

AMENDED IN SENATE APRIL 15, 2013

**SENATE BILL**

**No. 757**

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**Introduced by Senator Berryhill**  
**(Coauthor: Senator Calderon)**

February 22, 2013

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An act to amend ~~Section 21603~~ *Sections 21608.6 and 21626.5* of the Business and Professions Code, relating to business.

LEGISLATIVE COUNSEL'S DIGEST

SB 757, as amended, Berryhill. Junk dealers and recyclers.

*Existing law authorizes junk dealers and recyclers, as defined, to sell and purchase junk, which includes secondhand and used furniture, pallets, or other personal property, as specified. Existing law requires junk dealers and recyclers to obtain valid identification, as specified, from a seller before providing payment for newspaper, as defined, or for California Redemption Value (CRV) containers. Existing law requires junk dealers and recyclers to maintain written records of specified information and makes a violation of the recordkeeping requirements a misdemeanor.*

*This bill would permit a seller to use a passport from any country or a Matricula Consular issued by Mexico, along with another form of identification bearing an address, or an identification card issued by the United States, as identification for purposes of these provisions.*

*Existing law regulates secondhand dealers and coin dealers, as defined, and makes a violation of those provisions a misdemeanor.*

*This bill would specify that the provisions governing secondhand dealers and coin dealers do not apply to junk dealers, as defined, and would declare that provision declaratory of existing law.*

~~Existing law regulates secondhand dealers and coin dealers, as defined, and makes a violation of those provisions a misdemeanor. Existing law regulates junk dealers and recyclers, as defined, and makes a violation of those provisions a misdemeanor.~~

~~This bill would provide that the provisions governing junk dealers and recyclers do not apply to secondhand dealers or coin dealers, as defined.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 21608.6 of the Business and Professions  
2     Code is amended to read:

3     21608.6. (a) A junk dealer or recycler, as defined in  
4     subdivision~~(f)~~ (g), in this state shall not provide payment for  
5     newspaper, as defined in Section 538c of the Penal Code, or for  
6     California Redemption Value (CRV) containers unless, in addition  
7     to meeting the written record requirements of Sections 21605 and  
8     21606, all of the following requirements are met:

9     (1) The payment for the newspaper or for the CRV containers  
10    is made by check or by other electronic transfer from the junk  
11    dealer or recycler to the seller. A recycler, if authorized by  
12    regulations adopted pursuant to Division 12.1 (commencing with  
13    Section 14500) of the Public Resources Code, may provide  
14    payment for CRV containers through a voucher that is immediately  
15    redeemable for cash.

16    (2) The junk dealer or recycler obtains and records a valid,  
17    documented address for the seller by obtaining a copy of the valid  
18    driver's license of the seller containing a photograph and an address  
19    of the seller, or a copy of a state or federal government-issued  
20    identification card containing a photograph and an address of the  
21    seller, *a passport from any other country in addition to another*  
22    *item of identification bearing an address of the seller, or a*  
23    *Matricula Consular in addition to another item of identification*  
24    *bearing an address of the seller, or other valid identification*  
25    containing the seller's address, such as utility bills in the seller's  
26    name. The junk dealer or recycler shall preserve the photograph  
27    and the address or the copies obtained pursuant to this paragraph  
28    for a period of two years after the date of sale.

1 (b) The requirements of paragraph (1) of subdivision (a) shall  
2 not apply if, during any three-month period commencing on or  
3 after the effective date of this section, the junk dealer or recycler  
4 completes five or more separate transactions per month with the  
5 seller, and in order for the requirements of paragraph (1) of  
6 subdivision (a) to continue to be inapplicable, the seller must  
7 continue to complete five or more separate transactions per month  
8 with the junk dealer or recycler.

9 (c) This section shall not apply if, on the date of sale, the junk  
10 dealer or recycler has on file or receives all of the following  
11 information:

12 (1) The name, physical business address, and business telephone  
13 number of the seller's business.

14 (2) The business license number or tax identification number  
15 of the seller's business.

16 (3) A copy of the valid driver's license or a copy of a state or  
17 federal government-issued identification card containing a  
18 photograph and an address of the person delivering newspaper or  
19 CRV containers on behalf of the seller to the junk dealer or the  
20 recycler.

21 (d) Any unauthorized disclosure of personal identification  
22 information collected from a seller by a junk dealer or recycler is  
23 prohibited, and any violation of this prohibition is subject to a civil  
24 fine not to exceed five thousand dollars (\$5,000).

25 (e) This section shall not apply to the payment for newspaper  
26 having a value of fifty dollars (\$50) or less in a single transaction  
27 or CRV containers having a value of one hundred dollars (\$100)  
28 or less in a single transaction.

29 (f) This section shall only apply in jurisdictions that offer  
30 curbside pickup of materials that include newspaper and CRV  
31 containers.

32 (g) Notwithstanding Section 21605, for purposes of this section,  
33 "recycler" means any processor, recycling center, or noncertified  
34 recycler, as those terms are defined in Chapter 2 (commencing  
35 with Section 14502) of Division 12.1 of the Public Resources  
36 Code.

37 *SEC. 2. Section 21626.5 of the Business and Professions Code*  
38 *is amended to read:*

39 21626.5. "Secondhand dealer," as used in this article, does not  
40 include either any of the following:

1 (a) Any person who performs the services of an auctioneer for  
2 a fee or salary.

3 (b) Any person whose business is limited to the reconditioning  
4 and selling of major household appliances, provided all the  
5 following conditions are met:

6 (1) The person does not trade, take in pawn, accept for drop-off,  
7 accept as a trade-in, accept for sale on consignment, accept for  
8 auction, auction, or buy, except in bulk, the appliances.

9 (2) The person does not perform repair services for owners of  
10 appliances unless the appliance was purchased from the person.

11 (3) The person has never been convicted of the crime of  
12 attempting to receive or receiving stolen property or any other  
13 theft-related crime.

14 (c) *A junk dealer, as defined in Section 21601.*

15 *SEC. 3. The amendment of Section 21626.5 of the Business  
16 and Professions Code made by this act does not constitute a change  
17 in, but is declaratory of, existing law.*

18 ~~SECTION 1. Section 21603 of the Business and Professions  
19 Code is amended to read:~~

20 ~~21603. This article shall not apply to any of the following:~~

21 ~~(a) Secondhand furniture merchants.~~

22 ~~(b) Pawnbrokers.~~

23 ~~(c) Secondhand car dealers or merchants in connection with  
24 automobile and motor vehicle sales agencies but not carried on  
25 and conducted in conjunction with a junk yard.~~

26 ~~(d) Persons engaged in the business of selling new automobile  
27 tires or batteries or other equipment taking in part payment used  
28 articles of the same kind and thereafter selling or disposing of the  
29 same.~~

30 ~~(e) Secondhand oil well supply and equipment dealers not  
31 conducting or carrying on their business in connection with a junk  
32 yard.~~

33 ~~(f) Secondhand clothing merchants and ragpickers.~~

34 ~~(g) Secondhand dealers or coin dealers, as defined in Section  
35 21626.~~