



General Assembly

February Session, 2010

**Amendment**

LCO No. 5328

**\*HB0534205328HDO\***

Offered by:  
REP. DARGAN, 115<sup>th</sup> Dist.

To: House Bill No. 5342

File No. 183

Cal. No. 120

**"AN ACT CONCERNING THE LICENSING AND RECORD KEEPING OF PAWNBROKERS AND PRECIOUS METAL AND STONE DEALERS, THE RETENTION OF CERTAIN GOODS AND CERTAIN FEES CHARGED BY PAWNBROKERS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2010*) As used in this section,  
4 sections 10 and 11 of this act, sections 21-39 to 21-47, inclusive, of the  
5 general statutes, as amended by this act, and section 21-100 of the  
6 general statutes, as amended by this act:

7 (1) "Pawnbroker" means a person who is engaged in the business of  
8 loaning money on the deposit or pledge of wearing apparel, jewelry,  
9 ornaments, household goods or other personal property or purchasing  
10 such property on condition of selling the same back again at a  
11 stipulated price;

12 (2) "Precious metals dealer" means a person who is primarily

13 engaged in the business of purchasing gold or gold-plated ware, silver  
14 or silver-plated ware, platinum ware, watches, jewelry, precious  
15 stones, bullion or coins and licensed under section 21-100 of the  
16 general statutes, as amended by this act;

17 (3) "Secondhand dealer" means a person who is engaged in the  
18 business of purchasing personal property of any type from a person  
19 who is not a wholesaler for the purpose of reselling or exchanging  
20 such property, and has physical possession of such property, other  
21 than an antiques dealer, art dealer, coin and stamp dealer, precious  
22 metals dealer, pawnbroker, consignment shop operator, special  
23 collectibles dealer, musical instrument dealer, used book dealer, dealer  
24 in motor vehicles as described in chapter 246 of the general statutes,  
25 auctioneer as described in chapter 403 of the general statutes, junk  
26 dealer, as defined in section 21-9 of the general statutes, as amended by  
27 this act, scrap metal processor, as defined in section 14-67w of the  
28 general statutes, recycling facility, as defined in section 22a-207 of the  
29 general statutes, or bona fide charitable or religious corporation;

30 (4) "Antiques dealer" means a person who is primarily engaged in  
31 the business of buying and selling items collected or desirable due to  
32 age, rarity, condition or some other unique feature;

33 (5) "Art dealer" means a person who is primarily engaged in the  
34 business of buying and selling illustrative and decorative paintings,  
35 drawings, photographs, prints, sculptures or other works in the  
36 graphic or plastic arts, or decorative or artistic objects;

37 (6) "Coin and stamp dealer" means a person who is primarily  
38 engaged in the business of buying and selling coins, stamps, currency  
39 or rare documents collected or desirable due to age, rarity, condition or  
40 some other unique feature;

41 (7) "Consignment shop operator" means a person who is primarily  
42 engaged in the business of selling personal property as the agent of  
43 another person who has placed such property in the physical  
44 possession of the agent when such other person has not been paid for

45 such property, retains legal title to such property and bears the risk of  
46 loss until such property is sold to a third person;

47 (8) "Special collectibles dealer" means a person who is primarily  
48 engaged in the business of buying or selling a distinctive type of  
49 manufactured item of limited supply designed for persons to collect or  
50 that possesses attractive characteristics, rarity, uniqueness, production  
51 faults or other distinctive characteristics necessary to cause a person to  
52 save it for hobby, display or investment purposes, without regard to its  
53 value or practical use, including, but not limited to, china, glass, toys,  
54 militaria, sports memorabilia, movie memorabilia, railroad  
55 memorabilia, models, comic books, dolls, figurines or other items of  
56 interest to a discrete group of persons, excluding antiques, coins,  
57 stamps, works of art, books, jewelry or precious metals;

58 (9) "Musical instruments dealer" means a person who is primarily  
59 engaged in the business of buying and selling new and used musical  
60 instruments and accessories;

61 (10) "Used book dealer" means a person who is primarily engaged  
62 in the business of buying and selling books previously sold at retail  
63 from persons other than a publisher or wholesaler;

64 (11) "Wholesaler" means a person engaged in the business of buying  
65 property in large quantities and reselling the property in the same or  
66 smaller quantities to persons who resell the property to the ultimate  
67 consumer;

68 (12) "Licensing authority" means the chief of police of any town or  
69 city or, if such town or city does not have an organized local police  
70 department, the Commissioner of Public Safety; and

71 (13) "Person" means an individual, corporation, limited liability  
72 company, partnership or association.

73 Sec. 2. Section 21-39 of the general statutes is repealed and the  
74 following is substituted in lieu thereof (*Effective October 1, 2010*):

75 No person [, corporation, limited liability company or partnership]  
76 shall, in any city or town of this state, engage in or carry on the  
77 business of [loaning money upon deposits or pledges of wearing  
78 apparel, jewelry, ornaments, household goods or other personal  
79 property, or of purchasing such property on condition of selling the  
80 same back again at a stipulated price, unless such person, corporation,  
81 limited liability company or partnership is licensed as] a pawnbroker  
82 unless such person is licensed in accordance with section 21-40, as  
83 amended by this act; but the provisions of this chapter shall apply only  
84 if such property is deposited with a lender, and shall not apply to  
85 loans made upon stock, bonds, notes or other written or printed  
86 evidence of ownership of property or of indebtedness to the holder or  
87 owner of any such securities.

88 Sec. 3. Section 21-40 of the general statutes is repealed and the  
89 following is substituted in lieu thereof (*Effective October 1, 2010*):

90 (a) The [selectmen] licensing authority of any town [and the chief of  
91 police of any] or city may grant licenses to suitable persons to be  
92 pawnbrokers [and to carry on the business of lending money on the  
93 deposit or pledge of personal property, or of purchasing such property  
94 on condition of selling it back again at a stipulated price, or of  
95 purchasing such property from a person who is not a wholesaler,] in  
96 such town or city respectively, and may suspend or revoke such  
97 licenses for cause, [; but the selectmen shall not grant such licenses for  
98 the carrying on of such business within the limits of any city] which  
99 shall include, but not be limited to, failure to comply with any  
100 requirements for licensure specified by the licensing authority at the  
101 time of issuance.

102 (b) The person so licensed shall pay, for the benefit of any such city  
103 or town, respectively, or if the licensing authority is the Department of  
104 Public Safety, for the benefit of said department, to the licensing  
105 authority [granting such license] a license fee of fifty dollars, and  
106 twenty-five dollars per year thereafter for renewal of such license, and  
107 shall, at the time of receiving such license, file, with the [mayor of such

108 city or the first selectman] licensing authority of such city or town, a  
109 bond to such city or town, with competent surety, in the penal sum of  
110 two thousand dollars, to be approved by such licensing authority, and  
111 conditioned for the faithful performance of the duties and obligations  
112 pertaining to the business so licensed unless such person is also  
113 licensed as a secondhand dealer in accordance with section 10 of this  
114 act, in which case the licensing authority shall waive the payment of  
115 renewal fees and filing of a bond required by this subsection.

116 (c) Each such license shall designate the place where such business  
117 is to be carried on and shall [continue] be in effect for one year unless  
118 sooner suspended or revoked. Such license shall be displayed in a  
119 conspicuous location in the place where such business is carried on. At  
120 the time of application for such license and each renewal thereof, the  
121 applicant shall disclose to the licensing authority all places used or  
122 intended to be used by the business for the purchase, receipt, storage  
123 or sale of property. During the term of such license, the licensee shall  
124 notify the licensing authority of any additional places that will be used  
125 by the business for the purchase, receipt, storage or sale of property  
126 prior to such use.

127 (d) An application for such license shall be made in writing, under  
128 oath. The application shall contain: (1) The type of business to be  
129 engaged in, (2) the applicant's full name, age and date and place of  
130 birth, (3) the applicant's residence addresses and places of employment  
131 within the preceding five years, (4) the applicant's present occupation,  
132 (5) any crime of which the applicant has been convicted and the date  
133 and place of such conviction, and (6) such additional information as  
134 the licensing authority deems necessary to investigate the  
135 qualifications, character, competency and integrity of the applicant. If  
136 the applicant is a corporation, limited liability company, partnership or  
137 association, the application shall contain the information required by  
138 this subsection for each individual who is or will be an officer,  
139 shareholder, financial backer or creditor, other than a financial  
140 institution, of such entity or any other individual with a relationship to  
141 such entity similar to that of an officer, shareholder, financial backer or

142 creditor.

143 (e) The application for such license and any renewal thereof shall  
144 contain information on any Internet web site or account used by such  
145 applicant to conduct the business. During the term of the license, the  
146 licensee shall notify the licensing authority in writing of the addition  
147 or discontinuation of any Internet web sites or accounts used to  
148 conduct the business.

149 (f) No license shall be issued under this section by the [selectmen or  
150 chief of police] licensing authority to any person who has been  
151 convicted of a felony. [The selectmen or chief of police may require any  
152 applicant for a license under this section to submit to state and national  
153 criminal history records checks. If the selectmen or chief of police  
154 require such criminal history records checks, such checks] The  
155 licensing authority may require any applicant, employee or person  
156 with an ownership interest in the business to submit to state and  
157 national criminal history records checks. Whenever the licensing  
158 authority requires such criminal history records checks, such  
159 individual shall submit two complete sets of fingerprints on forms  
160 prescribed by the licensing authority. Any criminal history records  
161 checks required pursuant to this subsection shall be conducted in  
162 accordance with section 29-17a. The licensing authority may charge the  
163 individual a fee equal to the fees established by the Federal Bureau of  
164 Investigation and the State Police Bureau of Identification for  
165 performing such criminal history records checks.

166 (g) The licensing authority shall grant or deny such application not  
167 later than ninety days after the filing of such application with the  
168 licensing authority. The licensee shall file for a renewal of such license  
169 at least sixty days before the expiration of such license and the  
170 licensing authority shall grant or deny such renewal not later than  
171 thirty days after the filing of such application for renewal. Failure of  
172 the licensing authority to act on such initial application or renewal  
173 application within the applicable period specified in this subsection  
174 shall be deemed to be a denial. The licensing authority may suspend,

175 revoke or modify any license issued under this section at any time  
176 during the period of the license for good cause shown, upon notice to  
177 the licensee and following a hearing. The licensing authority shall hold  
178 any such hearing not less than five days following the issuance of such  
179 notice and shall issue a decision not more than fourteen days after any  
180 hearing. Any person aggrieved by any action of the licensing authority  
181 in denying, suspending, revoking, modifying or refusing to renew a  
182 license issued pursuant to this section may appeal therefrom to the  
183 Superior Court.

184 Sec. 4. Section 21-41 of the general statutes is repealed and the  
185 following is substituted in lieu thereof (*Effective October 1, 2010*):

186 (a) No pawnbroker [or person who loans money on the deposit or  
187 pledge of wearing apparel, jewelry, ornaments, household goods or  
188 other personal property or purchases such property on condition of  
189 selling the same back again at a stipulated price or purchases such  
190 property from a person who is not a wholesaler] shall take, receive or  
191 purchase [such] tangible personal property without receiving proof of  
192 the identity of the person depositing, pledging or selling the property.  
193 Such identification shall include a photograph, an address, if available  
194 on the identification, and an identifying number, including, but not  
195 limited to, date of birth. [Any person who wilfully violates any  
196 provision of this subsection shall, for a first violation, have committed  
197 an infraction and, for a second or subsequent violation committed  
198 within two years of a prior violation, be guilty of a class A  
199 misdemeanor.] No pawnbroker shall enter into any transaction with a  
200 minor unless such minor is accompanied by such minor's parent or  
201 guardian.

202 (b) Each such pawnbroker [or person carrying on such business of  
203 loaning money on the deposit or pledge of personal property or of  
204 purchasing such property on condition of selling the same back again  
205 at a stipulated price or of purchasing such property from a person who  
206 is not a wholesaler] shall maintain a computerized record-keeping  
207 system deemed appropriate by the [chief of police in cities and by the

208 selectmen in towns] licensing authority, in which shall be entered in  
209 English, at the time [he] the pawnbroker receives any article of  
210 personal property by way of pledge, [pawn] deposit or purchase, a  
211 description of such article, the name, residence address, proof of  
212 identity as required in subsection (a) of this section and a general  
213 description of the person from whom, and the [day] date and hour  
214 when, such property was received and in which shall be included a  
215 digital photograph of each article. Each entry in the record-keeping  
216 system shall be numbered consecutively. A tag shall be attached to the  
217 article in a visible and convenient place with a number written on such  
218 tag corresponding to the entry number in the record-keeping system  
219 and shall remain attached to the article until the article is sold or  
220 otherwise disposed of, provided the licensing authority shall prescribe  
221 procedures authorizing the removal of such tags from articles  
222 consisting of jewelry that are cleaned and repaired on the premises by  
223 the licensee that will provide accountability for such article. Such tag  
224 shall be visible in the digital photograph taken in accordance with this  
225 section. Such record-keeping system and the place where such  
226 business is carried on and all articles of property therein may be  
227 examined at all times by any state police officer, [by any] municipal  
228 police officer, by the [selectmen of the town] licensing authority or any  
229 person by them designated. [or, if such business is carried on in a city,  
230 by the chief of police of such city or any person by him designated.]  
231 Any state police officer or municipal police officer [of the town or city  
232 where the business is carried on] who performs such an examination  
233 may require any employee on the premises to provide proof of [his]  
234 the employee's identity. All records maintained pursuant to this  
235 section shall be retained by the licensee for not less than two years.

236 (c) Except as provided in subsection (d) of this section, the  
237 description of any property received by a licensee under this section  
238 shall include, but shall not be limited to, all distinguishing marks,  
239 names of any kind, including brand and model names, model and  
240 serial numbers, engravings, etchings, affiliation with any institution or  
241 organization, dates, initials, color, size, vintage or image represented.

242 Any description of audio, video or electronic media of any kind shall  
243 also include the title and artist or any other identifying information  
244 contained on the cover or external surface of such media.

245 (d) The licensing authority may provide for an exemption from, or  
246 establish additional or different requirements than, the requirements of  
247 subsection (c) of this section upon consideration of the nature of the  
248 property, transaction or business, including, but not limited to, articles  
249 in bulk lots or articles of minimal value.

250 Sec. 5. Section 21-42 of the general statutes is repealed and the  
251 following is substituted in lieu thereof (*Effective October 1, 2010*):

252 Each such pawnbroker shall, at the time of making any loan on a  
253 pawn or pledge of personal property or of purchasing such property  
254 on condition of selling the same back again at a stipulated price [or of  
255 purchasing such property from a person who is not a wholesaler,]  
256 deliver to the person who [pawns] deposits, pledges or sells such  
257 property a memorandum or note containing (1) the entry required to  
258 be made in [his] such pawnbroker's computerized record-keeping  
259 system by the provisions of section 21-41, as amended by this act, (2) a  
260 copy of the statement signed by the person who deposits, pledges or  
261 sells such property that represents and warrants that such property is  
262 not stolen and has no liens or encumbrances against it, and that such  
263 person is the rightful owner of such property and has the right to enter  
264 into the transaction, and (3) a copy of the statement signed by the  
265 person who deposits, pledges or sells such property that states such  
266 person will indemnify and hold harmless such pawnbroker for any  
267 loss arising from the transaction because of a superior right of  
268 possession to the property residing with a third person. Each such  
269 pawnbroker may charge the person who deposits, pledges or sells  
270 such property a reasonable fee for such memorandum or note, the  
271 storage of the property, any insurance for the property and any  
272 appraisal of the property. Each such pawnbroker shall pay for any  
273 property received by [pawn] deposit, pledge or purchase only by  
274 check, draft or money order and shall not pay cash for any such

275 property except when the pawnbroker cashes a check, draft or money  
276 order for the person who is [pawning] depositing, pledging or selling  
277 the property. When the pawnbroker cashes a check, draft or money  
278 order, he shall require proof of the identity of the person presenting  
279 the check, draft or money order in accordance with subsection (a) of  
280 section 21-41, as amended by this act. [Any person who wilfully  
281 violates any provision of this section shall be guilty of a class A  
282 misdemeanor.] Each such check, draft or money order shall contain the  
283 number or numbers associated with such property in the record-  
284 keeping system maintained in accordance with section 21-41, as  
285 amended by this act. Whenever payment is made by check, the  
286 pawnbroker shall retain the electronic copy of such check or other  
287 record issued by the financial institution who processed such check,  
288 and such copy or record shall be subject to inspection pursuant to  
289 section 21-41, as amended by this act, as part of such record-keeping  
290 system. No pawnbroker shall cash any check, draft or money order  
291 issued by such pawnbroker in an amount in excess of one thousand  
292 dollars and no person shall structure any transaction or transactions to  
293 avoid this prohibition. Any transaction or transactions between a  
294 pawnbroker and the same party within a twenty-four-hour period  
295 shall be aggregated and considered a single transaction for the  
296 purposes of this section.

297 Sec. 6. Section 21-43 of the general statutes is repealed and the  
298 following is substituted in lieu thereof (*Effective October 1, 2010*):

299 Each [such] pawnbroker shall [make, weekly] submit to the  
300 licensing authority, weekly, or more frequently as determined by the  
301 licensing authority upon consideration of the volume and nature of the  
302 business, a sworn statement of his transactions, describing the [goods]  
303 property received and setting forth the nature and terms of the  
304 transaction and the name and residence address and a description of  
305 the person from whom the [goods were] property was received. [, to  
306 the chief of police in cases of cities and boroughs, and in other cases to  
307 the town clerk of the town in which such pawnbroker resides. Any  
308 such pawnbroker who wilfully fails to make the report required by this

309 section shall be fined not more than one hundred dollars.] Such  
310 statement shall be in an electronic format prescribed by the licensing  
311 authority. The licensing authority may grant an exemption from the  
312 requirement of submitting such statement in electronic format for good  
313 cause shown.

314 Sec. 7. Section 21-45 of the general statutes is repealed and the  
315 following is substituted in lieu thereof (*Effective October 1, 2010*):

316 No pawnbroker shall sell or dispose of any personal property left  
317 with him in deposit or pledge for money loaned or as a result of the  
318 purchase of such property on condition of selling the same back again  
319 at a stipulated price in less than [two months] sixty days from the  
320 [day] date when the same is left in deposit or pledge [as aforesaid] or  
321 purchased on condition of selling the same back again at a stipulated  
322 price, except when such sale or disposition is to the person who  
323 deposited, pledged or sold such property or an authorized agent of  
324 such person. All such property may be sold or disposed of at the  
325 [premises] place of business of such pawnbroker or at public sale after  
326 [advertisement in a daily newspaper published in the town in which  
327 such pawnbroker carries on business, at least once two days before the  
328 date of the sale or sales, which advertisement shall state the numbers  
329 of the pledge tickets representing the property offered for sale, and the  
330 date or dates when such tickets were issued.] such sixty-day period  
331 and upon notice to the licensing authority. Upon the expiration of sixty  
332 days from the date when such property is left with a licensee, if the  
333 person who deposited or pledged such property fails to redeem any  
334 such property in accordance with the terms of the transaction, such  
335 right of redemption or repurchase on the part of the person who  
336 deposited or pledged such property shall be extinguished and the  
337 licensee shall acquire the entire interest in the property that was held  
338 by the person who deposited or pledged such property prior to such  
339 deposit or pledge without further notice to such person.

340 Sec. 8. Section 21-46a of the general statutes is repealed and the  
341 following is substituted in lieu thereof (*Effective October 1, 2010*):

342 Whenever property is seized from the [premises] place of business  
343 of a pawnbroker, precious metals dealer or secondhand dealer by a  
344 law enforcement officer, such officer shall give the pawnbroker,  
345 precious metals dealer or secondhand dealer a duly signed receipt for  
346 the property containing a case number, a description of the property,  
347 the reason for the seizure, the name and address of the officer, the  
348 name and address of the person claiming a right to the property prior  
349 to the pawnbroker, precious metals dealer or secondhand dealer and  
350 the name of the pawnbroker, precious metals dealer or secondhand  
351 dealer. If the pawnbroker, precious metals dealer or secondhand dealer  
352 claims an ownership interest in such property, he may request the  
353 return of such property by filing a request therefor with the law  
354 enforcement agency in accordance with the provisions of section 54-  
355 36a. If the person who deposited, pledged or sold any property  
356 received by a licensee is convicted of any offense arising out of such  
357 licensee's acquisition, retention or disposition of the property and the  
358 licensee suffered an economic loss as a result of such offense, the court,  
359 at the time of sentencing, may order restitution to the licensee  
360 pursuant to subsection (c) of section 53a-28 and such order may be  
361 enforced in accordance with section 53a-28a.

362 Sec. 9. Section 21-47 of the general statutes is repealed and the  
363 following is substituted in lieu thereof (*Effective October 1, 2010*):

364 (a) Any person [, corporation, limited liability company or  
365 partnership which] who wilfully engages in the business of a  
366 pawnbroker, [or in any business described in section 21-39,] unless  
367 licensed according to law, or after notice that [its] his license has been  
368 suspended or revoked, shall be guilty of a class D felony. [, and also  
369 shall forfeit treble the amount loaned on the property so pledged to  
370 any person injured thereby who sues therefor.]

371 (b) Any person [, corporation, limited liability company or  
372 partnership which] who wilfully violates any of the provisions of this  
373 chapter for which no other penalty is provided [or neglects to keep a  
374 record-keeping system in the English language or to make the entries

375 therein as provided by law or refuses to allow the same to be inspected  
376 by the proper officers or receives an article of personal property by  
377 way of pawn, pledge or purchase from any minor, knowing or having  
378 reason to believe him to be a minor,] shall be guilty of a class A  
379 misdemeanor.

380 Sec. 10. (NEW) (*Effective October 1, 2010*) (a) No person shall engage  
381 in the business of secondhand dealer, as defined in section 1 of this act,  
382 in any city or town of this state unless such person is licensed in  
383 accordance with this section. The licensing authority of any town or  
384 city may grant a secondhand dealer license to any suitable person with  
385 a fixed place of business within the limits of such town or city. The  
386 provisions of this section shall not apply to any transaction involving  
387 the purchase of personal property of any type from a person who is  
388 not a wholesaler for the purpose of reselling or exchanging such  
389 property by a bona fide charitable or religious corporation. The  
390 licensing authority may exempt a person conducting a garage sale,  
391 yard sale, tag sale or estate sale conducted entirely at a private  
392 residence where such sale does not exceed seventy-two hours in  
393 duration during any six-month period from the requirements of this  
394 section.

395 (b) Any person licensed under subsection (a) of this section shall  
396 pay, for the benefit of the city or town, respectively, or if the licensing  
397 authority is the Department of Public Safety, for the benefit of said  
398 department, to the licensing authority a license fee of two hundred  
399 fifty dollars, and one hundred dollars per year thereafter, for renewal  
400 of such license, and shall, at the time of receiving such license, file,  
401 with the licensing authority, a bond to such city or town, with  
402 competent surety, in the amount of ten thousand dollars, to be  
403 approved by such licensing authority and conditioned for the faithful  
404 performance of the duties and obligations pertaining to the business so  
405 licensed.

406 (c) Each such license shall designate the place where such business  
407 is to be carried on and shall be in effect for one year unless sooner

408 suspended or revoked. Such license shall be displayed in a  
409 conspicuous location in the place where such business is carried on. At  
410 the time of application for such license and each renewal thereof, the  
411 applicant shall disclose to the licensing authority all places used or  
412 intended to be used by the business for the purchase, receipt, storage  
413 or sale of property. During the term of such license, the licensee shall  
414 notify the licensing authority of any additional places that will be used  
415 by the business for the purchase, receipt, storage or sale of property  
416 prior to such use.

417 (d) An application for such license shall be made in writing, under  
418 oath. The application shall contain: (1) The type of business to be  
419 engaged in, (2) the applicant's full name, age and date and place of  
420 birth, (3) the applicant's residence addresses and places of employment  
421 within the preceding five years, (4) the applicant's present occupation,  
422 (5) any crime of which the applicant has been convicted and the date  
423 and place of such conviction, and (6) such additional information as  
424 the licensing authority deems necessary to investigate the  
425 qualifications, character, competency and integrity of the applicant. If  
426 the applicant is a corporation, limited liability company, partnership or  
427 association, the application shall contain the information required by  
428 this subsection for each individual who is or will be an officer,  
429 shareholder, financial backer or creditor, other than a financial  
430 institution, of such entity or any other individual with a relationship to  
431 such entity similar to that of an officer, shareholder, financial backer or  
432 creditor.

433 (e) The application for such license and any renewal thereof shall  
434 contain information on any Internet web site or account used by such  
435 applicant to conduct the business. During the term of the license, the  
436 licensee shall notify the licensing authority, in writing, of the addition  
437 or discontinuation of any Internet web sites or accounts used to  
438 conduct the business.

439 (f) No license shall be issued under this section by the licensing  
440 authority to any person who has been convicted of a felony. The

441 licensing authority may require any applicant, employee or person  
442 with an ownership interest in the business to submit to state and  
443 national criminal history records checks. Whenever the licensing  
444 authority requires such criminal history records checks, such  
445 individual shall submit two complete sets of fingerprints on forms  
446 prescribed by the licensing authority. Any criminal history records  
447 checks required pursuant to this subsection shall be conducted in  
448 accordance with section 29-17a of the general statutes. The licensing  
449 authority may charge the individual a fee equal to the fees established  
450 by the Federal Bureau of Investigation and the State Police Bureau of  
451 Identification for performing such criminal history records checks.

452 (g) The licensing authority shall grant or deny an initial application  
453 not later than ninety days after the filing of such application with the  
454 licensing authority. The licensee shall file for any renewal of such  
455 license at least sixty days before the expiration of such license and the  
456 issuing authority shall grant or deny such renewal not later than thirty  
457 days from the filing of such application for renewal. Failure of the  
458 licensing authority to act on such application or renewal within such  
459 period shall be deemed to be a denial.

460 (h) The licensing authority may suspend or revoke any license  
461 issued under this section or modify the requirements for such license  
462 at any time during the period of the license for good cause shown,  
463 upon notice to the licensee and following a hearing, which shall be  
464 held not less than five days following the issuance of such notice. The  
465 licensing authority shall issue a decision not more than fourteen days  
466 following any hearing.

467 (i) Any person aggrieved by any action of the licensing authority in  
468 denying, suspending, revoking or refusing to renew a license issued  
469 pursuant to this section or modifying the requirements for such license  
470 may appeal therefrom to the Superior Court.

471 (j) Any applicant for a license or renewal thereof may, at the time of  
472 the initial application or any time thereafter, apply for an exemption

473 from the provisions of this section for the term of the license or for  
474 such shorter period as the licensing authority may determine. The  
475 licensing authority may grant such exemption for good cause shown.  
476 The licensing authority may, for good cause shown, exempt any  
477 individual from the provisions of this section who engages in activities  
478 otherwise subject to the provisions of this section on an occasional  
479 basis.

480 (k) Any person who wilfully engages in the business of a  
481 secondhand dealer, unless licensed in accordance with this section or  
482 after notice that such person's license has been suspended or revoked,  
483 shall be guilty of a class D felony.

484 Sec. 11. (NEW) (*Effective October 1, 2010*) (a) No secondhand dealer  
485 shall take, receive or purchase tangible personal property without  
486 receiving proof of the identity of the person selling the property if such  
487 person is not a wholesaler. Such identification shall include a  
488 photograph, an address, if available on the identification, and an  
489 identifying number, including, but not limited to, date of birth.

490 (b) Each such secondhand dealer shall maintain a record-keeping  
491 system deemed appropriate by the licensing authority which shall be  
492 entered in English, at the time the licensee purchases any article of  
493 personal property, a description of such article and the name, the  
494 residence address, the proof of identity as required by this section and  
495 a general description of the person from whom, and the date and hour  
496 when, such property was purchased and in which shall be included a  
497 digital photograph of such article. Each entry in such record-keeping  
498 system shall be numbered consecutively. A tag shall be attached to the  
499 article in a visible and convenient place with a number written thereon  
500 corresponding to the entry number in the record-keeping system and  
501 shall remain attached to the article until the article is sold or otherwise  
502 disposed of, provided the licensing authority shall prescribe  
503 procedures authorizing the removal of such tags from articles  
504 consisting of jewelry that are cleaned and repaired on the premises by  
505 the licensee that will provide accountability for such articles. Such tag

506 shall be visible in the digital photograph required by this subsection.  
507 Such record-keeping system and the place or places where such  
508 business is carried on and all articles of property therein may be  
509 examined at all times by any state police officer or municipal police  
510 officer. Any state police officer or municipal police officer who  
511 performs such an examination may require any employee on the  
512 premises to provide proof of such employee's identity. All records  
513 maintained pursuant this section shall be retained by the licensee for  
514 not less than two years.

515 (c) Except as provided in subsection (d) of this section, the  
516 description of any property purchased by a licensee under this section  
517 shall include, but not be limited to, all distinguishing marks, names of  
518 any kind, including brand and model names, model and serial  
519 numbers, engravings, etchings, affiliation with any institution or  
520 organization, dates, initials, color, size, vintage or image represented.  
521 Any description of audio, video or electronic media of any kind shall  
522 also include the title and artist or other identifying information  
523 contained on the cover or external surface of such media.

524 (d) The licensing authority may provide for an exemption from or  
525 establish additional or different requirements concerning the  
526 description of any property purchased by a licensee, upon  
527 consideration of the nature of the property, transaction or business,  
528 including, but not limited to, articles in bulk lots or articles of minimal  
529 value.

530 (e) Except as provided in subsection (f) of this section, (1) each  
531 secondhand dealer shall pay for any property purchased only by  
532 check, draft or money order and shall not pay cash for any such  
533 property.

534 (2) No secondhand dealer shall pay or cash any instrument issued  
535 by him.

536 (3) The dealer shall indicate on each such instrument the number or  
537 numbers associated with such property in the record-keeping system

538 required to be maintained pursuant to this section.

539 (4) Any secondhand dealer who pays by check shall retain the  
540 electronic copy of such check or other record issued by the financial  
541 institution who processed such check, and such copy or record shall be  
542 subject to inspection in accordance with this section as part of the  
543 record-keeping system.

544 (f) Any secondhand dealer who was licensed in any town or city as  
545 a pawnbroker pursuant to section 21-39 of the general statutes, as  
546 amended by this act, on March 31, 2010, and who continues to hold  
547 such license, may pay for property received pursuant to a secondhand  
548 dealer license issued in accordance with section 10 of this act in the  
549 manner authorized under section 21-42 of the general statutes, as  
550 amended by this act, until July 1, 2020, provided such secondhand  
551 dealer complies with all other provisions of this section relating to  
552 secondhand dealers.

553 (g) No secondhand dealer may purchase any personal property  
554 from a minor unless such minor is accompanied by such minor's  
555 parent or guardian.

556 (h) Each secondhand dealer shall make to the licensing authority,  
557 weekly or more frequently as determined by the licensing authority  
558 upon consideration of the volume and nature of the business, a sworn  
559 statement of his transactions, describing the property purchased and  
560 setting forth the nature and terms of the transaction and the name and  
561 residence address and a description of the person from whom the  
562 property was received. Such report shall be in an electronic format  
563 prescribed by the licensing authority. The licensing authority may  
564 grant exemptions from the requirement of making reports in an  
565 electronic format for good cause shown.

566 (i) No secondhand dealer shall sell or dispose of any personal  
567 property acquired in any transaction in the course of business in less  
568 than ten days from the date of its receipt. Upon the sale or disposition  
569 of such property, such dealer shall, if such property is not sold at retail

570 at the place of business of such dealer, record in the record-keeping  
571 system required by this section the value received for such property,  
572 the name and address of the purchaser and the nature of the  
573 transaction.

574 (j) Whenever property is seized from the place of business of a  
575 secondhand dealer by a law enforcement officer, such officer shall give  
576 such secondhand dealer a duly signed receipt for the property  
577 containing a case number, a description of the property, the reason for  
578 the seizure, the name and address of the officer, the name and address  
579 of the person claiming a right to the property prior to the secondhand  
580 dealer and the name of the secondhand dealer. If the secondhand  
581 dealer claims an ownership interest in such property, he may request  
582 the return of such property by filing a request therefor with the law  
583 enforcement agency in accordance with the provisions of section 54-  
584 36a of the general statutes. If the seller of any property purchased by a  
585 licensee is convicted of any offense arising out of such licensee's  
586 acquisition of the property and the licensee suffered an economic loss  
587 as a result of such offense, the court may, at the time of sentencing,  
588 order restitution to the secondhand dealer pursuant to subsection (c) of  
589 section 53a-28 of the general statutes, which order may be enforced in  
590 accordance with section 53a-28a of the general statutes.

591 (k) Any person who violates any of the provisions of this section  
592 shall be guilty of a class A misdemeanor.

593 Sec. 12. Section 21-100 of the general statutes is repealed and the  
594 following is substituted in lieu thereof (*Effective October 1, 2010*):

595 (a) No person may engage in or carry on the business of purchasing  
596 gold or gold-plated ware, silver or silver-plated ware, platinum ware,  
597 watches, jewelry, precious stones, bullion or coins unless such person  
598 is licensed by the [chief of police or, if there is no chief of police, the  
599 first selectman] licensing authority of the municipality in which such  
600 person intends to carry on such business; except that the provisions of  
601 this subsection shall not apply to the purchase of such items from a

602 wholesaler by a manufacturer or retail seller whose primary place of  
603 business is located in this state. Such person shall pay an annual fee of  
604 ten dollars for such license. The license may be revocable for cause,  
605 which shall include, but not be limited to, failure to comply with any  
606 requirements for licensure specified by the licensing authority at the  
607 time of issuance. [A chief of police or first selectman] The licensing  
608 authority shall refuse to issue a license under this subsection to a  
609 person who has been convicted of a felony [. A chief of police or first  
610 selectman] and may require any applicant for a license to submit to  
611 state and national criminal history records checks. If the [chief of police  
612 or first selectman] licensing authority requires such criminal history  
613 records checks, such checks shall be conducted in accordance with  
614 section 29-17a. For the purposes of this subsection "wholesaler" means  
615 a person in the business of selling tangible personal property to be  
616 resold at retail or raw materials to be manufactured into suitable forms  
617 for use by consumers.

618 (b) Each such [licensed person] licensee shall keep a record in which  
619 [he] such licensee shall note at the time of each transaction a  
620 description of the [goods] property purchased and the price paid for  
621 them, the name and address of the person selling the goods and the  
622 date and hour any such [goods were] property was received. Each  
623 such [licensed person] licensee shall demand positive identification  
624 from the person selling the article and the type or form of  
625 identification received shall be noted in the record. Any state police  
626 officer or municipal police officer shall have access to the record  
627 required to be kept under this section and may inspect the place where  
628 the business is carried on as well as any goods purchased or received.

629 (c) No [such licensed person] licensee may purchase any [goods]  
630 property from a minor unless such minor is accompanied by a parent  
631 or guardian. Each such [licensed person] licensee may only pay for  
632 [goods] property received by check, draft or money order and no cash  
633 shall be transferred to either party in the course of a transaction subject  
634 to the provisions of this section.

635 (d) At the time of making any purchase each [licensed person]  
636 licensee shall deliver to the person selling [goods] property a receipt  
637 containing the information required to be recorded in subsection (b) of  
638 this section, the amount paid for any [goods] property sold and the  
639 name and address of the purchaser.

640 (e) Upon request of the licensing authority each such [licensed  
641 person] licensee shall make a weekly sworn statement, describing the  
642 goods received and setting forth the name and address of each person  
643 from whom goods were purchased, to the [chief of police or first  
644 selectman] licensing authority of each municipality in which [he] the  
645 licensee transacted business that week. Such sworn statement shall not  
646 be deemed public records for the purposes of the Freedom of  
647 Information Act, as defined in section 1-200.

648 (f) Any person who violates any provision of this section shall be  
649 fined not more than one thousand dollars.

650 Sec. 13. Section 21-9 of the general statutes is repealed and the  
651 following is substituted in lieu thereof (*Effective October 1, 2010*):

652 As used in this chapter, "junk dealer" means any person who  
653 engages in business as a dealer and trader in junk, old metals, scrap,  
654 rags, waste paper or other secondhand articles that are no longer  
655 serviceable for their original manufactured purpose, and "junk yard"  
656 means any place in or on which old metal, glass, paper, cordage or  
657 other waste or discarded or secondhand material, which has not been a  
658 part, or is not intended to be a part, of any motor vehicle, is stored or  
659 deposited.

660 Sec. 14. Section 21-11 of the general statutes is repealed and the  
661 following is substituted in lieu thereof (*Effective October 1, 2010*):

662 Any person desiring to engage in business as a dealer [and trader in  
663 secondhand bicycles,] in junk, metals or other secondhand articles that  
664 are no longer serviceable for their original manufactured purpose in  
665 any town, city or borough shall make application to the selectmen of

666 such town, the mayor or chief of police of such city or the warden of  
 667 such borough, as the case may be, for a license to transact such  
 668 business within the limits of such town, city or borough, and the  
 669 selectmen of such town, the mayor or chief of police of such city or the  
 670 warden of such borough shall issue such licenses to such suitable  
 671 persons as apply therefor and may revoke any such license for cause;  
 672 but the selectmen shall not grant any such license for the carrying on of  
 673 such business within the limits of any city or borough, and the persons  
 674 so licensed shall pay, for the benefit of any such town, city or borough,  
 675 to the authority granting the license, not less than two nor more than  
 676 ten dollars therefor, to be determined by the authority granting the  
 677 license, and for renewal of such license ten dollars per year. Each  
 678 license granted under the provisions of this section shall designate the  
 679 place where such business is to be carried on, and shall continue for  
 680 one year unless sooner revoked. Each such dealer shall keep a book in  
 681 which shall be written in English a description of such articles and the  
 682 name and residence and a general description of the person from  
 683 whom, and the time and hour when, such property was received; and  
 684 such book, and all articles of property mentioned therein, and the  
 685 place where such business is carried on, may be examined at any time  
 686 by the selectmen of the town or any person designated by them, and,  
 687 in any city or borough, by the chief of police of such city or borough or  
 688 any person by him designated. Each such dealer shall make, weekly,  
 689 sworn statements of all his transactions under such license, describing  
 690 the goods received and setting forth the name and residence and a  
 691 description of the person from whom such goods were received, to the  
 692 chief of police in the case of cities or boroughs and, in other cases, to  
 693 the town clerk of the town in which such junk dealer resides, and shall  
 694 keep all goods at least five days after the filing of such statement."

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|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                        |             |
| Section 1   | <i>October 1, 2010</i> | New section |
| Sec. 2  | <i>October 1, 2010</i> | 21-39       |
| Sec. 3  | <i>October 1, 2010</i> | 21-40       |

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|---------|------------------------|-------------|
| Sec. 4  | <i>October 1, 2010</i> | 21-41       |
| Sec. 5  | <i>October 1, 2010</i> | 21-42       |
| Sec. 6  | <i>October 1, 2010</i> | 21-43       |
| Sec. 7  | <i>October 1, 2010</i> | 21-45       |
| Sec. 8  | <i>October 1, 2010</i> | 21-46a      |
| Sec. 9  | <i>October 1, 2010</i> | 21-47       |
| Sec. 10 | <i>October 1, 2010</i> | New section |
| Sec. 11 | <i>October 1, 2010</i> | New section |
| Sec. 12 | <i>October 1, 2010</i> | 21-100      |
| Sec. 13 | <i>October 1, 2010</i> | 21-9        |
| Sec. 14 | <i>October 1, 2010</i> | 21-11       |