

# HOUSE BILL No. 5918

September 19, 2012, Introduced by Rep. Lipton and referred to the Committee on Regulatory Reform.

A bill to amend 1981 PA 95, entitled  
"The precious metal and gem dealer act,"  
by amending sections 6, 9, and 10 (MCL 445.486, 445.489, and  
445.490).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 6. (1) A dealer or an agent or employee of a dealer shall  
2 not **DO ANY OF THE FOLLOWING**:

3       (a) Knowingly receive or purchase a precious item from any  
4 ~~person~~**INDIVIDUAL** who is less than 18 years of age or any person  
5 known by the dealer or agent or employee of the dealer to have been  
6 convicted of theft or receipt of stolen property within the  
7 preceding 5 years, whether the **INDIVIDUAL OR** person is acting in  
8 his or her own behalf or as the agent of another.

9       (b) Knowingly receive or purchase a precious item from a  
10 ~~person~~**AN INDIVIDUAL** unless that ~~person~~**HE OR SHE** presents a valid

1 driver's license or a valid state of Michigan personal  
2 identification card.

3 (2) A SECOND HAND OR JUNK DEALER SHALL NOT CONDUCT BUSINESS AS  
4 A PAWNBROKER WITHOUT A LICENSE UNDER 1917 PA 273, MCL 446.201 TO  
5 446.219. AS USED IN THIS SUBSECTION:

6 (A) "CONDUCT BUSINESS AS A PAWNBROKER" MEANS TO ENGAGE IN ANY  
7 CONDUCT OR ACTIVITY DESCRIBED IN SECTION 1(1) OF 1917 PA 273, MCL  
8 446.201.

9 (B) "PAWNBROKER" MEANS THAT TERM AS DEFINED IN SECTION 3 OF  
10 1917 PA 273, MCL 446.203.

11 Sec. 9. A dealer or an agent or employee of a dealer ~~who~~ THAT  
12 does any of the following is guilty of a felony ~~—~~ punishable by  
13 imprisonment for not more than 2 years ~~—~~ or a fine of \$5,000.00, or  
14 both:

15 (a) Totally fails to record a transaction on a record of  
16 transaction form as required by section 4.

17 (b) Knowingly falsifies the records kept as required by  
18 section 4.

19 (c) Violates section ~~6—~~6(1).

20 Sec. 10. (1) A dealer ~~who~~ THAT violates section 3(1) or 5 is  
21 guilty of a felony ~~—~~ punishable by imprisonment for not more than 2  
22 years ~~—~~ or a fine of \$5,000.00, or both.

23 (2) A DEALER THAT VIOLATES SECTION 6(2) IS GUILTY OF A  
24 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT FEWER THAN 10 DAYS  
25 OR MORE THAN 90 DAYS OR A FINE OF NOT LESS THAN \$25.00 OR MORE THAN  
26 \$100.00, OR BOTH. HOWEVER, IF THE VIOLATION IS A SECOND OR  
27 SUBSEQUENT VIOLATION OF SECTION 6(2), THE DEALER IS GUILTY OF A

1 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT FEWER THAN 10 DAYS  
2 OR MORE THAN 90 DAYS OR A FINE OF NOT LESS THAN \$1,000.00 OR MORE  
3 THAN \$2,500.00, OR BOTH.

4 Enacting section 1. This amendatory act does not take effect  
5 unless all of the following bills of the 96th Legislature are  
6 enacted into law:

7 (a) Senate Bill No. \_\_\_\_ or House Bill No. 5920(request no.  
8 01496'11).

9 (b) Senate Bill No. \_\_\_\_ or House Bill No. 5919(request no.  
10 02060'11).