

(A262, R300, H4090)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-29-55 SO AS TO PROVIDE FOR THE PERIODIC ADJUSTMENT OF CERTAIN MONETARY REQUIREMENTS IN A CERTAIN MANNER, TO PROVIDE THE DEPARTMENT OF CONSUMER AFFAIRS TIMELY SHALL PUBLISH NOTICE OF SUCH CHANGES IN THE STATE REGISTER, TO PROVIDE PEOPLE WHO RELY ON CURRENT PUBLISHED DOLLAR AMOUNTS AT THE TIME TRANSACTIONS OCCUR MAY NOT BE CONSIDERED TO VIOLATE THE PROVISIONS OF CHAPTER 29, TITLE 40 WHEN DOLLAR AMOUNTS SUBSEQUENTLY CHANGE; BY ADDING SECTION 40-29-145 SO AS TO PROVIDE HOLD ORDERS THAT MAY BE PLACED ON PROPERTY IN THE POSSESSION OF PAWNBROKERS WHO SUSPECT THE PROPERTY HAS BEEN MISAPPROPRIATED OR STOLEN, AND TO PROVIDE RELATED REQUIREMENTS CONCERNING REQUIREMENTS AND SPECIFICATIONS OF THESE ORDERS AND PROPERTY ON WHICH HOLD ORDERS ARE PLACED; BY ADDING SECTION 40-29-155 SO AS TO PROVIDE AGGRIEVED PARTIES ARE ENTITLED TO CONTESTED CASE HEARINGS BEFORE THE ADMINISTRATIVE LAW COURT FOR FINAL ADMINISTRATIVE ORDERS, ABSENT WHICH THE DEPARTMENT MAY BRING ACTIONS TO ENFORCE ITS ORDERS; TO AMEND SECTION 40-39-10, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF PAWNBROKERS BY THE DEPARTMENT, SO AS TO REVISE THE DEFINITION OF "PLEGGED GOODS" SPECIFICALLY TO EXCLUDE CERTAIN VEHICLES; TO AMEND SECTION 40-39-20, RELATING TO CERTIFICATES OF AUTHORITY REQUIRED OF PAWN BROKERS, SO AS TO CLARIFY CHARACTERISTICS THAT NECESSITATE CERTIFICATES OF AUTHORITY, TO REVISE REQUIREMENTS CONCERNING BACKGROUND CHECKS REQUIRED FOR CERTIFICATES OF AUTHORITY, TO PROVIDE PAWNBROKERS SHALL COMPLY WITH THESE REQUIREMENTS BEFORE HIRING EMPLOYEES, TO PROVIDE APPLICANTS FOR EMPLOYMENT SHALL PAY THE ACTUAL COSTS OF THESE BACKGROUND CHECKS, TO PROVIDE FINANCIAL RESPONSIBILITY AND OTHER CRITERIA REQUIRED FOR CERTIFICATES OF AUTHORITY, AND TO PROVIDE A REBUTTABLE PRESUMPTION OF MEETING THESE CRITERIA IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 40-39-30, RELATING TO THE REQUIREMENT OF CERTIFICATE OF AUTHORITY FOR EACH BUSINESS LOCATION OF A PAWNBROKER, SO AS TO PROVIDE PAWNBROKERS MAY NOT RETAIN PLEDGED GOODS IN LOCATIONS NOT DESIGNATED IN HIS CERTIFICATE OF AUTHORITY WITHOUT FIRST PROVIDING CERTAIN NOTICE TO THE DEPARTMENT, AND TO PROVIDE A PAWNBROKER CONSPICUOUSLY SHALL POST THE HOURS OF OPERATION AND ANY CLOSURE AT EACH LOCATION; TO AMEND SECTION 40-39-40, RELATING TO THE PROHIBITION ON UNAUTHORIZED FEES, SO AS TO PROVIDE A PAWNBROKER THAT COLLECTS SUCH UNAUTHORIZED FEES MAY NOT COLLECT, RECEIVE, OR RETAIN ANY INTEREST OR CHARGES ON THE LOAN IN VIOLATION OF THIS CHAPTER AND HAS NO RIGHT TO POSSESS THE PLEDGED GOODS; TO AMEND SECTION 40-39-50, RELATING TO BONDS AND OTHER EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED FOR CERTIFICATES OF AUTHORITY, SO AS TO REVISE AND DELETE SOME EXISTING REQUIREMENTS AND TO PROVIDE PAWNBROKERS SHALL PROVIDE CERTAIN NOTICE OF OCCURRENCES THAT MAY AFFECT PLEDGED GOODS WITHIN TWENTY-ONE CALENDAR DAYS AFTER THE OCCURRENCE; TO AMEND SECTION 40-39-70, RELATING TO PAWNBROKER RECORD KEEPING REQUIREMENTS, SO AS TO REQUIRE CERTAIN VERIFICATION OF PLEDGORS' OR SELLERS' IDENTITIES, AND TO PROVIDE PAWN AND PURCHASE TRANSACTIONS MUST BE PERFORMED BY THE OWNER OF THE PROPERTY, OR HIS AUTHORIZED AGENT, WHOSE IDENTITY AND AGENCY RELATIONSHIP MUST BE VERIFIED BY THE PAWNBROKER; TO AMEND SECTION 40-39-80, RELATING TO THE ISSUANCE OF A MEMORANDUM OR NOTE AT THE TIME OF PAWNING AND PLEDGING, SO AS TO CHARACTERIZE THE MEMORANDUM OR NOTE AS A "PAWN TICKET" AND TO SATISFY RELATED REQUIREMENTS, AMONG OTHER THINGS; TO AMEND SECTION 40-39-100, RELATING TO PERMISSIBLE CHARGES ON LOANS BY PAWNBROKERS, SO AS TO REVISE THE MAXIMUM PERMISSIBLE AMOUNT; TO AMEND SECTION 40-39-120, RELATING TO RENEWALS OF A CERTIFICATE OF AUTHORITY, SO AS TO PROVIDE PENALTIES FOR FAILING TO TIMELY RENEW, AND TO PROVIDE REQUIREMENTS FOR PAWN SHOPS THAT MUST CLOSE BECAUSE OF THE SURRENDER OR REVOCATION OF THEIR CERTIFICATE OF AUTHORITY; TO AMEND SECTION 40-39-140, RELATING TO PLEDGED OR PAWNED PROPERTY OWNED BY THIRD PARTIES, SO AS TO PROVIDE CIRCUMSTANCES IN WHICH PAWNBROKERS MUST RETURN SUCH PROPERTY TO THE THIRD PARTIES, TO PROVIDE MONETARY PENALTIES AGAINST PLEDGORS AND SELLERS OF SUCH LEASED PROPERTY, AND TO PROVIDE PAWNBROKERS ARE NOT LIABLE TO SUCH PLEDGORS AND SELLERS FOR SUCH RETURNED PROPERTY; AND TO AMEND SECTION 40-39-150, RELATING TO FINES AND PENALTIES FOR VIOLATIONS, SO AS TO TRANSFER THE AUTHORITY TO ORDER CERTAIN EQUITABLE RELIEF FROM THE ADMINISTRATIVE LAW COURT TO THE DEPARTMENT; AND TO PROVIDE COUNTIES AND MUNICIPALITIES MAY ENACT ORDINANCES THAT COMPLY WITH, BUT THAT ARE NOT MORE RESTRICTIVE THAN, THE PROVISIONS OF THIS ACT, AND TO PROVIDE EXCEPTIONS, AMONG OTHER THINGS.

Be it enacted by the General Assembly of the State of South Carolina:

Period dollar amount adjustments

SECTION 1. Chapter 39, Title 40 of the 1976 Code is amended by adding:

"Section 40-39-55. (A) Effective July 1, 2021, and each fifth July first thereafter, the dollar amounts in Section 40-39-50(A)(1) and the dollar amounts concerning loans in Section 40-39-100 must be adjusted by the department to reflect the percentage change for the five-year period in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(B) The administrator shall publish a notice in the State Register of the changes in dollar amounts before May first of each year in which dollar amounts are to change. A person must not be considered to violate the provisions of this chapter with respect to a transaction otherwise complying with those provisions if he relies on dollar amounts appearing in the last notice of the administrator announcing the dollar amounts current at that time.

(C) The dollar amounts may not change more than ten percent for each adjustment period.

(D) The dollar amounts in Section 40-39-50(A)(1) and Section 40-39-100(C) are subject to change in accordance with this section."

Hold orders

SECTION 2. Chapter 39, Title 40 of the 1976 Code is amended by adding:

"Section 40-39-145. (A)(1) When an appropriate law enforcement official has probable cause to believe that property in the possession of a pawnbroker is misappropriated or stolen, he may place a written hold order on the property. The written hold order must impose a holding period not to exceed ninety days unless extended by court order. The appropriate law enforcement official may rescind, in writing, any hold order. An appropriate law enforcement official may place only one hold order on the property at any given time.

(2) A hold order must specify:

(a) the name and address of the pawnbroker;

(b) the name, title, and identification number of the representative of the appropriate law enforcement official or the court placing the hold order;

(c) the name and address of the appropriate law enforcement official or court to which such representative is attached and the number, if any, assigned to the claim regarding the property;

(d) a complete description of the property to be held, including model number and serial number if applicable;

(e) the name of the person reporting the property to be misappropriated or stolen, unless otherwise prohibited by law;

(f) the mailing address of the pawnbroker where the property is held; and

(g) the expiration date of the holding period.

(3) The pawnbroker or his representative must sign and date a copy of the hold order as evidence of receipt of the hold order and the beginning of the ninety-day holding period.

(4)(a) Except as provided in subitem (b), a pawnbroker may not release or dispose of property subject to a hold order except pursuant to a court order, a written release from the appropriate law enforcement official, or the expiration of the holding period of the hold order.

(b) While a hold order is in effect, the pawnbroker shall, upon request, release the property subject to the hold order to the custody of the appropriate law enforcement official for use in a criminal investigation. The release of the property to the custody of the appropriate law enforcement official is not considered a waiver or release of the pawnbroker's property rights or interest in the property. Upon completion of the criminal proceeding, the property

must be returned to the pawnbroker unless the court orders another disposition, in which case the court additionally shall order the conveying customer to pay restitution to the pawnbroker in the amount received by the conveying customer for the property together with reasonable attorney's fees and costs.

(B) Upon the expiration of the holding period, the pawnbroker shall notify, in writing, the appropriate law enforcement official by certified mail, return receipt requested, that the holding period has expired. If, on the tenth day after the written notice has been received by the appropriate law enforcement official, the pawnbroker has not received from a court an extension of the hold order on the property and the property is not the subject of a proceeding under this subsection, title to the property shall vest in and be deemed conveyed by operation of law to the pawnbroker, free of any liability for claims but subject to any restrictions contained in the pawn transaction contract and subject to this chapter."

Contested case hearings

SECTION 3. Chapter 39, Title 40 of the 1976 Code is amended by adding:

"Section 40-39-155. A person aggrieved by the final administrative order may request a contested case hearing before the Administrative Law Court pursuant to the court's rules of procedure. If the person fails to timely request a contested case hearing, the department may bring an action to enforce its order pursuant to Chapter 23, Title 1."

Definition

SECTION 4. Section 40-39-10(3) of the 1976 Code is amended to read:

"(3) 'Pledged goods' means tangible personal property other than vehicles as defined in Section 56-3-20(1) required to be registered and licensed pursuant to Title 56, choses in action, title, securities, or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his business in connection with a pawn transaction."

Certificate of authority requirements

SECTION 5. Section 40-39-20 of the 1976 Code is amended to read:

"Section 40-39-20. (A)(1) All pawnbrokers conducting business in this State are under the authority of and regulated by the Department of Consumer Affairs, the administrator of which has the authority to promulgate regulations as he considers necessary to carry out the conditions and intent of this chapter.

(2) No person may carry on the business of a pawnbroker in any location, whether or not the person has an office, facility, agent, or other physical presence in this State, without first having obtained a Certificate of Authority for each location from the Department of Consumer Affairs.

(B) Upon receipt of the application for the Certificate of Authority, the Department of Consumer Affairs shall notify the law enforcement agency having jurisdiction where the applicant intends to do business. The law enforcement agency may make its recommendation on the issuance of the Certificate of Authority.

(C)(1) Before issuance of a certificate of authority, a criminal history background check must be conducted for all owners, partners, members, officers, directors, employees and other persons occupying a similar status or otherwise directly or indirectly controlling the pawnshop. The applicant pawnbroker is responsible for either:

(a) conducting, documenting, and attesting that a national criminal records check has been completed for each person; or

(b) submitting consent from each person to a national criminal records check and a set of fingerprints in a form acceptable to the administrator. Using the information supplied by the administrator to SLED, the applicant must undergo a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of these criminal records checks must be reported to the administrator. The administrator shall keep all information pursuant to this section privileged, in accordance with applicable state and federal guidelines.

(2) A pawnbroker shall comply with the requirements of item (1) before hiring an employee.

(3) The applicant pawnbroker shall pay actual costs associated with the criminal history background checks required in this section.

(D)(1) Upon the filing of an application for a certificate of authority, if the administrator concludes that the financial responsibility and experience of the applicant and its employees, members, partners, officers, and directors, if applicable, command the confidence of the community and warrants belief that the business may be operated honestly, fairly, and efficiently according to the purposes of this chapter and in accordance with all applicable state and federal laws, it shall issue a certificate of authority. If the administrator does not reach this conclusion, he shall refuse to issue the certificate of authority to the applicant and shall notify the applicant of the denial.

(2) A rebuttable presumption of the financial responsibility and experience necessary to meet the standard in item (1) is created when the person seeking the certificate of authority complies with the provisions contained in Section 40-39-50(A).

(E) A person convicted of a felony may not be issued a Certificate of Authority to carry on the business of a pawnbroker or in any manner engage in the business of a pawnbroker, except that any person who is in the business of a pawnbroker on July 1, 1988, and who has been convicted of a felony before this date may be issued a Certificate of Authority and upon receiving it may continue in the business of a pawnbroker but if this person is convicted of a felony on or after July 1, 1988, he may not thereafter be issued a Certificate of Authority or carry on the business of a pawnbroker after the date of this subsequent felony conviction."

Location of retained pledged goods, operation hours postings

SECTION 6. Section 40-39-30 of the 1976 Code is amended to read:

"Section 40-39-30. (A) No person may carry on the business of a pawnbroker in any location other than the one designated in his Certificate of Authority, under penalty of administrative fine, revocation of his Certificate of Authority, or other action by the administrator pursuant to regulation or criminal prosecution as set out in this chapter.

(B) No pawnbroker may retain pledged goods in a location other than the location designated in the certificate of authority without first filing a notification with the department. A request made pursuant to this subsection must be on a form prescribed by the department.

(C) A pawnbroker conspicuously shall post the hours of operation and any closure at each location."

Violative pawn transaction ramifications

SECTION 7. Section 40-39-40 of the 1976 Code is amended to read:

"Section 40-39-40. (A) No pawnbroker may charge or collect any fees, costs, or assessments of any kind or nature other than those specifically allowed under this chapter.

(B) A person who makes a pawn transaction in violation of this chapter:

(1) may not collect, receive, or retain any interest or charges on the loan in violation of this chapter; and

(2) has no right to possess the pledged goods."

Bonding and insurance requirements, notice of potential threats to pawned goods

SECTION 8. Section 40-39-50 of the 1976 Code is amended to read:

"Section 40-39-50. (A) A person seeking a certificate of authority to carry on the business of a pawnbroker shall at the time of application for his certificate file with the Department of Consumer Affairs:

(1) a bond in favor of the department to be executed by the person granted the certificate by a surety company licensed to do business in this State in the penal sum of fifteen thousand dollars to be approved by the administrator. The bond must be conditioned for the faithful performance of the duties and obligations pertaining to the business so authorized; and

(2) proof of adequate insurance coverage for all pledged goods in the event of loss by fire, theft, burglary or otherwise, or liability to the pledgor.

(B) Within twenty-one calendar days after the occurrence of an event that may affect pledged goods, including, but not limited to, fire, theft, or judicial proceedings, a pawnbroker shall file a written notice on a form prescribed by the department describing the event and its expected impact upon the business."

Recordkeeping, identity verifications, only owners or their agents may pawn or sell

SECTION 9. Section 40-39-70 of the 1976 Code is amended to read:

"Section 40-39-70. (A) A pawnbroker shall keep a record, at the time of any loan or purchase, containing an account and description of the goods, articles, or things pawned, pledged, or purchased, the amount of money loaned thereon, the time of pledging them, the charges, or the rate of interest to be paid on the loan, and the name and residence of the person selling, pawning, or pledging the goods, articles, or things.

(B) Before a pledge or purchase, the pawnbroker shall verify the identity of the pledgor or seller by reviewing a state-issued or federally issued photographic identification card, including a United States military identification card, or a passport issued by the United States.

(C) A pawn or purchase transaction must be performed by the owner of the property, or his authorized agent, whose identity and agency relationship must be verified by the pawnbroker."

Pawn tickets, content requirements, executions, special circumstances

SECTION 10. Section 40-39-80 of the 1976 Code is amended to read:

"Section 40-39-80. (A) A pawnbroker, at the time of each loan or purchase, shall deliver to the person selling, pawning, or pledging any articles, at no charge, a memorandum signed by the pawnbroker and the person pawning or pledging any articles containing the substance of the entry required by Section 40-39-70. If the memorandum is lost, the pledgor may receive a duplicate upon payment of a fee not exceeding three dollars. The administrator may prescribe the form to be used.

(B)(1) The pawn ticket for a pledge or purchase transaction must satisfy the requirements of the Truth in Lending Act and Regulation Z, must identify whether the transaction is a pawn or purchase, and at a minimum must include:

- (a) the name and address of the pledgor or seller;
- (b) the date of birth of the pledgor or seller;
- (c) the driver's license number or other state or federal government-issued photographic identification number of the pledgor or seller;
- (d) the transaction date;
- (e) the transaction maturity date;
- (f) the amount financed or purchase price;
- (g) the finance charge;
- (h) the total of payments;
- (i) the annual percentage rate;
- (j) a statement of the pledgor or seller that the pledgor or seller is the lawful owner of the pledged or sold property;
- (k) the name and business address of the pawnbroker; and

- (l) a complete and accurate description of the pledged or purchased goods including any applicable:
 - (i) brand name;
 - (ii) model number;
 - (iii) manufacturer's serial number, if issued by the manufacturer and not intentionally defaced, altered or removed;
 - (iv) size;
 - (v) color, as apparent to the untrained eye, not applicable to diamonds;
 - (vi) precious metal type, weight, and content, if known or indicated;
 - (vii) gemstone color and shape, as apparent to the untrained eye, and number of stones;
 - (viii) type of action, caliber or gauge, number of barrels, barrel length and finish if the item is a firearm; and
 - (ix) any other unique markings, numbers, names, or letters.
- (2) In addition to the requirements of item (1), the pledgor or seller shall sign the form after the pawnbroker confirms positive identification of the pledgor or seller.

(3) Notwithstanding the provisions of subsection (B)(1)(i) through (ix), in the case of multiple items of a similar nature delivered together in one transaction which do not bear serial or model numbers and which do not include precious metals or gemstones, such as musical or video recordings, books, and hand tools, the description of the items is adequate if it contains the quantity of items and a description of the type of items delivered."

Interest rate limits revised

SECTION 11. Section 40-39-100 of the 1976 Code is amended to read:

"Section 40-39-100. (A) A pawnbroker may charge interest on loans not exceeding the following amounts:

- (1) at the rate of two dollars and fifty cents per thirty-day period for each ten dollars loaned for the first fifty dollars loaned;
- (2) at the rate of two dollars per thirty-day period for each ten dollars loaned on that portion of the loan exceeding fifty dollars but not exceeding one hundred dollars;
- (3) at the rate of one dollar and fifty cents per thirty-day period for each ten dollars loaned on that portion of the loan exceeding one hundred dollars but not exceeding two hundred dollars;
- (4) at the rate of one dollar per thirty-day period for each ten dollars loaned on that portion of the loan exceeding two hundred dollars but not exceeding one thousand dollars;
- (5) at the rate of fifty cents per thirty-day period for each ten dollars loaned on that portion of the loan exceeding one thousand dollars but not exceeding the maximum amount in subsection (C).

(B) No pawnbroker may separate or divide a pawn transaction into two or more transactions for the purpose or with the effect of obtaining a total pawn interest rate in excess of that authorized for an amount financed equal to the total of the amounts financed in the resulting transactions.

(C) No pawnbroker may make a loan in excess of fifteen thousand dollars. Every pawnbroker shall post the rates in a form which is prescribed by the administrator. The following statement must be included in the posted rate schedule:

'Consumers: All pawnbrokers operating in South Carolina are required by law to post a schedule showing the maximum rate of LOAN FINANCE CHARGES stated as dollars for each ten dollars for each thirty-day period that the pawnbroker intends to charge for various types of pawn transactions. The purpose of this requirement is to assist you in comparing the maximum rates that pawnbrokers charge, thereby furthering your understanding of the terms of pawn transactions and helping you to avoid the uninformed use of credit.

NOTE: Pawnbrokers are prohibited only from granting credit at rates higher than those specified above. A pawnbroker may be willing to grant you credit at rates that are lower than those specified, depending on the amount, terms, collateral, and your credit worthiness."

Certificate of authority renewals, penalties for noncompliance, limited operations after lapses

SECTION 12. Section 40-39-120 of the 1976 Code is amended to read:

"Section 40-39-120. (A) A pawnbroker applying for a Certificate of Authority shall tender to the department a fee of two hundred seventy-five dollars plus all other applicable fees required by other agencies to process the application. The administrator may revoke any Certificate of Authority if the pawnbroker has violated this chapter or any regulation or order lawfully made pursuant to this chapter, or if facts or conditions exist which would clearly have justified the administrator in refusing to grant a Certificate of Authority had these facts or conditions been known to exist at the time the application for Certificate of Authority was made. The administrator may promulgate regulations for obtaining and revoking the Certificate of Authority. Certificates of Authority must be renewed on a yearly basis. Applications for renewal must be accompanied by a renewal fee of two hundred seventy-five dollars.

(B) If a pawnbroker's certificate of authority is not renewed before June thirtieth, the administrator shall assess the pawnbroker in addition to the renewal in subsection (A). If a pawnbroker fails to renew his certificate of authority within thirty days after the date the certificate of authority expires or otherwise maintain a valid certificate of authority, the administrator shall require the pawnbroker to comply with the requirements for the initial issuance of a certificate of authority pursuant to this chapter, in addition to any assessment that has accrued.

(C) In the event of closure because of surrender or revocation of a certificate of authority, a pawnbroker shall, for the sole purpose of allowing a pledgor to redeem pledged goods, maintain usual business hours at the pawnshop for ninety days after the latest maturity date of a pawn transaction made at that pawnshop or transfer of pledged goods to a pawnbroker with a valid certificate of authority."

Third-party ownership of pledge and sold property, returns, pawnbroker remedies and liability exemption

SECTION 13. Section 40-39-140 of the 1976 Code is amended to read:

"Section 40-39-140. (A) No pawnbroker shall accept property from a pledgor or seller upon which there is evidence of ownership by a third party without first taking reasonable steps to ascertain its true ownership. Any such item accepted for pawn or purchased by a pawnbroker must be returned on demand without fee to the third party owner.

(B)(1) If property in the possession of a pawnbroker was leased to a pledgor or seller when the pledgor or seller pledged or sold the property to the pawnbroker, the pawnbroker shall return the property to the lessor if the lessor provides the pawnbroker with evidence that the property was the lessor's property and was leased to the pledgor or seller at the time the property was pledged or sold to the pawnbroker. For the purposes of this section, a lease or other written agreement containing a matching item description shall be sufficient evidence of the lessor's ownership of the property.

(2) If property in the possession of a pawnbroker was leased to a pledgor or seller when the pledgor or seller pledged or sold the property to the pawnbroker and the pawnbroker returns the property to the lessor, the pledgor or seller must pay the pawnbroker:

(a) the amount financed, the finance fee for the pawn transaction, and any costs associated with collecting those amounts and fees, if the property was pledged to the pawnbroker; or

(b) the amount that the pawnbroker paid the seller and any costs associated with collecting that amount if the property was sold to the pawnbroker.

(3) A pawnbroker is not liable to the pledgor or seller of property that is recovered by a lessor under item (1) for returning the property to a lessor."

Administrative orders, contested case hearings, remedies

SECTION 14. Section 40-39-150 of the 1976 Code is amended to read:

"Section 40-39-150. (A) Upon finding that an action of a pawnbroker is in violation of the provisions of this chapter or of a law or regulation of this State or of the federal government or an agency of the state or federal government, the administrator may issue an administrative order requiring the pawnbroker to cease and desist from the action and may suspend, revoke, or refuse to issue a certificate of authority by order.

(B) The administrator also may issue an administrative order imposing administrative penalties of up to seven hundred fifty dollars for each offense upon persons violating any of the provisions of this chapter up to a maximum of fifteen thousand dollars for the same set of transactions or occurrences. Each violation constitutes a separate offense. In addition, a person violating the provisions of Sections 40-39-20 and 40-39-30 is guilty of a misdemeanor and, upon conviction, must be punished by a fine not exceeding one thousand dollars or by imprisonment for a term not exceeding sixty days, or both."

Effects on local government regulations, conflicts

SECTION 15. A county or municipality may enact ordinances that are in compliance with, but not more restrictive than the provisions of this act, except that local ordinances may not require the payment of a fee or tax related to a pawn transaction or purchase unless authorized pursuant to this chapter or restrict hours of operation other than between midnight and 6:00 a.m. An ordinance that conflicts with this act is void. This act does not affect the authority of a county or municipality to establish land use controls or require a pawnbroker to obtain a local occupational license.

Time effective

SECTION 16. This act takes effect upon approval by the Governor.

Ratified the 6th day of June, 2016.

Approved the 9th day of June, 2016.