

**§3972. Dealers in secondhand precious metals**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Dealer" means a person who engages in the business of purchasing, selling or acquiring through exchange secondhand precious metals. [PL 2013, c. 398, §1 (NEW).]

B. "Precious metals" means any item composed in whole or in part of gold, palladium, platinum or silver, but does not include dental gold, unrefined metal ore, an electronic product, any part of a mechanical system on a motor vehicle or gold or silver coins or bullion. [PL 2017, c. 126, §1 (AMD).]

C. "Seller" means a person who sells or provides through an exchange secondhand precious metals to a dealer. [PL 2013, c. 398, §1 (NEW).]  
[PL 2017, c. 126, §1 (AMD).]

**2. Records required.** A dealer shall maintain the following records with respect to each transaction conducted by the dealer involving secondhand precious metals:

A. The date, time and place of the transaction; [PL 2013, c. 398, §1 (NEW).]

B. The name and address of the seller or other person from whom the dealer acquired the precious metals; [PL 2013, c. 398, §1 (NEW).]

C. A digital photograph of each item of precious metals that is the subject of the transaction. A dealer may satisfy the requirements of this paragraph by taking digital photographs of groups of 5 or fewer substantially similar items, as long as the quality of each digital photograph is sufficient to allow the item to be identified by the owner; and [PL 2017, c. 126, §2 (AMD).]

D. [PL 2017, c. 126, §3 (RP).]

E. A signed statement of ownership from the seller of the secondhand precious metals stating that the seller is the owner or is otherwise authorized to sell the precious metals made on a form provided by the dealer that conspicuously bears the warning that making a false statement is a Class D crime under Title 17-A, section 453. [PL 2013, c. 398, §1 (NEW).]

Before recording the information required by this subsection, a dealer shall require reasonable proof of the seller's identity in the form of a government-issued identification card such as a motor vehicle operator's license or military identification card.

[PL 2017, c. 126, §§2, 3 (AMD).]

**3. Retention and maintenance of records.** The records required under subsection 2 must be kept for a period of one year and maintained in order by date of purchase.

[PL 2013, c. 398, §1 (NEW).]

**4. Availability for inspection.** Upon request by a law enforcement officer or prosecuting attorney, a dealer in secondhand precious metals shall promptly make available for inspection at the dealer's principal place of business the records required under subsection 2.

[PL 2013, c. 398, §1 (NEW).]

**5. Holding period.** A dealer may not sell or alter any precious metals until the precious metals have remained in the dealer's possession for 15 days after the date of acquisition by the dealer, except that a dealer who determines that the precious metals are not listed in an electronic database designed to catalog stolen property may sell or alter the precious metals 5 business days after the date of acquisition.

[PL 2013, c. 398, §1 (NEW).]

**6. Municipal registration or permit.** A person may not act as a dealer without registering as a dealer in secondhand precious metals with or, if required by the municipality, obtaining a permit issued by the municipal officers of the municipality in which the person intends to maintain a permanent place or places of business. A dealer shall provide the address of the permanent place of business at which the dealer will do business to the municipality and shall notify the municipality if the location changes. [PL 2017, c. 126, §4 (AMD).]

**7. Exemption.** This section does not apply to an auctioneer licensed under Title 32, chapter 5-B. [PL 2013, c. 398, §1 (NEW).]

**8. Violations.** A dealer who violates any of the requirements of this section is guilty of a Class E crime except as specified in subsection 2, paragraph E. A court may award restitution pursuant to Title 17-A, section 2005 to any victim, including a dealer, who suffers an economic loss as the result of a violation of this section. [PL 2019, c. 113, Pt. C, §84 (AMD).]

#### SECTION HISTORY

PL 2013, c. 398, §1 (NEW). PL 2017, c. 126, §§1-4 (AMD). PL 2019, c. 113, Pt. C, §84 (AMD).

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