

SENATE No. 183

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act further regulating pawn shops and dealers of second articles..

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 54 and inserting in place thereof the following section: -

3 Section 54. No person shall carry on the business of being a collector of, dealer in or
4 keeper of a shop for the purchase, sale or barter of junk, old metals or second hand articles unless
5 operating under a written agreement with a registered promoter licensed under Chapter 101 of
6 the General Laws, or licensed to do so by the police commissioner of Boston or pursuant to a
7 written agreement with a registered promoter operating in the business of consumer shows,
8 licensed un Chapter 62 C of the General Laws, or by the governing body of the city or town
9 where he carries on his business, subject to sections two hundred and two to two hundred and
10 five, and said commissioner or governing body may revoke such licenses at pleasure. Societies,
11 associations or corporations organized solely for religious or charitable purposes and their agents
12 shall not be required to pay a fee for such licenses.

13 Any person who carries on the business of a being a collector of, dealer in or keeper of a
14 shop for the purchase, sale or barter of junk, old metals or second hand articles shall record

15 information pertaining to every transaction, including but not limited to the name, address and
16 date of birth of the person offering an article, , the price paid for the article, a full description of
17 the article including all distinguishing marks and numbers, and the time and date of the
18 transaction, and shall not accept an article unless the person offering it shows a government
19 issued identification card bearing the person's photograph. The collector, dealer and keeper of a
20 shop as described above, or any employee thereof, shall photograph the person offering an
21 article, and shall photograph the articles offered. Said transaction information and the
22 photographs of the person and the article or articles being offered, and shall transmit the
23 information and photographs electronically on the date of the transaction, using a system
24 specified by the secretary of public safety, and shall retain on the licensed premises a printed
25 copy of the transaction information and photographs as part of his records. All information
26 gathered or transmitted in any manner by collectors, dealers and keepers of shops as described
27 above pursuant to this section shall be available only to a law enforcement officer at any time for
28 any reason, and no said collector, dealer or keeper of a shop or person offering any article to a
29 collector, dealer or keeper of a shop shall have an expectation of privacy concerning any
30 information about the transaction, including but not limited to any photographs taken.

31 No collector, dealer and keeper of a shop as described above, or any employee thereof,
32 may purchase or receive a stainless steel or aluminum alloy beer or other beverage keg container
33 if such container is marked with an indicia of ownership of any person or entity other than the
34 person or entity presenting such container for sale. For purposes of this subsection, "indicia of
35 ownership" means words, symbols or a registered trademark printed, stamped, etched, attached
36 or otherwise displayed on such container that identify the owner of such container.

37 Any person offering any article for sale who provides a wrong name, address or date of
38 birth, or shows false, forged or counterfeit identification shall be punished by a fine of not more
39 than one thousand dollars or by imprisonment for not more than six months. A police officer
40 may arrest without a warrant any person whom he has probable cause to believe has provided a
41 wrong name, address or date of birth, or has shown false, forged or counterfeit identification as
42 described above. Any dealer of second hand articles who knowingly records or transmits false
43 information about a transaction shall be fined not more than one thousand dollars for the first
44 offense, and upon a second offense, shall be fined not more than two thousand dollars and his
45 license shall be revoked, and he shall not be permitted to conduct the business of a dealer of
46 second hand articles in the commonwealth for one year.

47 The secretary of public safety shall have the authority to promulgate regulations relative
48 to collectors of, dealers in or keepers of shops for the purchase, sale or barter of junk, old metals
49 or second hand articles, and to the licensing of said persons and shops.

50 SECTION 2. Section 55 of chapter 140, as so appearing, is hereby amended by striking
51 out, in lines 5 and 6, the words "shall forfeit twenty dollars" and inserting in place thereof the
52 following words: - shall be punished by a fine of not more than two hundred dollars for the first
53 offense, and by a fine of not more than five hundred dollars for each subsequent offense.

54 SECTION 3. Chapter 140 is hereby further amended by striking out section 70, as so
55 appearing, and inserting in place thereof the following section: -

56 Section 70. No person shall carry on the business of a pawnbroker unless licensed to do
57 so by the police commissioner of Boston, or by the governing body of the city or town where he
58 carries on his business, subject to sections two hundred and two to two hundred and five, and

59 said licensing authority may revoke such licenses at pleasure. Said licensing authority shall
60 notify the Commissioner of the Division of Banks and the Commissioner of the Department of
61 Public Safety of the issuance or revocation of said license, the name and address of the licensee,
62 and the location where said business will be carried on.