

7604

2013-2014 Regular Sessions

I N A S S E M B L Y

May 28, 2013

Introduced by M. of A. BRAUNSTEIN, SIMOTAS -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to recordkeeping requirements for second-hand dealers, scrap processors and pawnbrokers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The general business law is amended by adding a new article
2 5-B to read as follows:

3 ARTICLE 5-B

4 RECORDKEEPING REQUIREMENTS FOR SECOND-HAND DEALERS, SCRAP
5 PROCESSORS AND PAWNBROKERS

6 SECTION 57. REPORTS TO THE SECRETARY OF STATE.

7 57-A. RECORD OF PURCHASES AND SALES.

8 57-B. ELECTRONIC REPORTING TO THE SECRETARY OF STATE.

9 57-C. PENALTIES.

10 S 57. REPORTS TO THE SECRETARY OF STATE. EVERY DEALER IN SECOND-HAND
11 ARTICLES WHO DEALS IN THE PURCHASE OR SALE OF ANY SECOND-HAND MANUFAC-
12 TURED ARTICLE COMPRISED WHOLLY OR IN PART OF GOLD, SILVER, PLATINUM, OR
13 OTHER PRECIOUS METALS, OR DEALS IN THE PURCHASE OR SALE OF ANY OLD GOLD,
14 SILVER, PLATINUM OR OTHER PRECIOUS METALS, OR DEALS IN THE PURCHASE OF
15 ARTICLES OR THINGS COMPRISED OF GOLD, SILVER, PLATINUM OR OTHER PRECIOUS
16 METALS FOR THE PURPOSE OF MELTING OR REFINING, OR DEALS IN THE PURCHASE
17 OR SALE OF USED ELECTRICAL APPLIANCES EXCLUDING KITCHEN APPLIANCES, OR
18 DEALS IN THE PURCHASE OR SALE OF ANY USED ELECTRONIC EQUIPMENT, COMPUT-
19 ERS OR COMPONENT PARTS OF ELECTRONIC EQUIPMENT OR COMPUTERS, OR IS A
20 SCRAP PROCESSOR AS DEFINED IN SECTION SIXTY-NINE-E OF THIS CHAPTER,
21 SHALL MAKE AVAILABLE TO THE SECRETARY OF STATE THE RECORDS REQUIRED TO
22 BE KEPT PURSUANT TO SUBDIVISIONS ONE, TWO AND THREE OF SECTION
23 FIFTY-SEVEN-A OF THIS ARTICLE WITH RESPECT TO SUCH TRANSACTIONS IN A
24 MANNER SPECIFIED BY THE SECRETARY OF STATE FOR THE NEW YORK STATE
25 DEPARTMENT OF STATE BY RULE AND REGULATION, WHICH MAY INCLUDE THE REAL-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 TIME SHARING OR ACCESSING OF SUCH RECORDS IN AN ELECTRONIC FORMAT AND/OR
2 THROUGH USE OF AN INTERNET WEBSITE DESIGNATED BY THE SECRETARY OF STATE.

3 S 57-A. RECORD OF PURCHASES AND SALES. 1. EVERY DEALER IN SECOND-HAND
4 ARTICLES WHO DEALS IN THE PURCHASE OR SALE OF ANY SECOND-HAND MANUFAC-
5 TURED ARTICLE COMPOSED WHOLLY OR IN PART OF GOLD, SILVER, PLATINUM, OR
6 OTHER PRECIOUS METALS, OR DEALS IN THE PURCHASE OR SALE OF ANY OLD GOLD,
7 SILVER, PLATINUM OR OTHER PRECIOUS METALS, OR DEALS IN THE PURCHASE OF
8 ARTICLES OR THINGS COMPRISED OF GOLD, SILVER, PLATINUM OR OTHER PRECIOUS
9 METALS FOR THE PURPOSE OF MELTING OR REFINING, OR DEALS IN THE PURCHASE
10 OR SALE OF USED ELECTRICAL APPLIANCES EXCLUDING KITCHEN APPLIANCES, OR
11 DEALS IN THE PURCHASE OR SALE OF ANY USED ELECTRONIC EQUIPMENT, COMPUT-
12 ERS OR COMPONENT PARTS OF ELECTRONIC EQUIPMENT OR COMPUTERS, SHALL WITH
13 RESPECT TO SUCH TRANSACTIONS CREATE AN ELECTRONIC RECORD IN ENGLISH, IN
14 A MANNER TO BE SPECIFIED BY THE SECRETARY OF STATE FOR THE NEW YORK
15 STATE DEPARTMENT OF STATE BY RULE OR REGULATION. SUCH ELECTRONIC RECORD
16 MAY INCLUDE THE REAL-TIME SHARING OR ACCESSING OF SUCH RECORDS IN AN
17 ELECTRONIC FORMAT AND/OR THROUGH USE OF AN INTERNET WEBSITE DESIGNATED
18 BY THE SECRETARY OF STATE FOR THE NEW YORK STATE DEPARTMENT OF STATE.
19 SUCH ELECTRONIC RECORD SHALL BE RETAINED FOR A MINIMUM PERIOD OF SIX
20 YEARS FROM THE DATE OF PURCHASE OR SALE. SUCH ELECTRONIC RECORD MAY, IN
21 THE DISCRETION OF THE SECRETARY OF STATE AND IN FURTHERANCE OF THE
22 PURPOSES OF THIS ARTICLE AND ANY OTHER APPLICABLE LAW OR RULES REGULAT-
23 ING THE ACTIVITIES OF DEALERS IN SECOND-HAND ARTICLES, INCLUDE BUT SHALL
24 NOT BE LIMITED TO THE FOLLOWING INFORMATION, PROVIDED IN A FORMAT OR IN
25 ACCORDANCE WITH SPECIFICATIONS AS PROVIDED BY RULE OR REGULATION OF THE
26 SECRETARY OF STATE:

27 A. THE DATE, TIME, LOCATION AND TYPE OF TRANSACTION;

28 B. THE NAME OF THE INDIVIDUAL CONDUCTING THE TRANSACTION FOR THE DEAL-
29 ER;

30 C. IDENTIFYING INFORMATION REGARDING THE PERSON WHO IS PRESENT TO
31 OFFER PROPERTY PURCHASED BY THE DEALER, INCLUDING NAME, ADDRESS, PHONE
32 NUMBER, TYPE OF IDENTIFICATION UTILIZED, IDENTIFICATION NUMBER, EXPIRA-
33 TION DATE OF IDENTIFICATION, DATE OF BIRTH, SEX, HEIGHT, WEIGHT, EYE
34 COLOR, HAIR COLOR, RACE OR ETHNICITY, DISTINGUISHING MARKS, DIGITAL
35 PHOTOGRAPH OF OWNER, AND DIGITAL PHOTOGRAPH OR SCANNED COPY OF IDENTIFI-
36 CATION UTILIZED;

37 D. IDENTIFYING INFORMATION REGARDING THE PERSON WHO IS PRESENT TO
38 PURCHASE PROPERTY SOLD BY THE DEALER, INCLUDING NAME, ADDRESS, PHONE
39 NUMBER, AND PHYSICAL DESCRIPTION AS APPARENT, INCLUDING SEX, AGE,
40 HEIGHT, WEIGHT, EYE COLOR, HAIR COLOR, RACE OR ETHNICITY, AND DISTIN-
41 GUISHING MARKS;

42 E. AN ACCURATE DESCRIPTION OF EACH ARTICLE PURCHASED OR SOLD, INCLUD-
43 ING TYPE OF ARTICLE, QUANTITY OR WEIGHT OF ARTICLE IF CONSISTS OF SCRAP
44 METAL, MANUFACTURER, MAKE, MODEL NUMBER, SERIAL NUMBER, INTERNATIONAL
45 MOBILE EQUIPMENT IDENTIFIER, ELECTRONIC SERIAL NUMBER, MOBILE EQUIPMENT
46 IDENTIFIER, INSCRIPTIONS OR DISTINGUISHING MARKS, AND ONE OR MORE
47 DIGITAL PHOTOGRAPHS REASONABLY CAPTURING THE LIKENESS OF THE ARTICLE;
48 AND

49 F. IN THE CASE OF A SALE OR OTHER DISPOSAL OF A MOTOR VEHICLE, MOTOR-
50 CYCLE OR MOTOR THEREOF, THE DEALER IN SECOND-HAND ARTICLES SHALL, IN
51 ADDITION TO ANY OTHER ENTRY REQUIRED, ENTER IN A PERMANENT RECORD THE
52 VEHICLE IDENTIFICATION NUMBER OF SAID MOTOR VEHICLE, MOTORCYCLE OR
53 MOTOR, THE MANNER IN WHICH SAID MOTOR VEHICLE, MOTORCYCLE OR MOTOR WAS
54 REMOVED FROM THE PREMISES, GIVING THE NAME, ADDRESS AND DATE OF BIRTH OF
55 THE PERSON WHO REMOVES IT, THE DRIVER'S LICENSE NUMBER OF SUCH PERSON
56 AND STATE OF ISSUANCE IF SUCH PERSON POSSESSED A DRIVER'S LICENSE, THE

1 MOTOR VEHICLE REGISTRATION NUMBER OF ANY VEHICLE USED TO TOW, REMOVE OR
2 TRANSPORT SUCH MOTOR VEHICLE, MOTORCYCLE OR MOTOR, AND THE DESTINATION
3 TO WHICH THE MOTOR VEHICLE, MOTORCYCLE OR MOTOR IS BEING REMOVED.

4 2. EVERY SCRAP PROCESSOR WHO OPERATES OR MAINTAINS A SCRAP METAL PROC-
5 ESSING FACILITY, AS DEFINED IN SECTION SIXTY-NINE-E OF THIS CHAPTER,
6 SHALL WITH RESPECT TO SUCH TRANSACTIONS CREATE AN ELECTRONIC RECORD IN
7 ENGLISH, IN A MANNER TO BE SPECIFIED BY THE SECRETARY OF STATE BY RULE
8 OR REGULATION. SUCH ELECTRONIC RECORD MAY INCLUDE THE REAL-TIME SHARING
9 OR ACCESSING OF SUCH RECORDS IN AN ELECTRONIC FORMAT AND/OR THROUGH USE
10 OF AN INTERNET WEBSITE DESIGNATED BY THE SECRETARY OF STATE. SUCH ELEC-
11 TRONIC RECORD SHALL BE RETAINED FOR A MINIMUM PERIOD OF THREE YEARS FROM
12 THE DATE OF PURCHASE OR SALE. SUCH ELECTRONIC RECORD MAY, IN THE
13 DISCRETION OF THE SECRETARY OF STATE AND IN FURTHERANCE OF THE PURPOSES
14 OF THIS ARTICLE AND ANY OTHER APPLICABLE LAW OR RULES REGULATING THE
15 ACTIVITIES OF DEALERS IN SECOND-HAND ARTICLES WHO ARE SUCH SCRAP PROCES-
16 SORS, INCLUDE BUT SHALL NOT BE LIMITED TO THE FOLLOWING INFORMATION,
17 PROVIDED IN A FORMAT OR IN ACCORDANCE WITH SPECIFICATIONS AS PROVIDED BY
18 RULE OR REGULATION OF THE SECRETARY OF STATE FOR THE NEW YORK STATE
19 DEPARTMENT OF STATE:

20 A. EACH PURCHASE OF ANY PIG OR PIGS OF METAL, BRONZE OR BRASS CASTINGS
21 OR PARTS THEREOF, SPRUES OR GATES OR PARTS THEREOF, UTILITY WIRE OR
22 BRASS CAR JOURNALS, OR OF METAL BEER KEGS;

23 B. EACH PURCHASE OF IRON, STEEL AND/OR NON-FERROUS SCRAP FOR A PRICE
24 OF FIFTY DOLLARS OR MORE;

25 C. AN ACCURATE DESCRIPTION OF EACH ARTICLE PURCHASED, PROCESSED OR
26 SHIPPED, INCLUDING THE TYPE OF ARTICLE AND QUANTITY OF EACH TYPE OF
27 ARTICLE AND THE VEHICLE IDENTIFICATION NUMBER OF A MOTOR VEHICLE OR
28 MOTOR VEHICLE PART, IF APPLICABLE;

29 D. THE DATE OF SUCH PURCHASE;

30 E. THE NAME OF THE SELLER;

31 F. THE RESIDENCE OF THE SELLER BY STREET, NUMBER, CITY, VILLAGE OR
32 TOWN;

33 G. THE DRIVER'S LICENSE NUMBER OR INFORMATION FROM A GOVERNMENT ISSUED
34 PHOTOGRAPHIC IDENTIFICATION CARD, IF ANY, OF SUCH PERSON, OR BY SUCH
35 DESCRIPTION AS WILL REASONABLY LOCATE THE SELLER;

36 H. A COPY OF THE GOVERNMENT ISSUED PHOTOGRAPHIC IDENTIFICATION CARD
37 USED TO VERIFY THE IDENTITY OF THE PERSON FROM WHOM THE SCRAP METAL WAS
38 PURCHASED, WHICH COPY SHALL BE RETAINED, NOTWITHSTANDING ANY INCONSIST-
39 ENT PROVISION OF THIS SECTION, FOR AT LEAST TWO YEARS FROM THE DATE OF
40 PURCHASE; AND

41 I. A RECORDED SIGNATURE OF THE SELLER OR HIS OR HER AGENT.

42 NOTWITHSTANDING ANY INCONSISTENT PROVISION, SUCH ELECTRONIC RECORD
43 SHALL IN ANY EVENT CONTAIN THE INFORMATION SPECIFIED IN SECTION
44 SIXTY-NINE-G OF THIS CHAPTER.

45 3. EVERY DEALER IN SECOND-HAND ARTICLES WHO DEALS IN THE PURCHASE OR
46 SALE OF PAWNBROKER TICKETS OR OTHER EVIDENCE OF PLEDGED ARTICLES OR THE
47 REDEMPTION OR SALE OF PLEDGED ARTICLES AND WHO IS NOT SUBJECT TO THE
48 PROVISIONS OF SECTION FIFTY-SEVEN-B OF THIS ARTICLE SHALL, IN ADDITION
49 TO RECORDING INFORMATION PURSUANT TO SUBDIVISION ONE OF THIS SECTION,
50 CREATE AN ELECTRONIC RECORD OF THE FOLLOWING INFORMATION AT THE TIME OF
51 SUCH PURCHASE, SALE OR REDEMPTION IN A MANNER TO BE SPECIFIED BY THE
52 SECRETARY OF STATE FOR THE NEW YORK STATE DEPARTMENT OF STATE BY RULE OR
53 REGULATION, WHICH MAY INCLUDE THE REAL-TIME SHARING OR ACCESSING OF SUCH
54 RECORDS IN AN ELECTRONIC FORMAT AND/OR THROUGH USE OF AN INTERNET
55 WEBSITE DESIGNATED BY THE SECRETARY OF STATE. SUCH ELECTRONIC RECORD
56 SHALL BE RETAINED FOR A MINIMUM PERIOD OF SIX YEARS FROM THE DATE OF

PURCHASE OR SALE. SUCH ELECTRONIC RECORD MAY, IN THE DISCRETION OF THE SECRETARY AND IN FURTHERANCE OF THE PURPOSES OF THIS ARTICLE AND ANY OTHER APPLICABLE LAW OR RULES REGULATING THE ACTIVITIES OF DEALERS IN SECOND-HAND ARTICLES AND PAWNBROKERS, INCLUDE BUT SHALL NOT BE LIMITED TO THE FOLLOWING INFORMATION, PROVIDED IN A FORMAT OR IN ACCORDANCE WITH SPECIFICATIONS AS PROVIDED BY RULE OF THE SECRETARY OF STATE:

A. THE NAME AND ADDRESS OF THE PERSON WHO ISSUED SUCH TICKET OR OTHER EVIDENCE;

B. THE PLEDGE NUMBER OF SUCH PAWN TICKET OR OTHER EVIDENCE;

C. THE NAME AND ADDRESS OF THE PLEDGOR AS IT APPEARS UPON SUCH PAWN TICKET OR OTHER EVIDENCE;

D. THE AMOUNT LOANED OR ADVANCED AS IT APPEARS ON SUCH PAWN TICKET OR OTHER EVIDENCE;

E. THE SUM PAID OR RECEIVED FOR SUCH PAWN TICKET OR OTHER EVIDENCE, OR THE SUM PAID OR RECEIVED FOR THE REDEEMED ARTICLE OR PLEDGE; AND

F. SUCH DESCRIPTION OF A PLEDGED ARTICLE AS APPEARS ON SUCH PAWN TICKET OR OTHER EVIDENCE AND AN ACCURATE DESCRIPTION OF EVERY REDEEMED PLEDGED ARTICLE, INCLUDING TYPE OF ARTICLE, MANUFACTURER, MAKE, MODEL NUMBER, SERIAL NUMBER, INTERNATIONAL MOBILE EQUIPMENT IDENTIFIER, ELECTRONIC SERIAL NUMBER, MOBILE EQUIPMENT IDENTIFIER, INSCRIPTIONS OR DISTINGUISHING MARKS, AND ONE OR MORE DIGITAL PHOTOGRAPHS REASONABLY CAPTURING THE LIKENESS OF THE ARTICLE.

4. A DEALER IN SECOND-HAND ARTICLES SUBJECT TO THE PROVISIONS OF THIS SUBDIVISION AND SUBDIVISIONS ONE AND TWO OF THIS SECTION SHALL ACQUIRE AND MAINTAIN IN GOOD WORKING ORDER THE ELECTRONIC EQUIPMENT NECESSARY TO CREATE AND MAINTAIN THE ELECTRONIC RECORDS REQUIRED BY THIS SECTION, INCLUDING BUT NOT LIMITED TO A COMPUTER WITH INTERNET CONNECTION, AN ELECTRONIC SIGNATURE PAD AND A DIGITAL CAMERA UTILIZING A FILE FORMAT DESIGNATED BY THE SECRETARY OF STATE;

5. THE BOOKS AND RECORDS REQUIRED BY THIS SECTION, INCLUDING ANY ELECTRONIC RECORDS REQUIRED BY THIS SUBDIVISION AND SUBDIVISIONS ONE AND TWO OF THIS SECTION, SHALL BE OPEN TO THE INSPECTION OF ANY POLICE OFFICER, THE SECRETARY OF STATE FOR THE NEW YORK STATE DEPARTMENT OF STATE OR ANY DEPARTMENTAL INSPECTOR, ANY JUDGE OF THE CRIMINAL COURT, OR ANY PERSON DULY AUTHORIZED IN WRITING FOR SUCH PURPOSES BY THE SECRETARY OF STATE OR BY ANY JUDGE OF THE CRIMINAL COURT, WHO SHALL EXHIBIT SUCH WRITTEN AUTHORITY TO THE DEALER. SUCH RECORDS SHALL ALSO BE OPEN TO THE INSPECTION OF ANY OFFICIAL OR OTHER PERSON IDENTIFIED IN, OR DULY AUTHORIZED IN WRITING PURSUANT TO, ANY OTHER APPLICABLE STATE OR LOCAL LAW;

6. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT OR SUPERSEDE ANY RECORDKEEPING REQUIREMENT IMPOSED BY OR PURSUANT TO ANY OTHER APPLICABLE STATE OR LOCAL LAW.

S 57-B. ELECTRONIC REPORTING TO THE SECRETARY OF STATE. 1. EVERY PAWNBROKER, SHALL MAKE AVAILABLE TO THE SECRETARY OF STATE FOR THE NEW YORK STATE DEPARTMENT OF STATE THE RECORDS REQUIRED TO BE KEPT PURSUANT TO SUBDIVISION TWO OF THIS SECTION, IN A MANNER TO BE SPECIFIED BY THE SECRETARY OF STATE BY RULE OR REGULATION, WHICH MAY INCLUDE THE REAL-TIME SHARING OR ACCESSING OF SUCH RECORDS IN AN ELECTRONIC FORMAT AND/OR THROUGH USE OF AN INTERNET WEBSITE DESIGNATED BY THE SECRETARY OF STATE FOR THE NEW YORK STATE DEPARTMENT OF STATE.

2. EVERY PAWNBROKER SHALL CREATE AT THE TIME OF TRANSACTION AN ELECTRONIC RECORD IN ENGLISH, IN A MANNER TO BE SPECIFIED BY THE SECRETARY OF STATE BY RULE OR REGULATION, WHICH MAY INCLUDE THE USE OF AN INTERNET WEBSITE DESIGNATED BY THE SECRETARY OF STATE, OF EVERY TRANSACTION IN WHICH GOODS, ARTICLES OR THINGS, OR ANY PART THEREOF, ARE PAWNED,

1 PLEDGED OR REDEEMED IN THE COURSE OF BUSINESS OF SUCH PAWNBROKER. SUCH
2 ELECTRONIC RECORD SHALL BE RETAINED FOR A MINIMUM PERIOD OF SIX YEARS
3 FROM THE DATE OF THE TRANSACTION. SUCH ELECTRONIC RECORD MAY, IN THE
4 DISCRETION OF THE SECRETARY OF STATE AND IN FURTHERANCE OF THE PURPOSES
5 OF THIS ARTICLE AND ANY OTHER APPLICABLE LAW OR RULES REGULATING THE
6 ACTIVITIES OF PAWNBROKERS, INCLUDE BUT SHALL NOT BE LIMITED TO THE
7 FOLLOWING INFORMATION, PROVIDED IN A FORMAT OR IN ACCORDANCE WITH SPEC-
8 IFICATIONS AS PROVIDED BY RULE OR REGULATION OF THE SECRETARY OF STATE:

9 A. THE DATE, TIME, LOCATION AND TYPE OF TRANSACTION;

10 B. THE NAME OF THE INDIVIDUAL CONDUCTING THE TRANSACTION FOR THE PAWN-
11 BROKER;

12 C. IDENTIFYING INFORMATION REGARDING THE PLEDGOR, INCLUDING NAME,
13 ADDRESS, PHONE NUMBER, TYPE OF IDENTIFICATION UTILIZED, IDENTIFICATION
14 NUMBER, EXPIRATION DATE OF IDENTIFICATION, DATE OF BIRTH, SEX, HEIGHT,
15 WEIGHT, EYE COLOR, HAIR COLOR, RACE OR ETHNICITY, DISTINGUISHING MARKS,
16 DIGITAL PHOTOGRAPH OF OWNER, DIGITAL PHOTOGRAPH OR SCANNED COPY OF IDEN-
17 TIFICATION UTILIZED, AND WHETHER THE PLEDGOR IS THE OWNER, CONSIGNEE OR
18 AGENT OF THE OWNER;

19 D. AN ACCURATE DESCRIPTION OF EACH ARTICLE PAWNED OR PLEDGED, INCLUD-
20 ING TYPE OF ARTICLE, MANUFACTURER, MAKE, MODEL NUMBER, SERIAL NUMBER,
21 INTERNATIONAL MOBILE EQUIPMENT IDENTIFIER, ELECTRONIC SERIAL NUMBER,
22 MOBILE EQUIPMENT IDENTIFIER, INSCRIPTIONS OR DISTINGUISHING MARKS, AND
23 ONE OR MORE DIGITAL PHOTOGRAPHS REASONABLY CAPTURING THE LIKENESS OF THE
24 ARTICLE;

25 E. THE PLEDGE NUMBER OF THE PAWN TICKET;

26 F. THE AMOUNT LOANED OR ADVANCED THEREON AND THE RATE OF INTEREST TO
27 BE PAID ON SUCH LOAN OR ADVANCE;

28 G. IDENTIFYING INFORMATION REGARDING THE PERSON REDEEMING THE ARTICLE
29 PAWNED OR PLEDGED, INCLUDING NAME, ADDRESS, PHONE NUMBER, TYPE OF IDEN-
30 TIFICATION UTILIZED, IDENTIFICATION NUMBER, EXPIRATION DATE OF IDENTIFI-
31 CATION, DATE OF BIRTH, SEX, HEIGHT, WEIGHT, EYE COLOR, HAIR COLOR, RACE
32 OR ETHNICITY, DISTINGUISHING MARKS, DIGITAL PHOTOGRAPH OF OWNER, AND
33 DIGITAL PHOTOGRAPH OR SCANNED COPY OF IDENTIFICATION UTILIZED; AND

34 H. AN ACCURATE DESCRIPTION OF EACH ARTICLE PURCHASED OR SOLD, INCLUD-
35 ING TYPE OF ARTICLE, MANUFACTURER, MAKE, MODEL NUMBER, SERIAL NUMBER,
36 INTERNATIONAL MOBILE EQUIPMENT IDENTIFIER, ELECTRONIC SERIAL NUMBER,
37 MOBILE EQUIPMENT IDENTIFIER, INSCRIPTIONS OR DISTINGUISHING MARKS, AND
38 ONE OR MORE DIGITAL PHOTOGRAPHS REASONABLY CAPTURING THE LIKENESS OF THE
39 ARTICLE.

40 NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SUBDIVISION, SUCH
41 ELECTRONIC RECORD SHALL IN ANY EVENT CONTAIN THE INFORMATION SPECIFIED
42 IN SECTION FORTY-THREE OF THIS CHAPTER.

43 3. THE PAWNBROKER SHALL ACQUIRE AND MAINTAIN IN GOOD WORKING ORDER THE
44 ELECTRONIC EQUIPMENT NECESSARY TO CREATE AND MAINTAIN THE ELECTRONIC
45 RECORDS REQUIRED BY THIS SECTION, INCLUDING BUT NOT LIMITED TO A COMPUT-
46 ER WITH INTERNET CONNECTION, AN ELECTRONIC SIGNATURE PAD AND A DIGITAL
47 CAMERA UTILIZING A FILE FORMAT DESIGNATED BY THE SECRETARY OF STATE.

48 4. THE ELECTRONIC RECORDS REQUIRED BY THIS SECTION SHALL BE OPEN TO
49 THE INSPECTION OF THE STATE ATTORNEY GENERAL, THE STATE COMPTROLLER, ANY
50 POLICE OFFICER, THE SECRETARY OF STATE, ANY DEPARTMENTAL INSPECTOR, ANY
51 JUDGE OF THE CRIMINAL COURT, ANY PERSON DULY AUTHORIZED IN WRITING FOR
52 SUCH PURPOSES BY THE SECRETARY OF STATE OR BY ANY JUDGE OF THE CRIMINAL
53 COURT, WHO SHALL EXHIBIT SUCH WRITTEN AUTHORITY TO THE PAWNBROKER OR ANY
54 OTHER GOVERNMENTAL OFFICER OR EMPLOYEE AUTHORIZED BY STATE OR LOCAL LAW.
55 SUCH RECORDS SHALL ALSO BE OPEN TO THE INSPECTION OF ANY OFFICIAL OR
56 OTHER PERSON IDENTIFIED IN, OR DULY AUTHORIZED IN WRITING PURSUANT TO

1 SECTION FORTY-FIVE OF THIS CHAPTER OR ANY OTHER APPLICABLE STATE OR
2 LOCAL LAW.

3 5. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT OR SUPERSEDE
4 ANY RECORDKEEPING REQUIREMENT IMPOSED BY OR PURSUANT TO ANY OTHER APPLI-
5 CABLE STATE OR LOCAL LAW.

6 6. IN ADDITION TO ANY OTHER APPLICABLE PENALTY OR SANCTION, ANY PERSON
7 WHO VIOLATES ANY OF THE PROVISIONS OF THIS SECTION OR RULES PROMULGATED
8 THEREUNDER SHALL BE SUBJECT TO THE PENALTIES SET FORTH IN SECTION
9 FIFTY-SEVEN-C OF THIS ARTICLE.

10 S 57-C. PENALTIES. 1. EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED ANY
11 PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE OR ANY REGULATION OR
12 RULE PROMULGATED UNDER IT SHALL, UPON CONVICTION THEREOF, BE PUNISHED
13 FOR EACH VIOLATION BY A FINE OF NOT LESS THAN TWENTY-FIVE DOLLARS NOR
14 MORE THAN FIVE HUNDRED DOLLARS, OR BY IMPRISONMENT NOT EXCEEDING FIFTEEN
15 DAYS, OR BOTH; AND ANY SUCH PERSON SHALL BE SUBJECT ALSO TO A CIVIL
16 PENALTY IN THE SUM OF ONE HUNDRED DOLLARS FOR EACH VIOLATION, TO BE
17 RECOVERED IN A CIVIL ACTION.

18 2. THE ATTORNEY GENERAL IS AUTHORIZED TO BRING AN INJUNCTION PROCEED-
19 ING TO RESTRAIN OR ENJOIN ANY VIOLATION OF THIS ARTICLE.

20 S 2. This act shall take effect on the ninetieth day after it shall
21 have become a law; provided, however, that the secretary of state shall
22 take such measures as are necessary for its implementation, including
23 the promulgation of any rules, or regulations prior to such effective
24 date.