

1 H.306

2 Introduced by Representatives Yantachka of Charlotte, Bohi of Hartford,
3 Canfield of Fair Haven, Christie of Hartford, Hebert of Vernon,
4 Lenes of Shelburne, Martin of Wolcott, Masland of Thetford
5 and Webb of Shelburne

6 Referred to Committee on

7 Date:

8 Subject: Commerce and trade; regulation of trade; sale of secondhand articles

9 Statement of purpose: This bill proposes to require positive identification of
10 persons wishing to sell secondhand jewelry or collectables, and to require
11 secondhand jewelry and coin dealers to periodically check with law
12 enforcement to see if goods bought are on a list of stolen property.

13 An act relating to the duties of secondhand jewelry and coin dealers

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 9 V.S.A. chapter 86 is added to read:

16 CHAPTER 86. SECONDHAND ARTICLES

17 § 3202. DEFINITIONS

18 As used in this chapter:

1 (1) “Secondhand articles” means antiques, precious stones, jewelry,
2 watches, collectable coins, gold, platinum, silver, and all other precious metals
3 that are purchased or acquired as forfeited, pledged from anyone except from a
4 regularly established wholesale dealer.

5 (2) “Secondhand dealer” means any person who engages in the business
6 of buying or acquiring secondhand articles as forfeited pledges.

7 § 3203. PURCHASE OF SECONDHAND ARTICLES

8 A secondhand dealer may purchase secondhand articles, provided the
9 secondhand dealer:

10 (1) At the time of sale, requires the seller to provide a current
11 government-issued photographic identification that indicates the seller’s full
12 name, current address, and date of birth, and records in a permanent ledger the
13 identification information of the seller, the time and date of the transaction, the
14 license number of the seller’s vehicle, and a description of the items received
15 from the seller.

16 (2) Requests documentation from the seller of the items offered for sale,
17 such as a bill of sale, receipt, letter of authorization, or similar evidence that
18 establishes that the seller lawfully owns the items to be sold.

19 (3) After purchasing an item from a person who fails to provide
20 documentation pursuant to subdivision (2) of this section, submits to the local
21 law enforcement agency no later than the close of the following business day a

1 report that describes the item and the seller's identifying information required
2 in subdivision (1) of this section, and holds the proprietary article for at least
3 15 days following purchase.

4 § 3204. RECORD RETENTION

5 (a) The information required under section 3203 of this chapter shall be
6 retained for at least five years at the secondhand dealer's normal place of
7 business or other readily accessible and secure location.

8 (b) On request, this information shall be made available to any law
9 enforcement official or authorized security agent of a governmental entity who
10 provides official credentials at the secondhand dealer's business location
11 during regular business hours.

12 § 3205. PENALTIES

13 (a) A secondhand dealer who violates any provision of this chapter for the
14 first time may be assessed a civil penalty not to exceed \$1,000.00 for each
15 transaction.

16 (b) A secondhand dealer who violates any provision of this chapter for a
17 second time shall be fined not more than \$5,000.00 for each transaction.

18 (c) A secondhand dealer who violates any provision of this chapter for a
19 third or subsequent time shall be fined not more than \$10,000.00 for each
20 transaction.

1 Sec. 2. EFFECTIVE DATE

2 This bill shall take effect on July 1, 2011.