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## SENATE BILL NO. 491

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact §§ 59.1-117, 59.1-120, 59.1-121, and 59.1-124 of the Code of Virginia, relating to the sale of building fixtures; penalty.

Patron—Hurt

Referred to Committee on General Laws and Technology

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

**1. That §§ 59.1-117, 59.1-120, 59.1-121, and 59.1-124 of the Code of Virginia are amended and reenacted as follows:**

§ 59.1-117. Permit required for trading in secondhand building fixtures.

Except as otherwise provided in this chapter, no person, firm or corporation shall offer for sale or sell any secondhand heating or plumbing fixtures or supplies, electric fixtures or wiring, gas fixtures or appliances, water faucets, pipes, locks, bathtubs, gutters, downspouts, or other secondhand fixtures of whatever kind or description pertaining to a building, without first obtaining a permit for the sale of the same from the chief of police of the city or town or the sheriff of the county in which such property is offered for sale.

§ 59.1-120. Recordkeeping requirements; notification of law enforcement officers.

A. At the time of purchasing or selling an article mentioned in § 59.1-117, the dealer shall require the seller or purchaser of the article to provide:

1. A driver's license or other government-issued current photographic identification including his full name, current address, date of birth, and social security or other recognized identification number; and

2. Documentation, such as a bill of sale, receipt, letter of authorization or similar evidence, establishing that the person lawfully possesses any article being sold.

B. Every dealer shall keep at his place of business a permanently bound book or books ledger 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 of every article mentioned in § 59.1-117 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 and other information prescribed in subdivision A 1 regarding the person selling, delivering, or purchasing the same, the time and date of the transaction, 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. Records required by this subsection shall be maintained by the dealer at its normal place of business or at another readily accessible and secure location for at least five years.

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

A. 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 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. Where goods of the kind mentioned in § 59.1-117 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.

B. Notwithstanding any provision of this chapter to the contrary, a dealer who purchases copper

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59 gutters, downspouts, or similar copper materials shall hold the article for not less than 15 days  
60 following the date the notice required pursuant to subsection A is given to the chief of police or sheriff.

61 § 59.1-124. Penalty for violation.

62 Any ~~violation of~~ person who violates this article shall be a guilty of a Class 2 misdemeanor. For the  
63 first offense the penalty shall be a fine of not less than \$50 nor more than \$100, and for any A person  
64 convicted of a second or subsequent offense, a fine of not less than \$100 nor more than \$500 and  
65 confinement in jail for a period not exceeding twelve months under this article is guilty of a Class 1  
66 misdemeanor.