

HOUSE BILL No. 2027

By Committee on Judiciary

1-17

1 AN ACT concerning secondhand stores.

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3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. (a) It shall be unlawful for any secondhand store to
5 purchase any item without obtaining or viewing a seller's, or if the seller is
6 a minor, the seller's parent's or legal guardian's valid identification card.

7 (b) It shall be unlawful for any secondhand store to fail to maintain a
8 register of all purchasing transactions at the time of receipt of such
9 purchased items. Such register shall include all required information for
10 each such transaction and shall be maintained for a period of not less than
11 one year from the date of such transaction. Such register shall be open at
12 all times during normal business hours to law enforcement officers and
13 shall include the following information:

14 (1) The time, date and place of the transaction;

15 (2) the seller's, or if the seller is a minor, the seller's parent's or legal
16 guardian's name, address, sex and date of birth;

17 (3) the seller's, or if the seller is a minor, the seller's parent's or legal
18 guardian's identification card type and number; and

19 (4) a full and accurate description of the item received, including all
20 serial or identification numbers, brand and model names, personal
21 markings and other identifying physical characteristics.

22 (c) (1) On or before Tuesday of each week, or at more frequent
23 intervals if required by city ordinance or county resolution, every
24 secondhand store shall report the description of all items purchased during
25 the preceding calendar week, in whatever quantity received. Such report
26 shall include all property purchased as secondhand merchandise at
27 wholesale, secondhand merchandise taken in for sale or possessed on
28 consignment for sale and secondhand merchandise taken in trade.

29 (2) If a transaction required to be reported under this section takes
30 place within the territorial limits of a city of the first or second class, the
31 report shall be submitted to the chief of police of the city. If the transaction
32 takes place outside the territorial limits of any such city, the report shall be
33 submitted to the sheriff of the county in which the transaction takes place.

34 (3) No fee, tax or other cost shall be permitted or required of any
35 secondhand store for the reporting of transactions.

36 (d) As used in this section:

1 (1) "Purchase" means any transaction in which a secondhand store
2 acquires a tangible item, other than a firearm, from a seller for
3 consideration of any kind except:

4 (A) Flea market transactions in which neither party is a secondhand
5 store; or

6 (B) sale of goods by auction or purchase of goods for resale by
7 auction;

8 (2) "secondhand store" means any business, or any agent of a
9 business subject to the provisions of article 36 of chapter 79 of the Kansas
10 Statutes Annotated, and amendments thereto, that operates in a fixed
11 location and engages in the business of buying, selling or dealing in
12 consumer goods or equipment, as such terms are defined in K.S.A. 84-9-
13 102, and amendments thereto, that has been previously owned by another,
14 for the purpose of reselling such goods. "Secondhand store" does not
15 include consignment clothing stores, garage sales, organizations granted
16 non-profit status by the internal revenue service, vehicle dealers licensed
17 pursuant to K.S.A. 8-2403, and amendments thereto, licensed pawnbrokers
18 as defined in K.S.A. 16-706, and amendments thereto, licensed precious
19 metal dealers as defined in K.S.A. 16-706, and amendments thereto, scrap
20 metal dealers as defined in K.S.A. 2012 Supp. 50-6,109, and amendments
21 thereto, and junk dealers as defined in subsection (a) of K.S.A. 50-619,
22 and amendments thereto;

23 (3) "valid identification card" means an unexpired state or
24 government-issued identification card, including, but not limited to, a
25 driver's license, nondriver's identification card, military identification card
26 or passport.

27 (e) Violation of this section shall be a nonperson class B
28 misdemeanor.

29 Sec. 2. This act shall take effect and be in force from and after its
30 publication in the statute book.