

## CHAPTER 128

SENATE Substitute for Substitute for HOUSE BILL No. 2035\*

AN ACT concerning scrap metal dealers; relating to the regulation thereof.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. As used in sections 1 through 4, and amendments thereto:

(a) "Scrap metal dealer" means any person that operates a business out of a fixed location, and that is also either:

(1) Engaged in the business of buying and dealing in regulated scrap metal;

(2) purchasing, gathering, collecting, soliciting or procuring regulated scrap metal; or

(3) operating, carrying on, conducting or maintaining a regulated scrap metal yard or place where regulated scrap metal is gathered together and stored or kept for shipment, sale or transfer.

(b) "Regulated scrap metal yard" means any yard, plot, space, enclosure, building or any other place where regulated scrap metal is collected, gathered together and stored or kept for shipment, sale or transfer.

(c) "Regulated scrap metal" shall mean wire, cable, bars, ingots, wire scraps, pieces, pellets, clamps, aircraft parts, pipes or connectors made from aluminum; catalytic converters containing platinum, palladium or rhodium; and copper, titanium, tungsten and nickel in any form; for which the purchase price described in sections 2 and 3, and amendments thereto, was primarily based on the content therein of aluminum, copper, titanium, tungsten, nickel, platinum, palladium or rhodium. Aluminum shall not include food or beverage containers.

Sec. 2. (a) It shall be unlawful for any person to sell any item or items of regulated scrap metal to a scrap metal dealer in this state unless such person presents to such scrap metal dealer, at or before the time of sale, the information described below regarding such item or items of regulated scrap metal.

Such information shall include the seller's name, address and place of business, if any. Every scrap metal dealer shall keep a register in which the dealer shall at the time of purchase or receipt of any item for which such information is required to be presented, cross-reference to previously received information, or enter the name, residence or place of business, if any, of the person from whom the scrap metal dealer purchased or received the item, a description made in accordance with the commodity code standards of the trade of items purchased, the price paid for such item or items, and a copy of the seller's photo driver's license card or another government-issued photo identification card. The scrap metal dealer's register, including copies of identification cards, may be kept in electronic format.

(b) Notwithstanding the foregoing, this section shall not apply to:

(1) Transactions involving regulated scrap metal, except for catalytic converters, for which the total sale price for all regulated scrap metal is \$50.00 or less;

(2) transactions involving only catalytic converters for which the total sale price is \$30.00 or less;

(3) transactions in which the seller is also a scrap metal dealer; or

(4) transactions for which the seller is known to the purchasing scrap metal dealer to be an established business that operates out of a fixed business location and that can reasonably be expected to generate regulated scrap metal.

Sec. 3. It shall be unlawful for any such scrap metal dealer to purchase any item or items of regulated scrap metal in a transaction for which section 2, and amendments thereto, requires information to be presented by the seller, without demanding and receiving from the seller that information. Every scrap metal dealer shall file and maintain a record of information obtained in compliance with the requirements in section 2, and amendments thereto. All records kept in accordance with the provisions of this act shall be open at all times to peace or law enforcement officers and shall be kept for two years. If the required information is maintained in electronic format, the scrap metal dealer shall provide a printout of the information to peace or law enforcement officers upon request.

Sec. 4. Any person intentionally violating the provisions of sections

1 through 3, and amendments thereto, shall be guilty of a class C misdemeanor. Any person convicted of violating the provisions of sections 1 through 3, and amendments thereto, for the third and subsequent times within a two-year period shall be guilty of a class A misdemeanor.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 16, 2007.

---