

SECONDHAND DEALERS AND JUNK DEALERS (EXCERPT)
Act 350 of 1917

***** 445.403.amended THIS AMENDED SECTION IS EFFECTIVE SEPTEMBER 30, 2018 *****

445.403.amended Definitions.

Sec. 3. As used in this act:

(a) "Automated recycling kiosk" means an interactive device that meets all of the following:

(i) Is installed in a secure retail space.

(ii) Has the following technological functions:

(A) Verification of a seller's identity by remote examination of a government-issued identification card by a live representative during all hours of operation.

(B) Secure storage of items accepted by the kiosk for recycling.

(C) Capture and storage of images of the seller and the article purchased during the transaction.

(D) Electronic reporting of all transactions to law enforcement.

(b) "Automotive recycler" means a person that engages in business primarily for the purpose of selling retail salvage vehicle parts and secondarily for the purpose of selling retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal or a person employed as a salvage vehicle agent as that term is defined in section 56c of the Michigan vehicle code, 1949 PA 300, MCL 257.56c.

(c) "Industrial scrap" means materials that are a direct product or by-product of any form of manufacturing, shaping, or cutting process from a person whose principal business is the manufacturing, shaping, or cutting of materials at a fixed place of business.

(d) "Internet drop-off store" means a person that contracts with other persons to offer its personal property or other valuable thing for sale, purchase, consignment, or trade through means of an internet website and meets the conditions described in section 1(3).

(e) "Local law enforcement agency" means the police agency of the city, village, or township, or if none, the county sheriff of the county, in which a second hand dealer, junk dealer, or internet drop-off store conducts business.

(f) "Person" means an individual, corporation, limited liability company, partnership, or other legal entity.

(g) "Scrap processor" means a person, utilizing machinery and equipment and operating from a fixed location, whose principal business is the processing and manufacturing of iron, steel, nonferrous metals, paper, plastic, or glass, into prepared grades of products suitable for consumption by recycling mills, foundries, and other scrap processors.

(h) "Second hand dealer" or "junk dealer" means a person whose principal business is that of purchasing, selling, exchanging, storing, or receiving second hand articles of any kind, scrap metals, cast iron, old iron, old steel, tool steel, aluminum, copper, brass, lead pipe or tools, or lighting and plumbing fixtures. Second hand dealer includes a person that is engaged in the business of receiving tangible personal property for recycling by means of an automated recycling kiosk. Second hand dealer or junk dealer does not include a scrap processor, an automotive recycler, or a junkyard that deals principally in industrial scrap and is licensed by a city, village, or county.

History: 1917, Act 350, Imd. Eff. May 10, 1917;—CL 1929, 9760;—Am. 1939, Act 15, Eff. Sept. 29, 1939;—CL 1948, 445.403;—Am. 2006, Act 294, Imd. Eff. July 20, 2006;—Am. 2006, Act 675, Eff. Mar. 30, 2007;—Am. 2018, Act 329, Eff. Sept. 30, 2018.