

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 1. (a) It shall be unlawful for any person to sell any item to a second-hand store unless such seller presents a valid identification card to the second-hand store or agent of such second-hand store.

(b) It shall be unlawful for any minor to sell any item to a second-hand store unless such minor is accompanied by such minor's parent or legal guardian who presents a valid identification card 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 or viewing a seller's, or if the seller is a minor, the seller's parent's or legal guardian's valid identification card.

(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. Such register shall include the following information:

- (1) The time, date and place of the 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) if the value of the consideration given to the seller is greater than \$100, a copy of

the seller's, or if the seller is a minor, the seller's parent's or legal guardian's valid identification card, or if the value of the consideration given was no greater than \$100, the seller's identification card type and number; and

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

(e) It shall be unlawful for any second-hand store, or employee or agent thereof, to sell, trade, return or in any way dispose of, alter or destroy any item within 30 days of receiving notice from a law enforcement agency that there is cause to believe such item has been stolen. Such notice shall be provided in writing. Such second-hand store shall hold any item designated by or on behalf of the law enforcement agency for 30 days.

(f) As used in this act:

(1) "Purchase" means any transaction in which a second-hand store acquires a tangible item, other than a firearm, from a seller for consideration of any kind;

(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 in the business of buying, selling, or dealing in consumer goods or equipment, as such 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 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 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 as defined in K.S.A. 16-706, and amendments thereto, scrap metal dealers 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) "sell" means any transaction in which a seller exchanges a tangible item, other than a firearm, for consideration of any kind; and

(4) "valid identification card" means an unexpired state or government-issued identification card, including, but not limited to, a driver's license, nondriver's identification card, military identification card or passport.

(g) Any person, including an employee or agent of the second-hand store directly handling such transaction and the owner or operator of such second-hand store, violating the provisions of this section shall pay a fine of \$100 on the first violation and \$500 for each subsequent violation.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.