

1 HB473
2 163907-2
3 By Representative Poole
4 RFD: Commerce and Small Business
5 First Read: 09-APR-15

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8 SYNOPSIS: Under existing law, a secondary metals
9 recycler must maintain certain information
10 regarding cash purchases of copper and other
11 secondary metals.

12 This bill would require the secondary metal
13 recycler to maintain additional information
14 regarding each sale transaction. This bill would
15 clarify that the secondary metals recycler may
16 accept only a personal identification card
17 containing a birth date and a unique identification
18 number, which the secondary metals recycler is
19 required to record in his or her records. This bill
20 would require the secondary metals recycler to
21 maintain this information in the record of the
22 transaction along with the name and address of both
23 the person receiving consideration for the metal
24 property and the person delivering the metal
25 property. This bill would also require the
26 secondary metals recycler to include the make,
27 model, and color of the vehicle delivering the

1 metal property. This bill would clarify that the
2 secondary metals recycler must enter all of the
3 information into the Alabama Criminal Justice
4 Information Center Database.

5 This bill would require the Alabama Criminal
6 Justice Information Center to make certain changes
7 in the secondary metals database to facilitate
8 searches by date of birth in conjunction with the
9 first and last name of the seller of metal property
10 and the person delivering the metal property if
11 that person is different from the person receiving
12 consideration for the property.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT
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18 Relating to secondary metals recyclers; to amend
19 Sections 13A-8-30, 13A-8-31, and 13A-8-31.2, Code of Alabama
20 1975; to provide further for the information regarding each
21 sale of metal property required to be maintained by a
22 secondary metals recycler; to require the information to be
23 entered into the Alabama Criminal Justice Information Center
24 database for secondary metals transactions; and to require the
25 Alabama Criminal Justice Information Center to make certain
26 changes to the secondary metals database to facilitate certain
27 searches related to metal property.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 13A-8-30, 13A-8-31, and
3 13A-8-31.2, Code of Alabama 1975, are amended to read as
4 follows:

5 "§13A-8-30.

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

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

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

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

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

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

24 "(6) PERSON DELIVERING METAL PROPERTY. The person
25 who operates the vehicle that delivers the metal property to
26 the secondary metals recycler or who otherwise delivers the
27 metal property.

1 "(7) PERSON RECEIVING CONSIDERATION. The person who
2 is receiving monetary consideration for the metal property
3 delivered to the secondary metals recycler.

4 "~~(6)~~(8) PERSONAL IDENTIFICATION CARD. A driver's
5 license or identification card issued by the Department of
6 Public Safety or a similar card issued by another state, a
7 military identification card, a passport, or an appropriate
8 work authorization issued by the U.S. Citizenship and
9 Immigration Services of the Department of Homeland Security,
10 which contains a unique identification number and date of
11 birth of the person.

12 "~~(7)~~(9) PHOTOGRAPH. A still photographic image,
13 including an image captured in digital format, which is of
14 such quality that the persons and objects depicted are
15 identifiable.

16 "~~(8)~~(10) PURCHASE TRANSACTION. A transaction in
17 which a secondary metals recycler gives consideration in
18 exchange for regulated metal property.

19 "~~(9)~~(11) SECONDARY METALS RECYCLER. Any person,
20 whether licensed or not licensed, who is engaged, from a fixed
21 location or otherwise, in the business of paying compensation
22 for ferrous or nonferrous metals, whether or not engaged in
23 the business of performing the manufacturing process by which
24 ferrous metals or nonferrous metals are converted into raw
25 material products consisting of prepared grades and having an
26 existing or potential economic value. The term does not
27 include a pawnbroker licensed pursuant to Chapter 19A of Title

1 5, or a licensed automotive dismantler and parts recycler as
2 defined in Section 40-12-410, unless the entities engage in
3 the business of paying compensation for ferrous or nonferrous
4 metals.

5 "~~(10)~~(12) VERIFIABLE DOCUMENTATION. Written evidence
6 of ownership which may be verified, including, but not limited
7 to, receipts, bills of sale, titles, certificates of title,
8 purchase agreements, shipping manifests, work orders, etc.

9 "§13A-8-31.

10 "(a) A secondary metals recycler shall maintain a
11 legible record of all purchase transactions of ferrous or
12 nonferrous metals to which the secondary metals recycler is a
13 party. The record shall include all of the following
14 information:

15 "(1) The name and address of the secondary metals
16 recycler.

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

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

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

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

1 "(6) 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
4 authorized to sell the metal property being sold.

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

7 "~~(8)~~ A photocopy or scanned copy of the personal
8 identification card of the person delivering the metal
9 property to the secondary metals recycler, including the name,
10 address, and distinctive number from, and type of, the
11 personal identification card of the person delivering the
12 metal property to the secondary metals recycler. If the person
13 delivering the metal property is not the same person receiving
14 consideration for the metal property, the personal information
15 and identification card information are required of both the
16 person delivering the property and the person receiving
17 consideration for the metal property.

18 "~~(9)~~(8) The vehicle license tag number and state of
19 issue, or the vehicle identification number if no vehicle
20 license tag is available, and the type of vehicle used to
21 deliver the metal property to the secondary metals recycler.
22 For purposes of this subdivision, the term "type of vehicle"
23 shall mean an automobile, pickup truck, van, or truck to
24 include the make, model, and color of the vehicle.

25 "~~(10)~~(9) A digital photograph or video recording of
26 the person delivering ~~or~~ and receiving consideration for the
27 metal property delivered to the secondary metals recycler in

1 which the person's facial features are clearly visible and a
2 photograph or video recording of the metal property as
3 delivered or sold in which the type of metal property is
4 identifiable. The time and date shall be digitally recorded on
5 the photograph or video recording.

6 "(b) A secondary metals recycler shall maintain or
7 cause to be maintained the information required by subsection
8 (a) for not less than one year from the date of the purchase
9 transaction.

10 "(c) Any person who intentionally violates the
11 requirements of subsections (a) or (b) shall be guilty of a
12 Class B misdemeanor for a first offense, a Class A misdemeanor
13 for a second offense, and a Class C felony for a third or
14 subsequent offense within a 10 year period.

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

20 "§13A-8-31.2.

21 "(a) All secondary metals recyclers subject to this
22 article shall register with the Alabama Criminal Justice
23 Information Center (ACJIC) by August 31, 2012, and shall pay
24 an annual registration fee of two hundred fifty dollars (\$250)
25 to ACJIC. In the event the electronic reporting system is not
26 fully implemented by August 1, 2012, the record maintenance
27 and reporting requirements of the current law shall remain in

1 full force and effect until such time as the ACJIC electronic
2 reporting system is fully implemented. The registration shall
3 include the name of the business, address of the business,
4 telephone number, and the name of the owner or owners of the
5 business.

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

10 " (2) ~~Effective January 1, 2013,~~ A secondary metals
11 recyclers shall enter the information required by subdivisions
12 (1), (3), (4), (5), (7), and ~~(9)~~ (8) of subsection (a) of
13 Section 13A-8-31 into a database maintained by the ACJIC and
14 shall transmit such information electronically to the database
15 no later than 9:00 P.M. on the day of a purchase transaction.
16 The information must include the distinctive identification
17 number and date of birth from the identification card required
18 to be scanned or photocopied in subdivision (7). The ACJIC
19 Commission in consultation with the members of the Alabama
20 Recycling Association shall promulgate rules, regulations, and
21 policies for the receipt and dissemination of the information
22 in the database through ACJIC information systems. All
23 information reported by secondary metals recyclers pursuant to
24 this section shall be considered to be confidential and
25 privileged and exempt from disclosure under Section 41-13-1.
26 The ACJIC Commission shall ensure that adequate safeguards are
27 incorporated and maintained so that the data may be accessed

1 and used only by properly authorized law enforcement agencies
2 for the purpose of investigating thefts of metal property. Any
3 person releasing or using this data in an unauthorized manner
4 shall be subject to the provisions of Section 13A-10-82.

5 "(3) On or before January 1, 2016, the Alabama
6 Criminal Justice Information Center shall provide that the
7 secondary metals database is searchable by date of birth in
8 conjunction with the first and last name of the seller of the
9 metal property and the person delivering the metal property if
10 that person is different from the person receiving
11 consideration for the property.

12 "(c) Any person who intentionally violates the
13 requirements of this section shall be guilty of a Class B
14 misdemeanor for a first offense, a Class A misdemeanor for a
15 second offense, and a Class C felony for a third or subsequent
16 offense within a 10 year period."

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