

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1946 Session of 2014

INTRODUCED BY D. COSTA, O'NEILL, THOMAS, KORTZ, KOTIK, SWANGER, GODSHALL, MUNDY, JAMES, YOUNGBLOOD, SCHLOSSBERG, COHEN, DeLUCA, WHITE, MULLERY, HARHAI, DERMODY AND QUINN, JANUARY 8, 2014

AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 23, 2014

AN ACT

1 Amending the act of February 24, 1984 (P.L.92, No.17), entitled
2 "An act regulating the purchase and sale of precious metals,"
3 further providing for DEFINITIONS, FOR records of <--
4 transactions, for dealer's retention of precious metal and
5 availability for inspection and for penalties.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 ~~Section 1. Sections 3(a), 4(a) and 10 of the act of February <--~~
9 ~~24, 1984 (P.L.92, No.17), referred to as the Precious Metal Sale~~
10 ~~Regulation Law, are amended to read:~~

11 SECTION 1. SECTION 1 OF THE ACT OF FEBRUARY 24, 1984 <--
12 (P.L.92, NO.17), REFERRED TO AS THE PRECIOUS METAL SALE
13 REGULATION LAW, IS AMENDED BY ADDING A DEFINITION TO READ:

14 SECTION 1. DEFINITIONS.

15 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
16 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
17 CONTEXT CLEARLY INDICATES OTHERWISE:

18 * * *

1 "PROOF OF IDENTITY. A DOCUMENT THAT:

2 (1) SHOWS THE NAME OF THE SELLER;

3 (2) SHOWS A PHOTOGRAPH OF THE SELLER;

4 (3) SHOWS THE ADDRESS OF THE SELLER;

5 (4) INCLUDES AN EXPIRATION DATE AND IS NOT EXPIRED; AND

6 (5) WAS ISSUED BY THE UNITED STATES GOVERNMENT, ANY

7 STATE OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, THE

8 COMMONWEALTH OF PUERTO RICO OR ANY TERRITORY OF THE UNITED

9 STATES.

10 * * *

11 SECTION 2. SECTIONS 3(A), 4(A) AND (B), 5 AND 10 OF THE ACT
12 ARE AMENDED TO READ:

13 Section 3. Records of transactions.

14 (a) Dealers to keep record.--Every dealer in precious metals
15 shall keep a record of every transaction upon a form approved by
16 the Attorney General. The record shall include as a minimum:

17 (1) The name, age and address of the seller which must
18 be verified by said dealer, requiring proof of identity from
19 the seller sufficient to insure the accuracy of the
20 represented name and address of the seller. ~~The proof of~~ <--
21 ~~identity provided shall include a photograph.~~

22 (2) An accurate description of the property purchased,
23 including any serial number or other identifying marks or
24 symbols and the date and hour of the transaction.

25 (3) A PHOTOGRAPH OF THE PROPERTY PURCHASED. <--

26 (4) A PHOTOCOPY OF THE SELLER'S PROOF OF IDENTITY.

27 (5) THE SELLER'S AND DEALER'S SIGNATURE FOR EACH
28 TRANSACTION.

29 (6) WRITTEN AUTHORITY AND PROOF OF IDENTITY OF THE
30 SELLER'S PARENT, GUARDIAN OR PERSON IN LOCO PARENTIS, IF THE

1 SELLER IS UNDER 18 YEARS OF AGE.

2 * * *

3 Section 4. Dealer's retention of precious metal and
4 availability for inspection.

5 (a) Precious metal to be retained for [five] ~~14~~ TEN days.-- <--
6 Each item of precious metal purchased by a dealer in precious
7 metals shall be retained in unaltered condition for [five full
8 working] ~~14~~ TEN calendar days after report of its purchase has <--
9 been filed with the proper district attorney or his designee.

10 (B) PRECIOUS METAL TO BE AVAILABLE FOR INSPECTION.--SUCH <--
11 ITEM OF PRECIOUS METAL SHALL BE AVAILABLE FOR INSPECTION, DURING
12 THE [FIVE WORKING] TEN CALENDAR DAYS, BY LAW ENFORCEMENT
13 OFFICIALS OF THE FEDERAL GOVERNMENT, THE COMMONWEALTH OR ANY OF
14 ITS MUNICIPALITIES IN THE COURSE OF THEIR LAW ENFORCEMENT
15 DUTIES. A SEARCH WARRANT SHALL NOT BE REQUIRED UNLESS THE
16 INSPECTION IS MADE DURING HOURS OTHER THAN THOSE WHEN THE DEALER
17 IN PRECIOUS METALS IS OPEN FOR BUSINESS.

18 * * *

19 SECTION 5. PURCHASES FROM MINORS. <--

20 THE DEALER IN PRECIOUS METALS SHALL REQUIRE ANY MINOR SEEKING
21 TO SELL PRECIOUS METALS TO PRODUCE WRITTEN AUTHORITY AND PROOF
22 OF IDENTITY OF A PARENT, GUARDIAN OR PERSON IN LOCO PARENTIS
23 AUTHORIZING THE SALE OF SUCH PRECIOUS METALS. SUCH AUTHORIZATION
24 SHALL GIVE THE NAME AND ADDRESS OF AUTHORIZING PERSON. THE
25 DEALER IN PRECIOUS METALS SHALL VERIFY THAT SUCH SALE IS
26 AUTHORIZED BY INQUIRY OF SUCH PARENT, GUARDIAN OR PERSON IN LOCO
27 PARENTIS. MINORS SHALL BE REQUIRED TO WAIT THREE FULL WORKING
28 DAYS BEFORE RECEIVING PAYMENT FROM THE SALE OF PRECIOUS METALS.

29 Section 10. Penalty.

30 (a) Unlicensed dealers.--The purchase of an item of precious

1 metal by an unlicensed dealer in precious metals shall
2 constitute a violation of this act and the dealer shall be
3 guilty of a misdemeanor of the [third] first degree.

4 (b) Licensed dealers.--Any licensed dealer in precious
5 metals who violates any provisions of this act shall be guilty
6 of a misdemeanor of the [third] first degree.

7 (c) Revocation of license and ineligibility.--Any
8 individual, partnership, association, corporation or business
9 entity violating any provisions of this act shall, upon
10 conviction, in addition to the penalties set forth in
11 subsections (a) and (b) hereof, suffer immediately revocation of
12 any existing license issued pursuant to the provisions of this
13 act and shall be ineligible to apply for a dealer's license
14 under this act for a period of [five] ten years thereafter.

15 Section 2 3. This act shall take effect in 60 days.

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