



## **FACTS ABOUT THE SECONDHAND DEALERS LICENSE**



### **Who needs to be licensed?**

Any Secondhand Dealer, meaning a person, corporation, partnership, association, LLC and the agents, associates and/or employees of, who regularly engage in the commercial exchange, buying and selling, of secondhand articles, with few exceptions (see below).

### **What is a Secondhand Article?**

A Secondhand Article is defined in the local law as ANY good that is sold at resale.

Some common examples of secondhand articles are:

- Precious metals; including gold, silver, platinum, titanium as well as precious and semi-precious stones including coins, utensils and art objects that contain precious metal
- Consumer electronics including gaming systems and games, & computers
- Power tools, all sold at a resale level
- Any goods that are bartered in lieu of money or partial payment, except specific exemptions below

### **What are some of the exemptions to the local law?**

- Yard Sales, Garage Sales, Estate Sales or Moving Sales are exempt, UNLESS:
  - The seller does not own the items for sale
  - The sale cannot exceed 72 hours
  - The seller cannot conduct more than three (3) sales within a twelve (12) month period
  - The items for sale were purchased for resale or received on consignment for resale
- Articles sold or purchased by a non-profit or charitable organization, as set forth by New York State and Federal Law
- Secondhand books or magazines
- Secondhand articles sold or purchased by a duly licensed Auctioneer
- The sale or purchase of used furniture, used clothing or used baby/children's items
- Internet sales or purchases
- **Antique Dealers are exempt provided that:**
  - ***They are not buying and selling precious metals (no exemptions)***
  - 80% of their secondhand articles they purchase for resale are from Estates, Moving Sales, Auctions, other Antique shops and shows, Flea Markets or Bulk Lots
  - The Antique Dealer has an actual shop, advertised and promoted as such and maintains regular schedule of open hours
  - The Antique Dealer is a private dealer who works from home or a non-retail location, has hours by appointment or invitation, and their merchandise is defined as an "antique" or "collectible"

### **When does the Law Take Effect?**

June 1, 2019

### **What If I am already licensed as a Precious Metal Dealer?**

If you currently are licensed by the Dutchess County Division of Weights and Measures, your license is valid until expiration. However, you are bound by Local Law 5 of 2018 as of June 1, 2019.

### **What are the fees?**

***For a new applicant***, the application fee is \$75.00. There is also an \$85.00 fee for fingerprints payable to the New York State Division of Criminal Justice Services. The Fee for a duplicate license for an additional establishment is \$50.00.

***For a renewal of a license***, the renewal fee is \$60.00. There is no additional fingerprinting required for a renewal of an existing licensee. A license shall remain in effect for two (2) years.

### **What if I operate without a License?**

Penalties for operating without a license is a Class B misdemeanor a civil penalty of \$500.00 for each violation. Each day a secondhand dealer operates without a license shall be deemed to be a separate violation.

### **What Acquisitions/Transactions need to be reported?**

All secondhand articles that are acquired (bought) by a licensee, which are not specifically exempt, need to be reported to the Dutchess County Sheriff's Office electronically through LEADSONLINE as prescribed by law.

### **How do I get an account with LEADSONLINE? Is their training available? How much does it cost?**

Licensees may register at [WWW.LEADSONLINE.COM](http://WWW.LEADSONLINE.COM). Help is available directly with LEADSONLINE and they offer valuable online training. LEADSONLINE is FREE for reporting businesses.

If you have any further questions regarding the Dutchess County Secondhand Dealers Law, please contact the Dutchess County Division of Weights and Measures at 845-486-2949 or the Dutchess County Field Intelligence Group (845) 486-3866