



Substitute Senate Bill No. 974

Public Act No. 23-109

AN ACT CONCERNING AUTOMATED KIOSKS FOR CONSUMER ELECTRONICS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2023*) (a) For the purposes of this section, "automated kiosk for consumer electronics" or "kiosk" means an interactive device that allows consumers to recycle or sell their used personal electronic devices.

(b) No person shall operate an automated kiosk for consumer electronics in this state except in accordance with the provisions of this section. Each automated kiosk for consumer electronics in this state shall:

(1) Be installed inside a secure retail space;

(2) Verify each consumer's identity by remotely examining a current, valid and government-issued photo identification card issued to such consumer and comparing the image on such card to real-time images of such consumer captured by such kiosk;

(3) Remit to each consumer a cash or electronic payment for each used personal electronic device such consumer recycles or sells through such kiosk;

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(4) Securely store all used personal electronic devices a consumer recycles or sells through such kiosk at the end of each transaction;

(5) Capture and store images of each consumer who recycles or sells any used personal electronic device through such kiosk and each such used personal electronic device; and

(6) Be capable of reporting all transactional data and images to state and local law enforcement agencies and officers.

(c) Each automated kiosk for consumer electronics in this state shall maintain a record of all information such kiosk collects pursuant to subsection (b) of this section for three years following the date of the transaction in which such kiosk collected such information. At any time during such three-year period, a state or local law enforcement agency or officer may request that the operator of such kiosk provide such information to such law enforcement agency or officer. Such operator shall provide such information to the requesting state or local law enforcement agency or officer during normal business hours and not later than ten business days after such operator receives such request.

(d) No automated kiosk for consumer electronics in this state may recycle, sell or otherwise dispose of any used personal electronic device a consumer sells to such kiosk for fifteen days after the consumer sells such used personal electronic device to such kiosk. At any time during such fifteen-day period, a state or local law enforcement agency or officer may request that the operator of such kiosk provide such used personal electronic device to such law enforcement agency or officer for inspection. Such operator shall provide such used personal electronic device to the requesting state or local law enforcement agency or officer for inspection during normal business hours and not later than ten business days after such operator receives such request.

(e) No automated kiosk for consumer electronics in this state may

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purchase any used personal electronic device from a person who is younger than eighteen years of age.

(f) (1) No automated kiosk for consumer electronics in this state that satisfies the requirements established in subsections (a) to (e), inclusive, of this section shall be deemed to be a junk yard, as defined in section 21-9 of the general statutes, as amended by this act, or a recycling facility or recycling center, as such terms are defined in section 22a-207 of the general statutes, as amended by this act.

(2) No person who operates an automated kiosk for consumer electronics in this state in compliance with the provisions of subsections (a) to (e), inclusive, of this section shall be deemed to be a junk dealer, as defined in section 21-9 of the general statutes, as amended by this act, or a pawnbroker or secondhand dealer, as such terms are defined in section 21-39a of the general statutes, as amended by this act.

Sec. 2. Section 21-9 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

As used in this chapter: [, "junk dealer"]

(1) (A) "Junk dealer" means any person who engages in business as a dealer and trader in junk, old metals, scrap, rags, waste paper or other secondhand articles that are no longer serviceable for their original manufactured purpose; [, and "junk yard"]

(B) "Junk dealer" does not mean any person who operates an automated kiosk for consumer electronics in accordance with section 1 of this act.

(2) (A) "Junk yard" means any place in or on which old metal, glass, paper, cordage or other waste or discarded or secondhand material, which has not been a part, or is not intended to be a part, of any motor vehicle, is stored or deposited.

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(B) "Junk yard" does not mean an automated kiosk for consumer electronics that satisfies the requirements established in section 1 of this act.

Sec. 3. Section 21-39a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

As used in sections 21-39 to 21-47, inclusive, 21-47d, 21-47e and 21-100:

(1) "Pawnbroker" means a person, other than a person operating an automated kiosk for consumer electronics in accordance with section 1 of this act, who is engaged in the business of loaning money on the deposit or pledge of wearing apparel, jewelry, ornaments, household goods or other personal property or purchasing such property on condition of selling the same back again at a stipulated price;

(2) "Precious metals or stones dealer" means a person who is primarily engaged in the business of purchasing gold or gold-plated ware, silver or silver-plated ware, platinum ware, watches, jewelry, precious stones, bullion or coins;

(3) "Secondhand dealer" means a person who is primarily engaged in the business of purchasing personal property of any type from a person who is not a wholesaler, for the purpose of reselling or exchanging such property, and has physical possession of such property, other than an antiques dealer, art dealer, coin and stamp dealer, precious metals or stones dealer, pawnbroker, consignment shop operator, special collectibles dealer, musical instrument dealer, used book dealer, used clothing dealer, used children's products dealer, used sporting equipment dealer, dealer in motor vehicles as described in chapter 246, auctioneer as described in chapter 403, junk dealer, as defined in section 21-9, as amended by this act, scrap metal processor, as defined in section 14-67w, recycling facility, as defined in section 22a-207, as amended by

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this act, bona fide charitable or religious corporation, person operating an automated kiosk for consumer electronics in accordance with section 1 of this act or any retailer that is primarily engaged in the business of selling new items but also gives consideration other than cash in exchange for one or more items traded in to such retailer;

(4) "Antiques dealer" means a person who is primarily engaged in the business of buying and selling items collected or desirable due to age, rarity, condition or some other unique feature;

(5) "Art dealer" means a person who is primarily engaged in the business of buying and selling illustrative and decorative paintings, drawings, photographs, prints, sculptures or other works in the graphic or plastic arts, or decorative or artistic objects;

(6) "Coin and stamp dealer" means a person who is primarily engaged in the business of buying and selling coins, stamps, currency or rare documents collected or desirable due to age, rarity, condition or some other unique feature;

(7) "Consignment shop operator" means a person who is primarily engaged in the business of selling personal property as the agent of another person who has placed such property in the physical possession of the agent when such other person has not been paid for such property, retains legal title to such property and bears the risk of loss until such property is sold to a third person;

(8) "Special collectibles dealer" means a person who is primarily engaged in the business of buying or selling a distinctive type of manufactured item of limited supply designed for persons to collect or that possesses attractive characteristics, rarity, uniqueness, production faults or other distinctive characteristics necessary to cause a person to save it for hobby, display or investment purposes, without regard to its value or practical use, including, but not limited to, china, glass, toys,

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militaria, sports memorabilia, movie memorabilia, railroad memorabilia, models, comic books, dolls, figurines or other items of interest to a discrete group of persons, excluding antiques, coins, stamps, works of art, books, jewelry or precious metals;

(9) "Musical instruments dealer" means a person who is primarily engaged in the business of buying and selling new and used musical instruments and accessories;

(10) "Used book dealer" means a person who is primarily engaged in the business of buying and selling books previously sold at retail from persons other than a publisher or wholesaler;

(11) "Used clothing dealer" means a person who is primarily engaged in the business of buying and selling clothing previously purchased from a source other than a wholesaler;

(12) "Used children's products dealer" means a person who is primarily engaged in the business of buying and selling children's products, excluding products regulated by the federal Food and Drug Administration, previously purchased from a source other than a wholesaler;

(13) "Used sporting equipment dealer" means a person who is primarily engaged in the business of buying and selling sporting equipment previously purchased from a source other than a wholesaler;

(14) "Wholesaler" means a person engaged in the business of buying property in large quantities and reselling the property in the same or smaller quantities to persons who resell the property to the ultimate consumer;

(15) "Licensing authority" means the chief of police of any town or city or, if such town or city does not have an organized local police department, the Commissioner of Emergency Services and Public

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Protection; and

(16) "Person" means an individual, corporation, limited liability company, partnership or association.

Sec. 4. Subdivision (8) of section 22a-207 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(8) "Recycling facility" or "recycling center" means land and appurtenances thereon and structures where recycling is conducted, including, but not limited to, an intermediate processing center, as defined in section 22a-260, but excluding an automated kiosk for consumer electronics, as defined in section 1 of this act;

Approved June 28, 2023