

CHAPTER 123

PROFESSIONS AND OCCUPATIONS

SENATE BILL 04-109

BY SENATOR(S) Kester and Takis;
also REPRESENTATIVE(S) Stengel and Vigil.

AN ACT

CONCERNING THE REGULATION OF PAWNBROKERS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 12-56-101 (1), (2), and (3), Colorado Revised Statutes, are amended to read:

12-56-101. Definitions. As used in this article, unless the context otherwise requires:

(1) "Contract for purchase" means a contract entered into between a pawnbroker and a customer pursuant to which money is advanced to the customer by the pawnbroker on the delivery of tangible personal property by the customer on the condition that the customer, for a fixed price and within a fixed period of time, ~~not to exceed ninety~~ TO BE NO LESS THAN THIRTY days, has the option to cancel said contract.

(2) "Fixed price" means the amount agreed upon to cancel a contract for purchase during the option period. Said fixed price shall not exceed:

(a) ~~One-tenth of the original purchase price for each month, plus the original purchase price, on amounts of fifty dollars or over; or~~

(b) ~~One-fifth of the original purchase price for each month, plus the original purchase price, on amounts under fifty dollars.~~

(3) "Fixed time" means that period of time, ~~not to exceed ninety~~ TO BE NO LESS THAN THIRTY days, as set forth in a contract for purchase, for an option to cancel said contract.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. 12-56-102, Colorado Revised Statutes, is amended to read:

12-56-102. Local authority to license and regulate. Local licensing authorities may license pawnbrokers and require that pawnbrokers be bonded and insured and may enact regulations governing pawnbrokers, which regulations shall be at least as restrictive as the provisions of this article; EXCEPT THAT THE REGULATIONS SHALL BE NO MORE RESTRICTIVE THAN THIS ARTICLE WITH RESPECT TO FIXED TIME AND FIXED PRICE.

SECTION 3. 12-56-103 (1), (2), (3), (4), and (7), Colorado Revised Statutes, are amended to read:

12-56-103. Required acts of pawnbrokers. (1) A pawnbroker shall keep a numerical register OR OTHER TANGIBLE OR ELECTRONIC RECORD in which ~~he~~ THE PAWNBROKER shall record the following information: The name, address, and date of birth of the customer, and ~~his~~ THE driver's license number or other identification number from any other form of identification ~~which~~ THAT is allowed for the sale of valuable articles pursuant to section 18-16-103, C.R.S., or for the sale of secondhand property pursuant to section 18-13-114, C.R.S.; the date, time, and place of the contract for purchase or purchase transaction; and an accurate and detailed account and description of each item of tangible personal property, including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying marks on such property. The pawnbroker shall also obtain a written declaration of the customer's ownership, which shall state that the tangible personal property is totally owned by the customer, or shall have attached to such declaration a power of sale from the partial owner to the customer, how long the customer has owned the property, whether the customer or someone else found the property, and, if the property was found, the details of the finding.

(2) The customer shall sign ~~his name in such~~ THE register OR OTHER TANGIBLE OR ELECTRONIC RECORD and ~~on~~ the declaration of ownership and SHALL receive a copy of the contract for purchase or a receipt of the purchase transaction.

(3) ~~Such~~ THE register OR OTHER TANGIBLE OR ELECTRONIC RECORD, AS WELL AS A COPY OF THE CONTRACT FOR PURCHASE OR A RECEIPT OF THE PURCHASE TRANSACTION, shall be made available to any local law enforcement agency for inspection at any reasonable time.

(4) The pawnbroker shall keep each register OR OTHER TANGIBLE OR ELECTRONIC RECORD for at least three years after the date of the last transaction entered in the register.

(7) (a) Every pawnbroker shall provide the local law enforcement agency, on a weekly basis, with two records, on a form to be provided or approved by the local law enforcement agency, of all tangible personal property accepted during the preceding week and one copy of the customer's declaration of ownership. The form shall contain the same information required to be recorded in the pawnbroker's register OR OTHER TANGIBLE OR ELECTRONIC RECORD pursuant to subsection (1) of this section. The local law enforcement agency shall designate the day of the week on which the records and declarations shall be submitted.

(b) A LOCAL LAW ENFORCEMENT AGENCY IS NOT REQUIRED TO USE THE INFORMATION SUBMITTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7) TO PROVIDE A BENEFIT TO THE GENERAL PUBLIC. THE STATE AND LOCAL GOVERNMENTS MAY ENACT NO FURTHER FEES, CHARGES, OR TAXES RELATED TO THE USE OF THE INFORMATION PROVIDED TO LOCAL LAW ENFORCEMENT.

SECTION 4. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to pawnbroker transactions occurring on or after the applicable effective date of this act.

Approved: April 8, 2004