

PAWNBROKERS (EXCERPT)
Act 273 of 1917

446.201 Pawnbrokers; license required; exception; internet drop-off store exempt from licensure.

Sec. 1.

(1) A person, corporation, or firm shall not conduct business as a pawnbroker in any of the governmental units of this state without having first obtained from the chief executive officer of that governmental unit a license under this act that authorizes that person, corporation, or firm to conduct that business. This subsection does not require an internet drop-off store complying with subsection (3), or a person engaged in the sale, purchase, consignment, or trade of personal property or other valuable thing for himself or herself, to obtain a license under this act.

(2) Licensure under either or both of the following acts does not exempt a person from obtaining a license under this act:

(a) The precious metal and gem dealer act, 1981 PA 95, MCL 445.481 to 445.492.

(b) 1917 PA 350, MCL 445.401 to 445.408.

(3) An internet drop-off store in compliance with the following conditions is exempt from licensure as a pawnbroker under this act:

(a) Has a fixed place of business within this state except that he or she exclusively transacts all purchases or sales by means of the internet and the purchases and sales are not physically transacted on the premises of that fixed place of business.

(b) Has the personal property or other valuable thing available on a website for viewing by photograph, if available, by the general public at no charge, which website shall be searchable by zip code or state, or both. The website viewing shall include, as applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.

(c) Maintains records of the sale, purchase, consignment, or trade of the personal property or other valuable thing for at least 2 years, which records shall contain a description, including a photograph, if available, and, if applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.

(d) Provide the local police agency with any name under which it conducts business on the website and access to the business premises at any time during normal business hours for purposes of inspection.

(e) Within 24 hours after a request from a local police agency, provide an electronic copy of the seller's or consignor's name, address, telephone number, driver license number and issuing state, the buyer's name and address, if applicable, and a description of the personal property or other valuable thing as described in subdivision (c). The provision of information shall be in a format acceptable to the local police agency but shall at least be in a legible format and in the English language.

(f) Provide that payment for the personal property or other valuable thing is executed by means of check or other electronic payment system, so long as the payment is not made in cash. No payment shall be provided to the seller until the item is sold.

(g) Immediately remove the personal property or other valuable thing from the website if the local police agency determines that the personal property or other valuable thing is stolen.

History: 1917, Act 273, Eff. Aug. 10, 1917 ;-- CL 1929, 9684 ;-- CL 1948, 446.201 ;-- Am. 2002, Act 469, Imd. Eff. June 21, 2002 ;-- Am. 2004, Act 585, Imd. Eff. Jan. 4, 2005 ;-- Am. 2006, Act 292, Imd. Eff. July 20, 2006

Compiler's Notes: Act 334 of 1907 was repealed by Act 105 of 1911, but Act 105 of 1911 was held unconstitutional in *People v. Quider*, 183 Mich. 82, 149 N.W. 1 (1914). As to leaving Act 334 of 1907 in force prior to its repeal by Act 273 of 1917, see the following cases: *Spry Lumber Co. v. Trust Co.*, 77 Mich. 199, 43 N.W. 778 (1889); *Detroit v. Western Union Telegraph Co.*, 130 Mich. 474, 90 N.W. 283 (1902); *People v. DeBlaay*, 137 Mich. 402, 100 N.W. 598 (1904).

Former Law: See Act 334 of 1907, being CL 1915, §§ 6006 to 6024, which was repealed by Act 273 of 1917.