

House File 514

AN ACT

SPECIFYING PROCEDURES FOR RESOLVING CLAIMS AGAINST PURCHASED OR
PLEGGED GOODS HELD BY PAWNBROKERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 631.1, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The district court sitting in small claims has concurrent jurisdiction of an action to determine ownership of goods under section 714.28 relating to claims against purchased or pledged goods held by pawnbrokers, regardless of the value of the items in dispute.

Sec. 2. NEW SECTION. 714.28 Claims against purchased or pledged goods held by pawnbrokers.

1. As used in this section, unless the context otherwise requires:

a. "*Claimant*" means a person who claims that the person's property was misappropriated.

b. "*Conveying customer*" means a person who delivers property into the custody of a pawnbroker, either by pawn, sale, consignment, or trade.

c. "*Misappropriated*" means stolen, embezzled, converted, or otherwise wrongfully appropriated against the will of the rightful owner.

2. To obtain possession of purchased or pledged goods held by a pawnbroker which a claimant claims to have been misappropriated, the claimant must notify the pawnbroker by certified mail, return receipt requested, or in person evidenced by signed receipt, of the claimant's claim to the purchased or pledged goods. The notice must contain a complete and accurate description of the purchased or pledged goods and must be accompanied by a legible copy of the applicable law enforcement agency's report documenting the misappropriation of the property. If the claimant and the pawnbroker do not resolve the right to possession within ten days after the pawnbroker's receipt of the notice, the claimant may petition the district court sitting in small claims to order the return of the property, naming the pawnbroker as a defendant, and shall serve the pawnbroker with a copy of the petition. The pawnbroker shall hold the property described in the petition until the right to possession is resolved by the parties or by the court.

3. If, after notice and a hearing, the court finds that the property was misappropriated and orders the return of the property to the claimant, both of the following shall apply:

a. The claimant may recover from the pawnbroker the costs of the action.

b. If the conveying customer was convicted in a separate criminal proceeding of theft or dealing in stolen property involving the misappropriated property, the court shall order the conveying customer to repay the pawnbroker the full amount that the conveying customer received from the pawnbroker for the property, plus all applicable pawn service charges. As used in this paragraph, "*convicted*" includes a plea of no contest to the charges or any agreement in which adjudication

is withheld.

4. If the court finds that the claimant failed to comply with the requirements of this section or otherwise finds against the claimant, the claimant shall be liable for the defendant's costs.

KRAIG PAULSEN
Speaker of the House

PAM JOCHUM
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 514, Eighty-fifth General Assembly.

CARMINE BOAL
Chief Clerk of the House

Approved _____, 2014

TERRY E. BRANSTAD
Governor