

SENATE No. 171

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. McGee

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to second hand dealers.

PETITION OF:

NAME:

Thomas M. McGee

DISTRICT/ADDRESS:

Third Essex

SENATE No. 171

By Mr. McGee, a petition (accompanied by bill, Senate, No. 171) of Thomas M. McGee for legislation relative to second hand dealers. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 125 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to second hand dealers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 140 of the General Laws is hereby amended by inserting at the end thereof the
2 following:-

3 Section 207. Second-Hand Dealers. The police commissioner of Boston, the license
4 commission of Lowell, the aldermen of any other city, or the selectmen of any town, if
5 ordinances or by-laws therefor have been adopted in such city or town, may license suitable
6 persons to carry on the business of second-hand dealer in such city or town, subject to sections
7 two hundred and two to two hundred and five, inclusive, and may revoke such licenses at
8 pleasure.

9 Section 208. The chief of police of a city, the selectmen of a town, any officer authorized
10 by either of them, or a state police officer may at any time enter upon any premises used by a

11 licensed second-hand dealer for the purposes of his business, ascertain how he conducts his
12 business, and examine all articles purchased or kept or stored in or upon said premises and all
13 books and inventories relating thereto. Every such second-hand dealer, his clerk, agent, servant
14 or other person in charge of the premises shall exhibit to such officer on demand any or all of
15 such articles, books and inventories.

16 Section 209. A licensed second-hand dealer, clerk, agent or other person in charge of
17 such premises who refuses to admit thereto an officer authorized to enter the same, or who fails
18 to exhibit to him on demand all such articles, books and inventories, and any person who wilfully
19 hinders, obstructs or prevents such officer from entering the premises or from making the
20 examination authorized in the preceding section, shall be punished by a fine of not more than
21 two hundred dollars or by imprisonment for not more than one year, or both.

22 Section 210. Whoever, not being licensed, carries on such business or is concerned
23 therein within such town, or, being licensed, carries on such business or is concerned therein in
24 any other place or manner than that designated in his license or after notice to him that his
25 license has been revoked shall be punished by a fine of not more than fifty dollars.

26 Section 211. The fee for a license as a second-hand dealer or renewal thereof shall be
27 established in a town by town meeting action and in a city by city council action, and in a town
28 with no town meeting by town council action, by adoption of appropriate by-laws and ordinances
29 to set such fees, but in no event shall any such fee be greater than one hundred dollars. The
30 licensee shall, at the time of receiving such license, file with the authorities who issue the license
31 a bond to such city or town, in the sum of three hundred dollars, with two sureties approved by

32 such authorities, and conditioned for the faithful performance of the duties and obligations
33 pertaining to the business so licensed.

34 Section 212. Every second-hand dealer shall keep a book in which, at the time of making
35 a purchase, shall be legibly written in the English language an account and description, including
36 all distinguishing marks and numbers, of the articles purchased, the amount of money paid
37 thereon, the time of purchase, and the name and residence of the person selling such articles, and
38 shall furnish a correct record of such transactions, containing all such information, once a week,
39 or oftener if required, to the licensing authorities or to any person designated by them. Every
40 second-hand dealer shall also photograph any person selling articles and keep the photographs
41 with said books as part of his records.

42 Section 213. Said book shall at all reasonable times be open to the inspection of the
43 mayor, of the members of the board of police, of the superintendent of police and deputy
44 superintendents, of the chief inspector of police, of any officer of the state police or of any
45 person authorized by them in writing for that purpose who exhibits such written authority to such
46 second-hand dealer.

47 Section 214. Whoever violates any provision of the 7 preceding sections shall be
48 punished by a fine of not less than fifty nor more than three hundred dollars or by imprisonment
49 for not more than two months, or both.

50 Section 215. Any second-hand dealer who violates the provisions of section 212 in
51 reference to articles purchased which are found to be stolen articles shall be liable for the loss
52 incurred, and the purchased article may be reclaimed by the owner of the same.