

SENATE 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

1 to carry on ~~such~~ THAT business.

2 (2) THIS SUBSECTION DOES NOT REQUIRE AN INTERNET DROP-OFF  
3 STORE COMPLYING WITH SUBSECTION (3), OR A PERSON ENGAGED IN THE  
4 SALE, PURCHASE, CONSIGNMENT, OR TRADE OF PERSONAL PROPERTY OR OTHER  
5 VALUABLE THING FOR HIMSELF OR HERSELF, TO OBTAIN A LICENSE UNDER  
6 THIS ACT.

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

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

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

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

1 (D) PROVIDE THE LOCAL LAW ENFORCEMENT AGENCY WITH ANY NAME  
2 UNDER WHICH IT CONDUCTS BUSINESS ON THE WEBSITE AND ACCESS TO THE  
3 BUSINESS PREMISES AT ANY TIME DURING NORMAL BUSINESS HOURS FOR  
4 PURPOSES OF INSPECTION.

5 (E) WITHIN 24 HOURS AFTER A REQUEST FROM A LOCAL LAW  
6 ENFORCEMENT AGENCY, PROVIDE AN ELECTRONIC COPY OF THE SELLER'S OR  
7 CONSIGNOR'S NAME, ADDRESS, TELEPHONE NUMBER, DRIVER LICENSE NUMBER  
8 AND ISSUING STATE, THE BUYER'S NAME AND ADDRESS IF APPLICABLE, AND  
9 A DESCRIPTION OF THE PERSONAL PROPERTY OR OTHER VALUABLE THING AS  
10 DESCRIBED IN SUBDIVISION (C). THE PROVISION OF INFORMATION SHALL BE  
11 IN A FORMAT ACCEPTABLE TO THE LOCAL LAW ENFORCEMENT AGENCY BUT  
12 SHALL AT LEAST BE IN A LEGIBLE FORMAT AND IN THE ENGLISH LANGUAGE.

13 (F) PROVIDE THAT PAYMENT FOR THE PERSONAL PROPERTY OR OTHER  
14 VALUABLE THING IS EXECUTED BY MEANS OF CHECK OR OTHER ELECTRONIC  
15 PAYMENT SYSTEM, SO LONG AS THE PAYMENT IS NOT MADE IN CASH. NO  
16 PAYMENT SHALL BE PROVIDED TO THE SELLER UNTIL THE ITEM IS SOLD.

17 (G) IMMEDIATELY REMOVE THE PERSONAL PROPERTY OR OTHER VALUABLE  
18 THING FROM THE WEBSITE IF THE LOCAL LAW ENFORCEMENT AGENCY  
19 DETERMINES THAT THE PERSONAL PROPERTY OR OTHER VALUABLE THING IS  
20 STOLEN.

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

22 (A) "AUTOMOTIVE RECYCLER" MEANS A PERSON WHO ENGAGES IN  
23 BUSINESS PRIMARILY FOR THE PURPOSE OF SELLING RETAIL SALVAGE  
24 VEHICLE PARTS AND SECONDARILY FOR THE PURPOSE OF SELLING RETAIL  
25 SALVAGE MOTOR VEHICLES OR MANUFACTURING OR SELLING A PRODUCT OF  
26 GRADABLE SCRAP METAL OR A PERSON EMPLOYED AS A SALVAGE VEHICLE  
27 AGENT AS THAT TERM IS DEFINED IN SECTION 56C OF THE MICHIGAN

1 VEHICLE CODE, 1949 PA 300, MCL 257.56C.

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

7 (C) "LOCAL LAW ENFORCEMENT AGENCY" MEANS THE POLICE AGENCY OF  
8 THE CITY, VILLAGE, OR TOWNSHIP, OR IF NONE, THE COUNTY SHERIFF OF  
9 THE COUNTY IN WHICH THE INTERNET DROP-OFF STORE CONDUCTS BUSINESS.

10 (D) "SCRAP PROCESSOR" MEANS A PERSON, UTILIZING MACHINERY AND  
11 EQUIPMENT AND OPERATING FROM A FIXED LOCATION, WHOSE PRINCIPAL  
12 BUSINESS IS THE PROCESSING AND MANUFACTURING OF IRON, STEEL,  
13 NONFERROUS METALS, PAPER, PLASTIC, OR GLASS, INTO PREPARED GRADES  
14 OF PRODUCTS SUITABLE FOR CONSUMPTION BY RECYCLING MILLS AND  
15 FOUNDRIES.

16 (E) "SECOND HAND DEALER" OR "JUNK DEALER" MEANS ANY person,  
17 corporation, or member or members of a co-partnership or firm whose  
18 principal business is that of purchasing, selling, exchanging,  
19 storing, or receiving second hand articles of any kind, cast iron,  
20 old iron, old steel, tool steel, aluminum, copper, brass, lead pipe  
21 or tools, lighting and plumbing fixtures. ~~—, is hereby defined to~~  
22 ~~be a second hand dealer or junk dealer.~~ **SECOND HAND DEALER OR JUNK**  
23 **DEALER DOES NOT INCLUDE A SCRAP PROCESSOR OR AN AUTOMOTIVE**  
24 **RECYCLER.**

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

- 1 (a) House Bill No. 5955.
- 2 (b) House Bill No. 5956.
- 3 (c) House Bill No. 5958.