

2023 Regular Session

SENATE BILL NO. 182

BY SENATOR CONNICK AND REPRESENTATIVE KNOX

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, used or secondhand property or scrap metal. (8/1/23)

1 AN ACT

2 To amend and reenact R.S. 37:1869(A) and (B), 1870, 1974(A), and 1975(A), relative to

3 penalties; to provide relative to secondhand dealers and scrap metal recyclers; to

4 increase penalties for secondhand dealers and scrap metal recyclers; and to provide

5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:1869(A) and (B), 1870, 1974(A), and 1975(A), are hereby

8 amended and reenacted to 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, or both.

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

15 thirty-day period, **and he shall be fined not less than two thousand five hundred**

16 **dollars nor more than five thousand dollars, or be imprisoned with or without**

17 **hard labor for not less than two years nor more than five years, or both.** For a

1 third offense, his **occupational** license shall be revoked and he shall not thereafter
2 be permitted to engage in the business of secondhand dealer in the state of Louisiana.

3 * * *

4 §1870. Failure to comply; penalty

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

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

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

18 * * *

19 §1974. Violations; penalty

20 A. Any licensed operator who violates, neglects, or refuses to comply with
21 any provision of this Chapter, shall be fined not less than ~~one~~ **two** thousand **five**
22 **hundred** dollars, nor more than ten thousand dollars, or be imprisoned for not less
23 than thirty days nor more than sixty days, or both.

24 * * *

25 §1975. Failure to comply; penalty

26 A. Anyone acting as an unlicensed operator without complying with the
27 provisions of this Chapter shall be fined not less than ~~one~~ **two** thousand **five**
28 **hundred** dollars, **nor more than five thousand dollars**, or be imprisoned not less
29 than thirty days nor more than sixty days, or both.

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

DIGEST

SB 182 Engrossed

2023 Regular Session

Connick

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

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.

Proposed law increases the penalties to a fine not more than \$2,500, nor more than \$5,000 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 retains present law and increases the penalty for any secondhand dealer who violates, neglects, or refuses to comply with present law with 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 provides for the 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 and 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.

Present law provides that any licensed scrap metal recycler who violates, neglects, or refuses to comply with any provision of present law shall be fined not less than \$1,000, nor more than \$10,000, or be imprisoned for not less than 30 days nor more than 60 days, or both.

Proposed law increases the fine to not less than \$2,500, nor more than \$10,000, for a first offense.

Present law provides that anyone acting as an unlicensed scrap metal recycler without complying with the provisions of present law shall be fined not less than \$1,000 or be imprisoned for not less than 30 days nor more than 60 days, or both.

Proposed law increases the fine to not less than \$2,500, nor more than \$10,000.

Effective August 1, 2023.

(Amends R.S. 37:1869(A) and (B), 1870, 1974(A), and 1975)(A))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Reduces the violation of a first offense by a secondhand dealer to a misdemeanor, punishable by imprisonment of 30 to 60, days and removes the provision requiring suspension of his occupational license for a first offense.
2. Provides for a 30 day suspension for a second violation of present law by a licensed secondhand dealer.
3. Increases the minimum fine to \$2,500, for the first violation by a licensed scrap metal recycler.
4. Increases the minimum fine to \$2,500, for the first violation by an unlicensed scrap metal recycler.
5. Make technical changes.