

HOUSE BILL No. 4268

February 26, 2015, Introduced by Rep. Callton and referred to the Committee on Financial Services.

A bill to amend 1917 PA 273, entitled

"An act to regulate and license pawnbrokers in certain governmental units of this state; and to prescribe certain powers and duties of certain local governmental units and state agencies,"

by amending the title and sections 1, 2, 3, 5, and 6 (MCL 446.201, 446.202, 446.203, 446.205, and 446.206), the title and sections 2, 5, and 6 as amended by 2002 PA 469 and sections 1 and 3 as amended by 2006 PA 292.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An act to regulate and license pawnbrokers ~~in certain~~
3 ~~governmental units of~~ **THAT CONDUCT BUSINESS IN** this state; **TO**
4 **PROVIDE FOR THE IMPLEMENTATION, MAINTENANCE, AND ADMINISTRATION**
5 **OF A STATEWIDE ELECTRONIC DATABASE OF PAWNED ITEMS AND CERTAIN**
6 **OTHER ARTICLES OF PERSONAL PROPERTY; TO PROVIDE REMEDIES AND**

1 **PRESCRIBE PENALTIES;** and to ~~prescribe certain~~ **PROVIDE FOR THE**
 2 powers and duties of certain local governmental units and state
 3 agencies.

4 Sec. 1. (1) A person ~~, corporation, or firm~~ shall not
 5 conduct business as a pawnbroker in any of the governmental units
 6 of this state without ~~having first obtained from~~ **A LICENSE ISSUED**
 7 **BY** the chief executive officer of that governmental unit a
 8 ~~license under this act that authorizes that person, corporation,~~
 9 ~~or firm to conduct that business. This~~ **HOWEVER, THIS** subsection
 10 does not require an internet drop-off store ~~complying~~ **THAT**
 11 **COMPLIES** with subsection (3), or ~~a person~~ **AN INDIVIDUAL WHO IS**
 12 engaged in the sale, purchase, consignment, or trade of personal
 13 property or other valuable thing for himself or herself, to
 14 obtain a license under this act.

15 (2) ~~Licensure under either or both of the following acts~~
 16 ~~does not exempt a person from obtaining a license under this act:~~
 17 ~~—— (a) The~~ **REGISTRATION UNDER THE** precious metal and gem dealer
 18 act, 1981 PA 95, MCL 445.481 to 445.492, -

19 ~~—— (b)~~ **DOES NOT EXEMPT A PERSON THAT IS CONDUCTING BUSINESS AS**
 20 **A PAWNBROKER FROM THE REQUIREMENT TO OBTAIN A LICENSE UNDER THIS**
 21 **ACT. LICENSURE UNDER** 1917 PA 350, MCL 445.401 to 445.408, **DOES**
 22 **NOT EXEMPT A PERSON THAT IS CONDUCTING BUSINESS AS A PAWNBROKER**
 23 **FROM THE REQUIREMENT TO OBTAIN A LICENSE UNDER THIS ACT.**

24 (3) ~~An~~ **A PERSON THAT OPERATES AN** internet drop-off store ~~in~~
 25 ~~compliance with~~ **THAT MEETS** the following conditions is exempt
 26 from ~~licensure~~ **THE REQUIREMENT TO OBTAIN A LICENSE** as a
 27 pawnbroker under this act:

1 (a) ~~Has~~ **THE PERSON HAS** a fixed place of business ~~within~~ **IN**
2 this state. ~~except that he or she~~

3 **(B) THE PERSON** exclusively transacts all purchases or sales
4 by means of the internet and the purchases and sales are not
5 physically transacted on the premises of ~~that~~ **THE** fixed place of
6 business **DESCRIBED IN SUBDIVISION (A)**.

7 **(C)** ~~(b) Has~~ **THE PERSON HAS** the personal property or other
8 valuable thing available on a website for viewing by photograph,
9 if available, by the general public at no charge, ~~which website~~
10 ~~shall be~~ **AND THE WEBSITE IS** searchable by zip code or state, or
11 both. The website viewing shall include, as applicable, serial
12 number, make, model, and other unique identifying marks, numbers,
13 names, or letters appearing on the personal property or other
14 valuable thing.

15 **(D)** ~~(c) Maintains~~ **THE PERSON MAINTAINS** records of the sale,
16 purchase, consignment, or trade of the personal property or other
17 valuable thing for at least 2 years. ~~, which~~ **THE** records shall
18 contain a **COMPLETE AND ACCURATE** description, including a
19 photograph, if available, and, if applicable, serial number,
20 make, model, and other unique identifying marks, numbers, names,
21 or letters appearing on the personal property or other valuable
22 thing.

23 **(E)** ~~(d) Provide the~~ **THE PERSON PROVIDES A** local police
24 agency with any name under which it conducts business on the
25 website and access to the business premises at any time during
26 normal business hours for purposes of inspection.

27 **(F)** ~~(e)~~ Within 24 hours after a request from a local police

1 agency, ~~provide~~ **THE PERSON PROVIDES** an electronic copy of the
 2 seller's or consignor's name, address, telephone number, driver
 3 license number and issuing state, the buyer's name and address,
 4 if applicable, and a description of the personal property or
 5 other valuable thing as described in subdivision ~~(e)~~. **(D)**. The
 6 ~~provision of PERSON SHALL PROVIDE THE~~ information shall be in a
 7 format **THAT IS** acceptable to the local police agency but shall at
 8 least be in a legible format and in the English language.

9 **(G)** ~~(f) Provide~~ **THE PERSON PROVIDES** that payment for the
 10 personal property or other valuable thing is executed by means of
 11 check or other electronic payment system ~~, so long as the payment~~
 12 ~~is not made~~ **AND NOT** in cash. ~~No~~ **THE PERSON SHALL NOT PROVIDE**
 13 payment ~~shall be provided~~ to the seller until the item is sold.

14 **(H)** ~~(g) Immediately remove~~ **THE PERSON IMMEDIATELY REMOVES**
 15 the personal property or other valuable thing from the website if
 16 the local police agency determines that the personal property or
 17 other valuable thing is stolen.

18 Sec. 2. (1) ~~The~~ **SUBJECT TO SUBSECTION (5), THE** chief
 19 executive officer of ~~the~~ **A** governmental unit may ~~grant under his~~
 20 ~~or her hand, and the official seal of his or her office, to any~~
 21 ~~suitable person, corporation, or firm a license authorizing~~ **ISSUE**
 22 **A LICENSE TO ANY SUITABLE PERSON UNDER THIS ACT THAT AUTHORIZES**
 23 that person ~~, corporation, or firm~~ to conduct the business of a
 24 pawnbroker **IN THAT GOVERNMENTAL UNIT**, subject to the provisions
 25 of this act.

26 (2) ~~The~~ **A** license **ISSUED UNDER THIS SECTION** shall designate
 27 the particular place in the governmental unit where that person ~~,~~

~~corporation, or firm~~ shall conduct the **PAWNBROKER** business. A
 person ~~, corporation, or firm receiving~~ **THAT RECEIVES** a license
UNDER THIS SECTION shall not conduct ~~the~~ **A PAWNBROKER** business in
 any other place than the place designated in the license.

(3) The term of **A** license **ISSUED UNDER THIS SECTION** is 1
 year, ~~from BEGINNING ON THE~~ date of issuance. ~~, unless revoked~~
THE LICENSE IS REVOCABLE for cause ~~, and~~ is not transferable.

~~(4) Before issuance of the license, the applicant shall pay~~
A CHIEF EXECUTIVE OFFICER SHALL NOT ISSUE A LICENSE UNDER THIS
SECTION UNLESS THE APPLICANT DOES ALL OF THE FOLLOWING AT THE
TIME THE APPLICATION IS SUBMITTED:

(A) **PAYS** to the treasurer of the governmental unit an annual
 license fee. ~~in the amount determined under subsection (5) and~~
~~give~~ **THE GOVERNMENTAL UNIT SHALL DETERMINE THE SPECIFIC AMOUNT OF**
THE ANNUAL LICENSE FEE, BUT THE GOVERNMENTAL UNIT SHALL NOT
ESTABLISH AN ANNUAL LICENSE FEE THAT IS LESS THAN \$50.00 OR MORE
THAN \$500.00.

(B) **PROVIDES** a bond to the governmental unit **THAT IS** in its
 corporate name, in the penal sum of \$3,000.00, with at least 2
 sureties, **THAT IS** conditioned ~~for~~ **ON** the faithful performance of
 the duties and obligations pertaining to the conduct of the
PAWNBROKER business and for the payment of all costs and damages
 incurred ~~by~~ **AS A RESULT OF** any violation of this act, ~~. The~~
~~governmental unit shall approve the bond.~~ **AND THAT IS SATISFACTORY**
TO THE GOVERNMENTAL UNIT.

~~—— (5) The governmental unit may fix the amount to be paid as~~
~~the annual license fee at any amount not less than \$50.00 or more~~

1 ~~than \$500.00.~~

2 (C) PROVIDES TO THE CHIEF EXECUTIVE OFFICER PROOF OF PAYMENT
3 OF THE FEE DESCRIBED IN SECTION 6(5) TO THE DEPARTMENT.

4 (D) PAYS THE TREASURER OF THE GOVERNMENTAL UNIT AN
5 APPLICATION PROCESSING FEE, IF ANY. A GOVERNMENTAL UNIT MAY
6 ESTABLISH AN APPLICATION PROCESSING FEE, IN AN AMOUNT THAT DOES
7 NOT EXCEED \$50.00, FOR THE REVIEW AND PROCESSING OF LICENSE
8 APPLICATIONS UNDER THIS SECTION.

9 (E) PAYS THE TREASURER THE PROCESSING FEE DESCRIBED IN
10 SECTION 6(6), IF ANY.

11 (5) ~~(6) Notwithstanding any other provision of this section,~~
12 ~~the~~ **THE** authority of a governmental unit to issue a license under
13 this ~~act~~ **SECTION** is limited as follows:

14 (a) A county ~~may~~ **SHALL** not issue a license for a location
15 ~~within~~ **IN** a city or village ~~with~~ **THAT HAS** a population ~~greater~~ **OF**
16 **MORE** than 3,000.

17 (b) A county ~~may~~ **SHALL** not issue a license for a location
18 ~~within~~ **IN** a city or village ~~with~~ **THAT HAS** a population of 3,000
19 or ~~less~~ **FEWER** or ~~within~~ **IN** a township or charter township if that
20 city, village, township, or charter township has established the
21 license fee ~~pursuant to~~ **UNDER** subsection ~~(5)~~ **(4) (A)**.

22 (c) A township or charter township ~~may~~ **SHALL** not issue a
23 license for a location ~~within~~ **IN** a village ~~with~~ **THAT HAS** a
24 population ~~over~~ **OF MORE THAN** 3,000 or a village ~~with~~ **THAT HAS** a
25 population of 3,000 or ~~less~~ **FEWER** that has established a **AN**
26 **ANNUAL LICENSE** fee under subsection ~~(5)~~ **(4) (A)**.

27 (6) A GOVERNMENTAL UNIT SHALL NOT ADOPT OR ENFORCE A LOCAL

1 LAW, ORDINANCE, RESOLUTION, OR RULE THAT DUPLICATES, EXTENDS,
2 REVISES, OR CONFLICTS WITH ANY PROVISION OF THIS ACT.

3 Sec. 3. As used in this act:

4 (a) "Chief executive officer" means any of the following:

5 (i) For a city, the mayor.

6 (ii) For a village, the village president.

7 (iii) For a township or charter township, the township
8 supervisor.

9 (iv) For a county, the county executive or, if there is no
10 county executive, ~~the person~~ **AN INDIVIDUAL** designated by a
11 resolution of the county board of commissioners.

12 (B) **"DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.**

13 (C) ~~(b)~~ "Governmental unit" means a city, township, charter
14 township, county, or incorporated village.

15 (D) ~~(c)~~ "Internet drop-off store" means a person ~~or~~
16 ~~corporation, or firm~~ that contracts with ~~other persons,~~
17 ~~corporations, or firms~~ **ANOTHER PERSON OR PERSONS** to offer its
18 ~~personal property or other valuable thing~~ **ITEMS** for sale,
19 purchase, consignment, or trade through means of an internet
20 website and meets the conditions described in section 1(3).

21 (E) **"ITEM" MEANS AN ARTICLE OF PERSONAL PROPERTY OR ANY**
22 **OTHER VALUABLE THING, EXCEPT SECURITIES OR PRINTED EVIDENCE OF**
23 **INDEBTEDNESS.**

24 (F) ~~(d)~~ "Local police agency" means the police agency of the
25 city, village, or township, or if none, the county sheriff of the
26 county, in which ~~the~~ **A PAWNBROKER OR** internet drop-off store
27 conducts business.

(G) ~~(e)~~ "Pawnbroker" means a person ~~, corporation, or member, or members of a copartnership or firm, who~~ **THAT** loans money on deposit ~~, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who~~ **1 OR MORE ITEMS OR THAT** deals in the purchasing of ~~personal property or other valuable thing~~ **ITEMS** on condition of selling ~~the same~~ **THOSE ITEMS** back again at a stipulated price.

(H) "PAWNED ITEM" MEANS AN ITEM TAKEN BY A PAWNBROKER AS COLLATERAL FOR A LOAN.

(I) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION, LIMITED LIABILITY COMPANY, OR OTHER LEGAL ENTITY.

(J) "PURCHASED ITEM" MEANS AN ITEM THAT IS ACQUIRED FOR CASH BY A PAWNBROKER WITHOUT THE INTENT TO SELL OR RETURN THAT ITEM BACK TO THE SELLER.

(K) "REPORTABLE ITEM" MEANS ANY OF THE FOLLOWING:

(i) AN ITEM PAWNED TO OR PURCHASED BY A PAWNBROKER IN THIS STATE.

(ii) A PRECIOUS ITEM RECEIVED OR PURCHASED BY A DEALER IN THIS STATE UNDER THE PRECIOUS METAL AND GEM DEALER ACT, 1981 PA 95, MCL 445.481 TO 445.492. AS USED IN THIS SUBPARAGRAPH, "DEALER" AND "PRECIOUS ITEM" MEAN THOSE TERMS AS DEFINED IN SECTION 2 OF THE PRECIOUS METAL AND GEM DEALER ACT, 1981 PA 95, MCL 445.482.

(iii) A SECOND HAND ARTICLE PURCHASED OR RECEIVED IN EXCHANGE BY A SECOND HAND DEALER OR JUNK DEALER UNDER 1917 PA 350, MCL 445.401 TO 445.408. AS USED IN THIS SUBPARAGRAPH, "SECOND HAND

1 DEALER" AND "JUNK DEALER" MEAN THOSE TERMS AS DEFINED IN SECTION
2 3 OF 1917 PA 350, MCL 445.403.

3 Sec. 5. (1) A pawnbroker shall ~~keep a record~~ **PREPARE** in
4 English, ~~at the time the pawnbroker receives any article of~~
5 ~~personal property or other valuable thing by way of pawn, that~~
6 ~~includes a description of the article, a sequential transaction~~
7 ~~number, any amount of money loaned on the article, the name,~~
8 ~~residence, general description, and driver license number,~~
9 ~~official state personal identification card number, or government~~
10 ~~identification number of the person from whom the article was~~
11 ~~received, and the day and hour when the article was received.~~ **AND**
12 **PERMANENTLY RETAIN, A SEPARATE, ACCURATE, AND LEGIBLE RECORD OF**
13 **EACH TRANSACTION IN WHICH IT ACQUIRES A PAWNED ITEM OR PURCHASED**
14 **ITEM.** The record, the **PAWNBROKER'S** place ~~where the~~ **OF** business,
15 ~~is carried on, and all articles of property~~ **ITEMS** in that place
16 of business are subject to examination at any time by the
17 attorney of the governmental unit, **A** local police agency, the
18 county prosecuting attorney of the county in which the
19 governmental unit is situated, or the department. ~~of state~~
20 ~~police.~~

21 ~~—— (2) Upon the receipt of any article of personal property or~~
22 ~~other valuable thing by way of pawn, the pawnbroker shall make a~~
23 ~~permanent record of the transaction on a form provided by the~~
24 ~~pawnbroker that substantially complies with the form described in~~
25 ~~subsection (4). Each record of transaction shall be completed in~~
26 ~~duplicate by the pawnbroker, legibly in the English language, and~~
27 ~~shall contain all applicable information required to complete the~~

record of transaction form under subsection (4). This subsection does not prohibit the use and transmission of the information required in the record of the transaction by means of computer or other electronic media as permitted by the local police agency within the applicable governmental unit.

(3) The pawnbroker shall retain a record of each transaction and, within 48 hours after the property is received, shall send 1 copy of the record of transaction to the local police agency.

(4) The record of transaction form shall be 8 1/2 inches by 11 inches in size and shall be as follows:

**RECORD OF TRANSACTION
FRONT**

Article		Serial No.		
Model No. or Case No.		Lens No. or Move. No.		
Trade Name		Color	Size	No. Jewels
Material		Stone Set Design		
Description		No.	Kind of Stone	Size
Inscription or Initials				
Purchase Price	Amt. Loaned			
Dealer				
City		Date	Ticket No.	
Lady's []	Gent's []	Wrist []	Pocket []	Lapel []

BACK

Operator's License # or Other I.D. #	
Customer's Name (PRINT)	
Street No. or RFD	

1		
2	City and State	
3		
4	Employed By:	Rolled print of right thumb
5		(If impossible then some
6	Age Height	other fingerprint.
7		Designate which.)
8	Weight Race W [] B [] O []	
9		
10	Time Received: AM PM	
11		
12	Mail reports within 48 hours to	
13	local officers	[] Male [] Female
14		
15	Signature of person taking print	
16		

17 (2) THE RECORD DESCRIBED IN SUBSECTION (1) MUST INCLUDE ALL
 18 OF THE FOLLOWING INFORMATION ABOUT EACH PAWNED ITEM OR PURCHASED
 19 ITEM THAT IS ACQUIRED BY THE PAWNBROKER:

20 (A) A COMPLETE AND ACCURATE DESCRIPTION OF THE ITEM.

21 (B) IF APPLICABLE, THE SERIAL NUMBER, MODEL NUMBER, CASE
 22 NUMBER, OR LENS NUMBER OF THE ITEM.

23 (C) IF APPLICABLE, THE ITEM'S TRADE NAME, COLOR, SIZE,
 24 NUMBER OF JEWELS, MATERIAL, STONE SET DESIGN, NUMBER OF STONES,
 25 DESCRIPTION, KIND, AND SIZE OF EACH STONE, INSCRIPTION, OR
 26 INITIALS.

27 (D) FOR A PAWNED ITEM, THE AMOUNT LOANED ON THE ITEM.

28 (E) FOR A PURCHASED ITEM, THE PURCHASE PRICE OF THE ITEM.

29 (F) THE PAWNBROKER'S NAME AND ADDRESS.

30 (G) THE DATE AND TIME OF THE TRANSACTION AND THE NAME OF THE
 31 EMPLOYEE OF THE PAWNBROKER WHO ACQUIRED THE PAWNED ITEM OR
 32 PURCHASED ITEM, OR AUTHORIZED THE ACQUISITION OF THE PAWNED ITEM
 33 OR PURCHASED ITEM, ON THE PAWNBROKER'S BEHALF.

34 (H) THE TRANSACTION NUMBER.

1 (I) THE NAME AND ADDRESS OF THE OWNER OF THE PAWNED OR
2 PURCHASED ITEM.

3 (J) THE NAME AND OPERATOR'S LICENSE NUMBER OR OTHER
4 IDENTIFICATION NUMBER OF THE INDIVIDUAL FROM WHOM THE ITEM WAS
5 RECEIVED; HIS OR HER DATE OF BIRTH, HEIGHT, GENDER, WEIGHT, AND
6 RACE AND THE NAME OF THE EMPLOYEE OF THE PAWNBROKER WHO ACQUIRED
7 THE PAWNED ITEM OR PURCHASED ITEM, OR AUTHORIZED THE ACQUISITION
8 OF THE PAWNED ITEM OR PURCHASED ITEM, ON THE PAWNBROKER'S BEHALF;
9 AND HIS OR HER SIGNATURE.

10 ~~Sec. 6. A pawnbroker shall make daily, except Sunday, a~~
11 ~~sworn statement of his or her transactions, describing the~~
12 ~~articles received, and setting forth the name, residence, and~~
13 ~~description of the person from whom the articles were received,~~
14 ~~to the chief of police or chief law enforcement officer of the~~
15 ~~governmental unit.~~

16 (1) WITHIN 48 HOURS AFTER IT RECEIVES A PAWNED ITEM IN A
17 TRANSACTION DESCRIBED IN SECTION 5(1), A PAWNBROKER SHALL
18 ELECTRONICALLY TRANSMIT THE INFORMATION DESCRIBED IN SECTION
19 5(2)(A), (B), (D), AND (F) TO (H) FOR THAT ITEM TO THE
20 DEPARTMENT, IN A FORMAT DETERMINED BY THE DEPARTMENT. A
21 PAWNBROKER SHALL RETAIN AN ELECTRONIC COPY OF ANY INFORMATION
22 TRANSMITTED UNDER THIS SUBSECTION FOR AT LEAST 5 YEARS, IN A
23 FORMAT DETERMINED BY THE DEPARTMENT.

24 (2) WITHIN 48 HOURS AFTER IT RECEIVES A PURCHASED ITEM IN A
25 TRANSACTION DESCRIBED IN SECTION 5(1), A PAWNBROKER SHALL
26 ELECTRONICALLY TRANSMIT THE INFORMATION DESCRIBED IN SECTION
27 5(2)(A), (B), AND (E) TO (H) FOR THAT ITEM TO THE DEPARTMENT, IN

1 A FORMAT DETERMINED BY THE DEPARTMENT. A PAWNBROKER SHALL RETAIN
2 AN ELECTRONIC COPY OF ANY INFORMATION TRANSMITTED UNDER THIS
3 SUBSECTION FOR AT LEAST 5 YEARS, IN A FORMAT DETERMINED BY THE
4 DEPARTMENT.

5 (3) WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE
6 AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE DEPARTMENT SHALL
7 IMPLEMENT AND MAINTAIN A STATEWIDE ELECTRONIC DATABASE OF ITEMS.
8 ALL OF THE FOLLOWING APPLY TO THE DATABASE:

9 (A) THE DATABASE SHALL INCLUDE THE INFORMATION TRANSMITTED
10 TO THE DEPARTMENT UNDER ANY OF THE FOLLOWING:

11 (i) SUBSECTION (1) OR (2).

12 (ii) SECTION 4A OF THE PRECIOUS METAL AND GEM DEALER ACT,
13 1981 PA 95, MCL 445.484A.

14 (iii) SECTION 4A OF 1917 PA 350, MCL 445.404A.

15 (B) ONLY THE DEPARTMENT AND OTHER LAW ENFORCEMENT AGENCIES
16 SHALL HAVE ACCESS TO THE INFORMATION IN THE DATABASE.

17 (C) THE DEPARTMENT MAY OPERATE THE DATABASE OR MAY SELECT
18 AND CONTRACT WITH A SINGLE THIRD-PARTY PROVIDER TO OPERATE THE
19 DATABASE. IF THE DEPARTMENT CONTRACTS WITH A THIRD-PARTY PROVIDER
20 FOR THE OPERATION OF THE DATABASE, ALL INFORMATION OBTAINED FROM
21 ANY OF THE FOLLOWING SHALL BE ELECTRONICALLY STORED IN THE
22 DEPARTMENT:

23 (i) PAWNBROKERS UNDER THIS SECTION.

24 (ii) DEALERS UNDER THE PRECIOUS METAL AND GEM DEALER ACT,
25 1981 PA 95, MCL 445.481 TO 445.492. AS USED IN THIS SUBPARAGRAPH,
26 "DEALER" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE PRECIOUS
27 METAL AND GEM DEALER ACT, 1981 PA 95, MCL 445.482.

1 (iii) SECOND HAND DEALERS OR JUNK DEALERS UNDER 1917 PA 350,
2 MCL 445.401 TO 445.408. AS USED IN THIS SUBPARAGRAPH, "SECOND
3 HAND DEALER" AND "JUNK DEALER" MEAN THOSE TERMS AS DEFINED IN
4 SECTION 3 OF 1917 PA 350, MCL 445.403.

5 (D) INFORMATION IN THE DATABASE, AND ANY INFORMATION
6 FORWARDED TO THE DEPARTMENT OR TO A THIRD-PARTY PROVIDER FOR
7 INCLUSION IN THE DATABASE, IS CONFIDENTIAL; IS NOT SUBJECT TO
8 DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
9 15.231 TO 15.246; AND SHALL NOT BE DISCLOSED BY THE DEPARTMENT, A
10 THIRD-PARTY PROVIDER, OR ANY PERSON TO ANY OTHER PERSON, EXCEPT
11 FOR PURPOSES OF THIS ACT AND FOR LAW ENFORCEMENT PURPOSES.

12 (4) WITHIN 180 DAYS AFTER THE EFFECTIVE DATE OF THE
13 AMENDATORY ACT THAT ADDED THIS SUBSECTION, EACH PAWNBROKER SHALL
14 IMPLEMENT ANY SOFTWARE THAT THE DEPARTMENT DETERMINES IS
15 NECESSARY TO ADMINISTER THE COLLECTION OF INFORMATION REQUIRED
16 UNDER THIS SECTION AND THE RETENTION OF INFORMATION BY THE
17 PAWNBROKER UNDER SUBSECTION (1) OR (2).

18 (5) EACH PAWNBROKER SHALL PAY AN ANNUAL FEE OF NOT MORE THAN
19 \$250.00 FOR EACH OF ITS LICENSED LOCATIONS FOR THE IMPLEMENTATION
20 AND MAINTENANCE OF THE DATABASE DESCRIBED IN THIS SECTION. THE
21 DEPARTMENT SHALL DETERMINE THE SPECIFIC AMOUNT OF THE FEE AND
22 COLLECT THE FEE.

23 Enacting section 1. This amendatory act takes effect 90 days
24 after the date it is enacted into law.

25 Enacting section 2. This amendatory act does not take effect
26 unless all of the following bills of the 98th Legislature are
27 enacted into law:

1 (a) Senate Bill No. _____ or House Bill No. 4266 (request no.
2 00015'15 **).

3 (b) Senate Bill No. _____ or House Bill No. 4267 (request no.
4 00016'15 **).