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HOUSE BILL NO. 628

Offered January 9, 2008

Prefiled January 8, 2008

A BILL to amend the Code of Virginia by adding in Chapter 9 of Title 59.1 an article numbered 5, consisting of sections numbered 59.1-136.8 through 59.1-136.12, relating to the sale of antique, vintage, and collectible items; penalty.

 Patron—May

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 9 of Title 59.1 an article numbered 5, consisting of sections numbered 59.1-136.8 through 59.1-136.12, as follows:

CHAPTER 9.**SECOND HAND ARTICLES AND ANTIQUE, VINTAGE, AND COLLECTIBLE ITEMS.****Article 5.*****Antique, Vintage, and Collectible Items.*****§ 59.1-136.8. Definitions.*****For purposes of this article:***

"Antique item" means any item that was actually manufactured or produced in a calendar year 100 years or more prior to January 1 of the calendar year in which the item is being sold.

"Collectible item" means any item that was actually manufactured or produced in a calendar year less than 50 years prior to January 1 of the calendar year in which the item is being sold.

"Vintage item" means any item that was actually manufactured or produced in a calendar year between 50 and 99 years prior to January 1 of the calendar year in which the item is being sold.

§ 59.1-136.9. Tag to be affixed to item; misrepresentation prohibited.

A. Any person, firm, partnership, association, or corporation engaged in the business of buying or selling antique, vintage, or collectible items and who offers for sale or exchange any antique, vintage, or collectible item, shall affix and keep affixed to each such item a tag with the words indicating that the item is either "antique," "vintage," or "collectible" clearly and legibly written or printed thereon. The tag shall be placed so that the words "antique," "vintage," or "collectible" as applicable to such item are in plain sight at all times.

B. No person, firm, partnership, association, or corporation engaged in the business of buying or selling antique, vintage, or collectible items shall willfully misrepresent that an item is an antique, vintage or collectible.

§ 59.1-136.10. Invoice to be furnished to purchaser.

Any person, firm, partnership, association, or corporation engaged in the business of buying or selling antique, vintage, or collectible items shall deliver to the purchaser a written invoice indicating that the item is "antique," "vintage," or "collectible," as applicable, in bold letters, larger than any of the other written matter upon such invoice.

§ 59.1-136.11. Advertisement or display.

Any person, firm, partnership, association, or corporation who advertises or displays in any manner an antique, vintage or collectible item for sale or exchange shall state clearly in such advertisement or display that the item is "antique," "vintage," or "collectible," as applicable.

§ 59.1-136.12. Penalty for violation.

Any person who violates any of the provisions of this section, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed \$500.

INTRODUCED

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