

1 HB278
2 136303-2
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13 RFD: Judiciary
14 First Read: 09-FEB-12

8 SYNOPSIS: Under existing law, secondary metals
9 recyclers must maintain certain records relating to
10 all purchase transactions of ferrous or nonferrous
11 metals. Also under existing law, a secondary metals
12 recycler is subject to certain criminal penalties
13 for the failure to comply with the record-keeping
14 requirements, as well as other laws regulating the
15 sale of these metals.

16 This bill would require a secondary metals
17 recycler to maintain additional records relating to
18 the purchase of ferrous and nonferrous metals,
19 including a photocopy or scanned copy of the
20 personal identification card of the person
21 delivering the metal property and a digital
22 photograph or video recording of the person
23 delivering the metal property, and would provide
24 criminal penalties for failing to obtain and
25 maintain certain records.

26 This bill would further provide for the
27 limits on purchases by secondary metals recyclers

1 for certain metals, including copper, and would
2 provide criminal penalties for violations.

3 This bill would require secondary metals
4 recyclers to register with the Alabama Criminal
5 Justice Information Center (ACJIC) or other
6 responsible agency and would require ACJIC or
7 another responsible agency to maintain a database
8 of certain information collected by secondary
9 metals recyclers relating to the purchase of metal
10 products.

11 This bill would provide certain civil
12 immunity for public or private owners of metal
13 property for certain injuries related to metal
14 property.

15 This bill would provide criminal penalties
16 for a person who damages or destroys certain metal
17 property and would provide further criminal
18 penalties for the possession of certain stolen
19 metal property.

20 This bill would also place restrictions on
21 secondary metals recyclers relating to the purchase
22 of catalytic converters, copper wire, and other
23 specified metal property.

24 Amendment 621 of the Constitution of Alabama
25 of 1901, now appearing as Section 111.05 of the
26 Official Recompilation of the Constitution of
27 Alabama of 1901, as amended, prohibits a general

1 law whose purpose or effect would be to require a
2 new or increased expenditure of local funds from
3 becoming effective with regard to a local
4 governmental entity without enactment by a 2/3 vote
5 unless: it comes within one of a number of
6 specified exceptions; it is approved by the
7 affected entity; or the Legislature appropriates
8 funds, or provides a local source of revenue, to
9 the entity for the purpose.

10 The purpose or effect of this bill would be
11 to require a new or increased expenditure of local
12 funds within the meaning of the amendment. However,
13 the bill does not require approval of a local
14 governmental entity or enactment by a 2/3 vote to
15 become effective because it comes within one of the
16 specified exceptions contained in the amendment.

17
18 A BILL

19 TO BE ENTITLED

20 AN ACT

21
22 To amend Sections 13A-8-30, 13A-8-31, 13A-8-32,
23 13A-8-33, 13A-8-34, 13A-8-35, 13A-8-36, 13A-8-37, and
24 13A-8-39, Code of Alabama 1975, relating to secondary metals
25 recyclers, to require a secondary metals recycler to maintain
26 additional records relating to the purchase of ferrous and
27 nonferrous metals; to further provide for the limits on

purchases by secondary metals recyclers for certain metal; to require secondary metals recyclers to register with the Alabama Criminal Justice Information Center (ACJIC) or other responsible agency; ACJIC or another responsible agency to maintain a database of certain information collected by secondary metals recyclers relating to the purchase of metal products; provide certain civil immunity for public or private owners of metal property for certain injuries related to metal property; to provide criminal penalties for damaging or destroying certain metal property and would provide further criminal penalties for the possession of certain stolen metal property; to place restrictions on secondary metals recyclers relating to the purchase of specified metal property; to add Sections 13A-8-31.1, 13A-8-31.2, 13A-8-35.1, 13A-8-37.1, and 13A-8-37.2 to the Code of Alabama 1975; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 13A-8-30, 13A-8-31, 13A-8-32, 13A-8-33, 13A-8-34, 13A-8-35, 13A-8-36, 13A-8-37, and 13A-8-39, Code of Alabama 1975, are amended to read as follows:

"§13A-8-30.

"As used in this article, the following terms have the following meanings:

"(1) FERROUS METALS. Any metals containing significant quantities of iron or steel, excluding motor vehicles purchased in accordance with Section 32-8-87.

"(2) LAW ENFORCEMENT OFFICER. A duly constituted and certified peace officer of the State of Alabama or of any county or municipality within the state.

"(3) METAL PROPERTY. Metals as defined in this section as either ferrous or nonferrous metals.

"(4) NONFERROUS METALS. Metals not containing significant quantities of iron or steel, including, without limitation, copper, brass, aluminum other than aluminum cans, bronze, lead, zinc, nickel, stainless steel, and alloys thereof, including stainless steel beer kegs.

"(5) PERSON. An individual, partnership, corporation, joint venture, trust, association, or any other legal entity.

"(6) PERSONAL IDENTIFICATION CARD. A driver's license or identification card issued by the Department of Public Safety or a similar card issued by another state, a military identification card, a passport, or an appropriate work authorization issued by the U.S. Citizenship and Immigration Services of the Department of Homeland Security.

"(7) PHOTOGRAPH. A still photographic image,
including images captured in digital format, which are of such

1 quality that the persons and objects depicted are
2 identifiable.

3 "~~(7)~~ (8) PURCHASE TRANSACTION. A transaction in
4 which a secondary metals recycler gives consideration in
5 exchange for regulated metal property.

6 "~~(8)~~ (9) SECONDARY METALS RECYCLER. Any person, whether licensed or not licensed, who is engaged, from a fixed
7 location or otherwise, in the business of paying compensation
8 for ferrous or nonferrous metals, whether or not engaged in
9 the business of performing the manufacturing process by which
10 ferrous metals or nonferrous metals are converted into raw
11 material products consisting of prepared grades and having an
12 existing or potential economic value. The term does not
13 include a pawnbroker licensed pursuant to Chapter 19A of Title
14 5, or a licensed automotive dismantler and parts recycler as
15 defined in Section 40-12-410, unless the entities engage in
16 the business of paying compensation for ferrous or nonferrous
17 metals.

18
19 "§13A-8-31.

20 "(a) A secondary metals recycler shall maintain a
21 legible record of all purchase transactions of ferrous or
22 nonferrous metals ~~that have served their original economic~~
23 ~~purpose~~ to which the secondary metals recycler is a party. The
24 record shall include all of the following information:

25 "(1) The name and address of the secondary metals
26 recycler.

1 "(2) The name or identification of the employee
2 responsible for making the purchase on behalf of the secondary
3 metals recycler.

4 "(2) (3) The date and time of the transaction.

5 "(3) (4) The weight, quantity, or volume and a
6 description of the type of metal property purchased in a
7 purchase transaction. For purposes of this subdivision, the
8 term "type of metal property" shall include a general physical
9 description, such as wire, tubing, extrusions, or casting.

10 "(4) (5) The amount of consideration given in a
11 purchase transaction for the metal property.

12 "(5) (6) A signed statement from the person
13 receiving consideration in the purchase transaction stating
14 that he or she is the rightful owner of the metal property or
15 is entitled authorized to sell the metal property being sold.

16 "(6) (7) The name and address of the person
17 delivering the metal property to the secondary metals
18 recycler.

19 "(7) (8) The A photocopy or scanned copy of the
20 personal identification card of the person delivering the
21 metal property to the secondary metals recycler, including the
22 distinctive number from, and type of, the personal
23 identification card of the person delivering the metal
24 property to the secondary metals recycler.

25 "(8) (9) The vehicle license tag number, and state
26 of issue, or the vehicle identification number if no vehicle
27 license tag is available, and the type of vehicle, if

1 available, used to deliver the metal property to the secondary
2 metals recycler. For purposes of this subdivision, the term
3 "type of vehicle" shall mean an automobile, pickup truck, van,
4 or truck.

5 "(10) A digital photograph or video recording of the
6 person delivering or receiving consideration for the metal
7 property delivered to the secondary metals recycler in which
8 the person's facial features are clearly visible and a
9 photograph or video recording of the metal property as
10 delivered or sold in which the type of metal property is
11 identifiable. The time and date shall be digitally recorded on
12 the photographs or video recording.

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

25 "(c) (b) A secondary metals recycler shall maintain
26 or cause to be maintained the information required by

1 subsection (a) for not less than ~~two years~~ one year from the
2 date of the purchase transaction.

3 "(c) Any person who intentionally violates the
4 requirements of subsections (a) or (b) shall be guilty of a
5 Class B misdemeanor for a first offense, a Class A misdemeanor
6 for a second offense, and a Class C felony for a third or
7 subsequent offense.

8 "(d) It shall be unlawful for any person to give
9 false information and receive money or other consideration
10 from a secondary metals recycler in return for metal property.
11 Any person in violation this subsection shall be guilty of a
12 Class C felony.

13 "§13A-8-32.

14 "During the usual and customary business hours of a
15 secondary metals recycler, a law enforcement officer, after
16 properly identifying himself or herself as a law enforcement
17 officer ~~and describing the object or objects for which he or~~
18 ~~she is inspecting,~~ shall have the right to inspect:

19 "(1) All purchased metal property in the possession
20 of the secondary metals recycler.

21 "(2) All records required to be maintained under
22 Section 13A-8-31.

23 "§13A-8-33.

24 "(a) (1) Whenever a law enforcement officer has
25 reasonable ~~cause suspicion~~ to believe that any item of metal
26 property in the possession of a secondary metals recycler has
27 been stolen, the law enforcement officer, ~~who has an affidavit~~

1 from the alleged rightful owner of the property identifying
2 the property with specificity, including any identifying
3 markings, may issue a hold notice to the secondary metals
4 recycler. The hold notice shall be in writing, shall be
5 delivered to the secondary metals recycler, shall specifically
6 identify those items of metal property that are believed to
7 have been stolen and that are subject to the notice, and shall
8 inform the secondary metals recycler of the information
9 contained in this section.

10 "(2) Upon receipt of the notice, the secondary
11 metals recycler may not process or remove the items of metal
12 property identified in the notice, or any portion thereof,
13 from the place of business of the secondary metals recycler
14 for 15 calendar days after receipt of the notice by the
15 secondary metals recycler, unless sooner released by a law
16 enforcement officer.

17 "(b) (1) No later than the expiration of the 15-day
18 period, a law enforcement officer after receiving additional
19 substantive evidence ~~beyond the initial affidavit~~ may issue a
20 second hold notice to the secondary metals recycler, which
21 shall be an extended hold notice. The extended hold notice
22 shall be in writing, shall be delivered to the secondary
23 metals recycler, shall specifically identify those items of
24 metal property that are believed to have been stolen and that
25 are subject to the extended hold notice, and shall inform the
26 secondary metals recycler of the information contained in this
27 section.

"(2) Upon receipt of the extended hold notice, the secondary metals recycler may not process or remove the items of metal property identified in the notice, or any portion thereof, from the place of business of the secondary metals recycler for 30 calendar days after receipt of the extended hold notice by the secondary metals recycler, unless sooner released by a law enforcement officer.

"(c) At the expiration of the hold period or, if extended in accordance with this section, at the expiration of the extended hold period, the hold is automatically released and the secondary metals recycler may dispose of the metal property unless other disposition has been ordered by a court of competent jurisdiction.

"(d) Any person who intentionally violates the requirements of subsection (a) or (b) shall be guilty of a Class B misdemeanor for a first offense, a Class A misdemeanor for a second offense, and a Class C felony for a third or subsequent offense.

"§13A-8-34.

"(a) If the secondary metals recycler contests the identification or ownership of the metal property, the party other than the secondary metals recycler claiming ownership of any metal property in the possession of a the secondary metals recycler may, provided that a timely report of the theft of the metal property was made to the proper authorities, bring an action in the circuit court of the county in which the secondary metals recycler is located. The petition for the

1 action shall include a description of the means of
2 identification of the metal property utilized by the
3 petitioner to determine ownership of the metal property in the
4 possession of the secondary metals recycler. If the person who
5 sold the metal property to the secondary metals recycler is
6 convicted of theft of property or criminal mischief related to
7 the removal of the metal property, the court shall order the
8 defendant to make full restitution to the victim including,
9 without limitation, attorney fees, court costs, and property
10 damage which resulted from the theft of property, and other
11 expenses.

12 "(b) When a lawful owner recovers stolen metal
13 property from a secondary metals recycler who has complied
14 with this article, and the person who sold the metal property
15 to the secondary metals recycler is convicted of a violation
16 of this article, or theft by receiving stolen property, the
17 court shall order the defendant to make full restitution,
18 including, without limitation, attorneys' fees, court costs,
19 and other expenses to the secondary metals recycler.

20 "§13A-8-35.

21 "This article shall not apply to purchases of metal
22 property from any of the following:

23 "(1) A law enforcement officer acting in an official
24 capacity unless the law enforcement officer is investigating a
25 compliance issue pursuant to this chapter or is presenting
26 metal property for sale.

1 "(2) A trustee in bankruptcy, executor,
2 administrator, or receiver who has presented proof of such
3 status to the secondary metals recycler.

4 "(3) Any public official acting under a court order
5 who has presented proof of such status to the secondary metals
6 recycler.

7 "(4) A sale ~~on or~~ the execution, or by virtue, of
8 any process issued by a court if proof thereof has been
9 presented to the secondary metals recycler.

10 "(5) A manufacturing, industrial, or other
11 commercial vendor that generates or sells regulated metal
12 property in the ordinary course of its business.

13 "§13A-8-36.

14 "(a) ~~It shall be unlawful for any person to give a~~
15 ~~false statement of ownership or to give a false or altered~~
16 ~~identification or vehicle tag number and receive money or~~
17 ~~other consideration from a secondary metals recycler in return~~
18 ~~for metal property. is unlawful for a person with the intent~~
19 ~~to damage property and having no right to do so or any~~
20 ~~reasonable ground to believe that he or she has such a right,~~
21 ~~damages or destroys any of the following:~~

22 "(1) Telecommunications, cable communications, or
23 electric power transmission pedestal or pole owned or operated
24 by a telecommunications, cable, or electric power company or
25 cooperative, or railroad.

26 "(2) Telecommunications, cable communications, or
27 electric power grounding or any other equipment or materials

1 used in the delivery of electricity, wire, fiber insulator,
2 power supply transformer, ground wire, or other apparatus,
3 equipment, or fixture used in the transmission of
4 telecommunications, cable communications, or electric power
5 owned or operated by a telecommunications, cable, or electric
6 power company or cooperative, or railroad.

7 "(3) Equipment used in the transmission of wireless
8 communications or related to wireless communications.

9 "(4) Equipment used at any facility of over the air
10 broadcast companies.

11 "(5) Railroad materials and lading, including, but
12 not limited to, any rail telecommunications; cable
13 communications; power and signal equipment and wires;
14 road/rail crossing signals, equipment, and wires; metal
15 property lading being transported by a railroad; and any
16 railroad track and other operating materials, including switch
17 component, spike, angle bar, tie plate or bolt of the type
18 used in constructing railroads.

19 "(6) Electric power line, gas line, water line, wire
20 or fiber insulators, electric motors or other apparatus,
21 heating and cooling systems, and environmental control systems
22 that are connected to farm shops, on-farm grain drying and
23 storage complexes, animal production facilities, irrigation
24 systems, greenhouse facilities, or other agricultural,
25 forestry, or food-related activities, equipment, structures,
26 systems, or vehicles.

"(7) Any electric power line, gas line, water line, wire or fiber insulators, fencing, gates, security structures, electric motors or other apparatus, metering instruments, communications antenna, environmental control systems, and processing plants that are connected to oil, natural gas, coalbed methane, shale gas, or other petroleum producing properties, equipment, structures, systems, or vehicles.

"(8) Any metal property from a school, place of worship, or a secondary metals recycler's premises.

"(b) Any person in violation of this section shall be guilty of a Class C felony.

"(c) Any person in violation of this section shall be guilty of a Class B felony if the damage or destruction causes or may cause imminent danger to the health and safety of the public, a metal owner's employees, first responders, law enforcement officers, or utility workers, or cause an interruption in communications services or electric utility services. For purposes of this subsection, "imminent danger" means the existence of any condition that could hinder or disrupt the normal operation of equipment, systems, or services provided for the health and safety of the public, metal owner's employees, first responders, law enforcement officers, or utility workers or cause an interruption in communications services or electric utility services.

"(d) At the time of sentencing of any person convicted under this section, the judge may order restitution in an amount determined by the court; provided, however, the

1 amount shall not be less than the value of the metal property
2 determined to have been damaged or stolen and shall include
3 the cost of replacement and the cost to repair any and all
4 damage caused during the commission of the crime for which the
5 person is convicted.

6 "§13A-8-37.

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

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

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

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

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

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

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

4 " (a) It is unlawful for a person to possess or
5 control the following property knowing that it has been stolen
6 or having reasonable grounds to believe it has been stolen,
7 unless the property is possessed or controlled with intent to
8 restore it to the owner:

9 " (1) Metal property marked with the initials of an
10 electrical company, a telephone company, a cable company,
11 another public utility, a railroad, or a brewer.

12 " (2) Utility access covers, manhole covers, or storm
13 drain covers, unless the seller is a company that deals in the
14 manufacture or sale of the aforementioned products.

15 " (3) Street light poles and fixtures, unless the
16 seller is a company that deals in the manufacture or sale of
17 the aforementioned products.

18 " (4) Road and bridge guard rails unless the seller
19 is a company that deals in the manufacture or sale of the
20 aforementioned products.

21 " (5) Highway or street signs, traffic light signals,
22 and traffic directional and control signs unless the seller is
23 a company that deals in the manufacture or sale of the
24 aforementioned products.

25 " (6) Water meter covers unless the seller is a
26 company that deals in the manufacture or sale of the
27 aforementioned products.

1 "(7) Metal beer kegs including those made of
2 stainless steel that are clearly marked as being the property
3 of a beer manufacturer unless the seller is a company that
4 deals in the manufacture or sale of the aforementioned
5 products.

6 "(8) Metal property marked with the name of a
7 government entity.

8 "(9) Unused and undamaged building construction or
9 utility materials consisting of copper, pipe, tubing or
10 wiring, aluminum wire, or historical markers.

11 "(10) Grave markers, vases, memorials, statues,
12 plaques, or other bronze objects used at a cemetery or other
13 location where deceased persons are interred or memorialized,
14 unless the seller is a company that deals in the manufacture
15 or sale of the aforementioned products.

16 "(b) Any person who intentionally violates the
17 requirements of subdivision (a) (2) or (a) (10) shall be guilty
18 of a Class C felony for a first offense, a Class B felony for
19 a second offense, and a Class A felony for a third or
20 subsequent offense.

21 "(c) Any person who intentionally violates the
22 requirements of subdivision (1), (3), (4), (5), (6), (7), (8),
23 or (9) of subsection (a) shall be guilty of a Class B
24 misdemeanor for a first offense, a Class A misdemeanor for a
25 second offense, and a Class C felony for a third or subsequent
26 offense.

27 "§13A-8-39.

"This article shall apply to all businesses regulated under this article without regard to the location within the State of Alabama and shall take precedence over any and all local ordinances governing purchase transactions of metal property by a secondary metals recycler; provided however, that any ordinance in effect on July 1, 2010, shall be held to be in full force and effect and shall not be subject to this section.

Section 2. Sections 13A-8-31.1, 13A-8-31.2, 13A-8-35.1, 13A-8-37.1, and 13A-8-37.2, are added to the Code of Alabama 1975, as follows:

§13A-8-31.1.

(a) A secondary metals recycler may not enter into any cash transactions in excess of fifty dollars (\$50) for copper, copper/aluminum air conditioning coils, or catalytic convertors, or any items described in subdivision (a)(2) or (a)(10) of Section 13A-8-37, or in excess of five hundred dollars (\$500) for all other metals in payment for the purchase of metal property. Payment by check may be made payable only to the person whose information was recorded pursuant to Section 13A-8-31.

(b) It shall be unlawful for a secondary metals recycler to purchase metal property from a person younger than 18 years of age.

(c) Metal property may not be purchased between the hours of 9:00 P.M. and 6:00 A.M.

(d) Any person who intentionally violates the requirements of this section shall be guilty of a Class B misdemeanor for a first offense, a Class A misdemeanor for a second offense, and a Class C felony for a third or subsequent offense.

§13A-8-31.2.

(a) All secondary metals recyclers subject to this chapter shall register with the Alabama Criminal Justice Information Center (ACJIC) or other responsible state agency within 30 days of the effective date of this section. The registration shall include the name of the business, address of the business, telephone number, and the name of the owner or owners of the business.

(b) (1) Prior to January 1, 2013, secondary metals recyclers shall continue to abide by any reporting requirements currently in effect and followed by the recyclers.

(2) Effective January 1, 2013, secondary metals recyclers shall enter the information required by subsection (a) of Section 13A-8-3 into a database maintained by the ACJIC or other responsible state agency and shall transmit such information electronically to the database no later than 9:00 P.M. on the day of a purchase transaction. The ACJIC Commission or other responsible state agency in consultation with the members of the Alabama Recycling Association shall promulgate rules, regulations, and policies for the receipt and dissemination of

1 the information in the database through ACJIC information
2 systems. All information reported by secondary metals
3 recyclers pursuant to this section shall be considered to be
4 confidential and privileged and exempt from disclosure under
5 Section 41-13-1. The ACJIC Commission or other responsible
6 state agency shall ensure that adequate safeguards are
7 incorporated and maintained so that the data may be accessed
8 and used only by properly authorized law enforcement agencies
9 or corporate security departments acting on behalf of their
10 employers for the purpose of investigating thefts of metal
11 property. Any person releasing or using this data in an
12 unauthorized manner shall be subject to the provisions of
13 Section 13A-10-82.

14 (c) Any person who intentionally violates the
15 requirements of this section shall be guilty of a Class B
16 misdemeanor for a first offense, a Class A misdemeanor for a
17 second offense, and a Class C felony for a third or subsequent
18 offense.

19 §13A-8-35.1.

20 (a) A public or private owner of metal property is
21 not civilly liable to a person who is injured during the theft
22 or attempted theft of metal property in any amount by the
23 person or a third party.

24 (b) A public or private owner of metal property is
25 not civilly liable for a person's injuries caused by a
26 dangerous condition created as a result of the theft or
27 attempted theft of the owner's metal property in any amount

1 when the owner of the metal property did not know and could
2 not have reasonably known of the dangerous condition.

3 (c) This section does not create or impose a duty of
4 care upon an owner of metal property that would not otherwise
5 exist under common law.

6 §13A-8-37.1.

7 (a) It is unlawful for a secondary metals recycler
8 to purchase the following property unless a copy of verifiable
9 documentation in addition to the signed statement required by
10 subdivision (a) (6) of Section 13A-8-31 is provided to the
11 secondary metals recycler that the seller is the owner of the
12 property:

13 (1) Catalytic convertors that are not part of an
14 entire motor vehicle.

15 (2) Metal property of a telephone company, an
16 electric company, a cable company, a water company, another
17 utility, or a railroad marked or otherwise identified as such.

18 (3) Copper wire that has been burned to remove the
19 insulation, unless verifiable documentation is provided that
20 the source of the copper wire was in a building destroyed by
21 fire.

22 (4) A copper, aluminum, or aluminum-copper
23 condensing or evaporating coil, including its tubing or rods,
24 from a heating or air conditioning unit, excluding scrap from
25 window air conditioning units and automobile condenser coils,
26 unless any one of the following criteria are satisfied:

a. The condenser coils are being sold by a licensed contractor, HVAC contractor, plumber, or electrician and a current and valid license with number is provided at the time of sale and copied or scanned by the secondary metals recycler at the time of sale.

b. The condenser coils are being sold by a person with verifiable documentation, such as a receipt or work order, indicating that the condenser coils are the result of a replacement of an air conditioner unit or condenser coils performed by a licensed contractor.

(5) Any metal property that has been brightly painted or marked to deter theft of the property.

(6) Ventilation fans or similar fans designed to supply fresh air to workers in confined spaces such as underground mines or other similar circumstances.

(b) Any person in violation of this section shall be guilty of a Class B felony.

§13A-8-37.2.

Compliance by a secondary metals recycler with Sections 13A-8-31, 13A-8-31.1, 13A-8-31.2, and 13A-8-37.1, with regard to a purchase of metal property shall be recognized by law enforcement agencies and the Alabama state courts as evidence that the possession of the metal property is lawful.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

