



Business/Occupational Licenses Committee

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LRB096 00465 RPM 20925 a

1 AMENDMENT TO HOUSE BILL 231

2 AMENDMENT NO. _____. Amend House Bill 231 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Pawnbroker Regulation Act is amended by
5 changing Section 5 and by adding Section 7.7 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

1 language, of all the goods, articles and other things pawned or
2 pledged, the amount of money, value or thing loaned thereon,
3 the time of pledging the same, the rate of interest to be paid
4 on such loan, and the name and residence of the person making
5 such pawn or pledge shall be printed, typed, or written in ink
6 in the record book. Such entry shall include the serial number
7 or identification number of items received which bear such
8 number. Except for items purchased from dealers possessing a
9 federal employee identification number who have provided a
10 receipt to the pawnbroker, every pawnbroker shall also record
11 in his book, an accurate account and description, in the
12 English language, of all goods, articles and other things
13 purchased or received for the purpose of resale or loan
14 collateral by the pawnbroker from any source, not in the course
15 of a pledge or loan, the time of such purchase or receipt and
16 the name and address of the person or business which sold or
17 delivered such goods, articles, or other things to the
18 pawnbroker. No entry in such book shall be erased, mutilated or
19 changed.

20 (b) Every pawnbroker shall require identification to be
21 shown him by each person pledging or pawning any goods,
22 articles or other things to the pawnbroker. If the
23 identification shown is a driver's license or a State
24 identification card issued by the Secretary of State and
25 contains a photograph of the person being identified, only one
26 form of identification must be shown. If the identification

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

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

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

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

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

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

25 (f) Within 60 days after the date of notification by the
26 Illinois State Police of acceptable digital standards, every

1 pawnbroker must take a digital image in the form of a color
2 photograph or a color video recording of each customer pledging
3 or pawning any goods, articles, or other things and every item
4 pawned or sold to the pawnbroker. Each digital image must be
5 electronically cross-referenced with the transaction to which
6 it is associated. The pawnbroker must inform the customer that
7 he or she is being photographed or videotaped by displaying a
8 sign of sufficient size to alert the customer in a conspicuous
9 place on the premises.

10 Each printed photograph must be at least 2 inches in length
11 by 2 inches in width and must be maintained in such a manner
12 that the photograph can be readily matched and correlated with
13 all other records of the transaction to which they relate. Each
14 photograph of a customer must include a clearly identifiable
15 facial image of the person who pawned or sold the item. Each
16 photograph of an item must depict the item accurately.

17 If a video photograph is taken, then the video camera must
18 focus on the person pawning or selling the item so as to
19 include an identifiable image of that person's face. Items
20 photographed by video must be accurately depicted. Video
21 photographs must be electronically referenced by time and date
22 so they can be readily matched and correlated with all other
23 records of the transaction to which they relate.

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

1 Sec. 7.7. Database reporting.

2 (a) As used in this Section:

3 "Database" means a data management system to provide
4 governmental and regulatory entities a more effective means to
5 manage the regulation of their pawn and secondhand dealers and
6 to enable law enforcement agencies to share pawn and secondhand
7 transaction information electronically.

8 "Point of sale data" or "POS data" means the following: an
9 accurate account and description, in the English language, of
10 all the goods, articles, or other things pawned or pledged; the
11 amount of money loaned; the time of pledging the same; the rate
12 of interest to be paid on the loan; any information about
13 redemptions, extensions, and renewals of pawned items; the name
14 and residence of the person making the pawn, pledge, or sale;
15 digital images of each customer involved in a reportable
16 transaction and every item pawned, pledged, or sold; the serial
17 number of each item pawned, pledged, or sold; and the amount of
18 any fees as specified in Section 2 of this Act.

19 "Reportable transaction" means any transaction in which a
20 pawnbroker makes an advancement, loan, or payment to any person
21 pawning, pledging, or selling any property.

22 (b) Every pawnbroker shall transmit to the Illinois State
23 Police the POS data collected for every reportable transaction.
24 Upon notification by the Illinois State Police of acceptable
25 computer system standards, it shall be the duty of every
26 pawnbroker to transmit the POS data daily using the database

1 interchange file specification. The POS data shall be
2 transferred electronically from the pawnbroker's computer
3 system to the Illinois State Police database. All required
4 records must be transmitted completely and accurately after the
5 close of business each day in accordance with standards and
6 procedures established by the Illinois State Police. Every
7 pawnbroker must display a sign of sufficient size in a
8 conspicuous place in the premises which informs patrons that
9 all transactions are reported to the Illinois State Police
10 daily.

11 Any transaction that does not meet the database interchange
12 file specification must be corrected and resubmitted the next
13 business day. If a pawnbroker is unable to successfully
14 transfer the required reports electronically, then the
15 pawnbroker must provide the Illinois State Police, upon
16 request, printed copies of all reportable transactions along
17 with the video tape for that date by noon of the next business
18 day. If the problem is determined to be in the pawnbroker's
19 computer system and is not corrected by the close of the first
20 business day following the failure, then the pawnbroker must
21 provide printed copies of the required reports as detailed in
22 this Section until the error is corrected. If the problem is
23 determined to be outside of the pawnbroker's system, then the
24 pawnbroker must continue to provide the required reports in
25 print format and resubmit all such transactions electronically
26 when the error is corrected.

1 (c) In addition to any other fines and penalties imposed
2 under applicable State and federal laws, a fine of up to \$200
3 may be imposed upon any person who pledges or pawns any stolen
4 goods, articles, or other items to a pawnbroker and is
5 subsequently found guilty of theft as defined in Section 16-1
6 of the Criminal Code of 1961. This additional amount shall be
7 assessed by the court imposing sentence and shall be collected
8 by the Circuit Clerk in addition to any other fines and costs
9 in the case. Each such additional penalty shall be remitted by
10 the Circuit Clerk to the State Treasurer for deposit into the
11 Pawn Broker Reporting Fund. The Circuit Clerk shall retain 10%
12 of such penalty to cover the costs incurred in administering
13 and enforcing this Section.

14 (d) The Pawn Broker Reporting Fund is established as a
15 special fund in the State treasury. Moneys collected pursuant
16 to this Section shall be deposited into the Fund and used for
17 the purpose of administering and enforcing this Section.

18 Section 90. The State Finance Act is amended by adding
19 Section 5.719 as follows:

20 (30 ILCS 105/5.719 new)

21 Sec. 5.719. The Pawn Broker Reporting Fund."