

HOUSE BILL 1103

C2

9lr1077

By: **Delegates Norman, Anderson, Boteler, Holmes, Impallaria, Jennings,
McComas, McConkey, Myers, Riley, Shewell, and Stull**
Introduced and read first time: February 13, 2009
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Secondhand Sporting Goods Dealers – Records**

3 FOR the purpose of requiring secondhand sporting goods dealers who acquire certain
4 sporting goods, with a certain market value, to make a certain record of the
5 transaction; specifying the contents of the transaction record; requiring
6 secondhand sporting goods dealers to keep the transaction record at a certain
7 location for a certain period of time; requiring secondhand sporting goods
8 dealers to allow certain inspections of certain records under certain
9 circumstances; establishing certain penalties for certain violations of this Act;
10 defining certain terms; and generally relating to the records required for
11 secondhand sporting goods transactions.

12 BY adding to

13 Article – Business Regulation
14 Section 19–601 through 19–605 to be under the new subtitle “Subtitle 6.
15 Secondhand Sporting Goods Dealers”
16 Annotated Code of Maryland
17 (2004 Replacement Volume and 2008 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Business Regulation**

21 **SUBTITLE 6. SECONDHAND SPORTING GOODS DEALERS.**

22 **19–601.**

23 (A) **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
24 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) “SECONDHAND SPORTING GOODS” MEANS CONSUMER GOODS, AS**
2 **DEFINED IN § 14-301 OF THE COMMERCIAL LAW ARTICLE, PREVIOUSLY**
3 **PURCHASED FOR ATHLETIC OR SPORTING USE AND NOW AVAILABLE FOR**
4 **RESALE.**

5 **(C) “SECONDHAND SPORTING GOODS DEALER” MEANS A PERSON THAT**
6 **ACQUIRES COMMERCIALLY FROM THE PUBLIC OR TRADES COMMERCIALY**
7 **WITH THE PUBLIC IN SECONDHAND SPORTING GOODS.**

8 **19-602.**

9 **(A) A SECONDHAND SPORTING GOODS DEALER SHALL MAKE A WRITTEN**
10 **RECORD OF TRANSACTIONS THAT INVOLVE THE ACQUISITION OF SECONDHAND**
11 **SPORTING GOODS WITH A MARKET VALUE EQUAL TO OR GREATER THAN \$100.**

12 **(B) THE RECORDS OF A SECONDHAND SPORTING GOODS DEALER SHALL**
13 **INCLUDE:**

14 **(1) THE NAME, DATE OF BIRTH, AND DRIVER’S LICENSE NUMBER**
15 **OF THE INDIVIDUAL FROM WHOM THE SECONDHAND SPORTING GOODS DEALER**
16 **ACQUIRES SECONDHAND SPORTING GOODS; OR**

17 **(2) IDENTIFICATION INFORMATION ABOUT THE INDIVIDUAL**
18 **THAT:**

19 **(I) POSITIVELY IDENTIFIES THE INDIVIDUAL FROM AT**
20 **LEAST TWO FORMS OF IDENTIFICATION, WHICH MAY INCLUDE AN AGE OF**
21 **MAJORITY CARD, MILITARY IDENTIFICATION, OR PASSPORT; AND**

22 **(II) PROVIDES A PHYSICAL DESCRIPTION OF THE**
23 **INDIVIDUAL, INCLUDING THE SEX, RACE, ANY DISTINGUISHING FEATURES, AND**
24 **APPROXIMATE AGE, HEIGHT, AND WEIGHT OF THE INDIVIDUAL.**

25 **19-603.**

26 **A SECONDHAND SPORTING GOODS DEALER SHALL KEEP THE RECORDS**
27 **REQUIRED BY THIS SUBTITLE AT A LOCATION WITHIN THE STATE FOR 1 YEAR**
28 **AFTER THE DATE OF THE TRANSACTION.**

29 **19-604.**

30 **A SECONDHAND SPORTING GOODS DEALER SHALL ALLOW AN**
31 **AUTHORIZED LAW ENFORCEMENT OFFICER OR AGENT, ON REQUEST, TO ENTER**

1 THE PLACE OF BUSINESS DURING BUSINESS HOURS TO INSPECT A RECORD
2 REQUIRED TO BE MAINTAINED UNDER THIS SUBTITLE AS PART OF A STOLEN
3 PROPERTY INVESTIGATION OR AN INVESTIGATION OF A VIOLATION OF THIS
4 SUBTITLE.

5 **19-605.**

6 (A) A PERSON WHO WILLFULLY OR KNOWINGLY VIOLATES THIS
7 SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A
8 FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR
9 BOTH.

10 (B) EACH ASSOCIATE, EMPLOYEE, MANAGER, OR PARTNER WHO
11 PARTICIPATES IN OR CONSENTS TO A VIOLATION OF THIS SUBTITLE IS GUILTY
12 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
13 EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

14 (C) EACH VIOLATION OF THIS SUBTITLE IS A SEPARATE OFFENSE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2009.