

Regular Session, 2012

HOUSE BILL NO. 423

BY REPRESENTATIVE WESLEY BISHOP

SECONDHAND DEALERS: Provides for a waiting period for secondhand sales involving copper

1 AN ACT

2 To amend and reenact R.S. 37:1864.3 and 1867(A), relative to secondhand dealers; to
3 require a secondhand dealer to wait for a period of three days before making
4 payment for property containing copper; to require payment for items containing
5 copper to be made by check mailed to the seller or by electronic transfer; to prohibit
6 a secondhand dealer from immediately disposing of property containing copper; and
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 37:1864.3 and 1867(A) are hereby amended and reenacted to read
10 as follows:

11 §1864.3. Payment by check or money order required; payment for copper

12 A. A secondhand dealer shall not enter into any cash transactions in payment
13 for the purchase of junk or used or secondhand property. Payment shall be made in
14 the form of check, electronic transfers, or money order issued to the seller of the junk
15 or used or secondhand property and made payable to the name and address of the
16 seller.

17 B. Payment for junk or used or secondhand property containing copper shall
18 not be made for a period of three days after the purchase transaction. Payment shall
19 be made by check issued to the seller of the copper, made payable to the name and

1 address of the seller and mailed to the recorded address of the seller, or by electronic
2 transfer.

3 C. All payments made by check, electronic transfers, or money order shall
4 be reported separately in the daily reports required by R.S. 37:1866.

5 * * *

6 §1867. Disposal or changing identity prohibited during thirty-day period; exceptions

7 A. No secondhand dealer shall sell or dispose of or change or destroy the
8 identity of any goods, articles, or things purchased by him before an interval of thirty
9 calendar days from the date of purchase has elapsed. During the thirty calendar days
10 after purchase, a secondhand dealer shall keep the purchased goods, articles, or
11 things on the premises of the secondhand dealer's business location or at such other
12 location within the parish where the secondhand dealer's business is located and the
13 item was purchased. In all instances, a secondhand dealer shall make the item
14 immediately available upon request by a law enforcement agency. Any secondhand
15 dealer may sell, dispose of, change, or destroy any goods, article, or thing not
16 containing copper purchased by him from a client without any delay, provided that
17 the dealer can prove that the client had valid title to the goods, article, or thing of
18 which he intends to dispose.

19 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Wesley Bishop

HB No. 423

Abstract: Requires secondhand dealers to wait three days before providing payment for transactions involving copper and requires the payment to be made by check mailed to the seller or by electronic transfer. Prohibits a secondhand dealer from immediately disposing of property containing copper.

Present law prohibits a secondhand dealer from entering into any cash transactions in payment for the purchase of junk or used or secondhand property. Present law further requires payment to be made in the form of check, electronic transfers, or money order issued to the seller of the junk or used or secondhand property and made payable to the name and address of the seller.

Proposed law retains present law.

Proposed law provides that payment for junk or used or secondhand property containing copper shall not be made for a period of three days after the purchase transaction. Proposed law further requires the payment to be made by check issued to the seller of the property, made payable to the name and address of the seller, and mailed to the recorded address of the seller, or by electronic transfer.

Present law requires all payments made by check, electronic transfers, or money order to be reported separately in the daily reports required by present law.

Proposed law retains present law.

Present law prohibits a secondhand dealer from selling or disposing of or changing or destroying the identity of any goods, articles, or things purchased before an interval of 30 calendar days from the date of purchase has elapsed. Present law further requires a secondhand dealer to keep the purchased goods, articles, or things on the premises of the secondhand dealer's business location or at such other location within the parish where the secondhand dealer's business is located and the item was purchased and to make the item immediately available upon request by a law enforcement agency.

Proposed law retains present law.

Present law authorizes a secondhand dealer to sell, dispose of, change, or destroy any goods, article, or thing purchased from a client without any delay, provided that the dealer can prove that the client had valid title to the goods, article, or thing.

Proposed law excludes items containing copper from those that may be disposed of immediately.

(Amends R.S. 37:1864.3 and 1867(A))