

SENATE BILL 1864

By Overbey

AN ACT to amend Tennessee Code Annotated, Title 45,
Chapter 6, Part 2, relative to pawnshops and pawn
transactions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 45-6-209, is amended by deleting subdivisions (b)(6) and (b)(7) and substituting instead the following:

(6) The information from the state or federally issued photo identification card specified in subdivision (a)(2)(B); and

(7) The right thumbprint of the pledgor; provided, that if taking the right thumbprint is not possible the pawnbroker shall take a fingerprint from the left thumb or another finger and shall identify on the pawn ticket which finger has been used. A thumb or fingerprint taken pursuant to this subdivision (b)(7) must be clear and complete and contain no smears or smudges. A thumb or fingerprint taken pursuant to this subdivision (b)(7) shall be maintained by the pawnbroker for a period of five (5) years from the date of the pawn transaction.

SECTION 2. Tennessee Code Annotated, Section 45-6-209, is amended by designating the existing language of subsection (a) as subdivision (a)(1) and by adding the following new subdivision (a)(2):

(2)

(A) Except as provided in subdivision (a)(2)(D), no pawnbroker may enter into a pawn transaction or buy-sell transaction unless the pledgor presents a state or federally issued photo identification card that appears valid on its face to the pawnbroker and provides a thumbprint as provided in subdivision (b)(7).

(B) If a valid state or federally issued photo identification card is presented, the pawnbroker shall record the name, race, sex, height, weight, date of birth, residence address and the photo identification card number of the pledgor of the property, photocopy the photo identification card presented and maintain this information as part of the transaction record. The pawnbroker shall also record the license plate number and make and model of the motor vehicle the seller is driving.

(C) For purposes of subdivision (a)(2)(B), acceptable forms of photo identification are:

- (A) A state-issued driver license;
- (B) A state-issued identification card;
- (C) A passport; or
- (D) A valid military identification.

(D) If the pledgor does not have a state or federally issued photo identification card, the pawnbroker shall require the seller to present some form of state or federally issued identification, photograph the person and record the information contained on the identification card prior to the pawn transaction or buy-sell transaction being made. Even if a photograph of the pledgor is taken, the pawnbroker is prohibited from making the transaction if the pledgor does not have, or refuses to present, the required identification.

SECTION 3. Tennessee Code Annotated, Section 45-6-209, is amended by deleting the first sentence of subdivision (g)(1) and substituting instead the following:

Notwithstanding the provisions of this section to the contrary, if the pawn transaction involves a firearm, the pawnbroker shall exclude from the information sent to law enforcement pursuant to subdivisions (b)(1)-(6), the name, address and identification numbers required by subdivision (b)(6) of the pledgor pawning the firearm.

SECTION 4. This act shall take effect July 1, 2011, the public welfare requiring it.