



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2249

by Rep. Kathleen Willis

#### SYNOPSIS AS INTRODUCED:

205 ILCS 510/5  
205 ILCS 510/15

from Ch. 17, par. 4655

Amends the Pawnbroker Regulation Act. Provides that any pawnbroker or unregistered buyer shall take a digital photograph of (i) the form or forms of identification used by the person pledging or pawning any goods, articles, or other things to the pawnbroker, and (ii) the goods, articles, or other things being pledged, pawned, or sold. Provides that the digital photographs or copies of the photographs shall be kept with the other records of the pawnbroker or unregistered buyer. Provides that unregistered buyers must include such photographs in their daily submissions to the sheriff of the county in which he or she is located. Effective immediately.

LRB098 08246 MGM 38344 b

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 Sections 5 and 15 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.

13 (b) Every pawnbroker or unregistered buyer shall require  
14 identification to be shown him by each person pledging or  
15 pawning any goods, articles, or other things to the pawnbroker.  
16 If the identification shown is a driver's license or a State  
17 identification card issued by the Secretary of State and  
18 contains a photograph of the person being identified, only one  
19 form of identification must be shown. If the identification  
20 shown is not a driver's license or a State identification card  
21 issued by the Secretary of State and does not contain a  
22 photograph, 2 forms of identification must be shown, and one of  
23 the 2 forms of identification must include his or her residence  
24 address. These forms of identification shall include, but not  
25 be limited to, any of the following: driver's license, social  
26 security card, utility bill, employee or student

1 identification card, credit card, or a civic, union or  
2 professional association membership card. In addition, ~~in a~~  
3 ~~municipality with a population of 1,000,000 or more~~  
4 ~~inhabitants~~, if the customer does not have an identification  
5 issued by a governmental entity containing a photograph of the  
6 person being identified, the pawnbroker shall photograph the  
7 customer in color and record the customer's name, residence  
8 address, date of birth, social security number, gender, height,  
9 and weight on the reverse side of the photograph. If the  
10 customer has no social security number, the pawnbroker shall  
11 record this fact. Any pawnbroker or unregistered buyer shall  
12 take a digital image of (i) the form or forms of identification  
13 used by the person pledging or pawning any goods, articles, or  
14 other things to the pawnbroker, and (ii) the goods, articles,  
15 or other things being pledged, pawned, or sold. The digital  
16 images or copies of the images shall be kept with the other  
17 records of the pawnbroker or unregistered buyer.

18 A county or municipality, including a home rule unit, may  
19 regulate a pawnbroker's identification requirements for  
20 persons pledging or pawning goods, articles, or other things to  
21 the pawnbroker in a manner that is not less restrictive than  
22 the regulation by the State of a pawnbroker's identification  
23 requirements for persons pledging or pawning goods, articles,  
24 or other things. A home rule unit may not regulate a  
25 pawnbroker's identification requirements for persons pledging  
26 or pawning goods, articles, or other things to the pawnbroker

1 in a manner less restrictive than the regulation by the State  
2 of a pawnbroker's identification requirements for persons  
3 pledging or pawning goods, articles, or other things. This  
4 Section is a limitation under subsection (i) of Section 6 of  
5 Article VII of the Illinois Constitution on the concurrent  
6 exercise by home rule units of the powers and functions  
7 exercised by the State.

8 (c) A pawnbroker may maintain the records required by  
9 subsection (a) in computer form if the computer form has been  
10 approved by the Commissioner, the sheriff of the county in  
11 which the shop is located, and the police department of the  
12 municipality in which the shop is located.

13 (d) Records, including reports to the Secretary,  
14 maintained by pawnbrokers shall be confidential, and no  
15 disclosure of pawnbroker records shall be made except  
16 disclosures authorized by this Act or ordered by a court of  
17 competent jurisdiction. No record transferred to a  
18 governmental official shall be improperly disclosed, provided  
19 that use of those records as evidence of a felony or  
20 misdemeanor shall be a proper purpose.

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

24 (Source: P.A. 96-1038, eff. 7-14-10.)

1           Sec. 15. Temporary buying locations; unregistered buyers.

2           (a) For purposes of this Section:

3           "Temporary buying location" means a location used by an  
4 unregistered buyer, including, but not limited to, hotels and  
5 motels.

6           "Unregistered buyer" means an individual business, or an  
7 agent of an individual business, engaged in the business of  
8 purchasing from the public, scrap precious metals, including,  
9 but not limited to, jewelry, precious stones, semi-precious  
10 stones, coins, silver, gold, and platinum, that conducts  
11 transactions at a temporary buying location but is not  
12 registered under this Act.

13           (b) An unregistered buyer that seeks to conduct business at  
14 a temporary buying location in this State must comply with all  
15 of the following:

16           (1) An unregistered buyer must register with the  
17 sheriff of the county at least 30 days prior to its  
18 intention to conduct transactions in that county.

19           (2) An unregistered buyer must submit by 6 a.m. each  
20 day to the sheriff of the county in which he or she is  
21 located detailed transaction records for the previous day,  
22 which must include purchaser, seller, and inventory  
23 information and images pursuant to subsection (b) of  
24 Section 5 of this Act.

25           (3) An unregistered buyer must pay a registration fee  
26 to the sheriff of the county in which it seeks to conduct

1           business. This fee shall be used to defray the cost of  
2           reviewing the records required under this Section and may  
3           be apportioned as the sheriff sees fit.

4           (c) The Department of Financial and Professional  
5           Regulation may adopt rules necessary for administration of this  
6           Section, which must include a fee schedule for counties to  
7           follow.

8           (Source: P.A. 96-1038, eff. 7-14-10.)

9           Section 99. Effective date. This Act takes effect upon  
10          becoming law.