S T A T E O F T E N N E S S E E
OFFICE OF THE
ATTORNEY GENERAL
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April 11, 2000

Opinion No. 00-071

Identification for Pawn Transactions

QUESTION

Cities, counties and taxing districts are authorized to adopt Tenn. Code Ann. §§ 45-6-201, *et seq*., the Pawnbrokers Act of 1988, by ordinance, and to adopt such further rules as the legislative body may deem right and proper. But, under Tenn. Code Ann. § 45-6-219(a)(5), no county, city or taxing district has the authority to require reports or pawn tickets providing information or descriptions different from that required in Tenn. Code Ann. § 45-6-209. Is a city authorized, by ordinance, to require the pledgor in a pawn transaction to place his or her thumbprint on the pawnbroker's copy of the pawn transaction, even though this identification is not listed in Tenn. Code Ann. § 45-6-209(b)(6)?

OPINION

No.

ANALYSIS

The question is whether, under the Pawnbrokers Act of 1988, Tenn. Code Ann. §§ 45-6-201, *et seq.*, a city may adopt an ordinance requiring the pledgor in a pawn transaction to place his or her thumbprint on the pawnbroker's copy of the pawn transaction. We think the statute currently prohibits such an ordinance. The Pawnbrokers Act of 1988, as amended, requires a license from the county clerk to conduct pawn transactions as defined in the statute. Under Tenn. Code Ann. § 45-6-209, a licensed pawnbroker is required to maintain records regarding pawn transactions. Subsection (b)(6) of this statute provides:

> The pawnbroker shall, at the time of making the pawn transaction and/or buy-sell transaction, enter upon the pawnshop copy of the records as well as on the pawn ticket, and/or buy-sell ticket, the following information, which shall be typed or written in ink and in the English language:
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> * * * *
>
> (6) The name, race, sex, height, weight, date of birth, residence address and numbers from the items used as identification. Acceptable items of identification are one (1) of the following documents:
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> (A) A state-issued driver license;

(B) A state-issued identification card;
(C) A passport;
(D) A valid military identification;
(E) A nonresident alien border crossing card;
(F) A resident alien border crossing card; or
(G) A United States immigration and naturalization service identification.

Tenn. Code Ann. § 45-6-209(b)(6). Tenn. Code Ann. § 45-6-219(a)(5) provides in relevant part:

> Counties, incorporated municipalities, cities and taxing districts in this state shall have the authority by ordinance to adopt the provisions of this part and shall have the authority to adopt such further rules and regulations as the legislative bodies of such counties, incorporated municipalities, cities and taxing districts may deem right and proper. No county, incorporated municipality, city or taxing district shall have authority to:
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> * * * *
>
> (5) Require reports or pawn tickets providing *identification, information or descriptions different from that required in § 45-6-209*[.]

(Emphasis added). The request includes part of a Memphis City Ordinance listing requirements for the record of a pawn transaction. Under Section 24-25(d) of the ordinance, the pledgor must reproduce his or her right thumbprint on the pawnshop copy of the record of the pawn transaction. We think this additional requirement is prohibited under Tenn. Code Ann. § 45-6-219.

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