

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 4-15

"Secondhand Dealers Regulation and Rental Housing
Act of 1980 Clarification Act of 1981".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 4-31 on first, amended first and second readings, March 24, 1981, April 7, 1981 and April 28, 1981, respectively. Following the signature of the Mayor on May 12, 1981, this legislation was assigned Act No. 4-30, published in the May 22, 1981 edition of the D.C. Register, (Vol. 28 page 2255) and transmitted to Congress on May 19, 1981 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 4-15, effective July 14, 1981.


ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

May	19,20,21,27,28,29
June	1,2,3,4,5,8,9,10,11,12,15,16,17,18,19,22,23,24,25,26
July	8,9,10,13

EFFECTIVE
DATE JUL 14 1981

AN ACT

D.C. ACT 4-30

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 12 1981

To amend the Police Regulations concerning the sale of certain secondhand personal property and the licensing qualifications of secondhand dealers; to exempt charitable organizations and consignment shops from regulations which require secondhand dealers to maintain records on certain goods, hold certain goods for at least fifteen (15) days and submit daily reports on certain goods to the Chief of Police; to amend the Rental Housing Act of 1980 to clarify the authority of the Rental Accommodations Commission prior to the appointment of the members of the Rental Housing Commission; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Secondhand Dealers Regulation and Rental Housing Act of 1980 Clarification Act of 1981".

Sec. 2. Commissioner's Order No. 57-1638, effective August 22, 1957 (Article I, section 1 of the Police Regulations of the District of Columbia), is amended as follows:

CODIFICATION
D.C. Municipal
Regulations
(DCMR)

(a) Section 1(a) is amended as follows:

(1) by inserting the following paragraph at the end thereof to read as follows:

"Class C Secondhand Dealer: A Class C secondhand dealer shall be a charitable organization, as defined in section 501(c)(3) of the Internal Revenue Code of 1954, which purchases or receives secondhand personal property (other than motor vehicles) for the purpose of resale; or, a person, firm, or corporation which purchases or receives secondhand personal property of any description (other than motor vehicles) on consignment for the purpose of resale."; and

(2) by inserting in the second paragraph following the phrase "other than a Class B" the phrase "or a Class C";

(b) Section 1(b) is amended to read as follows:

"(b)(1) Every junk dealer, Class A secondhand dealer, and Class C secondhand dealer shall keep at his place of business a book or books, in which he shall record an accurate account of each transaction in the course of his business (except as to the purchase of rags, bones, old iron, and paper by junk dealers). The account of the transaction shall be legibly written in English at the time of the transaction

and numbered consecutively. The account of the transaction shall set forth:

"(A) an accurate and complete description of the goods, article, or thing purchased, or received on account of money paid therefor, giving all numbers, marks, monograms, trade marks, and manufacturer's names and any other marks of identification appearing on the same, at the time of receiving the same;

"(B) the name, residence, race, and sex of the person selling or delivering the same;

"(C) the terms and conditions of the purchase, or receipt thereof;

"(D) the place and date of the transaction; and

"(E) All other information contained in at least one (1) type of identification provided by the seller or person delivering the same; and

"(F) all other facts and circumstances respecting such purchase or receipt. All records made pursuant to this subsection shall be maintained by the dealer at his place of business for a period of not less than one (1)

year after the date the property is sold or disposed of in any manner.

"(2) A dealer in secondhand personal property shall securely fasten on any article purchased or received, for which records must be kept pursuant to this subsection, a tag to be prescribed by the Mayor. Such dealer shall legibly write in English on the tag, the date of purchase or receipt of the article and a number corresponding with the property on his book. The tag shall remain on the property until such time as the property is sold or disposed of by the dealer.

"(3) In addition to the requirements set forth in paragraphs (1) and (2), dealers purchasing or otherwise acquiring any article of jewelry or other article composed of or manufactured in whole or in significant part of a precious metal, including gold, silver, or platinum or derivatives or alloys of gold, silver, or platinum shall:

"(A) require and inspect two (2) types of identification from the seller or person delivering the property, one (1) of which must

display a photograph of such person, and shall record in his account of the transaction all pertinent information, including the person's date of birth, license number, social security number, height, weight, hair color, and eye color, to the extent contained in the identification provided by the seller or person delivering the property; and

"(B) pay for such articles only by check, the number and account of which are to be recorded in the dealer's book. The dealer may cash the check if: (1) the check is made payable to the seller; (2) the seller endorses the check; and (3) the dealer retains the check for a period of at least one (1) year from the date of the transaction. A Class C secondhand dealer who purchases or receives secondhand personal property on consignment must pay only in the form of check and only after at least sixty (60) days from the date on which the property is received.

"(4)(A) Except as provided in subparagraph (B), no dealer shall sell, dispose of in any manner, melt, vulcanize, or otherwise change or destroy the identity of any article of secondhand personal property purchased or taken in

the course of this business until after the expiration of fifteen (15) calendar days from the time at which report has been made to the Chief of Police of the purchase or receipt of the property.

"(B) In the case of any article of jewelry or other thing composed of or manufactured in whole or in significant part of a precious metal, as defined in paragraph (3), which does not have a serial number visible on the exterior surface when received by the dealer, the article shall not be sold, disposed of in any manner, melted, taken apart, or any identification marks appearing on the article obliterated until after the expiration of thirty (30) calendar days from the time at which a report has been made to the Chief of Police concerning the purchase or receipt of the property.

"(C) Property being held pursuant to subparagraph (A) or (B), shall be kept in the dealer's place of business and shall be kept separate and distinct from all other property or merchandise in the dealer's place of business.

"(5) No junk dealer, Class A dealer, or Class C dealer in secondhand personal property

shall purchase any piece or mass of melted precious metal, as defined in paragraph (3), indot of amateur manufacture, or any article with serial numbers or jeweler's marks obliterated unless payment for the article is withheld for a period of twenty-four (24) hours and the Chief of Police is notified twenty-four (24) hours prior to the transaction of the pertinent information as set forth in paragraph (1) concerning the transaction.

"(6) No junk dealer, Class A, or Class C secondhand dealer shall purchase or receive any article of secondhand personal property from a minor unless the minor's parent or legal guardian is physically present during the transaction, consents in writing to the transaction, and presents the identification required in this article.

"(7) Nothing in this subsection shall apply to:

"(A) the purchase or receipt of books, except any books having a value of forty dollars (\$40) or more, or set of books having a value of one (1) hundred and fifty dollars (\$150) or more;

"(B) the receipt of articles of secondhand personal property which are received as donations by Class C dealers;

"(C) the purchase or receipt of articles of secondhand personal property by Class C secondhand dealers, except the purchase or receipt of items listed in section 1(c)(1) - 1(c)(11);

"(D) the purchase or receipt of articles of secondhand personal property from the United States or District of Columbia governments;

"(E) except as otherwise provided by section 13, the purchase or receipt of bonafide coins or stamps issued by or for a government.

"(8) Junk dealers, Class A, and Class C dealers shall be exempt from the provisions of paragraph (3) if purchasing or receiving articles of secondhand personal property from a licensed auctioneer.

"(9) Any person violating paragraphs (3), (4)(b), or (5) shall, upon conviction, be imprisoned for not more than ninety (90) days or fined not more than one thousand dollars (\$1,000), or both.

"(10) The Mayor may suspend the license of any secondhand dealer in personal property if that person has been convicted of three (3) or more crimes in connection with the operation of a secondhand dealer business within any two (2)-year period. The Mayor may revoke the license of any secondhand dealer convicted of a felony in connection with the operation of a secondhand dealer business.

"(11) A Class C secondhand dealer operating to any extent on a consignment basis, must submit an annual report to the Chief of Police which verifies such consignment purchase conditions. A Class C secondhand dealer which is a charitable, nonprofit organization, as defined in section 501(c)(3) of the Internal Revenue Code of 1954, must submit an annual report to the Chief of Police which verifies such status."

(c) Section 1(c) is amended as follows:

(1) by striking the phrase "Every junk dealer and Class A" and inserting the phrase "Every junk dealer, Class A and Class C" in lieu thereof;

(2) by inserting in subsection (c)(6) following the word "Jewelry" the phrase, "or other articles composed of or manufactured in whole or in significant part of a precious metal, as defined in paragraph (b)(3)";

(3) by striking in subsection (c)(11) the phrase "\$25.00" and inserting the phrase "\$100.00" in lieu thereof; and

(4) by inserting at the end thereof the following sentence to read as follows: "All records made pursuant to this subsection shall be maintained by the dealer at his place of business for a period of not less than one (1) year after the date the property is sold or disposed of in any manner.";

(d) Section 2 is amended by striking the phrase "of these books" in the last sentence and by inserting at the end of the section the following sentence to read as follows: "Class C secondhand dealers shall be exempt from the requirements of this section, except as to the purchase or receipt of those items listed in section 1(c)(1) - section 1(c)(11).".

(e) Section 3 is amended by striking the phrase "It shall be the duty of every junk dealer, or Class A, or Class B" and inserting the phrase "It shall be the duty of every junk dealer and every class of" in lieu thereof.

(f) Section 4 is amended by striking the phrase "or Class A, or Class B" and inserting the phrase "or any class of" in lieu thereof.

(g) Section 5 is amended as follows:

(1) by inserting following the phrase "Class A dealer" the phrase ", or Class C dealer"; and

(2) by inserting at the end thereof the following sentence to read as follows:

"The Mayor may deny a license to any person who by advertisement of any kind offers to purchase or receive as a dealer any secondhand personal property without actually being so licensed, and the Mayor shall deny a license to any person who fails to set forth upon his application therefor a fixed place of business within the District of Columbia or who has been convicted of a felony in connection with

the operation of a secondhand dealer business within the preceding ten (10) years from the date of the application."

(h) Section 7 is amended by striking the phrase, "or Class A, or Class 8" and inserting the phrase, "or any class of" in lieu thereof.

(i) Article I is amended by inserting at the end thereof the following new sections to read as follows:

"Section 10. Every junk dealer and dealer of any class in secondhand personal property shall keep at his place of business a book or books, in which shall be legibly written in English and numbered consecutively, an account with respect to any personal property which is listed in section 1(c) and which is left for repair. The account shall contain the information required by Section 1(b)(1). If such property is sold or converted to the dealer's own use, to redeem the cost of repair, the dealer shall record the date of the sale or conversion and the name and address of the person, firm, or corporation ultimately receiving such property from the dealer.

"Section 11. (a) Any member of the Metropolitan Police Department may take possession of an article of secondhand personal property in the possession of a dealer which such member knows to be missing, or knows it, or has probable cause to believe to be stolen. Upon taking possession of such article, the member shall furnish the dealer with a receipt which shall include the date, name of the member taking the article, the member's rank, and a description of the article taken. Any article taken by a member from a dealer shall, as soon as possible, be delivered to the Property Clerk of the Metropolitan Police Department where it shall remain until such time as ownership or the right to possession, or both, have been determined according to law. The Property Clerk of the Metropolitan Police Department shall notify the dealer in writing of any disposition of the property, such notice to include the date of disposition, and the name of the person receiving the property.

"(b) In lieu of taking possession of secondhand personal property pursuant to paragraph (a), a member of the Metropolitan Police

Department may place a temporary detainer on the property for a period not to exceed sixty (60) calendar days from the date that the written notice of the detainer is issued to the dealer.

During the period of detention, the property shall remain in the custody of the dealer and the dealer shall be prohibited from selling, disposing of in any manner, or changing the identity of the property. During the period of detention, the dealer shall keep such detained property separate and distinct from all other property in the dealer's place of business.

"Section 12. All dealers not already licensed under this article conducting or participating in a public exhibit or show of secondhand personal property to be held in the District of Columbia shall obtain a temporary permit from the Mayor at least sixty (60) calendar days in advance of the show or exhibition. Each dealer participating in the show or exhibition shall provide the Chief of Police with a list of all merchandise or property which is to be exhibited or offered for sale at the show or exhibition. Such list shall be provided to the

Chief of Police at least seven (7) calendar days prior to the date of the show or exhibition.

"Section 13. This article shall not apply to transactions involving the sale or purchase of:

(a) coins that change substantially in relation to the precious metal content of such coins;

(b) medallion form bullion; and

(c) bullion with a recognizable hallmark, fineness stamp, and weight delineation.".

Sec. 10. The Rental Housing Act of 1980, having completed its period of Congressional review on March 4, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1601 et seq.) is amended as follows:


D.C. Code,
sec. 45-1611(b)

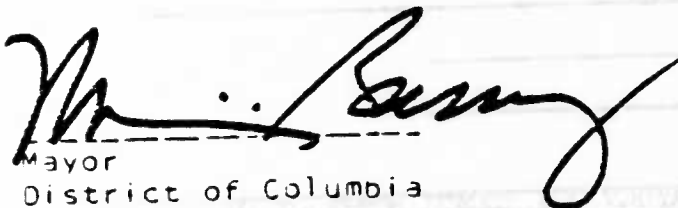
(a) Section 201(b) (D.C. Code, sec. 45-1611(b)) is amended to read as follows:

"Individuals serving on the Rental Accommodations Commission on the effective date of this act shall remain in office under the provisions of section 201 of the Rental Housing Act of 1977 (D.C. Code, sec. 45-1682) and shall perform all of the duties of the Rental Housing Commission as provided in

this act, until the members of the Rental Housing Commission are sworn into office."

Sec. 11. This act shall take effect after a thirty (30)-day period of Congressional review following approval of the Mayor (or, in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-147(c)(1)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: May 12, 1981



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Four
First Session

DOCKET NO: Bill 4-31

☐ Item on Consent Calendar

ACTION: Adopted First Reading, 3-24-81

☒ VOICE VOTE: Unanimous

Absent: All Present

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHM. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

John P. Barry
Secretary to the Council

04-30-81
Date

☐ Item on Consent Calendar

ACTION: Adopted Amended First Reading, 4-7-81

☒ VOICE VOTE: Unanimous

Absent: Moore

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHM. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

John P. Barry
Secretary to the Council

04-30-81
Date

☐ Item on Consent Calendar

ACTION: Adopted Final Reading, 4-28-81

☒ VOICE VOTE: Unanimous

Absent: All Present

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHM. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

Secretary to the Council

04-30-81
Date