

Regular Session, 2012

HOUSE BILL NO. 1187 (Substitute for House Bill No. 751 by Representative Richardson)

BY REPRESENTATIVES RICHARDSON, ADAMS, ANDERS, ARMES, BARROW, BERTHELOT, BROWN, COX, HARRIS, HARRISON, HOFFMANN, HONORE, HOWARD, LEBAS, LOPINTO, JAY MORRIS, NORTON, PIERRE, PONTI, POPE, PYLANT, REYNOLDS, SCHEXNAYDER, ST. GERMAIN, AND THIBAUT AND SENATORS APPEL, CORTEZ, THOMPSON, AND WHITE

1 AN ACT

2 To amend and reenact R.S. 37:1861(B)(introductory paragraph), (2), and (5), 1862(A),  
3 1864.1(A), 1864.2(C), and 1864.3, to enact R.S. 37:1861(B)(6), and to repeal R.S.  
4 37:1862(B), 1864(A)(1)(d), 1864.1(C)(2), and 1867(B), relative to used or  
5 secondhand property; to prohibit cash payment for the purchase of copper; to  
6 establish a maximum cash payment for metals other than copper; to require an  
7 occupational license to act as a secondhand dealer; to require photographic records  
8 of certain goods upon request of law enforcement; to exempt the purchase of  
9 educational course materials; to repeal the exemption for tires and rims; to repeal the  
10 requirement that secondhand dealers record the license plate of a seller; and to  
11 provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 37:1861(B)(introductory paragraph), (2), and (5), 1862(A),  
14 1864.1(A), 1864.2(C), and 1864.3 are hereby amended and reenacted and R.S.  
15 37:1861(B)(6) is hereby enacted to read as follows:

16 §1861. "Secondhand dealer" defined

17 \* \* \*

18 B. Except as provided for in ~~R.S. 37:1864.3 and 1869.1~~, R.S. 37:1869.1, the  
19 provisions of this Part shall not apply to:

20 \* \* \*



1 §1864.1. Photographic and other records; exceptions

2 A.(1) In addition to the information required in R.S. 37:1864, every  
3 secondhand dealer shall ~~be required to~~ obtain a photograph of a person selling or  
4 delivering merchandise or articles to the dealer if the fair market value of the  
5 merchandise is one hundred dollars or greater. The quality of such photograph shall  
6 be sufficient readily to identify the person depicted. In lieu of the photograph of the  
7 person selling or delivering the merchandise, the dealer may obtain either a  
8 thumbprint of such person, the quality of which thumbprint shall be sufficient to  
9 identify the person, or a photocopy of the person's Louisiana driver's license, driver's  
10 license from another state, passport, military identification, or identification issued  
11 by a governmental agency or the United States Postal Service. Each photograph,  
12 thumbprint, or photocopy, as the case may be, shall be cross-referenced with the  
13 ledger entry required by R.S. 37:1864. The photograph, thumbprint, or photocopy  
14 shall be preserved for a period of at least a year.

15 (2) Pursuant to a request from a law enforcement agency, a secondhand  
16 dealer shall be required to capture photographically uniquely identifiable used  
17 merchandise or articles purchased pursuant to R.S. 37:1864(A). Photographs shall  
18 be made available to the law enforcement agency within twenty-four hours after the  
19 request.

20 \* \* \*

21 §1864.2. Purchase of precious metals and stones from minors; purchase of junk  
22 from minors prohibited; penalty

23 \* \* \*

24 C. The provisions of this Section shall not apply to the sale or purchase of  
25 manufactured registered bullion bars, coins, or other numismatic items. ~~The~~  
26 ~~provisions of this Section shall not apply to a retail tire outlet or an automobile dealer~~  
27 ~~dealing in tires.~~

28 \* \* \*

1           §1864.3. Payment by check ~~or money order~~ for copper or other metals required;  
2                           check cashing prohibited; penalties

3           A.(1) A secondhand dealer shall not enter into any cash transactions in  
4           payment for the purchase of ~~junk or used or secondhand property~~ copper. Payment  
5           for copper shall be made in the form of a check, ~~electronic transfers, or money order~~  
6           issued to the seller of the ~~junk or used or secondhand property~~ and made payable to  
7           the name and address of the seller made payable to the seller of the metal and mailed  
8           to the address recorded on the photo identification of the seller no earlier than five  
9           business days after the date of the transaction.

10           (2) A secondhand dealer shall not enter into any cash transactions in excess  
11           of three hundred dollars in payment for the purchase of metal property other than  
12           copper. Payments in excess of three hundred dollars for metals other than copper  
13           shall be made in the form of a check made payable to the name and address of the  
14           seller and may be tendered to the seller at the time of the transaction. The  
15           secondhand dealer, at his discretion, may make payment by either cash or other  
16           method for transactions of three hundred dollars or less for all metals other than  
17           copper.

18           B. All payments made by check, ~~electronic transfers, or money order~~ shall  
19           be reported separately in the daily reports required by R.S. 37:1866.

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

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

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

1           Section 2. R.S. 37:1862(B), 1864(A)(1)(d), 1864.1(C)(2), and 1867(B) are hereby  
2 repealed in their entirety.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_