

CHAPTER 259
HB 343-FN – FINAL VERSION

29Jan2014... 2305h
04/17/14 1226s
4Jun2014... 1933CofC
4Jun2014... 2009EBA

2014 SESSION

13-0788
05/04

HOUSE BILL

343-FN

AN ACT

establishing a commission to study the current community-based system of commodities reporting by junk or scrap metal dealers in New Hampshire and establishing a commission to study regulatory requirements for pawnbrokers and secondhand dealers in New Hampshire.

SPONSORS: Rep. Huot, Belk 3; Rep. DiMartino, Belk 2

COMMITTEE: Commerce and Consumer Affairs

AMENDED ANALYSIS

This bill establishes a commission to study the current community-based system of commodities reporting by junk or scrap metal dealers in New Hampshire. The bill also establishes a commission to study regulatory requirements for pawnbrokers and secondhand dealers in New Hampshire.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT establishing a commission to study the current community-based system of commodities reporting by junk or scrap metal dealers in New Hampshire and establishing a commission to study regulatory requirements for pawnbrokers and secondhand dealers in New Hampshire.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 259:1 New Section; Commission to Study Commodities Reporting. Amend RSA 322 by inserting
2 after section 14 the following new section:

3 322:15 Commission to Study Commodities Reporting.

4 I. There is established a commission to study the current community-based system of
5 commodities reporting by junk or scrap metal dealers in New Hampshire and to examine the
6 advisability of creating a statewide database to assist in the deterrence or investigation of metal
7 theft in New Hampshire. The members of the commission shall be as follows:

8 (a) One member of the senate, appointed by the president of the senate.

9 (b) Three members of the house of representatives, appointed by the speaker of the house of
10 representatives.

11 (c) One member, from law enforcement in a community where a scrap metal business
12 resides, appointed by the president of the senate.

13 (d) One member from the New Hampshire Association of Chiefs of Police, appointed by
14 the speaker of the house of representatives.

15 (e) One representative of the scrap metal dealer industry, appointed by the president of
16 the senate.

17 (f) One representative of the scrap metal dealer industry, appointed by the speaker of
18 the house of representatives.

19 (g) One member of the construction industry in New Hampshire, appointed by the
20 president of the senate.

21 (h) One member of the Auto and Truck Recyclers Association of New Hampshire,
22 appointed by the speaker of the house of representatives.

23 II. The commission shall:

24 (a) Study the current system of community-based regulation and reporting by junk or
25 scrap metal dealers in New Hampshire.

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1 (b) Study the occurrence of metal theft and arrest records in New Hampshire under the
2 current system.

3 (c) Examine what tools exist in New Hampshire currently to curb the incidence of metal
4 theft.

5 (d) Study effective models in others states and their funding mechanisms.

6 (e) Review and recommend on the advisability of creating a statewide database for
7 New Hampshire, funded by fees on those regulated, and its potential to assist in the deterrence or
8 aid in investigations of metal theft in New Hampshire.

9 III. Legislative members of the commission shall receive mileage at the legislative rate when
10 attending to the duties of the commission.

11 IV. Members of the commission shall elect a chairperson from among the members. The
12 first meeting of the commission shall be called by the first-named house member. The first meeting
13 of the commission shall be held within 45 days of the effective date of this section. Five members of
14 the commission shall constitute a quorum.

15 V. The commission shall report its findings and any recommendations for proposed
16 legislation to the president of the senate, the speaker of the house of representatives, the senate
17 clerk, the house clerk, the governor and the state library on or before November 1, 2014.

18 259:2 New Section; Pawnbrokers; Commission to Study Regulatory Requirements for
19 Pawnbrokers and Secondhand Dealers in New Hampshire. Amend RSA 399-A by inserting after
20 section 19 the following new section:

21 399-A:20 Commission to Study Regulatory Requirements for Pawnbrokers and Secondhand
22 Dealers in New Hampshire.

23 I. There is established a commission to study regulatory requirements for pawnbrokers and
24 secondhand dealers in New Hampshire, the purpose of which shall be to review state and local
25 regulation of pawnbrokers and secondhand dealers to determine whether current statutes and
26 ordinances should be revised for consistency and to better reflect current business practices and/or
27 law enforcement concerns.

28 II. The members of the commission shall be as follows:

29 (a) One member of the senate, appointed by the senate president.

30 (b) Three members of the house of representatives, appointed by the speaker of the
31 house of representatives.

32 (c) One representative of law enforcement from a municipality in which a pawnshop and
33 secondhand shop are located, appointed by the senate president.

34 (d) A representative of the New Hampshire Association of Chiefs of Police, appointed by
35 the association.

36 (e) A county attorney with experience in property crimes, appointed by the governor.

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1 (f) One representative of the pawnbroker industry, appointed by the senate president.

2 (g) One representative of the secondhand dealer industry, appointed by the speaker of
3 the house of representatives.

4 (h) One representative of the coin dealer industry who transacts business with the
5 general public, appointed by the senate president.

6 (i) One representative of the antique dealer industry, who transacts business with the
7 general public, appointed by the speaker of the house of representatives.

8 III. The commission shall:

9 (a) Study current laws and ordinances regulating pawnbrokers and secondhand dealers
10 in New Hampshire.

11 (b) Study issues surrounding recordkeeping, reporting, and retention periods, including
12 privacy and constitutional questions.

13 (c) Study the changes in recovery rates in municipalities that have mandated
14 recordkeeping, reporting, and retention periods, and determine what caused the change and whether
15 the amount of change justified the increase in regulation.

16 (d) Consider the impact changes to state law would have on the industry, including any
17 ethical concerns.

18 (e) Study issues related to jurisdiction and law enforcement inspections.

19 (f) Identify the type of items and transactions that should be regulated and those that
20 should be excluded from regulation, including whether a minimum dollar value is appropriate.

21 (g) Recommend statutory changes to reflect current business practices and address
22 identified enforcement issues.

23 (h) Solicit such information and testimony from individuals, agencies, and entities as
24 may assist the commission in the performance of its duties.

25 IV. Members of the commission shall serve without compensation, except that legislative
26 members of the commission shall receive mileage at the legislative rate when attending to the duties
27 of the commission.

28 V. Members of the commission shall elect a chairperson from among the members. The first
29 meeting of the commission shall be called by the first-named house member. The first meeting of the
30 commission shall be held within 45 days of the effective date of this section. Six members of the
31 commission shall constitute a quorum.

32 VI. The commission shall report its findings and any recommendations for proposed
33 legislation to the president of the senate, the speaker of the house of representatives, the senate
34 clerk, the house clerk, the governor, and the state library on or before November 1, 2014.

35 259:3 Repeal. The following are repealed:

36 I. RSA 322:15, relative to the commission to study the current community-based system of

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1 commodities reporting by junk or scrap metal dealers in New Hampshire.

2 II. RSA 399-A:20, relative to the commission to study regulatory requirements for
3 pawnbrokers and secondhand dealers in New Hampshire.

4 259:4 Effective Date.

5 I. Section 3 of this act shall take effect December 1, 2014.

6 II. The remainder of this act shall take effect upon its passage.

7

8 Approved: July 28, 2014

9 Effective Date: I. Section 3 shall take effect December 1, 2014

10 II. Remainder shall take effect July 28, 2014