



Substitute Senate Bill No. 928

Public Act No. 13-255

AN ACT CONCERNING PRECIOUS METALS OR STONES DEALERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 21-100 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) No person may engage in or carry on the business of purchasing gold or gold-plated ware, silver or silver-plated ware, platinum ware, watches, jewelry, precious stones, bullion or coins unless such person is licensed as a precious metals or stones dealer by the licensing authority of the municipality in which such person intends to carry on such business; except that the provisions of this subsection shall not apply to the purchase of such items from a wholesaler by a manufacturer or retail seller whose primary place of business is located in this state. Such person shall pay an annual fee of ten dollars for such license. The license may be revocable for cause, which shall include, but not be limited to, failure to comply with any requirements for licensure specified by the licensing authority at the time of issuance. The licensing authority shall refuse to issue a license under this subsection to a person who (1) has been convicted of a felony, [and] or (2) fails to provide evidence that such person holds the permit provided for in section 12-409, has a Connecticut tax registration

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number and is registered with the Secretary of the State to do business in this state. The licensing authority may require any applicant for a license to submit to state and national criminal history records checks. If the licensing authority requires such criminal history records checks, such checks shall be conducted in accordance with section 29-17a. For the purposes of this subsection "wholesaler" means a person in the business of selling tangible personal property to be resold at retail or raw materials to be manufactured into suitable forms for use by consumers.

(b) Any person who wilfully engages in the business of a precious metals or stones dealer unless licensed in accordance with this section or after notice that such person's license has been suspended or revoked shall be guilty of a class D felony.

[(c) Each such licensee shall keep a record in which such licensee shall note at the time of each transaction a description of the property purchased and the price paid for them, the name and address of the person selling the goods and the date and hour any such property was received. Each such licensee shall demand positive identification from the person selling the article and the type or form of identification received shall be noted in the record.]

(c) No licensee shall purchase gold or gold-plated ware, silver or silver-plated ware, platinum ware, watches, jewelry, precious stones, bullion or coins without receiving proof of the identity of the person selling the property if such person is not a wholesaler. Such identification shall include a photograph, an address, if available on the identification, and an identifying number, including, but not limited to, date of birth.

(d) (1) Each licensee shall maintain a record-keeping system in which shall be entered in English, at the time the licensee purchases any gold or gold-plated ware, silver or silver-plated ware, platinum

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ware, watches, jewelry or precious stones, a description of such property and the name, the residence address, the proof of identity as required by this section and a general description of the person from whom, and the date and hour when, such property was purchased and in which, if the property does not contain any identifiable numbers or markings, shall be included a digital photograph of such property. Except as provided in subsection (f) of this section, the description of any such property purchased by a licensee under this section shall include, but not be limited to, all distinguishing marks, names of any kind, including brand and model names, model and serial numbers, engravings, etchings, affiliation with any institution or organization, dates, initials, color, vintage or image represented.

(2) Any licensee who purchases bullion or coins shall, at the time of such purchase, enter in such record-keeping system in English a description of the bullion or coins purchased and the name, the residence address, the proof of identity as required by this section and a general description of the person from whom, and the date and hour when, such bullion or coins were purchased.

(3) Each entry in such record-keeping system shall be numbered consecutively. Such number shall be visible in any digital photograph required under subdivision (1) of this subsection and shall be retained with the property purchased or received until the sale or other disposition of such property.

(e) Any state police officer or municipal police officer shall have access to [the] any record required to be kept under this section and may inspect the place where the business is carried on as well as any [goods] property purchased or received. Any state police officer or municipal police officer who performs such an examination may require any employee on the premises to provide proof of such employee's identity. All records maintained pursuant to this section shall be retained by the licensee for not less than two years. The

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licensee shall maintain a place of business with a street address within this state, at which the [goods] property purchased or received and the required records shall be available for such inspection.

(f) The licensing authority may provide for an exemption from the requirements of subsections (d) and (e) of this section, or establish additional or different requirements concerning the description of any property purchased by a licensee, upon consideration of the nature of the property, transaction or business, including, but not limited to, articles in bulk lots or articles of minimal value.

[(d)] (g) No licensee may purchase any property from a minor unless such minor is accompanied by a parent or guardian.

[(e)] (h) Each such licensee may only pay for property received by check or money order and no cash shall be transferred to either party in the course of a transaction subject to the provisions of this section. The licensee shall retain the electronic copy of such check or other record issued by the financial institution that processed such check, and such copy or record shall be subject to inspection in accordance with this section as part of the record-keeping system. The licensee shall indicate on each such instrument the number or numbers associated with such property in the record-keeping system required to be maintained pursuant to this section. Any licensee who pays cash or cashes a check or money order shall be guilty of a class A misdemeanor. No licensee may advertise that he or she will pay for property received with cash.

[(f)] (i) Any precious metals or stones dealer who was licensed in any city or town as a pawnbroker pursuant to section 21-40 on March 31, 2011, and who continues to hold such license, may pay for property received pursuant to a precious metals or stones dealer license issued in accordance with this section in the manner authorized under section 21-42 until July 1, 2021, provided such precious metals or stones dealer

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complies with all other provisions of this section relating to precious metals or stones dealers.

[(g)] (j) At the time of making any purchase each licensee shall deliver to the person selling property a receipt containing the information required to be recorded in subsection [(c)] (d) of this section, the amount paid for any property sold and the name and address of the purchaser.

[(h) Upon request of the licensing authority each such licensee shall make a weekly sworn statement, describing the goods received and setting forth the name and address of each person from whom goods were purchased, to the licensing authority of each municipality in which the licensee transacted business that week. Such sworn statement shall not be deemed a public record for the purposes of the Freedom of Information Act, as defined in section 1-200.]

(k) Upon request by the licensing authority, a licensee shall submit to the licensing authority, on a weekly basis or more frequently at the option of the licensee, a sworn statement of his or her transactions, describing the property purchased and setting forth the nature and terms of the transaction and the name and residence address and a description of the person from whom the property was purchased. Such statement shall be in an electronic format prescribed by the licensing authority. The licensing authority may grant exemptions from the requirement of submitting such statements in an electronic format for good cause shown. Such sworn statement shall not be deemed a public record for the purposes of the Freedom of Information Act, as defined in section 1-200.

(l) No licensee shall sell or dispose of any property, other than bullion or coins, acquired in any transaction in the course of business in less than five days after the date of such transaction, and no licensing authority may require a licensee to refrain from selling or

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disposing of such property for more than five days after the date of such transaction. The licensing authority may grant exemptions from the requirements of this subsection for good cause shown.

(m) Whenever property is seized from the place of business of a precious metals or stones dealer by a law enforcement officer, the officer shall give the dealer a duly signed receipt for the property containing a case number, a description of the property, the reason for the seizure, the name and address of the officer, the name and address of the person claiming a right to the property prior to the dealer and the name of the dealer. If the dealer claims an ownership interest in such property, the dealer may request the return of such property by filing a request for such property with the law enforcement agency in accordance with the provisions of section 54-36a. If the seller of any property purchased by the dealer is convicted of any offense arising out of the dealer's acquisition of the property and the dealer suffered an economic loss as a result of such offense, the court may, at the time of sentencing, order restitution to the dealer pursuant to subsection (c) of section 53a-28, which order may be enforced in accordance with section 53a-28a.

[(i)] (n) Any person who violates any provision of this section, for which no other penalty is provided, shall be fined not more than one thousand dollars.

Sec. 2. Section 21-46a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

Whenever property is seized from the place of business of a pawnbroker [or precious metals or stones dealer] by a law enforcement officer, such officer shall give the pawnbroker [or precious metals or stones dealer] a duly signed receipt for the property containing a case number, a description of the property, the reason for the seizure, the name and address of the officer, the name and address of the person

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claiming a right to the property prior to the pawnbroker [or precious metals or stones dealer] and the name of the pawnbroker. [or precious metals or stones dealer.] If the pawnbroker [or precious metals or stones dealer] claims an ownership interest in such property, he or she may request the return of such property by filing a request for such property with the law enforcement agency in accordance with the provisions of section 54-36a. If the person who deposited, pledged or sold any property received by a pawnbroker [or dealer] is convicted of any offense arising out of such pawnbroker's [or dealer's] acquisition, retention or disposition of the property and such pawnbroker [or dealer] suffered an economic loss as a result of such offense, the court, at the time of sentencing, may order restitution to such pawnbroker [or dealer] pursuant to subsection (c) of section 53a-28 and such order may be enforced in accordance with section 53a-28a.

Approved July 11, 2013