

HOUSE BILL No. 4717

April 27, 1989, Introduced by Reps. Martin and Joe Young, Jr.
and referred to the Committee on State Affairs.

A bill to amend sections 1, 2, 4, 5, 6, and 7 of Act No. 350
of the Public Acts of 1917, entitled as amended

"An act to regulate and license second hand dealers and junk
dealers; and to prescribe penalties for the violation of the pro-
visions of this act,"

being sections 445.401, 445.402, 445.404, 445.405, 445.406, and
445.407 of the Michigan Compiled Laws; and to add section 9.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1, 2, 4, 5, 6, and 7 of Act No. 350 of
2 the Public Acts of 1917, being sections 445.401, 445.402,
3 445.404, 445.405, 445.406, and 445.407 of the Michigan Compiled
4 Laws, are amended and section 9 is added to read as follows:

5 Sec. 1. ~~No~~ A person, corporation, copartnership, or firm
6 shall ~~hereafter~~ NOT carry on the business of dealer in second
7 hand goods or junk dealer in any of the cities, TOWNSHIPS, or
8 villages of this state having a population of 1,000 OR MORE

1 located in counties of 25,000 or ~~over~~ MORE without ~~having~~
 2 first ~~obtained~~ OBTAINING, from the mayor of the city, THE
 3 SUPERVISOR OF THE TOWNSHIP, or the president of the village where
 4 ~~such~~ THE business is to be carried on, a license subject to
 5 ~~the provisions of~~ this act authorizing ~~such~~ THE person, cor-
 6 poration, copartnership, or firm to carry on ~~such~~ THE
 7 business.

8 Sec. 2. ~~The mayor of any such city, or president of any~~
 9 ~~such village,~~ A PUBLIC OFFICIAL IDENTIFIED IN SECTION 1 may from
 10 time to time grant under his OR HER hand and the official seal of
 11 his OR HER office to any suitable person, corporation,
 12 copartnership, or firm, a license authorizing ~~such~~ THE person,
 13 corporation, copartnership, or firm to carry on the business of a
 14 second hand dealer or junk dealer subject to ~~the provisions of~~
 15 this act. ~~Said~~ THE license shall designate the particular
 16 place in ~~said~~ THE city, TOWNSHIP, or village where ~~such~~ THE
 17 person, corporation, copartnership, or firm ~~shall carry on said~~
 18 WILL DO business. ~~, and no~~ A person, corporation,
 19 copartnership, or firm receiving ~~said~~ A license shall ~~carry on~~
 20 ~~said~~ NOT DO business in any place other than as designated in
 21 ~~said~~ THE license. ~~It shall be unlawful for the issuing offi-~~
 22 ~~cer to~~ A PUBLIC OFFICIAL SHALL NOT grant a license to ~~any~~ A
 23 person, CORPORATION, COPARTNERSHIP, OR firm ~~or corporation~~
 24 doing, or desiring to do, a junk business in ~~any~~ A residential
 25 community ~~, where 65% per cent~~ or more of the property owners
 26 within a radius of 1 city block of ~~such~~ THE junk business, or
 27 contemplated junk business, petition the ~~issuing officer~~ PUBLIC

1 OFFICIAL not to do so. ~~Provided, however, That in case any~~
 2 IF A person ~~shall have~~ HAS no FIXED, regular place of business,
 3 ~~a license shall be issued to such~~ THE PUBLIC OFFICIAL SHALL
 4 ISSUE A LICENSE TO THAT person to ~~carry on the~~ DO business ~~of~~
 5 AS A second hand dealer or junk dealer ~~either by horse and~~
 6 ~~wagon, cart, automobile or by pack~~ MOTOR VEHICLE. The ~~said~~
 7 license shall be for the period of 1 year from date of issuance
 8 unless sooner revoked for cause, and shall not be transferable.
 9 ~~It shall be within the power of the~~ THE legislative body of
 10 ~~any~~ A city OR TOWNSHIP, or the trustees and president of any
 11 village, ~~to~~ MAY fix the amount ~~to be paid as an~~ OF THE annual
 12 license fee at any amount not ~~more than 50 dollars~~ TO EXCEED
 13 \$50.00.

14 Sec. 4. ~~Such~~ A second hand dealer or junk dealer ~~as~~
 15 ~~defined in the preceding section~~ shall post in a conspicuous
 16 place in or upon his OR HER shop, store, wagon, boat, or other
 17 place of business, a sign having his OR HER name and occupation
 18 legibly inscribed ~~thereon~~ ON THE SIGN, and shall keep a sepa-
 19 rate book open to inspection by ~~member of a police force, city~~
 20 ~~marshal, constable or other person~~ AN INDIVIDUAL AUTHORIZED BY
 21 THE CITY, VILLAGE, OR TOWNSHIP, in which THE DEALER shall ~~be~~
 22 ~~written~~ WRITE in the English language, at the time of the pur-
 23 chase or exchange of ~~such articles~~ AN ARTICLE, a description
 24 ~~thereof~~ OF THE ARTICLE, the name, description and residence of
 25 the person from whom ~~the same~~ IT was purchased and received,
 26 and the day and hour when ~~such~~ THE purchase or exchange was

1 made. Each entry shall be numbered consecutively, commencing
2 with number 1.

3 Sec. 5. (1) ~~Such~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSEC-
4 TION (4), A SECOND HAND DEALER OR JUNK DEALER SHALL RETAIN THE
5 articles ~~— purchased or exchanged — shall be retained by the~~
6 ~~purchaser thereof,~~ BY THE SECOND HAND DEALER OR JUNK DEALER for
7 at least 15 days before disposing of ~~them,~~ THE ARTICLES. THE
8 ARTICLES SHALL BE RETAINED in an accessible place in the building
9 where ~~such~~ THE articles are purchased and received. ~~A tag~~
10 ~~shall be attached to such~~ THE SECOND HAND DEALER OR JUNK DEALER
11 SHALL ATTACH TO THE articles in some visible and convenient place
12 ~~— A TAG with the number — written thereupon, to correspond with~~
13 CORRESPONDING TO the entry number in ~~such~~ THE book DESCRIBED IN
14 SECTION 4. ~~Such purchaser shall prepare and deliver on Monday~~
15 ~~of each week to the chief of police or chief police officer of~~
16 ~~the city in which such business is carried on, before 12 o'clock~~
17 ~~noon, a legible and correct copy written in the English language~~
18 ~~from such book, containing a description of each article pur-~~
19 ~~chased or received during the preceding week, the hour and day~~
20 ~~when the purchase was made, and the description of the person~~
21 ~~from whom it was purchased. Such statement shall be verified by~~
22 ~~the affidavit of the person subscribing his name thereto. This~~
23 ~~section shall not apply to old rags, waste paper and household~~
24 ~~goods except radios, televisions, record players and electrical~~
25 ~~appliances. Nothing herein contained shall make it necessary for~~
26 ~~the purchaser to retain articles purchased from individuals,~~

~~1 firms or corporations having a fixed place of business after said~~
~~2 articles shall have been reported.~~

3 (2) UNLESS EXEMPT UNDER SECTION 9, THE SECOND HAND DEALER OR
4 JUNK DEALER SHALL PREPARE AND DELIVER ON MONDAY OF EACH WEEK TO
5 THE CHIEF LAW ENFORCEMENT OFFICER OF THE CITY, TOWNSHIP, OR VIL-
6 LAGE IN WHICH THE BUSINESS IS CARRIED ON, BEFORE 12 NOON, A LEGI-
7 BLE AND CORRECT COPY WRITTEN IN THE ENGLISH LANGUAGE FROM THE
8 BOOK MAINTAINED PURSUANT TO SECTION 4, CONTAINING A DESCRIPTION
9 OF EACH ARTICLE PURCHASED OR RECEIVED DURING THE PRECEDING WEEK,
10 THE HOUR AND DAY WHEN THE PURCHASE WAS MADE, AND THE DESCRIPTION
11 OF THE PERSON FROM WHOM IT WAS PURCHASED. THE SECOND HAND DEALER
12 OR JUNK DEALER SHALL VERIFY THE COPY BY AFFIDAVIT.

13 (3) THIS SECTION DOES NOT APPLY TO OLD RAGS, WASTE PAPER,
14 AND HOUSEHOLD GOODS EXCEPT ELECTRICAL APPLIANCES AND ANY OTHER
15 ELECTRONIC COMPONENTS.

16 (4) THE SECOND HAND DEALER OR JUNK DEALER NEED NOT RETAIN
17 ARTICLES PURCHASED FROM INDIVIDUALS, FIRMS, OR CORPORATIONS
18 HAVING A FIXED PLACE OF BUSINESS AFTER THE ARTICLES HAVE BEEN
19 REPORTED.

20 Sec. 6. ~~If the purchaser or receiver, by exchange or oth-~~
21 ~~erwise, as described in section 3, is a peddler or goes about~~
22 ~~with a wagon to purchase or obtain by exchange or otherwise, any~~
23 ~~of such articles, and~~ UNLESS EXEMPT UNDER SECTION 9, A SECOND
24 HAND DEALER OR JUNK DEALER WHO does not have a FIXED, REGULAR
25 place of business in a building ~~— he~~ need not retain ~~such~~ THE
26 articles for 15 days before selling them IF, ~~provided~~ on Monday
27 of each week, he OR SHE files with the chief ~~of police or chief~~

1 ~~police~~ LAW ENFORCEMENT officer of the city, TOWNSHIP, or village
 2 in which ~~he~~ THE SECOND HAND DEALER OR JUNK DEALER is located ~~a~~
 3 ~~report showing the place of business of the person to whom such~~
 4 ~~sale was made,~~ a copy of the record required by ~~such section to~~
 5 ~~be kept in a separate book~~ SECTION 4 of the articles purchased
 6 or received during the preceding week, ~~including~~ AND a descrip-
 7 tion of ~~such~~ THE articles sold, ~~to whom sold and his place of~~
 8 ~~business~~ AND THE NAME AND PLACE OF BUSINESS OF THE PERSON TO
 9 WHOM THEY WERE SOLD.

10 Sec. 7. ~~No~~ A person shall NOT purchase or receive by
 11 sale, barter, ~~or~~ exchange, or otherwise, any article mentioned
 12 in this act from any person between the hours of 9 p.m. and 7
 13 a.m., nor from any person who is at the time intoxicated or from
 14 an habitual drunkard or from any person known OR SUSPECTED by
 15 ~~said~~ THE second hand ~~dealer~~ or junk dealer to be a thief or
 16 any associate of thieves or receiver of stolen property. ~~or~~
 17 ~~from any person he has reason to suspect of being such.~~

18 SEC. 9. A PERSON, CORPORATION, COPARTNERSHIP, OR FIRM
 19 GRANTED A CERTIFICATE OF REGISTRATION UNDER THE PRECIOUS ITEM AND
 20 SECONDHAND JUNK DEALER ACT, ACT NO. 95 OF THE PUBLIC ACTS OF
 21 1981, BEING SECTIONS 445.481 TO 445.492 OF THE MICHIGAN COMPILED
 22 LAWS, IS EXEMPT FROM THE REPORTING REQUIREMENTS IMPOSED IN
 23 SECTIONS 5(2) AND 6.

24 Section 2. This amendatory act shall not take effect unless
 25 Senate Bill No. ____ or House Bill No. 4718 (request
 26 no. 01054'89) of the 85th Legislature is enacted into law.