

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 347

Introduced by Cavanaugh, J., 9.

Read first time January 12, 2023

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to scrap metal recycling; to amend sections
- 2 69-401, 69-402, 69-404, 69-405, and 69-408, Reissue Revised Statutes
- 3 of Nebraska; to define a term; to change provisions relating to the
- 4 purchase of and payment for certain regulated metals property; to
- 5 provide for restrictions on the sale of catalytic converters; to
- 6 change a penalty; to harmonize provisions; and to repeal the
- 7 original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 69-401, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 69-401 For purposes of sections 69-401 to 69-409:

4 (1) Regulated metals property means catalytic converters, all
5 nonferrous metal except gold and silver, manhole covers, sewer grates, or
6 metal beer kegs, including those kegs made of stainless steel;~~and~~

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

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

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

19 (3) Vehicle identification number has the same meaning as in section
20 60-136.01.

21 Sec. 2. Section 69-402, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 69-402 (1) A secondary metals recycler shall maintain a record,
24 either as a hard copy or electronically, of all purchase transactions in
25 which the secondary metals recycler purchases regulated metals property.

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

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

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

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

- 1 (d) The weight and grade of the regulated metals property purchased;
- 2 (e) The description made in accordance with the custom of the trade
3 of the type of regulated metals property purchased;
- 4 (f) The amount of consideration given for the regulated metals
5 property, if any;
- 6 (g) The name, signature, and address of the vendor of the regulated
7 metals property;
- 8 (h) The motor vehicle operator's license number, state
9 identification card number, or federal government-issued identification
10 card number of the person delivering the regulated metals property to the
11 secondary metals recycler;
- 12 (i) A photocopy of the current motor vehicle operator's license,
13 state-issued identification card, or federal government-issued
14 identification card of the person delivering the regulated metals
15 property to the secondary metals recycler;
- 16 (j) A fingerprint from the person, but only if the person is
17 delivering copper or a catalytic converter ~~converters~~. The fingerprint
18 shall be taken from the right index finger, but if the right index finger
19 is missing, the fingerprint shall be taken from the left index finger;
20 and
- 21 (k) The vehicle identification number, year, make, and model of the
22 motor vehicle from which a catalytic converter was obtained, but only if
23 the person is delivering a catalytic converter; and
- 24 (1) ~~(k)~~ A date-and-time-stamped photograph or a date-and-time-
25 stamped video recording of the regulated metals property.
- 26 (3) The vendor of the regulated metals property shall receive at no
27 charge a plain written or printed receipt of the recorded transaction
28 containing a copy of the entries required by this section.
- 29 (4) A secondary metals recycler shall keep and maintain the
30 information required under this section for not less than one year after
31 the date of the purchase of the regulated metals property.

1 Sec. 3. Section 69-404, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 69-404 (1) No secondary metals recycler shall purchase regulated
4 metals property for cash consideration unless the purchase total is not
5 more than twenty-five dollars.

6 (2) Purchases made from the same person during the same calendar day
7 within a four-hour period shall be considered a single transaction.

8 (3) Payment shall be made payable only to the individual named on
9 the identification presented pursuant to section 69-402.

10 (4) Payment for copper and catalytic converters shall be by check,
11 and if the purchase total for copper is more than one hundred dollars,
12 the check shall be sent by United States mail, postage prepaid.

13 (5) Payment for any catalytic converter shall be by check sent by
14 United States mail, postage prepaid.

15 Sec. 4. Section 69-405, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 69-405 (1) No secondary metals recycler shall purchase or receive
18 regulated metals property from any person who:

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

20 (b) Does (2) From any person who does not possess a valid form of
21 personal identification or current motor vehicle operator's license
22 required under section 69-402 at the time of the recorded transaction;
23 or -

24 (c) Does not provide the vehicle identification number, year, make,
25 and model of the motor vehicle from which a catalytic converter was
26 obtained, but only if the person is delivering a catalytic converter.

27 (2) A secondary metals recycler shall keep all catalytic converters
28 for five business days, not including the day of purchase. During such
29 time period, catalytic converters shall be kept in the condition in which
30 they were purchased.

31 Sec. 5. Section 69-408, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 69-408 Any person violating any of the provisions of sections 69-401
3 to 69-409 is guilty of a Class I ~~II~~ misdemeanor.

4 Sec. 6. Original sections 69-401, 69-402, 69-404, 69-405, and
5 69-408, Reissue Revised Statutes of Nebraska, are repealed.