

1 HB23
2 133887-1
3 By Representative Roberts
4 RFD: Commerce and Small Business
5 First Read: 07-FEB-12
6 PFD: 12/01/2011

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8 SYNOPSIS: Under existing law, a secondary metals
9 recycler may not enter into any cash transaction in
10 excess of one hundred dollars for copper.

11 This bill would prohibit a secondary metals
12 recycler from entering into any cash transaction in
13 excess of \$10 for copper. This bill would require
14 the secondary metals recycler to maintain as part
15 of the required records a copy of a government
16 issued photo identification card of the person
17 delivering the metal property.

18 This bill would also authorize civil
19 penalties to be assessed against a secondary metals
20 recycler for violations and would provide for
21 revocation of the business license of the secondary
22 metals recycler for repeat violations.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To amend Sections 13A-8-31 and 13A-8-37, Code of
2 Alabama 1975, to provide further for purchases of copper by a
3 secondary metals recycler; to require the secondary metals
4 recycler to maintain a copy of the photo identification card
5 of the person delivering metal property; and to authorize
6 civil penalties and revocation of the business license of the
7 secondary metals recycler for certain violations.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Sections 13A-8-31 and 13A-8-37, Code of
10 Alabama 1975, are amended to read as follows:

11 "§13A-8-31.

12 "(a) A secondary metals recycler shall maintain a
13 legible record of all purchase transactions of ferrous or
14 nonferrous metals that have served their original economic
15 purpose to which the secondary metals recycler is a party. The
16 record shall include all of the following information:

17 "(1) The name and address of the secondary metals
18 recycler.

19 "(2) The date of the transaction.

20 "(3) The weight, quantity, or volume and a
21 description of the type of metal property purchased in a
22 purchase transaction. For purposes of this subdivision, the
23 term type of metal property shall include a general physical
24 description, such as wire, tubing, extrusions, or casting.

25 "(4) The amount of consideration given in a purchase
26 transaction for the metal property.

1 "(5) A signed statement from the person receiving
2 consideration in the purchase transaction stating that he or
3 she is the rightful owner of the metal property or is entitled
4 to sell the metal property being sold.

5 "(6) The name and address of the person delivering
6 the metal property to the secondary metals recycler.

7 "(7) ~~The distinctive number from, and type of, the~~
8 ~~personal~~ A copy of a government issued photo identification
9 card of the person delivering the metal property to the
10 secondary metals recycler.

11 "(8) The vehicle license tag number, state of issue,
12 and the type of vehicle, if available, used to deliver the
13 metal property to the secondary metals recycler. For purposes
14 of this subdivision, the term "type of vehicle" shall mean an
15 automobile, pickup truck, van, or truck.

16 "(b) The secondary metals recycler shall not enter
17 into any cash transactions in excess of ~~one hundred dollars~~
18 ~~(\$100)~~ ten dollars (\$10) for copper or in excess of one
19 thousand dollars (\$1,000) for all other metals in payment for
20 the purchase of the metal property. Payment shall be made by
21 check issued to the seller of the metal. The check shall be
22 payable to the name and address of the seller of the metal and
23 mailed to the recorded address of the seller or picked up in
24 person by the seller. The secondary metals recycler, at his or
25 her discretion, may make payment by either cash or check for
26 transactions of ~~one hundred dollars (\$100)~~ ten dollars (\$10)

1 or less for copper or one thousand dollars (\$1,000) or less
2 for all other metals.

3 "(c) A secondary metals recycler shall maintain or
4 cause to be maintained the information required by subsection
5 (a) for not less than two years from the date of the purchase
6 transaction.

7 "§13A-8-37.

8 "(a) Any person selling metal property to a
9 secondary metals recycler in violation of this article shall
10 be guilty of:

11 "(1) A Class A misdemeanor if the value of the
12 transaction or transactions in an aggregate amount is less
13 than five hundred dollars (\$500).

14 "(2) A Class C felony if the value of the
15 transaction or transactions in an aggregate amount exceeds
16 five hundred dollars (\$500), but does not exceed two thousand
17 five hundred dollars (\$2,500) in value.

18 "(3) A Class B felony if the value of the
19 transaction or transactions in an aggregate amount exceeds two
20 thousand five hundred dollars (\$2,500).

21 "(b) At the time of sentencing of any person
22 convicted under this article, the court may order restitution.

23 "(c) Any secondary metals recycler who knowingly and
24 intentionally engages in any practice which constitutes a
25 violation of this article shall be guilty of a misdemeanor,
26 provided that if a secondary metals recycler knowingly and
27 intentionally engages in a pattern of practices which

1 constitutes a violation of this article and the transactions
2 included in this pattern are in an aggregate amount which
3 exceeds five hundred dollars (\$500), the secondary metals
4 recycler shall be guilty of a Class C felony.

5 "(d) A secondary metals recycler who violates this
6 article shall be subject to the following civil penalties
7 which shall be paid to the county in which the secondary
8 metals recycler operates the business:

9 "(1) Two hundred fifty dollars (\$250) for the first
10 violation.

11 "(2) Five hundred dollars (\$500) for the second
12 violation.

13 "(3) Revocation of the license to do business as a
14 secondary metals recycler for a third violation within a
15 five-year period."

16 Section 2. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.