Bill No.	40-18			
Concerning:	Secondhand	Personal		
Property – Dealers – License				
Revised: 2/	<u>5/2019</u> Draft No	o. <u>4</u>		
Introduced:	December 11,	2018		
Enacted:	February 5, 20	19		
Executive:	February 14, 2	019		
Effective:	May 16, 2019			
Sunset Date:	None			
Ch. <u>3</u> , La	aws of Mont. Co.	2019		

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmember Friedson and Council Vice-President Katz Co-Sponsors: Councilmember Albornoz, Council President Navarro, and Councilmember Riemer

## AN ACT to:

- (1) exclude certain personal property from the definition of secondhand personal property;
- (2) provide that a second hand personal property dealer license expires one year from the date of issuance; and
- (3) generally amend County laws related to secondhand personal property.

## By amending

Montgomery County Code Chapter 44A, Secondhand Personal Property Sections 44A-1, [[and]] 44A-11, and 44A-18

Boldface	
Underlining	
[Single boldface brackets]	
Double underlining	
[[Double boldface brackets]]	
* * *	

Heading or defined term. Added to existing law by original bill. Deleted from existing law by original bill. Added by amendment. Deleted from existing law or the bill by amendment. Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1	Sec. 1. Sections 44A-1 <u>,</u> [[and]] 44A-11 <u>, and 44A-18</u> are amended as follows:
2	44A-1. Definitions.
3	When used in this Chapter:
4	* * *
5	Director means the Chief of Police.
6	* * *
7	Firearm means a device as defined in MD Code, Public Safety, § 5-101(h), as
8	amended.
9	* * *
10	Personal property includes radios and other audio equipment; televisions and
11	other video equipment; photographic, optical and computer equipment;
12	typewriters, calculators and other electronic or electrical home or office
13	appliances, machines or equipment; firearms; bicycles; jewelry; furs, leather
14	goods; watches; paintings; fine or historic china, crystal, glass or porcelain;
15	objets d'art; power tools; carpets and rugs; musical instruments; and any item
16	serialized, marked for identification purposes, or engraved.
17	* * *
18	Secondhand personal property means previously owned personal property
19	offered for sale or as collateral by any person, other than the manufacturer,
20	wholesale distributor, or original retail seller, acting in the ordinary course of
21	business. Secondhand personal property does not include:
22	(1) personal property purchased at a public sale; [or]
23	(2) <u>items of personal property that do not include a firearm that [[is]]</u>
24	are offered for sale only on residential property and [[is]] are:
25	(A) <u>owned by a resident of that property; or</u>
26	(B) part of the estate of a deceased immediate past resident of
27	that property; or

28		(3) items of personal property that have a resale value below a dollar
29		threshold specified for that type of personal property in a
30		regulation adopted under method (3).
31		* * *
32 44A-11. Expiration and renewal of license; prohibition on transfer		
33	(a)	Each license issued under this Chapter expires [July 30 of each year]
34		one year from the date of issuance.
35	(b)	A license issued under this Chapter may be renewed on application and
36		payment of a fee established by regulation under method (3).
37	(c)	A license must not be transferred or assigned.
38 <b>44A-18. Penalties.</b>		
39	(a)	Any person who violates this Chapter is subject to punishment for a
40		class A violation. Each day that a violation continues is a separate
41		offense.
42	(b)	The Director of the Office of Consumer Protection may file an action
43		in any court with jurisdiction to enjoin any violation of this Chapter or
44		to enforce any order or decision issued under this Chapter.
45	<u>(c)</u>	A citation for a violation of this law may be issued by the:
46		(1) Chief of Police or the Chief's designee; or
47		(2) Director of the Office of Consumer Protection or the Director's
48		designee.

Approved:

Uller

Nancy Navarro, President, County Council

Approved:

Marc Elrich, County Executive

This is a correct copy of Council action.

Megan Davey Limarzi, Esq., Clerk of the Council

2 Date

2(14/19

Date

19 21 2 Date