

SENATE BILL NO. 193—SENATOR MATHEWS

MARCH 10, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing dealers in antiques.
(BDR 54-1069)

FISCAL NOTE: Effect on Local Government: No.
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; exempting a person who engages in the business of buying and selling antiques from state and local regulation as a secondhand dealer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law a person who engages in the business of buying and selling
2 antiques is a secondhand dealer and is subject to certain state and local provisions
3 governing secondhand dealers, including certain licensing, record-keeping,
4 reporting and penalty provisions. (NRS 244.3485, 268.0974, 647.110-647.132,
5 647.140, 647.145) This bill exempts a person who engages in the business of
6 buying and selling antiques from state and local regulation as a secondhand dealer.

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

- 1 **Section 1.** NRS 647.018 is hereby amended to read as follows:
2 647.018 1. "Secondhand dealer" means any person engaged
3 in whole or in part in the business of buying and selling metal junk,
4 melted metals or secondhand personal property, other than *antiques*
5 *and* used books, including, without limitation, ~~antiques,~~ coins and
6 collectibles.
7 2. The term does not include a person who engages in the
8 business of buying or selling secondhand firearms or any antique
9 parts, accessories or other equipment relating to those firearms if:
10 (a) The person engages in that business at a show that:
11 (1) Is held at:



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

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

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

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

Sec. 2. NRS 244.3485 is hereby amended to read as follows:

244.3485 1. The board of county commissioners of each county shall, by ordinance, require each person who wishes to engage in the business of a secondhand dealer in an unincorporated area of the county to obtain a license issued by the board before he engages in the business of a secondhand dealer.

2. The ordinance must require the applicant to submit:

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

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

3. The board of county commissioners shall not issue a license pursuant to this section to an applicant who has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony involving moral turpitude or related to the qualifications, functions or duties of a secondhand dealer.

4. The board of county commissioners may:

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

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

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

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

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

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

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

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



1 **5. As used in this section, "secondhand dealer" has the**
2 **meaning ascribed to it in NRS 647.018.**

3 **Sec. 3.** NRS 268.0974 is hereby amended to read as follows:

4 268.0974 1. The governing body of an incorporated city in
5 this State, whether organized pursuant to general law or special
6 charter , shall, by ordinance, require each person who wishes to
7 engage in the business of a secondhand dealer in the incorporated
8 city to obtain a license issued by the governing body before he
9 engages in the business of a secondhand dealer.

10 2. The ordinance must require the applicant to submit:

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

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

18 3. The governing body of the incorporated city shall not issue a
19 license pursuant to this section to an applicant who has been
20 convicted of, or entered a plea of guilty, guilty but mentally ill or
21 nolo contendere to, a felony involving moral turpitude or related to
22 the qualifications, functions or duties of a secondhand dealer.

23 4. The governing body of the incorporated city may:

24 (a) Establish and collect a fee for the issuance or renewal of a
25 license;

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

29 (c) Place conditions, limitations or restrictions upon the license;

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

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

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

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

40 **5. As used in this section, "secondhand dealer" has the**
41 **meaning ascribed to it in NRS 647.018.**

42 **Sec. 4.** This act becomes effective on July 1, 2009.

