

By Mrs. Murray of Cohasset, petition of Mary Jeanette Murray for legislation to require the licensing of persons in the business of purchasing certain precious metals. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT REGULATING PRECIOUS METALS.

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

1 SECTION 1. Section 142A of Chapter 266 of the General
2 Laws, as inserted by Chapter 400 of the Acts of 1980, is hereby
3 amended by striking out said Section 142A and inserting in place
4 thereof those paragraphs of Sections 2 and 3 below. The amended
5 Section 142A shall take precedence over any local ordinance
6 enacted under Section 54 of Chapter 140 of the General Laws.

1 SECTION 2. No person may engage in or carry on the business
2 of purchasing gold or gold-plated ware, silver or silverplated ware,
3 platinum ware, watches, jewelry or precious stones unless such
4 person is licensed annually by the Department of Public Safety,
5 and registered in a book kept for that purpose, with the Chief of
6 Police, or, if there is no Chief of Police, the first selectman of the
7 municipality in which he intends to carry on such business; except
8 that the provision of this subsection shall not apply to persons
9 purchasing such items for use in the practice of dentistry, nor to the
10 purchase of such items by a wholesaler or a manufacturer whose
11 primary place of business is located in this state. Upon payment of
12 an annual fee of one hundred dollars, ten dollars of which shall be
13 retained by the Department of Administration of this section and
14 ninety dollars which shall be returned to the municipality where
15 the business is to be conducted, the Department shall license any

16 suitable inhabitant of the Commonwealth, who has resided therein
17 for a period of not less than six months immediately preceding the
18 application for such license, such license to be valid for one year
19 from the date of issuance. Such license may be revokable for any
20 violation of this section.

21 For the purpose of this subsection "wholesaler" means a person
22 who buys tangible personal property from a retailer, smelter or
23 manufacturer and resells primarily to a retailer, smelter or manu-
24 facturer. Nothing in this section shall preclude a licensee from
25 using electronic scales in the conduct of his business.

26 Any person selling any such article shall be required to show to
27 the buyer prior to said sale, positive identification which includes a
28 photograph of said seller, provided, however, that no such licensed
29 buyer may purchase any goods from a minor unless such minor is
30 accompanied by a parent or guardian. Each such licensed person
31 shall keep a log in which he shall note at the time of each transac-
32 tion a description of the goods purchased, the purchase price, the
33 name and address of the person selling the goods, the date and
34 hour any such goods were received, and the type or form of
35 identification received. No person licensed under this section may
36 sell, melt down or otherwise release or alter such items purchased
37 until after seven working days have elapsed from the date such
38 item was purchased; provided that bullion, may be resold prior to
39 the expiration of such period. The commissioner, any state police
40 officer, and the Chief of Police or any police officer shall have
41 access to records of the transactions which have taken place pro-
42 vided the Police Chief of the city or town where the business is
43 located is notified prior to conducting said inspection. Persons
44 licensed under this section shall be required to produce, upon 24
45 hours notice, any item requested by the above named police offi-
46 cers or designee. Each such licensed person may only pay for goods
47 received by check, draft, or money order.

48 At the time of making any purchase each licensed person shall
49 deliver to the person selling goods a receipt containing a brief
50 description of the item purchased and the name and address of the
51 purchaser. Each person licensed under this Chapter shall be
52 required to post a copy of this Chapter in a prominent position at
53 the place where his business is being conducted.

54 Upon request, each such licensed person shall provide a weekly
55 copy of the aforementioned log to the requesting Chief of Police
56 or first selectman of each municipality in which he transacted
57 business that week.

58 Whoever violates any provision of this section shall be punished
59 by a fine of not more than one thousand dollars or imprisonment
60 of not more than one year, or both such fine and imprisonment.

