

**BERNALILLO COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**

**ORDINANCE NO. \_\_\_\_\_**

1 ARTICLE VI. – PAWNBROKERS, SECONDHAND DEALERS, AND PRECIOUS METALS  
2 DEALERS<sup>[5]</sup>

3  
4 Footnotes:

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6 **State Law reference**— Pawnbrokers generally, NMSA 1978, § 56-12-1 et seq.; local ordinances  
7 regulating pawnbrokers, NMSA 1978, § 56-12-5; Used Merchandise Act, NMSA 1978, § 57-9-1  
8 et seq. regulating the purchase of used good including precious metals.

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10 Sec. 14-231. - Definitions.

11 For the purpose of this article, the following definitions shall apply unless the context  
12 clearly indicates or requires a different meaning:

13 *Identification.* A valid New Mexico driver’s license, a valid armed forces identification card or a  
14 valid passport.

15 *Licensee.* Any individual, partnership, company, corporation, firm, association, trust, estate or  
16 legal entity, that owns any entity operating a business described in this article.

17 *Pawnbroker.* A person engaged in the business of making pawn transactions.

18 *Precious Metals.* Gold, silver, platinum or gems in coin, bullion or other form.

19 *Secondhand Dealer.* Any owner, operator, employee or contractor at any pawnshop, secondhand  
20 store, junkshop, automobile salvage or wreckage establishment or any place of operation for  
21 dealing in or purchasing gold, silver or platinum.

22 (Ord. No. 2016-\_\_\_\_, 16)

23 Sec. 14-232. - Business registration certificate required.

24 No pawnbroker, secondhand or precious metals dealer shall engage in business without a  
25 business registration certificate.

**CONTINUATION PAGE 2, ORDINANCE 2016-\_\_ .**

1 (Ord. No. 16, § 2, 9-20-65; Ord. No. 2016-\_\_\_\_, 16)

2 Sec. 14-233. - Bond required.

3 No pawnbroker, secondhand or precious metals dealer shall engage in business without  
4 having executed and delivered a bond to the county, to be approved by the county manager and  
5 sheriff, in the penal sum of \$10,000.00, with a corporate surety authorized by the laws of the  
6 state to write surety bonds therein, and conditioned for the conduct of such pawnbroker's  
7 business according to law and for the due and faithful observance of each and every provision of  
8 this article. Such bond shall be for the benefit of the county and of each and every person  
9 damaged by a breach of any condition thereof.

10 (Ord. No. 16, § 2, 9-20-65; Ord. No. 2016-\_\_\_\_, 16)

11 **State Law reference**— Pawnbroker's bond, NMSA 1978, § 56-12-5.

12 Sec. 14-234. - Dealings with minors, the intoxicated, known thieves, and serial numbers.

13 It shall be unlawful for any pawnbroker, secondhand or precious metals dealer to buy or  
14 accept property as a pledge:

15 (a) from any minor; to buy or accept property as a pledge from any person who is at the time  
16 intoxicated, or from a habitual drunkard or drug addict; or from any person known by him or  
17 them to be a thief or an associate of thieves, or a receiver of stolen property;

18 (b) from which the manufacturer's name plate, serial number or distinguishing number or  
19 identification mark has been obviously defaced, altered, covered or destroyed;

20 (c) any property that the licensee knows or should have known is not lawfully owned by  
21 the person offering the same.

22 (Ord. No. 16, § 5, 9-20-65; Ord. No. 2016-\_\_\_\_, 16)

23 Sec. 14-235. - Reports and records.

**CONTINUATION PAGE 3, ORDINANCE 2016- .**

1 (a) Every pawnbroker, secondhand or precious metals dealer shall each day accurately complete  
2 a report of all used property of every kind received or purchased in a pawn or other  
3 transaction during the preceding business day on a form approved by the county sheriff.  
4 Either a driver's license or other photo identification card shall be required of each person  
5 entering into a transaction with a pawnbroker or secondhand dealer. Each item received  
6 shall be listed on a separate report form. Such report shall include the following:

7 (1) Name of item;

8 (2) Description of the item including make and model number, if any;

9 (3) Serial number and other identifying marks, if any;

10 (4) Date, time and type of pawn, sale or purchase transaction;

11 (5) Name and address of person offering the item;

12 (6) Description of the person offering the item including sex, complexion, hair color,  
13 approximate height and weight, and date of birth; and

14 (7) Type of identification used by person offering item and identifying number of such  
15 identification. If the person presents a driver's license, the report shall also indicate the  
16 date of issuance.

17 (b) All reports required by this section shall be completed accurately and be made available by  
18 12:00 noon of the day following the day of the transaction and shall be delivered or mailed  
19 to the county sheriff within three days of the transaction.

20 (c) Property purchased directly from a permit holder regulated by the Pawnbrokers Act (NMSA  
21 1978, § 56-12-1 et seq.) who has already reported the item pursuant to this section is exempt  
22 from the requirements of this section.

1 (d) Persistent or frequent erroneous or incomplete entries in or delays in the submitting of the  
2 reports shall constitute a misdemeanor.

3 (e) The reports and records required pursuant to this section, as well as every item received in  
4 pawn, shall be available for inspection by the board of county commissioners, the attorney  
5 general, the county sheriff or any sworn member of the sheriff's department at all reasonable  
6 times.

7 (f) Each item pledged to or purchased by the pawnbroker, secondhand or precious metals dealer  
8 for which a report is required shall have attached to it a tag with an alphabetic or numerical  
9 identification system matching that item with its corresponding report and record.

10 (Ord. No. 16, §§ 3, 4, 6, 7, 9-20-65; Ord. No. 2016-\_\_\_\_, 16)

11 **State Law reference**— Similar provisions, NMSA 1978, § 56-12-9.

12 Sec. 14-236. Disposition of Property.

13 (a) No personal property pawned or pledged shall be sold or disposed of, except by redemption,  
14 by any pawnbroker within 120 days from the time said personal property was pawned or pledged  
15 with the pawnbroker or within 90 days after the indebtedness becomes due, whichever is later.

16 (b) No pawnbroker, secondhand or precious metals dealer shall sell, alter, otherwise dispose of  
17 or remove from the business premises any item of purchased used merchandise within 15 days  
18 from the date said item is received into inventory. This excludes new items or those items from  
19 other licensed pawnbrokers, secondhand or precious metals dealers.

20 (Ord. No. 2016-\_\_\_\_, 16)

21 Sec. 14-237. Used Merchandise Tags.

22 Each item pledged or purchased by a pawnbroker, secondhand or precious metals dealer  
23 that is required to be included in the report mandated under this Article shall have attached

1 thereto a tag with an alphabetic and/or numeric identification system matching the item with its  
2 corresponding report and record.

3 (Ord. No. 2016-\_\_\_\_, 16)

4 Sec. 14-238. Suspension or Revocation of License; Notice; Hearing.

5 (a) The county manager may institute proceedings for the suspension or revocation of any  
6 business license issued pursuant to this Article upon the filing of a written complaint by the  
7 Sheriff or his/her designated representative charging the pawnbroker or secondhand dealer, or  
8 employee thereof, of having violated any one or more provisions of this Article.

9 (b) The county manager shall serve written notice on the pawnbroker or secondhand dealer of  
10 the alleged violation. The notice requirement is satisfied if personal service is made on the  
11 owner of the business or is posted in a conspicuous place on the business premises.

12 (c) The county manager shall set a date for an administrative hearing on such complaint not  
13 more than 20, but not less than 10, days from the date of notice unless expressly waived by all  
14 the parties. The notice provided in section (b) immediately above shall specify the date, time,  
15 and location of the hearing.

16 (d) The pawnbroker, secondhand or precious metals dealer, and any other interested person shall  
17 have the right to appear at such administrative hearing and present evidence. The rules of  
18 evidence shall not apply. The hearing shall be recorded and all evidence shall be marked and  
19 retained until the expiration of all applicable time limits for appeal.

20 (e) If, after the administrative hearing, the county manager or designee determines that the  
21 pawnbroker, secondhand or precious metals dealer is in violation of the provisions of this Article  
22 as charged in the complaint he/she shall issue a written order. Said written order may suspend  
23 the business license for a stated period or be a permanent revocation. The county manager shall

1 cause such order to be served upon the licensee by first class mail and filed with the county clerk  
2 for public inspection within five business days after the hearing. The hearing shall be the final  
3 administrative remedy. Any person aggrieved by the decision may appeal to the Second Judicial  
4 District Court. Said appeal shall be subject to the Rules of Civil Procedure for the District  
5 Courts.

6 (f) Acts or omissions in violation of this article constitute grounds for revocation or suspension  
7 of a license issued under this article are also grounds for the county manager to commence a civil  
8 or criminal prosecution for any violation of this article and seek the penalties provided in [section](#)  
9 [1-6](#) of the Bernalillo County Code.

10 (Ord. No. 2016-\_\_\_\_, 16)

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**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
BERNALILLO COUNTY, NEW MEXICO** this \_\_\_\_ day of \_\_\_\_\_, 2016.

17 **APPROVED AS TO FORM**

**BOARD OF COUNTY COMMISSIONERS**

18 \_\_\_\_\_  
19 W. Ken Martinez, County Attorney

\_\_\_\_\_   
Art De La Cruz, Chair

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21 \_\_\_\_\_  
22 \_\_\_\_\_

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Wayne A, Johnson, Vice Chair

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24 \_\_\_\_\_

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Debbie O'Malley, Member

25 **ATTEST:**

26 \_\_\_\_\_  
27 \_\_\_\_\_  
28 Maggie Toulouse Oliver, County Clerk  
29 \_\_\_\_\_

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Maggie Hart Stebbins, Member  
\_\_\_\_\_   
Lonnie C. Talbert, Member