

R152. Commerce, Consumer Protection.

R152-32a. Pawnshop and Secondhand Merchandise Transaction Information Act Rule.

R152-32a-1. Purpose.

The purpose of this rule is to specify the information capable of being transmitted electronically to the central database, and to aid the division's administration and enforcement of Title 13, Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act.

R152-32a-2. Authority.

This rule is enacted in accordance with Subsections 13-2-5(1), 13-32a-104(7), 13-32a-104.5(6), 13-32a-104.6(3), and 13-32a-106(1)(b).

R152-32a-3. Definitions.

(1) "Electronically extract" means to obtain an identifying mark described by Subsection 13-32a-104(1)(h) using an electronic system that:

- (a) does not alter the identifying mark;
- (b) does not allow the identifying mark to be altered by a person after it is obtained by the electronic system; and
- (c) accurately documents the identifying mark on the ticket.

R152-32a-4. Information Capable of Being Transmitted Electronically in Accordance with Subsection 13-32a-106(1)(a).

- (1) The following information is capable of being transmitted electronically to the central database:
- (a) all information described by:
 - (i) Subsections 13-32a-104(1)(a) through 13-32a-104(1)(c);
 - (ii) Subsections 13-32a-104(1)(e)(i) and (ii);
 - (iii) Subsection 13-32a-104(1)(f);
 - (iv) Subsections 13-32a-104(1)(h)(i) and (ii);
 - (v) Subsections 13-32a-104.5(2)(a) through 13-32a-104.5(2)(c)(ii);
 - (vi) Subsection 13-32a-104.5(2)(d);
 - (vii) Subsections 13-32a-104.5(2)(f)(i) through 13-32a-104.5(2)(f)(vi);
 - (viii) Subsections 13-32a-104.5(3)(a) through 13-32a-104.5(3)(b)(vi);
 - (ix) Subsection 13-32a-104.5(4)(a);
 - (x) Subsections 13-32a-104.5(4)(d) through 13-32a-104.5(4)(f);
 - (xi) Subsections 13-32a-104.5(4)(h) and (i); and
 - (xii) Subsections 13-32a-104.6(1)(a) through 13-32a-104.6(1)(g).
 - (b) an individual's electronic legible fingerprint, in accordance with Subsections 13-32a-104(1)(e)(iv)(A), 13-32a-104.5(2)(c)(iv), and 13-32a-104.6(1)(v); and
 - (c) any color digital photograph required by Subsection 13-32a-104(8)(b).

R152-32a-5. Electronic Extraction of an Identifying Mark from a Wireless Communication Device.

(1) A pawn or secondhand business is deemed to have obtained a color digital photograph of an identifying mark in accordance with Subsection 13-32a-104(8)(b)(ii)(A) if the pawn or secondhand business electronically extracts the identifying mark from a wireless communication device.

(2) Nothing in this rule relieves a pawn or secondhand business from obtaining a color digital photograph of any identifying mark that is not electronically extracted from a wireless communication device.

R152-32a-6. Fingerprint Legibility Standards and Criteria.

- (1) This rule incorporates by reference:
- (a) Electronic Biometric Transmission Specification, version 11.0, Appendix F: Image Quality Specifications, promulgated by the United States Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, April 16, 2021 (EBTS 11.0 Appendix F); and
 - (b) Personal Identity Verification Image Quality Specifications for Single Finger Capture Devices, Federal Bureau of Investigation Criminal Justice Information Services Division Biometric Specifications, July 10, 2006 (PIV-071006).
- (2) A tangible fingerprint is legible if the fingerprint:
- (a) captures the complete print of an individual's right index finger pressed flat, or other finger if the right index finger is unavailable;
 - (b) is not smudged or otherwise obscured; and
 - (c) is made using ink and paper that contrast sufficiently to make the fingerprint's details clearly visible.
- (3) An electronic fingerprint is legible if the fingerprint:
- (a) captures the complete print of an individual's right index finger pressed flat, or other finger if the right index finger is unavailable; and
 - (b) is made using a device that satisfies standards established by the Federal Bureau of Investigation, including:
 - (i) EBTS 11.0 Appendix F; or
 - (ii) PIV-071006.

KEY: pawnshops, secondhand merchandise dealers, consumer protection, central database

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Authorizing, and Implemented or Interpreted Law: 13-2-5(1); 13-32a-104(7); 13-32a-104.5(6); 13-32a-104.6(3); 13-32a-106(1)(b)