

Regular Session, 2010  
HOUSE BILL NO. 448  
BY REPRESENTATIVE FOIL

# ACT No. 918

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AN ACT

To amend and reenact R.S. 37:1864.1(A), 1866, and 1867(A) and to enact R.S. 37:1862.1, relative to secondhand dealers; to provide for record and reporting requirements; to require secondhand dealers to photograph merchandise that is purchased; to provide for changes to daily reports required by secondhand dealers; to provide for the location of items purchased by a secondhand dealer; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1864.1(A), 1866, and 1867(A) are hereby amended and reenacted and R.S. 37:1862.1 is hereby enacted to read as follows:

§1862.1. Record and reporting requirements; application

The provisions of R.S. 37:1864, 1864.1, 1865, and 1866 shall not apply to a person operating as a secondhand dealer pursuant to R.S. 37:1785. Persons operating as secondhand dealers pursuant to R.S. 37:1785 shall be subject to the record acquisition, maintenance, and reporting requirements of R.S. 37:1796, 1797, and 1798.

\* \* \*

§1864.1. Photographic and other records; exceptions

A.(1) In addition to the information required in R.S. 37:1864, every secondhand dealer shall be required to obtain a photograph of a person selling or delivering merchandise or articles to the dealer. The quality of such photograph shall

1 be sufficient readily to identify the person depicted. In lieu of the photograph of the  
 2 person selling or delivering the merchandise, the dealer may obtain either a  
 3 thumbprint of such person, the quality of which thumbprint shall be sufficient to  
 4 identify the person, or ~~the number of the person's valid driver's license~~ a photocopy  
 5 of the person's Louisiana driver's license, driver's license from another state,  
 6 passport, military identification, or identification issued by a governmental agency  
 7 or the United States Postal Service. Each photograph, thumbprint, or ~~valid driver's~~  
 8 ~~license number~~ photocopy, as the case may be, shall be cross-referenced with the  
 9 ledger entry required by R.S. 37:1864. The photograph, thumbprint, or ~~valid driver's~~  
 10 ~~license number~~ photocopy shall be preserved for a period of at least a year.

11 (2) Pursuant to a request from a law enforcement agency, a secondhand  
 12 dealer shall be required to capture photographically used merchandise or articles  
 13 purchased pursuant to R.S. 37:1864(A). Photographs shall be made available to the  
 14 law enforcement agency within twenty-four hours after the request.

15 \* \* \*

16 §1866. Daily report of entries

17 A.(1) Every person, secondhand dealer licensed under the provisions of this  
 18 Part shall make out and deliver to the ~~superintendent~~ chief of police of the city or  
 19 town or to the sheriff of the parish in which he is doing business, every day before  
 20 the hour of twelve o'clock noon, a legible and correct copy of the entries in the book  
 21 mentioned in R.S. 37:1864 during the previous day. ~~The name given by the person~~  
 22 ~~making a sale shall be furnished the superintendent of police or sheriff when they~~  
 23 ~~specially request it.~~ The means for providing the transactional information required  
 24 under this Section shall be one of the following:

25 (a) By electronic transmission if the secondhand dealer has the means  
 26 available to make transmissions in electronic form.

27 (b) By placing in the United States mail.

28 (c) By sending a facsimile.

1           (2) In the event transactional information is transmitted electronically  
2           pursuant to Subparagraph (1)(a) of this Subsection, the appropriate law enforcement  
3           official may, for purposes of an investigation of a crime relating to a particular  
4           secondhand transaction, request the secondhand dealer to mail or fax such official  
5           the personally identifiable information relating to such transaction under  
6           investigation. The secondhand dealer shall deliver the personally identifiable  
7           information relating to the identified transaction to the appropriate law enforcement  
8           official within twenty-four hours of the request. In the event the secondhand dealer  
9           transfers information in printed form pursuant to Subparagraph (1)(b) or (1)(c) of  
10           this Subsection, the secondhand dealer shall not also be required to transmit such  
11           information in electronic form pursuant to Subparagraph (1)(a) of this Subsection.

12           B. The secondhand dealer shall have the responsibility of tendering the  
13           information provided for in Subsection A of this Section regardless of its use or  
14           nonuse by the chief of police in the city or town in which he is doing business or,  
15           alternatively, to the sheriff of the parish in which he is doing business. The tender  
16           of this information is a courtesy mandated by state law and which provides a benefit  
17           to the general public. The chief of police or sheriff shall not be mandated to take any  
18           particular action concerning the information tendered.

19           §1867. Disposal or changing identity prohibited during thirty-day period; exceptions

20           A. No secondhand dealer shall sell or dispose of or change or destroy the  
21           identity of any goods, articles, or things purchased by him before an interval of thirty  
22           calendar days from the date of purchase has elapsed. During the thirty calendar days  
23           after purchase, a secondhand dealer shall keep the purchased goods, articles, or  
24           things on the premises of the secondhand dealer's business location or at such other  
25           location within the parish where the secondhand dealer's business is located and the  
26           item was purchased. In all instances, a secondhand dealer shall make the item  
27           immediately available upon request by a law enforcement agency. Any secondhand  
28           dealer may sell, dispose of, change, or destroy any goods, article, or thing purchased

