

2007 DRAFTING REQUEST

Bill

Received: 02/22/2007

Received By: csundber

Wanted: As time permits

Identical to LRB:

For: James Soletski (608) 266-0485

By/Representing: Dan Young

This file may be shown to any legislator: NO

Drafter: csundber

May Contact:

Addl. Drafters:

Subject: Trade Regulation - other

Extra Copies:

Submit via email: YES

Requester's email: Rep.Soletski@legis.wisconsin.gov

Carbon copy (CC:) to: christopher.sundberg@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Extend secondhand dealer requirements to all sellers of secondhand articles

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 02/23/2007	kfollett 03/10/2007		_____			
/P1	csundber 03/22/2007	kfollett 03/23/2007	jfrantze 03/12/2007	_____	sbasford 03/12/2007		Local
/1			rschluet 03/23/2007	_____	sbasford 03/23/2007	lparisi 04/11/2007	

FE Sent For: AT INTRO.

<END>

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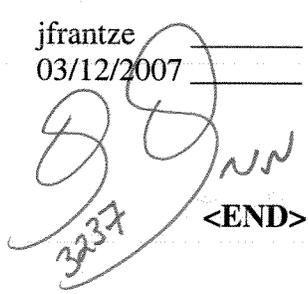
Instructions:

See Attached

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/?	csundber 02/23/2007	kfollett 03/10/2007		_____			
/P1		1/kjf 3/23	jfrantze 03/12/2007	_____	sbasford 03/12/2007		

FE Sent For:


  
 3237
   
 <END>

**2007 DRAFTING REQUEST**

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Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

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No specific pre topic given

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Extend secondhand dealer requirements to all sellers of secondhand articles

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**Instructions:**

See Attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber	1/1/07 3/10	3/12	<del>3/12</del> 3/12			

FE Sent For:

<END>

## Sundberg, Christopher

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**From:** Duerst, Christina  
**Sent:** Thursday, February 22, 2007 2:28 PM  
**To:** Sundberg, Christopher  
**Subject:** FW: Message for Christopher Sundberg

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**From:** Young, Dan  
**Sent:** Thursday, February 22, 2007 2:25 PM  
**To:** LRB.Legal  
**Subject:** Message for Christopher Sundberg

Representative Soletski would like legislation drafted to amend s.134.71.

Please amend it to say:

1) that any retail business, (not just a "secondhand article dealer"), who sells used articles listed under s.134.71(1)(a)(5) and (12m), unless that business would be exempt under the same exemptions listed under s.143.71(1)(g), shall comply with the reporting requirement of s. 134.71(8).

-and-

2) if, under s.134.71(8)(e), a law enforcement agency requires electronic submission of the records to that agency, a dealer need only hold articles for safekeeping for not less than 7 days after submission of the records.

Dan Young  
Office of Representative Soletski  
266-0485

## Sundberg, Christopher

---

**From:** Young, Dan  
**Sent:** Thursday, February 22, 2007 3:53 PM  
**To:** Sundberg, Christopher  
**Subject:** RE: Message for Christopher Sundberg

Yes, correct. For example, Half Price Books would be such a retail establishment.

Electronic submission would be submitting into a computer database, such as the "point-of-sale" feature of the APS Automated Pawn System® used in Minneapolis and I believe used in Eau Claire.

For further information, please see [http://www.ci.minneapolis.mn.us/aps/overview.asp#P34\\_5893](http://www.ci.minneapolis.mn.us/aps/overview.asp#P34_5893)

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**From:** Sundberg, Christopher  
**Sent:** Thursday, February 22, 2007 3:29 PM  
**To:** Young, Dan  
**Subject:** FW: Message for Christopher Sundberg

To clarify, the draft would subject a business that engages in buying/selling computer toys and games and video/audio recordings on a casual or occasional basis (as opposed to "primarily") to the various requirements under s. 134.71 (8), unless the business fits in one of the exemptions under s. 134.71 (1) (g) 1. to 6. Such a business would not, however, be required to obtain a license and would not be subject to a background check, etc.

Also, if any business (i.e., one that is regulated under current law or one that would be regulated under the draft) is required to submit reports under s. 134.71 (8) (e) electronically, the holding period currently required under s. 134.71 (8) (d) would be 7 days after the report is transmitted.

Is this correct? What constitutes electronic submission for purposes of the shortened holding period?

CS

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**From:** Duerst, Christina  
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**To:** Sundberg, Christopher  
**Subject:** FW: Message for Christopher Sundberg

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**From:** Young, Dan  
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Representative Soletski would like legislation drafted to amend s.134.71.

Please amend it to say:

1) that any retail business, (not just a "secondhand article dealer"), who sells used articles listed under s.134.71(1)(a)(5) and (12m), unless that business would be exempt under the same exemptions listed under s.143.71(1)(g), shall comply with the reporting requirement of s. 134.71(8).

-and-



10: 1/23/07  
State of Wisconsin  
2007 - 2008 LEGISLATURE

soon

PI  
LRB-2056/2 RMNR  
CTS.: gjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

d-note

Gen

1 AN ACT ...; relating to: holding periods for secondhand dealers and pawnbrokers  
2 and regulating occasional sellers of computer toys and games and audio and  
3 video recordings.

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a later version.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4 SECTION 1. 134.71 (title) of the statutes is amended to read:  
5 134.71 (title) **Pawnbrokers and, secondhand article and jewelry**  
6 **dealers, and secondhand media sellers.**

History: 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252; 2005 a. 58.

7 SECTION 2. 134.71 (1) (cm) of the statutes is created to read:  
8 134.71 (1) (cm) "Media articles" means the articles identified in par. (a) 5. and  
9 12m.

10 SECTION 3. 134.71 (1) (i) of the statutes is created to read:

1           134.71 (1) (i) "Secondhand media seller" means any person, other than an  
2 auctioneer, who engages in the business of purchasing or selling secondhand media  
3 articles, if the business is not the person's primary business, except that a person is  
4 not a secondhand media seller when engaging in the activities identified in par. (g)  
5 1. to 6.

6           **SECTION 4.** 134.71 (8) (title) of the statutes is amended to read:

7           134.71 (8) (title) PAWNBROKER AND DEALER, AND MEDIA SELLER REQUIREMENTS.

8 History: 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252; 2005 a. 58.

8           **SECTION 5.** 134.71 (8) (a) (intro.) of the statutes is amended to read:

9           134.71 (8) (a) *Identification.* No pawnbroker, secondhand article dealer ~~or~~,  
10 secondhand jewelry dealer, or secondhand media seller may engage in a transaction  
11 of purchase, receipt or exchange of any secondhand article ~~or~~, secondhand jewelry,  
12 or, with respect to a secondhand media seller, secondhand media from a customer  
13 without first securing adequate identification from the customer. At the time of the  
14 transaction, the pawnbroker, secondhand article dealer ~~or~~, secondhand jewelry  
15 dealer, or secondhand media seller shall require the customer to present one of the  
16 following types of identification:

17 History: 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252; 2005 a. 58.

17           **SECTION 6.** 134.71 (8) (b) of the statutes is amended to read:

18           134.71 (8) (b) *Transactions with minors.* 1. Except as provided in subd. 2., no  
19 pawnbroker, secondhand article dealer ~~or~~, secondhand jewelry dealer, or secondhand  
20 media seller may engage in a transaction of purchase, receipt or exchange of any  
21 secondhand article ~~or~~, secondhand jewelry, or, with respect to a secondhand media  
22 seller, secondhand media from any minor.

23           2. A pawnbroker, secondhand article dealer ~~or~~, secondhand jewelry dealer, or  
24 secondhand media seller may engage in a transaction described under subd. 1. if the

1 minor is accompanied by his or her parent or guardian at the time of the transaction  
2 or if the minor provides the pawnbroker, secondhand article dealer ~~or~~, secondhand  
3 jewelry dealer, secondhand media seller with the parent's or guardian's written  
4 consent to engage in the particular transaction.

History: 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252; 2005 a. 58.

5 **SECTION 7.** 134.71 (8) (c) of the statutes is amended to read:

6 134.71 (8) (c) *Records.* 1. Except as provided in subd. 2., for each transaction  
7 of purchase, receipt, or exchange of any secondhand article ~~or~~, secondhand jewelry,  
8 or, with respect to a secondhand media seller, secondhand media from a customer,  
9 a pawnbroker, secondhand article dealer ~~or~~, secondhand jewelry dealer, or  
10 secondhand media seller shall require the customer to complete and sign, in ink, the  
11 appropriate form provided under sub. (12). No entry on such a form may be erased,  
12 mutilated, or changed. The pawnbroker, secondhand article dealer ~~or~~, secondhand  
13 jewelry dealer, or secondhand media seller shall retain an original and a duplicate  
14 of each form for not less than one year after the date of the transaction except as  
15 provided in par. (e), and during that period shall make the duplicate available to any  
16 law enforcement officer for inspection at any time that the pawnbroker's,  
17 secondhand article dealer's, ~~or~~ secondhand jewelry dealer's, or secondhand media  
18 seller's principal place of business is open to the public or at any other reasonable  
19 time.

20 2. For every secondhand article or, with respect to a secondhand media seller,  
21 secondhand media purchased, received, or exchanged by a secondhand article dealer  
22 or secondhand media seller from a customer off the secondhand article dealer's or  
23 secondhand media seller's premises or consigned to the secondhand article dealer or  
24 secondhand media seller for sale on the secondhand article dealer's or secondhand

1 media seller's premises, the secondhand article dealer or secondhand media seller  
2 shall keep a written inventory. In this inventory the secondhand article dealer or  
3 secondhand media seller shall record the name and address of each customer, the  
4 date, time, and place of the transaction, and a detailed description of the article  
5 ~~which~~ that is the subject of the transaction, including the article's serial number and  
6 model number, if any. The customer shall sign his or her name on a declaration of  
7 ownership of the secondhand article identified in the inventory and shall state that  
8 he or she owns the secondhand article. The secondhand article dealer or secondhand  
9 media seller shall retain an original and a duplicate of each entry and declaration  
10 of ownership relating to the purchase, receipt, or exchange of any secondhand article  
11 for not less than one year after the date of the transaction except as provided in par.  
12 (e), and shall make duplicates of the inventory and declarations of ownership  
13 available to any law enforcement officer for inspection at any time that the  
14 secondhand article dealer's or secondhand media seller's principal place of business  
15 is open to the public or at any other reasonable time.

16 3. Every secondhand article dealer or secondhand media seller shall on a  
17 weekly basis prepare a list that contains the name and address of each customer of  
18 the secondhand article dealer or secondhand media seller during the week for which  
19 the list was prepared, the date, time, and place of each transaction with each of those  
20 customers, and a detailed description of the secondhand article, or, with respect to  
21 a secondhand media seller, secondhand media, including the secondhand article's or  
22 secondhand media's serial number and model number, if any. The secondhand  
23 article dealer or secondhand media seller shall retain the list for not less than one  
24 year after the date on which the list was prepared. The secondhand article dealer  
25 or secondhand media seller shall make the list available to any law enforcement

1 officer for inspection at any time that the secondhand article dealer's or secondhand  
2 media seller's principal place of business is open to the public or at any other  
3 reasonable time.

4 **History:** 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252; 2005 a. 58.

**SECTION 8.** 134.71 (8) (d) 1. of the statutes is amended to read:

5 134.71 (8) (d) 1. Except as provided in ~~subd.~~ subds. 3m. and 5., any secondhand  
6 article or secondhand jewelry purchased or received by a pawnbroker shall be kept  
7 on the pawnbroker's premises or other place for safekeeping for not less than 30 days  
8 after the date of purchase or receipt, unless the person known by the pawnbroker to  
9 be the lawful owner of the secondhand article or secondhand jewelry recovers it.

10 **SECTION 9.** 134.71 (8) (d) 2. of the statutes is amended to read:

11 134.71 (8) (d) 2. Except as provided in ~~subd.~~ subds. 3m. and 5., any secondhand  
12 article or, with respect to a secondhand media seller, secondhand media purchased  
13 or received by a secondhand article dealer or secondhand media seller shall be kept  
14 on the secondhand article dealer's or secondhand media seller's premises or other  
15 place for safekeeping for not less than 21 days after the date of purchase or receipt.

16 **History:** 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252; 2005 a. 58.

**SECTION 10.** 134.71 (8) (d) 3. of the statutes is amended to read:

17 134.71 (8) (d) 3. Except as provided in ~~subd.~~ subds. 3m. and 5., any secondhand  
18 jewelry purchased or received by a secondhand jewelry dealer shall be kept on the  
19 secondhand jewelry dealer's premises or other place for safekeeping for not less than  
20 21 days after the date of purchase or receipt.

21 **History:** 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252; 2005 a. 58.

**SECTION 11.** 134.71 (8) (d) 3m. of the statutes is created to read:

22 134.71 (8) (d) 3m. If a pawnbroker, secondhand article dealer, secondhand  
23 jewelry dealer, or secondhand media seller is required to submit a report under par.  
24 (e) concerning a secondhand article, secondhand jewelry, or, with respect to a

1 secondhand media seller, secondhand media purchased or received by the  
2 pawnbroker, secondhand article dealer, secondhand jewelry dealer, or secondhand  
3 media seller and the report <sup>is</sup> required to be submitted in an electronic format, the  
4 secondhand article or secondhand jewelry shall be kept on the pawnbroker's,  
5 secondhand article dealer's, secondhand jewelry dealer's, or secondhand media  
6 seller's premises or other place for safekeeping for not less than 7 days after the  
7 report is submitted.

8 **SECTION 12.** 134.71 (8) (d) 4. of the statutes is amended to read:

9 134.71 (8) (d) 4. During the period set forth in subd. 1., 2. ~~or~~, 3., or 3m., the  
10 secondhand article ~~or~~, secondhand jewelry, or, with respect to a secondhand media  
11 seller, secondhand media shall be held separate and apart and may not be altered  
12 in any manner. The pawnbroker, secondhand article dealer ~~or~~, secondhand jewelry  
13 dealer, or secondhand media seller shall permit any law enforcement officer to  
14 inspect the secondhand article or secondhand jewelry during this period. Within 24  
15 hours after a written request of a law enforcement officer during this period, a  
16 pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall make  
17 available for inspection any secondhand article or secondhand jewelry ~~which~~ that is  
18 kept off the premises for safekeeping. Any law enforcement officer who has reason  
19 to believe any secondhand article or secondhand jewelry was not sold or exchanged  
20 by the lawful owner may direct a pawnbroker, secondhand article dealer ~~or~~,  
21 secondhand jewelry dealer, or secondhand media seller to hold that secondhand  
22 article or secondhand jewelry for a reasonable length of time ~~which~~ that the law  
23 enforcement officer considers necessary to identify it.

24 **History:** 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252; 2005 a. 58.

**SECTION 13.** 134.71 (8) (e) of the statutes is amended to read:

1           134.71 (8) (e) *Report to law enforcement agency.* Within 24 hours after  
2 purchasing or receiving a secondhand article ~~or, secondhand jewelry, or, with respect~~  
3 to a secondhand media seller, secondhand media, a pawnbroker, secondhand article  
4 dealer ~~or, secondhand jewelry dealer, or secondhand media seller~~ shall make  
5 available, for inspection by a law enforcement officer, the original form completed  
6 under par. (c) 1. or the inventory under par. (c) 2., whichever is appropriate.  
7 Notwithstanding s. 19.35 (1), a law enforcement agency receiving the original form  
8 or inventory or a declaration of ownership may disclose it only to another law  
9 enforcement agency.

History: 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252; 2005 a. 58.

10           **SECTION 14.** 134.71 (8) (f) of the statutes is amended to read:

11           134.71 (8) (f) *Exception for customer return or exchange.* Nothing in this  
12 subsection applies to the return or exchange, from a customer to a secondhand article  
13 dealer ~~or, secondhand jewelry dealer, or secondhand media seller~~, of any secondhand  
14 article ~~or, secondhand jewelry, or, with respect to a secondhand media seller,~~  
15 secondhand media purchased from the secondhand article dealer ~~or, secondhand~~  
16 jewelry dealer, or secondhand media seller.

History: 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252; 2005 a. 58.

17           **SECTION 15.** 134.71 (12) of the statutes is amended to read:

18           134.71 (12) APPLICATIONS AND FORMS. The department of agriculture, trade and  
19 consumer protection shall develop applications and other forms required under subs.  
20 (5) (intro.) and (8) (c). The department shall print a sufficient number of applications  
21 and forms to provide to counties and municipalities for distribution to pawnbrokers,  
22 secondhand article dealers ~~and, secondhand jewelry dealers, and secondhand media~~  
23 sellers at no cost.

History: 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252; 2005 a. 58.

1           **134.71 (14)** ORDINANCE. A county or municipality may enact an ordinance  
2 governing pawnbrokers, secondhand article dealers ~~or~~, secondhand jewelry dealers,  
3 or secondhand media sellers if that ordinance is at least as stringent as this section.

4 **History:** 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252; 2005 a. 58.

**(END)**

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2056/P1dn

CTS: *kyf*

*Date*

Representative Soletski:

This is a preliminary draft. Please review it carefully to ensure it is consistent with your intent. Note that I have assumed it is your intent to permit municipalities to adopt ordinances regulating secondhand media sellers as long as they are at least as stringent as the provisions added by this draft.

Christopher T. Sundberg  
Legislative Attorney  
Phone: (608) 266-9739  
E-mail:  
[christopher.sundberg@legis.wisconsin.gov](mailto:christopher.sundberg@legis.wisconsin.gov)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2056/P1dn  
CTS:kjf:jf

March 12, 2007

Representative Soletski:

This is a preliminary draft. Please review it carefully to ensure it is consistent with your intent. Note that I have assumed it is your intent to permit municipalities to adopt ordinances regulating secondhand media sellers as long as they are at least as stringent as the provisions added by this draft.

Christopher T. Sundberg  
Legislative Attorney  
Phone: (608) 266-9739  
E-mail:  
[christopher.sundberg@legis.wisconsin.gov](mailto:christopher.sundberg@legis.wisconsin.gov)

3/21/07

Dan Young

redraft LRB-2056/P1 as introducible  
draft.



ln: 3/22/07  
State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-2056/PL RANR

CTS:kjff

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2007 BILL

INS  
A

Regen

1 AN ACT to amend 134.71 (title), 134.71 (8) (title), 134.71 (8) (a) (intro.), 134.71  
2 (8) (b), 134.71 (8) (c), 134.71 (8) (d) 1., 134.71 (8) (d) 2., 134.71 (8) (d) 3., 134.71  
3 (8) (d) 4., 134.71 (8) (e), 134.71 (8) (f), 134.71 (12) and 134.71 (14); and to create  
4 134.71 (1) (cm), 134.71 (1) (i) and 134.71 (8) (d) 3m. of the statutes; relating to:  
5 holding periods for secondhand dealers and pawnbrokers and regulating  
6 occasional sellers of computer toys and games and audio and video recordings.

Analysis by the Legislative Reference Bureau  
This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

7 SECTION 1. 134.71 (title) of the statutes is amended to read:  
8 134.71 (title) Pawnbrokers and, secondhand article and jewelry  
9 dealers, and secondhand media sellers.

10 SECTION 2. 134.71 (1) (cm) of the statutes is created to read:

1 134.71 (1) (cm) "Media articles" means the articles identified in par. (a) 5. and  
2 12m.

3 **SECTION 3.** 134.71 (1) (i) of the statutes is created to read:

4 134.71 (1) (i) "Secondhand media seller" means any person, other than an  
5 auctioneer, who engages in the business of purchasing or selling secondhand media  
6 articles, if the business is not the person's primary business, except that a person is  
7 not a secondhand media seller when engaging in the activities identified in par. (g)  
8 1. to 6.

9 **SECTION 4.** 134.71 (8) (title) of the statutes is amended to read:

10 134.71 (8) (title) PAWNBROKER AND, DEALER, AND MEDIA SELLER REQUIREMENTS.

11 **SECTION 5.** 134.71 (8) (a) (intro.) of the statutes is amended to read:

12 134.71 (8) (a) *Identification.* No pawnbroker, secondhand article dealer ~~or,~~  
13 secondhand jewelry dealer, or secondhand media seller may engage in a transaction  
14 of purchase, receipt or exchange of any secondhand article ~~or,~~ secondhand jewelry,  
15 or, with respect to a secondhand media seller, secondhand media from a customer  
16 without first securing adequate identification from the customer. At the time of the  
17 transaction, the pawnbroker, secondhand article dealer ~~or,~~ secondhand jewelry  
18 dealer, or secondhand media seller shall require the customer to present one of the  
19 following types of identification:

20 **SECTION 6.** 134.71 (8) (b) of the statutes is amended to read:

21 134.71 (8) (b) *Transactions with minors.* 1. Except as provided in subd. 2., no  
22 pawnbroker, secondhand article dealer ~~or,~~ secondhand jewelry dealer, or secondhand  
23 media seller may engage in a transaction of purchase, receipt or exchange of any  
24 secondhand article ~~or,~~ secondhand jewelry, or, with respect to a secondhand media  
25 seller, secondhand media from any minor.

1           2. A pawnbroker, secondhand article dealer ~~or~~, secondhand jewelry dealer, or  
2           secondhand media seller may engage in a transaction described under subd. 1. if the  
3           minor is accompanied by his or her parent or guardian at the time of the transaction  
4           or if the minor provides the pawnbroker, secondhand article dealer ~~or~~, secondhand  
5           jewelry dealer, or secondhand media seller with the parent's or guardian's written  
6           consent to engage in the particular transaction.

7           **SECTION 7.** 134.71 (8) (c) of the statutes is amended to read:

8           134.71 (8) (c) *Records.* 1. Except as provided in subd. 2., for each transaction  
9           of purchase, receipt, or exchange of any secondhand article ~~or~~, secondhand jewelry,  
10          or, with respect to a secondhand media seller, secondhand media from a customer,  
11          a pawnbroker, secondhand article dealer ~~or~~, secondhand jewelry dealer, or  
12          secondhand media seller shall require the customer to complete and sign, in ink, the  
13          appropriate form provided under sub. (12). No entry on such a form may be erased,  
14          mutilated, or changed. The pawnbroker, secondhand article dealer ~~or~~, secondhand  
15          jewelry dealer, or secondhand media seller shall retain an original and a duplicate  
16          of each form for not less than one year after the date of the transaction except as  
17          provided in par. (e), and during that period shall make the duplicate available to any  
18          law enforcement officer for inspection at any time that the pawnbroker's,  
19          secondhand article dealer's, ~~or~~ secondhand jewelry dealer's, or secondhand media  
20          seller's principal place of business is open to the public or at any other reasonable  
21          time.

22          2. For every secondhand article or, with respect to a secondhand media seller,  
23          secondhand media purchased, received, or exchanged by a secondhand article dealer  
24          or secondhand media seller from a customer off the secondhand article dealer's or  
25          secondhand media seller's premises or consigned to the secondhand article dealer or

1 secondhand media seller for sale on the secondhand article dealer's or secondhand  
2 media seller's premises, the secondhand article dealer or secondhand media seller  
3 shall keep a written inventory. In this inventory the secondhand article dealer or  
4 secondhand media seller shall record the name and address of each customer, the  
5 date, time, and place of the transaction, and a detailed description of the article  
6 ~~which~~ that is the subject of the transaction, including the article's serial number and  
7 model number, if any. The customer shall sign his or her name on a declaration of  
8 ownership of the secondhand article identified in the inventory and shall state that  
9 he or she owns the secondhand article. The secondhand article dealer or secondhand  
10 media seller shall retain an original and a duplicate of each entry and declaration  
11 of ownership relating to the purchase, receipt, or exchange of any secondhand article  
12 for not less than one year after the date of the transaction except as provided in par.  
13 (e), and shall make duplicates of the inventory and declarations of ownership  
14 available to any law enforcement officer for inspection at any time that the  
15 secondhand article dealer's or secondhand media seller's principal place of business  
16 is open to the public or at any other reasonable time.

17 3. Every secondhand article dealer or secondhand media seller shall on a  
18 weekly basis prepare a list that contains the name and address of each customer of  
19 the secondhand article dealer or secondhand media seller during the week for which  
20 the list was prepared, the date, time, and place of each transaction with each of those  
21 customers, and a detailed description of the secondhand article, or, with respect to  
22 a secondhand media seller, secondhand media, including the secondhand article's or  
23 secondhand media's serial number and model number, if any. The secondhand  
24 article dealer or secondhand media seller shall retain the list for not less than one  
25 year after the date on which the list was prepared. The secondhand article dealer

1 or secondhand media seller shall make the list available to any law enforcement  
2 officer for inspection at any time that the secondhand article dealer's or secondhand  
3 media seller's principal place of business is open to the public or at any other  
4 reasonable time.

5 **SECTION 8.** 134.71 (8) (d) 1. of the statutes is amended to read:

6 134.71 (8) (d) 1. Except as provided in ~~subd.~~ subds. 3m. and 5., any secondhand  
7 article or secondhand jewelry purchased or received by a pawnbroker shall be kept  
8 on the pawnbroker's premises or other place for safekeeping for not less than 30 days  
9 after the date of purchase or receipt, unless the person known by the pawnbroker to  
10 be the lawful owner of the secondhand article or secondhand jewelry recovers it.

11 **SECTION 9.** 134.71 (8) (d) 2. of the statutes is amended to read:

12 134.71 (8) (d) 2. Except as provided in ~~subd.~~ subds. 3m. and 5., any secondhand  
13 article or, with respect to a secondhand media seller, secondhand media purchased  
14 or received by a secondhand article dealer or secondhand media seller shall be kept  
15 on the secondhand article dealer's or secondhand media seller's premises or other  
16 place for safekeeping for not less than 21 days after the date of purchase or receipt.

17 **SECTION 10.** 134.71 (8) (d) 3. of the statutes is amended to read:

18 134.71 (8) (d) 3. Except as provided in ~~subd.~~ subds. 3m. and 5., any secondhand  
19 jewelry purchased or received by a secondhand jewelry dealer shall be kept on the  
20 secondhand jewelry dealer's premises or other place for safekeeping for not less than  
21 21 days after the date of purchase or receipt.

22 **SECTION 11.** 134.71 (8) (d) 3m. of the statutes is created to read:

23 134.71 (8) (d) 3m. If a pawnbroker, secondhand article dealer, secondhand  
24 jewelry dealer, or secondhand media seller is required to submit a report under par.  
25 (e) concerning a secondhand article, secondhand jewelry, or, with respect to a

1 secondhand media seller, secondhand media purchased or received by the  
2 pawnbroker, secondhand article dealer, secondhand jewelry dealer, or secondhand  
3 media seller and the report is required to be submitted in an electronic format, the  
4 secondhand article or secondhand jewelry shall be kept on the pawnbroker's,  
5 secondhand article dealer's, secondhand jewelry dealer's, or secondhand media  
6 seller's premises or other place for safekeeping for not less than 7 days after the  
7 report is submitted.

8 **SECTION 12.** 134.71 (8) (d) 4. of the statutes is amended to read:

9 134.71 (8) (d) 4. During the period set forth in subd. 1., 2. ~~or~~, 3., or 3m., the  
10 secondhand article ~~or~~, secondhand jewelry, or, with respect to a secondhand media  
11 seller, secondhand media shall be held separate and apart and may not be altered  
12 in any manner. The pawnbroker, secondhand article dealer ~~or~~, secondhand jewelry  
13 dealer, or secondhand media seller shall permit any law enforcement officer to  
14 inspect the secondhand article or secondhand jewelry during this period. Within 24  
15 hours after a written request of a law enforcement officer during this period, a  
16 pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall make  
17 available for inspection any secondhand article or secondhand jewelry ~~which~~ that is  
18 kept off the premises for safekeeping. Any law enforcement officer who has reason  
19 to believe any secondhand article or secondhand jewelry was not sold or exchanged  
20 by the lawful owner may direct a pawnbroker, secondhand article dealer ~~or~~,  
21 secondhand jewelry dealer, or secondhand media seller to hold that secondhand  
22 article or secondhand jewelry for a reasonable length of time ~~which~~ that the law  
23 enforcement officer considers necessary to identify it.

24 **SECTION 13.** 134.71 (8) (e) of the statutes is amended to read:

1           134.71 (8) (e) *Report to law enforcement agency.* Within 24 hours after  
2 purchasing or receiving a secondhand article ~~or, secondhand jewelry, or, with respect~~  
3 to a secondhand media seller, secondhand media, a pawnbroker, secondhand article  
4 dealer ~~or, secondhand jewelry dealer, or secondhand media seller~~ shall make  
5 available, for inspection by a law enforcement officer, the original form completed  
6 under par. (c) 1. or the inventory under par. (c) 2., whichever is appropriate.  
7 Notwithstanding s. 19.35 (1), a law enforcement agency receiving the original form  
8 or inventory or a declaration of ownership may disclose it only to another law  
9 enforcement agency.

10           **SECTION 14.** 134.71 (8) (f) of the statutes is amended to read:

11           134.71 (8) (f) *Exception for customer return or exchange.* Nothing in this  
12 subsection applies to the return or exchange, from a customer to a secondhand article  
13 dealer ~~or, secondhand jewelry dealer, or secondhand media seller~~, of any secondhand  
14 article ~~or, secondhand jewelry, or, with respect to a secondhand media seller,~~  
15 secondhand media purchased from the secondhand article dealer ~~or, secondhand~~  
16 jewelry dealer, or secondhand media seller.

17           **SECTION 15.** 134.71 (12) of the statutes is amended to read:

18           134.71 (12) APPLICATIONS AND FORMS. The department of agriculture, trade and  
19 consumer protection shall develop applications and other forms required under subs.  
20 (5) (intro.) and (8) (c). The department shall print a sufficient number of applications  
21 and forms to provide to counties and municipalities for distribution to pawnbrokers,  
22 secondhand article dealers ~~and, secondhand jewelry dealers, and secondhand media~~  
23 sellers at no cost.

24           **SECTION 16.** 134.71 (14) of the statutes is amended to read:



2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2056/lins  
CTS:.....

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**Insert A:**

Under current law, a pawnbroker or dealer in secondhand jewelry or certain other secondhand articles (secondhand dealer) must obtain a license from a municipality in order to operate. Generally, a municipality must grant a license to an applicant who pays a fee and who has not been convicted of a felony or certain other offenses in the 10 years preceding application.

Current law imposes certain requirements on a pawnbroker or secondhand dealer regarding customer identification, transactions with minors, and recordkeeping. Current law also requires a pawnbroker or secondhand dealer to hold an item purchased or received by the pawnbroker or secondhand dealer for a period after purchase or receipt. Generally, a pawnbroker must hold an item for 30 days and a secondhand dealer must hold an item for 21 days. This bill reduces the required holding periods to 7 days for an item if a pawnbroker or secondhand dealer is required to submit a record regarding the item to law enforcement authorities in an electronic format.

The bill also creates a new category of regulated seller, a secondhand media seller. A secondhand media seller is a person, other than an auctioneer, that engages in the business of purchasing or selling secondhand computer toys or games or audio or video recordings, except that under the bill, certain types of transactions that are not regulated under current law, including garage sales and sales at gun or antique shows, are not regulated with respect to secondhand media sellers.

Under the bill, a secondhand media seller is not required to obtain a license, but is subject to the requirements that currently apply to a secondhand dealer regarding customer identification, transactions with minors, and recordkeeping.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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**Parisi, Lori**

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**From:** Young, Dan  
**Sent:** Wednesday, April 11, 2007 12:53 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-2056/1 Topic: Extend secondhand dealer requirements to all sellers of secondhand articles

Please Jacket LRB 07-2056/1 for the ASSEMBLY.