

HOUSE BILL No. 1062

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-4-16; IC 36-8-3-10.

Synopsis: Architectural salvage material dealers. Prohibits an architectural salvage material dealer (dealer) from purchasing or otherwise obtaining architectural salvage material: (1) from a person who is less than 18 years of age; or (2) that the dealer believes or should have reason to believe is stolen property acquired as a result of a crime. Requires a dealer to keep a record book that contains certain information concerning architectural salvage material received by the dealer. Requires a dealer to hold such material intact for: (1) at least seven business days after receiving the material; and (2) at least 20 business days if the dealer receives written notice from a law enforcement agency or any other person that a person is claiming a right to possession of the material that is adverse to the dealer. Allows law enforcement officers to inspect and obtain records from a dealer. Makes it a Class A misdemeanor for a person to knowingly or intentionally violate a provision of the architectural salvage material dealers law.

Effective: July 1, 2008.

Day

January 8, 2008, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

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HOUSE BILL No. 1062



A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 24-4-16 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2008]:
- 4 **Chapter 16. Architectural Salvage Material Dealers**
- 5 **Sec. 1. This chapter does not apply to the purchase of valuable**
- 6 **metal (as defined in IC 25-37.5-1-1(a)) by a valuable metal dealer**
- 7 **regulated under IC 25-37.5.**
- 8 **Sec. 2. (a) As used in this chapter, "architectural salvage**
- 9 **material" means an item originally installed on or in a dwelling, a**
- 10 **business, or any other structure and subsequently removed from**
- 11 **the dwelling, business, or other structure.**
- 12 **(b) The term includes the following:**
- 13 **(1) Aluminum, wood, or vinyl siding.**
- 14 **(2) Balustrades or other stair parts.**
- 15 **(3) Bathroom or kitchen cabinets or fixtures.**
- 16 **(4) Doors, door architraves, or doorknobs.**
- 17 **(5) Light fixtures.**



- 1 **(6) Mantelpieces.**
- 2 **(7) Plumbing.**
- 3 **(8) Shutters.**
- 4 **(9) Windows and window architraves, including stained glass**
- 5 **or leaded glass window panes.**
- 6 **(10) Wood trim.**

7 **Sec. 3. As used in this chapter, "dealer" means a person who**
 8 **purchases or otherwise acquires architectural salvage material for**
 9 **resale or reuse as part of the normal course of the person's**
 10 **business.**

11 **Sec. 4. Before a person may sell or otherwise transfer ownership**
 12 **of architectural salvage material to a dealer, the person must**
 13 **present government issued identification to the dealer to verify the**
 14 **identity of the person.**

15 **Sec. 5. A dealer may not purchase or otherwise obtain**
 16 **architectural salvage material:**

- 17 **(1) from a person who is less than eighteen (18) years of age;**
- 18 **or**
- 19 **(2) that the dealer believes or should have reason to believe is**
- 20 **stolen property acquired as a result of a crime.**

21 **Sec. 6. (a) A dealer shall keep a record book that contains the**
 22 **following information concerning architectural salvage material**
 23 **received by the dealer:**

24 **(1) An accurate description of any architectural salvage**
 25 **material received by the dealer. If multiple articles of a**
 26 **similar nature that do not contain an identification or serial**
 27 **number are delivered together in one (1) transaction to the**
 28 **dealer, the description of the articles is adequate if the**
 29 **description contains:**

- 30 **(A) the quantity of the articles delivered; and**
- 31 **(B) a physical description of the type of articles delivered,**
- 32 **including any unique identifying marks, numbers, names,**
- 33 **letters, or special features.**
- 34 **(2) The date and time of the transaction.**
- 35 **(3) The:**
 - 36 **(A) name, address, date of birth, and telephone number;**
 - 37 **(B) signature; and**
 - 38 **(C) right thumbprint;**

39 **of the person who sold or otherwise transferred ownership of**
 40 **the architectural salvage material to the dealer. If the**
 41 **person's right thumb is missing, any of the person's**
 42 **fingerprints may be used under this subdivision. The**

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1 thumbprint or fingerprint must be made in a manner
2 approved by a law enforcement agency and may not be
3 blurred or obliterated.

4 (4) The:

5 (A) type of government issued identification used to verify
6 the identity of the person who sold or otherwise
7 transferred ownership of the architectural salvage
8 material to the dealer as described in section 4 of this
9 chapter;

10 (B) name of the governmental agency that issued the
11 identification; and

12 (C) identification number printed on the government
13 issued identification.

14 (b) The record book described in subsection (a) must be open to
15 inspection by a law enforcement officer at all reasonable times.

16 (c) A dealer shall retain a record book described in subsection
17 (a) for at least two (2) years after the date of the most recent
18 transaction recorded in the book.

19 Sec. 7. (a) A dealer shall hold intact architectural salvage
20 material received by the dealer for at least seven (7) business days
21 after the date the dealer receives the material.

22 (b) Notwithstanding subsection (a), if a dealer receives written
23 notice from a law enforcement agency or any other person that a
24 person is claiming a right to possession of the architectural salvage
25 material that is adverse to the dealer, the dealer shall:

- 26 (1) hold the material in the dealer's possession; or
- 27 (2) if requested to do so by a law enforcement agency, transfer
28 the material to the law enforcement agency.

29 (c) When notice of an adverse claim to architectural salvage
30 material in a dealer's possession has been given under subsection
31 (b), the dealer shall hold the material for at least twenty (20) days.
32 After twenty (20) days, if the matter is not settled or legal
33 proceedings have not been commenced concerning the adverse
34 claim:

- 35 (1) the dealer may sell or otherwise dispose of the material;
- 36 and
- 37 (2) if the material has been transferred to a law enforcement
38 agency, the material shall be returned to the dealer by the law
39 enforcement agency.

40 Sec. 8. (a) Records and information generated by a dealer
41 concerning architectural salvage material are confidential under
42 IC 5-14-3-4.

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(b) A law enforcement officer may obtain or receive records and information described in subsection (a) for use in the official law enforcement purpose of investigating crime.

(c) A law enforcement officer may disclose the name and address of a dealer to an adverse claimant in the case of a dispute over ownership of architectural salvage material in possession of the dealer.

Sec. 9. A person who knowingly or intentionally violates this chapter commits a Class A misdemeanor.

SECTION 2. IC 36-8-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. (a) The police department shall, within the city:

- (1) preserve peace;
- (2) prevent offenses;
- (3) detect and arrest criminals;
- (4) suppress riots, mobs, and insurrections;
- (5) disperse unlawful and dangerous assemblages and assemblages that obstruct the free passage of public streets, sidewalks, parks, and places;
- (6) protect the rights of persons and property;
- (7) guard the public health;
- (8) preserve order at elections and public meetings;
- (9) direct the movement of vehicles in public ways or public places;
- (10) remove all nuisances in public parks or public ways;
- (11) provide proper police assistance at fires;
- (12) assist, advise, and protect strangers and travelers in public ways or at transportation facilities;
- (13) carefully observe and inspect all places of business under license, or required to have them; and
- (14) enforce and prevent the violation of all laws in force in the city.

(b) The police chief and each captain, in ~~his~~ **the captain's** precinct, may supervise and inspect all pawnbrokers, vendors, junkshop keepers, cartmen, expressmen, dealers in secondhand merchandise, intelligence offices, **architectural salvage material dealers (as defined in IC 24-4-16-3)**, and auctions. Any member of the department may be authorized by the chief in writing to exercise the same powers.

SECTION 3. [EFFECTIVE JULY 1, 2008] **IC 24-4-16-9, as added by this act, applies only to offenses committed after June 30, 2008.**

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