

## Senate Bill No. 1942

### CHAPTER 103

An act to amend Section 21626.5 of the Business and Professions Code, relating to secondhand goods, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1996. Filed with  
Secretary of State July 1, 1996.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1942, O'Connell. Tangible personal property: secondhand dealers.

Existing law provides a comprehensive scheme for the regulation of the acquisition of secondhand personal property, as specified. Persons who perform the service of an auctioneer for a fee or salary are exempted from regulation.

This bill would also exempt from that regulatory scheme secondhand dealers whose business is limited to the reconditioning and selling of major household appliances, subject to specified conditions.

The bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 21626.5 of the Business and Professions Code is amended to read:

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

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

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

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

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

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

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning



of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

Reconditioners of major appliances must currently comply with stringent requirements designed to prevent the purchase and resale of stolen goods. Compliance with these requirements is not appropriate for reconditioners because purchase of used stolen appliances rarely occurs. In order to promptly remove this unnecessary burden from reconditioners of major appliances, it is necessary that this act take effect immediately.

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