

CHAPTER 72
HB 510 – FINAL VERSION

04/09/2015 1236s

2015 SESSION

15-0685
05/08

HOUSE BILL **510**

AN ACT establishing a commission to study the regulation of pawnbrokers, secondhand dealers, and junk or scrap metal dealers.

SPONSORS: Rep. Williams, Hills 4

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes a commission to study the regulation of pawnbrokers, secondhand dealers, and junk or scrap metal dealers.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Fifteen

AN ACT establishing a commission to study the regulation of pawnbrokers, secondhand dealers, and junk or scrap metal dealers.

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

1 72:1 New Chapter; Commission to Study the Regulation of Pawnbrokers, Secondhand Dealers,
2 and the Junk or Scrap Metal Dealers. Amend RSA by inserting after chapter 322 the following new
3 chapter:

CHAPTER 322-A

COMMISSION TO STUDY THE REGULATION OF PAWNBROKERS,
SECONDHAND DEALERS, AND JUNK OR SCRAP METAL DEALERS

7 322-A:1 Commission to Study the Regulation of Pawnbrokers, Secondhand Dealers, and Junk or
8 Scrap Metal Dealers.

9 I. There is established a commission to study the regulation of pawnbrokers, secondhand
10 dealers, and junk or scrap metal dealers. The purpose of the commission shall be to:

11 (a) Review state and local regulation of pawnbrokers and secondhand dealers to
12 determine whether current statutes and ordinances should be revised for consistency and to better
13 reflect current business practices and/or law enforcement concerns.

14 (b) Examine the current community-based system of commodities reporting by junk or
15 scrap metal dealers in New Hampshire and to examine the advisability of creating a statewide
16 database to assist in the deterrence or investigation of metal theft in New Hampshire.

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

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

19 (b) Three members of the house of representatives, appointed by the speaker of the
20 house of representatives.

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

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

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

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

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

CHAPTER 72
HB 510 - FINAL VERSION
- Page 2 -

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

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

5 (j) One representative of the scrap metal dealer industry, appointed by the president of
6 the senate.

7 (k) One representative of the scrap metal dealer industry, appointed by the speaker of
8 the house of representatives.

9 (l) One member of the construction industry in New Hampshire, appointed by the
10 president of the senate.

11 (m) One member of the Auto and Truck Recyclers Association of New Hampshire,
12 appointed by the speaker of the house of representatives.

13 III. The commission shall:

14 (a) Relative to the regulation of pawnbrokers and secondhand dealers:

15 (1) Study current laws and ordinances regulating pawnbrokers and secondhand
16 dealers in New Hampshire.

17 (2) Study issues surrounding recordkeeping, reporting, and retention periods,
18 including privacy and constitutional questions.

19 (3) Study the change in recovery rates in municipalities that mandate
20 recordkeeping, reporting, and retention periods, and assess the effectiveness of such ordinances.

21 (4) Consider the impact changes to state law would have on the industry, including
22 any ethical concerns.

23 (5) Study issues related to jurisdiction and law enforcement inspections.

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

26 (7) Recommend statutory changes to reflect current business practices and address
27 enforcement issues.

28 (b) Relative to the system of commodities reporting by junk or scrap metal dealers:

29 (1) Study the current system of community-based regulation and reporting by junk
30 or scrap metal dealers in New Hampshire.

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

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

35 (4) Study effective models in others states and their funding mechanisms.

36 (5) Review and recommend on the advisability of creating a statewide database for

CHAPTER 72
HB 510 - FINAL VERSION
- Page 3 -

1 New Hampshire, funded by fees on those regulated, and its potential to assist in the deterrence or
2 aid in investigations of metal theft in New Hampshire.

3 IV. Members of the commission shall serve without compensation, except that legislative
4 members of the commission shall receive mileage at the legislative rate when attending to the duties
5 of the commission.

6 V. Members of the commission shall elect a chairperson from among the members. The first
7 meeting of the commission shall be called by the first-named house member. The first meeting of the
8 commission shall be held within 45 days of the effective date of this section. Seven members of the
9 commission shall constitute a quorum.

10 VI. The commission shall submit an interim report on or before November 1, 2015, and a
11 final report on or before November 1, 2016, of its findings and any recommendations for proposed
12 legislation to the president of the senate, the speaker of the house of representatives, the senate
13 clerk, the house clerk, the governor, and the state library.

14 72:2 Repeal. RSA 322-A, relative to the commission to study the regulation of pawnbrokers,
15 secondhand dealers, and junk or scrap metal dealers, is repealed.

16 72:3 Effective Date.

17 I. Section 2 of this act shall take effect December 1, 2016.

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

19
20 Approved: June 2, 2015

21 Effective Date: I. Section 2 shall take effect December 1, 2016.

22 II. Remainder shall take effect June 2, 2015