

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 766

FINAL READING

(SECOND)

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

Read first time January 09, 2008

Committee: Judiciary

A BILL

1 FOR AN ACT relating to scrap metal; to regulate scrap metal
2 recycling as prescribed; to define terms; to provide a
3 penalty; and to provide an operative date.
4 Be it enacted by the people of the State of Nebraska,

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

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

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

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

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

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

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

25 (a) The name and address of the secondary metals

- 1 recycler;
- 2 (b) The name and signature of the individual entering the
3 information;
- 4 (c) The date and time of the transaction;
- 5 (d) The weight and grade of the regulated metals property
6 purchased;
- 7 (e) The description made in accordance with the custom of
8 the trade of the type of regulated metals property purchased;
- 9 (f) The amount of consideration given for the regulated
10 metals property, if any;
- 11 (g) The name, signature, and address of the vendor of the
12 regulated metals property;
- 13 (h) The motor vehicle operator's license number,
14 state identification card number, or federal government-issued
15 identification card number of the person delivering the regulated
16 metals property to the secondary metals recycler;
- 17 (i) A photocopy of the current motor vehicle
18 operator's license, state-issued identification card, or federal
19 government-issued identification card of the person delivering the
20 regulated metals property to the secondary metals recycler;
- 21 (j) A fingerprint from the person, but only if the person
22 is delivering copper or catalytic converters. The fingerprint shall
23 be taken from the right index finger, but if the right index finger
24 is missing, the fingerprint shall be taken from the left index
25 finger; and

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

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

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

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

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

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

19 Sec. 4. No secondary metals recycler shall purchase
20 regulated metals property for cash consideration unless the
21 purchase total is not more than twenty-five dollars. Purchases
22 made from the same person within a four-hour period shall be
23 considered a single transaction. Payment shall be made payable only
24 to the individual named on the identification presented pursuant to
25 section 2 of this act. Payment for copper and catalytic converters

1 shall be by check.

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

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

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

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

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

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

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

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

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

24 Sec. 9. Nothing in sections 1 to 9 of this act shall
25 be construed to abrogate or affect the provisions of any lawful

1 rule, regulation, resolution, ordinance, or statute which is more
2 restrictive than sections 1 to 9 of this act.

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