

Regular Session, 2014

HOUSE BILL NO. 469

BY REPRESENTATIVE HARRIS

SECONDHAND DEALERS: Prohibits the payment of cash for the purchase of air conditioners and component parts of heating, ventilation, and air conditioning systems

1 AN ACT

2 To amend and reenact R.S. 37:1864.3(A)(1) and (3) and 1973(A)(1) and (2), relative to used
3 or secondhand property; to prohibit cash payments for air conditioners and
4 component parts of heating, ventilation, and air conditioning systems; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:1864.3(A)(1) and (3) and 1973(A)(1) and (2) are hereby amended
8 and reenacted to read as follows:

9 §1864.3. Payment by check for copper or other metals, air conditioners, and
10 component parts of heating, ventilation, and air conditioning systems
11 required; check cashing prohibited; penalties

12 A.(1) A secondhand dealer shall not enter into any cash transactions in
13 payment for the purchase of copper, air conditioners, or any component part of a
14 heating, ventilation, and air conditioning system. Payment for copper, air
15 conditioners, or the component part of a heating, ventilation, and air conditioning
16 system shall be made in the form of a check made payable to the seller of the metal,
17 air conditioner, or component part of a heating, ventilation, and air conditioning

1 system and mailed to the address recorded on the photo identification of the seller
2 no earlier than five business days after the date of the transaction.

3 * * *

4 (3) A secondhand dealer shall not enter into any cash transactions in excess
5 of three hundred dollars in payment for the purchase of metal property other than
6 copper, air conditioners, the component part of a heating, ventilation, and air
7 conditioning system, or a precious metal object. Payments in excess of three
8 hundred dollars for metals other than copper, air conditioners, the component part
9 of a heating, ventilation, and air conditioning system, or a precious metal object shall
10 be made in the form of a check made payable to the name and address of the seller
11 and may be tendered to the seller at the time of the transaction. The secondhand
12 dealer, at his discretion, may make payment by either cash or other method for
13 transactions of three hundred dollars or less for all metals other than copper, air
14 conditioners, the component part of a heating, ventilation, and air conditioning
15 system, or a precious metal object.

16 * * *

17 §1973. Payment by loadable payment card or check for copper, air conditioners, and
18 component parts of heating, ventilation, and air conditioning systems or other
19 metals required; check cashing prohibited

20 A.(1) An operator shall not enter into any cash transactions in payment for
21 the purchase of copper, air conditioners, or any component part of a heating,
22 ventilation, and air conditioning system. After five business days from the date of
23 the transaction, payment for copper, air conditioners, or the component part of a
24 heating, ventilation, and air conditioning system shall be made in the form of a check
25 made payable to the name and address of the seller of the metal, air conditioner, or
26 component part of a heating, ventilation, and air conditioning system or a loadable
27 payment card and shall be tendered to the seller in any of the following manners:

28 * * *

1 (2) An operator shall not enter into any cash transactions in excess of three
 2 hundred dollars in payment for the purchase of metal property other than copper or
 3 for air conditioners or the component part of a heating, ventilation, and air
 4 conditioning system. Payments in excess of three hundred dollars for metals other
 5 than copper, air conditioners, or the component part of a heating, ventilation, and air
 6 conditioning system shall be made in the form of a check made payable to the name
 7 and address of the seller or a loadable payment card and may be tendered to the seller
 8 at the time of the transaction. The operator, at his discretion, may make payment by
 9 either cash or other method for transactions of three hundred dollars or less for all
 10 metals other than copper or for air conditioners or the component part of a heating,
 11 ventilation, and air conditioning system.

12 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Harris

HB No. 469

Abstract: Prohibits cash transactions by secondhand dealers or operators of scrap metal recycling facilities for air conditioners and component parts of HVAC systems.

Present law prohibits a secondhand dealer from entering into any cash transactions in payment for the purchase of copper. Present law provides that payment for copper shall be made in the form of a check made payable to the copper seller at the address recorded on the seller's photo identification. The check shall be mailed no earlier than five business days after the date of the transaction.

Proposed law adds air conditioners and component parts of heating, ventilation, and air conditioning (HVAC) systems as items to be prohibited as payable by cash transactions. Further adds air conditioners and component parts of HVAC systems to the mailing requirement of present law.

Present law prohibits a secondhand dealer from entering into any cash transactions in excess of \$300 for the purchase of metal other than copper or a precious metal object. Proposed law adds air conditioners and HVAC component parts as items excluded with copper and precious metal objects under present law.

Present law further requires that payments in excess of \$300 for metals other than copper or precious metal objects are to be made payable in the form of a check made payable to the name and address of the seller at the time of the transaction.

Proposed law adds air conditioners and component parts of HVAC systems as items excluded with copper and precious metal objects under present law.

Present law authorizes a secondhand dealer to provide payment by either cash or other method for transactions when the payment is less than \$300 for the purchase of metals other than copper. Proposed law adds air conditioners and HVAC component parts as items to be excluded with copper under present law.

Present law prohibits an operator of a scrap metal recycling facility from entering into any cash payment transactions for the purchase of copper. Present law provides that payments for copper are to be made in the form of a check made payable to the name and address of the copper seller or a loadable payment card after five business days from the date of transaction.

Proposed law adds air conditioners and component parts of HVAC systems as items to be prohibited as payable by cash transactions. Further adds air conditioners and component parts of HVAC systems to the loadable payment card or check payment requirement of present law.

Present law prohibits an operator from entering into any cash transactions in excess of \$300 for the purchase of metal other than copper. Proposed law adds air conditioners and HVAC component parts as items excluded with copper under present law.

Present law further requires that payments in excess of \$300 for metals other than copper are to be made payable in the form of a check made payable to the name and address of the seller or a loadable payment card may be tendered to the seller at the time of the transaction.

Proposed law adds air conditioners and component parts of HVAC systems as items excluded with copper under present law.

Present law authorizes an operator to provide payment by either cash or other method for transactions when the payment is less than \$300 for the purchase of metals other than copper. Proposed law adds air conditioners and HVAC component parts as items to be excluded with copper under present law.

(Amends R.S. 37:1864.3(A)(1) and (3) and 1973(A)(1) and (2))