

SECONDHAND DEALERS AND JUNK DEALERS (EXCERPT)
Act 350 of 1917

***** 445.401.amended THIS AMENDED SECTION IS EFFECTIVE SEPTEMBER 30, 2018 *****

445.401.amended Second hand or junk dealer; license required; automated recycling kiosk; internet drop-off store exempt from licensure; articles of scrap metal; compliance required.

Sec. 1. (1) A person shall not carry on the business of a second hand dealer or junk dealer in a county, city, or village in this state without first obtaining, from the mayor of the city or the chief executive officer of the county or village where the business is to be carried on, a license under this act authorizing that person to carry on that business. If a second hand dealer uses an automated recycling kiosk to receive articles, the dealer must obtain a license under this section in the city, county, or village in which the kiosk is installed.

(2) This section does not require an internet drop-off store that complies with subsection (3), or an individual who is engaged in the sale, purchase, consignment, or trade of personal property or other valuable thing for himself or herself, to obtain a license under this act.

(3) An internet drop-off store that meets all of the following conditions is exempt from licensure as a second hand dealer or junk dealer under this act:

(a) The internet drop-off store has a fixed place of business in this state except that it exclusively transacts all purchases or sales by means of the internet and the purchases and sales are not physically transacted on the premises of that fixed place of business.

(b) The internet drop-off store has the personal property or other valuable thing available on a website for viewing by photograph, if available, by the general public at no charge, and the website is searchable by zip code or state, or both. The website viewing shall include, as applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.

(c) The internet drop-off store maintains records of the sale, purchase, consignment, or trade of the personal property or other valuable thing for at least 2 years, and those records contain a description, including a photograph, if available, and, if applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.

(d) The internet drop-off store provides the local law enforcement agency with any name under which it conducts business on the website and access to the business premises at any time during normal business hours for purposes of inspection.

(e) Within 24 hours after a request from a local law enforcement agency, the internet drop-off store provides an electronic copy of the seller's or consignor's name, address, telephone number, driver license number and issuing state, the buyer's name and address if applicable, and a description of the personal property or other valuable thing as described in subdivision (c). The internet drop-off store shall provide the information in a format that is acceptable to the local law enforcement agency but the information shall at least be in a legible format and in the English language.

(f) The internet drop-off store requires that payment for the personal property or other valuable thing is made by means of a check or through an electronic payment system; that the payment is not made in cash; and that payment is not made to the seller until the item is sold.

(g) The internet drop-off store immediately removes the personal property or other valuable thing from the website if the local law enforcement agency determines that the personal property or other valuable thing is stolen.

(4) This section does not exempt a person that is purchasing or selling articles of scrap metal, as defined in section 3 of the scrap metal regulatory act, 2008 PA 429, MCL 445.423, from complying with that act.

History: 1917, Act 350, Imd. Eff. May 10, 1917;—CL 1929, 9758;—Am. 1931, Act 127, Imd. Eff. May 19, 1931;—CL 1948, 445.401;—Am. 2006, Act 294, Imd. Eff. July 20, 2006;—Am. 2006, Act 675, Eff. Mar. 30, 2007;—Am. 2008, Act 432, Eff. Apr. 1, 2009;—Am. 2018, Act 329, Eff. Sept. 30, 2018.