

SECOND REGULAR SESSION

HOUSE BILL NO. 2793

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JONES.

6848H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 367.011, RSMo, and to enact in lieu thereof two new sections relating to pawnbrokers.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 367.011, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 367.011 and 367.065, to read as follows:

367.011. As used in sections 367.011 to [367.060] **367.065**, the following words mean:

(1) **"Gift card", a card, voucher, or certificate that contains or represents a specific amount of moneys issued by a retailer or bank to be used as an alternative to cash purchases;**

(2) "Month", that period of time from one date in a calendar month to the corresponding date in the following calendar month, but if there is no such corresponding date, then the last day of such following month, and when computations are made for a fraction of a month, a day shall be one-thirtieth of a month;

[(2)] (3) "Net assets", the book value of the current assets of a person or pawnbroker less its applicable liabilities as stated in this subdivision. Current assets include the investment made in cash, bank deposits, merchandise inventory, and loans due from customers excluding the pawn service charge. Current assets do not include the investments made in fixed assets of real estate, furniture, fixtures, or equipment; investments made in stocks, bonds, or other securities; or investments made in prepaid expenses or other general intangibles. Applicable liabilities include trade or other accounts payable; accrued sales, income, or other taxes; accrued expenses; and notes or other payables that are unsecured or secured in whole or part by current assets. Applicable liabilities do not include liabilities secured by assets other than current assets. Net

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 assets must be represented by a capital investment unencumbered by any liens or other
19 encumbrances to be subject to the claims of general creditors;

20 [(3)] (4) "Pawnbroker", any person engaged in the business of lending money on the
21 security of pledged goods or engaged in the business of purchasing tangible personal property
22 on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed
23 period of time;

24 [(4)] (5) "Pawnshop", the location at which or premises in which a pawnbroker regularly
25 conducts business;

26 [(5)] (6) "Person", an individual, partnership, corporation, joint venture, trust, association
27 or any other legal entity however organized;

28 [(6)] (7) "Pledged goods", tangible personal property other than choses in action,
29 securities, or printed evidences of indebtedness, which property is deposited with or otherwise
30 actually delivered into the possession of a pawnbroker in the course of his business in connection
31 with a pawn transaction;

32 [(7)] (8) "Secured personal credit loan", every loan of money made in this state, the
33 payment of which is secured by a security interest in tangible personal property which is
34 physically delivered into the hands of the lender at the time of the making of the loan and which
35 is to be retained by the lender while the loan is a subsisting obligation.

**367.065. No pawnbroker shall purchase, pawn, receive, sell, or exchange a gift card
2 with a balance that exceeds one hundred dollars or that exceeds three hundred dollars in
3 the aggregate of a thirty-day period from any individual during the course of business.**

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