

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 766

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; and to provide
- 3 a penalty.
- 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) Fixed location means any site occupied by a secondary
3 metals recycler as the owner of a site or as a lessee of a site
4 under a lease or other rental agreement providing for occupation of
5 the site by the secondary metals recycler for a total duration of
6 not less than one year;

7 (2) Regulated metals property means all metals except
8 gold and silver;

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

11 (a) Is engaged in the business of gathering or obtaining
12 ferrous or nonferrous metals that have served their original
13 economic purpose; or

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

22 Sec. 2. (1) A secondary metals recycler shall maintain a
23 record, either as a hard copy or electronically, of all purchase
24 transactions in which the secondary metals recycler purchases
25 regulated metals property, and shall, on or before the fifth day

1 of each month, forward to the chief law enforcement officer of the
2 jurisdiction in which any fixed location operated by the secondary
3 metals recycler is situated a copy of all such records from the
4 immediately preceding calendar month. Such records shall not be
5 considered public records as defined in section 84-712.01.

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

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

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

13 (c) The date and time of the transaction;

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

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

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

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

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

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

5 (j) A fingerprint from the person delivering the
6 regulated metals property. The fingerprint shall be taken from the
7 right index finger, but if the right index finger is missing, the
8 fingerprint shall be taken from the left index finger; and

9 (k) A photograph or time-stamped video recording of the
10 regulated metals property, with enough clarity to display any
11 distinguishing marks.

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

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

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

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

25 (2) Any and all records required to be maintained under

1 section 2 of this act.

2 Sec. 4. No secondary metals recycler shall purchase
3 regulated metals property for cash consideration. Payment shall be
4 issued only by check. The redemption check shall be made payable
5 only to the individual named on the identification presented
6 pursuant to section 2 of this act. The redemption check shall be
7 issued only after seventy-two hours have elapsed from the time of
8 the recorded transaction.

9 Sec. 5. No secondary metals recycler shall deface,
10 alter, change, destroy, part with, conceal, give away, sell,
11 or otherwise dispose of any regulated metals property that has
12 been received, deposited, purchased, or taken in trade before and
13 until seventy-two hours have elapsed from the time of the recorded
14 transaction.

15 Sec. 6. No secondary metals recycler shall purchase or
16 receive regulated metals property:

17 (1) From any person who is under the age of majority,
18 appears to be under the influence of alcohol, a narcotic drug, a
19 stimulant, or a depressant, or appears to be mentally incompetent;

20 (2) On which the serial numbers or other identifying
21 insignia have been destroyed, removed, altered, covered, or
22 defaced; or

23 (3) From any person who does not possess a valid
24 form of personal identification or current operator's license
25 required under section 2 of this act at the time of the recorded

1 transaction.

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

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

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

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

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

13 Sec. 9. Sections 1 to 9 of this act shall be deemed
14 to preempt any statute or ordinance enacted by any political
15 subdivision of this state, including preexisting statutes or
16 ordinances.