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HOUSE BILL NO. 1597

Offered January 12, 2011

Prefiled January 6, 2011

A *BILL to amend and reenact § 59.1-126 of the Code of Virginia, relating to purchases of secondhand metal articles.*

Patrons—BaCote, Abbott, Barlow, Hope, McClellan, McQuinn, Tyler, Ward and Watts

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-126 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-126. Receipt or bill of sale and other materials to be taken by buyer; sales procedures.

A. As used in this section:

"Covered article" means any secondhand steel, copper, copper wire, aluminum, aluminum wire, brass, brass bearings or fittings, electric light or gas fixtures, locks or other builders hardware, plumbing fixtures, bell or bell fixtures, lead or brass water pipes or any part of such fixtures or pipes, or any wire, cable, lead, solder, copper, iron or brass used by or belonging to a railroad, telephone, telegraph, coal mining, industrial, manufacturing or public utility company.

"Law-enforcement officer" has the same meaning ascribed to the term in § 9.1-101.

B. Any person buying a covered article from any person other than (i) a plumber, (ii) the owner of buildings from which the covered article is taken, (iii) a railroad, coal mining, industrial, manufacturing, or public utility company, (iv) a dealer holding a permit issued pursuant to § 59.1-117, or (v) the authorized agent of a person identified in clause (i), (ii), or (iii), at public or private sale, ~~any such secondhand articles as are mentioned in § 59.1-125, except those excepted in said section,~~ shall take:

1. Take from the seller a properly dated written receipt or bill of sale signed by such seller, which receipt shall therein state specifically the seller's name, address, ~~business of employment,~~ social security number, vehicle license number, ~~and place of residence address, and business and home telephone numbers, if any.~~ If ~~a the~~ seller ~~of such articles~~ ~~be~~ is not personally known to the buyer or if the seller ~~be~~ is unable to write his name, ~~such the~~ seller shall produce an adult witness personally known to the buyer to identify the seller and also to sign ~~such the~~ receipt or bill of sale as witness; ~~the latter also stating therein.~~ In such event, the witness shall provide his full name, occupation, and place of residence, which information shall be included on the receipt or bill of sale. Such receipt or bill of sale shall ~~specifically set forth, by~~ include an accurate description ~~giving of each covered article purchased, which description shall include the character, kind, quality, weight, length or size, and other detailed description details sufficient to accurately identify the same, each of such articles so purchased and shall be retained by the buyer covered article;~~

2. Collect from the seller the thumb prints of both hands;

3. Make a copy of the seller's driver's license or other form of government identification that includes the seller's name, residence address, and date of birth;

4. Record the vehicle registration card of any automobile or other vehicle in which the covered article was delivered, if any;

5. Attach the materials required pursuant to subdivisions 2, 3, and 4 to the receipt or bill of sale required pursuant to subdivision 1;

6. Take a photograph of any covered article purchased;

7. Retain at his place of business, for a period of six months after such purchase, the receipt or bill of sale, the materials required pursuant to subdivisions 2, 3, and 4 to be attached thereto, and photographs of the covered articles required pursuant to subdivision 6;

8. Make the receipt or bill of sale, with the materials required pursuant to subdivisions 2, 3, and 4 to be attached thereto, and photographs of the covered articles required pursuant to subdivision 6, available to any law enforcement officer who is engaged in the investigation of the theft of any secondhand articles;

9. Withhold payment for any covered article until the third business day following delivery of the covered article;

10. Make any payment of \$50 or more for covered articles purchased in the form of a check; and

11. Hold covered articles for seven days following their purchase.

INTRODUCED

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