

2023 Regular Session

SENATE BILL NO. 182

BY SENATOR CONNICK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COMMERCIAL REGULATIONS. Increases penalties for violations relative to the purchase of junk or used or secondhand property. (8/1/23)

1 AN ACT

2 To amend and reenact R.S. 37:1869(A) and (B) and 1870, relative to secondhand dealers;

3 to provide for suspension and revocation of an occupational license; to provide for

4 penalties for licensed and unlicensed secondhand dealers; and to provide for related

5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:1869(A) and (B) and 1870 are hereby amended and reenacted to

8 read as follows:

9 §1869. Violations; penalty

10 A. Any licensed secondhand dealer who violates, neglects, or refuses to

11 comply with any provision of this Part, shall be fined not less than two **thousand**

12 **five** hundred ~~five~~ dollars; nor more than five ~~hundred~~ **thousand** dollars or be

13 imprisoned ~~for not less than thirty days nor more than sixty days~~ **with or without**

14 **hard labor for not more than two years, or both, and his occupational license**

15 **shall be suspended for a thirty-day period.**

16 B. For the second offense, ~~his occupational license shall be suspended for a~~

17 ~~thirty-day period. For a third offense,~~ **he shall be fined not less than two thousand**

1 five hundred dollars nor more than five thousand dollars, or be imprisoned with  
 2 or without hard labor for not less than two years nor more than five years, or  
 3 both, and, his occupational license shall be revoked and he shall not thereafter be  
 4 permitted to engage in the business of secondhand dealer in the state of Louisiana.

5 \* \* \*

6 §1870. Failure to comply; penalty

7 A. Anyone acting as an unlicensed secondhand dealer without complying  
 8 with the provisions of this Part shall be fined not less than two thousand five  
 9 hundred ~~hundred~~ dollars nor more than five thousand dollars or be imprisoned ~~not less~~  
 10 ~~than thirty days nor more than sixty days~~ with or without hard labor for not more  
 11 than two years, or both.

12 B. For a second offense, the offender shall be fined not ~~more~~ less than two  
 13 thousand five hundred dollars nor more than five thousand dollars or be  
 14 imprisoned with or without hard labor for not ~~more~~ less than two years nor more  
 15 than five years, or both.

16 C. For a third or subsequent offense, the offender shall be fined not ~~more~~ less  
 17 than five thousand dollars nor more than ten thousand dollars; or be imprisoned  
 18 with or without hard labor for not ~~more~~ less than five years nor more than ten  
 19 years, or both.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Xavier I. Alexander.

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DIGEST

SB 182 Original                      2023 Regular Session                      Connick

Present law provides for the licensure and regulation of secondhand dealers.

Present law provides that any licensed secondhand dealer who violates, neglects, or refuses to comply with any provision of present law shall be fined not less than \$250 nor more than \$500 or be imprisoned for not less than 30 days nor more than 60 days, or both.

Present law provides that for a second offense a licensed secondhand dealer's occupational license shall be suspended for a 30-day period and for his third offense his license shall be revoked and he shall not be permitted to engage in the business of secondhand dealer in the state.

Proposed law increases the penalty for any secondhand dealer who violates, neglects, or refuses to comply with present law as follows:

- (1) For a first offense, a fine not less than \$2,500 nor more than \$5,000 or imprisonment with or without hard labor for not more than two years, or both, and suspension of the occupational license for 30 days.
- (2) For a second offense, a fine not less than \$2,500 nor more than \$5,000 or imprisonment with or without hard labor for not less than two years nor more than five years, or both, and revocation of the occupational license.

Present law provides that anyone acting as an unlicensed secondhand dealer without complying with the provisions of present law shall be fined not less than \$250 or be imprisoned for not less than 30 days nor more than 60 days, or both.

Present law provides that for a second offense, the offender shall be fined not more than \$2,000 or be imprisoned with or without hard labor for not more than two years, or both; provides that for a third or subsequent offense, the offender shall be fined not more than \$10,000 or be imprisoned with or without hard labor for not more than five years, or both.

Proposed law increases the penalty for anyone acting as an unlicensed secondhand dealer without complying with the provisions of present law as follows:

- (1) For a first offense, a fine not less than \$2,500 nor more than \$5,000 or imprisonment with or without hard labor for not more than two years, or both.
- (2) For a second offense, a fine not less than \$2,500 nor more than \$5,000 or imprisonment with or without hard labor for not less than two years nor more than five years, or both.
- (3) For a third or subsequent offense, a fine not less than \$5,000 nor more than \$10,000 or imprisonment with or without hard labor for not less than five years nor more than 10 years, or both.

Effective August 1, 2023.

(Amends R.S. 37:1869(A) and (B) and 1870)