

2019 Regular Session

HOUSE BILL NO. 613 (Substitute for House Bill No. 233 by Representative Wright)

BY REPRESENTATIVE WRIGHT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SECONDHAND DEALERS: Provides relative to the types of payments accepted by secondhand dealers

1 AN ACT

2 To amend and reenact R.S. 37:1864.3, relative to the transactions of secondhand dealers; to
3 provide for precious metals; to provide for other metals; to remove restrictions
4 relative to the buying and selling of precious metals and other metals by secondhand
5 dealers; to provide for limitations; to provide for multiple transactions; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:1864.3 is hereby amended and reenacted to read as follows:

9 §1864.3. Payment by check for copper; or aluminum-copper air conditioning coils; ~~precious~~
10 ~~metals, or other metals~~ required; check cashing prohibited; penalties

11 A.~~(1)~~ A secondhand dealer shall not enter into any cash transactions in payment for
12 the purchase of copper or aluminum-copper air conditioning coils. Payment for copper or
13 aluminum-copper air conditioning coils shall be made in the form of a check made payable
14 to the seller of the copper or aluminum-copper air conditioning coils and mailed to the
15 address recorded on the photo identification of the seller no earlier than five business days
16 after the date of the transaction.

17 ~~(2) A secondhand dealer shall not enter into any cash transactions in payment for the~~
18 ~~purchase of any precious metal object. Payment for a precious metal object shall be made~~
19 ~~in the form of a check made payable to the seller of the metal.~~

1 ~~(3) A secondhand dealer shall not enter into any cash transactions in excess of three~~
2 ~~hundred dollars in payment for the purchase of metal property other than copper, aluminum-~~
3 ~~copper air conditioning coils, or a precious metal object. Payments in excess of three~~
4 ~~hundred dollars for metals other than copper, aluminum-copper air conditioning coils, or a~~
5 ~~precious metal object shall be made in the form of a check made payable to the name and~~
6 ~~address of the seller and may be tendered to the seller at the time of the transaction. The~~
7 ~~secondhand dealer, at his discretion, may make payment by either cash or other method for~~
8 ~~transactions of three hundred dollars or less for all metals other than copper or aluminum-~~
9 ~~copper air conditioning coils, or a precious metal object.~~

10 B. All payments made by check shall be reported separately in the daily reports
11 required by R.S. 37:1866.

12 ~~C.(1) No secondhand dealer shall allow a seller to engage in multiple transactions~~
13 ~~within a twenty-four hour period totaling more than three hundred dollars for the purpose~~
14 ~~of circumventing this Section.~~

15 ~~(2)~~ No secondhand dealer shall cash, offer to cash, or provide the means for
16 exchanging for cash a check issued to a seller pursuant to this Section on the premises of the
17 secondhand dealer's place of business, including but not limited to the use of an automatic
18 teller machine.

19 D. Violations of this Section shall be subject to the penalties provided for in R.S.
20 37:1869 and 1870.

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)]

HB 613 Original

2019 Regular Session

Wright

Abstract: Removes restrictions relative to the buying and selling of precious metals and other metals by secondhand dealers.

Present law requires that payment for copper or aluminum-copper air conditioning coils from a secondhand dealer be made by check payable to the seller. Further requires that the check be mailed to address on the seller's photo identification no earlier than 5 business days after the transaction. Proposed law retains present law.

Present law prohibits a secondhand dealer from entering into any cash transactions in payment for the purchase of any precious metal object.

Proposed law repeals present law.

Present law requires payment for a precious metal object to be made in the form of a check made payable to the seller of the metal.

Proposed law repeals present law.

Present law prohibits a secondhand dealer from entering into any cash transactions, in excess of \$300 in payment for the purchase of metal property other than copper, aluminum-copper air conditioning coils, or a precious metal object.

Proposed law repeals present law.

Present law requires payments in excess of \$300 for metals other than copper, aluminum-copper air conditioning coils, or a precious metal object to be made in the form of a check made payable to the name and address of the seller and allows the payment to be made to the seller at the time of the transaction.

Proposed law repeals present law.

Present law requires all check payments to be reported in the daily reports required by present law.

Proposed law retains present law.

Present law prohibits any secondhand dealer from allowing a seller to engage in multiple transactions within a 24-hour period totaling more than \$300 for the purposes of circumventing present law.

Proposed law repeals present law.

Present law prohibits a secondhand dealer from engaging in any check cashing activity for a check issued to a seller at the second-hand dealer's place of business.

Proposed law retains present law.

Present law provides for penalties.

Proposed law retains present law.

(Amends R.S. 37:1864.3)