

Statutes and Regulations **Pawnbrokers**

February 2023



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

NOTE: The official version of the statutes in this document is printed in the Alaska Statutes, copyrighted by the State of Alaska. The official version of the regulations in this document is published in the Alaska Administrative Code, copyrighted by the State of Alaska. If any discrepancies are found between this document and the official versions, the official versions will apply.

TABLE OF CONTENTS

| Section | Page |
|---|-------------|
| 1. Pawnbrokers Statutes (AS 08.76) | 1 |
| 2. Pawnbrokers Regulations (12 AAC 76) | 8 |

**CHAPTER 76.
PAWNBROKERS AND SECONDHAND DEALERS**

Article

- 1. Records of Secondhand Article Transactions (§§ 08.76.010 – 08.76.030)**
- 2. Licensing and Regulation of Pawnbrokers (§§ 08.76.100 – 08.76.590)**

**ARTICLE 1.
RECORDS OF SECONDHAND ARTICLE TRANSACTIONS**

Section

- 10. Transactions to be entered in book kept at place of business; electronic records**
- 20. Manner of recording entry**
- 30. Criminal liability**

Sec. 08.76.010. Transactions to be entered in book kept at place of business; electronic records. (a) A person engaged in the business of buying and selling secondhand articles, except a bank or a person regulated by AS 08.76.100 - 08.76.590, shall maintain a book, in permanent form, in which the person shall enter in legible English at the time of each purchase or sale

- (1) the date of the transaction;
- (2) the name of the person conducting the transaction;
- (3) the name, age, and address of the customer;
- (4) a description of the property bought, which includes, for any firearm, watch, camera, or optical equipment bought, the name of the maker, the serial, model, or other number, and all letters and marks inscribed;
- (5) the price paid;
- (6) the signature of the customer.

(b) *Repealed 7/1/2011 [Repealed, Sec. 7 ch 49 SLA 2010.]*

Sec. 08.76.020. Manner of recording entry. The entries in the book required by AS 08.76.010 shall appear in chronological order in ink or indelible pencil. Blank lines may not be left between entries. Obliterations, alterations, or erasures may not be made. Corrections shall be made by drawing a line through the entry without destroying its legibility, and the line shall be drawn in ink. The book shall be open to the inspection of a peace officer at reasonable times.

Sec. 08.76.030. Criminal liability. A person who violates AS 08.76.010 or 08.76.020 is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500, or by imprisonment for not more than six months, or by both.

Sec. 08.76.040. Disposition of unredeemed property. *[Repealed, Sec. 7 ch 49 SLA 2010.]*

**ARTICLE 2.
LICENSING AND REGULATION OF PAWNBROKERS**

Section

- 100. Licensing required**
- 110. Requirements for license**
- 130. Withdrawal of application**
- 140. Duration and renewal of license**
- 160. Limit on pawn transaction amount**
- 170. Customer and transaction limitations**
- 180. Register of pawnbroker transaction**
- 190. Recording requirements**
- 200. Transaction agreement**
- 210. Finance fee**
- 220. Other charges allowed**
- 230. Insurance**
- 240. Return of pledged property**
- 250. Extension of grace period**
- 260. Retention, storage, and leave**
- 270. Redemption**
- 280. Military personnel**
- 290. Business operation method and hours**

- 300. Waiver prohibited
- 310. Employees
- 320. Issuance of police hold order
- 330. Evidentiary hold order
- 340. Contents and form of hold order
- 350. Duration of police hold order
- 360. Noncompliance with hold order
- 370. Claim notification
- 380. Court action on claim
- 390. Liability of pledgor
- 400. Recovery of leased property
- 410. Law enforcement reports
- 420. Contents of law enforcement entities
- 430. Inspection by law enforcement entities
- 440. Discipline
- 450. Civil penalty
- 460. Municipal regulation
- 470. Regulations
- 500. Exemptions
- 590. Definitions

Sec. 08.76.100. Licensing required. (a) A person may not engage in business as a pawnbroker without holding a license issued by the department.

(b) A license is not transferable or assignable.

Sec. 08.76.110. Requirements for license. The department may issue a license to a person if the person

- (1) has good character;
- (2) has the experience to engage in business as a pawnbroker;
- (3) is fit to engage in business as a pawnbroker;
- (4) submits an application as required by the department under AS 08.01.060; and
- (5) pays a fee established by the department under AS 08.01.065.

Sec. 08.76.130. Withdrawal of application. The department may consider that a person has withdrawn the person's application for a license if

- (1) the application does not contain all of the required information; or
- (2) the information required for the application is not submitted to the department within 90 days after the department requests in writing that the person provide the department with the information.

Sec. 08.76.140. Duration and renewal of license. (a) A license is valid for two years.

(b) A person may renew a license under AS 08.01.100. The renewal fee must be equal to the fee established under AS 08.76.110(5).

(c) Notwithstanding AS 08.01.100(b), if a person fails to renew a license before the expiration date of the license, the person shall pay the department a delayed renewal penalty of \$100 in addition to the regular renewal fee.

(d) If a person fails to renew the person's license, the person may not engage in business as a pawnbroker until the person's license is renewed or a new license is issued.

(e) The department may refuse to renew a license under this section for reasons that would have prevented the issuance of the license to the person under AS 08.76.110.

Sec. 08.76.160. Limit on pawn transaction amount. A licensee may not enter into a pawn transaction that exceeds \$750, excluding the finance fee and any fees charged under AS 08.76.220.

Sec. 08.76.170. Customer and transaction limitations. (a) A pawnbroker may not knowingly enter into a pawnbroker transaction with a person who is

- (1) under 18 years of age;
- (2) under the influence of alcohol or a controlled substance when the influence is apparent; or
- (3) using the name of another person.

(b) A pawnbroker may not knowingly accept or receive misappropriated property from a person in a pawnbroker transaction.

Sec. 08.76.180. Register of pawnbroker transactions. (a) A pawnbroker shall maintain a register in which the pawnbroker shall enter in legible English at the time of each pawnbroker transaction

- (1) the date of the pawnbroker transaction;
- (2) the name of the person conducting the pawnbroker transaction;
- (3) the name, age, and address of the pledgor or purchaser;

- (4) a description of the pledged property or purchased property, including the serial number, model number, or other number on the item of property;
 - (5) the price paid or amount loaned;
 - (6) the signature of the pledgor or seller; and
 - (7) the type of identification used by the pledgor or seller, the name of the government agency that issued the identification, and the number written on the identification.
- (b) A register may be contained in a book or in an electronic format, except that, subject to (c) of this section, the register for pawn transactions must be in an electronic format.
- (c) If, on the effective date of this section, a pawnbroker is located in a municipality that has a population of 6,000 or fewer individuals, the pawnbroker's register for pawn transactions may be contained in a book.
- (d) A pawnbroker may not falsify or intentionally fail to make an entry of a material matter in a register.
- (e) A pawnbroker shall maintain in good condition the record in the register of a completed pawnbroker transaction for one year after the completion of the pawnbroker transaction.

Sec. 08.76.190. Recording requirements. The records required to be maintained in a register by AS 08.76.180 must appear in chronological order and, if made in a book, in ink or indelible pencil. Blank lines may not be left between entries. A pawnbroker may not change a record in a register by obliteration, alteration, or erasure. A pawnbroker may correct a record in a register by drawing a line through the entry without destroying its legibility.

Sec. 08.76.200. Transaction agreement. A pawnbroker shall provide to a pledgor or seller a copy of the transaction agreement between the pawnbroker and the pledgor or seller. The agreement must clearly and conspicuously disclose

- (1) the name and address of the pawnbroker and the name and mailing address of the pledgor or seller;
- (2) the date of the transaction;
- (3) a description of the item sold or pledged;
- (4) the amount of each fee charged under AS 08.76.210 and 08.76.220;
- (5) if the transaction is a pawn transaction, the amount financed and the maturity date; and
- (6) if the transaction is a purchase by the pawnbroker, the amount of the purchase price.

Sec. 08.76.210. Finance fee. (a) Except as provided in AS 08.76.280, for each 30-day period of a pawn transaction, including a grace period, a pawnbroker may charge a pledgor a finance fee of \$5 or an amount that equals interest at a rate that does not exceed 20 percent of the amount financed, whichever amount is greater.

(b) A finance fee is considered to be earned on the day that the pawn transaction is entered into and on the first day of each subsequent 30-day period of the pawn transaction.

Sec. 08.76.220. Other charges allowed. (a) Except as provided in AS 08.76.280, a pawnbroker may charge a processing fee of not more than \$5 for each pawn transaction for preparing and processing the pawn transaction documentation, for providing law enforcement reports, for paying expenses, for providing other services, and for losses.

- (b) A pawnbroker may charge a pledgor who places a firearm with the pawnbroker as pledged property
- (1) a firearm processing fee of not more than \$5; and
 - (2) a governmental fee.

Sec. 08.76.230. Insurance. A pawnbroker may not sell to a pledgor or otherwise charge a pledgor for insurance in connection with a pawn transaction, except to cover the shipment of pledged property that is redeemed by mail.

Sec. 08.76.240. Return of pledged property. A pawnbroker shall return pledged property to a pledgor when the pledgor redeems the pledged property. The pawnbroker shall provide the pledgor with a receipt showing the redemption. The receipt must be on a form approved by the department.

Sec. 08.76.250. Extension of grace period. A pawnbroker and a pledgor may agree to extend the 30-day grace period allowed under AS 08.76.270(b), but each extension may not exceed 30 days. An extension must be in writing, and the pawnbroker shall give the pledgor a copy of the extension agreement. The agreement must clearly state the last day of the extension and the finance fee charged for the extension.

Sec. 08.76.260. Retention, storage, and lease. A pawnbroker shall store pledged property in a secure area and maintain the pledged property in an unaltered condition. A pawnbroker may not lease pledged property.

Sec. 08.76.270. Redemption. (a) Unless there is a hold order on the pledged property, the pledged property is subject to a claim under AS 08.76.370 or 08.76.380, or the property is returned to a lessor under AS 08.76.400, a pledgor may redeem pledged property by paying the amount financed and the finance fee in full before the pawnbroker's scheduled closing time on the maturity date.

(b) If a pledgor does not pay the amount financed and the finance fee in full before the pawnbroker's scheduled closing time on the maturity date, the pawnbroker shall hold the pledged property on the pawnbroker's business

premises for a grace period of 30 days plus any extension allowed under AS 08.76.250. A pledgor may redeem the pledged property during the actual grace period by paying the amount financed and the finance fee, but a pledgor may not redeem pledged property after the pawnbroker's scheduled closing time on the last day of the actual grace period. In this subsection, "actual grace period" means the grace period plus any extension allowed under AS 08.76.250.

(c) If there is a hold order on pledged property, the pledgor may redeem the pledged property only when the hold order is released.

(d) If pledged property is subject to a claim under AS 08.76.370 or 08.76.380, the pledgor may redeem the pledged property only when the pledged property becomes available under AS 08.76.370 or 08.76.380 for redemption.

(e) If a pledgor does not redeem pledged property under (a) - (d) of this section, the title and all interest in the pledged property transfer to the pawnbroker.

(f) The holder of a transaction agreement is presumed to be the person who is entitled to redeem the pledged property that is the subject of the transaction agreement, and a pawnbroker shall deliver the pledged property to the person who presents the transaction agreement and pays the amount financed and the finance fee for the pawn transaction.

Sec. 08.76.280. Military personnel. A pawnbroker shall waive the unpaid amount financed and the finance fee due on a pawn transaction and hold, except as provided in AS 08.76.320 - 08.76.380, the pledged property that is the subject of the pawn transaction on the pawnbroker's business premises until 60 days after the pledgor, the pledgor's spouse, or the pledgor's dependent returns to the United States, if the pawnbroker receives a copy of military orders indicating that

(1) the pledgor, or the pledgor's spouse or dependent, is enlisted in the military service of a state or the federal government; and

(2) after the pawn transaction was entered into, the person was or is to be deployed abroad for service relating to a military conflict.

Sec. 08.76.290. Business operation method and hours. A pawnbroker may not engage in the business of being a pawnbroker

(1) by using a method, including a drive-through window, in which a person remains in a motor vehicle while conducting the pawnbroker transaction; or

(2) between the hours of 12 midnight and 6:00 a.m.

Sec. 08.76.300. Waiver prohibited. A pawnbroker may not require or allow a person to waive a provision of AS 08.76.100 - 08.76.590.

Sec. 08.76.310. Employees. A pawnbroker may not knowingly employ a person to work in a pawnshop if, within five years before the employment begins, the person was convicted of, entered a plea of guilty to, entered a plea of no contest to, or had adjudication withheld for a felony or for a misdemeanor involving dishonesty.

Sec. 08.76.320. Issuance of police hold order. (a) When a law enforcement officer has probable cause to believe that property in the possession of a pawnbroker at a pawnshop in the law enforcement officer's jurisdiction has been misappropriated, the law enforcement officer may issue a police hold order that directs the pawnbroker not to release or dispose of the property until the police hold order terminates or a court orders the release or disposal.

(b) Unless a pawnbroker or the pawnbroker's designee refuses to sign the police hold order, a police hold order begins when the pawnbroker or the pawnbroker's designee receives the police hold order. If the pawnbroker or the pawnbroker's designee refuses to sign the police hold order, the police hold order begins when the refusal occurs.

Sec. 08.76.330. Evidentiary hold order. (a) When property in the possession of the pawnbroker may be needed as evidence in a filed court action involving a criminal charge, a law enforcement agency may issue an evidentiary hold order to a pawnbroker that directs the pawnbroker not to release or dispose of the property until the evidentiary hold order terminates or a court orders the release or disposal.

(b) A pawnbroker who receives an evidentiary hold order under (a) of this section shall hold the property until the attorney general notifies the pawnbroker in writing of the disposition of the filed court action. The attorney general shall notify the pawnbroker within 15 days after the disposition of the filed court action for which the property may be needed as evidence.

Sec. 08.76.340. Contents and form of hold order. A hold order must be in writing and contain

(1) the name of the pawnbroker;

(2) if a police hold order, the name, title, and identification number of the law enforcement officer issuing the police hold order, and the name and address of the law enforcement agency for which the law enforcement officer is acting;

(3) if an evidentiary hold order, the name and address of the law enforcement agency issuing the evidentiary hold order;

- (4) the number, if any, assigned by the law enforcement agency to the case, and, for an evidentiary hold order, the number and caption of the filed court action;
- (5) a complete description of the property being held, including the model number and serial number, if any;
- (6) if a police hold order, the name of the person, if any, who reported the property as misappropriated;
- (7) the mailing address of the pawnshop where the property is being held; and
- (8) the expiration date of the hold order.

Sec. 08.76.350. Duration of police hold order. (a) A police hold order may not exceed 30 days. However, a law enforcement officer may extend the police hold order for two additional successive 30-day periods by giving written notification to the pawnbroker before the expiration of each 30-day period.

(b) A law enforcement agency may not issue a new police hold order for the same property after the second additional 30-day period allowed under this section. However, the termination of the police hold order does not affect an existing evidentiary hold order on the same property or prevent the issuance of an evidentiary hold order for the same property.

(c) A law enforcement agency may release a police hold order before the end of a 30-day period by issuing a written release to the pawnbroker.

Sec. 08.76.360. Noncompliance with hold order. The department may suspend or revoke a pawnbroker's license if the pawnbroker knowingly fails to comply with a hold order.

Sec. 08.76.370. Claim notification. (a) If a person believes that property in the possession of a pawnbroker was misappropriated from the person, and if the person wants to obtain possession of the property from the pawnbroker, the person shall first notify the pawnbroker by certified mail, return receipt requested, of the person's claim.

(b) A notice under (a) of this section must contain a complete and accurate description of the property and must be accompanied by proof that the claimant owns the property and, if the claimant alleges that the property was stolen, a legible copy of a law enforcement agency's report indicating that the property was stolen.

(c) Except as provided in AS 08.76.380, a pawnbroker may not, for 30 days after the pawnbroker receives notice of the claim under this section, dispose of property that is the subject of a claim.

Sec. 08.76.380. Court action on claim. If a claimant and a pawnbroker do not resolve a claim within 10 days after the pawnbroker's receipt of a notice of the claim under AS 08.76.370, the claimant may bring an action in superior court to require the pawnbroker to return the property to the claimant. After a pawnbroker is notified that a court action has been filed, the pawnbroker may not dispose of the property until the court disposes of the court action, disposes of the property, or allows the pawnbroker to dispose of the property.

Sec. 08.76.390. Liability of pledgor. A pledgor or seller of property to a pawnbroker is liable to the pawnbroker for the full amount that the pledgor or seller received from the pawnbroker, all charges owed by the pledgor for the pawnbroker transaction, and attorney fees and other costs as allowed by the rules of court if, in an action under AS 08.76.380,

- (1) the superior court determines that the pledgor or seller misappropriated the property from the claimant; and
- (2) the superior court orders the pawnbroker to return the property to the claimant.

Sec. 08.76.400. Recovery of leased property. (a) If property in the possession of a pawnbroker was leased to a pledgor or seller when the pledgor or seller pledged or sold the property to the pawnbroker, but the property did not have a permanent label or other conspicuous mark identifying it as the lessor's property, the pawnbroker shall return the property to the lessor if the lessor

(1) provides the pawnbroker with evidence that the property was the lessor's property and was leased to the pledgor or seller at the time the property was pledged or sold to the pawnbroker; and

(2) pays the pawnbroker
(A) the amount financed and the finance fee for the pawn transaction, if the property was pledged to the pawnbroker; or

(B) the amount that the pawnbroker paid the seller if the property was sold to the pawnbroker.

(b) A pawnbroker is not liable to the pledgor or seller of property that is recovered by a lessor under (a) of this section for returning the property to a lessor under (a) of this section.

Sec. 08.76.410. Law enforcement reports. (a) A pawnbroker shall provide a law enforcement officer with a law enforcement report in paper or in an electronic format on a weekly basis.

(b) A law enforcement report is confidential under AS 40.25.100 - 40.25.220, and a law enforcement officer and a law enforcement agency may only use a law enforcement report to investigate a crime involving the property that is the subject of the pawnbroker transactions of the pawnbroker.

Sec. 08.76.420. Contents of law enforcement reports. (a) A law enforcement report must contain

- (1) a complete and accurate description of all property pledged to or purchased by the pawnbroker, including,

as applicable, the property's

(A) brand name, model number, and manufacturer's serial number; and

(B) type of action and caliber or gauge, if the property is a firearm; and

(2) the number of the pawnbroker transaction document that the pawnbroker used to document the pawnbroker transaction.

(b) Notwithstanding (a) of this section, the description of the items under (a)(1) of this section is adequate if the description gives the quantity of the items and describes the type of the items if the pawnbroker transaction consists solely of multiple items that are of a similar type, do not have serial or model numbers, and do not contain precious metals or gemstones.

Sec. 08.76.430. Inspection by law enforcement entities. If a law enforcement agency provides the case number assigned to the investigation for which the inspection is being made, a pawnbroker may not refuse to allow the law enforcement agency to inspect during normal business hours the pawnbroker's register and the purchased property involved in the investigation or the unredeemed pledged property involved in the investigation.

Sec. 08.76.440. Discipline. (a) The department may, after notice to the licensee and reasonable opportunity to be heard, take the following disciplinary action against a licensee if the licensee or an officer, agent, or employee of the licensee violates AS 08.76.100 - 08.76.590:

(1) permanently revoke a license;

(2) suspend a license for a specified period;

(3) censure or reprimand a licensee;

(4) impose limitations or conditions on the licensee;

(5) impose probation requiring a licensee to report regularly to the department on matters related to the grounds for probation;

(6) order the licensee to make restitution.

(b) If the department takes disciplinary action under (a) of this section, the department may not, for one year after the date of the disciplinary action, issue another license to the licensee or a license to

(1) the spouse of the licensee;

(2) a partnership if the licensee is a partner of the partnership;

(3) a corporation if the licensee is an officer of the corporation, including a member of the board of directors of the corporation;

(4) a limited liability company if the licensee is a member or manager of the limited liability company; or

(5) an employee of the licensee.

(c) Before taking disciplinary action under (a) of this section, the department shall allow a licensee 30 days to correct the violation.

Sec. 08.76.450. Civil penalty. If a licensee, or an officer, agent, or employee of a licensee violates AS 08.76.100 - 08.76.590, the licensee is liable to the state for a civil penalty. Notwithstanding AS 08.01.075(a)(8), the penalty may not be less than \$200 or more than \$2,000. The amount of the civil penalty must be adjusted to the seriousness of the violation.

Sec. 08.76.460. Municipal regulation. (a) Subject to (b) of this section, a municipality with the authority under AS 29 to enact ordinances regulating pawnbrokers and pawnbroker transactions may adopt an ordinance regulating pawnbrokers and pawnbroker transactions if, at a minimum, the ordinance complies with AS 08.76.100 - 08.76.590.

(b) A municipality may not enact an ordinance that

(1) requires the payment of a fee or tax related to a pawnbroker transaction; or

(2) restricts the hours of operation of a pawnbroker, except that an ordinance may prohibit pawnbrokers from operating as provided under AS 08.76.290(2).

(c) An ordinance that violates this section is void.

Sec. 08.76.470. Regulations. (a) The department may adopt regulations to implement AS 08.76.100 - 08.76.590.

(b) Before the department adopts a regulation to implement AS 08.76.100 - 08.76.590, the department shall, in addition to any other requirements under AS 44.62 (Administrative Procedure Act), notify licensees of the proposed regulation. After the regulation is adopted, the department shall send each licensee a copy of the regulation adopted.

Sec. 08.76.500. Exemptions. This chapter does not apply to

(1) a financial institution that is subject to the regulation of the department under AS 06, including a commercial bank, savings bank, credit union, premium finance company, small loan company, bank holding company, financial holding company, trust company, savings and loan association, and deferred deposit advance licensee under AS 06.50; or

(2) a financial institution organized under federal law.

Sec. 08.76.590. Definitions. In AS 08.76.100 - 08.76.590,

(1) "amount financed" means the amount of money, excluding a finance fee, charged by a pawnbroker for a

pawn transaction;

- (2) "business" includes advertising;
- (3) "claim" means a claim under AS 08.76.370;
- (4) "claimant" means a person who makes a claim;
- (5) "department" means the Department of Commerce, Community, and Economic Development;
- (6) "evidentiary hold order" means an evidentiary hold order authorized under AS 08.76.330;
- (7) "finance fee" means all the amounts that a pawnbroker may charge under AS 08.76.210;
- (8) "governmental fee" means a fee imposed by a governmental agency on a pawnbroker to hold or transfer a firearm or conduct a background check required by the governmental agency;
- (9) "grace period" means the 30-day period after a maturity date during which a pawnbroker is required by AS 08.76.270(b) to retain possession of pledged property;
- (10) "hold order" means a police hold order or an evidentiary hold order;
- (11) "identification" means
 - (A) a government-issued identification document that contains a photograph; or
 - (B) an electronic image of a document identified under (A) of this paragraph;
- (12) "knowingly" has the meaning given in AS 11.81.900;
- (13) "law enforcement agency" means
 - (A) the police department of a municipality where a pawnshop is located;
 - (B) the Department of Law;
 - (C) the Department of Public Safety;
- (14) "law enforcement officer" means
 - (A) a police officer of the municipality where a pawnshop is located; or
 - (B) a state trooper if a pawnshop is located in the unorganized borough or if a pawnshop is located in a municipality that does not provide police protection services;
- (15) "law enforcement report" means a report required by AS 08.76.410;
- (16) "lease" means any form of rental;
- (17) "license" means a license to engage in business as a pawnbroker issued under AS 08.76.110;
- (18) "licensee" means a person who holds a license;
- (19) "maturity date" means the date by which a pledgor is required to pay a pawnbroker the amount financed and the finance fee for a pawn transaction, but does not include a grace period;
- (20) "misappropriated" means pledged or sold to a pawnbroker
 - (A) after being stolen; or
 - (B) while being leased to the pledgor or seller by another person if the property has a permanent label or other conspicuous mark identifying it as another person's property;
- (21) "pawnbroker" means a person who lends money in exchange for a pledge of property;
- (22) "pawnbroker transaction" means a pawn transaction or purchase;
- (23) "pawn transaction" means a pledge given in exchange for a loan by a pawnbroker;
- (24) "personal property" means tangible personal property, but does not include a security, a title to property, a deed, a bill of sale, or printed evidence of indebtedness;
- (25) "pledge" means a deposit of property as security for payment of financial obligations to a pawnbroker in a pawn transaction;
- (26) "pledged property" means the property that is pledged in a pawn transaction;
- (27) "pledgor" means
 - (A) a person who delivers property to a pawnbroker for a pawn transaction; or
 - (B) the principal, if the person who delivers property to a pawnbroker for a pawn transaction discloses that the delivery person is acting for a principal;
- (28) "police hold order" means a hold order authorized under AS 08.76.320;
- (29) "property" means personal property;
- (30) "purchase" means a purchase of property by a pawnbroker that is not a pawn transaction;
- (31) "redeem" means to obtain the return of pledged property under AS 08.76.270;
- (32) "register" means the register required to be maintained by AS 08.76.180;
- (33) "registration fee" means a fee for registering a firearm;
- (34) "seller" means a person who sells property to a pawnbroker, but does not include a pledgor;
- (35) "transaction agreement" means the transaction agreement required by AS 08.76.200.

**CHAPTER 76.
PAWNBROKERS.**

Article

- 1. Licensing (12 AAC 76.010)**
- 2. License Renewal (12 AAC 76.200)**
- 3. General Provisions (12 AAC 76.300 – 12 AAC 76.900)**

**ARTICLE 1.
LICENSING.**

Section

10. Application for pawnbroker license

12 AAC 76.010. APPLICATION FOR PAWNBROKER LICENSE. An applicant for licensure as a pawnbroker must

- (1) submit a complete application on a form provided by the department;
- (2) pay the applicable fees established in 12 AAC 02.380;
- (3) demonstrate that the applicant has the required experience to engage in business as a pawnbroker by providing

(A) documentation showing at least six months of ownership of or management experience in a business; that documentation must show, at a minimum, experience in financial transactions, the sale or purchase of goods, or maintenance of an inventory; or

(B) documentation of completion of a two-year college degree program or higher level of education;

- (4) submit a notarized statement listing each municipality or licensing jurisdiction in which the applicant holds or has ever held a pawnbroker license; and

(5) submit a report under AS 12.62 containing criminal history record information concerning the applicant and issued no earlier than 90 days before the application; if a state other than this state is the applicant's primary state of residence, or if the applicant holds or has ever held a pawnbroker license in a state other than this state, the applicant must also submit an equivalent report issued by that other state and issued no earlier than 90 days before the application.

| | | | |
|-------------------|--------------|--------------|--------------|
| Authority: | AS 08.01.060 | AS 08.01.080 | AS 08.76.110 |
| | AS 08.01.065 | AS 08.76.100 | AS 08.76.470 |

**ARTICLE 2.
LICENSE RENEWAL.**

Section

200. Pawnbroker license renewal

12 AAC 76.200. PAWNBROKER LICENSE RENEWAL. A pawnbroker license must be renewed biennially on or before December 31 of every odd-numbered year. In order to renew a license, an applicant must submit

- (1) a complete renewal application on a form provided by the department;
- (2) the license renewal fee established in 12 AAC 02.380; and
- (3) if required under AS 08.76.140(c), the delayed renewal penalty fee.

| | | | |
|-------------------|--------------|--------------|--------------|
| Authority: | AS 08.01.060 | AS 08.01.100 | AS 08.76.140 |
| | AS 08.01.065 | AS 08.76.110 | AS 08.76.470 |

**ARTICLE 3.
GENERAL PROVISIONS.**

Section

300. Pawnbroker standards and supervision of non-licensed employees

310. Determination of good character

900. Definition

12 AAC 76.300. PAWNBROKER STANDARDS AND SUPERVISION OF NON-LICENSED EMPLOYEES. Only a licensee, or an employee that the licensee directly supervises and has directly trained, may perform an activity that is required under or subject to AS 08.76.

Authority: AS 08.01.060 AS 08.76.100 AS 08.76.470

12 AAC 76.310. DETERMINATION OF GOOD CHARACTER. For purposes of determining good character required under AS 08.76 of an applicant or licensee, the department will consider

- (1) one or more of the following to constitute a lack of good character:
 - (A) conviction of, entry of a plea of guilty to, entry of a plea of no contest to, or having adjudication withheld for a felony or for a misdemeanor involving dishonesty;
 - (B) conduct that reasonably may be viewed as adversely reflecting on the applicant's or licensee's fitness, ability, or willingness to perform the duties of a pawnbroker in accordance with AS 08.76 and this chapter;
 - (C) a prohibition under federal or state law on possession of firearms by the applicant or licensee; and
- (2) whether the applicant or licensee engages in conduct reflecting dishonesty; for purposes of this paragraph, conduct reflecting dishonesty includes
 - (A) false statements, fraud, deceit, and misrepresentation; and
 - (B) conduct in the licensing application or licensing renewal process that reflects dishonesty.

Authority: AS 08.76.100 AS 08.76.140 AS 08.76.450
AS 08.76.110 AS 08.76.440 AS 08.76.470

12 AAC 76.900. Definition. In this chapter, "department" means the Department of Commerce, Community, and Economic Development.

Authority: AS 08.76.470