

6172

I N S E N A T E

January 9, 2012

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to the purchase of second-hand precious metals

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The general business law is amended by adding a new section
2 391-s to read as follows:
3 S 391-S. SECOND-HAND PRECIOUS METALS; RECORDS. 1. DEFINITIONS. AS
4 USED IN THIS SECTION:
5 (A) "DEALER" SHALL MEAN ANY PERSON WHO, IN THE REGULAR COURSE OF BUSI-
6 NESS, DEALS IN THE PURCHASE OF SECOND-HAND ARTICLES OR THINGS COMPRISED
7 OF GOLD, SILVER OR PLATINUM FOR THE PURPOSE OF RESALE, MELTING OR REFIN-
8 ING, AND SHALL INCLUDE COLLATERAL LOAN BROKERS.
9 (B) "SELLER" SHALL MEAN ANY PERSON WHO SELLS ANY SECOND-HAND ARTICLE
10 OR THING COMPRISED OF GOLD, SILVER OR PLATINUM.
11 2. NO DEALER SHALL TAKE POSSESSION OF AND PROVIDE CONSIDERATION FOR
12 ANY SECOND-HAND ITEM COMPRISED OF GOLD, SILVER OR PLATINUM FROM A SELLER
13 WITHOUT CONFIRMING THE IDENTITY OF SUCH SELLER UPON PRESENTATION OF TWO
14 FORMS OF IDENTIFICATION. THE DEALER SHALL MAINTAIN A RECORD OF EACH
15 SECOND-HAND ITEM COMPRISED OF GOLD, SILVER OR PLATINUM HE OR SHE TAKES
16 POSSESSION OF, AND SUCH RECORD SHALL INCLUDE A COPY OF THE FORMS OF
17 IDENTIFICATION PRESENTED BY THE SELLER AND A TELEPHONE NUMBER AND
18 ADDRESS AT WHICH THE SELLER MAY BE CONTACTED. ALL SUCH RECORDS SHALL BE
19 MAINTAINED BY THE DEALER FOR A PERIOD OF NOT LESS THAN TWO YEARS, AND
20 SHALL BE MADE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS.
21 3. UPON TAKING POSSESSION OF ANY SECOND-HAND ITEM COMPRISED OF GOLD,
22 SILVER OR PLATINUM, A DEALER SHALL RETAIN POSSESSION OF SUCH ITEM FOR A
23 PERIOD OF NOT LESS THAN SEVENTY-TWO HOURS.
24 S 2. This act shall take effect on the sixtieth day after it shall
25 have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD13606-01-1