

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 ASSEMBLY BILL 301**

February 12, 2008 – Offered by COMMITTEE ON SMALL BUSINESS.

1 **AN ACT** *to amend* 134.71 (8) (d) 1., 134.71 (8) (d) 2., 134.71 (8) (d) 3., 134.71 (8)
2 (d) 4. and 134.71 (12); and *to create* 134.71 (8) (d) 3m. of the statutes; **relating**
3 **to:** holding periods and license application forms for secondhand dealers and
4 pawnbrokers.

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

5 **SECTION 1.** 134.71 (8) (d) 1. of the statutes is amended to read:
6 134.71 **(8)** (d) 1. Except as provided in ~~subd.~~ subds. 3m. and 5., any secondhand
7 article or secondhand jewelry purchased or received by a pawnbroker shall be kept
8 on the pawnbroker's premises or other place for safekeeping for not less than 30 days
9 after the date of purchase or receipt, unless the person known by the pawnbroker to
10 be the lawful owner of the secondhand article or secondhand jewelry recovers it.

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

1 134.71 (8) (d) 2. Except as provided in ~~subd. subds. 3m. and 5.~~, any secondhand
2 article purchased or received by a secondhand article dealer shall be kept on the
3 secondhand article dealer's premises or other place for safekeeping for not less than
4 21 days after the date of purchase or receipt.

5 **SECTION 3.** 134.71 (8) (d) 3. of the statutes is amended to read:

6 134.71 (8) (d) 3. Except as provided in ~~subd. subds. 3m. and 5.~~, any secondhand
7 jewelry purchased or received by a secondhand jewelry dealer shall be kept on the
8 secondhand jewelry dealer's premises or other place for safekeeping for not less than
9 21 days after the date of purchase or receipt.

10 **SECTION 4.** 134.71 (8) (d) 3m. of the statutes is created to read:

11 134.71 (8) (d) 3m. If a pawnbroker, secondhand article dealer, or secondhand
12 jewelry dealer is required to submit a report under par. (e) concerning a secondhand
13 article or secondhand jewelry purchased or received by the pawnbroker, secondhand
14 article dealer, or secondhand jewelry dealer and the report is required to be
15 submitted in an electronic format, the secondhand article or secondhand jewelry
16 shall be kept on the pawnbroker's, secondhand article dealer's, or secondhand
17 jewelry dealer's premises or other place for safekeeping for not less than 7 days after
18 the report is submitted.

19 **SECTION 5.** 134.71 (8) (d) 4. of the statutes is amended to read:

20 134.71 (8) (d) 4. During the period set forth in subd. 1., 2. ~~or 3.~~ or 3m., the
21 secondhand article or secondhand jewelry shall be held separate and apart and may
22 not be altered in any manner. The pawnbroker, secondhand article dealer, or
23 secondhand jewelry dealer shall permit any law enforcement officer to inspect the
24 secondhand article or secondhand jewelry during this period. Within 24 hours after
25 a written request of a law enforcement officer during this period, a pawnbroker,

1 secondhand article dealer, or secondhand jewelry dealer shall make available for
2 inspection any secondhand article or secondhand jewelry ~~which~~ that is kept off the
3 premises for safekeeping. Any law enforcement officer who has reason to believe any
4 secondhand article or secondhand jewelry was not sold or exchanged by the lawful
5 owner may direct a pawnbroker, secondhand article dealer, or secondhand jewelry
6 dealer to hold that secondhand article or secondhand jewelry for a reasonable length
7 of time ~~which~~ that the law enforcement officer considers necessary to identify it.

8 **SECTION 6.** 134.71 (12) of the statutes is amended to read:

9 134.71 **(12)** APPLICATIONS AND FORMS. The department of agriculture, trade and
10 consumer protection shall develop applications and other forms required under subs.
11 (5) (intro.) and (8) (c). The department shall ~~print a sufficient number of~~ make the
12 applications and forms to provide available to counties and municipalities for
13 distribution to pawnbrokers, secondhand article dealers, and secondhand jewelry
14 dealers at no cost. The department may make the applications and forms available
15 to counties and municipalities by placing the applications and forms on an Internet
16 Web site.

17 (END)