

# HOUSE BILL No. 5957

April 19, 2006, Introduced by Reps. Palsrok, Hildenbrand, Nofs and Clemente and referred to the Committee on Energy and Technology.

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 A TRADING ASSISTANT  
3 COMPLYING WITH SUBSECTION (3), OR A PERSON ENGAGED IN THE SALE,  
4 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) A TRADING ASSISTANT IN COMPLIANCE WITH THE FOLLOWING  
8 CONDITIONS IS EXEMPT FROM LICENSURE AS A SECOND HAND DEALER OR JUNK  
9 DEALER UNDER THIS ACT:

10 (A) HAS A FIXED PLACE OF BUSINESS WITHIN THIS STATE.

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

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

24 (D) PROVIDE THE LOCAL LAW ENFORCEMENT AGENCY WITH ANY NAME  
25 UNDER WHICH IT CONDUCTS BUSINESS ON THE WEBSITE, ACCESS TO THE  
26 BUSINESS PREMISES AT ANY TIME DURING NORMAL BUSINESS HOURS FOR  
27 PURPOSES OF INSPECTION, AND, WITHIN 24 HOURS AFTER ENTERING INTO

1 THE CONTRACT FOR THE SALE, PURCHASE, CONSIGNMENT, OR TRADE OF THE  
2 PERSONAL PROPERTY OR OTHER VALUABLE THING, AN ELECTRONIC COPY OF  
3 THE NAME, ADDRESS, TELEPHONE NUMBER, DRIVER LICENSE NUMBER AND  
4 ISSUING STATE, AND DESCRIPTION OF THE PERSONAL PROPERTY OR OTHER  
5 VALUABLE THING AS DESCRIBED IN SUBDIVISION (C). THE PROVISION OF  
6 INFORMATION SHALL BE IN A FORMAT ACCEPTABLE TO THE LOCAL LAW  
7 ENFORCEMENT AGENCY BUT SHALL AT LEAST BE IN A LEGIBLE FORMAT AND IN  
8 THE ENGLISH LANGUAGE.

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

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

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

17 (A) "SECOND HAND DEALER" OR "JUNK DEALER" MEANS ANY person,  
18 corporation, or member or members of a co-partnership or firm whose  
19 principal business is that of purchasing, selling, exchanging,  
20 storing, or receiving second hand articles of any kind, cast iron,  
21 old iron, old steel, tool steel, aluminum, copper, brass, lead pipe  
22 or tools, lighting and plumbing fixtures. ~~—, is hereby defined to~~  
23 ~~be a second hand dealer or junk dealer.~~

24 (B) "TRADING ASSISTANT" MEANS A PERSON, CORPORATION, OR FIRM  
25 THAT CONTRACTS WITH OTHER PERSONS, CORPORATIONS, OR FIRMS TO OFFER  
26 ITS PERSONAL PROPERTY OR OTHER VALUABLE THING FOR SALE, PURCHASE,  
27 CONSIGNMENT, OR TRADE THROUGH MEANS OF AN INTERNET WEBSITE AND

1 MEETS THE CONDITIONS DESCRIBED IN SECTION 1(3).

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

5 (a) Senate Bill No.\_\_\_\_ or House Bill No. 5955(request no.  
6 05001'05).

7 (b) Senate Bill No.\_\_\_\_ or House Bill No. 5956(request no.  
8 05001'05 a).

9 (c) Senate Bill No.\_\_\_\_ or House Bill No. 5958(request no.  
10 05001'05 c).