

FIRST REGULAR SESSION

# SENATE BILL NO. 613

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SHIELDS.

Read 1st time February 26, 2003, and 1,000 copies ordered printed.

1987S.011

TERRY L. SPIELER, Secretary.

## AN ACT

To repeal section 367.052, RSMo, and to enact in lieu thereof one new section relating to a claimant's recovery of property held by a pawn broker.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 367.052, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 367.052, to read as follows:

367.052. When an item of property is the subject of a lease, rental transaction or retail installment contract with a company domiciled in the state, between the claimant and the claimant's lease or rental customer at the time it is delivered into the possession of the pawnbroker, the property shall not be deemed misappropriated unless it bears a conspicuous permanent label or marking identifying it as the claimant's property. Evidence of defacing or the removal of identification marking of leased or rented property shall be treated as marked and identified and therefore deemed to be misappropriated. Property subject to a lease, rental transaction or retail installment contract with a company domiciled in the state, which is not marked as provided in this subsection may be recovered by the claimant [upon payment to the pawnbroker of all moneys owing to or advanced by the pawnbroker in the pawn or purchase transaction, and] upon producing evidence identifying the property as having been the property of the claimant and leased or

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

rented at the time the property was placed in the pawnbroker's possession. The pawnbroker shall be free from liability in connection with the recovery of leased or rental property pursuant to this subsection **upon return of such property to the claimant.**

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