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## HOUSE BILL NO. 2352

Offered January 10, 2007

Prefiled January 9, 2007

A BILL to amend and reenact §§ 59.1-119 through 59.1-124 and 59.1-126 of the Code of Virginia and to repeal § 59.1-117 of the Code of Virginia, relating to sales of secondhand articles.

Patron—Cosgrove

Referred to Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 59.1-119 through 59.1-124 and § 59.1-126 of the Code of Virginia are amended and reenacted as follows:**

§ 59.1-119. Who deemed a dealer.

Every person who purchases any secondhand property of the kind mentioned in ~~§ 59.1-117 heating or plumbing fixtures or supplies, electric fixtures or wiring, gas fixtures or appliances, water faucets, pipes, locks, bathtubs or other secondhand fixtures of whatever kind or description pertaining to a building~~ for the purpose of resale or installation on the property of another shall be deemed a dealer within the meaning of the provisions of this article.

§ 59.1-119.1. Dealer required to show identification.

Every dealer making a sale or purchase of a secondhand fixture pursuant to the provisions of this article shall first display the permit required by ~~§ 59.1-117~~ and also display positive photo identification to the purchaser or seller of such fixture.

§ 59.1-120. Books to be kept by dealers.

Every dealer shall keep at his place of business a permanently bound book or books in which shall be legibly written with ink in English at the time of each transaction in the course of his business an accurate account of each purchase ~~and/or~~ sale, or both of every article mentioned in ~~§ 59.1-117~~ 59.1-119 sold or purchased by him. Such account shall set forth an accurate description of the goods, articles or things purchased or sold and the name, residence and description of the person selling, delivering or purchasing the same, the license number of the automobile or vehicle in which the goods, article or things were delivered or received and the permit number, if the goods offered can only be sold under a permit issued by the chief of police of the city or town or the sheriff of the county in which such goods were sold. The description of the person required by this section shall consist of the color, sex, approximate height, and age, any distinguishing feature of such person, and the thumb prints of both hands of such person on the same page on which the entry is made. *In lieu of keeping such permanently bound book or books, a dealer may keep the information required by this section in an electronic format, provided that if an electronic format is used, the thumb prints of both hands of such person shall be placed upon the bill of sale maintained by the dealer.*

§ 59.1-121. Reports to be made to chief of police or sheriff.

Every junk dealer and dealers in secondhand personal property, including persons regularly engaged in the business of collecting secondhand materials for resale to junk dealers, and shall every day except Sunday before the hour of noon deliver to the chief of police of the city or town on blank forms to be prescribed and furnished by the chief of police of such city or town a legible and accurate description of every article or thing of the kind mentioned in ~~§ 59.1-117~~ 59.1-119 received by him during the business day next preceding, the permit number under which the goods were received by the dealer, the license number of any automobile or vehicle in which the goods or things were delivered, together with a description of the person selling or delivering the same, including the color, sex, approximate height and age and any distinguishing features of such person, or a photograph of such person, together with a reference to the volume and number of the page where the original entry required by § 59.1-120 is made. *In lieu of using such paper forms for such reports, a dealer may submit the reports with the information required by this section in an electronic format.* Where goods of the kind mentioned in ~~§ 59.1-117~~ 59.1-119 are purchased or received in a county, the same information required by this section shall be furnished to the sheriff of the county in which such goods were bought or received not later than midday of the Saturday following the purchase or receipt of such goods, but the sheriff shall not be required to prepare or furnish blank forms for such reports for use in the county, and the dealer may submit any report which fairly conforms to the requirements of this section, *including a report submitted in an electronic format.*

§ 59.1-122. Books and places of business open to inspection.

The ~~books~~ records required by this article to be kept, and the places of business of all persons

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59 engaged in the sale, receiving or purchasing of the articles mentioned in § ~~59.1-117~~ 59.1-119, shall at  
60 all reasonable times during regular business hours be open to the for inspection of any police officer,  
61 sheriff or deputy of the county, city or town in which such place of business is located. Every dealer or  
62 his employee shall admit to his place of business during regular business hours the chief  
63 law-enforcement officer or his designee of the locality in which the dealer is located or any state or  
64 federal law-enforcement officer. The dealer or his employee shall permit the officer to (i) examine all  
65 records required to maintained by this article and any item listed in a record that is believed by the  
66 officer to be missing or stolen and (ii) search for and take into possession any item known by the officer  
67 to be missing or known or believed by him to have been stolen.

68 § 59.1-123. Exemptions from article.

69 The provisions of this article shall not apply to the sale of secondhand materials mentioned in  
70 § ~~59.1-117~~ 59.1-119 taken from premises occupied by the owner, when sold by such owner on the  
71 premises; nor shall the provisions of this article apply to the sale of such articles when purchased from a  
72 public utilities corporation at its place of business or a governmental agency.

73 § 59.1-124. Penalty for violation.

74 Any violation of this article shall be a *Class 4* misdemeanor. ~~For~~ for the first offense the penalty  
75 shall be a fine of not less than \$50 nor more than \$100, and a *Class 1* misdemeanor for any second or  
76 subsequent offense, a fine of not less than \$100 nor more than \$500 and confinement in jail for a period  
77 not exceeding twelve months.

78 § 59.1-126. Receipt or bill of sale to be taken by buyer.

79 Any person buying, at public or private sale, any such secondhand articles as are mentioned in  
80 § 59.1-125, except those excepted in said section, shall take from the seller a properly dated written  
81 receipt or bill of sale signed by such seller which shall therein state specifically the seller's address,  
82 business, social security number, vehicle license number, and place of residence. If a seller of such  
83 articles be not personally known to the buyer or if the seller be unable to write his name, such seller  
84 shall produce an adult witness personally known to the buyer to identify the seller and also to sign such  
85 receipt or bill of sale as witness, the latter also stating therein his full name, occupation and place of  
86 residence. Such receipt or bill of sale shall specifically set forth, by accurate description giving the  
87 character, kind, quality, weight, length or size, and other detailed description sufficient to accurately  
88 identify the same, each of such articles so purchased and shall be retained by the buyer at his place of  
89 business for a period of ~~six~~ 12 months after such purchase.

90 **2. That § 59.1-117 of the Code of Virginia is repealed.**