

SENATE No. 156

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act further regulating pawn shops..

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
2 70, as so appearing, and inserting in place thereof the following section: - Section 70. No person
3 shall carry on the business of a pawnbroker unless licensed to do so by the police commissioner
4 of Boston, or by the governing body of the city or town where he or she carries on his business,
5 subject to sections two hundred and two to two hundred and five, and said commissioner or
6 governing body may revoke such licenses at pleasure.

7 Any person who carries on the business of a pawnbroker shall record information
8 pertaining to every transaction, including but not limited to the name, address and date of birth of
9 the person offering an article, the estimated value of the article, the price paid for the article, a
10 full description of the article including all distinguishing marks and numbers, and the time and
11 date of the transaction, and shall not accept an article unless the person offering it shows an
12 identification card bearing the person’s photograph. The pawnbroker or any employee thereof,
13 shall photograph the person offering an article, and shall photograph the articles offered. Said
14 transaction information and the photographs of the person and the article or articles being

15 offered, and shall transmit the information and photographs electronically on the date of the
16 transaction, using a system specified by the secretary of public safety, and shall retain on the
17 licensed premises a printed copy of the transaction information and photographs as part of his
18 records. All information gathered or transmitted in any manner by pawnbrokers pursuant to this
19 section shall be available to any law enforcement officer at any time for any reason, and no
20 pawnbroker or person offering any article to a pawnbroker shall have an expectation of privacy
21 concerning any information about the transaction, including but not limited to any photographs
22 taken.

23 Any person offering any article for sale who provides a wrong name, address or date of
24 birth, or shows false, forged or counterfeit identification shall be punished by a fine of not more
25 than one thousand dollars or by imprisonment for not more than six months. A police officer
26 may arrest without a warrant any person whom he has probable cause to believe has provided a
27 wrong name, address or date of birth, or has shown false, forged or counterfeit identification as
28 described above. Any pawnbroker who knowingly records or transmits false information about a
29 transaction shall be fined not more than one thousand dollars for the first offense, and upon a
30 second offense, shall be fined not more than two thousand dollars and his license shall be
31 revoked, and he shall not be permitted to conduct the business of a pawnbroker in the
32 commonwealth for one year.

33 The secretary of public safety shall have the authority to promulgate regulations relative
34 to pawnbrokers and to the licensing of said persons and shops.

35 SECTION 2. Section 73 of said chapter 140, as so appearing, is hereby amended by
36 striking out, in lines 1 and 2, the words "The chief of police of a city, the selectmen of a town,

37 any officer authorized by either of them, or a state” and inserting in place thereof the following
38 word: - “A”.

39 SECTION 3. Section 75 of said chapter 140, as so appearing, is hereby amended by
40 striking out, in line 5, the words “fifty dollars” and inserting in place thereof the following
41 words: - “two hundred dollars for the first offense, and by a fine of not more than five hundred
42 dollars for each subsequent offense”.

43 SECTION 4. Section 76 of said chapter 140, as so appearing, is hereby amended by
44 striking out, in lines 1 and 2, the words “, in any city or in any town of ten thousand or more
45 inhabitants,”.

46 SECTION 5. Said chapter 140 is hereby further amended by striking out section 79, as
47 so appearing, and inserting in place thereof the following section: - Section 79. Every person
48 who carries on the business of a pawnbroker shall at the time of making a loan record
49 information pertaining to every transaction, including but not limited to the name, address and
50 date of birth of the person pawning an article, the estimated value of the article, the amount of
51 money loaned thereon, the rate of interest to be paid on such loan, a full description of the article
52 including all distinguishing marks and numbers, and the time and date of the transaction, and
53 shall not accept an article unless the person offering it shows an identification card bearing the
54 person’s photograph. The pawnbroker or any employee thereof shall photograph the person
55 offering an article in pawn, and shall photograph the articles being pawned. Said transaction
56 information and the photographs of the person pawning the article or articles and of the article or
57 articles pawned, and shall transmit the information and photographs electronically on the date of
58 the transaction, using a system specified by the secretary of public safety, and shall retain on the

59 licensed premises a printed copy of the transaction information and photographs as part of his
60 records. All information gathered, recorded or transmitted in any manner by pawnbrokers
61 pursuant to this section shall be available to any law enforcement officer at any time for any
62 reason, or to the licensing authority of any city or town or their designee, and no pawnbroker or
63 person pawning any article shall have an expectation of privacy concerning any information
64 about the transaction, including but not limited to any photographs taken.

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

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

78 SECTION 6. Section 81 of said chapter 140 is hereby repealed.

79 SECTION 7. Section 83 of said chapter 140 is hereby repealed.

80 SECTION 8. Section 84 of said chapter 140 is hereby repealed.

SECTION 9. This act shall take 180 days after its passage.