

CHAPTER 8-3 PAWNBROKERS - RECORDS

8-3-1

RECORDS REQUIRED

At the time of any reportable transaction other than renewals, extensions or redemptions, every licensee must immediately record in English the following information by using ink or other indelible medium on printed forms or in a computerized record approved by the chief of police.

- A. A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
- B. The purchase price, amount of money loaned upon, or pledged therefor.
- C. The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges.
- D. Date, time and place the item of property was received by the licensee, and the numeric transaction identifier that is correspondingly serially numbered and distinguishes is from all other transactions in the licensee's records.
- E. Full name, residence address, residence telephone number, date of birth and accurate description of the person from whom the item of the property was received, including: sex, height, weight, race, color of eyes and color of hair.
- F. The identification number and state of issue from any of the following forms of identification of the seller:
 - 1. Current valid South Dakota Driver's license.
 - 2. Current valid South Dakota identification card.
 - 3. Current valid photo identification card issued by another state.
- G. The signature of the person identified in the transaction.
- H. The licensee must also take a color photo or color video recording of:
 - 1. Each customer involved in a billable transaction.
 - 2. Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed.

If a photograph is taken, it must be at least two (2) inches in length by two (2) inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the chief of police, or the chief's designee, upon request. The major portion of the photograph must include an identifiable front facial close-up of the person who pawned or sold the item. Items photographed must be accurately depicted. The licensee must inform the person that he or she is being photographed by displaying a sign of sufficient size in a conspicuous place in the premises. If a video photograph is taken, the video camera must zoom in on the person pawning or selling the item

so as to include an identifiable close-up of the person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by the time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The licensee must inform the person that he or she is being videotaped orally and by displaying a sign of sufficient size in a conspicuous place on the premises. The licensee must keep the exposed videotape for three (3) months.

- I. Renewals, extensions and redemptions. For renewals, extensions and redemptions, the licensee shall provide the original transaction identifier, the date of the current transaction, and the type of transaction.
- J. Inspection of records. The records must at all reasonable times be open to inspection by the police department. Data entries shall be retained for at least three (3) years from the date of transaction.

Legislative History:
Ordinance No. 268, 4519/98.

Authority:

8-3-2

DAILY REPORTS TO POLICE

Licensees must provide to the police department the information required in section 8-3-1(A) through (F), in writing, on forms approved, by the business day following the date of the transaction. The licensee must display a sign of sufficient size, and in a conspicuous place in the premises, so as to inform all patrons that all transactions are reported to the police department daily. Licensees will provide the information above to the police department by 12:00 noon the first business day following the date of the transaction.

Legislative History:
Ordinance No. 268, 4519/98.

Authority:

8-3-3

RECEIPT REQUIRED

Every license must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for three (3) years. The receipt and duplicate must be on printed forms approved by the chief of police and must include at least the following information:

- A. The name, address and telephone number of the licensed business.
- B. The date and time the item was received by the licensee.
- C. Whether the item was pawned or sold, or the nature of the transaction.
- D. An accurate description of each item received including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
- E. The signature or unique identifier of the licensee or employee that conducted the transaction.
- F. The amount advanced or paid.
- G. The monthly and annual interest rates, including all pawn fees and charges.

- H. The last regular day of business by which the item must be redeemed by the pledger without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date.
- I. The full name, residence address, residence telephone number, and the date of birth of the pledger or seller.
- J. The identification number and state of issue from any of the following forms of identification of the seller:
 - 1. Current valid South Dakota driver's license
 - 2. Current valid South Dakota identification card.
 - 3. Current valid photo driver's license or identification issued by another state.
- K. Description of the pledger or seller including sex, race, color eyes, color hair and approximate height and weight.
- L. The signature of the pledger or seller.

Legislative History:
Ordinance No. 268, 4519/98.

Authority:

8-3-4

REDEMPTION PERIOD

Any person pledging, pawning or depositing an item for security must have a minimum of thirty (30) days from the date of that transaction to redeem the item before it may be forfeited and sold. during the thirty (30) day holding period, items may not be removed from the licensed location except as provided in section 8-5-4. Licenses are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued or, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with approval of the chief of police or his designee. Written authorization for release of property to person other than the original pledger must be maintained along with the original transaction record in accordance with section 8-3-1(J).

Legislative History:
Ordinance No. 268, 4519/98.

Authority:

8-3-5

HOLDING PERIOD

Any item purchased by a licensee must not be sold or otherwise transferred for thirty (30) days from the date of the transaction. An individual may redeem an item seventy-two (72) hours after the item was received on deposit, excluding Sundays and legal holidays.

Legislative History:
Ordinance No. 268, 4519/98.

Authority: