

Substitute for HOUSE BILL NO. 2059

By Committee on Corrections and Juvenile Justice

AN ACT concerning business and commerce; relating to the operation of second-hand stores..

Be it enacted by the Legislature of the State of Kansas:

Section !. (a) It shall be unlawful for any person to sell any item to a second-hand store unless such seller presents a valid state-issued driver's license or nondriver's identification card, military identification card or passport containing such seller's name, address, sex, and date of birth to the second-hand store or agent of such second-hand store.

(b) ~~No second-hand dealer may purchase any consumer goods from any person under the age of 18 years. It shall be unlawful for any minor to sell to a second hand store unless such minor is accompanied by such minor's parent or legal guardian who presents a valid state driver's license or or nondriver's identification card, military identification card or passport containing such seller's name, address, sex, and date of birth to the second hand store or agent of such second-hand store.~~

(c) It shall be unlawful for any second-hand store to purchase any item without obtaining information of a seller's, or if the seller is a minor, the seller's parent's or legal guardian's valid state-issued driver's license or non-driver's identification card, military identification card or passport. ~~Identification shall contain~~ containing such seller's or parent's or guardian's name, address, sex and date of birth.

(d) It shall be unlawful for any second-hand store to fail to maintain a register of all purchasing transactions at the time of receipt of such purchased items. Such register shall include all required information for each such transaction and shall be maintained for a period of five years from the date of such transaction. Such register shall be open at all times during normal business hours to peace and law enforcement officers *for the purpose of ensuring compliance with this act.* Such register shall include the following information:

- (1) The time, date and place of transaction;
- (2) the seller's, or if the seller is a minor, the seller's parent's or legal guardian's name, address, sex, and date of birth;

(3) ~~a copy of the seller's, or if the seller is a minor, the seller's parent's or legal guardian's valid state-issued driver's license number or non-driver's identification card number, military identification card or passport or any other government-issued identification; and~~

(4) a general description of the item received, including any serial or identification numbers, *brand and model* names, personal markings and any other identifying physical characteristics.

(e) It shall be unlawful for any second-hand store, or employee or agent thereof, to sell, trade or in any way dispose of, alter or destroy any item *during the hold period* upon *written* notice from a law enforcement agency that there is cause to believe such item has been stolen. Such second-hand store shall hold any item designated by or on behalf of the law enforcement agency for 30 days, ~~exclusive~~ *inclusive* of weekends and holidays.

(f) As used in this act:

(1) "Purchasing transaction" means a transaction in which a second-hand store ~~purchases obtains~~ consumer goods from a seller *whether for consignment or in exchange for cash, store credit, merchandise, or services*; and

(2) "second-hand store" means any business subject to the provisions of article 36 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, that operates in a fixed location and engages *primarily* in the business of buying, selling, *consigning*, or dealing in consumer goods or equipment, such as terms are defined in K.S.A. 2011 Supp. 84-9-102, and amendments thereto, that has been previously owned by another, for the purpose of reselling such goods. "Second-hand store" ~~does~~ *shall* not include ~~consignment-clothing stores, garage sales, flea market transactions in which neither party is an agent of a second-hand store, sale of goods by auction or purchase of goods for resale by auction, organizations granted non-profit groups status by the Internal Revenue Service, vehicle dealers licensed pursuant to K.S.A.8-2403, and~~ amendments thereto, licensed pawnbrokers as defined in K.S.A. 16-706, and amendments thereto, licensed precious metal dealers defined in K.S.A. 16-706, and amendments thereto, scrap metal dealer as defined in K.S.A. 2011 Supp. 50-6.109, and amendments thereto, and junk dealers as defined in subsection (a) of K.S.A. 50-619, and amendments thereto.

(3) "*primarily*" means *value or sales greater than fifty percent of businesses revenue.*

(g) ~~The violation of any provision of this act shall be a class B misdemeanor. Any person, including an employee or agent of the second hand store directly handling such transaction and the owner of operator of such second hand store, violating the provisions of this section shall pay a fine of \$100 on the first occurrence, and \$500 for each subsequent violation.~~

Sec. 2

Sec. 3 This act shall take effect and be in force from and after its publication in the statute book.