

1 HB35  
2 145267-1  
3 By Representative Wallace  
4 RFD: Commerce and Small Business  
5 First Read: 05-FEB-13  
6 PFD: 01/24/2013

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8 SYNOPSIS: Under existing law, the owner of an auction  
9 business or business of auctioneering is not  
10 required to maintain a record of all goods sold at  
11 auction for more than \$100.

12 This bill would add Section 34-4-55 to  
13 Chapter 4 of Title 34 of the Code of Alabama 1975,  
14 to require the owner of an auction business or  
15 business of auctioneering to maintain a record of  
16 all goods sold at auction for more than \$100, to  
17 make available to the appropriate law enforcement  
18 agency a record of the transactions, and would  
19 further provide that the records shall be a correct  
20 copy of the entries made of the goods sold at  
21 auction.

22 This bill would amend Section 34-11-7 of the  
23 Code of Alabama 1975, to exempt an owner who fails  
24 to maintain a record pursuant to Section 44-4-55 of  
25 the Code of Alabama 1975, from criminal penalties.

26  
27 A BILL

1 TO BE ENTITLED

2 AN ACT

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4 Relating to auctions; to add Section 34-4-55 to  
5 Chapter 4 of Title 34 of the Code of Alabama 1975; to require  
6 the owner of an auction business or business of auctioneering  
7 to maintain a record of all goods sold at auction for more  
8 than \$100; to make available to the appropriate law  
9 enforcement agency a record of the transactions; to further  
10 provide that the records shall be a correct copy of the  
11 entries made of the goods sold at auction; and to amend  
12 Section 34-4-7, Code of Alabama 1975, to exempt an owner who  
13 violates Section 34-4-55, Code of Alabama 1975, from criminal  
14 penalties.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 34-4-7, Code of Alabama 1975, is  
17 amended to read as follows:

18 "§34-4-7.

19 "(a) Any person, except as provided in Section  
20 34-4-55, violating this chapter, shall, upon conviction, be  
21 guilty of a Class A misdemeanor, subject to a fine or  
22 imprisonment, or both.

23 "(b) Any person, except as provided in Section  
24 34-4-55, having previously been convicted for violating this  
25 chapter, who subsequently violates this chapter, shall, upon  
26 conviction for the subsequent violation, be guilty of a Class  
27 C felony, subject to a fine or imprisonment, or both."

1                   Section 2. Section 34-4-55 is added to Chapter 4 of  
2 Title 34 of the Code of Alabama 1975, to read as follows:

3                   §34-4-55.

4                   (a) The owner of an auction business or business of  
5 auctioneering shall maintain a correct record of all goods  
6 sold at auction for more than one hundred dollars (\$100).

7                   (b) The owner of an auction business or business of  
8 auctioneering shall make available to the appropriate law  
9 enforcement agency a correct record of the transactions.

10                  (c) An owner who willfully violates this section and  
11 upon conviction of a violation shall be punished by a fine not  
12 in excess of one thousand dollars (\$1,000) for each violation.

13                  Section 3. This act shall become effective on the  
14 first day of the third month following its passage and  
15 approval by the Governor, or its otherwise becoming law.