

2077

2015-2016 Regular Sessions

I N S E N A T E

January 21, 2015

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-t to read as follows:
3 S 391-T. 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) "PERSON" SHALL MEAN AN INDIVIDUAL OR BUSINESS ENTITY, INCLUDING A
10 COLLATERAL LOAN BROKER AS DEFINED IN SECTION FIFTY-TWO OF THIS CHAPTER.
11 (C) "SELLER" SHALL MEAN ANY PERSON WHO SELLS ANY SECOND-HAND ARTICLE
12 OR THING COMPRISED OF GOLD, SILVER OR PLATINUM.
13 2. NO DEALER SHALL TAKE POSSESSION OF AND PROVIDE CONSIDERATION FOR
14 ANY SECOND-HAND ITEM COMPRISED OF GOLD, SILVER OR PLATINUM FROM A SELLER
15 WITHOUT CONFIRMING THE IDENTITY OF SUCH SELLER UPON PRESENTATION OF TWO
16 FORMS OF IDENTIFICATION. THE DEALER SHALL MAINTAIN A RECORD OF EACH
17 SECOND-HAND ITEM COMPRISED OF GOLD, SILVER OR PLATINUM HE OR SHE TAKES
18 POSSESSION OF, AND SUCH RECORD SHALL INCLUDE A COPY OF THE FORMS OF
19 IDENTIFICATION PRESENTED BY THE SELLER AND A TELEPHONE NUMBER AND
20 ADDRESS AT WHICH THE SELLER MAY BE CONTACTED. EACH DEALER SHALL INSTI-
21 TUTE REASONABLE MEASURES TO KEEP SUCH RECORDS SECURE. ALL SUCH RECORDS
22 SHALL BE MAINTAINED BY THE DEALER FOR A PERIOD OF NOT LESS THAN TWO
23 YEARS, AND SHALL ONLY BE MADE AVAILABLE FOR INSPECTION DURING NORMAL
24 BUSINESS HOURS BY THE ATTORNEY GENERAL OR HIS OR HER DESIGNEES, THE
25 LOCAL LICENSING AUTHORITY OR A POLICE OFFICER.

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

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1 3. UPON TAKING POSSESSION OF ANY SECOND-HAND ITEM COMPRISED OF GOLD,
2 SILVER OR PLATINUM, A DEALER SHALL RETAIN POSSESSION OF SUCH ITEM FOR A
3 PERIOD OF NOT LESS THAN SEVENTY-TWO HOURS. THE GOVERNING BODY OF THE
4 CITY, TOWN OR VILLAGE IN WHICH THE DEALER IS LOCATED MAY ESTABLISH FINES
5 AND PENALTIES OF NOT LESS THAN TWENTY-FIVE DOLLARS NOR MORE THAN ONE
6 HUNDRED DOLLARS FOR VIOLATIONS OF THE PROVISIONS OF THIS SUBDIVISION.
7 SUCH CITY, TOWN OR VILLAGE SHALL HAVE FULL POWER AND AUTHORITY, AFTER A
8 HEARING, TO IMPOSE SUCH FINES AND PENALTIES UPON A FINDING THAT A DEALER
9 VIOLATED THIS SUBDIVISION.

10 4. NO PROVISION OF THIS SECTION SHALL BE DEEMED TO PREEMPT OR PROHIBIT
11 ANY MUNICIPALITY FROM ENACTING A LOCAL LAW OR ORDINANCE WHICH ESTAB-
12 LISHES MORE STRINGENT STANDARDS THAN THOSE ESTABLISHED BY THIS SECTION.
13 EVERY DEALER SHALL COMPLY WITH ALL LOCAL LAWS AND ORDINANCES GOVERNING
14 SUCH DEALERS AND THE PROVISIONS OF THIS SECTION SHALL BE ENFORCED AND
15 VIOLATIONS THEREOF ADJUDICATED BY THE CITY, TOWN OR VILLAGE IN WHICH THE
16 DEALER CONDUCTS BUSINESS.

17 S 2. This act shall take effect on the sixtieth day after it shall
18 have become a law.