

2001 DRAFTING REQUEST

Bill

Received: **09/20/2000**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Walker**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Alt. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Pre Topic:

DOA:.....Walker -

Topic:

Pawnbroker licensing forms

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|---------------------|----------------------|-----------------------|----------------|----------------------------|-----------------|-----------------|
| /1 | rkite 09/22/2000 | hhagen 09/22/2000 | martykr 09/25/2000 | _____ | lrb_docadmin 09/25/2000 | | S&L |

FE Sent For:

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|--------------|----------------|---------------------------------|--------------|-------------------|------------------|-----------------|-----------------|
| 1/? | rkite | 1. hmk 9/22/00 1 9/29 jld | km 9/25 | HA, 9/ km 9/25 | | | |

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9. Pawnbroker License Forms; Printing Expenses

Explanation:

Pawnbrokers are licensed under s. 134.71, Stats., by counties and municipalities (not the department). Under s. 134.71(12), Stats., the department must develop and print pawnbroker license applications and customer forms, even though it has no licensing authority over pawnbrokers. This requirement consumes nearly 40% of the department's yearly printing budget for consumer protection. The department proposes to repeal this requirement, thereby freeing funds for higher consumer protection priorities. The department could continue to provide model forms, which counties and municipalities could adapt and reproduce for their own use.

Statutory Changes:

SECTION ____ . 134.71(12) of the statutes is repealed and recreated to read:

134.71(12) APPLICATION AND FORMS. Counties and municipalities licensing pawnbrokers, secondhand article dealers and secondhand jewelry dealers shall provide license application forms and other forms required under sub. (5)(intro.) and (8)(c). The department of agriculture, trade and consumer protection may develop and distribute sample forms that counties and municipalities may adapt and reproduce for their own use.



(Don)
State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0456

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RNK:m...
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jld

check spacings

DOA:.....Walker – Pawnbroker licensing forms

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

Do Not Gen

1 AN ACT ...; relating to: the budget

Analysis by the Legislative Reference Bureau

✓ COMMERCE AND ECONOMIC DEVELOPMENT

✓ COMMERCE ✓

Under current law, transactions involving the purchase, receipt, and exchange of certain articles (transactions) by pawnbrokers and by secondhand article dealers and secondhand jewelry dealers (secondhand dealers) are regulated by law. Pawnbrokers and secondhand dealers must have a license issued by the county or by the city, town, or village (municipality) in which they operate. They also must have their customers sign a form for each transaction involving a secondhand article or secondhand jewelry and must retain the form as a record of the transaction. Additionally, secondhand article dealers must keep a written inventory of transactions occurring off the dealer's premises or consigned for sale on the dealer's premises.

Current law requires DATCP to provide the license application forms, record keeping forms, and inventory forms to counties and municipalities at no cost. This bill eliminates this requirement but authorizes DATCP to develop sample forms to furnish to counties and municipalities which they may then reproduce and distribute.

which → that

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 134.71 ^X(5) (intro.) of the statutes is amended to read:

2 134.71 (5) LICENSE APPLICATION. (intro.) A person wishing to operate as a
3 secondhand article dealer or a secondhand jewelry dealer and have a principal place
4 of business in a municipality shall apply for a license to the clerk of that municipality.
5 A person wishing to operate as a pawnbroker in a municipality shall apply for a
6 license to the clerk of the municipality. The clerk shall furnish application forms
7 [✓]~~under sub. (12)~~ that shall require all of the following:

8 History: 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; ^X1995 a. 27; 1997 a. 252.

8 **SECTION 2.** 134.71 (8) (c) 1. of the statutes is amended to read:

9 134.71 (8) (c) 1. Except as provided in subd. 2., for each transaction of purchase,
10 receipt or exchange of any secondhand article or secondhand jewelry from a
11 customer, a pawnbroker, secondhand article dealer or secondhand jewelry dealer
12 shall require the customer to complete and sign, in ink, the appropriate form
13 [✓]~~provided under sub. (12)~~. No entry on such a form may be erased, mutilated or
14 changed. The pawnbroker, secondhand article dealer or secondhand jewelry dealer
15 shall retain an original and a duplicate of each form for not less than one year after
16 the date of the transaction except as provided in par. (e), and during that period shall
17 make the duplicate available to any law enforcement officer for inspection at any
18 reasonable time.

19 History: 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252.

19 **SECTION 3.** 134.71 (12) of the statutes is amended to read:

1 134.71 (12) APPLICATIONS AND FORMS. The department of agriculture, trade and
 2 consumer protection shall ~~may~~ develop sample applications and other sample forms
 3 required under subs. (5) (intro.) and (8) (c) ^{Strike period} and may provide the samples to counties
 4 and municipalities to reproduce and distribute or to revise for reproduction and
 5 ^{plain} distribution. The department shall print a sufficient number of applications and
 6 forms to provide to counties and municipalities for distribution to pawnbrokers,
 7 secondhand article dealers and secondhand jewelry dealers at no cost.

History: 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252.

(END)

8

Kite, Robin

From: Walker, William
Sent: Friday, November 10, 2000 5:01 PM
To: Kite, Robin
Subject: Drafting FYI

FYI An update following our briefings with Secretary Lightbourn:

- LRB-0456 (pawnbroker license forms). Approved as presently drafted.

Bill Walker

Executive Policy and Budget Analyst
Department of Administration
(608) 266-7329



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0456/1

RNK:hmh&jld:km

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2 ~~number of applications and forms to provide to counties and municipalities for~~
3 ~~distribution to pawnbrokers, secondhand article dealers and secondhand jewelry~~
4 ~~dealers at no cost and may provide the samples to counties and municipalities to~~
5 reproduce and distribute or to revise for reproduction and distribution.

6

(END)