

HOUSE BILL No. 4833

June 28, 2011, Introduced by Reps. Muxlow, Denby, Goike, Knollenberg, Outman,
Shaughnessy, Kowall, Damrow, Jenkins and Hooker and referred to the Committee on
Transportation.

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 section 3 (MCL 445.403), as amended by 2006 PA 675.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. As used in this act:

2 (a) "Automotive recycler" means a person ~~who~~ **THAT** engages in
3 business primarily for the purpose of selling retail salvage
4 vehicle parts and secondarily for the purpose of selling retail
5 salvage motor vehicles or manufacturing or selling a product of
6 gradable scrap metal. ~~or a person employed as a salvage vehicle~~
7 ~~agent as that term is defined in section 56e of the Michigan~~
8 ~~vehicle code, 1949 PA 300, MCL 257.56e.~~

9 (b) "Industrial scrap" means materials that are a direct

1 product or by-product of any form of manufacturing, shaping, or
2 cutting process from a person ~~, company, corporation,~~
3 ~~copartnership, or firm~~ whose principal business is the
4 manufacturing, shaping, or cutting of materials at a fixed place of
5 business.

6 (c) "Internet drop-off store" means a person ~~, corporation, or~~
7 ~~firm~~ that contracts with other persons ~~, corporations, or firms~~ to
8 offer its personal property or other valuable thing for sale,
9 purchase, consignment, or trade through means of an internet
10 website and meets the conditions described in section 1(3).

11 (d) "Local law enforcement agency" means the police agency of
12 the city, village, or township, or if none, the county sheriff of
13 the county in which the internet drop-off store conducts business.

14 **(E) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,**
15 **LIMITED LIABILITY COMPANY, ASSOCIATION, OR OTHER LEGAL ENTITY.**

16 (F) ~~(e)~~ "Scrap processor" means a person, utilizing machinery
17 and equipment and operating from a fixed location, whose principal
18 business is the processing and manufacturing of iron, steel,
19 nonferrous metals, paper, plastic, or glass, into prepared grades
20 of products suitable for consumption by recycling mills, foundries,
21 and other scrap processors.

22 (G) ~~(f)~~ "Second hand dealer" or "junk dealer" means any person
23 ~~, corporation, or member or members of a copartnership or firm~~
24 whose principal business is that of purchasing, selling,
25 exchanging, storing, or receiving second hand articles of any kind,
26 scrap metals, cast iron, old iron, old steel, tool steel, aluminum,
27 copper, brass, lead pipe or tools, or lighting and plumbing

1 fixtures. Second hand dealer or junk dealer does not include a
2 scrap processor, an automotive recycler, or a junkyard that deals
3 principally in industrial scrap and is licensed by a city, village,
4 or county.

5 Enacting section 1. This amendatory act takes effect October
6 1, 2011.

7 Enacting section 2. This amendatory act does not take effect
8 unless Senate Bill No.____ or House Bill No.4832 (request no.
9 01165'11 *) of the 96th Legislature is enacted into law.