



# HOUSE BILL No. 5967

June 7, 1996, Introduced by Rep. Bush and referred to the Committee on Regulatory Affairs.

A bill to amend sections 1, 2, 5, and 6 of Act No. 350 of the Public Acts of 1917, entitled as amended

"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,"

being sections 445.401, 445.402, 445.405, and 445.406 of the Michigan Compiled Laws; and to add section 9.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1, 2, 5, and 6 of Act No. 350 of the  
2 Public Acts of 1917, being sections 445.401, 445.402, 445.405,  
3 and 445.406 of the Michigan Compiled Laws, are amended and sec-  
4 tion 9 is added to read as follows:

5 Sec. 1. ~~No~~ A person, corporation, copartnership, ~~or~~  
6 firm, OR OTHER BUSINESS ENTITY shall ~~hereafter~~ NOT carry on OR  
7 ENGAGE IN the business of dealer in ~~second hand~~ SECONDHAND  
8 goods or junk dealer in any of the cities, TOWNSHIPS, or villages

1 of this state having a population of NOT LESS THAN 1,000 located  
 2 in counties HAVING A POPULATION of 25,000 or ~~over~~ MORE without  
 3 having first obtained, from the ~~mayor of the city or the~~  
 4 ~~president~~ CHIEF EXECUTIVE OFFICER of the ~~village~~ LOCAL GOVERN-  
 5 MENTAL UNIT where ~~such~~ THE business is to be carried on, a  
 6 license ~~subject to the provisions of~~ UNDER this act.  
 7 ~~authorizing such person, corporation, copartnership or firm to~~  
 8 ~~carry on such business.~~

9       Sec. 2. (1) The ~~mayor of any such city, or president of~~  
 10 ~~any such village, may from time to time grant under his hand and~~  
 11 ~~the official seal of his office~~ CHIEF EXECUTIVE OFFICER OF THE  
 12 LOCAL UNIT OF GOVERNMENT MAY ISSUE to any suitable person, corpo-  
 13 ration, copartnership, ~~or~~ firm, OR OTHER BUSINESS ENTITY a  
 14 license authorizing such person, corporation, copartnership, ~~or~~  
 15 firm, OR OTHER BUSINESS ENTITY to carry on OR ENGAGE IN the busi-  
 16 ness of a ~~second hand~~ SECONDHAND dealer or junk dealer ~~subject~~  
 17 ~~to the provisions of~~ UNDER this act. ~~Said~~

18       (2) THE license shall designate the particular place in said  
 19 city, TOWNSHIP, or village where ~~such~~ THE person, corporation,  
 20 copartnership, ~~or~~ firm, OR OTHER BUSINESS ENTITY shall carry on  
 21 ~~said~~ OR ENGAGE IN THAT business. ~~, and no person, corporation,~~  
 22 ~~copartnership or firm receiving said license~~ A LICENSEE shall  
 23 carry on ~~said~~ OR ENGAGE IN THAT business ONLY in ~~any~~ THE  
 24 place ~~other than~~ as designated in ~~said~~ THE license. ~~It~~  
 25 ~~shall be unlawful for the issuing officer to grant a~~

26       (3) A license ~~to any person, firm or corporation doing, or~~  
 27 ~~desiring to do a junk~~ SHALL NOT BE ISSUED BY A LOCAL

1 GOVERNMENTAL UNIT FOR A SECONDHAND OR JUNK DEALER business in any  
 2 residential community ~~/~~ where 65% ~~per cent~~ or more of the  
 3 property owners within a radius of 1 city block of ~~such junk~~  
 4 THE SECONDHAND OR JUNK DEALER business ~~/~~ or ~~contemplated junk~~  
 5 PROPOSED SECONDHAND OR JUNK DEALER business ~~/~~ petition the  
 6 issuing officer not to ~~do so. Provided, however, That~~ ISSUE A  
 7 LICENSE, EXCEPT in THE case ~~any person shall have no~~ OF A SEC-  
 8 ONDHAND OR JUNK DEALER THAT DOES NOT HAVE A regular place of  
 9 business. ~~/, a license shall be issued to such person to carry on~~  
 10 ~~the business of second hand dealer or junk dealer either by horse~~  
 11 ~~and wagon, cart, automobile or by pack. The said~~

12 (4) A license ISSUED UNDER THIS SECTION shall be for the  
 13 period of 1 year from date of issuance ~~unless sooner revoked for~~  
 14 ~~cause,~~ and ~~shall~~ IS not ~~be~~ transferable. ~~It shall be~~  
 15 ~~within the power of the~~

16 (5) THE legislative body of ~~any city, or the trustees and~~  
 17 ~~president of any village, to fix~~ THE LOCAL GOVERNMENTAL UNIT MAY  
 18 ESTABLISH the amount ~~to be paid as an~~ OF THE annual license fee  
 19 at any amount not ~~more than 50 dollars~~ EXCEEDING \$50.00.

20 Sec. 5. (1) ~~Such articles,~~ THE SECONDHAND OR JUNK DEALER  
 21 SHALL RETAIN AN ARTICLE purchased or exchanged ~~shall be~~  
 22 ~~retained~~ by the ~~purchaser thereof,~~ DEALER for at least 15 days  
 23 before disposing of ~~them,~~ IT. THE ARTICLE SHALL BE KEPT in an  
 24 accessible place in the building where such articles are pur-  
 25 chased and received. A tag shall be attached to such articles  
 26 ~~in some visible and convenient place,~~ with ~~the~~ A number  
 27 ~~written thereupon, to correspond with~~ CORRESPONDING TO the

1 entry number in ~~such~~ THE book REQUIRED TO BE KEPT BY THE  
2 SECONDHAND OR JUNK DEALER UNDER SECTION 4. ~~Such purchaser~~

3 (2) THE SECONDHAND OR JUNK DEALER shall prepare and deliver  
4 on Monday of each week to the ~~chief of police or~~ chief police  
5 officer of the ~~city~~ LOCAL GOVERNMENTAL UNIT in which ~~such~~ THE  
6 business is carried on, before 12 ~~o'clock~~ noon., a legible and  
7 correct copy written in the English language from ~~such~~ THE book  
8 ~~—~~ containing a description of each article purchased or  
9 received BY THE DEALER during the preceding week, the hour and  
10 day ~~when~~ the purchase was made, and the description of the  
11 person from whom it was purchased OR RECEIVED. ~~Such~~ THE state-  
12 ment shall be verified by the affidavit of the ~~person~~ DEALER  
13 subscribing his OR HER name thereto.

14 (3) This section ~~shall~~ DOES not apply to old rags, waste  
15 paper, and household goods except radios, televisions, ~~record~~  
16 TAPE OR COMPACT DISC players, and electrical appliances.  
17 ~~Nothing herein contained shall make it necessary for~~

18 (4) THIS SECTION DOES NOT REQUIRE the ~~purchaser~~ SECONDHAND  
19 OR JUNK DEALER to retain articles purchased from individuals,  
20 firms, ~~or~~ corporations, OR OTHER BUSINESS ENTITIES having a  
21 fixed place of business after ~~said~~ THOSE articles shall have  
22 been reported PURSUANT TO SECTION 4.

23 Sec. 6. If the ~~purchaser or receiver, by exchange or oth-~~  
24 ~~erwise, as described in section 3, is a peddler or goes about~~  
25 ~~with a wagon to purchase or obtain by exchange or otherwise, any~~  
26 ~~of such articles, and~~ SECONDHAND OR JUNK DEALER does not have a  
27 place of business in a building, he ~~need~~ OR SHE IS not REQUIRED

1 TO retain ~~such~~ ANY articles for 15 days before selling them ~~—~~  
2 provided THAT on Monday of each week he OR SHE files with the  
3 ~~chief of police or~~ chief police officer of the ~~city or~~  
4 ~~village~~ LOCAL GOVERNMENTAL UNIT in which he OR SHE is located a  
5 report showing the place of business of the person to whom ~~such~~  
6 THE sale was made ~~—~~ AND a copy of the record required by ~~such~~  
7 section 4 to be kept in a separate book of the articles purchased  
8 or received during the preceding week, including a description of  
9 ~~such~~ THE articles sold, to whom sold and his OR HER place of  
10 business.

11 SEC. 9. A PERSON, CORPORATION, COPARTNERSHIP, FIRM, OR  
12 OTHER BUSINESS ENTITY THAT VIOLATES THIS ACT IS RESPONSIBLE FOR A  
13 STATE CIVIL INFRACTION AND MAY BE FINED NOT MORE THAN \$100.00.