



# HOUSE BILL No. 4780

May 12, 1993, Introduced by Rep. Joe Young, Jr. and referred to the Committee on State Affairs.

A bill to amend section 4 of Act No. 95 of the Public Acts of 1981, entitled

"The precious metal and gem dealer act,"

as amended by Act No. 34 of the Public Acts of 1990, being section 445.484 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 4 of Act No. 95 of the Public Acts of  
2 1981, as amended by Act No. 34 of the Public Acts of 1990, being  
3 section 445.484 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5       Sec. 4. (1) A dealer shall maintain a permanent record of  
6 each transaction, on record of transaction forms provided for in  
7 subsection (6), legibly written in ink in the English language.  
8 Each record of transaction form shall be filled out in  
9 quadruplicate by the dealer or agent or employee of the dealer.

1 One copy of the form shall go to the appropriate police agency or  
2 sheriff's department pursuant to subsection (3); 1 copy shall go  
3 to the customer; and 1 copy shall be retained by the dealer pur-  
4 suant to subsection (5). At the time a dealer receives or pur-  
5 chases a precious item, the dealer or the agent or employee of  
6 the dealer shall insure that the following information is  
7 recorded accurately on a record of transaction form:

8 (a) The dealer certificate of registration number.

9 (b) A general description of the precious item or precious  
10 items received or purchased, including the type of metal or pre-  
11 cious gem. In the case of watches, the description shall contain  
12 the name of the maker and the number of both the works and the  
13 case. In the case of jewelry, all letters and marks inscribed on  
14 the jewelry shall be included in the description.

15 (c) The date of the transaction.

16 (d) The name of the person conducting the transaction.

17 (e) The name, date of birth, driver's license number or  
18 state of Michigan personal identification card number, and street  
19 and house number of the customer, together with a legible imprint  
20 of the right thumb of the customer, or if that is not possible,  
21 of the left thumb or a finger of the customer. However, the  
22 thumbprint or fingerprint shall only be required on the record of  
23 transaction form retained by the dealer. The thumbprint or fin-  
24 gerprint shall be made available to a police agency during the  
25 course of a police investigation involving a precious item or  
26 items described on the record of transaction. After a period of  
27 1 year from the date of the record of transaction, if a police

1 investigation concerning a precious item or items described on  
2 the record of transaction has not occurred, the dealer and any  
3 police agency or sheriff's department holding a copy of the  
4 record of transaction shall destroy, and not keep a permanent  
5 record of, the record of transaction. A dealer who goes out of  
6 business or changes his or her business address to another local  
7 jurisdiction either within or out of this state shall transmit  
8 the records of all transactions made by the dealer within 1 year  
9 before his or her closing or moving, to the local police agency.

10 (f) The price to be paid by the dealer for the precious item  
11 or precious items.

12 (g) The form of payment made to the customer; check, money  
13 order, bank draft, or cash. If the payment is by check, money  
14 order, or bank draft, the dealer shall indicate the number of the  
15 check, money order, or bank draft.

16 (h) The customer's signature.

17 (2) The record of each transaction shall be numbered consec-  
18 utively, commencing with the number 1 and the calendar year.

19 (3) Within 48 hours after receiving or purchasing a precious  
20 item, the dealer shall send a copy of the record of transaction  
21 form to the local police agency and, if the record of transaction  
22 form indicates that the customer resides outside the jurisdiction  
23 of the local police agency, shall send a copy of the record of  
24 transaction form to the police agency of the city, village, or  
25 township in which the customer resides as set forth on the record  
26 of transaction, or, if that city, village, or township does not  
27 have a police agency, to the sheriff's department of the county

1 in which the customer resides as set forth on the record of  
2 transaction. The record of transaction forms received by a  
3 police agency or sheriff's department shall not be open to  
4 inspection by the general public. Each police agency or  
5 sheriff's department holding record of transaction forms shall be  
6 responsible for insuring the confidentiality of the record of  
7 transaction forms and insuring that the record of transaction  
8 forms are used only for the purpose for which they were  
9 received.

10 (4) The record of transaction forms of a dealer and each  
11 precious item received shall be open to an inspection by the  
12 county prosecuting attorney, the local police agency, the police  
13 agency or sheriff's department of the local governmental unit in  
14 which the customer resides ~~, and the Michigan state police,~~ at  
15 all times during the ordinary business hours of the dealer. As a  
16 condition of doing business, a dealer is considered to have given  
17 consent to the inspection prescribed by this subsection. The  
18 record of transaction forms of a dealer shall not be open to  
19 inspection by the general public.

20 (5) Except as otherwise provided in this section, each  
21 record of a transaction shall be retained by the dealer for not  
22 less than 1 year after the transaction to which the record  
23 pertains.

24 (6) The form of the record of transaction shall have an  
25 8-1/2 by 11 inch size and shall be as follows:

## "Record of Transaction

2 Dealer Certificate # \_\_\_\_\_ # \_\_\_\_\_  
 3 (Printed on (Transaction number printed  
 4 the form) on the form)

5 (1) Description of Property - \_\_\_\_\_  
 6 \_\_\_\_\_  
 7 \_\_\_\_\_  
 8 \_\_\_\_\_  
 9 \_\_\_\_\_

10 (2) \_\_\_\_\_, 19\_\_\_\_ (3) \_\_\_\_\_  
 11 (Date) (Name of Dealer/Employee)

12 (4) \_\_\_\_\_, \_\_\_\_\_ 19\_\_\_\_  
 13 (Name of Customer) (Date of Birth)

14 \_\_\_\_\_,  
 15 (Driver's license No./ (Street Address)  
 16 Mich. Personal ID Number)

17 \_\_\_\_\_  
 18 (City & State) (Zip)

19 (5) \_\_\_\_\_  
 20 (Price Paid) (County of Residence)

21 (6) \_\_\_\_\_  
 22 (Check no., bank draft  
 23 no., money order no., or  
 24 cash)

25 \_\_\_\_\_  
 26 (Name of police agency of city, village, or township  
 27 in which customer resides)

28 Thumbprint \_\_\_\_\_ "  
 29 (Signature of Customer)

30 (7) As used in this section, "customer" means the person  
 31 from whom the dealer or the agent or employee of the dealer  
 32 receives or purchases a precious item.