

HOUSE BILL ANALYSIS

HB 1829

Brief Description: Regulating second hand computer hardware.

Sponsors: Representatives Van Luven

Hearing: February 17, 1997

BACKGROUND:

Pawnbrokers and second-hand dealers are required to record information about their transactions that identify the parties to the transaction and the property that are the subject of the transactions. These records must be available to law enforcement officers during reasonable hours and the records must be kept for three years following the transaction.

Upon the request of the chief of police or the chief county law enforcement officer, a pawnbroker or second-hand dealer must furnish a record of all transactions conducted on the preceding day. Any property that is suspected to be lost or stolen must be promptly reported to local law enforcement, along with identifying information on the property, the owner, if known, and the person from whom the property was received.

It is a gross misdemeanor for: (1) a person to remove or obscure any identifying marks or numbers on personal property that is involved in a transaction with a pawnbroker or second-hand dealer; (2) a pawnbroker or second-hand dealer to accept any personal property that is altered; (3) a person to knowingly make a false entry or misstatement of material matter in any record that must be kept by a pawnbroker or second-hand dealer; and (4) a pawnbroker or second-hand dealer to receive property from a person under 18 years of age, a person under the influence of alcohol or drugs, or a person known to have been convicted of certain property crimes within the last 10 years.

Transactions that involve trade-ins or exchanges on the purchase of other similar property of the same or greater value are exempt from provisions that apply to transactions by pawnbrokers and second-hand dealers.

SUMMARY OF BILL:

A retail establishment that accepts computer hardware as trade-in or exchange for other computer hardware of greater value is required to record identifying information about an employee or a person involved in the trade-in or exchange. Identifying information include names, date of

birth, address, telephone number, and identification number. The recorded information must be maintained by the retailer for one year following the transaction, and is available for inspection by law enforcement authorities.

Upon request, a record of the preceding day's used computer hardware transactions must be furnished to law enforcement authorities within a specified time. At a minimum, the retailer is given twenty four hours to comply with the request. If a retailer suspects that computer hardware is lost or stolen, he or she must report all identifying information on the owner, if known and on the person from whom the hardware was received.

It is a gross misdemeanor for:

- . a person to remove or obscure any identifying marks or numbers on computer hardware involved in a trade-in or exchange with a retail establishment,
- . a retailer to accept altered computer hardware,
- . a person to knowingly make a false entry or misstatement of material fact in any record that must be kept by the retailer,
- . a person to knowingly violate any other provision of the statute.

A computer— means a programmable electronic machine that performs high-speed mathematical or logical operation or that assembles, stores, correlates, or processes information. Computer hardware— means a computer and its associated physical equipment involved in the performance of data processing or communications functions.

RULES AUTHORITY: The bill does not contain provisions addressing the rule-making powers of an agency.

FISCAL NOTE: Not requested.

EFFECTIVE DATE: Ninety days after adjournment of session in which bill is passed.