

1 SB380  
2 163907-2  
3 By Senators Hightower, Melson, Glover and Figures  
4 RFD: Fiscal Responsibility and Economic Development  
5 First Read: 14-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.

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
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.