

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Thomas M. McGee**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to second hand dealers.

PETITION OF:

NAME:

Thomas M. McGee

DISTRICT/ADDRESS:

Third Essex and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S00187 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATIVE TO SECOND HAND DEALERS.

1           *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority*  
2 *of the same, as follows:*

3 SECTION 1. Chapter 140 of the General Laws is hereby amended by inserting at the end thereof  
4 the following:-

5 Second-Hand Dealers. Section 207. The police commissioner of Boston, the license  
6 commission of Lowell, the aldermen of any other city, or the selectmen of any town, if  
7 ordinances or by-laws therefor have been adopted in such city or town, may license suitable  
8 persons to carry on the business of second-hand dealer in such city or town, subject to sections  
9 two hundred and two to two hundred and five, inclusive, and may revoke such licenses at  
10 pleasure.

11 Section 208. The chief of police of a city, the selectmen of a town, any officer authorized by  
12 either of them, or a state police officer may at any time enter upon any premises used by a  
13 licensed second-hand dealer for the purposes of his business, ascertain how he conducts his

14 business, and examine all articles purchased or kept or stored in or upon said premises and all  
15 books and inventories relating thereto. Every such second-hand dealer, his clerk, agent, servant  
16 or other person in charge of the premises shall exhibit to such officer on demand any or all of  
17 such articles, books and inventories.

18 Section 209. A licensed second-hand dealer, clerk, agent or other person in charge of such  
19 premises who refuses to admit thereto an officer authorized to enter the same, or who fails to  
20 exhibit to him on demand all such articles, books and inventories, and any person who wilfully  
21 hinders, obstructs or prevents such officer from entering the premises or from making the  
22 examination authorized in the preceding section, shall be punished by a fine of not more than  
23 two hundred dollars or by imprisonment for not more than one year, or both.

24 Section 210. Whoever, not being licensed, carries on such business or is concerned therein  
25 within such town, or, being licensed, carries on such business or is concerned therein in any  
26 other place or manner than that designated in his license or after notice to him that his license has  
27 been revoked shall be punished by a fine of not more than fifty dollars.

28 Section 211. The fee for a license as a second-hand dealer or renewal thereof shall be  
29 established in a town by town meeting action and in a city by city council action, and in a town  
30 with no town meeting by town council action, by adoption of appropriate by-laws and ordinances  
31 to set such fees, but in no event shall any such fee be greater than one hundred dollars. The  
32 licensee shall, at the time of receiving such license, file with the authorities who issue the license  
33 a bond to such city or town, in the sum of three hundred dollars, with two sureties approved by  
34 such authorities, and conditioned for the faithful performance of the duties and obligations  
35 pertaining to the business so licensed.

36 Section 212. Every second-hand dealer shall keep a book in which, at the time of making a  
37 purchase, shall be legibly written in the English language an account and description, including  
38 all distinguishing marks and numbers, of the articles purchased, the amount of money paid  
39 thereon, the time of purchase, and the name and residence of the person selling such articles, and  
40 shall furnish a correct record of such transactions, containing all such information, once a week,  
41 or oftener if required, to the licensing authorities or to any person designated by them. Every  
42 second-hand dealer shall also photograph any person selling articles and keep the photographs  
43 with said books as part of his records.

44 Section 213. Said book shall at all reasonable times be open to the inspection of the mayor, of  
45 the members of the board of police, of the superintendent of police and deputy superintendents,  
46 of the chief inspector of police, of any officer of the state police or of any person authorized by  
47 them in writing for that purpose who exhibits such written authority to such second-hand dealer.

48 Section 214. Whoever violates any provision of the 7 preceding sections shall be punished by a  
49 fine of not less than fifty nor more than three hundred dollars or by imprisonment for not more  
50 than two months, or both.

51 Section 215. Any second-hand dealer who violates the provisions of section 212 in reference to  
52 articles purchased which are found to be stolen articles shall be liable for the loss incurred, and  
53 the purchased article may be reclaimed by the owner of the same.