



Legislation Text

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Int. No. 1177-A

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A local law to amend the administrative code of the city of New York, in relation to recordkeeping requirements for second-hand dealers and pawnbrokers.

Be it enacted by the Council as follows:

Section 1. Section 20-267 of the administrative code of the city of New York is amended to read as follows:

§ 20-267. Report to the police commissioner. [Every] Subject to the provisions of section 20-273 of this subchapter, every dealer in second-hand articles, upon being served with a written notice to do so by a member of the police department, shall report to the police commissioner, on blank forms to be furnished by such department, a copy of any of the records required to be kept under section 20-273 of this subchapter, of all goods or articles or any part thereof, purchased, received or sold in the course of his or her business, during the days specified in such notice.

§ 2. Section 20-273 of the administrative code of the city of New York is amended to read as follows:

§ 20-273 Record of purchase and sales. a. [Every] Subject to the provisions of subdivisions b and c of this section, every dealer in second-hand articles shall keep a [book in which] written record of transactions that shall be [legibly] legible and written in English. [,at] At the time of every purchase and at the time of every sale, every dealer in second-hand articles shall enter in such written record a description of every article so purchased or sold, the number or numbers and any monograms, inscription or other marks of identification that may appear on such article, a description of the articles or pieces comprising old gold, silver, platinum, or other metals, and any monogram, inscription or marks of identification thereon, the name, residence and general

description of the person from whom such purchase was made or to whom sold and the day and hour of the purchase or sale.

b. In addition to maintaining written records in accordance with subdivision a of this section, every dealer in second-hand articles that deals in the purchase or sale of any second-hand manufactured article composed wholly or in part of gold, silver, platinum, or other precious metals, or deals in the purchase or sale of any old gold, silver, platinum or other precious metals, or deals in the purchase of articles or things comprised of gold, silver, platinum or other precious metals for the purpose of melting or refining, or deals in the purchase or sale of used electrical appliances excluding kitchen appliances, or deals in the purchase or sale of any used electronic equipment, computers or component parts of electronic equipment or computers, shall with respect to such transactions create an electronic record in English, in a manner to be specified by the police commissioner by rule. Such electronic record may include real-time sharing or accessing of such records in an electronic format and/or through use of an internet website designated by the police commissioner. Such electronic record shall be retained for a minimum period of six years from the date of purchase or sale. Such electronic record shall be created by the dealer at the time of each transaction and shall include the following information: (i) date, time, and location of transaction; and (ii) an accurate description of each article purchased or sold, including the type of article, manufacturer, make, model or serial number, inscriptions or distinguishing marks. Such electronic record may include one or more digital photographs reasonably capturing the likeness of the article, provided in a format or in accordance with specifications as provided by rule of the police commissioner in furtherance of the purposes of this subchapter.

c. In the case of a dealer in second-hand articles who deals in the purchase or sale of [a] pawnbroker [ticket] tickets or other evidence of [a] pledged [article] articles or [a] the redemption or sale of [a] pledged [article] articles[, there shall be written in such book] and who is not subject to the provisions of section 20-277 of this chapter:

1. Every dealer shall at the time of such purchase, sale or redemption, include the following information

in the written record kept pursuant to subdivision a of this section:

[1.] (i) The name and address of the person who issued such ticket or other evidence;

[2.] (ii) The pledge number of such pawn ticket or other evidence;

[3.] (iii) The name and address of the pledgor as it appears upon such pawn ticket or other evidence;

[4.] (iv) The amount loaned or advanced as it appears on such pawn ticket or other evidence;

[5.] (v) The day and hour of such purchase, sale or redemption, as the case may be;

[6.] (vi) The name, residence and general description of the person from whom or to whom the redeemed article is purchased or sold, as the case may be;

[7.] (vii) The sum paid or received for such pawn ticket or other evidence, or the sum paid or received for the redeemed article or pledge; and

[8.] (viii) Such description of a pledged article as appears on such pawn ticket or other evidence and an accurate description of every redeemed pledged article.

2. Every dealer shall with respect to such transactions also create an electronic record in English, in a manner to be specified by the police commissioner by rule. Such electronic record may include real-time sharing or accessing of such records in an electronic format and/or through use of an internet website designated by the police commissioner. Such electronic record shall be retained for a minimum period of six years from the date of purchase or sale. Such electronic record shall be created by the dealer at the time of purchase, sale or redemption and shall include the information specified in subparagraphs (i), (ii), (iv), (v), (vii) and (viii) of paragraph one of this subdivision and one or more digital photographs reasonably capturing the likeness of the article, provided in a format or in accordance with specifications as provided by rule of the police commissioner in furtherance of the purposes of this subchapter.

[c.] d. In the case of a sale or other disposal of a motor vehicle, motor cycle or motor thereof, the [licensee] dealer in second-hand articles shall, in addition to any other entry required by subdivision a of this section, enter in [a] such permanent record the vehicle identification number of said motor vehicle, motor cycle

or motor, the manner in which said motor vehicle, motor cycle or motor was removed from the premises, giving the name, [and] address and date of birth of the person who removes it, [and] the driver's license number of such person and state of issuance if such person possessed a driver's license, the motor vehicle registration number of any vehicle used to tow, remove or transport such motor vehicle, motor cycle or motor, and the destination to which the motor vehicle, motor cycle or motor is being removed.

[d. Such book, at all reasonable times,] e. The records required by this section, including any electronic records pursuant to subdivisions b and c, shall be open to the inspection of any police officer, [to] the commissioner or any departmental inspector, [or any] judge of the criminal court, or [any] person duly authorized in writing for such purposes by the commissioner or by any judge of the criminal court, who shall exhibit such written authority to the dealer. Such records shall also be open to the inspection of any official or other person identified in, or duly authorized in writing pursuant to, any other applicable state or local law.

f. A dealer in second-hand articles subject to the provisions of subdivisions b or c of this section shall acquire and maintain in good working order the electronic equipment necessary to create and maintain the electronic records required by this section, including but not limited to a computer with internet connection and a digital camera utilizing a file format designated by the police commissioner.

g. Nothing in this section shall be construed to affect or supersede any recordkeeping requirement imposed by or pursuant to any other applicable federal, state or local law.

§ 3. Section 20-277 of the administrative code of the city of New York is amended to read as follows:

§ 20-277 Reports. a. Every pawnbroker shall create an electronic record in English, in a manner to be specified by the police commissioner by rule. Such electronic record may include real-time sharing or accessing of such records in an electronic format and/or through use of an internet website designated by the police commissioner. Such electronic record shall be created by the dealer at the time of every transaction in which goods, articles and things, or any part thereof, are pawned, pledged or redeemed in the course of business of such pawnbroker. Such electronic record shall be retained for a minimum period of six years from the date

of such transaction. Such electronic record shall include the following information:

1. The date, time, location and type of transaction;

2. An accurate description of each article pawned or pledged, including type of article, manufacturer, make, model or serial number, inscriptions or distinguishing marks, and at the discretion of the police commissioner and in furtherance of the purposes of this subchapter, one or more digital photographs reasonably capturing the likeness of the article;

3. An accurate description of each article purchased or sold, including type of article, manufacturer, make, model or serial number, inscriptions or distinguishing marks, and at the discretion of the police commissioner and in furtherance of the purposes of this subchapter one or more digital photographs reasonably capturing the likeness of the article.

b. The police commissioner, at such times as he or she may prescribe in a written notice served upon any pawnbroker by a member of the police department, may in addition to the electronic record required by subdivision a of this section require such pawnbroker to report to such commissioner, upon blank forms to be furnished by the police department, a description of all goods, articles or things, or any part thereof, pawned or pledged in the course of business of such pawnbroker during the days specified in such notice, stating the numbers of the pawn tickets issued therefor, the amounts loaned thereon, and such identifying marks as may be on the goods pawned. If such notice from the police commissioner so prescribes, such pawnbroker, until he or she is notified to discontinue so doing, shall keep and furnish on such forms, [a general description as to sex, color and apparent age of every person depositing such pledges] identifying information regarding any pledgors or persons redeeming any articles pledged or pawned, including name, address, phone number, date of birth, sex, and race or ethnicity.

c. Pawnbrokers shall acquire and maintain in good working order the electronic equipment necessary to create and maintain the electronic records required by subdivision a of this section, including but not limited to a computer with internet connection and a digital camera utilizing a file format designated by the police

commissioner.

d. Records required to be kept by pawnbrokers pursuant to this section shall be open to the inspection of the state attorney general, the state comptroller, any police officer, the commissioner, any departmental inspector, any judge of the criminal court, any person duly authorized in writing for such purposes by the commissioner or by any judge of the criminal court, who shall exhibit such written authority to the pawnbroker, or any other governmental officer or employee authorized by the state or local law. Such records shall also be open to the inspection of any official or other person identified in, or duly authorized in writing pursuant to, section forty-five of the general business law or any other applicable state or local law.

e. Nothing in this section shall be construed to affect or supersede any recordkeeping requirement imposed by or pursuant to any other applicable federal, state or local law.

f. In addition to any other applicable penalty or sanction, any person who violates any of the provisions of this section or rules promulgated thereunder shall be subject to the penalties set forth in subdivision a of section 20-106 of this chapter.

§ 4. This local law shall take effect 120 days after it shall have been enacted into law; provided that the commissioner and the commissioner of the police department may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules.

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