

SUBSTITUTE FOR
HOUSE BILL NO. 5957

A bill to amend 1917 PA 350, entitled

"An act to regulate and license second hand dealers and junk dealers; and to prescribe penalties for the violation of the provisions of this act,"

by amending sections 1 and 3 (MCL 445.401 and 445.403).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. **(1)** ~~No~~ A person, corporation, copartnership, or firm
2 shall ~~hereafter~~ **NOT** carry on the business of dealer in second
3 hand goods or junk dealer in any of the cities or villages of this
4 state having a population of 1,000 located in counties of 25,000 or
5 over without having first obtained, from the mayor of the city or
6 the president of the village where such business is to be carried
7 on, a license ~~subject to the provisions of~~ **UNDER** this act
8 authorizing ~~such~~ **THAT** person, corporation, copartnership, or firm
9 to carry on ~~such~~ **THAT** business.
- 10 **(2) THIS SUBSECTION DOES NOT REQUIRE AN INTERNET DROP-OFF**

1 STORE COMPLYING WITH SUBSECTION (3), OR A PERSON ENGAGED IN THE
2 SALE, PURCHASE, CONSIGNMENT, OR TRADE OF PERSONAL PROPERTY OR OTHER
3 VALUABLE THING FOR HIMSELF OR HERSELF, TO OBTAIN A LICENSE UNDER
4 THIS ACT.

5 (3) AN INTERNET DROP-OFF STORE IN COMPLIANCE WITH THE
6 FOLLOWING CONDITIONS IS EXEMPT FROM LICENSURE AS A SECOND HAND
7 DEALER OR JUNK DEALER UNDER THIS ACT:

8 (A) HAS A FIXED PLACE OF BUSINESS WITHIN THIS STATE EXCEPT
9 THAT HE OR SHE EXCLUSIVELY TRANSACTS ALL PURCHASES OR SALES BY
10 MEANS OF THE INTERNET AND THE PURCHASES AND SALES ARE NOT
11 PHYSICALLY TRANSACTED ON THE PREMISES OF THAT FIXED PLACE OF
12 BUSINESS.

13 (B) HAS THE PERSONAL PROPERTY OR OTHER VALUABLE THING
14 AVAILABLE ON A WEBSITE FOR VIEWING BY PHOTOGRAPH, IF AVAILABLE, BY
15 THE GENERAL PUBLIC AT NO CHARGE, WHICH WEBSITE SHALL BE SEARCHABLE
16 BY ZIP CODE OR STATE, OR BOTH. THE WEBSITE VIEWING SHALL INCLUDE,
17 AS APPLICABLE, SERIAL NUMBER, MAKE, MODEL, AND OTHER UNIQUE
18 IDENTIFYING MARKS, NUMBERS, NAMES, OR LETTERS APPEARING ON THE
19 PERSONAL PROPERTY OR OTHER VALUABLE THING.

20 (C) MAINTAINS RECORDS OF THE SALE, PURCHASE, CONSIGNMENT, OR
21 TRADE OF THE PERSONAL PROPERTY OR OTHER VALUABLE THING FOR AT LEAST
22 2 YEARS, WHICH RECORDS SHALL CONTAIN A DESCRIPTION, INCLUDING A
23 PHOTOGRAPH, IF AVAILABLE, AND, IF APPLICABLE, SERIAL NUMBER, MAKE,
24 MODEL, AND OTHER UNIQUE IDENTIFYING MARKS, NUMBERS, NAMES, OR
25 LETTERS APPEARING ON THE PERSONAL PROPERTY OR OTHER VALUABLE THING.

26 (D) PROVIDE THE LOCAL LAW ENFORCEMENT AGENCY WITH ANY NAME
27 UNDER WHICH IT CONDUCTS BUSINESS ON THE WEBSITE, ACCESS TO THE

1 BUSINESS PREMISES AT ANY TIME DURING NORMAL BUSINESS HOURS FOR
2 PURPOSES OF INSPECTION, AND, WITHIN 24 HOURS AFTER ENTERING INTO
3 THE CONTRACT FOR THE SALE, PURCHASE, CONSIGNMENT, OR TRADE OF THE
4 PERSONAL PROPERTY OR OTHER VALUABLE THING, AN ELECTRONIC COPY OF
5 THE SELLER'S OR CONSIGNOR'S NAME, ADDRESS, TELEPHONE NUMBER, DRIVER
6 LICENSE NUMBER AND ISSUING STATE, AND DESCRIPTION OF THE PERSONAL
7 PROPERTY OR OTHER VALUABLE THING AS DESCRIBED IN SUBDIVISION (C).
8 THE PROVISION OF INFORMATION SHALL BE IN A FORMAT ACCEPTABLE TO THE
9 LOCAL LAW ENFORCEMENT AGENCY BUT SHALL AT LEAST BE IN A LEGIBLE
10 FORMAT AND IN THE ENGLISH LANGUAGE.

11 (E) PROVIDE THAT PAYMENT FOR THE PERSONAL PROPERTY OR OTHER
12 VALUABLE THING IS EXECUTED BY MEANS OF CHECK OR OTHER ELECTRONIC
13 PAYMENT SYSTEM, SO LONG AS THE PAYMENT IS NOT MADE IN CASH.

14 (F) IMMEDIATELY REMOVE THE PERSONAL PROPERTY OR OTHER VALUABLE
15 THING FROM THE WEBSITE AND NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY
16 UPON LEARNING IF THE VERIFICATION REVEALS THAT THE PERSONAL
17 PROPERTY OR OTHER VALUABLE THING IS STOLEN.

18 Sec. 3. ~~Any~~ AS USED IN THIS ACT:

19 (A) "INTERNET DROP-OFF STORE" MEANS A PERSON, CORPORATION, OR
20 FIRM THAT CONTRACTS WITH OTHER PERSONS, CORPORATIONS, OR FIRMS TO
21 OFFER ITS PERSONAL PROPERTY OR OTHER VALUABLE THING FOR SALE,
22 PURCHASE, CONSIGNMENT, OR TRADE THROUGH MEANS OF AN INTERNET
23 WEBSITE AND MEETS THE CONDITIONS DESCRIBED IN SECTION 1(3).

24 (B) "LOCAL LAW ENFORCEMENT AGENCY" MEANS THE POLICE AGENCY OF
25 THE CITY, VILLAGE, OR TOWNSHIP, OR IF NONE, THE COUNTY SHERIFF OF
26 THE COUNTY IN WHICH THE INTERNET DROP-OFF STORE CONDUCTS BUSINESS.

27 (C) "SCRAP PROCESSOR" MEANS A PERSON, UTILIZING MACHINERY AND

1 EQUIPMENT AND OPERATING FROM A FIXED LOCATION, WHOSE PRINCIPAL
2 BUSINESS IS THE PROCESSING AND MANUFACTURING OF IRON, STEEL,
3 NONFERROUS METALS, PAPER, PLASTIC, OR GLASS, INTO PREPARED GRADES
4 OF PRODUCTS SUITABLE FOR CONSUMPTION BY RECYCLING MILLS AND
5 FOUNDRIES.

6 (D) "SECOND HAND DEALER" OR "JUNK DEALER" MEANS ANY person,
7 corporation, or member or members of a co-partnership or firm whose
8 principal business is that of purchasing, selling, exchanging,
9 storing, or receiving second hand articles of any kind, cast iron,
10 old iron, old steel, tool steel, aluminum, copper, brass, lead pipe
11 or tools, lighting and plumbing fixtures. ~~—, is hereby defined to~~
12 ~~be a second hand dealer or junk dealer.~~ **SECOND HAND DEALER OR JUNK**
13 **DEALER DOES NOT INCLUDE A SCRAP PROCESSOR.**

14 Enacting section 1. This amendatory act does not take effect
15 unless all of the following bills of the 93rd Legislature are
16 enacted into law:

17 (a) House Bill No. 5955.

18 (b) House Bill No. 5956.

19 (c) House Bill No. 5958.