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SENATE DRS85168-MD-66 (03/15)

Short Title: Metal Theft Statute Amendments.

(Public)

Sponsors: Senator Tucker (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS AMENDMENTS TO THE STATUTES THAT REGULATE
3 SECONDARY METALS RECYCLERS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 66-420 reads as rewritten:

6 "§ 66-420. Definitions.

7 The following definitions apply in this Part:

- 8 (1) Cash card system. — A system of payment ~~that captures a photograph of a~~
9 ~~payment recipient and~~ that provides payment in cash or in a form other than
10 ~~cash-cash and that when providing payment in the form of cash~~ (i) captures a
11 photograph of the seller at the time payment is received and (ii) uses an
12 automated cash dispenser, including, but not limited to, an Automated Teller
13 Machine.
14 (2) Fixed site. — A site occupied by a secondary metals recycler as the owner of
15 the site or as a lessee of the site under a lease or other rental agreement
16 providing for occupation of the site by a nonferrous metals purchaser for a
17 total duration of not less than 364 days.
18 (3) Law enforcement officer. — Any duly constituted law enforcement officer
19 of the State or of any municipality or county.
20 (4) Nonferrous metals. — Metals not containing significant quantities of iron or
21 steel, including, but not limited to, copper wire, copper clad steel wire,
22 copper pipe, copper bars, copper sheeting, aluminum other than aluminum
23 cans, a product that is a mixture of aluminum and copper, catalytic
24 converters, lead-acid batteries, and stainless steel beer kegs or containers.
25 The term shall not include precious metals as defined and regulated in Part 2
26 of this Article.
27 (5) Nonferrous metals purchaser. — A secondary metals recycler who
28 purchases, gathers, or obtains nonferrous metals.
29 (6) Permit. — A permit issued pursuant to G.S. 66-426(a).
30 (7) Regulated metals property. — All ferrous and nonferrous metals.
31 (8) Secondary metals recycler. — Any person, firm, or corporation in the State:
32 a. That is engaged in the business of gathering or obtaining ferrous or
33 nonferrous metals that have served their original economic purpose
34 or is in the business of performing the manufacturing process by
35 which ferrous metals or nonferrous metals are converted into raw



1 material products consisting of prepared grades and having an
2 existing or potential economic value; or

- 3 b. That has facilities for performing the manufacturing process by
4 which ferrous metals or nonferrous metals are converted into raw
5 material products consisting of prepared grades and having an
6 existing or potential economic value, by methods including, but not
7 limited to, the processing, sorting, cutting, classifying, cleaning,
8 baling, wrapping, shredding, shearing, or changing the physical form
9 or chemical content of the metals, but not including the exclusive use
10 of hand tools."

11 **SECTION 2.** G.S. 66-424(a) reads as rewritten:

12 **"§ 66-424. Prohibited activities and transactions.**

13 (a) A secondary metals recycler shall not do any of the following:

- 14 (1) Operate any business that cashes checks at a fixed site at which the
15 secondary metals recycler purchases regulated metals property.
16 (2) Purchase nonferrous metals for the purpose of recycling the nonferrous
17 metals, unless the nonferrous metals purchaser possesses a valid permit.
18 (3) Purchase any central air conditioner evaporator coils or
19 ~~econdensers,~~ condensers that are not attached to a unit, or catalytic converters
20 that are not attached to a vehicle, except that a secondary metals recycler
21 may purchase these items from (i) a company, contractor, or individual that
22 is in the business of installing, replacing, maintaining, or removing these
23 items-items or (ii) a seller with a purchase receipt or other proof of
24 ownership. As used in this subdivision, the term "central air conditioner
25 evaporator coils" shall not include coils from a window air conditioning
26 system if the coils are contained within the system itself or a coil from a
27 vehicle condenser.
28 (4) Purchase any regulated metals property that the secondary metals recycler
29 knows or reasonably should know to be stolen."

30 **SECTION 3.** G.S. 66-421(b)(11) reads as rewritten:

31 "(b) Records Required. — A secondary metals recycler shall maintain a record of all
32 purchase transactions in which the secondary metals recycler purchases regulated metals
33 property. The record of each transaction shall contain the following information:

- 34 ...
35 (11) In transactions involving catalytic converters that are not attached to a
36 vehicle, and central air conditioner evaporator coils or
37 ~~econdensers,~~ condensers that are not attached to a unit, the person delivering
38 the materials shall place next to that person's signature on the receipt
39 required under subsection (a) of this section, a clear impression of that
40 person's index finger that is in ink and free of any smearing. A secondary
41 metals recycler may elect to obtain the fingerprint electronically. If the
42 secondary metals recycler has a copy of the fingerprint of the person
43 delivering the nonferrous metal on file, the secondary metals recycler must
44 examine the photo identification, but may reference the fingerprint that is on
45 file without making a separate fingerprint for each subsequent transaction.
46 As used in this subdivision, the term "central air conditioner evaporator
47 coils" shall not include coils from a window air conditioning system if the
48 coils are contained within the system itself or a coil from a vehicle
49 condenser."

50 **SECTION 4.** This act is effective when it becomes law.