

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 381

By: Sparks

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6 AS INTRODUCED

7 An Act relating to electronic transmission of pawn
8 transactions; amending 59 O.S. 2001, Sections 1514
9 and 1515, which relate to pawnbroker regulation by
10 municipalities and reports of buy and pawn
11 transactions to local law enforcement; providing for
12 electronic transmission of certain reports; requiring
13 secure Internet site for certain transmissions;
14 restricting use of electronic transmissions; making
15 certain information confidential from public access
16 or review; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 1514, is
amended to read as follows:

Section 1514. Municipalities may enact ordinances and
regulations, including but not limited to procedures for the secure
electronic transmission of pawnbroker reports, which are in
compliance with but not more restrictive than the provisions of the
Oklahoma Pawnshop Act, ~~Section 1501 et seq. of Title 59 of the~~
~~Oklahoma Statutes.~~ Any existing or future order, ordinance or
regulation which conflicts with this provision shall be null and
void.

1 SECTION 2. AMENDATORY 59 O.S. 2001, Section 1515, is
2 amended to read as follows:

3 Section 1515. A. Any pawnbroker shall ~~make available~~ provide a
4 copy or report within three (3) days of any buy transaction to the
5 local law enforcement agency of the municipality or other political
6 subdivision in which the pawnshop is located; provided, merchandise
7 bought on invoice from a manufacturer or wholesaler with an
8 established place of business is exempt from this reporting
9 requirement. ~~However;~~ provided, however, such invoice shall be shown
10 upon request to the Administrator or his or her duly authorized
11 representative or any authorized peace officer. The copy or report
12 of any buy transaction may be transmitted electronically through a
13 secure Internet site to the local law enforcement agency of the
14 municipality or other political subdivision in which the pawnshop is
15 located. Each copy, report or electronic transmission of a report
16 shall include:

- 17 1. The name and address of the pawnshop;
- 18 2. The name, address, race, sex, weight, height, date of birth
19 and either identification number of the seller as verified by either
20 a state-issued identification card, driver's license or federal
21 government-issued identification card or by readable fingerprint of
22 right or left index finger on the back of the pawn or buy
23 transaction copy to be retained for the pawnbroker's record;
- 24 3. The buy transaction number;

- 1 4. The date and time of the transaction;
- 2 5. The manufacturer of the item;
- 3 6. A description of the item; and
- 4 7. The serial number and model number where available and any
- 5 other identifying markings.

6 B. Items bought, except on invoice from a manufacturer or
7 wholesaler with an established place of business as provided in
8 subsection A of this section, shall be held for ten (10) days before
9 being disposed of or sold.

10 C. ~~Any~~ Every pawnbroker shall ~~make available~~ provide a copy or
11 report within three (3) days of any pawn transaction to the local
12 law enforcement agency of the municipality or other political
13 subdivision in which the pawnshop is located. The copy or report of
14 any pawn transaction may be transmitted electronically through a
15 secure Internet site to the local law enforcement agency of the
16 municipality or other political subdivision in which the pawnshop is
17 located. Each copy, report or electronic transmission of a report
18 shall include:

- 19 1. The name and address of the pawnshop;
- 20 2. The name, address, race, sex, weight, height, date of birth
- 21 and either identification number of the person making the pawn
- 22 transaction with the pawnshop as verified by either a state-issued
- 23 identification card, driver's license or federal government-issued
- 24 identification card or by readable fingerprint of right or left

1 index finger on the back of the pawn or buy transaction copy to be
2 retained for the pawnbroker's record;

3 3. The pawn transaction number;

4 4. The date and time of the transaction;

5 5. The manufacturer of the item;

6 6. A description of the item; and

7 7. The serial number and model number where available and any
8 other identifying markings.

9 D. The pawnbroker shall obtain a written declaration of
10 ownership from the seller or pledgor on all buy and pawn
11 transactions, except refinance pawn transactions or merchandise
12 bought from a manufacturer or wholesaler with an established place
13 of business. The seller or pledgor shall be required to state how
14 long he or she has owned the property described in the transaction.
15 The declaration of ownership shall appear on the bill of sale or
16 pawn ticket, to be completed by the seller or the pledgor at the
17 time of the transaction.

18 E. As authorized by the provisions of this section, copies and
19 reports of transactions transmitted electronically from a
20 pawnbroker, his or her officers, agents, employees or assigns, to
21 the local law enforcement agency of the municipality or other
22 political subdivision in which the pawnshop is located shall be used
23 solely by the law enforcement agency, its officers, agents,
24 employees and assigns for law enforcement purposes and such

1 information shall be deemed confidential from public access, review
2 or distribution. No municipality or law enforcement agency may
3 require an electronic transmission of copies or reports pursuant to
4 this section if such electronic transmission is not conducted
5 through a secure Internet site.

6 SECTION 3. This act shall become effective November 1, 2011.

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