



General Assembly

January Session, 2023

Raised Bill No. 974

LCO No. 3943



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

AN ACT CONCERNING AUTOMATIC 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 not fewer than three years following the
27 date of the transaction in which such kiosk collected such information.
28 The operator of such kiosk shall, at any time during such three-year
29 period, upon the request of a state or local law enforcement agency or
30 officer and during normal business hours, immediately provide such
31 information to the requesting state or local law enforcement agency.

32 (d) No automated kiosk for consumer electronics in this state may
33 recycle, sell or otherwise dispose of any used personal electronic device
34 a consumer submits to such kiosk for fifteen days after the consumer
35 submits such used personal electronic device to such kiosk. The
36 operator of such kiosk shall, at any time during such fifteen-day period,
37 upon the request of a state or local law enforcement agency or officer
38 and during normal business hours, immediately provide such used
39 personal electronic device to the requesting state or local law
40 enforcement agency or officer for inspection.

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

44 (f) (1) No automated kiosk for consumer electronics in this state that
45 satisfies the requirements established in subsections (a) to (e), inclusive,
46 of this section shall be deemed to be a junk yard, as defined in section
47 21-9 of the general statutes, as amended by this act, or a recycling facility
48 or recycling center, as such terms are defined in section 22a-207 of the
49 general statutes, as amended by this act.

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

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

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

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

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

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

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

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

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

79 As used in sections 21-39 to 21-47, inclusive, 21-47d, 21-47e and 21-
80 100:

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

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

91 (3) "Secondhand dealer" means a person who is primarily engaged in
92 the business of purchasing personal property of any type from a person
93 who is not a wholesaler, for the purpose of reselling or exchanging such
94 property, and has physical possession of such property, other than an
95 antiques dealer, art dealer, coin and stamp dealer, precious metals or
96 stones dealer, pawnbroker, consignment shop operator, special
97 collectibles dealer, musical instrument dealer, used book dealer, used
98 clothing dealer, used children's products dealer, used sporting
99 equipment dealer, dealer in motor vehicles as described in chapter 246,
100 auctioneer as described in chapter 403, junk dealer, as defined in section
101 21-9, as amended by this act, scrap metal processor, as defined in section
102 14-67w, recycling facility, as defined in section 22a-207, as amended by
103 this act, bona fide charitable or religious corporation, person operating
104 an automated kiosk for consumer electronics in accordance with section
105 1 of this act or any retailer that is primarily engaged in the business of

106 selling new items but also gives consideration other than cash in
107 exchange for one or more items traded in to such retailer;

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

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

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

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

125 (8) "Special collectibles dealer" means a person who is primarily
126 engaged in the business of buying or selling a distinctive type of
127 manufactured item of limited supply designed for persons to collect or
128 that possesses attractive characteristics, rarity, uniqueness, production
129 faults or other distinctive characteristics necessary to cause a person to
130 save it for hobby, display or investment purposes, without regard to its
131 value or practical use, including, but not limited to, china, glass, toys,
132 militaria, sports memorabilia, movie memorabilia, railroad
133 memorabilia, models, comic books, dolls, figurines or other items of
134 interest to a discrete group of persons, excluding antiques, coins,
135 stamps, works of art, books, jewelry or precious metals;

136 (9) "Musical instruments dealer" means a person who is primarily

137 engaged in the business of buying and selling new and used musical
138 instruments and accessories;

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

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

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

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

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

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

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

163 Sec. 4. Subdivision (8) of section 22a-207 of the general statutes is
164 repealed and the following is substituted in lieu thereof (*Effective October*
165 *1, 2023*):

166 (8) "Recycling facility" or "recycling center" means land and
167 appurtenances thereon and structures where recycling is conducted,
168 including, but not limited to, an intermediate processing center, as
169 defined in section 22a-260, but excluding an automated kiosk for
170 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) |

Statement of Purpose:

To: (1) Establish requirements concerning automated kiosks for consumer electronics operating in this state; (2) provide that any person who operates an automated kiosk for consumer electronics in this state in a manner that does not satisfy such requirements shall be guilty of a class D misdemeanor; (3) specify that automated kiosks for consumer electronics are not junk yards, recycling facilities or recycling centers; and (4) specify that persons operating automated kiosks for consumer electronics are not junk dealers, pawnbrokers or secondhand dealers.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]