



SPONSOR: Sen. Vaughn

DELAWARE STATE SENATE  
143rd GENERAL ASSEMBLY  
SENATE AMENDMENT NO. 2  
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”, as it  
8 first appears on that line, and 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 on line 20 by inserting the word  
12 “company” between the word “person” and “corporation”.

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

15 “(6) ‘Exempted Internet Sales’ means offers for sale of items of secondhand personal property available on a  
16 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  
17 any member of the general public, at no charge, by the zip code or state in which the secondhand personal property offered for sale

18 is located, (c) are assigned a unique item listing number by the website, and (d) are provided, in a timely manner, at no additional  
19 charge to the Secondhand Dealer, to a unified, nationally available database, that is searchable by item description and by seller,  
20 that may be accessed by a law enforcement agency with adequate security features and privacy protections, upon confirmation that  
21 such access is reasonably necessary for an ongoing investigation of a crime. Exempted Internet Sales by a Secondhand Dealer that  
22 would otherwise be subject to this section are not exempt from the requirements of §§2305, 2306, and 2307 and the Secondhand  
23 Dealer must provide law enforcement agencies that have jurisdiction over the location of the dealer's business premises with the  
24 names under which it conducts business on the websites where the items are listed for sale and must record and preserve for  
25 inspection the information that would be required to be collected and reported under §2302.”

26 FURTHER AMEND House Substitute No. 1 for House Bill No. 243 as amended on line 66 by replacing the word  
27 “identify” with the word “identity”.

28 FURTHER AMEND House Substitute No. 1 for House Bill No. 243 as amended on line 68 by replacing the words “The  
29 police of Delaware” with “Law enforcement officers”.

30 FURTHER AMEND House Substitute No. 1 for House Bill No. 243 as amended on lines 98 and 99 by inserting a period  
31 after “\$5,000” and deleting the remainder of that sentence.

32 FURTHER AMEND House Substitute No. 1 for House Bill No. 243 as amended by deleting lines 1 through 5 of House  
33 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  
34 Substitute No. 1 to House Bill No. 243.

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

37 “§2316 Rate of interest.

38 No person conducting the business of a pawnbroker shall ask, demand or receive a greater rate of interest than 3 percent  
39 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 drafter’s errors in the House amendments and restores an interest rate limit.

Author: Senator Vaughn