

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1188 be amended to read as follows:

- 1 Page 6, line 27, delete "ten (10)" and insert "**thirty (30)**".
- 2 Page 6, line 32, delete "ten (10)" and insert "**thirty (30)**".
- 3 Page 7, between lines 31 and 32, begin a new paragraph and insert:
- 4 "SECTION 5. IC 28-7-5-22, AS AMENDED BY P.L.35-2010,
- 5 SECTION 177, IS AMENDED TO READ AS FOLLOWS
- 6 [EFFECTIVE JANUARY 1, 2014]: Sec. 22. (a) The holder of a ticket
- 7 described in section 21 of this chapter shall be presumed to be the
- 8 person entitled to redeem the pledge, and, except as provided in
- 9 subsection (b), the pawnbroker shall deliver the pledge to the person
- 10 presenting the ticket, upon payment of principal, interest, and charge.
- 11 (b) If a local ordinance or other law requires the retention of the
- 12 pledge for a specific period of time, the pawnbroker shall comply with
- 13 the local ordinance or other law if the retention period does not exceed
- 14 ~~ten (10)~~ **thirty (30)** days.
- 15 SECTION 6. IC 28-7-5-23, AS AMENDED BY P.L.35-2010,
- 16 SECTION 178, IS AMENDED TO READ AS FOLLOWS
- 17 [EFFECTIVE JANUARY 1, 2014]: Sec. 23. (a) Except as provided in
- 18 subsection (b), when a ticket, instead of being presented in person, is
- 19 sent to the pawnbroker by mail, accompanied with a money order for
- 20 the total amount due and a reasonable fee for shipping and handling, the
- 21 pawnbroker may securely pack and forward the pledge to the pledger
- 22 in accordance with the remitter's instructions. If the remittance is
- 23 insufficient to cover the amount due, the pawnbroker shall either notify
- 24 the remitter of the amount of the deficiency or send the pledge subject
- 25 to the payment of shipping charges by the consignee. The pawnbroker's

1 liability for the pledge shall cease upon delivery of the pledge to the  
2 carrier or ~~his~~ **the carrier's** agent.

3 (b) If a local ordinance or other law requires the retention of the  
4 pledge for a specific period, the pawnbroker shall comply with the local  
5 ordinance or other law if the retention period does not exceed ~~ten (10)~~  
6 **thirty (30)** days.

7 SECTION 7. IC 28-7-5-40 IS ADDED TO THE INDIANA CODE  
8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
9 JANUARY 1, 2014]: **Sec. 40. (a) A pawnbroker shall make the same  
10 daily reports to law enforcement officers concerning personal  
11 property purchased by a pawnbroker that the pawnbroker is  
12 required to make for pledges.**

13 (b) **All personal property purchased by a pawnbroker shall be  
14 held intact by the pawnbroker for at least thirty (30) days after the  
15 pawnbroker has reported the purchase to law enforcement officers.  
16 The report must detail the item of personal property received to the  
17 local law enforcement agency having jurisdiction over the location  
18 of the pawnbroker's place of business.**

19 (c) **Whenever any pawnbroker receives written notice, either  
20 from the local law enforcement agency or from an individual, that  
21 someone is maintaining a claim of right to possession of the  
22 personal property adverse to the pawnbroker, the pawnbroker  
23 shall keep the personal property in the pawnbroker's possession for  
24 thirty (30) days or turn it over to the local law enforcement agency  
25 if so required by the local law enforcement agency.**

26 (d) **Once notice of an adverse claim to the property has been  
27 given under this section, the article shall be held for thirty (30)  
28 days, during which legal proceedings may be commenced to  
29 determine who is entitled to the property. If the matter is not  
30 settled or legal proceedings have not been commenced within thirty  
31 (30) days, the property shall be returned to the pawnbroker by the  
32 local law enforcement agency if held by the law enforcement  
33 agency."**

34 Renumber all SECTIONS consecutively.  
(Reference is to HB 1188 as printed February 8, 2013.)

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Representative Crouch