

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact § 54.1-4009 of the Code of Virginia, relating to pawnbrokers; allowable
3 late fees.

4 [H 26]
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 54.1-4009 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 54.1-4009. Records to be kept; credentials of person pawning goods; fee; penalty.**

9 A. Every pawnbroker shall keep at his place of business an accurate and legible record of each loan
10 or transaction in the course of his business, including transactions in which secondhand goods, wares, or
11 merchandise is purchased for resale. The account shall be recorded at the time of the loan or transaction
12 and shall include:

13 1. A description, serial number, and a statement of ownership of the goods, article, or thing pawned
14 or pledged or received on account of money loaned thereon or purchased for resale;

15 2. The time, date, and place of the transaction;

16 3. The amount of money loaned thereon at the time of pledging the same or paid as the purchase
17 price;

18 4. The rate of interest to be paid on such loan;

19 5. The fees charged by the pawnbroker, itemizing each fee charged;

20 6. The full name, residence address, telephone number, and driver's license number or other form of
21 identification of the person pawning or pledging or selling the goods, article, or thing, together with a
22 particular description, including the height, weight, date of birth, race, gender, hair and eye color, and
23 any other identifying marks, of such person;

24 7. Verification of the identification by the exhibition of a government-issued identification card
25 bearing a photograph of the person pawning, pledging, or selling the goods, article, or thing, such as a
26 driver's license or military identification card. The record shall contain the type of identification
27 exhibited, the issuing agency, and the number thereon;

28 8. A digital image of the form of identification used by the person involved in the transaction;

29 9. As to loans, the terms and conditions of the loan, including the period for which any such loan
30 may be made; and

31 10. All other facts and circumstances respecting such loan or purchase.

32 B. A pawnbroker may maintain at his place of business an electronic record of each transaction
33 involving goods, articles, or things pawned or pledged or purchased. If maintained electronically, a
34 pawnbroker shall retain the electronic records for at least one year after the date of the transaction and
35 make such electronic records available to any duly authorized law-enforcement officer upon request.

36 C. For each loan or transaction, a pawnbroker may charge a:

37 1. A service fee for making the daily electronic reports to the appropriate law-enforcement officers
38 required by § 54.1-4010, creating and maintaining the electronic records required under this section, and
39 investigating the legal title to property being pawned or pledged or purchased. Such fee shall not exceed
40 five percent of the amount loaned on such item or paid by the pawnbroker for such item or \$3,
41 whichever is less; and

42 2. A late fee, not to exceed 10 percent of the amount loaned, for each item that is not claimed by the
43 pledged date, provided that the pawner is notified of the fee on the pawn ticket.

44 Any person, firm, or corporation violating any of the provisions of this section is guilty of a Class 4
45 misdemeanor.

46 D. No goods, article, or thing shall be pawned or pledged or received on account of money loaned or
47 purchased for resale if the original serial number affixed to the goods, article, or thing has been
48 removed, defaced, or altered.

49 E. The Superintendent of State Police shall promulgate regulations specifying the nature of the
50 particular description for the purposes of subdivision A 6.

51 The Superintendent of State Police shall promulgate regulations specifying the nature of identifying
52 credentials of the person pawning, pledging, or selling the goods, article, or thing. Such credentials shall
53 be examined by the pawnbroker, and an appropriate record retained thereof.