

SENATE NO. 228

AN ACT FURTHER REGULATING PAWN SHOPS AND DEALERS OF SECOND HAND ARTICLES

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Chapter 140 of the General Laws is hereby amended by striking out section 54, as
2 appearing in the 2004 Official Edition, and inserting in place thereof the following section: -
3 “Section 54. No person shall carry on the business of being a collector of, dealer in or keeper of
4 a shop for the purchase, sale or barter of junk, old metals or second hand articles unless licensed
5 to do so by the police commissioner of Boston, or by the governing body of the city or town
6 where he or she carries on his business, subject to sections two hundred and two to two hundred
7 and five, and said commissioner or governing body may revoke such licenses at pleasure.
8 Societies, associations or corporations organized solely for religious or charitable purposes and
9 their agents shall not be required to pay a fee for such licenses.
10 Any person who carries on the business of a being a collector of, dealer in or keeper of a shop
11 for the purchase, sale or barter of junk, old metals or second hand articles shall record
12 information pertaining to every transaction, including but not limited to the name, address and

13 date of birth of the person offering an article, the estimated value of the article, the price paid
14 for the article, a full description of the article including all distinguishing marks and numbers,
15 and the time and date of the transaction, and shall not accept an article unless the person
16 offering it shows an identification card bearing the person's photograph. The collector, dealer
17 and keeper of a shop as described above, or any employee thereof, shall photograph the person
18 offering an article, and shall photograph the articles offered. Said transaction information and
19 the photographs of the person and the article or articles being offered, and shall transmit the
20 information and photographs electronically on the date of the transaction, using a system
21 specified by the secretary of public safety, and shall retain on the licensed premises a printed
22 copy of the transaction information and photographs as part of his records. All information
23 gathered or transmitted in any manner by collectors, dealers and keepers of shops as described
24 above pursuant to this section shall be available to any law enforcement officer at any time for
25 any reason, and no said collector, dealer or keeper of a shop or person offering any article to a
26 collector, dealer or keeper of a shop shall have an expectation of privacy concerning any
27 information about the transaction, including but not limited to any photographs taken.

28 Any person offering any article for sale who provides a wrong name, address or date of birth, or
29 shows false, forged or counterfeit identification shall be punished by a fine of not more than one
30 thousand dollars or by imprisonment for not more than six months. A police officer may arrest
31 without a warrant any person whom he has probable cause to believe has provided a wrong
32 name, address or date of birth, or has shown false, forged or counterfeit identification as
33 described above. Any dealer of second hand articles who knowingly records or transmits false
34 information about a transaction shall be fined not more than one thousand dollars for the first
35 offense, and upon a second offense, shall be fined not more than two thousand dollars and his

36 license shall be revoked, and he shall not be permitted to conduct the business of a dealer of
37 second hand articles in the commonwealth for one year.

38 The secretary of public safety shall have the authority to promulgate regulations relative to
39 collectors of, dealers in or keepers of shops for the purchase, sale or barter of junk, old metals or
40 second hand articles, and to the licensing of said persons and shops.”

41 SECTION 2. Section 55 of said chapter 140, as so appearing, is hereby amended by striking
42 out, in lines 5 and 6, the words “shall forfeit twenty dollars” and inserting in place thereof the
43 following words: - “shall be punished by a fine of not more than two hundred dollars for the
44 first offense, and by a fine of not more than five hundred dollars for each subsequent offense”.

45 SECTION 3. Said chapter 140 is hereby further amended by striking out section 70, as so
46 appearing, and inserting in place thereof the following section: -

47 “Section 70. No person shall carry on the business of a pawnbroker unless licensed to do so by
48 the police commissioner of Boston, or by the governing body of the city or town where he or
49 she carries on his business, subject to sections two hundred and two to two hundred and five,
50 and said commissioner or governing body may revoke such licenses at pleasure.”

51 SECTION 4. Section 73 of said chapter 140, as so appearing, is hereby amended by striking
52 out, in lines 1 and 2, the words “The chief of police of a city, the selectmen of a town, any
53 officer authorized by either of them, or a state” and inserting in place thereof the following
54 word: - “A”.

55 SECTION 5. Section 75 of said chapter 140, as so appearing, is hereby amended by striking
56 out, in line 5, the words “fifty dollars” and inserting in place thereof the following words: - “two
57 hundred dollars for the first offense, and by a fine of not more than five hundred dollars for each
58 subsequent offense”.

59 SECTION 6. Section 76 of said chapter 140, as so appearing, is hereby amended by striking
60 out, in lines 1 and 2, the words “, in any city or in any town of ten thousand or more
61 inhabitants,”.

62 SECTION 7. Said chapter 140 is hereby further amended by striking out section 79, as so
63 appearing, and inserting in place thereof the following section: -

64 “Section 79. Every person who carries on the business of a pawnbroker shall at the time of
65 making a loan record information pertaining to every transaction, including but not limited to
66 the name, address and date of birth of the person pawning an article, the estimated value of the
67 article, the amount of money loaned thereon, the rate of interest to be paid on such loan, a full
68 description of the article including all distinguishing marks and numbers, and the time and date
69 of the transaction, and shall not accept an article unless the person offering it shows an
70 identification card bearing the person’s photograph. The pawnbroker or any employee thereof
71 shall photograph the person offering an article in pawn, and shall photograph the articles being
72 pawned. Said transaction information and the photographs of the person pawning the article or
73 articles and of the article or articles pawned, and shall transmit the information and photographs
74 electronically on the date of the transaction, using a system specified by the secretary of public
75 safety, and shall retain on the licensed premises a printed copy of the transaction information
76 and photographs as part of his records. All information gathered, recorded or transmitted in any
77 manner by pawnbrokers pursuant to this section shall be available to any law enforcement
78 officer at any time for any reason, or to the licensing authority of any city or town or their
79 designee, and no pawnbroker or person pawning any article shall have an expectation of privacy
80 concerning any information about the transaction, including but not limited to any photographs
81 taken.

82 Any person offering any article for pawn who provides a wrong name, address or date of birth,
83 or shows false, forged or counterfeit identification shall be punished by a fine of not more than
84 one thousand dollars or by imprisonment for not more than six months. A police officer may
85 arrest without a warrant any person whom he has probable cause to believe has provided a
86 wrong name, address or date of birth, or has shown false, forged or counterfeit identification as
87 described above. Any pawnbroker who knowingly records or transmits false information about
88 a transaction shall be fined not more than one thousand dollars for the first offense, and upon a
89 second offense shall be fined not more than two thousand dollars and his license shall be
90 revoked, and he shall not be permitted to conduct the business of a pawnbroker in the
91 commonwealth for one year.

92 The secretary of public safety shall have the authority to promulgate regulations relative to
93 pawnshops, the licensing of pawnshops and to persons who carry on the business of
94 pawnbrokers.

95 SECTION 8. Section 81 of said chapter 140 is hereby repealed.

96 SECTION 9. Section 83 of said chapter 140 is hereby repealed.

97 SECTION 10. Section 84 of said chapter 140 is hereby repealed.

98 SECTION 11. This act shall take 180 days after the its passage.