

Chapter 7 **ANTIQUÉ DEALERS, COMMON MARKETS, SCRAP METAL PROCESSORS, SECONHAND RESELLERS AND RELATED BUSINESS**

ARTICLE VI. SECONDHAND RESELLERS

Sec. 7-125. Records required to be kept by secondhand resellers.

- (a) A secondhand reseller shall be required to keep records of any used property purchased or otherwise received as follows:
 - (1) The date of receipt of any item; and
 - (2) The individual transaction number assigned by the secondhand reseller.
- (b) A secondhand reseller, his agents or employees shall provide a consecutively numbered receipt to the seller or transferor of the item. Such receipt shall be dated on the actual date of the transaction.
- (c) A secondhand reseller shall only purchase, acquire or sell catalytic converters if allowed under section 1956.123 of the Texas Occupations Code. A secondhand reseller shall be required to keep records of any catalytic converter purchased or otherwise received as detailed in section 1956.124 of the Texas Occupations Code.
- (d) The provisions of this section shall not apply to any retailer that is (1) primarily engaged in the sale of merchandise under its own proprietary brand or private label, (2) maintaining centralized inventory management and transaction tracking systems across all of its locations, and (3) reselling items originally purchased from its own stores or e-commerce platform, provided that such retailer maintains its own internal records of inventory transactions and complies with all applicable state and federal laws.
- (e) The provisions of this section shall not apply to a retailer that is operated by an organization incorporated under section 501(c)(3) of the Internal Revenue Code and obtains its merchandise solely via donations.

Sec. 7-126. Stock and records to be open for examination.

- a. The stock or inventory and all records of any secondhand reseller shall be accessible for examination by any peace officer or inspector authorized by the director at any time during ordinary business hours.
- (b) The provisions of this section shall not apply to any retailer that is (1) primarily engaged in the sale of merchandise under its own proprietary brand or private label, (2) maintaining centralized inventory management and transaction tracking systems across all of its locations, and (3) reselling items originally purchased from

its own stores or e-commerce platform, provided that such retailer maintains its own internal records of inventory transactions and complies with all applicable state and federal laws.

- (c) The provisions of this section shall not apply to a retailer that is operated by an organization incorporated under section 501(c)(3) of the Internal Revenue Code and obtains its merchandise solely via donations.
