

Senate Bill 535

By: Senator James of the 35th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and  
2 businesses, so as to provide for the regulation of secondhand dealers; to provide for  
3 legislative declarations; to provide for definitions; to provide for licenses for such dealers;  
4 to provide for certain reporting requirements; to provide for a method for such reporting; to  
5 provide for a request for approval and other bidding procedures regarding certain reporting  
6 services; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,  
10 is amended by adding a new chapter to read as follows:

11 "CHAPTER 52

12 43-52-1.

13 The General Assembly finds that property crime has become an epidemic in Georgia. The  
14 theft of our everyday property, such as tools, audiovisual equipment and media, electrical  
15 appliances, home furnishings, automobile and watercraft parts, and many other items has  
16 become a far too common experience for too many citizens of Georgia. The General  
17 Assembly finds that the limited resources of our law enforcement has made it challenging  
18 to track down the culprits of property theft and bring them to justice. The legislature  
19 should provide law enforcement officials and all the property owners of Georgia every tool  
20 possible in order to recover stolen items.

21 43-52-2.

22 As used in this chapter, the term:

23 (1) 'Bureau' means the Georgia Bureau of Investigation.

24 (2) 'Mail-in secondhand dealer' means any person or entity that conducts business within  
25 Georgia and contracts with other persons or entities to buy precious metals, including  
26 items that contain gold, silver, or platinum or any combination thereof, or jewelry through  
27 an Internet website, the United States Postal Service, or telemarketing.

28 (3) 'Pawnbroker' shall have the same meaning as provided for in paragraph (2) of Code  
29 Section 44-12-130.

30 (4) 'Reporting program' means a centralized data base program developed and  
31 maintained by the bureau to record stolen personal property and goods.

32 (5) 'Secondhand dealer' means any person, corporation, or other business organization  
33 which is not a mail-in secondhand dealer that is in the business of purchasing, consigning,  
34 or trading secondhand goods at a fixed location; provided however, that a secondhand  
35 dealer shall include any secondhand store.

36 (6) 'Secondhand goods' means any property previously owned or used.

37 (7) 'Secondhand store' means:

38 (A) Any store run by a nonprofit organization that sells secondhand goods; or

39 (B) A store that primarily sells one particular type of secondhand good, including, but  
40 not limited to, books, clothing, coins, costume jewelry, motor vehicles, office furniture,  
41 organs and pianos, secondhand sports equipment, excluding golf clubs, that is not  
42 permanently labeled with a serial number, and cardio and strength training or  
43 conditioning equipment designed primarily for indoor use.

44 43-52-3.

45 (a) All secondhand dealers, pawnbrokers, and mail-in secondhand dealers shall be required  
46 to be licensed in Georgia prior to selling secondhand goods. The bureau shall have the  
47 duty of reviewing applicants for licensure pursuant to this Code section. The bureau shall  
48 investigate all cases where it deems that there is cause to believe that a person is selling  
49 secondhand goods without a license.

50 (b) To qualify for a license as a secondhand dealer, a person shall establish that he or she  
51 is equipped to take part in the reporting program.

52 (c) The bureau shall by the promulgation of rule and regulation establish procedures,  
53 standards, and qualifications for the licensing of secondhand dealers.

54 43-52-4.

55 The bureau shall develop a reporting program that maintains a data base of all personal  
56 property items that have been reported to a law enforcement agency as stolen. The bureau  
57 shall develop such program through a request for proposal process.

58 43-52-5.

59 It shall be unlawful for a secondhand dealer, mail-in secondhand dealer, or pawnbroker to  
60 sell secondhand goods without first confirming with the reporting program that such  
61 secondhand goods have not been reported as stolen personal property."

62 **SECTION 2.**

63 All laws and parts of laws in conflict with this Act are repealed.