

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.

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

Requirement		Do you meet this requirement?
Licenses		
1	Your business must have a valid DCA Secondhand Dealer General license to buy or sell used goods (such as jewelry, antiques, appliances, auto parts, refurbished items, etc.). Tip: 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
	NYC Code §20-265	
2	DCA's combined license and complaint sign must be posted where all customers can see it.	<input type="checkbox"/> Yes
	6 RCNY §1-03(a)	
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
	6 RCNY §1-05	
Businesses That Buy Used Jewelry		
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
	6 RCNY §3-81	
5	Scales must be a type approved by New York State Department of Agriculture and Markets (Weighing and Measuring Devices Approved for Commercial Use). 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
	1 NYCRR §220.1(a)	
6	A secondhand dealer cannot obstruct, hinder, or otherwise prevent an inspector from inspecting a scale.	<input type="checkbox"/> Yes
	NYC Code §20-591	

Inspection Checklist: Secondhand Dealers

Requirement		Do you meet this requirement?
7	<p>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"> 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.). Identifying marks such as monograms or inscriptions, if any Name of the person who bought or sold the item Address of the person who bought or sold the item General description of the person who bought or sold the item Date of the purchase or sale Time of the purchase or sale <p>Tip: The records must be in writing and can be kept electronically.</p> <p>Tip: The records must be kept for 3 years.</p>	<input type="checkbox"/> Yes
	NYC Code §20-273(a)	
8	<p>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>Tip: Acceptable forms of identification include:</p> <ul style="list-style-type: none"> 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. A police, fire department, or postal department badge containing numbers. 	<input type="checkbox"/> Yes
	6 RCNY §2-101	
9	<p>Keep a record of the signature of every person who sells a used item to your business.</p> <p>Tip: The seller must sign his/her name in front of the dealer. A copy of the ID presented does not satisfy this requirement.</p>	<input type="checkbox"/> Yes
	6 RCNY §2-101	

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

Inspection Checklist: Secondhand Dealers

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"> • Name and address of the person who issued each pawn ticket or other evidence • Pledge number of each pawn ticket or other evidence • Amount loaned or advanced as it appears on each pawn ticket or other evidence • Date and time of each purchase, sale, or redemption • Amount paid or received for each pawn ticket or other evidence, or the amount paid or received for each redeemed article or pledge • Description of each pledged article as it appears on the pawn ticket or other evidence and an accurate description of every redeemed pledged item <p>Tip: The <i>written</i> record must also include:</p> <ul style="list-style-type: none"> • Name and address of the pledger as it appears on each pawn ticket or other evidence • Name, address, and general description of the person who sold or purchased the redeemed article <p>Tip: 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>Tip: The written records must be kept for 3 years and the electronic records must be kept for 6 years.</p>	<input type="checkbox"/> Yes
	NYC Code §20-273(c)(1), NYC Code §20-273(c)(2)	
12	All records must be available for inspection by a DCA inspector or NYPD officer.	<input type="checkbox"/> Yes
	NYC Code §20-273(e)	
13	Secondhand items cannot be purchased from a minor.	<input type="checkbox"/> Yes
	NYC Code §20-268(b)	
14	Secondhand items, including jewelry, cannot be sold within 15 days of purchase.	<input type="checkbox"/> Yes
	NYC Code §20-268(d)	
Signs		
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>Tip: The sign must be at least 216 square inches with letters at least 2 inches high.</p>	<input type="checkbox"/> Yes
	NYC Code §20-270	

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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
	NYC Code §20-271(a)	

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.



KEY
NYC Code: NYC Administrative Code RCNY: Rules of the City of New York NY GBL: NY General Business Law §: Section

Requirement		Do you meet this requirement?
Price Lists for Services		
1	A price list must be displayed and include the following: <ul style="list-style-type: none">List of the type of servicesMinimum price for each serviceConditions or variations of service that change the minimum priceRange of additional charges caused by conditions or variations (e.g., \$10 pants, \$15 pants with pleats)(if the price is based on an hourly labor rate) Rate as dollars per hour Tip: 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
	6 RCNY §5-70(a)	
2	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
	6 RCNY §5-70(a)	
3	If there is a sale or promotion, the pre-sale prices must also be posted.	<input type="checkbox"/> Yes
	NYC Code §20-750(b)	
4	Prices for services cannot be based on gender. Tip: Words like “men’s,” “women’s,” and “ladies” cannot be used to describe the price.	<input type="checkbox"/> Yes
	NYC Code §20-750(c)	
Pricing for Goods		
5	All items offered for sale must show a price, exclusive of tax, as follows: <ul style="list-style-type: none">The price must be attached to the item by a stamp, tag, or label. ORThe price must be stated on a sign that is plainly visible where the item is displayed.	<input type="checkbox"/> Yes
	NYC Code §20-708, NYC Code §20-708.1	

Inspection Checklist: General Retail

Requirement	Do you meet this requirement?
<p>6 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></p> <ul style="list-style-type: none"> You do NOT need to individually price each item if you provide price scanners for customer use that meet the following requirements: <ul style="list-style-type: none"> Price scanners are within 30 feet of an item OR there is a sign in view of the item that says "A Price Scanner for Customer Use to Check Prices is Located _____ (indicate location)." AND The number of price scanners available to customers is based on the number of checkout stations: <ul style="list-style-type: none"> 1–3 checkout stations = 1 or more price scanners 4–5 checkout stations = 2 or more price scanners 6–7 checkout stations = 3 or more price scanners 8–9 checkout stations = 4 or more price scanners 10 or more checkout stations = 5 or more price scanners The following items must be individually priced unless shelf prices and a price look-up function are provided: <ul style="list-style-type: none"> Milk Items that are under 3 cubic inches in size, weigh less than 3 ounces, and cost under 1 dollar Eggs Fresh produce not packaged for retail sale Products sold through a vending machine Food sold for consumption on the premises Snack foods offered for sale in single packages that weigh 5 ounces or less, e.g., cakes, gum, candies, chips, and nuts Cigarettes, cigars, tobacco, and tobacco products Food offered for sale in bulk Frozen juice Ice cream Frozen foods packaged for final retail sale in plastic bags 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 Jars of baby food 	<input type="checkbox"/> Yes
<p>NYC Code §20-708.1(b), NYC Code §20-708.1(c)</p>	

Inspection Checklist: General Retail

Requirement		Do you meet this requirement?
Signs		
7	<p>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>   </div> <p>6 RCNY §5-94(a)(1)</p>	<input type="checkbox"/> Yes
8	<p>Advertising, including sale signs, cannot contain any of the following phrases:</p> <ul style="list-style-type: none"> • “Our list price” • Below “manufacturer’s wholesale cost” • “Manufacturer’s cost” <p>6 RCNY §5-101</p>	<input type="checkbox"/> Yes
9	<p>Businesses that sell goods and services must post a refund policy sign.</p> <p>Tip: A refund policy sign must be posted at each register, point of sale, or entrance, or attached to each item.</p> <p>Tip: Even if the policy is not to give refunds, a sign must be posted stating “No Refunds.”</p> <p>Tip: The sign must state that a written copy of the store’s refund policy is available on request.</p> <p>6 RCNY §5-37; NY GBL §218-a</p>	<input type="checkbox"/> Yes
10	<p>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"> • Any fees charged for refunds, such as “restocking fees” • If a refund will not be provided for “as is” or “sale” items • Whether the refund will be in cash, credit, or store credit only • If proof of purchase is required for a refund • If a refund will be provided at any time or within a specific period of time <p>6 RCNY §5-37; NY GBL §218-a</p>	<input type="checkbox"/> Yes
11	<p>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>6 RCNY §5-24(b)</p>	<input type="checkbox"/> Yes

Inspection Checklist: General Retail

Requirement		Do you meet this requirement?
Receipts		
12	Receipts must be given to customers for purchases over \$20 and upon request for purchases between \$5 and \$20. Tip: This does not apply to food and drink that is meant to be consumed on the premises.	<input type="checkbox"/> Yes
	6 RCNY §5-32	
13	The receipt must include each of the following: <ul style="list-style-type: none"> • Date of purchase • Amount paid for each item • Total amount paid • Separate statement of tax • Business name and address 	<input type="checkbox"/> Yes
	6 RCNY §5-32(c)	
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
	6 RCNY §5-32(c)(5)	
Price Accuracy		
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
	NYC Code §20-708.1(d), NYC Code §20-708.1(e)	
16	Tax cannot be charged on tax-exempt items. Tip: 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. Tip: Check with the New York State Department of Taxation and Finance for a complete list of which items are exempt.	<input type="checkbox"/> Yes
	6 RCNY §5-41	

Inspection Checklist: General Retail

Requirement		Do you meet this requirement?
Layaway Plans		
17	<p>A “layaway plan” means a purchase over \$50 where consumers agree to pay for the purchase in 4 or more installments before getting the merchandise. If a layaway plan is offered, each of the following written disclosures must be provided to consumers prior to accepting any payments:</p> <ul style="list-style-type: none"> • Description of the item, including name of manufacturer, brand name, color, size, style, or model number • Total cost of the item, including tax, installation, delivery, or freight charges • Any charge to use layaway, including any service charge, carrying charge, or cancellation fee • Duration of the layaway plan • Payment schedule and any consequences of missed payments • Refund policy regarding the payments • 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: <p><i>Example 1: NOTICE: NO MERCHANDISE WILL BE REMOVED FROM INVENTORY UNTIL X% OF THE PURCHASE PRICE HAS BEEN PAID.</i></p> <p><i>Example 2: ATTENTION: YOUR SELECTION OF MERCHANDISE WILL NOT BE ORDERED UNTIL YOU HAVE MADE YOUR NEXT TO FINAL PAYMENT.</i></p> <p>6 RCNY §5-23; NY GBL §396-t</p>	<input type="checkbox"/> Yes
Expired Over-the-counter Medication		
18	<p>It is illegal to sell over-the-counter medication after the expiration date on the label.</p> <p>NYC Code §20-822(a)</p>	<input type="checkbox"/> Yes

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Requirement		Do you meet this requirement?
Cash Payments		
19	<p>Your store cannot refuse to accept cash payments from consumers.</p> <p><i>Exceptions:</i></p> <ul style="list-style-type: none"> • Your store may refuse bills above \$20. • Your store may refuse cash payments for telephone, mail, or internet-based transactions, unless the transaction takes place in the store. • Your store may accept prepaid cards from an on-site device that converts cash into prepaid cards, but only if: <ul style="list-style-type: none"> – The device does not charge a fee for the prepaid card or require a minimum deposit above \$1. – Upon request, the device provides the consumer with a receipt stating the amount of cash the consumer deposited onto the prepaid card. – Cash deposits onto the prepaid card do not expire. – There is no limit on the number of transactions a consumer can complete with the prepaid card. <p>You must clearly post a sign on or immediately next to the device when it is not working that states your store is required to accept cash payments and consumers may report violations by calling 311.</p> <p>NYC Code §20-840</p>	<input type="checkbox"/> Yes
20	<p>Your store cannot charge a consumer who pays in cash a higher price for the same “consumer commodity” than a consumer who pays by credit card or other cashless transaction.</p> <p>Tip: “Consumer commodity” means any article, good, merchandise, product, or commodity of any kind that is produced, distributed, or offered for retail sale.</p> <p>NYC Code §20-840(c)</p>	<input type="checkbox"/> Yes

For more information: **Visit** nyc.gov/BusinessToolbox | **Contact 311** (212) NEW-YORK (Outside NYC)

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.