Legislation Details (With Text)

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Title:	A Local Law to amend the administrative code of the city of New York, in relation to strengthening the existing record-keeping requirements of pawnshops and dealers of second-hand articles		
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Attachments:	1. Summary of Int. No. 10, 2. Int. No. 10, 3. January 31, 2018 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 01-31-2018, 5. Minutes of the Stated Meeting - January 31, 2018		

Date	Ver.	Action By	Action	Result
1/31/2018	*	City Council	Introduced by Council	
1/31/2018	*	City Council	Referred to Comm by Council	
12/31/2021	*	City Council	Filed (End of Session)	

Int. No. 10

By Council Members Borelli and Brannan

A Local Law to amend the administrative code of the city of New York, in relation to strengthening the existing record-keeping requirements of pawnshops and dealers of second-hand articles

Be it enacted by the Council as follows:

Section 1. Subdivisions d and e of section 20-268 of the administrative code of the city of New York are amended to read as follows:

d. It shall be unlawful for any such dealer to sell or dispose of any articles or things except household furniture, curtains, carpets, stoves, kitchen utensils, office furniture, automobiles, motor and other vehicles, machinery, belting, building materials and barrels, or other articles or things received from a dealer or pawnbroker, or which have been received from persons known to be jewelers, dealers, banking institutions, executors or administrators, until the expiration of [fifteen] 30 days after such purchase or redemption.

e. All second-hand articles or things purchased for the purpose of melting or refining by persons principally engaged in such business, from persons who are not jewelers or dealers, shall not be sold, refined or melted or disposed of until the expiration of [fifteen] 30 days after such purchase. Such items as described in the preceding paragraph shall be kept on the premises described in the license which is required by section 20-265 of this chapter.

§ 2. Subdivisions b and c of section 20-273 of the administrative code of the city of New York, as amended by local law number 149 for the year 2013, are amended to read as follows:

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 at the time of each transaction 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 uploaded to an electronic database designated by and accessible by the police commissioner within 30 days of the transaction and shall be retained by the pawn shop for a minimum period of [six] 7 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] must include one or more digital photographs, excluding still images from

security camera footage, 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 pawnbroker tickets or other evidence of pledged articles or the redemption or sale of pledged articles 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:

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

(ii) The pledge number of such pawn ticket or other evidence;

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

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

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

(vi) The name, residence and [general description] one or more digital photographs, excluding still images from security camera footage, reasonably capturing the likeness of the person from whom or to whom the redeemed article is purchased or sold, as the case may be;

(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

(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] 7

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), (vi), (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.

§ 3. Subdivision a of section 20-277 of the administrative code of the city of New York, as amended by local law number 149 for the year 2013, 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 shall be uploaded to an electronic database designated by and accessible by the police commissioner within 30 days of the transaction. [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 and shall be uploaded to the database designated by the police commissioner within 30 days of the transaction. Such electronic record shall be retained for a minimum period of [six] 7 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,] and one or more digital photographs, excluding still images from security camera footage, 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

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commissioner and in furtherance of the purposes of this subchapter] one or more digital photographs, excluding still images from security camera footage, reasonably capturing the likeness of the article[.];

4. The name, residence and one or more digital photographs, excluding still images from security camera footage, reasonably capturing the likeness of the person from whom or to whom the redeemed article is purchased or sold.

5. A photocopy of the driver's license or other government issued photo identification from the person from whom or to whom the redeemed article is purchased or sold.

§ 4. This local law takes effect 180 days after it becomes law, except that the department shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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