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HOUSE BILL 383

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO PAWNBROKERS; REQUIRING THAT PAWNBROKERS INCLUDE NEW  
ITEMS AND ITEMS PURCHASED FOR RESALE IN THEIR DAILY REPORTS;  
REQUIRING PHOTOGRAPHS OF JEWELRY ITEMS; CLARIFYING DEFINITIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 56-12-1 NMSA 1978 (being Laws 1985,  
Chapter 228, Section 1) is amended to read:

"56-12-1. SHORT TITLE.--~~[This act]~~ Chapter 56, Article 12  
NMSA 1978 may be cited as the "Pawnbrokers Act"."

SECTION 2. Section 56-12-2 NMSA 1978 (being Laws 1985,  
Chapter 228, Section 2) is amended to read:

"56-12-2. DEFINITIONS.--As used in the Pawnbrokers Act:

A. "pawnbroker" means a person engaged in the  
business of making pawn transactions;

B. "pawn service charge" means the sum of all

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1 charges payable directly or indirectly by the pledger and  
2 imposed directly or indirectly by the pawnbroker as an incident  
3 to the pawn transaction;

4 C. "pawnshop" means the location or premises at  
5 which a pawnbroker regularly conducts [~~his~~] business;

6 D. "pawn transaction" means [~~either the act~~] a  
7 transaction between a pawnbroker and a person [~~pledging a good~~  
8 ~~of lending~~] where the pawnbroker:

9 (1) lends money or [~~extending~~] extends credit  
10 on the security of pledged goods [~~or of purchasing~~]; or

11 (2) purchases tangible personal property with  
12 an express or implied agreement or understanding that it may be  
13 redeemed or repurchased by the seller at a stipulated price;

14 E. "person" means an individual, partnership,  
15 corporation, joint venture, trust, association or any other  
16 legal entity however organized;

17 F. "pledged goods" means tangible personal property  
18 other than choses in action, securities or printed evidences of  
19 indebtedness, which property is deposited with or otherwise  
20 actually delivered into the possession of a pawnbroker in the  
21 course of [~~his~~] the pawnbroker's business in connection with  
22 the pawn transaction;

23 G. "local law enforcement agency" means the chief  
24 of police, [~~his~~] the chief's designee or the police department  
25 if applicable to a municipality; or the county sheriff, [~~his~~]

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1 the sheriff's designee or the county sheriff's department if  
2 applicable to a county; and

3 H. "local government" means a municipality or  
4 county."

5 SECTION 3. Section 56-12-9 NMSA 1978 (being Laws 1985,  
6 Chapter 228, Section 9) is amended to read:

7 "56-12-9. PAWNBROKER REPORTS--RECORDS--DELIVERY--  
8 VIOLATIONS.--

9 A. Every pawnbroker shall each day accurately  
10 complete a report of all new and used property of every kind  
11 received or purchased in a pawn transaction or purchased for  
12 resale during the preceding business day on a form approved by  
13 the local law enforcement agency. Either a driver's license or  
14 other photo identification card shall be required of each  
15 person entering into a pawn transaction with a pawnbroker.  
16 Each item received shall be listed on a separate report form.

17 [~~Said~~] The report shall include the following:

- 18 (1) name of item;
- 19 (2) description of the item, including make  
20 and model number, if any;
- 21 (3) serial number and other identifying marks,  
22 if any;
- 23 (4) date, time and type of pawn transaction;
- 24 (5) name and address of person offering the  
25 item;

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1 (6) description of the person offering the  
2 item, including sex, complexion, hair color, approximate height  
3 and weight and date of birth; ~~and~~

4 (7) type of identification used by person  
5 offering item and identifying number of ~~said~~ the  
6 identification. If the person presents a driver's license, the  
7 report shall also indicate the state of issuance; and

8 (8) for an item of gold, silver, platinum or  
9 other precious metals or gems, a photograph of the item.

10 B. All reports required by this section shall be  
11 completed accurately and be made available by 12 o'clock noon  
12 of the day following the day of the pawn transaction and shall  
13 be delivered or mailed to the local law enforcement agency  
14 within three days of the pawn transaction.

15 C. Property purchased directly from another permit  
16 holder regulated by the Pawnbrokers Act who has already  
17 reported the item pursuant to this section is exempt from the  
18 requirements of this section.

19 D. Persistent or frequent erroneous or incomplete  
20 entries in or delays in the submitting of the ~~[above required]~~  
21 reports required by this section shall constitute a violation  
22 of this section and are subject to the general penalty  
23 provisions of the Pawnbrokers Act.

24 E. The reports and records of the permit holder  
25 required pursuant to this section, as well as every item

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1 received in pawn, shall be available for inspection by the  
2 local government authority, the attorney general, the local law  
3 enforcement agency or any sworn member of that law enforcement  
4 agency at all reasonable times.

5 F. Each item pledged to or purchased by the permit  
6 holder for which a report is required shall have attached to it  
7 a tag with an alphabetic or numerical identification system  
8 matching that item with its corresponding report and record."

9 SECTION 4. EFFECTIVE DATE.--The effective date of the  
10 provisions of this act is July 1, 2013.