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AB-1182 Secondhand goods: tangible personal property. (2015-2016)

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Assembly Bill No. 1182

CHAPTER 749

An act to amend Section 21627 of, and to add Section 21628.3 to, the Business and Professions Code, relating to secondhand goods.

[Approved by Governor October 10, 2015. Filed with Secretary of State October 10, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1182, Santiago. Secondhand goods: tangible personal property.

Existing law requires secondhand dealers and coin dealers to, among other things, report certain secondhand tangible personal property taken in trade or pawn, accepted for sale on consignment, or accepted for auctioning, to the chief of police or to the sheriff, as specified. Existing law defines "tangible personal property" for those purposes as including secondhand tangible personal property that bears or bears evidence of having had a serial number or personalized initials and new or used tangible personal property that is received as security for a loan by a pawnbroker or is commonly sold by secondhand dealers and part of a significant class of stolen goods. Existing law requires the Attorney General to supply to local law enforcement agencies and periodically review a list of that personal property commonly sold by secondhand dealers which statistically is found through crime reports to the Attorney General to constitute a significant class of stolen goods.

This bill would require the Attorney General to update that list annually and post the list on his or her Internet Web site. The bill would instead specify that "tangible personal property" means secondhand tangible personal property that bears or bears evidence of having had a serial number or personalized initials, new or used tangible personal property that is received as security for a loan by a pawnbroker, or all tangible personal property that the Attorney General statistically determines through the most recent Department of Justice "Crime in California" report to constitute a significant class of stolen goods, as defined.

This bill would require the secondhand dealer to verify the identification of the seller or pledger for each transaction.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 21627 of the Business and Professions Code is amended to read:

21627. (a) As used in this article, "tangible personal property" means all secondhand tangible personal property which bears a serial number or personalized initials or inscription or which, at the time it is acquired by the secondhand dealer, bears evidence of having had a serial number or personalized initials or inscription.

(b) "Tangible personal property" also means the following:

(1) All tangible personal property, new or used, including motor vehicles, received in pledge as security for a loan by a pawnbroker.

(2) All tangible personal property that bears a serial number or personalized initials or inscription which is purchased by a secondhand dealer or a pawnbroker or which, at the time of such purchase, bears evidence of having had a serial number or personalized initials or inscription.

(3) All tangible personal property that the Attorney General statistically determines through the most recent Department of Justice "Crime in California" report to constitute a significant class of stolen goods. A list of such personal property shall be supplied by the Attorney General to all local law enforcement agencies and posted on the Attorney General's Internet Web site. Such list shall be updated annually by the Attorney General, beginning January 1, 2016, to ensure that it addresses current problems with stolen goods.

(c) As used in this article, "tangible personal property" does not include any new goods or merchandise purchased from a bona fide manufacturer or distributor or wholesaler of such new goods or merchandise by a secondhand dealer. For the purposes of this article, however, a secondhand dealer shall retain for one year from the date of purchase, and shall make available for inspection by any law enforcement officer, any receipt, invoice, bill of sale or other evidence of purchase of such new goods or merchandise.

(d) As used in this article, "tangible personal property" does not include coins, monetized bullion, or commercial grade ingots of gold, silver, or other precious metals. "Commercial grade ingots" means 0.99 fine or finer ingots of gold, silver, palladium, or platinum, or 0.925 fine sterling silver art bars and medallions, provided that the ingots, art bars, and medallions are marked by the refiner or fabricator as to their assay fineness.

(e) For purposes of this article, a "significant class of stolen goods" means those items determined through the Department of Justice's annual "Crime in California" report to constitute more than 10 percent of property reported stolen in the calendar year preceding the annual posting of the list of significant classes of stolen goods.

SEC. 2. Section 21628.3 is added to the Business and Professions Code, to read:

21628.3. In complying with the requirements of Section 21628, a secondhand dealer shall verify the identification of the seller or pledger for each transaction, not for each item that shall be reported.