



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4635

by Rep. Michael Tryon

SYNOPSIS AS INTRODUCED:

205 ILCS 510/5

from Ch. 17, par. 4655

Amends the Pawnbroker Regulation Act. Provides that every pawnbroker with a secondary outlet for selling goods, articles, and other things purchased or received shall also record in his or her standard record book, and report to local law enforcement or the Illinois State Police, an accurate account and description, in the English language, of all goods, articles and other things purchased or received, including the time of such purchase or receipt and the name and address of the person or business that sold or delivered such goods, articles, or other things to the pawnbroker. Provides that no entry in a standard record book shall be erased, mutilated, or changed. Provides that for the purposes of the provision, "secondary outlet" includes, but is not limited to, any e-commerce Internet website or Internet auction medium.

LRB095 18902 MJR 45051 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Pawnbroker Regulation Act is amended by
5 changing Section 5 as follows:

6 (205 ILCS 510/5) (from Ch. 17, par. 4655)

7 Sec. 5. Record requirements.

8 (a) Except in municipalities located in counties having
9 3,000,000 or more inhabitants, every pawn and loan broker shall
10 keep a standard record book that has been approved by the
11 sheriff of the county in which the pawnbroker does business. In
12 municipalities in counties with 3,000,000 or more inhabitants,
13 the record book shall be approved by the police department of
14 the municipality in which the pawn or loan broker does
15 business. At the time of each and every loan or taking of a
16 pledge, an accurate account and description, in the English
17 language, of all the goods, articles and other things pawned or
18 pledged, the amount of money, value or thing loaned thereon,
19 the time of pledging the same, the rate of interest to be paid
20 on such loan, and the name and residence of the person making
21 such pawn or pledge shall be printed, typed, or written in ink
22 in the record book. Such entry shall include the serial number
23 or identification number of items received which bear such

1 number. Except for items purchased from dealers possessing a
2 federal employee identification number who have provided a
3 receipt to the pawnbroker, every pawnbroker shall also record
4 in his book, an accurate account and description, in the
5 English language, of all goods, articles and other things
6 purchased or received for the purpose of resale or loan
7 collateral by the pawnbroker from any source, not in the course
8 of a pledge or loan, the time of such purchase or receipt and
9 the name and address of the person or business which sold or
10 delivered such goods, articles, or other things to the
11 pawnbroker. No entry in such book shall be erased, mutilated or
12 changed. Every pawnbroker with a secondary outlet for selling
13 goods, articles, and other things purchased or received shall
14 also record in his or her standard record book, and report to
15 local law enforcement or the Illinois State Police, an accurate
16 account and description, in the English language, of all goods,
17 articles, and other things purchased or received, including the
18 time of such purchase or receipt and the name and address of
19 the person or business that sold or delivered such goods,
20 articles, or other things to the pawnbroker. No entry in a
21 standard record book shall be erased, mutilated, or changed.
22 For purposes of this subsection (a), "secondary outlet"
23 includes, but is not limited to, any e-commerce Internet
24 website or Internet auction medium.

25 (b) Every pawnbroker shall require identification to be
26 shown him by each person pledging or pawning any goods,

1 articles or other things to the pawnbroker. If the
2 identification shown is a driver's license or a State
3 identification card issued by the Secretary of State and
4 contains a photograph of the person being identified, only one
5 form of identification must be shown. If the identification
6 shown is not a driver's license or a State identification card
7 issued by the Secretary of State and does not contain a
8 photograph, 2 forms of identification must be shown, and one of
9 the 2 forms of identification must include his or her residence
10 address. These forms of identification shall include, but not
11 be limited to, any of the following: driver's license, social
12 security card, utility bill, employee or student
13 identification card, credit card, or a civic, union or
14 professional association membership card. In addition, in a
15 municipality with a population of 1,000,000 or more
16 inhabitants, if the customer does not have an identification
17 issued by a governmental entity containing a photograph of the
18 person being identified, the pawnbroker shall photograph the
19 customer in color and record the customer's name, residence
20 address, date of birth, social security number, gender, height,
21 and weight on the reverse side of the photograph. If the
22 customer has no social security number, the pawnbroker shall
23 record this fact.

24 A county or municipality, including a home rule unit, may
25 regulate a pawnbroker's identification requirements for
26 persons pledging or pawning goods, articles, or other things to

1 the pawnbroker in a manner that is not less restrictive than
2 the regulation by the State of a pawnbroker's identification
3 requirements for persons pledging or pawning goods, articles,
4 or other things. A home rule unit may not regulate a
5 pawnbroker's identification requirements for persons pledging
6 or pawning goods, articles, or other things to the pawnbroker
7 in a manner less restrictive than the regulation by the State
8 of a pawnbroker's identification requirements for persons
9 pledging or pawning goods, articles, or other things. This
10 Section is a limitation under subsection (i) of Section 6 of
11 Article VII of the Illinois Constitution on the concurrent
12 exercise by home rule units of the powers and functions
13 exercised by the State.

14 (c) A pawnbroker may maintain the records required by
15 subsection (a) in computer form if the computer form has been
16 approved by the Commissioner, the sheriff of the county in
17 which the shop is located, and the police department of the
18 municipality in which the shop is located.

19 (d) Records, including reports to the Commissioner,
20 maintained by pawnbrokers shall be confidential, and no
21 disclosure of pawnbroker records shall be made except
22 disclosures authorized by this Act or ordered by a court of
23 competent jurisdiction. No record transferred to a
24 governmental official shall be improperly disclosed, provided
25 that use of those records as evidence of a felony or
26 misdemeanor shall be a proper purpose.

1 (e) Pawnbrokers and their associations may lawfully give
2 appropriate governmental agencies computer equipment for the
3 purpose of transferring information pursuant to this Act.

4 (Source: P.A. 91-608, eff. 8-19-99; 92-215, eff. 8-2-01.)