



**CITY OF MARQUETTE**  
**APPLICATION FOR JUNK/SECONDHAND DEALER LICENSE**  
**OR**  
**APPLICATION PRECIOUS METALS/GEM DEALER LICENSE**

Michigan Public Act 95 of 1981

Fee: Junk/Secondhand, \$53; Precious Metals/Gems, \$50

**\*\*ATTACH A COPY OF  
YOUR DRIVER'S  
LICENSE TO THIS  
APPLICATION \*\***

Name of Business: \_\_\_\_\_

Address of Business: \_\_\_\_\_

Owner Name(s): \_\_\_\_\_

Owner Address: \_\_\_\_\_

Home/Cell Phone #: \_\_\_\_\_ Business Phone #: \_\_\_\_\_

Applicant DOB: \_\_\_\_\_ State Sales Tax License #: \_\_\_\_\_

\_\_\_\_\_  
 APPLICANT SIGNATURE

\_\_\_\_\_  
 DATE

This section for office use only

\_\_\_\_\_  
 POLICE CHIEF

- Approved
- Denied

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 CITY TREASURER

- Approved
- Denied

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 CITY PLANNING/ZONING ADMINISTRATOR

- Approved
- Denied

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 FIRE CHIEF

- Approved
- Denied

\_\_\_\_\_  
 DATE

### **Marquette Police Second Hand Dealer Report:**

Michigan law, MCL 445.405, requires that all second hand dealers turn in a report to the Chief of Police by 12:00 noon on Monday of each week. This report will include the following;

1. Description of item/items purchased.
2. The time and date the item/items were purchased.
3. A description from whom it was purchased i.e. name, address, phone, and date of birth.

MCL 445.405 also requires second hand dealers to perform the following when purchasing items.

1. Retain purchased or exchanged items for 15 days before disposing of them.
2. Attaching of a tag to purchased or exchanged items with a number that corresponds to the entry number in the book required to be kept by MCL 445.404.

MCL 445.404 requires the second hand dealer to keep a book open for inspection in which the following is written:

1. Description of articles.
2. The name, address, date of birth, and phone of the person who the item was purchased from.
3. The date and time of the transaction

MCL 445.472 requires a finger print be taken from the parties which property was received. The print can be from:

1. The right thumb
2. The left thumb
3. a finger

Attached is a Form for second hand dealers to use in order to assist them in following these laws. The form/forms must be turned into the Marquette Police before 12:00noon every Monday. The forms can also be faxed to 228-0446. If the Form is followed, the only other document that will be needed is a book or ledger on hand at the store that shows the same info that is on the form with a property number that identifies the item recorded in the book and attached to the item. A copy of this form could be kept on hand to prevent writing down the information twice.

Example: When purchasing or obtaining an item, fill out the form. Assign a number and write it down on the form in space provided and then write the number on a tag and affix it to the item. Have person place finger print at the bottom of the form. Make a copy of the form and place it in a binder and send original to Marquette Police.

Any questions please call Det/Captain Mike Kohler at 228-0400.

Thank you

**MARQUETTE POLICE DEPARTMENT  
SECOND HAND DEALER FORM**

Item #: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**Person selling/exchanging item:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

ID type: \_\_\_\_\_ Number: \_\_\_\_\_

BIRTHDATE: \_\_\_\_\_

Description of item: (include model, make, serial number, etc.)

**Finger Print:**

**Finger Used:** \_\_\_\_\_



**CITY OF MARQUETTE  
APPLICATION FOR INDIVIDUAL  
WORKING FOR MERCHANT**

**\*\* ATTACH A COPY OF YOUR DRIVER'S  
LICENSE TO THIS APPLICATION\*\***

Date: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ DOB: \_\_\_\_\_

Name of transient merchant you will be working for: \_\_\_\_\_

Local address: \_\_\_\_\_

\_\_\_\_\_  
APPLICANT SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
This section for office use only

\_\_\_\_\_  
POLICE CHIEF

Approved

Denied

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CITY TREASURER

Approved

Denied

\_\_\_\_\_  
DATE

**THE PRECIOUS METAL AND GEM DEALER ACT**  
**Act 95 of 1981**

AN ACT to regulate the business of buying and receiving gold, silver, platinum, gems, jewelry, and other precious items; to provide powers to certain state and local officers and agencies with respect to such regulation; to provide for the registration of precious metal and gem dealers; to provide for civil damages; and to prescribe penalties.

**History:** 1981, Act 95, Eff. Sept. 11, 1981.

*The People of the State of Michigan enact:*

**445.481 Short title.**

Sec. 1. This act shall be known and may be cited as "the precious metal and gem dealer act".

**History:** 1981, Act 95, Eff. Sept. 11, 1981.

**445.482 Definitions.**

Sec. 2. As used in this act:

(a) "Agent or employee" means a person who, for compensation or valuable consideration, is employed either directly or indirectly by a dealer.

(b) "Dealer" means any person, corporation, partnership, or association, which, in whole or in part, engages in the ordinary course of repeated and recurrent transactions of buying or receiving precious items from the public within this state.

(c) "Gold" means elemental gold having an atomic weight of 196.967 and the chemical element symbol of Au, whether found by itself or in combination with its alloys or any other metal.

(d) "Internet drop-off store" means a person, corporation, or firm that contracts with other persons, corporations, or firms to offer its precious items for sale, purchase, consignment, or trade through means of an internet website and meets the conditions described in section 3(3).

(e) "Jewelry" means an ornamental item made of a material that includes a precious gem.

(f) "Local governmental unit" means a city, village, township, or county.

(g) "Local police agency" means the police agency of the city, village, or township, or if none, the county sheriff of the county, in which the dealer or internet drop-off store conducts business.

(h) "Platinum" means elemental platinum having an atomic weight of 195.09 and the chemical element symbol of Pt, whether found by itself or in combination with its alloys or any other metal.

(i) "Precious gem" means a diamond, alexandrite, ruby, sapphire, opal, amethyst, emerald, aquamarine, morganite, garnet, jadeite, topaz, tourmaline, turquoise, or pearl.

(j) "Precious item" means jewelry, a precious gem, or an item containing gold, silver, or platinum. Precious item does not include the following:

(i) Coins, commemorative medals, and tokens struck by, or in behalf of, a government or private mint.

(ii) Bullion bars and discs of the type traded by banks and commodity exchanges.

(iii) Items at the time they are purchased directly from a dealer registered under this act, a manufacturer, or a wholesaler who purchased them directly from a manufacturer.

(iv) Industrial machinery or equipment.

(v) An item being returned to or exchanged at the dealer where the item was purchased and that is accompanied by a valid sales receipt.

(vi) An item which is received for alteration, redesign, or repair in a manner that does not substantially change its use and returned directly to the customer.

(vii) An item which does not have a jeweler's identifying mark or a serial mark and which the dealer purchases for less than \$5.00.

(viii) Scrap metal which contains incidental traces of gold, silver, or platinum that are recoverable as a by-product.

(ix) Jewelry which a customer trades for other jewelry having a greater value, and which difference in value is paid by the customer.

(k) "Silver" means elemental silver having an atomic weight of 107.869 and the chemical element symbol of Ag, whether found by itself or in combination with its alloys or any other metal.

**History:** 1981, Act 95, Eff. Sept. 11, 1981;—Am. 1990, Act 34, Eff. May 1, 1990;—Am. 2006, Act 295, Imd. Eff. July 20, 2006.

**445.483 Dealer; certificate of registration required; internet drop-off store exempt from registration; application; fee; disclosures; dealer, agent, or employee convicted of**

**misdemeanor or felony; compliance with local ordinances; issuance and posting of certificate; notification of change in name or address.**

Sec. 3. (1) A dealer shall not conduct business in a local governmental unit in this state unless the dealer has obtained a valid certificate of registration from that local governmental unit or local police agency.

(2) This section does not require an internet drop-off store complying with subsection (3), or a person engaged in the sale, purchase, consignment, or trade of precious items for himself or herself, to obtain a registration under this act.

(3) An internet drop-off store in compliance with the following conditions is exempt from registration as a dealer under this act:

(a) Has a fixed place of business within this state except that he or she exclusively transacts all purchases or sales by means of the internet and the purchases and sales are not physically transacted on the premises of that fixed place of business.

(b) Has the personal property or other valuable thing available on a website for viewing by photograph, if available, by the general public at no charge, which website shall be searchable by zip code or state, or both. The website viewing shall include, as applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.

(c) Maintains records of the sale, purchase, consignment, or trade of the personal property or other valuable thing for at least 2 years, which records shall contain a description, including a photograph, if available, and, if applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.

(d) Provide the local police agency with any name under which it conducts business on the website and access to the business premises at any time during normal business hours for purposes of inspection.

(e) Within 24 hours after a request from a local police agency, provide an electronic copy of the seller's or consignor's name, address, telephone number, driver license number and issuing state, the buyer's name and address if applicable, and a description of the personal property or other valuable thing as described in subdivision (c). The provision of information shall be in a format acceptable to the local police agency but shall at least be in a legible format and in the English language.

(f) Provide that payment for the personal property or other valuable thing is executed by means of check or other electronic payment system, so long as the payment is not made in cash. No payment shall be provided to the seller until the item is sold.

(g) Immediately remove the personal property or other valuable thing from the website if the local police agency determines that the personal property or other valuable thing is stolen.

(4) A dealer shall apply to the local police agency for a certificate of registration, and pay a fee not to exceed \$50.00 to cover the reasonable cost of processing and issuing the certificate of registration, by disclosing the following information:

(a) The name, address, and thumbprint of the applicant.

(b) The name and address under which the applicant does business.

(c) The name, address, and thumbprint of all agents or employees of the dealer. Within 24 hours after hiring a new employee, the dealer shall forward to the local police agency the name, address, and thumbprint of the new employee.

(5) A dealer or an agent or employee of a dealer who is convicted of a misdemeanor under this act or under section 535 of the Michigan penal code, 1931 PA 328, MCL 750.535, shall not be permitted to operate as a dealer within this state for a period of 1 year after conviction.

(6) A dealer or an agent or employee of a dealer who is convicted of a felony under this act or under section 535 of the Michigan penal code, 1931 PA 328, MCL 750.535, shall not be permitted to operate as a dealer within this state for a period of 5 years after the conviction.

(7) This act shall not be construed to excuse a dealer from complying with the local zoning ordinance or any local ordinance regulating commercial activities. However, a local government may not pass an ordinance, or enforce an existing ordinance, that provides additional standards which must be met before the issuance of a certificate of registration.

(8) Upon receipt of the application described in subsection (4), the local police agency shall issue a certificate of registration in accordance with this section.

(9) Upon receipt of the certificate of registration from the local police agency, the dealer shall post it in a conspicuous place in the dealer's place of business.

(10) Not less than 10 days before a dealer changes the name or address under which the dealer does business, the dealer shall notify the local police agency of the change.

**History:** 1981, Act 95, Eff. Sept. 11, 1981;—Am. 2006, Act 295, Imd. Eff. July 20, 2006.

**445.484 Permanent record of each transaction; forms; copies; information required; numbering; sending copy of record of transaction form to police agency or sheriff's department; inspection; confidentiality; retention period; size of form; definition.**

Sec. 4. (1) A dealer shall maintain a permanent record of each transaction, on record of transaction forms provided for in subsection (6), legibly written in ink in the English language. Each record of transaction form shall be filled out in quadruplicate by the dealer or agent or employee of the dealer. One copy of the form shall go to the appropriate police agency or sheriff's department pursuant to subsection (3); 1 copy shall go to the customer; and 1 copy shall be retained by the dealer pursuant to subsection (5). At the time a dealer receives or purchases a precious item, the dealer or the agent or employee of the dealer shall insure that the following information is recorded accurately on a record of transaction form:

(a) The dealer certificate of registration number.

(b) A general description of the precious item or precious items received or purchased, including the type of metal or precious gem. In the case of watches, the description shall contain the name of the maker and the number of both the works and the case. In the case of jewelry, all letters and marks inscribed on the jewelry shall be included in the description.

(c) The date of the transaction.

(d) The name of the person conducting the transaction.

(e) The name, date of birth, driver's license number or state of Michigan personal identification card number, and street and house number of the customer, together with a legible imprint of the right thumb of the customer, or if that is not possible, of the left thumb or a finger of the customer. However, the thumbprint or fingerprint shall only be required on the record of transaction form retained by the dealer. The thumbprint or fingerprint shall be made available to a police agency during the course of a police investigation involving a precious item or items described on the record of transaction. After a period of 1 year from the date of the record of transaction, if a police investigation concerning a precious item or items described on the record of transaction has not occurred, the dealer and any police agency or sheriff's department holding a copy of the record of transaction shall destroy, and not keep a permanent record of, the record of transaction. A dealer who goes out of business or changes his or her business address to another local jurisdiction either within or out of this state shall transmit the records of all transactions made by the dealer within 1 year before his or her closing or moving, to the local police agency.

(f) The price to be paid by the dealer for the precious item or precious items.

(g) The form of payment made to the customer; check, money order, bank draft, or cash. If the payment is by check, money order, or bank draft, the dealer shall indicate the number of the check, money order, or bank draft.

(h) The customer's signature.

(2) The record of each transaction shall be numbered consecutively, commencing with the number 1 and the calendar year.

(3) Within 48 hours after receiving or purchasing a precious item, the dealer shall send a copy of the record of transaction form to the local police agency and, if the record of transaction form indicates that the customer resides outside the jurisdiction of the local police agency, shall send a copy of the record of transaction form to the police agency of the city, village, or township in which the customer resides as set forth on the record of transaction, or, if that city, village, or township does not have a police agency, to the sheriff's department of the county in which the customer resides as set forth on the record of transaction. The record of transaction forms received by a police agency or sheriff's department shall not be open to inspection by the general public. Each police agency or sheriff's department holding record of transaction forms shall be responsible for insuring the confidentiality of the record of transaction forms and insuring that the record of transaction forms are used only for the purpose for which they were received.

(4) The record of transaction forms of a dealer and each precious item received shall be open to an inspection by the county prosecuting attorney, the local police agency, the police agency or sheriff's department of the local governmental unit in which the customer resides, and the Michigan state police, at all times during the ordinary business hours of the dealer. As a condition of doing business, a dealer is considered to have given consent to the inspection prescribed by this subsection. The record of transaction forms of a dealer shall not be open to inspection by the general public.

(5) Except as otherwise provided in this section, each record of a transaction shall be retained by the dealer for not less than 1 year after the transaction to which the record pertains.

(6) The form of the record of transaction shall have an 8-1/2 by 11 inch size and shall be as follows:

"Record of Transaction

Dealer Certificate # \_\_\_\_\_ # \_\_\_\_\_

	(Printed on the form)		(Transaction number printed on the form)
(1) Description of Property - _____			
<hr/>			
<hr/>			
<hr/>			
(2) _____, 19____	(3) _____		
(Date)	(Name of Dealer/Employee)		
(4) _____,	_____ 19__		
(Name of Customer)	(Date of Birth)		
_____,	_____		
(Driver's license No./ Mich. Personal ID Number)	(Street Address)		
		(City & State)	(Zip)
(5) _____	_____		
(Price Paid)	(County of Residence)		
(6) _____			
(Check no., bank draft no., money order no., or cash)			
<hr/>			
(Name of police agency of city, village, or township in which customer resides)			
Thumbprint _____		" _____ "	
		(Signature of Customer)	

(7) As used in this section, "customer" means the person from whom the dealer or the agent or employee of the dealer receives or purchases a precious item.

**History:** 1981, Act 95, Eff. Sept. 11, 1981;—Am. 1990, Act 34, Eff. May 1, 1990.

**445.485 Retaining precious item for 9 calendar days; alteration.**

Sec. 5. A precious item received by a dealer shall be retained by the dealer for 9 calendar days after it was received, without any form of alteration other than that required to make an accurate appraisal of its value.

**History:** 1981, Act 95, Eff. Sept. 11, 1981;—Am. 1990, Act 34, Eff. May 1, 1990.

**445.486 Prohibited conduct.**

Sec. 6. A dealer or an agent or employee of a dealer shall not:

(a) Knowingly receive or purchase a precious item from any person who is less than 18 years of age or any person known by the dealer or agent or employee of the dealer to have been convicted of theft or receipt of stolen property within the preceding 5 years, whether the person is acting in his or her own behalf or as the agent of another.

(b) Knowingly receive or purchase a precious item from a person unless that person presents a valid driver's license or a valid state of Michigan personal identification card.

**History:** 1981, Act 95, Eff. Sept. 11, 1981.

**445.487 Failure to make entry in records as misdemeanor or felony; penalty.**

Sec. 7. (1) A dealer or an agent or employee of a dealer who knowingly fails to make an entry of any material matter in his or her records kept as required by section 4 is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of \$1,000.00, or both.

(2) A dealer or an agent or employee of a dealer who knowingly violates subsection (1) a subsequent time is guilty of a felony, punishable by imprisonment for not more than 2 years, or a fine of \$5,000.00, or both.

**History:** 1981, Act 95, Eff. Sept. 11, 1981.

**445.488 Violation of MCL 445.483(7) or (8) or 445.484(1)(e), (3), (4), or (5) as misdemeanor or felony; penalty.**

Sec. 8. (1) A dealer who knowingly violates section 3(7), 3(8), 4(1)(e), 4(3), 4(4), or 4(5) is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of \$1,000.00, or both.

(2) A dealer who violates section 3(7), 3(8), 4(1)(e), 4(3), 4(4), or 4(5) a subsequent time is guilty of a felony, punishable by imprisonment for not more than 2 years, or a fine of \$5,000.00, or both.

**History:** 1981, Act 95, Eff. Sept. 11, 1981.

**445.489 Conduct constituting felony; penalty.**

Sec. 9. A dealer or an agent or employee of a dealer who does any of the following is guilty of a felony, punishable by imprisonment for not more than 2 years, or a fine of \$5,000.00, or both:

- (a) Totally fails to record a transaction on a record of transaction form as required by section 4.
- (b) Knowingly falsifies the records kept as required by section 4.
- (c) Violates section 6.

**History:** 1981, Act 95, Eff. Sept. 11, 1981.

**445.490 Violation of MCL 445.483(1) or 445.485 as felony; penalty.**

Sec. 10. A dealer who violates section 3(1) or 5 is guilty of a felony, punishable by imprisonment for not more than 2 years, or a fine of \$5,000.00, or both.

**History:** 1981, Act 95, Eff. Sept. 11, 1981.

**445.491 Action against dealer; grounds; damages, costs, and attorneys' fees.**

Sec. 11. A person who has a precious item stolen, embezzled, or converted from him or her may bring an action for 3 times the amount of the damages, costs of suit, and reasonable attorneys' fees against any dealer who, by himself or herself or through his or her agent or employee, received or purchased the precious item knowing it was stolen, embezzled, or converted.

**History:** 1981, Act 95, Eff. Sept. 11, 1981.

**445.492 Effective date.**

Sec. 12. This act shall take effect 60 days after it is enacted into law.

**History:** 1981, Act 95, Eff. Sept. 11, 1981.

**SECONDHAND DEALERS AND JUNK DEALERS**  
**Act 350 of 1917**

AN ACT to regulate and license second hand dealers and junk dealers; and to prescribe penalties for the violation of the provisions of this act.

**History:** 1917, Act 350, Imd. Eff. May 10, 1917;—Am. 1939, Act 15, Eff. Sept. 29, 1939.

*The People of the State of Michigan enact:*

**445.401 Second hand or junk dealer; license required; internet drop-off store exempt from licensure; articles of nonferrous metals; compliance required.**

Sec. 1. (1) A person, corporation, copartnership, or firm shall not carry on the business of dealer in second hand goods or junk dealer in any of the counties, cities, or villages of this state without having first obtained, from the mayor of the city or the chief executive officer of the county or village where the business is to be carried on, a license under this act authorizing that person, corporation, copartnership, or firm to carry on that business.

(2) This section does not require an internet drop-off store complying with subsection (3), or a person engaged in the sale, purchase, consignment, or trade of personal property or other valuable thing for himself or herself, to obtain a license under this act.

(3) An internet drop-off store in compliance with the following conditions is exempt from licensure as a second hand dealer or junk dealer under this act:

(a) Has a fixed place of business within this state except that he or she exclusively transacts all purchases or sales by means of the internet and the purchases and sales are not physically transacted on the premises of that fixed place of business.

(b) Has the personal property or other valuable thing available on a website for viewing by photograph, if available, by the general public at no charge, which website shall be searchable by zip code or state, or both. The website viewing shall include, as applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.

(c) Maintains records of the sale, purchase, consignment, or trade of the personal property or other valuable thing for at least 2 years, which records shall contain a description, including a photograph, if available, and, if applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.

(d) Provide the local law enforcement agency with any name under which it conducts business on the website and access to the business premises at any time during normal business hours for purposes of inspection.

(e) Within 24 hours after a request from a local law enforcement agency, provide an electronic copy of the seller's or consignor's name, address, telephone number, driver license number and issuing state, the buyer's name and address if applicable, and a description of the personal property or other valuable thing as described in subdivision (c). The provision of information shall be in a format acceptable to the local law enforcement agency but shall at least be in a legible format and in the English language.

(f) Provide that payment for the personal property or other valuable thing is executed by means of check or other electronic payment system, so long as the payment is not made in cash. No payment shall be provided to the seller until the item is sold.

(g) Immediately remove the personal property or other valuable thing from the website if the local law enforcement agency determines that the personal property or other valuable thing is stolen.

(4) This section does not exempt a person purchasing or selling articles of nonferrous metals from compliance with the nonferrous metal regulatory act.

**History:** 1917, Act 350, Imd. Eff. May 10, 1917;—CL 1929, 9758;—Am. 1931, Act 127, Imd. Eff. May 19, 1931;—CL 1948, 445.401;—Am. 2006, Act 294, Imd. Eff. July 20, 2006;—Am. 2006, Act 675, Eff. Mar. 30, 2007;—Am. 2008, Act 432, Eff. Apr. 1, 2009

**445.402 Second hand or junk dealer; license, issuance; terms; transferability; fee; inspection.**

Sec. 2. (1) The mayor of a city or chief executive officer of a county or village may grant to any person, corporation, copartnership, or firm, a license authorizing that person, corporation, copartnership, or firm to carry on the business of a second hand dealer or junk dealer subject to the provisions of this act.

(2) The license shall designate the particular place where that person, corporation, copartnership, or firm shall carry on that business. The business shall be conducted only in the place designated in the license.

(3) The license shall be for the period of 1 year from date of issuance unless sooner revoked for cause and is not transferable. The legislative body of any city, or the trustees and chief executive officer of any county or village, shall establish the fee for the processing and issuance of the license in accordance with its charter or local ordinance, based upon the cost of issuance and administration of that license.

(4) The city, village, or county may inspect the premises of a licensed second hand or junk dealer during normal business hours.

**History:** 1917, Act 350, Imd. Eff. May 10, 1917;—CL 1929, 9759;—CL 1948, 445.402;—Am. 2006, Act 675, Eff. Mar. 30, 2007;—Am. 2008, Act 432, Eff. Apr. 1, 2009.

#### **445.403 Definitions.**

Sec. 3. As used in this act:

(a) "Automotive recycler" means a person who engages in business primarily for the purpose of selling retail salvage vehicle parts and secondarily for the purpose of selling retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal or a person employed as a salvage vehicle agent as that term is defined in section 56c of the Michigan vehicle code, 1949 PA 300, MCL 257.56c.

(b) "Industrial scrap" means materials that are a direct product or by-product of any form of manufacturing, shaping, or cutting process from a person, company, corporation, copartnership, or firm whose principal business is the manufacturing, shaping, or cutting of materials at a fixed place of business.

(c) "Internet drop-off store" means a person, corporation, or firm that contracts with other persons, corporations, or firms to offer its personal property or other valuable thing for sale, purchase, consignment, or trade through means of an internet website and meets the conditions described in section 1(3).

(d) "Local law enforcement agency" means the police agency of the city, village, or township, or if none, the county sheriff of the county in which the internet drop-off store conducts business.

(e) "Scrap processor" means a person, utilizing machinery and equipment and operating from a fixed location, whose principal business is the processing and manufacturing of iron, steel, nonferrous metals, paper, plastic, or glass, into prepared grades of products suitable for consumption by recycling mills, foundries, and other scrap processors.

(f) "Second hand dealer" or "junk dealer" means any person, corporation, or member or members of a copartnership or firm whose principal business is that of purchasing, selling, exchanging, storing, or receiving second hand articles of any kind, scrap metals, cast iron, old iron, old steel, tool steel, aluminum, copper, brass, lead pipe or tools, or lighting and plumbing fixtures. Second hand dealer or junk dealer does not include a scrap processor, an automotive recycler, or a junkyard that deals principally in industrial scrap and is licensed by a city, village, or county.

**History:** 1917, Act 350, Imd. Eff. May 10, 1917;—CL 1929, 9760;—Am. 1939, Act 15, Eff. Sept. 29, 1939;—CL 1948, 445.403;—Am. 2006, Act 294, Imd. Eff. July 20, 2006;—Am. 2006, Act 675, Eff. Mar. 30, 2007.

#### **445.404 Second hand or junk dealer; sign; prerequisites; record; inspection.**

Sec. 4. (1) A second hand dealer or junk dealer shall post in a conspicuous place in or upon its place of business a sign having its name and occupation.

(2) A second hand or junk dealer shall make and maintain a separate book or other written or electronic record, numbered consecutively, and open to inspection by a member of a local law enforcement agency and the Michigan state police, in which shall be written or entered in the English language at the time of the purchase or exchange of any article a description of the article, and all of the following:

(a) The name, description, fingerprint, operator's or chauffeur's license or state identification number, registration plate number, and address of the person from whom the article was purchased and received. The second hand dealer or junk dealer shall make a copy of the operator's license, chauffeur's license, or state identification card as part of the book or record.

(b) The day and hour the purchase or exchange was made.

(c) The location from which the item was obtained.

(d) Payment for an item shall be made only by check or by an electronic payment system. The record shall indicate the method of payment.

**History:** 1917, Act 350, Imd. Eff. May 10, 1917;—CL 1929, 9761;—CL 1948, 445.404;—Am. 2006, Act 675, Eff. Mar. 30, 2007;—Am. 2008, Act 428, Eff. Apr. 1, 2009.

#### **445.405 Second hand or junk dealer; articles purchased or exchanged; retention; tagging; record; requirements; exceptions.**

Sec. 5. (1) The articles purchased or exchanged shall be retained by the purchaser for at least 15 days before disposing of them, in an accessible place in the building where the articles are purchased and received.

A tag shall be attached to the articles in some visible and convenient place, with the number written thereupon, to correspond with the entry number in the book or other record.

(2) The purchaser shall prepare and deliver on Monday of each week to the chief of police or chief law enforcement officer of the local unit of government in which that business is carried on, before 12 noon, a legible and correct paper or electronic copy, in the English language, from the book or other written or electronic record, containing a description of each article purchased or received during the preceding week, the hour and day when the purchase was made, the description of the person from whom it was purchased, and a copy of the documentation required under section 4 regarding the person from whom it was purchased. The statement shall be verified in a manner acceptable to the chief of police or chief law enforcement officer.

(3) This section does not apply to old rags, waste paper, and household goods except radios, televisions, record players, and electrical appliances and does not require the purchaser to retain articles purchased from individuals, firms, or corporations having a fixed place of business after those articles shall have been reported.

**History:** 1917, Act 350, Imd. Eff. May 10, 1917;—CL 1929, 9762;—CL 1948, 445.405;—Am. 1961, Act 35, Eff. Sept. 8, 1961;—Am. 2006, Act 675, Eff. Mar. 30, 2007;—Am. 2008, Act 428, Eff. Apr. 1, 2009.

#### **445.406 Second hand or junk dealer; person without business place; retention of goods, record for police.**

Sec. 6. If the purchaser or receiver, by exchange or otherwise, as described in section 3, is a peddler or goes about with a wagon to purchase or obtain by exchange or otherwise, any of such articles, and does not have a place of business in a building, he need not retain such articles for 15 days before selling them, provided on Monday of each week he files with the chief of police or chief police officer of the city or village in which he is located a report showing the place of business of the person to whom such sale was made; a copy of the record required by such section to be kept in a separate book of the articles purchased or received during the preceding week, including a description of such articles sold, to whom sold and his place of business.

**History:** 1917, Act 350, Imd. Eff. May 10, 1917;—CL 1929, 9763;—CL 1948, 445.406.

#### **445.407 Second hand or junk dealer; unlawful purchases.**

Sec. 7. No person shall purchase or receive by sale, barter or exchange or otherwise, any article mentioned in this act from any person between the hours of 9 p.m. and 7 a.m., nor from any person who is at the time intoxicated or from an habitual drunkard or from any person known by said second hand dealer or junk dealer to be a thief or any associate of thieves or receiver of stolen property or from any person he has reason to suspect of being such.

**History:** 1917, Act 350, Imd. Eff. May 10, 1917;—CL 1929, 9764;—CL 1948, 445.407.

#### **445.408 Violation of act; penalties; remedies.**

Sec. 8. (1) Except as otherwise provided for in this section, a person who violates this act is guilty of a misdemeanor and shall be imprisoned for not more than 6 months and shall be fined not less than \$500.00 or more than \$1,000.00.

(2) A second hand or junk dealer who buys or sells scrap metal, knowing that it is stolen, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both. The penalties imposed under this subsection apply only to a first violation of this subsection.

(3) A second hand or junk dealer who buys or sells stolen scrap metal knowing that it was stolen is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both. The penalties imposed under this subsection apply to a second or subsequent violation.

(4) The license of a person, corporation, copartnership, or firm that is found guilty of violating any of the provisions of this act shall be considered to be revoked upon entry of a conviction and such person, corporation, copartnership, or firm shall not be permitted to carry on the business of being a second hand or junk dealer within this state for a period of 1 year after that conviction.

(5) The remedies under this act are independent and cumulative. The use of 1 remedy by a person does not bar the use of other lawful remedies by that person or the use of a lawful remedy by another person.

**History:** 1917, Act 350, Imd. Eff. May 10, 1917;—CL 1929, 9765;—CL 1948, 445.408;—Am. 2006, Act 675, Eff. Mar. 30, 2007;—Am. 2008, Act 428, Eff. Apr. 1, 2009.