

# HOUSE BILL No. 5694

February 6, 2008, Introduced by Reps. Brown, Green, Ball, Polidori, Clack, Espinoza, Condino, Clemente, Stahl, Miller, Bieda, Simpson, Vagnozzi, Proos, Emmons, Calley, Mayes, Horn, Palsrok, Melton, Huizenga, Spade, Gonzales, Ebli and Dean and referred to the Committee on Commerce.

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), sections 4, 5, and 8 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**  
6 **CONSECUTIVELY, AND** open to inspection by a member of a local law  
7 enforcement agency, in which shall be written or entered in the  
8 English language at the time of the purchase or exchange of any

1 article a description of the article, ~~the~~ **AND ALL OF THE FOLLOWING:**

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

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

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

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

20 (2) The purchaser shall prepare and deliver on Monday of each  
21 week to the chief of police or chief law enforcement officer of the  
22 local unit of government in which ~~such~~ **THAT** business is carried on,  
23 before 12 ~~o'clock~~ noon, a legible and correct **PAPER OR ELECTRONIC**  
24 copy, ~~written~~ in the English language, from the book or other  
25 **WRITTEN OR ELECTRONIC** record, containing a description of each  
26 article purchased or received during the preceding week, the hour  
27 and day when the purchase was made, ~~and~~ the description of the

1 person from whom it was purchased, **AND A COPY OF THE DOCUMENTATION**  
2 **REQUIRED UNDER SECTION 4 REGARDING THE PERSON FROM WHOM IT WAS**  
3 **PURCHASED.** The statement shall be verified ~~by the person~~  
4 ~~subscribing his or her name thereto~~ **IN A MANNER ACCEPTABLE TO THE**  
5 **CHIEF OF POLICE OR CHIEF LAW ENFORCEMENT OFFICER.**

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

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

16 (2) A second hand or junk dealer who buys or sells scrap  
17 metal, knowing that it is stolen, is guilty of a felony punishable  
18 by imprisonment for not more than 3 years or a fine of not more  
19 than \$2,000.00, or both.

20 (3) A second hand or junk dealer who buys or sells stolen  
21 scrap metal that he or she has reason to believe was unlawfully  
22 removed from a utility pole, **IRRIGATION SYSTEM, AGRICULTURAL**  
23 **MACHINERY,** telecommunication company property, government property,  
24 or utility property or jobsite is guilty of a felony punishable by  
25 imprisonment for not more than 5 years or a fine of not more than  
26 \$10,000.00, or both.

27 (4) The license of a person, corporation, copartnership, or

1 firm that is found guilty of violating any of the provisions of  
2 this act shall be considered to be revoked upon entry of a  
3 conviction and such person, corporation, copartnership, or firm  
4 shall not be permitted to carry on the business of being a second  
5 hand or junk dealer within this state for a period of 1 year after  
6 that conviction.

7 (5) The remedies under this act are independent and  
8 cumulative. The use of 1 remedy by a person does not bar the use of  
9 other lawful remedies by that person or the use of a lawful remedy  
10 by another person.