

February 26, 2009

**H 323. PREVENT THE THEFT OF SCRAP METALS.** Filed 2/26/09. *TO STRENGTHEN THE REQUIREMENTS REGARDING SECONDARY METALS RECYCLING OF REGULATED METALS PROPERTY IN ORDER TO PREVENT THE THEFT OF THIS PROPERTY.*

Amends GS 66-11 to require that a secondary metals recycler issue a receipt to an individual delivering regulated metals property for all purchase transactions, with the receipt signed by both the recipient and the individual delivering the materials. Requires the individual delivering materials to leave an index fingerprint in smear-free ink next to the signature. Adds to the requirements for a secondary metals recycler in maintaining certain information related to the purchase of materials to include (1) a copy of a clear, legible receipt or the original receipt if the copy is not clear or legible and (2) the written documentation showing ownership by the seller of the regulated metals property. Allows a law enforcement officer to inspect, during regular business hours, both (was, either) the purchased regulated metals property and all records required to be maintained by a secondary metals recycler. Provides that the sheriff or chief of police may request that the secondary metals recycler transfer daily records of receipts to the law enforcement agency electronically. Limits the consideration for purchase of regulated metals property to a check or money order that is mailed to the address of the seller (was, prohibited cash consideration from other than a fixed location). Prohibits the purchase of specified regulated metals property, unless written documentation is provided that shows that the seller is the owner of the regulated metals property, or is an employee, agent, or other person authorized on behalf of the owner to sell the materials. Allows any person to notify a secondary metals recycler of a known or presumed theft of regulated metals products by providing any available information concerning the theft. Requires a secondary metals recycler to notify the local police or sheriff when regulated metals products are purchased by or are offered for sale to the recycler when those products meet the description in a notification of theft or possible theft received by the recycler within the last 90 days. Specifies that the statute does not apply to purchases of regulated metals property involving only beverage containers. Effective for purchases and offers for purchase that occur on or after October 1, 2009.

**Intro. by Gulley.**

GS 66

April 27, 2009

**H 323. PREVENT THE THEFT OF SCRAP METALS.** Filed 2/26/09. House committee substitute makes the following changes to 1st edition. Amends proposed amended GS 66-11 to delete that (1) the receipt issued by a secondary metals recycler to a person delivering regulated metals property needs to be signed by the person receiving the materials and (2) the person making the delivery must leave an index fingerprint next to that person's signature on the receipt. Adds that the secondary metals recycler must be able to provide documentation regarding the employee who completed the transaction. Requires that for purchase transactions involving catalytic converters that are not attached to a vehicle and central air conditioner evaporator coils or condensers, the person delivering the materials must place next to that person's signature an index fingerprint in ink on the required receipt. Allows the secondary metals recycler to (1) elect to obtain the fingerprint electronically or (2) if the person has a fingerprint on file from a previous transaction, reference that fingerprint without requiring an additional fingerprint after examining the person's photo identification. Deletes the prohibitions on (1) purchasing regulated metals property for cash consideration from other than a fixed location and (2) purchasing or receiving regulated metals property from minors from other than a fixed location, except for aluminum beverage or food cans. Adds prohibitions on the purchase of (1) any central air conditioner evaporator coils or condensers or catalytic converters that are not attached to a vehicle, except that if purchased from a company, contractor, or individual that is in the business of installing, replacing, maintaining, or removing these items when the payment is restricted to check or money order, which is made out to the company, contractor, or individual and (2) nonferrous metal property, not specifically listed in subdivision (5), for any cash consideration greater than \$100 per transaction. Allows purchase of other nonferrous metal property for an amount greater than \$100 if payment is made by check, money order, or cash card system that captures the seller's photograph, if the secondary metals recycler maintains the photograph for 90 days.

Deletes in subdivision (5) that (1) if written documentation is provided that shows the seller is the owner (or owner's authorized employee or agent) of the regulated materials property specifically listed, then the purchase of those materials is not prohibited and (2) the purchase of any property owned by a telephone, cable, electric, water, or other public utility and any unused and undamaged building construction or utility material consisting of copper, pipe, tubing, or wire, or aluminum wire is prohibited. Deletes that (1) any person may notify a secondary metals recycler of a known or presumed theft of regulated metals and (2) a secondary metals recycler is required to notify the local police or sheriff if materials are sold or offered for sale that meet the description in the notification of a possible theft of materials. Adds that the statute does not apply to purchases of regulated materials from a government vendor that generates or sells regulated metals property in the ordinary course of its business. Makes conforming and technical changes.

May 5, 2009

**H 323. PREVENT THE THEFT OF SCRAP METALS.** Filed 2/26/09. House committee substitute makes the following changes to 2nd edition. Makes several changes to GS 66-11. Amends the recordkeeping requirement in (b)(3) and (c) to require that secondary metals recyclers and law enforcement officials securely maintain required records at all times and destroy them in a manner that protects the identities of individuals involved in the transaction. Adds a new subsection to exempt from public records law records submitted to any public law enforcement agency pursuant to this law. Amends subsection (d) to allow recyclers to purchase certain recycled metals not only with check or money order but also using a cash card system that captures the photograph of the person selling the metal. Deletes from subsection (g) an exemption from the law for secondary metals recyclers that use a cash card system that captures a photograph of the person selling the metal. Makes a conforming change.

June 29, 2009

**SL 2009-200 (H 323). PREVENT THE THEFT OF SCRAP METALS. AN ACT TO STRENGTHEN THE REQUIREMENTS REGARDING SECONDARY METALS RECYCLING OF REGULATED METALS PROPERTY IN ORDER TO PREVENT THE THEFT OF THIS PROPERTY.** Summarized in *Daily Bulletin* 2/26/09, 4/27/09, and 5/5/09. Enacted June 26, 2009. Effective October 1, 2009.