

LEGISLATIVE BILL 766

Approved by the Governor April 11, 2008

Introduced by Cornett, 45; Flood, 19; Fulton, 29; Preister, 5.

FOR AN ACT relating to scrap metal; to regulate scrap metal recycling as prescribed; to define terms; to provide a penalty; and to provide an operative date.

Be it enacted by the people of the State of Nebraska,

Section 1. For purposes of sections 1 to 9 of this act:

(1) Regulated metals property means catalytic converters, all nonferrous metal except gold and silver, or metal beer kegs, including those kegs made of stainless steel; and

(2) Secondary metals recycler means any person, firm, or corporation in this state that:

(a) Is engaged in the business of gathering or obtaining regulated metals property that has served its original economic purpose; or

(b) Is in the business of or has facilities for performing the manufacturing process by which regulated metals property is converted into raw material products consisting of prepared grades and having an existing or potential economic value by methods including, but not limited to, processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form or chemical content of the metals, but not including the exclusive use of hand tools.

Sec. 2. (1) A secondary metals recycler shall maintain a record, either as a hard copy or electronically, of all purchase transactions in which the secondary metals recycler purchases regulated metals property.

(2) The following information shall be maintained for transactions in which a secondary metals recycler purchases regulated metals property:

(a) The name and address of the secondary metals recycler;

(b) The name and signature of the individual entering the information;

(c) The date and time of the transaction;

(d) The weight and grade of the regulated metals property purchased;

(e) The description made in accordance with the custom of the trade of the type of regulated metals property purchased;

(f) The amount of consideration given for the regulated metals property, if any;

(g) The name, signature, and address of the vendor of the regulated metals property;

(h) The motor vehicle operator's license number, state identification card number, or federal government-issued identification card number of the person delivering the regulated metals property to the secondary metals recycler;

(i) A photocopy of the current motor vehicle operator's license, state-issued identification card, or federal government-issued identification card of the person delivering the regulated metals property to the secondary metals recycler;

(j) A fingerprint from the person, but only if the person is delivering copper or catalytic converters. The fingerprint shall be taken from the right index finger, but if the right index finger is missing, the fingerprint shall be taken from the left index finger; and

(k) A date-and-time-stamped photograph or a date-and-time-stamped video recording of the regulated metals property.

(3) The vendor of the regulated metals property shall receive at no charge a plain written or printed receipt of the recorded transaction containing a copy of the entries required by this section.

(4) A secondary metals recycler shall keep and maintain the information required under this section for not less than one year after the date of the purchase of the regulated metals property.

Sec. 3. During the usual and customary business hours of a secondary metals recycler, any peace officer shall have the right to inspect:

(1) Any and all purchased regulated metals property in the possession of the secondary metals recycler; and

(2) Any and all records required to be maintained under section 2 of this act.

Sec. 4. No secondary metals recycler shall purchase regulated metals property for cash consideration unless the purchase total is not more than twenty-five dollars. Purchases made from the same person within a four-hour period shall be considered a single transaction. Payment shall be made payable

only to the individual named on the identification presented pursuant to section 2 of this act. Payment for copper and catalytic converters shall be by check.

Sec. 5. No secondary metals recycler shall purchase or receive regulated metals property:

(1) From any person who is under the age of majority; or

(2) From any person who does not possess a valid form of personal identification or current motor vehicle operator's license required under section 2 of this act at the time of the recorded transaction.

Sec. 6. No secondary metals recycler shall purchase or receive a metal beer keg, including those kegs made of stainless steel, if the serial number or other identifying insignia has been destroyed, removed, altered, covered, or defaced.

Sec. 7. Sections 1 to 9 of this act do not apply to:

(1) Purchases of regulated metals property from a manufacturing, industrial, or other commercial vendor that generates or sells regulated metals property in the ordinary course of its business;

(2) The collection or purchase of regulated metals property in the form of beverage or food cans; or

(3) Recycling or neighborhood cleanup programs contracted or sponsored by the state or any political subdivision.

Sec. 8. Any person violating any of the provisions of sections 1 to 9 of this act is guilty of a Class II misdemeanor.

Sec. 9. Nothing in sections 1 to 9 of this act shall be construed to abrogate or affect the provisions of any lawful rule, regulation, resolution, ordinance, or statute which is more restrictive than sections 1 to 9 of this act.

Sec. 10. This act becomes operative on September 1, 2008.