

SUPREME COURT OF GEORGIA

Pawnmart, Inc. v. Gwinnett County, 279 Ga. 19

608 S.E.2d 639 (2005) · No. No. S04A2106 · Decided February 7, 2005

SUMMARY

The Supreme Court of Georgia held that Gwinnett County Ordinance No. 82-11, regulating pawnbrokers, was not preempted by Georgia statutes. The court concluded that state law authorized county regulation, the ordinance did not conflict with statutory requirements, and the ordinance did not violate equal protection, freedom of contract, or due process guarantees. The court affirmed the trial court's judgment in favor of Gwinnett County.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Fletcher, Chief Justice
JURISDICTION	Georgia
DECIDED	February 7, 2005
DOCKET	No. S04A2106
DISPOSITION	affirmed
PROCEDURAL POSTURE	Pawnmart appealed from a trial court order denying its motion for summary judgment and granting Gwinnett County's motion for summary judgment in an action challenging a county ordinance regulating pawnbrokers.
STANDARD OF REVIEW	The court reviewed the cross-motions for summary judgment on stipulated facts and applied the applicable legal standards de novo. Equal protection claims involving pawnbrokers and pawnshops were reviewed under rational-basis scrutiny.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Georgia
PARTIES	Pawnmart, Inc. v. Gwinnett County

TOPICS

- preemption
- ordinances
- municipal law
- equal protection
- due process

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Georgia's pawnbroker statutes preempted Gwinnett County's ordinance regulating pawnbrokers.
2. Whether the ordinance's requirement that pawnbrokers obtain sales receipts for new merchandise violated the equal protection guarantees of the United States and Georgia Constitutions.
3. Whether the ordinance's requirements infringed freedom of contract or deprived pawnbrokers of liberty without due process of law.

HOLDINGS

1. The ordinance was not preempted because Georgia's general pawnbroker laws authorized local regulation and the ordinance did not conflict with those laws.
2. The receipt requirement did not violate equal protection because regulating pawnbrokers is subject to rational-basis review and the County had a rational basis for treating pawnshops differently from department stores.
3. The ordinance did not violate due process or freedom of contract because it served a legitimate public purpose, used reasonably necessary means, and did not unduly oppress pawnbrokers.

KEY QUOTATIONS

“The first part provides the rule that general laws preempt local or special laws on the same subject; the second part excepts from this rule local laws permitted by, and not conflicting with, the general law.” (641)

“But information on a pawn ticket is there for consumer protection, whereas information regarding a pledgor's or seller's identity can be useful to protect the public welfare by impeding the sale of stolen property.” (642)

FACTUAL BACKGROUND

Gwinnett County adopted an ordinance requiring pawnbrokers to maintain specified records and obtain information from persons pawning property, including fingerprints, digital photographs, and sales receipts for new merchandise. The ordinance was intended to impede the sale of stolen property. Pawnmart claimed that the ordinance was preempted by Georgia's pawnbroker statutes and that its receipt requirement violated equal protection and due process.

PROCEDURAL HISTORY

Pawnmart sued Gwinnett County, claiming that County Ordinance No. 82-11 was preempted by Georgia law and violated equal protection and due process. The parties stipulated the facts for cross-motions for summary judgment. The trial court found no preemption, denied Pawnmart's motion, granted the County's motion, and the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Franklin County v. Fieldale Farms, 270 Ga. 272, 273-275, 507 S.E.2d 460 (1998)
- Board of Comm'rs. v. Guthrie, 273 Ga. 1, 3, 537 S.E.2d 329 (2000)
- I.D.K., Inc. v. Ferdinand, 277 Ga. 548, 550-551, 592 S.E.2d 673 (2004)
- Jenkins v. State, 265 Ga. 539, 540, 458 S.E.2d 477 (1995)
- State v. Heretic, Inc., 277 Ga. 275, 275-276, 588 S.E.2d 224 (2003)
- Southern R. Co. v. Baker, 158 Ga. 830, 839, 124 S.E. 876 (1924)
- Old South Duck Tours v. Mayor & Aldermen of City of Savannah, 272 Ga. 869, 872-873, 535 S.E.2d 751 (2000)