

House Bill 2066

Sponsored by Representative NATHANSON (at the request of Oregon Pawnbrokers Association) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows certain personal property to be used as pledge for pledge loan from pawnbroker. Excludes certain other personal property from use as pledge.

A BILL FOR AN ACT

Relating to pawnbrokers; amending ORS 726.010 and 726.280.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 726.010 is amended to read:

726.010. As used in this chapter, *unless the context requires otherwise*:

[(1) "Director" means the Director of the Department of Consumer and Business Services.]

*[(2) (1) "Pawnbroker" means [any] a person, copartnership, association or corporation **that**:*

*(a) [Lending] **Lends** money at a [higher] rate of interest **greater** than 10 percent per annum on the deposit or pledge of personal property [other than choses in action, vehicles required by law to be registered with the Department of Transportation, securities or printed evidences of indebtedness];*

*(b) [Purchasing any] **Purchases** personal property [other than choses in action, vehicles required by law to be registered with the Department of Transportation, securities or printed evidences of indebtedness] on the direct or implied condition of selling [it] **the personal property** back at a stipulated price that would amount to [the payment of] **paying** interest or consideration in excess of 10 percent per annum; or*

*(c) [Doing] **Does** business as a storage [warehouseman] **warehouse operator** and [lending] **lends** money at a [higher] rate of interest **greater** than 10 percent per annum upon goods, wares, merchandise or personal property pledged or deposited as collateral security [other than vehicles required by law to be registered with the Department of Transportation].*

*(2)(a) "**Personal property**" means **tangible property a person owns, including:***

*(A) **Chattels and moveables, such as merchandise, furniture, goods, machinery, tools and equipment, supplies and media;***

*(B) **Vehicles such as a boat, as defined in ORS 830.005, a trailer, as defined in ORS 801.560 or an off-road vehicle, as described in ORS 821.010; and***

*(C) **Equipment used for farming.***

*(b) "**Personal property**" does not include:*

*(A) **Automobiles or motorcycles;***

*(B) **Choses in action;***

*(C) **Securities or printed evidence of indebtedness; or***

*(D) **Intangible property.***

*(3) "Pledge" means [any] **personal property or another** article deposited with a pawnbroker*

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 in the course of the business of the pawnbroker [*as defined in subsection (2) of this section*].

2 (4) "Pledgor" means [*the*] a person who delivers a pledge into the possession of a pawnbroker,
3 unless the person discloses that the person is or was acting for another, in which event "pledgor"
4 means the disclosed principal.

5 (5) "Pledge loan" means a loan [*made by*] **that** a pawnbroker **makes** to a pledgor and **that is**
6 secured by a pledge.

7 **SECTION 2.** ORS 726.280 is amended to read:

8 726.280. (1) Every pawnbroker shall keep a register in which [*shall be recorded*] **the pawnbroker**
9 **records** in ink or in electronic form:

10 (a) The date of the transaction.

11 (b) The serial number of the pledge loan.

12 (c) The name and address of the pledgor, or if [*the pledge is made by*] a person acting as agent
13 for a disclosed principal **makes a pledge**, the name and address of **the** principal and **the** agent.

14 (d) An identifying description of the [*article or articles pledged*] **pledge**.

15 (e) The amount of the pledge loan.

16 (f) The date on which [*such*] **the** pledge loan was canceled.

17 (g) A notation as to whether [*it*] **the pledge** was redeemed or renewed, or whether the pledge
18 was forfeited.

19 (2) All entries in the register [*shall*] **must** be made in the English language and [*shall*] **must**
20 be open to the inspection of any public official, police officer or any other person who is duly au-
21 thorized or empowered by the laws of this state to make [*such*] **an** inspection.

22 (3) Every pawnbroker shall maintain an alphabetical file from which can be determined the total
23 obligations of any one pledgor.

24 (4) Subject to the provisions of this chapter, the Director of the Department of Consumer and
25 Business Services may prescribe the form of other books and records [*to be kept by*] the pawnbroker
26 **must keep**. All records shall be preserved and available for at least two years after making the final
27 entry on any pledge loan recorded [*therein*] **in the books or records**.

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