



Senate

General Assembly

File No. 115

January Session, 2023

Substitute Senate Bill No. 974

Senate, March 20, 2023

The Committee on General Law reported through SEN. MARONEY of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING AUTOMATED KIOSKS FOR CONSUMER ELECTRONICS.

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

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

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

9 (1) Be installed inside a secure retail space;

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

13 such consumer captured by such kiosk;

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

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

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

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

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

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

44 business days after such operator receives such request.

45 (e) No automated kiosk for consumer electronics in this state may
46 purchase any used personal electronic device from a person who is
47 younger than eighteen years of age.

48 (f) (1) No automated kiosk for consumer electronics in this state that
49 satisfies the requirements established in subsections (a) to (e), inclusive,
50 of this section shall be deemed to be a junk yard, as defined in section
51 21-9 of the general statutes, as amended by this act, or a recycling facility
52 or recycling center, as such terms are defined in section 22a-207 of the
53 general statutes, as amended by this act.

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

60 (g) Any person who operates an automated kiosk for consumer
61 electronics in this state in a manner that does not comply with the
62 provisions of subsections (a) to (e), inclusive, of this section shall be
63 guilty of a class D misdemeanor.

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

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

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

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

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

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

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

83 As used in sections 21-39 to 21-47, inclusive, 21-47d, 21-47e and 21-
84 100:

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

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

95 (3) "Secondhand dealer" means a person who is primarily engaged in
96 the business of purchasing personal property of any type from a person
97 who is not a wholesaler, for the purpose of reselling or exchanging such
98 property, and has physical possession of such property, other than an
99 antiques dealer, art dealer, coin and stamp dealer, precious metals or
100 stones dealer, pawnbroker, consignment shop operator, special
101 collectibles dealer, musical instrument dealer, used book dealer, used
102 clothing dealer, used children's products dealer, used sporting
103 equipment dealer, dealer in motor vehicles as described in chapter 246,
104 auctioneer as described in chapter 403, junk dealer, as defined in section

105 21-9, as amended by this act, scrap metal processor, as defined in section
106 14-67w, recycling facility, as defined in section 22a-207, as amended by
107 this act, bona fide charitable or religious corporation, person operating
108 an automated kiosk for consumer electronics in accordance with section
109 1 of this act or any retailer that is primarily engaged in the business of
110 selling new items but also gives consideration other than cash in
111 exchange for one or more items traded in to such retailer;

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

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

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

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

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

137 memorabilia, models, comic books, dolls, figurines or other items of
138 interest to a discrete group of persons, excluding antiques, coins,
139 stamps, works of art, books, jewelry or precious metals;

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

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

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

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

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

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

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

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

167 Sec. 4. Subdivision (8) of section 22a-207 of the general statutes is
168 repealed and the following is substituted in lieu thereof (*Effective October*
169 *1, 2023*):

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	New section
Sec. 2	<i>October 1, 2023</i>	21-9
Sec. 3	<i>October 1, 2023</i>	21-39a
Sec. 4	<i>October 1, 2023</i>	22a-207(8)

GL *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill creates a new Class D misdemeanor charge for not operating an automated kiosk for consumer electronics in a manner consistent with the requirements in the bill which results in a potential cost to the Judicial Department and a potential revenue gain from fines. On average, the marginal cost to the state for supervision in the community is less than \$800¹ each year.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

¹ Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers

OLR Bill Analysis**sSB 974*****AN ACT CONCERNING AUTOMATED KIOSKS FOR CONSUMER ELECTRONICS.*****SUMMARY**

This bill establishes requirements for operating an “automatic kiosk for consumer electronics” for consumers to sell or recycle unwanted devices (§ 1) and correspondingly exempts their operators from the state’s laws on junk yards and dealers, pawnbrokers, secondhand dealers, and recycling facilities and centers (§§ 2-4).

Under the bill, these kiosks are interactive devices that must be located in secure retail spaces and that allow consumers to recycle or sell their used personal electronic devices. The bill’s requirements include provisions specifically aimed at ensuring law enforcement agencies and officers have access to devices and data collected during a transaction (e.g., device holding and records retention periods).

The bill makes failure to comply with its provisions a class D misdemeanor, which is punishable by a fine of up to \$250 or 30 days imprisonment, or both.

EFFECTIVE DATE: October 1, 2023

REQUIREMENTS FOR OPERATING

Under the bill, each automatic kiosk must be operated so that it:

1. verifies each consumer’s identity by remotely examining the consumer’s current, valid, and government-issued photo identification card and comparing the image on it to real-time images of the consumer the kiosk captures;

2. captures and stores images of each consumer who recycles or sells a personal electronic device and the respective device;
3. gives consumers a cash or electronic payment for each device recycled or sold through the kiosk;
4. only purchases devices from people aged 18 or older (it appears “purchase” includes devices accepted for recycling, as consumers recycling devices must still be paid under the bill);
5. securely stores devices at the end of transactions (see below); and
6. keeps transaction data and images for three years and provides them, upon request, to state and local law enforcement agencies and officers.

Holding Period

Under the bill, kiosks (presumably, the operators of them) cannot recycle, sell, or otherwise dispose of a device a consumer sold to the kiosk for at least 15 days after the transaction. (It appears this requirement applies to all collected devices, as consumers must be paid for devices whether they intended to sell or recycle them.)

Under the bill, during the 15-day holding period, law enforcement may ask the kiosk operator to give an electronic device to the law enforcement agency or officer for inspection. The operator must do so during normal business hours and within 10 days of the request.

Access to Transaction Data

During the three-year data and image retention period (see above), if law enforcement requests transaction data or images, the kiosk operator must provide it during normal business hours and within 10 days of the request.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/02/2023)