

CHAPTER 247

AN ACT concerning certain metals and jewelry and amending P.L.1981, c.96 and P.L.2009, c.214

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1981, c.96 (C.51:6A-1) is amended to read as follows:

C.51:6A-1 Buyer on basis of bulk value; duties; serialized receipts; digital photographs.

1. Any person in the business of buying precious metals who buys, attempts to buy or offers to buy precious metals on the basis of bulk value from any person who is not in the business of selling precious metals shall:

- a. Clearly and prominently display at the point of purchase:
 - (1) His name and address;
 - (2) The price being offered or paid by the buyer for precious metals expressed as price per standard measure of weight and fineness as prescribed by the Superintendent of Weights and Measures.
- b. Include his name and address in all advertisements concerning such precious metals.
- c. Weigh the precious metals in plain view of the seller on State certified scales with the certificate of inspection clearly and prominently displayed.
- d. Test the fineness of precious metals, if any test is so performed, in plain view of the seller.
- e. Issue to the seller and keep for his own records, for not less than one year, a serialized receipt for each purchase of precious metals containing the following:
 - (1) The name and address of the buyer;
 - (2) Date of the transaction;
 - (3) The names of the precious metals purchased;
 - (4) The finenesses of the precious metals purchased;
 - (5) The weights of the precious metals purchased;
 - (6) The prices paid for the precious metals at the standard measures of weight and fineness prescribed by the superintendent;
 - (7) The name, address and signature of the seller of the precious metals.
- f. Obtain proof of identity from each person who sells precious metals to him.
- g. Retain any precious metals in the form in which they were purchased for a period of not less than two business days, minimum 48 hours.
- h. Upon reasonable request, allow the inspection of the serialized receipts or precious metals provided for in subsections e. and g. respectively of this section by any law enforcement officer or weights and measures official.
- i. Obtain a bond in an amount and form prescribed by regulations of the Office of Weights and Measures. The bond shall be obtained from a surety company authorized by law to do business in this State. The bond shall run to the State for the benefit of any person injured by the wrongful act, default, fraud or misrepresentation of the buyer of precious metals. No bond shall comply with the requirements of this subsection unless the bond contains a provision that it shall not be cancelled for any cause unless notice of intention to cancel is filed in the Office of Weights and Measures at least 30 days before the day upon which cancellation shall take effect. This subsection shall only apply to transient buyers.
- j. Maintain, for not less than one year, digital photographs of the precious metals purchased.

2. Section 1 of P.L.2009, c.214 (C.2C:21-36) is amended to read as follows:

C.2C:21-36 Sale of secondhand jewelry.

1. Any person engaged in the business of retailing, wholesaling, or smelting jewelry who purchases any article of used or secondhand jewelry shall:

a. Maintain, for five years:

(1) a record of the name, address and telephone number of the person from whom it was purchased;

(2) a descriptive list of any used jewelry purchased from that seller, including any identifying characteristics of that jewelry;

(3) digital photographs of any used jewelry purchased from that seller; and

(4) a photocopy of the identification of the seller provided pursuant to subsection b. of this section;

b. Verify the identity of the person selling the jewelry by requesting and examining a photograph-bearing, valid State or federal issued driver's license or other government issued form of identification bearing a photograph;

c. Deliver, on a weekly basis, to the police department having jurisdiction in the location of that person's place of business a copy of the record of all used jewelry purchased by that person during the preceding week;

d. Maintain in his possession any used jewelry purchased for not less than 10 business days following the delivery of the record of the purchase of that jewelry to the police department, as required by subsection c. of this section; provided, however, that a municipal ordinance adopted prior to the effective date of P.L.2009, c.214 (January 16, 2010) may provide a longer minimum length of time to maintain possession of used or secondhand jewelry; and

e. Maintain, for five years, a copy of any list provided by an individual pursuant to section 2 of P.L.2009, c.214 (C.2C:21-37).

Nothing in this section shall be construed to apply to pawnbrokers licensed and regulated pursuant to the pawnbroking law, R.S.45:22-1 et seq., or sales made through an Internet website. Nothing in this section shall be construed to apply to a person engaged in retail, provided the sale of jewelry is not his primary business and further provided the person does not engage in the purchase of used or secondhand jewelry on more than three days in a calendar year.

3. This act shall take effect on the 90 day next following enactment.

Approved January 17, 2014.