

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 729 OF 1991
HOUSE BILL 2044

4 **By: Representative Fairchild**

5
6
7

For An Act To Be Entitled

8 "AN ACT TO PROVIDE THAT PAWN BROKERS ARE NOT SUBJECT TO
9 THE PROVISIONS OF CHAPTER 20 OF TITLE 17 OF THE ARKANSAS
10 CODE PERTAINING TO PRECIOUS METALS BUYERS; AND FOR OTHER
11 PURPOSES."

12

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

14

15 SECTION 1. Arkansas Code 17-20-102 is hereby amended to read as
16 follows:

17 "17-20-102. Exemptions.

18 The provisions of this chapter shall not apply to the following:

19 (1) Transactions involving the sale or transfer of precious metals from
20 one (1) retail jeweler or licensed dealer under this chapter to another retail
21 jeweler or licensed dealer under this chapter;

22 (2) Transactions involving the sale or transfer of precious metals by a
23 wholesale jeweler to a retail jeweler or licensed dealer;

24 (3) Transactions involving the acquisition of precious metals as a
25 trade-in on any item where the amount allowed as trade-in for the precious
26 metal is less than fifty percent (50%) of the purchase price of the item
27 purchased;

28 (4) Transactions involving coins regardless of whether or not such
29 coins contain precious metals;

30 (5) Any financial institution, which is covered by federal or state
31 deposit insurance, or any person doing business under the laws of this state;

32 (6) Any person doing business under the laws of this state or the
33 United States relating to any broker-dealer, or commodity futures commission
34 merchant, or commodity trading advisor or agent duly registered and regulated
35 by the Arkansas Securities Department or the United States Commodity Futures
36 Trading Commission;

1 (7) Pawn brokers."

2

3 SECTION 2. Arkansas Code 17-20-201 is hereby amended to read as
4 follows:

5 "17-20-201. License required.

6 No person shall engage in the business of buying gold, silver, platinum
7 group metals, or any article containing them, hereinafter referred to as
8 'precious metals,' from the general public for the purpose of reselling the
9 metals in any condition without first obtaining a license from the Arkansas
10 State Police as provided for in this subchapter."

11

12 SECTION 3. All provisions of this Act of a general and permanent nature
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
14 Revision Commission shall incorporate the same in the Code.

15

16 SECTION 4. If any provision of this Act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the Act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 Act are declared to be severable.

21

22 SECTION 5. All laws and parts of laws in conflict with this Act are
23 hereby repealed.

24

25

26 APPROVED: 3-25-91

27

28

29

30

31

32

33

34

35