

By: Representative Gipson

To: Ways and Means

## HOUSE BILL NO. 550

1 AN ACT TO AMEND SECTIONS 75-67-315 AND 75-67-309, MISSISSIPPI  
2 CODE OF 1972, TO REVISE THE AGE RESTRICTION OF THOSE FROM WHOM A  
3 PAWNBROKER OR AGENT MAY ACCEPT A PLEDGE OR PURCHASE PROPERTY FROM;  
4 TO BRING FORWARD SECTIONS 75-67-303, 75-67-305, 75-67-307,  
5 75-67-311, 75-67-313, 75-67-317, 75-67-319, 75-67-321, 75-67-323,  
6 75-67-325, 75-67-327, 75-67-329, 75-67-331, 75-67-333, 75-67-334,  
7 75-67-335, 75-67-337, 75-67-339, 75-67-341 AND 75-67-343,  
8 MISSISSIPPI CODE OF 1972, WHICH REGULATE PAWNSHOPS AND THE  
9 LICENSING THEREOF; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** Section 75-67-315, Mississippi Code of 1972, is  
12 amended as follows:

13 75-67-315. A pawnbroker and any clerk, agent or employee of  
14 such pawnbroker shall not:

15 (a) Fail to make an entry of any material matter in his  
16 record book;

17 (b) Make any false entry therein;

18 (c) Falsify, obliterate, destroy or remove from his  
19 place of business such records, books or accounts relating to the  
20 licensee's pawn transaction;



21 (d) Refuse to allow the commissioner, the appropriate  
22 law enforcement agency, the Attorney General or any other duly  
23 authorized state or federal law enforcement officer to inspect his  
24 pawn records or any pawn goods in his possession during the  
25 ordinary hours of business or other acceptable time to both  
26 parties;

27 (e) Fail to maintain a record of each pawn transaction  
28 for four (4) years;

29 (f) Accept a pledge or purchase property from a person  
30 under the age of \* \* \* twenty-one (21) years;

31 (g) Make any agreement requiring the personal liability  
32 of a pledgor or seller, or waiving any of the provisions of this  
33 article or providing for a maturity date less than thirty (30)  
34 days after the date of the pawn transaction;

35 (h) Fail to return or replace pledged goods to a  
36 pledgor or seller upon payment of the full amount due the  
37 pawnbroker unless the pledged goods have been taken into custody  
38 by a court or a law enforcement officer or agency;

39 (i) Sell or lease, or agree to sell or lease, pledged  
40 or purchased goods back to the pledgor or back to the seller in  
41 the same or related transaction;

42 (j) Sell or otherwise charge for insurance in  
43 connection with a pawn transaction;

44 (k) Remove pledged goods from the premises within  
45 thirty (30) days following the originally fixed maturity date;



(1) Accept a pledge or purchase property when such property has manufacturer's serial numbers which have been obviously removed and/or obliterated.

**SECTION 2.** Section 75-67-303, Mississippi Code of 1972, is brought forward as follows:

75-67-303. The following words and phrases used in this article shall have the following meanings unless the context clearly indicates otherwise:

(a) "Pawnbroker" means any person engaged in whole or in part in the business of lending money on the security of pledged goods left in pawn, or in the business of purchasing tangible personal property to be left in pawn on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time; provided, however, that the following are exempt from the definition of "pawnbroker" and from the provisions of this article: any bank which is regulated by the State Department of Banking and Consumer Finance, the Comptroller of the Currency of the United States, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System or any other federal or state authority and all affiliates of such bank, and additionally any bank or savings and loan association whose deposits or accounts are eligible for insurance by the Bank Insurance Fund or the Savings Association Insurance Fund or other fund administered by Federal Deposit Insurance Corporation or any successor thereto, and all affiliates



71 of such banks and savings and loan associations, any state or  
72 federally chartered credit union and any finance company subject  
73 to licensing and regulation by the State Department of Banking and  
74 Consumer Finance.

75 (b) "Pawnshop" means the location at which or premises  
76 in which a pawnbroker regularly conducts business.

77 (c) "Pawn transaction" means any loan on the security  
78 of pledged goods or any purchase of pledged goods on the condition  
79 that the pledged goods are left with the pawnbroker and may be  
80 redeemed or repurchased by the seller for a fixed price within a  
81 fixed period of time. A "pawn transaction" does not include the  
82 pledge to or the purchase by a pawnbroker of real or personal  
83 property from a customer followed by the sale of the leasing of  
84 that same property back to the customer in the same or a related  
85 transaction and such is not permitted by this article.

86 (d) "Person" means an individual, partnership,  
87 corporation, joint venture, trust, association, or any legal  
88 entity however organized.

89 (e) "Pledged goods" means tangible personal property  
90 other than choses in action, securities, or printed evidence of  
91 indebtedness, which property is purchased by, deposited with, or  
92 otherwise actually delivered into the possession of a pawnbroker  
93 in connection with a pawn transaction.



94 (f) "Commissioner" means the Mississippi Commissioner  
95 of Banking and Consumer Finance, or his designee, as the  
96 designated official for the purpose of enforcing this article.

97 (g) "Appropriate law enforcement agency" means the  
98 sheriff of each county in which the pawnbroker maintains an  
99 office, or the police chief of the municipality or law enforcement  
100 officers of the Department of Public Safety in which the  
101 pawnbroker maintains an office.

102 (h) "Attorney General" means the Attorney General of  
103 the State of Mississippi.

104 (i) "Records" or "documents" means any item in hard  
105 copy or produced in a format of storage commonly described as  
106 electronic, imaged, magnetic, microphotographic or otherwise, and  
107 any reproduction so made shall have the same force and effect as  
108 the original thereof and be admitted in evidence equally with the  
109 original.

110 **SECTION 3.** Section 75-67-305, Mississippi Code of 1972, is  
111 brought forward as follows:

112 75-67-305. (1) At the time of making the pawn or purchase  
113 transaction, the pawnbroker shall enter upon the pawn ticket a  
114 record of the following information which shall be typed or  
115 written in ink and in the English language:

116 (a) A clear and accurate description of the property,  
117 including the following:

118 (i) Brand name;



119 (ii) Model number;  
120 (iii) Serial number;  
121 (iv) Size;  
122 (v) Color, as apparent to the untrained eye;  
123 (vi) Precious metal type, weight and content, if  
124 known;  
125 (vii) Gemstone description, including the number  
126 of stones;  
127 (viii) In the case of firearms, the type of  
128 action, caliber or gauge, number of barrels, barrel length and  
129 finish; and  
130 (ix) Any other unique identifying marks, numbers,  
131 names or letters;  
132 (b) The name, residence address and date of birth of  
133 pledgor or seller;  
134 (c) Date of pawn or purchase transaction;  
135 (d) Driver's license number or social security number  
136 or Mississippi identification card number, as defined in Section  
137 45-35-1, Mississippi Code of 1972, of the pledgor or seller or  
138 identification information verified by at least two (2) forms of  
139 identification, one (1) of which shall be a photographic  
140 identification;  
141 (e) Description of the pledgor including approximate  
142 height, sex and race;  
143 (f) Amount of cash advanced;



(g) The maturity date of the pawn transaction and the amount due; and

(h) The monthly rate and pawn charge. Such rates and charges shall be disclosed using the requirements prescribed in Regulation Z (Truth in Lending) of the rules and regulations of the Board of Governors of the Federal Reserve.

(2) Each pawn or purchase transaction document shall be consecutively numbered and entered in a corresponding log or record book. Separate logs or record books for pawn and purchase transactions shall be kept.

(3) Records may be in the form of traditional hard copies, computer printouts or magnetic media if readily accessible for viewing on a screen with the capability of being promptly printed upon request.

(4) Every licensee shall maintain a record which indicates the total number of accounts and the total dollar value of all pawn transactions outstanding as of December 31 of each year.

**SECTION 4.** Section 75-67-307, Mississippi Code of 1972, is brought forward as follows:

75-67-307. The following shall be printed on all pawn tickets:

(a) The statement that "Any personal property pledged to a pawnbroker within this state is subject to sale or disposal when there has been no payment made on the account for a period of



thirty (30) days past maturity date of the original contract; no further notice is necessary";

(b) The statement that "The pledgor of this item attests that it is not stolen, it has no liens or encumbrances against it, and the pledgor has the right to sell or pawn the item";

(c) The statement that "The item is redeemable only by the bearer of this ticket or by identification of the person making the pawn"; and

(d) A blank line for the pledgor's signature.

**SECTION 5.** Section 75-67-309, Mississippi Code of 1972, is amended as follows:

75-67-309. (1) The pledgor or seller shall sign a statement verifying that the pledgor or seller is the rightful owner of the goods or is entitled to sell or pledge the goods and shall receive an exact copy of the pawn ticket which shall be signed or initialed by the pawnbroker or any employee of the pawnbroker.

(2) The pawnbroker shall maintain a record of all transactions of pledged or purchased goods on the premises. A pawnbroker shall upon request provide to the appropriate law enforcement agency a complete record of all transactions. These records shall be a correct copy of the entries made of the pawn or purchase transaction, except as to the amount of cash advanced or paid for the goods and monthly pawnshop charge. \* \* \* All transactions shall be made available online by means of electronic





193 transmission through a modem or similar device \* \* \* to \* \* \* all  
194 law enforcement \* \* \* agencies within seventy-two (72) hours of  
195 the transaction. \* \* \*

196 (3) All goods purchased across the counter by the pawnbroker  
197 shall be maintained on the premises by the pawnbroker for at least  
198 fourteen (14) calendar days \* \* \* and made available to all law  
199 enforcement \* \* \* agencies as provided in subsection (2)  
200 above. \* \* \*

201 **SECTION 6.** Section 75-67-311, Mississippi Code of 1972, is  
202 brought forward as follows:

203 75-67-311. A pledgor shall have no obligation to redeem  
204 pledged goods or make any payment on a pawn transaction. Pledged  
205 goods not redeemed within thirty (30) days following the  
206 originally fixed maturity date shall automatically be forfeited to  
207 the pawnbroker by operation of this section, and absolute right,  
208 title and interest in and to such goods shall automatically vest  
209 to the pawnbroker.

210 **SECTION 7.** Section 75-67-313, Mississippi Code of 1972, is  
211 brought forward as follows:

212 75-67-313. (1) A pawnbroker may contract for and receive a  
213 pawnshop charge in lieu of interest or other charges for all  
214 services, expenses, cost and losses of every nature not to exceed  
215 twenty-five percent (25%) of the principal amount, per month,  
216 advanced in the pawn transaction.



(2) Any interest, charge, or fees contracted for or received, directly or indirectly, in excess of the amount permitted under subsection (1) of this section shall be uncollectible and the pawn transaction shall void. The pawnshop charge allowed under subsection (1) of this section shall be deemed earned, due and owing as of the date of the pawn transaction and a like sum shall be deemed earned, due and owing on the same day of the succeeding month.

**SECTION 8.** Section 75-67-317, Mississippi Code of 1972, is brought forward as follows:

75-67-317. (1) Any person properly identifying himself as pledgor or as authorized representative of the pledgor and presenting a pawn ticket to the pawnbroker shall be entitled to redeem or repurchase the pledged goods described in such ticket. In the event such pledged goods are lost or damaged while in the possession of the pawnbroker, it shall be the responsibility of the pawnbroker to replace the lost or damaged goods with like kinds of merchandise and proof of replacement shall be defense to any prosecution. For the purpose of this subsection, "lost" includes destroyed or having disappeared because of any willful neglect that results in the pledged goods being unavailable for return to the pledgor.

(2) If the pawn ticket is lost, destroyed or stolen, the pledgor shall so notify the pawnbroker in writing, and receipt of such notice shall invalidate such pawn ticket, if the pledged



goods have not been previously redeemed. Before delivering the pledged goods or issuing a new pawn ticket, the pawnbroker shall require the pledgor to make a written statement of the loss, destruction or theft of the ticket. The pawnbroker shall record on the written statement the identifying information required by Section 75-67-305, the date the statement is given and the number of the pawn ticket lost, destroyed or stolen. This statement shall be signed by the pawnbroker or pawnshop employee who accepts the statement from the pledgor. A pawnbroker is entitled to a fee not to exceed Five Dollars (\$5.00) in connection with each lost, destroyed or stolen pawn ticket and the taking of a properly prepared written statement for the pawn ticket.

**SECTION 9.** Section 75-67-319, Mississippi Code of 1972, is brought forward as follows:

75-67-319. (1) A pawnbroker shall have a lien on the pledged goods pawned for the money advanced and the pawnshop charge owed, but not for other debts due to him. He shall retain possession of the pledged goods, except as otherwise herein provided, until his lien is satisfied.

(2) Pledged goods not redeemed on or before the maturity date, if fixed and set out in the pawn ticket issued in connection with any transaction, shall be held by the pawnbroker for thirty (30) days following such date and may be redeemed or repurchased by the pledgor or seller within such period by the payment of the



originally agreed redemption price, and the payment of an additional pawnshop charge equal to the original pawnshop charge.

**SECTION 10.** Section 75-67-321, Mississippi Code of 1972, is brought forward as follows:

75-67-321. (1) A person may not engage in business as a pawnbroker or otherwise portray himself as a pawnbroker unless the person has a valid license authorizing engagement in the business. A separate license is required for each place of business under this article. The commissioner may issue more than one (1) license to a person if that person complies with this article for each license. A new license or application to transfer an existing license is required upon a change, directly or beneficially, in the ownership of any licensed pawnshop and an application shall be made to the commissioner in accordance with this article.

(2) When a licensee wishes to move a pawnshop to another location, the licensee shall give thirty (30) days' prior written notice to the commissioner who shall amend the license accordingly.

(3) Each license shall remain in full force and effect until relinquished, suspended, revoked or expired. With each initial application for a license, the applicant shall pay the commissioner a license fee, which includes premiums for examinations, of Five Hundred Dollars (\$500.00), and on or before December 1 of each year thereafter, an annual renewal fee, which



includes premiums for examinations, of Three Hundred Fifty Dollars (\$350.00). However, when more than one (1) license to an applicant is issued, the commissioner, for each subsequent license, may only impose a fee, which includes premiums for examinations, of Three Hundred Fifty Dollars (\$350.00) at the time of application, and an annual renewal fee, which includes premiums for examinations, of Three Hundred Fifty Dollars (\$350.00) on or before December 1 of each year thereafter. If the annual fee remains unpaid thirty (30) days after December 1, the license shall thereupon expire, but not before December 31 of any year for which the annual fee has been paid. If any person engages in business as provided for in this article without paying the license fee provided for in this article commencing business or before the expiration of the person's current license, as the case may be, then the person shall be liable for the full amount of the license fee, plus a penalty in an amount not to exceed Twenty-five Dollars (\$25.00) for each day that the person has engaged in such business without a license or after the expiration of a license. All licensing fees and penalties authorized in this section shall be paid into the Consumer Finance Fund of the Department of Banking and Consumer Finance.

(4) Notwithstanding other provisions of this article, the commissioner may issue a temporary license authorizing the operator of a pawnshop on the receipt of an application to transfer a license from one person to another or on the receipt of



an application for a license involving principals and owners that are substantially identical to those of an existing licensed pawnshop. The temporary license is effective until the permanent license is issued or denied.

(5) Notwithstanding other provisions of this article, neither a new license nor an application to transfer an existing license shall be required upon any change, directly or beneficially, in the ownership of any licensed pawnshop incorporated under the laws of this state or any other state so long as the licensee continues to operate as a corporation doing a pawnshop business under the license. The commissioner may, however, require the licensee to provide such information as he deems reasonable and appropriate concerning the officer and directors of the corporation and persons owning in excess of twenty-five percent (25%) of the outstanding shares of the corporation.

**SECTION 11.** Section 75-67-323, Mississippi Code of 1972, is brought forward as follows:

75-67-323. (1) To be eligible for a pawnbroker license, an applicant shall:

(a) Operate lawfully and fairly within the purposes of this article;

(b) Not have been convicted of a felony in the last ten (10) years or be active as a beneficial owner for someone who has been convicted of a felony in the last ten (10) years;



(c) File with the commissioner a bond with good security in the penal sum of Ten Thousand Dollars (\$10,000.00), payable to the State of Mississippi for the faithful performance by the licensee of the duties and obligations pertaining to the business so licensed and the prompt payment of any judgment which may be recovered against such licensee on account of damages or other claim arising directly or collaterally from any violation of the provisions of this article; such bond shall not be valid until it is approved by the commissioner; such applicant may file, in lieu thereof, cash, a certificate of deposit, or government bonds in the amount of Ten Thousand Dollars (\$10,000.00); such deposit shall be filed with the commissioner and is subject to the same terms and conditions as are provided for in the surety bond required herein; any interest or earnings on such deposits are payable to the depositor;

(d) File with the commissioner an application accompanied by the initial license fee required in this article;

(e) Submit a set of fingerprints from any local law enforcement agency. In order to determine the applicant's suitability for license, the commissioner shall forward the fingerprints to the Department of Public Safety; and if no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the FBI for a national criminal history record check.



(2) Every licensee shall post his license in a conspicuous place at each place of business.

(3) Every licensee shall post and display a sign which measures at least twenty (20) inches by twenty (20) inches in a conspicuous place and in easy view of all persons who enter the place of business. The sign shall display bold, blocked letters, easily readable, with the following information: "This pawnshop is licensed and regulated by the Mississippi Department of Banking and Consumer Finance. If you encounter any unresolved problem with a transaction at this location, you are entitled to assistance. Please call or write: Mississippi Department of Banking and Consumer Finance, Post Office Drawer 23729, Jackson, MS 39225-3729; Phone 1-800-844-2499."

(4) From and after December 1, 2010, each application for an initial license shall include evidence of the satisfactory completion of at least six (6) hours of approved prelicensing education, and each application for renewal shall include evidence of the satisfactory completion of at least six (6) hours of approved continuing education, by the owners or designated representative in pawnbroker transactions. Two (2) of the six (6) hours shall consist of instruction on the Mississippi Pawnshop Act and shall be approved by the department once the course is approved by the Mississippi Pawnbrokers Association or the National Pawnbrokers Association.





389           **SECTION 12.** Section 75-67-325, Mississippi Code of 1972, is  
390 brought forward as follows:

391           75-67-325. (1) The commissioner may, after notice and  
392 hearing, suspend or revoke any license if it finds that:

393                 (a) The licensee, either knowingly, or without the  
394 exercise of due care to prevent the same, has violated any  
395 provision of this article;

396                 (b) Any fact or condition exists which, if it had  
397 existed or had been known to exist at the time of the original  
398 application for such license, clearly would have justified the  
399 commissioner in refusing such license;

400                 (c) The licensee has aided, abetted or conspired with  
401 an individual or person to circumvent or violate the requirement  
402 of this article;

403                 (d) The licensee, or a legal or beneficial owner of the  
404 license, has been convicted of a crime that the commissioner finds  
405 directly relates to the duties and responsibilities of the  
406 occupation of the pawnbroker.

407           (2) The commissioner may conditionally license or place on  
408 probation a person whose license has been suspended or may  
409 reprimand a licensee for a violation of this article.

410           (3) The manner of giving notice and conducting a hearing as  
411 required by subsection (1) of this section shall be performed in  
412 accordance with Mississippi Administrative Procedures Law, Section  
413 25-43-1, et seq., Mississippi Code of 1972.



414 (4) Any licensee may surrender any license by delivering it  
415 to the commissioner with written notice of its surrender, but such  
416 surrender shall not affect the licensee's civil or criminal  
417 liability for acts committed prior thereto.

418 (5) No revocation, suspension or surrender of any license  
419 shall impair or affect the obligation of any pre-existing lawful  
420 contract between the licensee and any pledgor. Any pawn  
421 transaction made without benefit of license is void.

422 (6) The commissioner may reinstate suspended licenses or  
423 issue new licenses to a person whose license or licenses have been  
424 revoked if no fact or condition then exists which clearly would  
425 have justified the commissioner in refusing originally to issue a  
426 license under this article.

427 (7) The appropriate local law enforcement agency shall be  
428 notified of any licensee who has his license suspended or revoked  
429 as provided by this article.

430 (8) The Commissioner of Banking shall enforce the provisions  
431 of this section.

432 **SECTION 13.** Section 75-67-327, Mississippi Code of 1972, is  
433 brought forward as follows:

434 75-67-327. (1) An application for a new pawnshop license,  
435 the transfer of an existing pawnshop license or the approval of a  
436 change in the ownership of a licensed pawnshop shall be under oath  
437 and shall state the full name and place of residence of the  
438 applicant, the place where the business is to be conducted and



other relevant information required by the commissioner. If the applicant is a partnership, the application shall state the full name of each partner. If the applicant is a corporation, the application shall state the full name and address of each officer, shareholder and director.

(2) Notwithstanding the provision of this article, the application need not state the full name and address of each shareholder, if the applicant is owned directly or beneficially by a person which as an issuer has a class of securities registered pursuant to Section 12 of the Securities Exchange Act of 1934 or is an issuer of securities which is required to file reports with the Securities and Exchange Commission pursuant to Section 15(d) of the Securities Exchange Act, provided that such person files with the commissioner such information, documents and reports as are required by the provision of the Securities Exchange Act to be filed by such issuer with the Securities and Exchange Commission.

**SECTION 14.** Section 75-67-329, Mississippi Code of 1972, is brought forward as follows:

75-67-329. (1) No pledged or purchased goods can be confiscated without specifically accomplishing the following actions:

- (a) A police report being made in a timely manner;
- (b) A warrant sworn out for the person who pledged or sold the goods to the pawnbroker; and



463 (c) A theft report, or a National Crime Information  
464 Center (NCIC) report, identifying the merchandise to be  
465 confiscated along with a request for restitution, pursuant to law.

466 (2) Pledged or purchased goods can be put on a one-time  
467 seven (7) day hold by the authorized law enforcement authorities.

468 (3) Confiscated merchandise shall be returned to the  
469 pawnbroker by the law enforcement authorities as soon as possible  
470 when determined that the merchandise has no rightful owner.

471 **SECTION 15.** Section 75-67-331, Mississippi Code of 1972, is  
472 brought forward as follows:

473 75-67-331. Any person who engages in the business of  
474 operating a pawnshop without first securing a license prescribed  
475 by this article shall be guilty of a misdemeanor and upon  
476 conviction thereof, shall be punishable by a fine not in excess of  
477 One Thousand Dollars (\$1,000.00) or by confinement in the county  
478 jail for not more than one (1) year, or both.

479 **SECTION 16.** Section 75-67-333, Mississippi Code of 1972, is  
480 brought forward as follows:

481 75-67-333. (1) In addition to any other penalty which may  
482 be applicable, any licensee or employee who willfully violates any  
483 provision of this article, or who willfully makes a false entry in  
484 any record specifically required by this article, shall be guilty  
485 of a misdemeanor and upon conviction thereof, shall be punishable  
486 by a fine not in excess of One Thousand Dollars (\$1,000.00) per  
487 violation or false entry.



488           (2)   (a)   In addition to any other penalty which may be  
489   applicable, any licensee or employee who fails to make a record of  
490   a pawnshop transaction and subsequently sells or disposes of the  
491   pledged goods from such transaction shall be punished as follows:

492                   (i)   For a first offense, the licensee or employee  
493   shall be guilty of a misdemeanor and upon conviction thereof,  
494   shall be punishable by a fine not in excess of One Thousand  
495   Dollars (\$1,000.00) or by imprisonment in the county jail for not  
496   more than one (1) year, or both fine and imprisonment;

497                   (ii)   For a second offense, the licensee or  
498   employee shall be guilty of a felony and upon conviction thereof,  
499   shall be punishable by a fine not in excess of Five Thousand  
500   Dollars (\$5,000.00) or by imprisonment in the custody of the State  
501   Department of Corrections for a term not less than one (1) year  
502   nor more than five (5) years, or by both fine and imprisonment.

503           (b)   Any licensee convicted in the manner provided in  
504   this subsection (2) shall forfeit the surety bond or deposit  
505   required in Section 75-67-323 and the amount of such bond or  
506   deposit shall be credited to the budget of the state or local  
507   agency, which directly participated in the prosecution of such  
508   licensee, for the specific purpose of increasing law enforcement  
509   resources for that specific state or local agency. Such bond or  
510   deposit shall be used to augment existing state and local law  
511   enforcement budgets and not to supplant them.



(3) Compliance with the criminal provisions of this article shall be enforced by the appropriate law enforcement agency who may exercise for such purpose any authority conferred upon such agency by law.

(4) When the commissioner has reasonable cause to believe that a person is violating any provision of this article, the commissioner, in addition to and without prejudice to the authority provided elsewhere in this article, may enter an order requiring the person to stop or to refrain from the violation. The commissioner may sue in any circuit court of the state having jurisdiction and venue to enjoin the person from engaging in or continuing the violation or from doing any act in furtherance of the violation. In such an action, the court may enter an order or judgment awarding a preliminary or permanent injunction.

(5) The commissioner may, after notice and a hearing, impose a civil penalty against any licensee adjudged by the commissioner to be in violation of the provisions of this article. Such civil penalty shall not exceed Five Hundred Dollars (\$500.00) per violation and shall be deposited into the State General Fund.

**SECTION 17.** Section 75-67-334, Mississippi Code of 1972, is brought forward as follows:

75-67-334. The commissioner, or his duly authorized representative, for the purpose of discovering violations of this article and for the purpose of determining whether persons are subject to the provisions of this article, may examine persons



537 licensed under this article and persons reasonably suspected by  
538 the commissioner of conducting business that requires a license  
539 under this article, including all relevant books, records and  
540 papers employed by those persons in the transaction of their  
541 business, and may summon witnesses and examine them under oath  
542 concerning matters relating to the business of those persons, or  
543 such other matters as may be relevant to the discovery of  
544 violations of this article, including without limitation the  
545 conduct of business without a license as required under this  
546 article.

547       **SECTION 18.** Section 75-67-335, Mississippi Code of 1972, is  
548 brought forward as follows:

549       75-67-335. If any pledged goods from a pawn transaction are  
550 found to be stolen goods and are returned to the rightful owner by  
551 law enforcement authorities and if the licensee who accepted such  
552 pledged goods has complied with all of the duties and  
553 responsibilities as specified in this article during such  
554 transaction, then the rightful owner of such pledged goods shall  
555 be liable to the licensee for the pledged amount if the rightful  
556 owner fails to prosecute or cooperate in the criminal prosecution  
557 related to such pawn transaction, provided that the rightful owner  
558 can prove that the stolen goods are his. It shall also be the  
559 responsibility of the licensee to assist or cooperate in the  
560 criminal prosecution related to such pawn transaction. Upon  
561 successful criminal prosecution, restitution shall be awarded to



the pawnbroker and the rightful owner, if applicable, by the criminal court at the time of the defendant's sentencing. If the identity of a person who pawned stolen goods can be determined, the district attorney may prosecute such person for any applicable criminal violations.

**SECTION 19.** Section 75-67-337, Mississippi Code of 1972, is brought forward as follows:

75-67-337. The provisions of this article are severable. If any part of this article is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

**SECTION 20.** Section 75-67-339, Mississippi Code of 1972, is brought forward as follows:

75-67-339. Pawnbrokers operating pawnshop locations in business as of July 1, 1993, shall have until January 1, 1994, to apply for a license under this article and to pay the required fee, and upon such application and payment of such required fee, shall be granted a license under this article.

**SECTION 21.** Section 75-67-341, Mississippi Code of 1972, is brought forward as follows:

75-67-341. (1) The Commissioner of Banking shall develop and provide any necessary forms to carry out the provisions of this article.

(2) To assure compliance with the provisions of this article, the commissioner may examine the pawn books and records of any licensee without notice during normal business hours.





587 Any expenses incurred for such examinations are included in  
588 the licensee's application fee; however, the commissioner may  
589 charge the licensee any actual expenses incurred while examining  
590 the licensee's pawn records or books which are located outside of  
591 the State of Mississippi.

592 **SECTION 22.** Section 75-67-343, Mississippi Code of 1972, is  
593 brought forward as follows:

594 75-67-343. Municipalities in this state may enact ordinances  
595 which are in compliance with, but not more restrictive than, the  
596 provisions of this article. Any existing or future order,  
597 ordinance or regulation which conflicts with this provision shall  
598 be null and void.

599 **SECTION 23.** This act shall take effect and be in force from  
600 and after July 1, 2015.

