SENATE DOCKET, NO. 745 FILED ON: 1/17/2013

SENATE . . . . . No. 125

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 passage of the accompanying:

An Act relative to second hand dealers..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas M. McGee	*Third Essex*

SENATE DOCKET, NO. 745 FILED ON: 1/17/2013

SENATE . . . . . No. 125

By Mr. McGee, a petition (accompanied by bill, Senate, No. 125) 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. *120* OF 2011-2012.]

The Commonwealth of Massachusetts

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

Section 208. The chief of police of a city, the selectmen of a town, any officer authorized by either of them, or a state police officer may at any time enter upon any premises used by a licensed second-hand dealer for the purposes of his business, ascertain how he conducts his business, and examine all articles purchased or kept or stored in or upon said premises and all books and inventories relating thereto. Every such second-hand dealer, his clerk, agent, servant or other person in charge of the premises shall exhibit to such officer on demand any or all of such articles, books and inventories.

Section 209. A licensed second-hand dealer, clerk, agent or other person in charge of such premises who refuses to admit thereto an officer authorized to enter the same, or who fails to exhibit to him on demand all such articles, books and inventories, and any person who wilfully hinders, obstructs or prevents such officer from entering the premises or from making the

examination authorized in the preceding section, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than one year, or both.

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therein in any other place or manner than that designated in his license or after notice to him that his license has been revoked shall be punished by a fine of not more than fifty dollars.

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

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

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

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

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