

IC 24-4-13

Chapter 13. Used Jewelry Sales

IC 24-4-13-0.5

Application

Effective 1-1-2014.

Sec. 0.5. (a) This chapter applies only to a jeweler that is a retail merchant that:

- (1) is located in an area zoned for commercial land use;
- (2) is open to the public;
- (3) primarily sells jewelry; and
- (4) remitted at least ten thousand dollars (\$10,000) of Indiana gross retail and use tax during the immediately preceding calendar year as a result of retail sales of jewelry.

(b) This chapter does not apply to the following:

- (1) A precious metal dealer regulated under IC 24-4-19.
- (2) A valuable metal dealer (as defined in IC 25-37.5-1-1(b)).
- (3) A pawnbroker licensed under IC 28-7-5.

As added by P.L.222-2013, SEC.2.

IC 24-4-13-1

Definitions

Sec. 1. For purposes of this chapter:

- (1) "jewelry" means personal ornaments made of precious metals that may or may not contain precious, semiprecious, or imitation stones;
- (2) "used jewelry" means jewelry previously purchased at retail, acquired by gift, or obtained in some other fashion by a consumer that is later sold to a jeweler by a consumer or a person who has acquired jewelry from a consumer;
- (3) "jeweler" means a person engaged in the purchase and resale of jewelry;
- (4) "person" means an individual, a firm, an association, a limited liability company, a partnership, a joint stock association, a trust, or a corporation; and
- (5) "seller" means a consumer or other person who sells used jewelry to a jeweler.

As added by P.L.97-2003, SEC.1.

IC 24-4-13-2

Applicability

Sec. 2. A jeweler who purchases or resells used jewelry must comply with this chapter. However, this chapter does not apply to jewelry used by a customer as a trade-in toward the purchase of a new piece of jewelry.

As added by P.L.97-2003, SEC.1.

IC 24-4-13-3

Books, accounts, and records

Sec. 3. (a) A jeweler shall keep and use in the jeweler's business

the books, accounts, and records necessary to determine whether the jeweler is complying with this chapter.

(b) A jeweler shall preserve the books, accounts, and records, including cards used in the card system, for at least two (2) years after making the final entry on any purchase recorded.

(c) The jeweler shall keep the books and records so that the business of purchasing for resale of used jewelry may be readily separated and distinguished from any other business in which the jeweler is engaged.

(d) If a jeweler, in the conduct of the business, purchases an article of used jewelry from a seller, the purchase shall be evidenced by a bill of sale properly signed by the seller. All bills of sale must be in duplicate and must list the following separate items:

(1) Date of sale.

(2) Amount of consideration.

(3) Name of jeweler.

(4) Description of each article of used jewelry sold. However, if multiple articles of used jewelry of a similar nature are delivered together in one (1) transaction, the description of the articles is adequate if the description contains the quantity of the articles delivered and a physical description of the type of articles delivered, including any unique identifying marks, numbers, names, letters, or special features.

(5) Signature of seller.

(6) Address of seller.

(7) Date of birth of the seller.

(8) The type of government issued identification used to verify the identity of the seller, together with the name of the governmental agency that issued the identification and the identification number present on the government issued identification.

(e) The original copy of the bill of sale shall be retained by the jeweler. The second copy shall be delivered to the seller by the jeweler at the time of sale. The heading on all bill of sale forms must be in boldface type.

As added by P.L.97-2003, SEC.1.

IC 24-4-13-4

Examination of records by law enforcement agencies

Sec. 4. (a) The jeweler shall make the records and information under section 3 of this chapter available for examination upon the request of a law enforcement agency (as defined in IC 5-2-5-1).

(b) The law enforcement agency under subsection (a) shall determine if:

(1) the records are sufficient; and

(2) the jeweler has made the information reasonably available.

As added by P.L.97-2003, SEC.1.

IC 24-4-13-5

Unlawful transactions

Sec. 5. A jeweler may not purchase used jewelry:

- (1) from an individual less than eighteen (18) years of age; or
- (2) that the jeweler believes or should have reason to believe is stolen property acquired as a result of a crime.

As added by P.L.97-2003, SEC.1.

IC 24-4-13-6

Violations

Sec. 6. A person who violates this chapter commits a Class A misdemeanor.

As added by P.L.97-2003, SEC.1.

IC 24-4-13-7

Confidentiality

Sec. 7. (a) Records and information generated by a jeweler in the course of business are confidential under IC 5-14-3-4.

(b) A law enforcement officer (as defined in IC 3-6-6-36(a)) may obtain or receive records and information described in subsection (a) relating to the purchase of used jewelry for use in investigating crime.

(c) Law enforcement officials may disclose the name and address of the jeweler to an adverse claimant in the case of a dispute over ownership of property in possession of the jeweler.

As added by P.L.97-2003, SEC.1.