

# Inspection Checklist: Secondhand Dealers

*Does your business buy used gold, silver, or other precious metals?*

*Does your business buy or sell other used items?*

**Use this checklist to learn what our inspectors look for and help avoid violations. All businesses also must comply with the General Retail Inspection Checklist, which is included at the end for easy reference.**

**For your convenience, each Requirement includes the relevant section of law and/or rule, so you can refer to it for more information. The KEY below describes the legal citations and symbols used in this checklist.**

<b>KEY</b>
<b>NYC Code:</b> NYC Administrative Code
<b>RCNY:</b> Rules of the City of New York
<b>NYCRR:</b> NY Codes, Rules, and Regulations
<b>§:</b> Section
<b>§§:</b> Section

Requirement		Do you meet this requirement?
<b>Licenses</b>		
1	Your business must have a valid DCA <a href="#">Secondhand Dealer General</a> license to buy or sell used goods (such as jewelry, antiques, appliances, auto parts, refurbished items, etc.). <b>Tip:</b> If your business engages in Pawnbroker activity, you must also have a DCA Pawnbroker license. (NY General Business Law §40, §52)	<input type="checkbox"/> Yes
	<b>NYC Code §20-265</b>	
2	DCA’s combined license and complaint sign must be posted where all customers can see it.	<input type="checkbox"/> Yes
	<b>6 RCNY §1-03(a)</b>	
3	All printed matter that is given to customers (e.g., advertisements, business cards, flyers, receipts, contracts, correspondence) must have the license number and the license number must be identified as a DCA license number (for example, “Department of Consumer Affairs License #1234567-DCA”).	<input type="checkbox"/> Yes
	<b>6 RCNY §1-05</b>	
<b>Businesses That Buy Used Jewelry</b>		
4	If your business buys gold, silver, jewelry, or other precious metal, your business must have a scale and inform the seller of the troy weight of the precious metal.	<input type="checkbox"/> Yes
	<b>6 RCNY §3-81</b>	
5	Scales must be a type approved by New York State Department of Agriculture and Markets ( <a href="#">Weighing and Measuring Devices Approved for Commercial Use</a> ). The scale must display divisions equal to or smaller than .01 troy ounce (oz t) and be marked Class II or III.	<input type="checkbox"/> Yes
	<b>1 NYCRR §220.1(a)</b>	
6	A secondhand dealer cannot obstruct, hinder, or otherwise prevent an inspector from inspecting a scale.	<input type="checkbox"/> Yes
	<b>NYC Code §20-591</b>	

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Requirement	Do you meet this requirement?
<p><b>7</b> You must keep a record of every purchase and sale. Records must be in English and contain the following:</p> <ul style="list-style-type: none"> <li>• Detailed description of the item. If the item is jewelry, a description of the metal (gold, silver, platinum, or other metal) and gemstone (type, size, color, etc.).</li> <li>• Identifying marks such as monograms or inscriptions, if any</li> <li>• Name of the person who bought or sold the item</li> <li>• Address of the person who bought or sold the item</li> <li>• General description of the person who bought or sold the item</li> <li>• Date of the purchase or sale</li> <li>• Time of the purchase or sale</li> </ul> <p><b>Tip:</b> The records must be in writing and can be kept electronically.</p> <p><b>Tip:</b> The records must be kept for 3 years.</p> <p><b>NYC Code §20-273(a)</b></p>	<input type="checkbox"/> Yes
<p><b>8</b> An ID must be shown by each customer who sells a used item to your business. For each item, records must be kept about the ID, including the type, description, and number.</p> <p><b>Tip:</b> Acceptable forms of identification include:</p> <ul style="list-style-type: none"> <li>• An official document issued by the U.S. government or a state, county, or municipality; a public agency; a public or private employer. These documents must contain a signature.</li> <li>• A police, fire department, or postal department badge containing numbers.</li> </ul> <p><b>6 RCNY §2-101</b></p>	<input type="checkbox"/> Yes
<p><b>9</b> Keep a record of the signature of every person who sells a used item to your business.</p> <p><b>Tip:</b> The seller must sign his/her name in front of the dealer. A copy of the ID presented does not satisfy this requirement.</p> <p><b>6 RCNY §2-101</b></p>	<input type="checkbox"/> Yes

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Requirement	Do you meet this requirement?
<p><b>10</b></p>	<p>You must also keep electronic records if you purchase or sell any of the following:</p> <ul style="list-style-type: none"> <li>• Gold, silver, platinum, or other precious metals</li> <li>• Secondhand manufactured items made entirely or partially of gold, silver, platinum, or other precious metals</li> <li>• Items comprised of gold, silver, platinum, or other precious metals for the purpose of melting or refining</li> <li>• Used electrical appliances, not including kitchen appliances</li> <li>• Used electronic equipment or computers or parts of electronic equipment or computers</li> </ul> <p>The electronic records must be in English and contain for each purchase and sale:</p> <ul style="list-style-type: none"> <li>• Date, time, and location of each transaction</li> <li>• An accurate description of each item that is purchased or sold, including type, manufacturer, make, model, or serial number</li> <li>• Inscriptions or distinguishing marks</li> <li>• Digital photographs of each item</li> </ul> <p><b>Tip:</b> The electronic records must be maintained on <a href="#">LeadsOnline</a>.</p> <p><b>Tip:</b> The electronic records must be kept for 6 years.</p>
<p><b>NYC Code §20-273(b); 38 RCNY §21-04(c), 38 RCNY §21-07(b)</b></p>	

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Requirement		Do you meet this requirement?
11	<p>If you are <i>not</i> a Pawnbroker but you purchase or sell pawnbroker tickets or other evidence of pledged items or redeem or sell pledged items, you must keep written AND electronic records (i.e., LeadsOnline records) of the tickets or other evidence. The records must be in English and contain the following:</p> <ul style="list-style-type: none"> <li>• Name and address of the person who issued each pawn ticket or other evidence</li> <li>• Pledge number of each pawn ticket or other evidence</li> <li>• Amount loaned or advanced as it appears on each pawn ticket or other evidence</li> <li>• Date and time of each purchase, sale, or redemption</li> <li>• Amount paid or received for each pawn ticket or other evidence, or the amount paid or received for each redeemed article or pledge</li> <li>• Description of each pledged article as it appears on the pawn ticket or other evidence and an accurate description of every redeemed pledged item</li> </ul> <p><b>Tip:</b> The <i>written</i> record must also include:</p> <ul style="list-style-type: none"> <li>• Name and address of the pledger as it appears on each pawn ticket or other evidence</li> <li>• Name, address, and general description of the person who sold or purchased the redeemed article</li> </ul> <p><b>Tip:</b> The <i>electronic</i> record must be created at the time of the transaction and include one or more digital photographs of the pawn ticket.</p> <p><b>Tip:</b> The written records must be kept for 3 years and the electronic records must be kept for 6 years.</p> <p><b>NYC Code §20-273(c)(1), NYC Code §20-273(c)(2)</b></p>	<input type="checkbox"/> Yes
12	<p>All records must be available for inspection by a DCA inspector or NYPD officer.</p> <p><b>NYC Code §20-273(e)</b></p>	<input type="checkbox"/> Yes
13	<p>Secondhand items cannot be purchased from a minor.</p> <p><b>NYC Code §20-268(b)</b></p>	<input type="checkbox"/> Yes
14	<p>Secondhand items, including jewelry, cannot be sold within 15 days of purchase.</p> <p><b>NYC Code §20-268(d)</b></p>	<input type="checkbox"/> Yes
<b>Signs</b>		
15	<p>If your business sells new and used items, a sign stating that the store sells new and secondhand items must be posted where all customers can see it.</p> <p><b>Tip:</b> The sign must be at least 216 square inches with letters at least 2 inches high.</p> <p><b>NYC Code §20-270</b></p>	<input type="checkbox"/> Yes

# Inspection Checklist: Secondhand Dealers

Requirement		Do you meet this requirement?
16	If your business sells new and used items, all used items must be labeled as used.	<input type="checkbox"/> Yes
	<b>NYC Code §20-271(a)</b>	

*This document is provided for informational purposes only, is not exhaustive, and does not constitute legal advice. New York City businesses must comply with all relevant federal, State, and City laws and rules. Businesses are responsible for knowing and complying with current regulations that affect their business.*

# Inspection Checklist: General Retail

Does your business sell goods or services?

Use this checklist to learn what our inspectors look for and help avoid violations. For your convenience, each Requirement includes the relevant section of law and/or rule, so you can refer to it for more information. The KEY below describes the legal citations and symbols used in this checklist.

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Requirement	Do you meet this requirement?
<b>Price Lists for Services</b>	
<b>1</b> A price list must be displayed and include the following: <ul style="list-style-type: none"> <li>List of the type of services</li> <li>Minimum price for each service</li> <li>Conditions or variations of service that change the minimum price</li> <li>Range of additional charges caused by conditions or variations</li> <li>(if the price is based on an hourly labor rate) Rate as dollars per hour</li> </ul> <b>Tip:</b> If the price list states a price “and up” or “from” — e.g., “\$5 and up” or “from \$5” — it must also state the reason(s) for the different prices and include the range of prices.	<input type="checkbox"/> Yes
<b>6 RCNY §5-70(a)</b>	
<b>2</b> The price list must be clearly posted or clearly displayed at the place(s) where payment is made (e.g., near the cash register) and/or where orders are placed.	<input type="checkbox"/> Yes
<b>6 RCNY §5-70(a)</b>	
<b>3</b> If there is a sale or promotion, the pre-sale prices must also be posted for comparison.	<input type="checkbox"/> Yes
<b>NYC Code §20-750(b)</b>	
<b>4</b> Prices for services cannot be based on gender. <b>Tip:</b> Words like “men’s,” “women’s,” and “ladies” cannot be used to describe the price.	<input type="checkbox"/> Yes
<b>NYC Code §20-750(c)</b>	
<b>Pricing for Goods</b>	
<b>5</b> All items offered for sale must show a price, exclusive of tax, as follows: <ul style="list-style-type: none"> <li>The price must be attached to the item by a stamp, tag, or label. OR</li> <li>The price must be stated on a sign that is plainly visible where the item is displayed.</li> </ul>	<input type="checkbox"/> Yes
<b>NYC Code §20-708, NYC Code §20-708.1</b>	

# Inspection Checklist: General Retail

Requirement	Do you meet this requirement?
<p><b>6</b> If your store’s annual revenue is more than \$2 million or you are a chain store, you must individually price each item, including food products, paper products, detergents, soaps, nonprescription drugs, and health and beauty aids.</p> <p><i>Exceptions:</i> The following items must be individually priced unless shelf prices and a price look-up function are provided:</p> <ul style="list-style-type: none"> <li>• Milk</li> <li>• Items that are under 3 cubic inches in size, weigh less than 3 ounces, and cost under 1 dollar</li> <li>• Eggs</li> <li>• Fresh produce not packaged for retail sale</li> <li>• Products sold through a vending machine</li> <li>• Food sold for consumption on the premises</li> <li>• Snack foods offered for sale in single packages that weigh 5 ounces or less, e.g., cakes, gum, candies, chips, and nuts</li> <li>• Cigarettes, cigars, tobacco, and tobacco products</li> <li>• Food offered for sale in bulk</li> <li>• Frozen juice</li> <li>• Ice cream</li> <li>• Frozen foods packaged for final retail sale in plastic bags</li> <li>• Items on sale for 1 week or less, but only if they are located in a segregated display at the end of the aisle and the sale period, name of the product, and the advertised price are clearly posted on a sign at the point of display</li> <li>• Jars of baby food</li> </ul>	<input type="checkbox"/> Yes
<p><b>NYC Code §20-708.1(b), NYC Code §20-708.1(c)</b></p>	
<p><b>Signs</b></p>	
<p><b>7</b> Sale signs that advertise a price range or percent discount—example: “Savings of 20 to 50%” or “20% to 50% off”—must state the minimum and maximum percentages in equal size.</p> <div style="display: flex; justify-content: center; gap: 20px; margin: 20px 0;"> <div data-bbox="402 1556 695 1755" style="border: 2px solid green; padding: 10px; text-align: center;"> <p><b>20–50%</b>  <b>OFF</b></p> </div> <div data-bbox="764 1556 1057 1755" style="border: 2px solid red; padding: 10px; text-align: center;"> <p><del><b>20–50%</b></del> <del><b>OFF</b></del></p> </div> </div>	<input type="checkbox"/> Yes
<p><b>6 RCNY §5-94(a)(1)</b></p>	

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Requirement	Do you meet this requirement?
<p><b>8</b> Advertising, including sale signs, cannot contain any of the following phrases:</p> <ul style="list-style-type: none"> <li>• “Our list price”</li> <li>• Below “manufacturer’s wholesale cost”</li> <li>• “Manufacturer’s cost”</li> </ul> <p><b>6 RCNY §5-101</b></p>	<input type="checkbox"/> Yes
<p><b>9</b> Businesses that sell goods and services must post a refund policy sign.</p> <p><b>Tip:</b> A refund policy sign must be posted at each register, point of sale, or entrance, or attached to each item.</p> <p><b>Tip:</b> Even if the policy is not to give refunds, a sign must be posted stating “No Refunds.”</p> <p><b>Tip:</b> The sign must state that a written copy of the store’s refund policy is available on request.</p> <p><b>6 RCNY §5-37</b></p>	
<p><b>10</b> The refund policy sign must state any and all conditions or limitations to getting a refund. For example, it must state:</p> <ul style="list-style-type: none"> <li>• Any fees charged for refunds, such as “restocking fees”</li> <li>• If a refund will not be provided for “as is” or “sale” items</li> <li>• Whether the refund will be in cash, credit, or store credit only</li> <li>• If proof of purchase is required for a refund</li> <li>• If a refund will be provided at any time or within a specific period of time</li> </ul> <p><b>6 RCNY §5-37</b></p>	<input type="checkbox"/> Yes
<p><b>11</b> If there are limitations on using credit cards, such as minimum purchase amounts, the policy must be clearly posted at or near each entrance and in all advertising that indicates credit cards are accepted.</p> <p><b>6 RCNY §5-24(b)</b></p>	
<p><b>Receipts</b></p>	
<p><b>12</b> Receipts must be given to customers for purchases over \$20 and upon request for purchases between \$5 and \$20.</p> <p><b>Tip:</b> This does not apply to food and drink that is meant to be consumed on the premises.</p> <p><b>6 RCNY §5-32(b)(2)</b></p>	<input type="checkbox"/> Yes
<p><b>13</b> The receipt must include each of the following:</p> <ul style="list-style-type: none"> <li>• Date of purchase</li> <li>• Amount paid for each item</li> <li>• Total amount paid</li> <li>• Separate statement of tax</li> <li>• Business name and address</li> </ul> <p><b>6 RCNY §5-32(c)</b></p>	



# Inspection Checklist: General Retail

Requirement		Do you meet this requirement?
14	Receipts for audio, photographic, and video equipment that cost more than \$100 must also include the make and model number of the item.	<input type="checkbox"/> Yes
	<b>6 RCNY §5-32(c)(5)</b>	
<b>Price Accuracy</b>		
15	The price charged for an item at checkout, including scanned items, must not exceed the item's tagged, stamped, or marked price, shelf price, sale price, or advertised price.	<input type="checkbox"/> Yes
	<b>NYC Code §20-708.1(d), NYC Code §20-708.1(e)</b>	
16	Tax cannot be charged on tax-exempt items.  <b>Tip:</b> Examples of tax-exempt items include but are not limited to: feminine hygiene products, canned vegetables, baby food, clothing under \$110, diapers, nonprescription or over-the-counter drugs, contraceptives.  <b>Tip:</b> Check with the <a href="#">New York State Department of Taxation and Finance</a> for a complete list of which items are exempt.	<input type="checkbox"/> Yes
	<b>6 RCNY §5-41</b>	
<b>Layaway Plans</b>		
17	If layaway is offered, each of the following written disclosures must be provided to consumers prior to accepting any payments over \$50 in 4 installments or more: <ul style="list-style-type: none"> <li>• Description of the item, including name of manufacturer, brand name, color, size, style, and model number</li> <li>• Total cost of the item, including tax, installation, delivery, or freight charges</li> <li>• Any charge to use layaway, including any service charge, carrying charge, and cancellation fee</li> <li>• Duration of the layaway plan</li> <li>• Payment schedule and any consequences of missed payments</li> <li>• Refund policy</li> <li>• Notice of where the item is being stored, if other than the place of purchase, or if the item will not be removed from inventory until additional payments are made:</li> </ul> <p><i>Example 1:</i> NOTICE: NO MERCHANDISE WILL BE REMOVED FROM INVENTORY UNTIL X% OF THE PURCHASE PRICE HAS BEEN PAID.</p> <p><i>Example 2:</i> ATTENTION: YOUR SELECTION OF MERCHANDISE WILL NOT BE ORDERED UNTIL YOU HAVE MADE YOUR NEXT TO FINAL PAYMENT.</p>	<input type="checkbox"/> Yes
	<b>6 RCNY §5-23</b>	

# Inspection Checklist: General Retail

Requirement	Do you meet this requirement?
<b>Expired Over-the-counter Medication</b>	
<b>18</b>	<p data-bbox="183 485 1292 520">It is illegal to sell over-the-counter medication after the expiration date on the label.</p> <p data-bbox="183 520 1292 564"><b>NYC Code §20-822(a)</b></p> <p data-bbox="1300 485 1524 564"><input type="checkbox"/> Yes</p>



**Consumer Affairs**

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Visit [nyc.gov](http://nyc.gov) and search "Business Toolbox"

Contact 311  
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