec. 5. Section 69-208, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25                   69-208 ~~Every broker, agent, or dealer mentioned in~~

1 ~~sections 69-201 to 69-210 who shall violate any of the provisions~~  
2 ~~thereof, Any person who violates sections 69-201 to 69-210 shall be~~  
3 ~~guilty of a Class V misdemeanor.~~

4           In addition, any permit issued pursuant to section 69-202  
5 may be revoked or suspended if the holder of such permit violates any  
6 ~~provision of state law~~ classified as a misdemeanor or felony. Before  
7 any permit may be revoked or suspended the holder shall be given  
8 notice of the date and time for a hearing before the governing body  
9 or delegated officer or agency which issued the permit to show cause  
10 why the permit should not be revoked or suspended. Such hearing shall  
11 be held within seven days of the date of the notice.

12           Sec. 6. Section 69-210, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           69-210 (1) All persons ~~who shall be~~ engaged in the  
15 business of pawnbroker and precious metals dealers shall, in addition  
16 to the requirements of section 69-204, obtain and keep a single  
17 legible fingerprint of each person pawning, pledging, mortgaging, or  
18 selling any goods or articles. The fingerprint shall be taken from  
19 the right index finger or, if the right index finger is missing, from  
20 the left index finger. Each pawnbroker and precious metals dealer  
21 shall display a notice to customers, in a prominent location, stating  
22 that such pawnbroker or precious metals dealer is required by state  
23 law to fingerprint every person pawning or selling an item.

24           (2) No pawnbroker or precious metals dealer shall accept  
25 as collateral security or purchase any property:

1                   (a) From any person who is under eighteen years of age,  
2 or who appears to be under the influence of alcohol, narcotic drug,  
3 stimulant, or depressant, or who appears to be mentally incompetent;  
4 or

5                   (b) On which the serial numbers or other identifying  
6 insignia have been destroyed, removed, altered, covered, or defaced.

7                   Sec. 7. Original sections 69-201, 69-204, 69-205, 69-208,  
8 and 69-210, Reissue Revised Statutes of Nebraska, and section 69-206,  
9 Revised Statutes Cumulative Supplement, 2012, are repealed.