

**PROPOSED AMENDMENTS TO
HOUSE BILL 4108**

1 On page 1 of the printed bill, delete lines 4 through 30 and delete pages
2 2 and 3 and insert:

3 **“SECTION 1. As used in sections 1 to 3 of this 2012 Act:**

4 **“(1) ‘Item of precious metal’ means an item that consists of or in-**
5 **corporates gold in eight karat or greater purity, silver, platinum or**
6 **palladium. ‘Item of precious metal’ does not include dental gold, un-**
7 **refined metal ore, gold or silver coins or bullion in any form.**

8 **“(2) ‘Precious metal secondhand dealer’:**

9 **“(a) Means a person engaged in precious metal secondhand dealing;**
10 **and**

11 **“(b) Does not include:**

12 **“(A) A pawnbroker licensed under ORS chapter 726 who engages**
13 **exclusively in pledge loans, as defined in ORS 726.010;**

14 **“(B) A manufacturer of items of precious metal; or**

15 **“(C) A person primarily engaged in purchasing for resale newly**
16 **manufactured items of precious metal. For purposes of this subpara-**
17 **graph, a person is primarily engaged in purchasing newly manufac-**
18 **tured items if 90 percent or more of all inventory acquisitions are of**
19 **newly manufactured items.**

20 **“(3) ‘Precious metal secondhand dealing’ means soliciting, receiv-**
21 **ing, purchasing, trading or accepting delivery of items of precious**
22 **metal from individuals in return for money or other consideration.**

1 “(4) ‘Seller’ means the other party to a transaction with a precious
2 metal secondhand dealer.

3 “(5) ‘Temporary precious metal secondhand dealer’ means a pre-
4 cious metal secondhand dealer who conducts operations at one or
5 more locations in this state for no more than five consecutive days
6 at any one location.

7 “(6) ‘Transaction’:

8 “(a) Means a purchase, consignment, bailment, barter or trade of
9 one or more items of precious metal by a precious metal secondhand
10 dealer from an individual who is not engaged in the business of selling
11 newly manufactured items of precious metal.

12 “(b) Does not include:

13 “(A) Gifts or other transfers of property unsupported by consider-
14 ation; or

15 “(B) Business-to-business purchases or other transfers.

16 “SECTION 2. (1) A precious metal secondhand dealer in this state
17 shall maintain the following records with respect to each transaction
18 conducted by the dealer:

19 “(a) The full name, date of birth, current telephone number and
20 current address of the seller;

21 “(b) The type and identification number of a currently valid
22 government-issued photo identification that has been issued to the
23 seller;

24 “(c) A physical description of the seller; and

25 “(d) An identifying description or a digital photograph of each item
26 of precious metal that is the subject of the transaction.

27 “(2) A precious metal secondhand dealer in this state shall:

28 “(a) Maintain the records described in subsection (1) of this section
29 for a period of at least one year after the date of the transaction; and

30 “(b)(A) Maintain the records described in subsection (1) of this

1 section at the location at which the dealer is engaged in precious
2 metal secondhand dealing and allow inspection of the records by law
3 enforcement officers upon request made during regular business
4 hours; or

5 “(B) If the dealer is a temporary precious metal secondhand dealer,
6 maintain the records, or electronic copies of the records, at the cur-
7 rent location where the dealer is engaged in precious metal second-
8 hand dealing and allow inspection of the records or electronic copies
9 by law enforcement officers upon request made during regular busi-
10 ness hours.

11 “(3) A precious metal secondhand dealer shall provide copies of re-
12 cords described in subsection (1) of this section, if requested by law
13 enforcement officers.

14 “(4) A precious metal secondhand dealer in this state shall retain
15 any item of precious metal acquired in a transaction for a period of
16 seven days after the date of the transaction before the dealer may
17 dispose of the item. The dealer shall keep items of precious metal
18 subject to retention under this subsection segregated from other
19 items, but at the location where the transaction occurred. The dealer
20 shall allow inspection of items of precious metal subject to retention
21 under this subsection, if requested by law enforcement officers.

22 “(5) Notwithstanding subsection (4) of this section, a temporary
23 precious metal secondhand dealer may retain items subject to re-
24 tention under subsection (4) of this section at a location of the dealer’s
25 choosing in this state, but must provide an item of precious metal to
26 a requesting law enforcement officer within 24 hours of the officer’s
27 request for the item. Any cost incurred in providing a law enforcement
28 officer with a requested item under this subsection shall be borne by
29 the dealer.

30 **“SECTION 3. (1) Sections 1 to 3 of this 2012 Act do not apply within**

1 the jurisdiction of any city or county that the Department of Con-
2 sumer and Business Services has identified as having in effect an or-
3 dinance that imposes on precious metal secondhand dealers:

4 “(a) Substantially equivalent or more stringent record keeping re-
5 quirements for transactions; and

6 “(b) Equal or longer holding periods for items of precious metal
7 that are acquired by precious metal secondhand dealers through
8 transactions.

9 “(2) The department shall maintain on its website a list of cities and
10 counties in which sections 1 to 3 of this 2012 Act do not apply.

11 “SECTION 4. (1) A person that violates the provisions of section 2
12 of this 2012 Act commits a Class C violation.

13 “(2) Notwithstanding subsection (1) of this section, a person that
14 violates the provisions of section 2 of this 2012 Act three or more times
15 commits a Class A violation for each subsequent violation.

16 “(3) Notwithstanding subsections (1) and (2) of this section, a person
17 that violates the provisions of section 2 of this 2012 Act six or more
18 times is subject to a fine of not less than \$5,000 for each subsequent
19 violation.”.

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