

By: Clark

To: Judiciary B

HOUSE BILL NO. 1308

1 AN ACT TO AMEND SECTIONS 27-17-299 AND 27-17-415, MISSISSIPPI
2 CODE OF 1972, TO REVISE CERTAIN FEES APPLICABLE TO PAWNBROKERS; TO
3 BRING FORWARD SECTIONS 75-67-303 AND 75-67-321, MISSISSIPPI CODE
4 OF 1972, FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 27-17-299, Mississippi Code of 1972, is
7 amended as follows:[HS1]

8 27-17-299. Upon each pawn broker.....\$250.00

9 * * *

10 SECTION 2. Section 27-17-415, Mississippi Code of 1972, is
11 amended as follows:[HS2]

12 27-17-415. Upon each person selling pistols, dirk knives,
13 sword canes, brass or metallic knuckles, or other deadly weapons
14 (excepting hunting knives, shot guns and rifles).....\$100.00

15 A pawnbroker who is licensed under the provisions of Section
16 75-67-301 et seq. shall be exempt from the provisions of this
17 section.

18 SECTION 3. Section 75-67-303, Mississippi Code of 1972, is
19 brought forward as follows:

20 75-67-303. The following words and phrases used in this act
21 shall have the following meanings unless the context clearly
22 indicates otherwise:

23 (a) "Pawnbroker" means any person engaged in whole or
24 in part in the business of lending money on the security of
25 pledged goods left in pawn, or in the business of purchasing
26 tangible personal property to be left in pawn on the condition
27 that it may be redeemed or repurchased by the seller for a fixed

28 price within a fixed period of time; provided, however, that the
29 following are exempt from the definition of "pawnbroker" and from
30 the provisions of this act: any bank which is regulated by the
31 State Department of Banking and Consumer Finance, the Comptroller
32 of the Currency of the United States, the Federal Deposit
33 Insurance Corporation, the Board of Governors of the Federal
34 Reserve System or any other federal or state authority and all
35 affiliates of such bank, and additionally any bank or savings and
36 loan association whose deposits or accounts are eligible for
37 insurance by the Bank Insurance Fund or the Savings Association
38 Insurance Fund or other fund administered by Federal Deposit
39 Insurance Corporation or any successor thereto, and all affiliates
40 of such banks and savings and loan associations, any state or
41 federally chartered credit union and any finance company subject
42 to licensing and regulation by the State Department of Banking and
43 Consumer Finance.

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

46 (c) "Pawn transaction" means any loan on the security of
47 pledged goods or any purchase of pledged goods on the condition
48 that the pledged goods are left with the pawnbroker and may be
49 redeemed or repurchased by the seller for a fixed price within a
50 fixed period of time. A "pawn transaction" does not include the
51 pledge to or the purchase by a pawnbroker of real or personal
52 property from a customer followed by the sale of the leasing of
53 that same property back to the customer in the same or a related
54 transaction and such is not permitted by this article.

55 (d) "Person" means an individual, partnership,
56 corporation, joint venture, trust, association, or any legal
57 entity however organized.

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

63 (f) "Commissioner" means the Mississippi Commissioner of
64 Banking and Consumer Finance, or his designee, as the designated

65 official for the purpose of enforcing this article.

66 (g) "Appropriate law enforcement agency" means the
67 sheriff of each county in which the pawnbroker maintains an
68 office, or the police chief of the municipality or law enforcement
69 officers of the Department of Public Safety in which the
70 pawnbroker maintains an office.

71 (h) "Attorney General" means the Attorney General of the
72 State of Mississippi.

73 SECTION 4. Section 75-65-321, Mississippi Code of 1972, is
74 brought forward as follows:

75 75-65-321. (1) A person may not engage in business as a
76 pawnbroker or otherwise portray himself as a pawnbroker unless the
77 person has a valid license authorizing engagement in the business.

78 A separate license is required for each place of business under
79 this act. The commissioner may issue more than one (1) license to
80 a person if that person complies with this act for each license.
81 A new license or application to transfer an existing license is
82 required upon a change, directly or beneficially, in the ownership
83 of any licensed pawnshop and an application shall be made to the
84 commissioner in accordance with this article.

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

89 (3) Each license shall remain in full force and effect until
90 relinquished, suspended, revoked or expired. Every licensee, on
91 or before each December 1st, shall pay the commissioner One
92 Hundred Fifty Dollars (\$150.00) for each license held by him as an
93 annual fee for the succeeding calendar year. If the annual fee
94 remains unpaid thirty (30) days after written notice of
95 delinquency has been given to the licensee by the commissioner,
96 the license shall thereupon expire, but not before December 31st
97 of any year for which the annual fee has been paid. All licensing

98 fees shall be paid into a special fund within the Commission of
99 Banking as provided by law.

100 (4) Notwithstanding other provisions of this article, the
101 commissioner may issue a temporary license authorizing the
102 operator of a pawnshop on the receipt of an application to
103 transfer a license from one person to another or on the receipt of
104 an application for a license involving principals and owners that
105 are substantially identical to those of an existing licensed
106 pawnshop. The temporary license is effective until the permanent
107 license is issued or denied.

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

119 SECTION 5. This act shall take effect and be in force from
120 and after July 1, 2000.