

3 Senate Bill No. 922

4 As Amended

5 SENATE BILL NO. 922 - By: COFFEE of the Senate and PHILLIPS of the  
6 House.

7 [ professions and occupations - prohibiting pawn  
8 transactions on Sundays -  
9 effective date ]

10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 59 O.S. 2001, Section 1511, is  
12 amended to read as follows:

13 Section 1511. A. Multiple Agreements. No pawnbroker shall  
14 separate or divide a pawn transaction into two or more transactions  
15 for the purpose or with the effect of obtaining a total pawn finance  
16 charge in excess of that authorized for an amount equal to the total  
17 of the amounts financed in the resulting transactions.

18 B. Customer's Personal Liabilities Prohibited. Even though a  
19 pawn transaction subject to Section 1501 et seq. of this title  
20 creates a debtor-creditor relationship, no pawnbroker shall make any  
21 agreement requiring the personal liability of a customer in  
22 connection with a pawn transaction, and no customer shall have an  
23 obligation to redeem pledged goods or make any payment on a pawn  
24 transaction. The only recourse of a pawnbroker where the customer  
25 has pledged goods shall be to the pledged goods themselves, unless

1 the pledged goods are found to be stolen, embezzled, mortgaged or  
2 otherwise pledged or encumbered. Upon the customer being officially  
3 notified by a peace officer that the goods ~~he~~ pledged or sold to a  
4 pawnbroker were stolen or embezzled, the customer shall be liable to  
5 repay the pawnbroker the full amount the customer received from the  
6 pawn or buy transaction. Any pledged goods not redeemed within  
7 thirty (30) days following the last fixed maturity date may  
8 thereafter, at the option of the pawnbroker, be forfeited and become  
9 the property of the pawnbroker.

10 C. Prohibited Practices. A pawnbroker shall not:

11 1. Accept a pledge or purchase property from a person, male or  
12 female, under the age of eighteen (18) years;

13 2. Accept any waiver, in writing or otherwise, of any right or  
14 protection accorded a customer under this act;

15 3. Fail to exercise reasonable care to protect pledged goods  
16 from loss or damage;

17 4. Fail to return pledged goods to a customer upon payment of  
18 the full amount due the pawnbroker on the pawn transaction, unless a  
19 hold order has been placed on the pledged goods by an authorized  
20 peace officer or the pledged goods are in the custody of law  
21 enforcement;

22 5. Make any charge for insurance in connection with a pawn  
23 transaction, except as provided in subsection F of this section;

1       6. Enter into any pawn transaction which has a maturity date  
2 more than one (1) month after the date of the transaction; ~~or~~

3       7. Enter into any pawn transaction from Sunday 12:00 a.m. to  
4 11:59 p.m.; or

5       8. Accept collateral or buy merchandise from a person unable to  
6 supply verification of identity by photo I.D. by either a  
7 state-issued identification card, driver's license or federal  
8 government-issued identification card or by readable fingerprint of  
9 right or left index finger on the back of the pawn or buy  
10 transaction copy to be retained for the pawnbroker's record.

11       D. Presumption. Except as otherwise provided by this act, any  
12 person ~~properly identifying himself~~ presenting proper identification  
13 as the original customer in the pawn transaction or as the assignee  
14 thereof, and presenting a pawn transaction agreement to the  
15 pawnbroker shall be presumed to be entitled to redeem the pledged  
16 goods described therein.

17       E. Lost or Destroyed Transaction Agreement. If the pawn  
18 transaction agreement is lost, destroyed or stolen, the customer may  
19 so notify the pawnbroker in writing, and receipt of such notice  
20 shall invalidate such pawn transaction agreement, if the pledged  
21 goods have not previously been redeemed. Before delivering the  
22 pledged goods or issuing a new pawn transaction agreement, the

1 pawnbroker may require the customer to make affidavit of the loss,  
2 destruction or theft of the agreement.

3 F. Insurance. 1. A pawnbroker may offer insurance to a  
4 customer at the time of the pawn transaction to provide coverage  
5 during the pawn contract period for the declared value of the items  
6 pawned. The purchase of insurance shall be at the option of the  
7 customer.

8 2. A pawnbroker may not offer insurance coverage unless the  
9 pawnbroker:

10 a. is licensed as a limited insurance representative for  
11 the purpose of providing insurance coverage for pawned  
12 merchandise, as required by Section ~~1424~~ 1424.11 of  
13 Title 36 of the Oklahoma Statutes,

14 b. has filed with the Administrator of the Department of  
15 Consumer Credit a copy of the insurance policy which  
16 shall have been issued by an insurer authorized by the  
17 Insurance Commissioner to transact insurance in this  
18 state, and

19 c. has posted a copy of the policy in a conspicuous place  
20 which is readily available to the customer.

21 SECTION 2. This act shall become effective November 1, 2002.

22 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 2-18-02 -  
23 DO PASS, As Amended and Coauthored.