



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6222

Introduced 2/11/2010, by Rep. LaShawn K. Ford

SYNOPSIS AS INTRODUCED:

205 ILCS 510/5

from Ch. 17, par. 4655

Amends the Pawnbroker Regulation Act. Provides that a pawnbroker must, at the time of making a loan or purchase, require the signature and right thumbprint of the person pledging or pawning any goods on all pawn tickets, bills of sale, or ledger cards retained by the licensee. Provides that if the person is unable to write, then the person shall sign by mark. Provides that if the person signs by mark, then the pawnbroker shall record on a separate signature card information that shall enable the pawnbroker to identify the person in case of the loss of the ticket. Provides that if the person does not have a right thumb, then a clear fingerprint shall be obtained using any other existing finger. Effective January 1, 2011.

LRB096 16759 MJR 32054 b

1 AN ACT concerning financial 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.

13 (b) Every pawnbroker shall require identification to be
14 shown him by each person pledging or pawning any goods,
15 articles or other things to the pawnbroker. A pawnbroker must,
16 at the time of making a loan or purchase, require the signature
17 and right thumbprint of the person pledging or pawning any
18 goods on all pawn tickets, bills of sale, or ledger cards
19 retained by the licensee. If the person is unable to write,
20 then the person shall sign by mark. If the person signs by
21 mark, then the pawnbroker shall record on a separate signature
22 card information that shall enable the pawnbroker to identify
23 the person in case of the loss of the ticket. If the person
24 does not have a right thumb, then a clear fingerprint shall be
25 obtained using any other existing finger. If the identification
26 shown is a driver's license or a State identification card

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

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

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

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

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

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

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

2 Section 99. Effective date. This Act takes effect January
3 1, 2011.