



## SB 321 – Summary

### Secondary Metal Recyclers; comprehensive revision of provisions

Sponsored by: (1) Unterman 45th(2) McKoon 29th (3) Stone 23rd (4) Ramsey 43rd

Senate Committee: Regulated Industries and Utilities

- 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 or electronic transfer
- Check or electronic funds transfer to be made to name in presented id or to a validated business that seller represents and only after 14 day waiting period

#### 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
- Reduces maximum value of scrap automobiles from \$850.00 to \$500.00 and increases age from 12 to 20 years