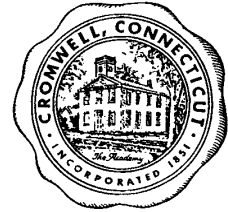




CROMWELL POLICE DEPARTMENT

5 WEST STREET
CROMWELL, CT 06416



ANTHONY J. SALVATORE, SR.
CHIEF OF POLICE

PHONE: (860) 635-2256
FAX: (860) 635-8248

PROCEDURE FOR SECONDHAND DEALER PERMIT

- 1) APPLICATION FOR LICENSE MUST BE NOTARIZED PRIOR TO SUBMISSION.
- 2) COPY OF VALID PHOTO ID TO BE INCLUDED AT TIME OF APPLICATION.
- 3) \$250.00 FEE TO BE PAID AT TIME OF APPLICATION, \$100.00 FOR YEARLY RENEWALS AND SHALL AT THE TIME OF RECEIVING SUCH LICENSE FILE WITH THE LICENSING AUTHORITY A BOND TO THE TOWN OF CROMWELL WITH COMPETENT SURETY IN THE AMOUNT OF TEN THOUSAND DOLLARS.
- 4) FBI AND STATE FINGERPRINT CARDS TO BE MADE OUT AND MAILED FOR CLEARANCE.
 - **\$19.25 PROCESSING FEE** - MONEY ORDER OR CERTIFIED BANK CHECK TO BE MADE OUT TO "DPS" FOR FBI FINGERPRINT CARD FEE AT TIME OF APPLICATION.
 - **\$50.00 PROCESSING FEE** - MONEY ORDER OR CERTIFIED BANK CHECK TO BE MADE OUT TO "DPS" FOR STATE FINGERPRINT CARD FEE AT TIME OF APPLICATION.
- 5) PURSUANT TO THE CONNECTICUT GENERAL STATUTES, THE LICENSING AUTHORITY (CHIEF OF POLICE,) IN HIS SOLE DISCRETION, MAY ISSUE A LICENSE. NO LICENSE SHALL BE ISSUED TO ANY PERSON WHO HAS BEEN CONVICTED OF A FELONY. A LICENSE ISSUED SHALL BE REVOCABLE "FOR CAUSE." ALL PAY OUTS FOR PURCHASES ARE BY CHECK OR MONEY ORDER AND THE CHECK MAY BE CASHED ON THE PREMESIS IF THE LICENSEE WAS IN BUSINESS UNDER A PAWNBROKER'S LICENSE ON MARCH 31, 2011, WITH A CAP OF \$1,000.00. ALL PAY OUTS FOR PURCHASES ARE BY CHECK OR MONEY ORDER AND THE CHECK CANNOT BE CASHED BY THE LICENSEE BUSINESS OR ON THE PREMESIS IF NOT IN BUSINESS UNDER A PAWNBROKER'S LICENSE ON MARCH 31, 2011.

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6) REQUIREMENTS:

- Date and time item purchased must be recorded. Purchased items must be held intact for a minimum of ten (10) days.
- A digital photograph must be taken of the purchased item and attached to a spreadsheet or database file approved by the Chief of Police describing the item in full detail and the individual selling the item. The photograph and description shall be transmitted to the Cromwell Police Department in accordance with the Connecticut General Statutes.
- Price paid for purchased item (items under \$10.00 are exempt.)
- Positive identification of the person involved in each transaction, including the name and address of the person selling the goods must be included (a photocopy of a valid driver's or similar proof of his or her identity that includes a photograph of the person and his or her address. A digital photograph must be taken of the individual selling the item. This positive identification must be held on file for at least two years.
- Submit all information electronically to police upon request from the Cromwell Police Department or any employee or agent thereof, and must be submitted to the department on a weekly basis in accordance with the Connecticut General Statutes.
- All employees are subject to a criminal records check.
- Name all principals in business.
- Specify all storage areas for the business, which shall be open for random inspections, including but not limited to those by the Cromwell Police Department.

SECONDHAND DEALERS

"Secondhand dealer" means a person who is primarily engaged in the business of purchasing personal property of any type from a person who is not a wholesaler, for the purpose of reselling or exchanging such property, and has physical possession of such property, other than an antiques dealer, art dealer, coin and stamp dealer, precious metals or stones dealer, pawnbroker, consignment shop operator, special collectibles dealer, musical instrument dealer, used book dealer, dealer in motor vehicles as described in chapter 246 of the general statutes, auctioneer as described in chapter 403 of the general statutes, junk dealer, as defined in section 21-9 of the general statutes, as amended by this act, scrap metal processor, as defined in section 14-67w of the general statutes, recycling facility, as defined in section 22a-207 of the general statutes, bona fide charitable or religious corporation, or any retailer that is primarily engaged in the business of selling new items but also gives consideration other than cash in exchange for one or more items traded in to such retailer;

Sec. 10. (NEW) (*Effective October 1, 2011*) (a) No person shall engage in the business of a secondhand dealer, as defined in section 1 of this act, in any city or town of this state unless such person is licensed in accordance with this section. The licensing authority of any city or town may grant a secondhand dealer license to any suitable person with a fixed place of business within the limits of such city or town. The provisions of this section shall not apply to any transaction involving the purchase of personal property of any type from a person who is not a wholesaler for the purpose of reselling or exchanging such property by (1) a bona fide charitable or religious corporation, or (2) a person conducting a garage sale, yard sale, tag sale or estate sale conducted entirely at a private residence, provided such sale does not exceed seventy-two hours in duration during any six-month period from the requirements of this section.

(b) Any person granted a license under subsection (a) of this section shall pay, for the benefit of the city or town, respectively, or if the licensing authority is the Commissioner of Public Safety, for the benefit of the Department of Public Safety, to the licensing authority a license fee of two hundred fifty dollars, and one hundred dollars per year thereafter, for renewal of such license, and shall, at the time of receiving such license, file, with the licensing authority, a bond to such city or town, with competent surety, in the amount of ten thousand dollars, to be approved by such licensing authority and conditioned for the faithful performance of the duties and obligations pertaining to the business so licensed.

(c) Each such license shall designate the place where such business is to be carried on and shall be in effect for one year unless sooner suspended or revoked. Such license shall be displayed in a conspicuous location in the place

where such business is carried on. At the time of application for such license and each renewal thereof, the applicant shall disclose to the licensing authority all places used or intended to be used by the business for the purchase, receipt, storage or sale of property. During the term of such license, the licensee shall notify the licensing authority of any additional places that will be used by the business for the purchase, receipt, storage or sale of property prior to such use.

(d) An application for such license shall be made in writing, under oath. The application shall contain: (1) The type of business to be engaged in, (2) the applicant's full name, age and date and place of birth, (3) the applicant's residence addresses and places of employment within the preceding five years, (4) the applicant's present occupation, (5) any crime of which the applicant has been convicted and the date and place of such conviction, and (6) such additional information as the licensing authority deems necessary to investigate the qualifications, character, competency and integrity of the applicant. If the applicant is a corporation, limited liability company, partnership or association, the application shall contain the information required by this subsection for each individual who is or will be an officer, shareholder, financial backer or creditor, other than a financial institution, of such entity or any other individual with a relationship to such entity similar to that of an officer, shareholder, financial backer or creditor.

(e) The application for such license and any renewal thereof shall contain information on any Internet web site or account used by such applicant to conduct the business. During the term of the license, the licensee shall notify the licensing authority, in writing, of the addition or discontinuation of any Internet web sites or accounts used to conduct the business.

(f) No license shall be issued under this section by the licensing authority to any person who has been convicted of a felony. The licensing authority may require any applicant, employee or person with an ownership interest in the business to submit to state and national criminal history records checks. Whenever the licensing authority requires such criminal history records checks, such applicant, employee or person shall submit two complete sets of fingerprints on forms prescribed by the licensing authority. Any criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a of the general statutes. The licensing authority may charge the applicant, employee or person a fee equal to the fees established by the Federal Bureau of Investigation and the State Police Bureau of Identification for performing such criminal history records checks.

(g) The licensing authority shall grant or deny an application for a license not later than ninety days after the filing of such application with the licensing authority. A licensee seeking renewal of such license shall file for a renewal at least sixty days before the expiration of such license and the issuing authority shall grant or deny such renewal not later than thirty days from the filing of such

application for renewal. Failure of the licensing authority to act on such application or renewal within such period shall be deemed to be a denial.

(h) The licensing authority may suspend or revoke any license issued under this section or modify the requirements for such license at any time during the period of the license for good cause shown, upon notice to the licensee and following a hearing, which shall be held not later than five days following the date of issuance of such notice. The licensing authority shall issue a decision not more than fourteen days following any hearing.

(i) Any person aggrieved by any action of the licensing authority in denying, suspending, revoking or refusing to renew a license issued pursuant to this section or modifying the requirements for such license may appeal from such action to the Superior Court.

(j) Any applicant for a license or renewal thereof may, at the time of the initial application or any time thereafter, apply for an exemption from the provisions of this section for the term of the license or for such shorter period as the licensing authority may determine. The licensing authority may grant such exemption for good cause shown. The licensing authority may, for good cause shown, exempt any person from the provisions of this section who engages in activities otherwise subject to the provisions of this section on an occasional basis.

(k) Any person who willfully engages in the business of a secondhand dealer, unless licensed in accordance with this section, or after notice that such person's license has been suspended or revoked, shall be guilty of a class D felony.

Sec. 11. (NEW) (*Effective October 1, 2011*) (a) No secondhand dealer shall take, receive or purchase tangible personal property without receiving proof of the identity of the person selling the property if such person is not a wholesaler. Such identification shall include a photograph, an address, if available on the identification, and an identifying number, including, but not limited to, date of birth.

(b) Each secondhand dealer shall maintain a record-keeping system deemed appropriate by the licensing authority which shall be entered in English, at the time the secondhand dealer purchases any article of personal property, a description of such article and the name, the residence address, the proof of identity as required by this section and a general description of the person from whom, and the date and hour when, such property was purchased and in which, if the property does not contain any identifiable numbers or markings, shall be included a digital photograph of such article. Each entry in such record-keeping system shall be numbered consecutively. A tag shall be attached to the article in a visible and convenient place with a number written on such tag corresponding to the entry number in the record-keeping system and shall remain attached to the article until the article is sold or otherwise disposed of, provided the licensing

authority shall prescribe procedures authorizing the removal of such tags from articles. Such tag shall be visible in the digital photograph required by this subsection. Such record-keeping system and the place or places where such business is carried on and all articles of property therein may be examined at any time by any state police officer or municipal police officer. Any state police officer or municipal police officer who performs such an examination may require any employee on the premises to provide proof of such employee's identity. All records maintained pursuant to this section shall be retained by the secondhand dealer for not less than two years.

(c) Except as provided in subsection (d) of this section, the description of any property purchased by a secondhand dealer under this section shall include, but not be limited to, all distinguishing marks, names of any kind, including brand and model names, model and serial numbers, engravings, etchings, affiliation with any institution or organization, dates, initials, color, vintage or image represented. Any description of audio, video or electronic media of any kind shall also include the title and artist or other identifying information contained on the cover or external surface of such media.

(d) The licensing authority may provide for an exemption from the requirements of subsection (c) of this section, or establish additional or different requirements concerning the description of any property purchased by a secondhand dealer, upon consideration of the nature of the property, transaction or business, including, but not limited to, articles in bulk lots or articles of minimal value.

(e) (1) Except as provided in subsection (f) of this section, each secondhand dealer shall pay for any property purchased only by check or money order and shall not pay cash for any such property. Any secondhand dealer who pays by check shall retain the electronic copy of such check or other record issued by the financial institution that processed such check, and such copy or record shall be subject to inspection in accordance with this section as part of the record-keeping system.

(2) No secondhand dealer shall pay or cash any instrument issued by him or her. The dealer shall indicate on each such instrument the number or numbers associated with such property in the record-keeping system required to be maintained pursuant to this section.

(f) Any secondhand dealer who was licensed in any city or town as a pawnbroker pursuant to section 21-40 of the general statutes, as amended by this act, on March 31, 2011, and who continues to hold such license, may pay for property received pursuant to a secondhand dealer license issued in accordance with section 10 of this act in the manner authorized under section 21-42* (see below) of the general statutes, as amended by this act, until July 1, 2021, provided such secondhand dealer complies with all other provisions of this section relating to secondhand dealers.

(g) No secondhand dealer may purchase any personal property from a minor unless such minor is accompanied by such minor's parent or guardian.

(h) Each secondhand dealer shall submit to the licensing authority, weekly, or more frequently as determined by the licensing authority upon consideration of the volume and nature of the business, a sworn statement of his or her transactions, describing the property purchased and setting forth the nature and terms of the transaction and the name and residence address and a description of the person from whom the property was received. Such statement shall be in an electronic format prescribed by the licensing authority. The licensing authority may grant exemptions from the requirement of submitting such statements in an electronic format for good cause shown.

(i) No secondhand dealer shall sell or dispose of any personal property acquired in any transaction in the course of business in less than ten days after the date of its receipt. Upon the sale or disposition of such property, such dealer shall, if such property is not sold at retail at the place of business of such dealer, include a record of such sale or disposition in the record-keeping system required by this section.

(j) Whenever property is seized from the place of business of a secondhand dealer by a law enforcement officer, such officer shall give such secondhand dealer a duly signed receipt for the property containing a case number, a description of the property, the reason for the seizure, the name and address of the officer, the name and address of the person claiming a right to the property prior to the secondhand dealer and the name of the secondhand dealer. If the secondhand dealer claims an ownership interest in such property, such secondhand dealer may request the return of such property by filing a request for such property with the law enforcement agency in accordance with the provisions of section 54-36a of the general statutes. If the seller of any property purchased by a secondhand dealer is convicted of any offense arising out of such secondhand dealer's acquisition of the property and the secondhand dealer suffered an economic loss as a result of such offense, the court may, at the time of sentencing, order restitution to the secondhand dealer pursuant to subsection (c) of section 53a-28 of the general statutes, which order may be enforced in accordance with section 53a-28a of the general statutes.

(k) Any person who violates any provision of this section shall be guilty of a class A misdemeanor.

*Section 21-42 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) Each such pawnbroker shall, at the time of making any loan on a pawn or pledge of personal property or of purchasing such property on condition of

selling the same back again at a stipulated price deliver to the person who deposits, pledges or sells such property a memorandum or note containing (1) the entry required to be made in such pawnbroker's computerized record-keeping system by the provisions of section 21-41, as amended by this act, (2) a copy of the statement signed by the person who deposits, pledges or sells such property that represents and warrants that such property is not stolen and has no liens or encumbrances against it, and that such person is the rightful owner of such property and has the right to enter into the transaction, and (3) a copy of the statement signed by the person who deposits, pledges or sells such property that states such person will indemnify and hold harmless such pawnbroker for any loss arising from the transaction because of a superior right of possession to the property residing with a third person. Each such pawnbroker may charge the person who deposits, pledges or sells such property a fee for such memorandum or note, the processing and recording of the transaction, the storage of the property, any insurance for the property and any appraisal of the property. Each such pawnbroker shall pay for any property received by deposit, pledge or purchase only by check, draft or money order and shall not pay cash for any such property except when the pawnbroker cashes a check, draft or money order for the person who is depositing, pledging or selling the property. When the pawnbroker cashes a check, draft or money order, such pawnbroker shall require proof of the identity of the person presenting the check, draft or money order in accordance with subsection (a) of section 21-41, as amended by this act. (b) Each check, draft or money order used to pay for property received by a pawnbroker shall contain the number or numbers associated with such property in the record-keeping system maintained in accordance with section 21-41, as amended by this act. Whenever payment is made by check, the pawnbroker shall retain the electronic copy of such check or other record issued by the financial institution that processed such check, and such copy or record shall be subject to inspection pursuant to section 21-41, as amended by this act, as part of such record-keeping system. No pawnbroker shall cash any check, draft or money order issued by such pawnbroker in an amount in excess of one thousand dollars and no person shall structure any transaction or transactions to avoid this prohibition. Any transaction or transactions between a pawnbroker and the same party within a twenty-four-hour period shall be aggregated and considered a single transaction for the purposes of this subsection