

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5694

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 4, 5, and 8 (MCL 445.404, 445.405, and 445.408), as amended by 2006 PA 675.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) A second hand dealer or junk dealer shall post in
2 a conspicuous place in or upon its place of business a sign having
3 its name and occupation.

4 (2) A second hand or junk dealer shall ~~keep~~ **MAKE AND MAINTAIN**
5 a separate book or other **WRITTEN OR ELECTRONIC** record, **NUMBERED**

1 **CONSECUTIVELY, AND** open to inspection by a member of a local law
2 enforcement agency **AND THE MICHIGAN STATE POLICE**, in which shall be
3 written or entered in the English language at the time of the
4 purchase or exchange of any article a description of the article,
5 ~~the~~ **AND ALL OF THE FOLLOWING:**

6 (A) **THE** name, description, fingerprint, operator's or
7 chauffeur's license or state identification number, registration
8 plate number, and address of the person from whom the article was
9 purchased and received. ~~, and the~~ **THE SECOND HAND DEALER OR JUNK**
10 **DEALER SHALL MAKE A COPY OF THE OPERATOR'S LICENSE, CHAUFFEUR'S**
11 **LICENSE, OR STATE IDENTIFICATION CARD AS PART OF THE BOOK OR**
12 **RECORD.**

13 (B) **THE** day and hour ~~when~~ the purchase or exchange was made.
14 ~~as well as the~~

15 (C) **THE** location from which the item was obtained. ~~, if~~
16 ~~applicable. Each entry shall be numbered consecutively.~~

17 (D) **PAYMENT FOR AN ITEM SHALL BE MADE ONLY BY CHECK OR BY AN**
18 **ELECTRONIC PAYMENT SYSTEM. THE RECORD SHALL INDICATE THE METHOD OF**
19 **PAYMENT.**

20 Sec. 5. (1) The articles purchased or exchanged shall be
21 retained by the purchaser for at least 15 days before disposing of
22 them, in an accessible place in the building where the articles are
23 purchased and received. A tag shall be attached to the articles in
24 some visible and convenient place, with the number written
25 thereupon, to correspond with the entry number in the book or other
26 record.

27 (2) The purchaser shall prepare and deliver on Monday of each

1 week to the chief of police or chief law enforcement officer of the
2 local unit of government in which ~~such~~ **THAT** business is carried on,
3 before 12 o'clock noon, a legible and correct **PAPER OR ELECTRONIC**
4 copy, ~~written~~ in the English language, from the book or other
5 **WRITTEN OR ELECTRONIC** record, containing a description of each
6 article purchased or received during the preceding week, the hour
7 and day when the purchase was made, ~~and~~ the description of the
8 person from whom it was purchased, **AND A COPY OF THE DOCUMENTATION**
9 **REQUIRED UNDER SECTION 4 REGARDING THE PERSON FROM WHOM IT WAS**
10 **PURCHASED.** The statement shall be verified ~~by the person~~
11 ~~subscribing his or her name thereto~~ **IN A MANNER ACCEPTABLE TO THE**
12 **CHIEF OF POLICE OR CHIEF LAW ENFORCEMENT OFFICER.**

13 (3) This section does not apply to old rags, waste paper, and
14 household goods except radios, televisions, record players, and
15 electrical appliances and does not require the purchaser to retain
16 articles purchased from individuals, firms, or corporations having
17 a fixed place of business after those articles shall have been
18 reported.

19 Sec. 8. (1) Except as otherwise provided for in this section,
20 a person who violates this act is guilty of a misdemeanor and shall
21 be imprisoned for not more than 6 months and shall be fined not
22 less than \$500.00 or more than \$1,000.00.

23 (2) A second hand or junk dealer who buys or sells scrap
24 metal, knowing that it is stolen, is guilty of a felony punishable
25 by imprisonment for not more than ~~3~~ **5** years or a fine of not more
26 than ~~\$2,000.00~~ **\$5,000.00**, or both. **THE PENALTIES IMPOSED UNDER THIS**
27 **SUBSECTION APPLY ONLY TO A FIRST VIOLATION OF THIS SUBSECTION.**

1 (3) A second hand or junk dealer who buys or sells stolen
2 scrap metal ~~that he or she has reason to believe was unlawfully~~
3 ~~removed from a utility pole, telecommunication company property,~~
4 ~~government property, or utility property or jobsite~~ **KNOWING THAT IT**
5 **WAS STOLEN** is guilty of a felony punishable by imprisonment for not
6 more than 5 years or a fine of not more than \$10,000.00, or both.
7 **THE PENALTIES IMPOSED UNDER THIS SUBSECTION APPLY TO A SECOND OR**
8 **SUBSEQUENT VIOLATION.**

9 (4) The license of a person, corporation, copartnership, or
10 firm that is found guilty of violating any of the provisions of
11 this act shall be considered to be revoked upon entry of a
12 conviction and such person, corporation, copartnership, or firm
13 shall not be permitted to carry on the business of being a second
14 hand or junk dealer within this state for a period of 1 year after
15 that conviction.

16 (5) The remedies under this act are independent and
17 cumulative. The use of 1 remedy by a person does not bar the use of
18 other lawful remedies by that person or the use of a lawful remedy
19 by another person.

20 Enacting section 1. This amendatory act takes effect April 1,
21 2009.

22 Enacting section 2. This amendatory act does not take effect
23 unless all of the following bills of the 94th Legislature are
24 enacted into law:

25 (a) Senate Bill No. 720.

26 (b) Senate Bill No. 1114.

27 (c) Senate Bill No. 1571.

1 (d) House Bill No. 6181.