



HB 872 – Summary

Secondary Metal Recyclers; comprehensive revision of provisions

- Provides that secondary metals recycler must have fixed site as defined below and within the state
- Create definition of fixed site
- Removes cash payment option – Must be check, electronic transfer or voucher for cash that cannot be redeemed until three days after the sale.
- Check or electronic funds transfer to be made to name in presented ID or to a validated business that seller represents.

Creates Permits and Databases:

- Each secondary metals recycler shall obtain permit from sheriff of each county they have a fixed site
 - Create definition of fixed site to now include renter or lessee in agreement where such person resides, primarily located, or primarily engages in business as secondary metals recycler
 - Permit information will be entered into statewide accessible electronic database
 - Sheriff is authorized to assess reasonable permit fee no greater than \$200.00
 - Permit good for 12 months
 - **Unlawful to sell regulated metal property to recycler without a valid permit**
- Secondary recycler records will now also include:
 - Clear, undistorted photograph or video images of property
 - Electronically stored thumbprint of person delivering the property
 - Scanned or photocopied seller permit if business agent is signing for corporation (automobiles)
 - Requirement to file records with sheriff which will be placed in database
 - A Signed statement from the seller

Other Items

- Law enforcement may now inspect all regulated metal property in possession of recycler, not just that deemed purchased
- Removes business to business exception
- Recycler not allowed to operate between 5:00 P.M. and 8:00 A.M. (Was 9:00 P.M. – 6:00 A.M.)
- State law shall not supersede or preempt local regulation
- Definition of regulated metal property updated to include ferrous metals, nonferrous metals, aluminum property, or catalytic converter
- Penalties
 - First offense – Misdemeanor
 - Second offense – Misdemeanor of a high and aggravated nature
 - Third offence and each sub - Felony
- Penalty for violation applies to anyone buying or selling
- Anyone who buys or sells in violation shall be liable for full value of metal property, any repair and related expenses, plus court cost and attorney fees
- Effective date July 1, 2012.