



Rep. Camille Y. Lilly

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LRB099 06493 MGM 35717 a

1 AMENDMENT TO SENATE BILL 1820

2 AMENDMENT NO. _____. Amend Senate Bill 1820 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Pawnbroker Regulation Act is amended by
5 changing Sections 5 and 10 and by adding Section 9.5 as
6 follows:

7 (205 ILCS 510/5) (from Ch. 17, par. 4655)

8 Sec. 5. Record requirements.

9 (a) Except in municipalities located in counties having
10 3,000,000 or more inhabitants, every pawn and loan broker shall
11 keep a standard record book that has been approved by the
12 sheriff of the county in which the pawnbroker does business. In
13 municipalities in counties with 3,000,000 or more inhabitants,
14 the record book shall be approved by the police department of
15 the municipality in which the pawn or loan broker does
16 business. At the time of each and every loan or taking of a

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

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

1 contains a photograph of the person being identified, only one
2 form of identification must be shown. If the identification
3 shown is not a driver's license or a State identification card
4 issued by the Secretary of State and does not contain a
5 photograph, 2 forms of identification must be shown, and one of
6 the 2 forms of identification must include his or her residence
7 address. These forms of identification shall include, but not
8 be limited to, any of the following: driver's license, social
9 security card, utility bill, employee or student
10 identification card, credit card, or a civic, union or
11 professional association membership card. In addition, in a
12 municipality with a population of 1,000,000 or more
13 inhabitants, if the customer does not have an identification
14 issued by a governmental entity containing a photograph of the
15 person being identified, the pawnbroker shall photograph the
16 customer in color and record the customer's name, residence
17 address, date of birth, social security number, gender, height,
18 and weight on the reverse side of the photograph. If the
19 customer has no social security number, the pawnbroker shall
20 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 Secretary,
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. 96-1038, eff. 7-14-10.)

2 (205 ILCS 510/9.5 new)

3 Sec. 9.5. Altered property; serial number and
4 manufacturer's identification number.

5 (a) No pawnbroker shall receive or purchase any article if
6 the manufacturer's make, model, or serial number, personal
7 identification number, or identifying marks engraved or etched
8 upon an item of personal property has been removed, altered, or
9 obliterated.

10 (b) The prohibition in subsection (a) of this Section does
11 not apply if the article's manufacturer's make, model, or
12 serial number, personal identification number, or identifying
13 marks have been worn in the ordinary course of use. However, no
14 article described in this subsection (b) shall be sold or
15 transferred to another pawnshop location of such pawnbroker for
16 a period of 15 days after the delivery of the copy and
17 statement required by Section 7 of this Act required to be
18 delivered to the officer or officers named therein.

19 (205 ILCS 510/10) (from Ch. 17, par. 4660)

20 Sec. 10. Sale of property. No personal property pledged or
21 received on deposit ~~or pledge or purchased~~ by any pawnbroker
22 shall be ~~sold or~~ permitted to be redeemed ~~or removed~~ from ~~the~~
23 ~~place of business of~~ such pawnbroker for a period ~~the space~~ of
24 48 hours after the delivery of the copy and statement required

1 by Section 7 of this Act required to be delivered to the
2 officer or officers named therein. No personal property
3 purchased by any pawnbroker shall be sold or removed from the
4 place of business or transferred to another pawnshop location
5 of such pawnbroker for a period of 10 days after the delivery
6 of the copy and statement required by Section 7 of this Act
7 required to be delivered to the officer or officers named
8 therein. If the pawner or pledger fails to repay the loan
9 during the period specified on the pawn ticket, the pawnbroker
10 shall automatically extend a grace period of 30 days from the
11 default date on the loan during which the pawnbroker shall not
12 dispose of or sell the personal property pledged. The parties
13 may agree to extend or renew a loan upon terms agreed upon by
14 the parties, provided the terms comply with the requirements of
15 this Act. A county or municipality, including a home rule unit,
16 may regulate these holding periods in a manner that is more
17 restrictive than the regulation provided in this Section 10. A
18 home rule unit may not regulate these holding periods in a
19 manner less restrictive than the regulation by the State. This
20 Section is a limitation under subsection (i) of Section 6 of
21 Article VII of the Illinois Constitution on the concurrent
22 exercise by home rule units of the powers and functions
23 exercised by the State.

24 (Source: P.A. 90-477, eff. 7-1-98.)"