

July 5, 2012

Mr. Gil,

I'm writing to comment on the Second Notice of Proposed Rulemaking published at 59 DCR 6639, concerning secondhand dealer licensing rules.

The proposed amendments to the regulations are in spirit a welcome change, and I commend DCRA for moving to revise the unduly burdensome rules now in place for secondhand dealers of books, records, clothing, and the like. In the hope of improving on this good work, I offer the following suggested changes:

- 1) The list at proposed section 1000.6(a) is incomplete, in that it does not include Blu-ray discs (which are distinct from compact discs and DVDs). I suggest adding a suitable catch-all phrase to cover future technologies, so that the list ends with "VHS videos, DVDs, Blu-ray discs, or other similar recorded media;"
- 2) Proposed section 1000.6(e) is not grammatically parallel: "[g]arage sales or yard sales" are not "kinds of secondhand personal property" that a person "sells," but refer instead to the activity itself. I suggest revising (e) to read "Household property, when sold from the owner's residence on a temporary basis in connection with a yard sale or garage sale;"
- 3) Proposed section 1000.6 would provide relief from the requirement to obtain "a secondhand dealer license," but as written would not exempt book/record/clothing sellers from the separate temporary licensing requirements set out at 11 DCMR 1011 (requiring a temporary permit from the Mayor and extremely burdensome reporting to the Chief of Police for any dealer "not already licensed under this chapter") (emphasis added). The latter section would still apply to two classes of dealers: a) permanent dealers, whom the current rulemaking is clearly intended to benefit, and b) temporary dealers, such as dealers coming from outside the District to attend conventions, flea markets, etc.

If DCRA's intent is to exempt both classes of book/record/clothing dealers, then proposed section 1006.6 could be revised to read in pertinent part "as requiring a secondhand dealer license for (or subjecting to the provisions of section 1011) a person" If, on the other hand, DCRA wishes section 1011 to continue to apply to type (b) dealers (temporary sellers not otherwise licensed in the District), I respectfully suggest amending section 1011.1 to read, in pertinent part, "not already licensed under this chapter or under D.C. Code 47-2851.03d(a) conducting ..."

- 4) Unrelated to the above is the use of the term "junk dealer" throughout chapter 10. The term is nowhere defined, and seems to be a superfluous artifact from the period prior to the creation of Class A, B, and C secondhand dealers in section 1000. (A "junk

dealer” would appear to be merely one instance of a Class A dealer.) I suggest deleting this outdated term from the chapter title and from sections 1001.1, 1002.6, 1003.2, 1003.4, 1003.7, 1004.1, 1004.2, 1005.1, 1005.2, 1006.1, 1006.3, 1006.4, 1009.1, and 1013.3.

If you have any questions concerning my comments, you are welcome to contact me.

Sincerely yours,

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