



SPONSOR: Sen. Vaughn

DELAWARE STATE SENATE
143rd GENERAL ASSEMBLY
SENATE AMENDMENT NO. 1

TO

HOUSE SUBSTITUTE NO. 1

FOR

HOUSE BILL NO. 243

1 AMEND House Substitute No 1 for House Bill No. 243 as amended on lines 13 and 14 by deleting the following:

2 “whose business includes any volume of selling or receiving tangible personal property, excluding motor
3 vehicles, previously owned, used, rented or leased”

4 and by substituting in lieu thereof the following:

5 “whose storefront business includes any volume of selling or receiving previously owned, used, rented or leased
6 tangible personal property excluding motor vehicles”.

7 FURTHER AMEND House Substitute No. 1 for House Bill No. 243 as amended on line 19 by deleting the word “or” and
8 inserting after “shoes” and before “.” The following:

9 “or (f) the sale of goods exclusively via the internet that meet the definition of Exempted Internet Sales set forth
10 below.”

11 FURTHER AMEND House Substitute No. 1 for House Bill No. 243 as amended by inserting between lines 27 and 28 the
12 following:

13 “(6) ‘Exempted Internet Sales’ means offers for sale of items of secondhand personal property available on a
14 website where the items listed for sale (a) may be viewed by any member of the general public at no charge, (b) may be searched by
15 any member of the general public, at no charge, by the zip code or state in which the secondhand personal property offered for sale
16 is located, (c) are assigned a unique item listing number by the website, and (d) are provided, in a timely manner, at no additional
17 charge to the Secondhand Dealer, to a unified, nationally available database, that is searchable by item description and by seller,

18 that may be accessed by a law enforcement agency with adequate security features and privacy protections, upon confirmation that
19 such access is reasonably necessary for an ongoing investigation of a crime. Exempted Internet Sales by a Secondhand Dealer that
20 would otherwise be subject to this section are not exempt from the requirements of §§2305, 2306, and 2307 and the Secondhand
21 Dealer must provide law enforcement agencies that have jurisdiction over the location of the dealer's business premises with the
22 names under which it conducts business on the websites where the items are listed for sale and must record and preserve for
23 inspection the information that would be required to be collected and reported under §2302.”

24 FURTHER AMEND House Substitute No. 1 for House Bill No. 243 as amended by deleting lines 1 through 5 of House
25 Amendment No. 2 to House Substitute No. 1 for House Bill No. 243 and lines 1 through 4 of House Amendment No. 4 for House
26 Substitute No. 1 to House Bill No. 243.

27 FURTHER AMEND House Substitute No. 1 for House Bill No. 243 as amended by inserting between lines 141 and 142
28 the following:

29 “§2316 Rate of interest.

30 No person conducting the business of a pawnbroker shall ask, demand or receive a greater rate of interest than 3 percent
31 per month on any loans secured by pledge of personal property.”

SYNOPSIS

This Amendment clarifies the definition of pawnbroker and defines ‘Exempted Internet Sales’. The Bill also corrects a couple of drafter’s errors in the House Amendments and restores an interest rate limit..

Author: SenatorVaughn