

ASSEMBLY BILL NO. 420—ASSEMBLYMEN WEBER, KNECHT,
CHRISTENSEN, GRADY, HARDY, HETTRICK, MCCLAIN,
PIERCE AND WILLIAMS

MARCH 17, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to secondhand dealers.
(BDR 54-866)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to secondhand dealers; requiring a county or city to require a person who engages in the business of a secondhand dealer to obtain a license as a secondhand dealer; authorizing a county or city to impose fines for certain violations committed by a secondhand dealer; prohibiting a secondhand dealer from removing or otherwise disposing of property in his possession which is involved in a criminal investigation under certain circumstances; authorizing a peace officer or investigator to obtain custody of such property under certain circumstances; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 647 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *“Informal market” means, whether held in a*
4 *building, under cover or in the open air:*

5 *1. A place at which personal property is offered or displayed*
6 *for sale or exchange on more than six occasions in a period of 12*
7 *months; or*

8 *2. A gathering at which:*



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1 (a) Two or more persons offer personal property for sale or
2 exchange;

3 (b) A fee is charged for the opportunity to offer the personal
4 property for sale or exchange; or

5 (c) A fee is charged for admission to the area in which
6 personal property is offered for sale or exchange.

7 **Sec. 3. 1.** A peace officer or investigator who is involved in
8 the investigation or prosecution of criminal activity may place a
9 written hold on any property in the possession of a secondhand
10 dealer that is related or allegedly related to the criminal activity.

11 2. While a hold is placed on property pursuant to this section,
12 the secondhand dealer shall not remove or dispose of the property
13 to any person other than the peace officer or investigator who
14 placed the hold on the property. A peace officer or investigator
15 who placed a hold on property may obtain custody of the property
16 from the secondhand dealer if the peace officer or investigator:

17 (a) Has obtained written authorization from the prosecuting
18 attorney which includes, without limitation, a description of the
19 property and an acknowledgment of the secondhand dealer's
20 interest in the property; and

21 (b) Provides a copy of the written authorization to the
22 secondhand dealer.

23 3. Property received by a peace officer or investigator
24 pursuant to this section may be disposed of only in the manner set
25 forth in NRS 52.385 or 179.125 to 179.165, inclusive.

26 4. A peace officer or investigator who places a hold on
27 property pursuant to this section shall notify the secondhand
28 dealer in writing when the investigation or prosecution has
29 concluded or when the hold is no longer necessary, whichever
30 occurs sooner.

31 **Sec. 4.** NRS 647.010 is hereby amended to read as follows:

32 647.010 As used in this chapter, unless the context otherwise
33 requires, the words and terms defined in NRS 647.011 to 647.018,
34 inclusive, *and section 2 of this act* have the meanings ascribed to
35 them in those sections.

36 **Sec. 5.** NRS 647.018 is hereby amended to read as follows:

37 647.018 1. "Secondhand dealer" means any person engaged
38 in whole or in part in the business of buying and selling metal junk,
39 melted metals or secondhand personal property, other than used
40 books, including, without limitation, antiques , *coins* and
41 collectibles.

42 2. The term does not include a person who engages in the
43 business of buying or selling secondhand firearms or any antique
44 parts, accessories or other equipment relating to those firearms if:

45 (a) The person engages in that business at a show that:



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1 (1) Is held at:

2 (I) A convention facility which is owned or operated by
3 and located on the premises of a resort hotel; or

4 (II) A recreational facility which is owned or operated by
5 a county fair and recreation board; and

6 (2) Is conducted for not more than 7 days during any 6-
7 month period; and

8 (b) The person has been issued a license as a manufacturer,
9 importer, dealer or collector pursuant to the provisions of 18 U.S.C.
10 § 923.

11 *3. The term does not include a person who sells the goods*
12 *described in subsection 1 on not more than four occasions at any*
13 *informal market or trade show, or any combination thereof, in a*
14 *period of 12 months.*

15 **Sec. 6.** NRS 647.120 is hereby amended to read as follows:

16 647.120 1. Except as otherwise provided in subsection 4,
17 every secondhand dealer doing business in:

18 (a) Any unincorporated town shall, before 12 m. of each day,
19 ~~[mail in duplicate]~~ *furnish* to the sheriff of the county a full, true
20 and correct transcript of the record of all transactions had on the
21 preceding day. *The transcript must be furnished by mail or by any*
22 *other means, including, without limitation, by electronic or*
23 *facsimile transmission, as directed by the sheriff.*

24 (b) Any incorporated city shall, before 12 m. of each day,
25 furnish ~~[, by mail or any other means, in duplicate]~~ to the chief of
26 police of the city, a full, true and correct transcript of the record of
27 all transactions had on the preceding day. *The transcript must be*
28 *furnished by mail or by any other means, including, without*
29 *limitation, by electronic or facsimile transmission, as directed by*
30 *the chief of police.*

31 2. Every transcript prepared pursuant to subsection 1 must
32 include, but is not limited to:

33 (a) The date and time of each transaction; and

34 (b) The identity of the secondhand dealer or employee who
35 conducted the transaction.

36 The person conducting the transaction shall legibly print or type his
37 full name and write his signature on the transcript. Each transcript
38 must include a certificate, signed by the person selling the property
39 to the secondhand dealer, stating that he has the legal right to sell
40 the property.

41 3. Every secondhand dealer doing business in an
42 unincorporated town or in an incorporated city having good cause to
43 believe that any property in his possession has been previously lost
44 or stolen shall forthwith report that fact to the sheriff or chief of
45 police, respectively, together with the name of the owner if known,



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1 and the date when and the name of the person from whom he
2 received the property.

3 4. The provisions of subsection 1 do not apply to any
4 transaction which involves buying, selling or trading used:

5 (a) Books, periodicals or sound recordings;

6 (b) Clothing; or

7 (c) Coins which are not part of any jewelry.

8 **Sec. 7.** Chapter 244 of NRS is hereby amended by adding
9 thereto a new section to read as follows:

10 *1. The board of county commissioners of each county shall,*
11 *by ordinance, require each person who wishes to engage in the*
12 *business of a secondhand dealer in an unincorporated area of the*
13 *county to obtain a license issued by the board before he engages in*
14 *the business of a secondhand dealer.*

15 *2. The ordinance must require the applicant to submit:*

16 *(a) An application for a license to the board of county*
17 *commissioners in a form prescribed by the board.*

18 *(b) With his application a complete set of his fingerprints and*
19 *written permission authorizing the board to forward those*
20 *fingerprints to the Central Repository for Nevada Records of*
21 *Criminal History for submission to the Federal Bureau of*
22 *Investigation for its report.*

23 *3. The board of county commissioners shall not issue a*
24 *license pursuant to this section to an applicant who has been*
25 *convicted of, or entered a plea of guilty or nolo contendere to, a*
26 *felony.*

27 *4. The board of county commissioners may:*

28 *(a) Establish and collect a fee for the issuance or renewal of a*
29 *license;*

30 *(b) Establish and collect a fee to cover the costs of the*
31 *investigation of an applicant, including a fee to process the*
32 *fingerprints of the applicant;*

33 *(c) Place conditions, limitations or restrictions upon the*
34 *license;*

35 *(d) Establish any other requirements necessary to carry out the*
36 *provisions of this section; or*

37 *(e) Enact an ordinance which covers the same or similar*
38 *subject matter included in the provisions of NRS 647.140 and*
39 *which provides that any person who violates any provision of that*
40 *ordinance shall be punished:*

41 *(1) For the first offense, by a fine of not more than \$500.*

42 *(2) For the second offense, by a fine of not more than*
43 *\$1,000.*

44 *(3) For the third offense, by a fine of not more than \$2,000*
45 *and by revocation of the license of the secondhand dealer.*



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1 **Sec. 8.** Chapter 268 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *The governing body of an incorporated city in this state,*
4 *whether organized pursuant to general law or special charter*
5 *shall, by ordinance, require each person who wishes to engage in*
6 *the business of a secondhand dealer in the incorporated city to*
7 *obtain a license issued by the governing body before he engages in*
8 *the business of a secondhand dealer.*

9 2. *The ordinance must require the applicant to submit:*

10 (a) *An application for a license to the governing body of the*
11 *incorporated city in a form prescribed by the governing body.*

12 (b) *With his application a complete set of his fingerprints and*
13 *written permission authorizing the governing body of the*
14 *incorporated city to forward those fingerprints to the Central*
15 *Repository for Nevada Records of Criminal History for submission*
16 *to the Federal Bureau of Investigation for its report.*

17 3. *The governing body of the incorporated city shall not issue*
18 *a license pursuant to this section to an applicant who has been*
19 *convicted of, or entered a plea of guilty or nolo contendere to, a*
20 *felony.*

21 4. *The governing body of the incorporated city may:*

22 (a) *Establish and collect a fee for the issuance or renewal of a*
23 *license;*

24 (b) *Establish and collect a fee to cover the costs of the*
25 *investigation of an applicant, including a fee to process the*
26 *fingerprints of the applicant;*

27 (c) *Place conditions, limitations or restrictions upon the*
28 *license;*

29 (d) *Establish any other requirements necessary to carry out the*
30 *provisions of this section; or*

31 (e) *Enact an ordinance which covers the same or similar*
32 *subject matter included in the provisions of NRS 647.140 and*
33 *which provides that any person who violates any provision of that*
34 *ordinance shall be punished:*

35 (1) *For the first offense, by a fine of not more than \$500.*

36 (2) *For the second offense, by a fine of not more than*
37 *\$1,000.*

38 (3) *For the third offense, by a fine of not more than \$2,000*
39 *and by revocation of the license of the secondhand dealer.*

