

## **IC 24-4-19**

### **Chapter 19. Precious Metal Dealers**

*Effective 1-1-2014.*

#### **IC 24-4-19-1**

##### **Application**

*Effective 1-1-2014.*

Sec. 1. This chapter does not apply to the following:

- (1) A jeweler regulated under IC 24-4-13 concerning used jewelry sales.
- (2) A valuable metal dealer (as defined in IC 25-37.5-1-1(b)).
- (3) A pawnbroker licensed under IC 28-7-5.
- (4) The purchase or resale of a mint issued coin by a person whose primary business is buying, selling, and trading mint issued coins.

*As added by P.L.222-2013, SEC.3.*

#### **IC 24-4-19-2**

##### **"Jewelry"**

*Effective 1-1-2014.*

Sec. 2. As used in this chapter, "jewelry" means personal ornaments made of gold, silver, or platinum that may or may not contain precious, semiprecious, or imitation stones.

*As added by P.L.222-2013, SEC.3.*

#### **IC 24-4-19-3**

##### **"Mint issued coin"**

*Effective 1-1-2014.*

Sec. 3. As used in this chapter, "mint issued coin" means a coin that:

- (1) is bought or sold as an investment in a rare or precious metal;
- (2) has a collectable value greater than the face value of the coin; or
- (3) is collectable or desirable due to the age, rarity, or condition of the coin.

*As added by P.L.222-2013, SEC.3.*

#### **IC 24-4-19-4**

##### **"Permanent place of business"**

*Effective 1-1-2014.*

Sec. 4. As used in this chapter, "permanent place of business" means a fixed premises:

- (1) owned by a precious metal dealer; or
- (2) leased by a precious metal dealer for a term of at least twelve (12) months;

at which the precious metal dealer purchases or resells precious metal.

*As added by P.L.222-2013, SEC.3.*

**IC 24-4-19-5**

**"Person"**

*Effective 1-1-2014.*

Sec. 5. As used in this chapter, "person" means an individual, a firm, an association, a limited liability company, a partnership, a joint stock association, a trust, or a corporation.

*As added by P.L.222-2013, SEC.3.*

**IC 24-4-19-6**

**"Precious metal"**

*Effective 1-1-2014.*

Sec. 6. (a) As used in this chapter, "precious metal" means:

- (1) used jewelry; and
- (2) other used articles of personal property that:
  - (A) are made of gold, silver, or platinum; and
  - (B) were previously purchased at retail, acquired by gift, or obtained in some other fashion by a consumer.

(b) The term does not include:

- (1) mint issued coins;
- (2) ingots; or
- (3) industrial residue or byproducts that contain gold, silver, or platinum purchased from manufacturing firms.

*As added by P.L.222-2013, SEC.3.*

**IC 24-4-19-7**

**"Precious metal dealer"**

*Effective 1-1-2014.*

Sec. 7. As used in this chapter, "precious metal dealer" means a person who engages in the business of purchasing precious metal for the purpose of reselling the precious metal in any form.

*As added by P.L.222-2013, SEC.3.*

**IC 24-4-19-8**

**"Purchase"**

*Effective 1-1-2014.*

Sec. 8. As used in this chapter, "purchase" means to acquire property in exchange for cash, credit, or other valuable consideration.

*As added by P.L.222-2013, SEC.3.*

**IC 24-4-19-9**

**"Seller"**

*Effective 1-1-2014.*

Sec. 9. As used in this chapter, "seller" means a consumer or other person who sells precious metal to a precious metal dealer.

*As added by P.L.222-2013, SEC.3.*

**IC 24-4-19-10**

**"Used jewelry"**

*Effective 1-1-2014.*

Sec. 10. As used in this chapter, "used jewelry" means jewelry

previously purchased at retail, acquired by gift, or obtained in some other fashion by a consumer.

*As added by P.L.222-2013, SEC.3.*

#### **IC 24-4-19-11**

##### **Purchase or resale of precious metal**

*Effective 1-1-2014.*

Sec. 11. A precious metal dealer who purchases or resells precious metal 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.222-2013, SEC.3.*

#### **IC 24-4-19-12**

##### **Permanent place of business requirement**

*Effective 1-1-2014.*

Sec. 12. A precious metal dealer may engage in the business of purchasing or reselling precious metal in Indiana only at a permanent place of business owned or leased by the precious metal dealer.

*As added by P.L.222-2013, SEC.3.*

#### **IC 24-4-19-13**

##### **Registration requirement; secretary of state; local law enforcement agencies**

*Effective 1-1-2014.*

Sec. 13. (a) A precious metal dealer must satisfy the registration requirements described in subsections (b) and (c) before the precious metal dealer may engage in the business of purchasing or reselling precious metal at a permanent place of business in Indiana.

(b) A precious metal dealer must submit to the secretary of state one (1) time every twelve (12) months a registration that includes the following:

- (1) The name of the precious metal dealer.
- (2) The addresses of all permanent places of business owned or leased by the precious metal dealer in Indiana.
- (3) Any other information required by the secretary of state.
- (4) A registration fee of one hundred dollars (\$100), to be deposited by the secretary of state into the electronic and enhanced access fund established by IC 4-5-10-5.

(c) A precious metal dealer must submit a registration to a law enforcement agency one (1) time every twelve (12) months for each permanent place of business owned or leased by the precious metal dealer in Indiana as follows:

- (1) If the permanent place of business is located in a municipality that maintains a law enforcement agency, the registration shall be submitted to the law enforcement agency of the municipality.
- (2) If the permanent place of business is not located in a municipality that maintains a law enforcement agency, the registration shall be submitted to the sheriff of the county in

which the permanent place of business is located. A registration submitted to a law enforcement agency under this subsection must include the name of the precious metal dealer, the address of the permanent place of business, any other information required by the law enforcement agency, and a registration fee of fifty dollars (\$50). However, if a precious metals dealer registers more than one (1) permanent place of business with the same law enforcement agency, the precious metal dealer must pay a registration fee of fifty dollars (\$50) to register all the permanent places of business with the law enforcement agency.  
*As added by P.L.222-2013, SEC.3.*

#### **IC 24-4-19-14**

##### **Seller identification; photograph of precious metal**

*Effective 1-1-2014.*

Sec. 14. (a) If a precious metal dealer purchases precious metal from a seller, the precious metal dealer shall:

- (1) verify the identity of the seller by use of a government issued photographic identification;
- (2) make a copy of the seller's government issued photographic identification; and
- (3) take a photograph of the precious metal.

(b) A precious metal dealer shall retain a copy of the:

- (1) government issued photographic identification; and
- (2) photograph;

described in subsection (a) as required in section 15(e) of this chapter.

*As added by P.L.222-2013, SEC.3.*

#### **IC 24-4-19-15**

##### **Books, accounts, and records**

*Effective 1-1-2014.*

Sec. 15. (a) A precious metal dealer shall keep and use in the precious metal dealer's business the books, accounts, and records necessary to determine whether the precious metal dealer is complying with this chapter.

(b) A precious metal dealer 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 precious metal dealer shall keep the books and records so that the business of purchasing precious metal for resale may be readily separated and distinguished from any other business in which the precious metal dealer is engaged.

(d) If a precious metal dealer, in the conduct of the business, purchases precious metal from a seller, the purchase shall be evidenced by a bill of sale properly signed by the seller verifying the accuracy of the information in the bill of sale. All bills of sale must be in duplicate and must list the following separate items:

- (1) The date of sale.
- (2) The:

- (A) name;
  - (B) address;
  - (C) date of birth; and
  - (D) driver's license number or Social Security number;
- of the seller from whom the precious metal was purchased.
- (3) The amount of consideration paid for the precious metal.
  - (4) The:
    - (A) name of the precious metal dealer; and
    - (B) address of the permanent place of business where the purchase occurred.
  - (5) A description of each article of precious metal sold. However, if multiple articles of precious metal 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.
  - (6) The type of government issued photographic identification used to verify the identity of the seller under section 14 of this chapter, together with the name of the governmental agency that issued the photographic identification and the identification number present on the government issued photographic identification.

(e) If a precious metal dealer purchases precious metal, the precious metal dealer shall retain as part of the books, accounts, and records kept by the precious metal dealer under this section:

- (1) the original copy of the bill of sale described in subsection (d); and
- (2) the:
  - (A) copy of the seller's government issued photographic identification; and
  - (B) photograph of the precious metal;obtained by the precious metal dealer as required under section 14 of this chapter.

The second copy of the bill of sale shall be delivered to the seller by the precious metal dealer at the time of sale.

(f) The heading on all bill of sale forms must be in boldface type. *As added by P.L.222-2013, SEC.3.*

#### **IC 24-4-19-16**

##### **Precious metal purchases reported to law enforcement agencies** *Effective 1-1-2014.*

Sec. 16. (a) Each day a precious metal dealer purchases precious metal at a permanent place of business, the precious metal dealer shall report the information described in section 15(d) of this chapter concerning the precious metal to a law enforcement agency as follows:

- (1) If the permanent place of business is located in a municipality that maintains a law enforcement agency, the report required under this section shall be made to the law

enforcement agency of the municipality.

(2) If the permanent place of business is not located in a municipality that maintains a law enforcement agency, the report required under this section shall be made to the sheriff of the county in which the permanent place of business is located.

(b) The information reported to a law enforcement agency under subsection (a) shall be submitted in an electronic format if requested by the law enforcement agency.

*As added by P.L.222-2013, SEC.3.*

#### **IC 24-4-19-17**

##### **Examination of records and information by law enforcement agencies**

*Effective 1-1-2014.*

Sec. 17. (a) A precious metal dealer shall make the records and information under section 15 of this chapter available for examination upon the request of a law enforcement agency (as defined in IC 10-13-3-10).

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

(1) the records are sufficient; and

(2) the precious metal dealer has made the information reasonably available.

*As added by P.L.222-2013, SEC.3.*

#### **IC 24-4-19-18**

##### **Prohibited precious metal purchases**

*Effective 1-1-2014.*

Sec. 18. A precious metal dealer may not purchase precious metal:

(1) from an individual less than eighteen (18) years of age; or

(2) that the precious metal dealer believes or should have reason to believe is stolen property acquired as a result of a crime.

*As added by P.L.222-2013, SEC.3.*

#### **IC 24-4-19-19**

##### **Retention of precious metal purchases**

*Effective 1-1-2014.*

Sec. 19. (a) A precious metal dealer shall hold each article of precious metal purchased by the precious metal dealer for at least ten (10) calendar days after the date the precious metal dealer purchases the precious metal:

(1) at the precious metal dealer's permanent place of business where the purchase occurred; and

(2) separate from other precious metal.

(b) During the ten (10) calendar days that the precious metal dealer must hold precious metal under subsection (a), the precious metal dealer:

(1) may not change the form of the precious metal; and

(2) shall allow a law enforcement officer to inspect the precious metal.

*As added by P.L.222-2013, SEC.3.*

**IC 24-4-19-20**

**Confidentiality of records and information**

*Effective 1-1-2014.*

Sec. 20. (a) Records and information generated by a precious metal dealer 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 precious metal for use in investigating crime.

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

*As added by P.L.222-2013, SEC.3.*

**IC 24-4-19-21**

**Penalty**

*Effective 1-1-2014.*

Sec. 21. A person who knowingly or intentionally violates this chapter commits a Class A misdemeanor.

*As added by P.L.222-2013, SEC.3.*