



18-13-111. Purchases of commodity metals - violations - commodity metals theft task force - creation - composition - reports - legislative declaration - definitions - repeal.

(1) (a) Except as otherwise provided in subsection (3) of this section, every owner, keeper, or proprietor of a junk shop, junk store, salvage yard, or junk cart or other vehicle and every collector of or dealer in junk, salvage, or other secondhand property shall keep a book or register detailing all transactions involving commodity metals.

(b) The owner, keeper, proprietor, collector, or dealer shall record the identification of a seller of commodity metals in the book or register and the method by which the seller verified his or her identity. The seller shall verify his or her identity by one of the following:

(I) A valid Colorado driver's license;

(II) An identification card issued in accordance with section 42-2-302, C.R.S.;

(III) A valid driver's license from another state that contains a picture identification;

(IV) A military identification card;

(V) A valid United States passport; or

(VI) An alien registration card.

(VII) (Deleted by amendment, L. 2011, (HB 11-1130), ch. 106, p. 330, 1, effective April 13, 2011.)

(c) The owner, keeper, proprietor, collector, or dealer shall require the seller of a commodity metal to provide for the book or register:

(I) A signed affidavit, sworn and affirmed under penalty of law, that the seller is the owner of the commodity metal or is otherwise entitled to sell the commodity metal. The owner, keeper, proprietor, collector, or dealer shall provide the affidavit form to the seller.

(II) The license plate number and description of the vehicle or conveyance if any, in which the commodity metal was delivered.

(d) The owner, keeper, proprietor, collector, or dealer shall include the following in the book or register:

(I) The date and place of each purchase of the commodity metal; and

(II) The description and quantity of the commodity metal purchased.

(e) The book or register shall be made available to any peace officer for inspection at any reasonable time.

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(1.3) (a) A purchaser of commodity metals shall:

(I) Sign up with the scrap theft alert system maintained by the institute of scrap recycling industries, incorporated, or its successor organization, to receive alerts regarding thefts of commodity metals in the purchaser's geographic area;

(II) Download and maintain the scrap metal theft alerts generated by the scrap theft alert system;

(III) Use the alerts to identify potentially stolen commodity metals, including training the purchaser's employees to use the alerts during the purchaser's daily operations.

(b) A purchaser of commodity metals shall maintain for ninety days copies of any theft alerts received and downloaded pursuant to paragraph (a) of this subsection (1.3). A purchaser shall also maintain documentation that the purchaser educates employees about, and provides to employees, scrap theft alerts.

(1.5) (a) An owner, keeper, proprietor, collector, or dealer is permitted to pay a seller in cash for any commodity metals transaction of three hundred dollars or less.

(b) If the transaction costs more than three hundred dollars, the owner, keeper, proprietor, collector, or dealer shall pay the seller of a commodity metal by check unless the seller is paid by means of any process in which a picture of the seller is taken when the money is paid.

(2) Except as otherwise provided in subsection (3) of this section, the owner, keeper, proprietor, collector, or dealer of any commodity metal shall make a digital photographic record, video record, or other record that identifies the seller and the commodity metal that the seller is selling. The digital photographic record, video record, or other record format shall be retained for one hundred eighty days, and the owner shall permit a law enforcement officer to make inspections of the record.

(3) The following transactions and materials are exempt from the requirements specified in subsections (1) and (2) of this section:

(a) Any materials purchased from a regulated public utility or an original manufacturer of scrap or industrially generated scrap;

(b) The purchase of recyclable food and beverage containers from any source; except that, for purposes of this exemption, a metal beer keg suitable for reuse shall not be considered a recyclable beverage container;

(c) Any scrap that is involved in a transaction between dealers or governmental entities;

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(d) (Deleted by amendment, L. 2007, p. 759, 1, effective July 1, 2007.)

(e) (Deleted by amendment, L. 2011, (HB 11-1130), ch. 106, p. 330, 1, effective April 13, 2011.)

(4) The information entered in the book or register, as provided in subsection (1) of this section, need not be kept for a period longer than three years after the date of purchase of the commodity metal.

(5) A person who violates subsection (1) of this section by failing to keep a book or register, any person who knowingly gives false information with respect to the information required to be maintained in the book or register provided for in subsection (1) of this section, and any person who violates subsection (1.3), (1.5), or (2) of this section commits:

(a) A class 2 misdemeanor if the value of the commodity metal involved is less than five hundred dollars; or

(b) A class 1 misdemeanor if the value of the commodity metal involved is five hundred dollars or more.

(6) There is a rebuttable presumption that metal purchased by a dealer for the purpose of recycling is a commodity metal if the commodity metal has a value of fifty cents per pound or greater for purposes of recycling the commodity metal.

(7) This section shall not apply to a person or entity that does not provide remuneration for commodity metals collected in drop-off curbside containers or at materials recovery sites.

(8) For the purposes of this section, unless the context otherwise requires:

(a) (Deleted by amendment, L. 2007, p. 759, 1, effective July 1, 2007.)

(b) "Book or register" means any written or electronic record of transactions kept by any owner, keeper, proprietor, collector, or dealer, including sequentially numbered receipts containing the information required by subsection (1) of this section.

(b.5) "Commodity metal" means a metal containing brass, copper, copper alloy, aluminum, stainless steel, or magnesium or another metal traded on the commodity markets that sells for fifty cents per pound or greater. "Commodity metal" does not include precious metals such as gold, silver, or platinum.

(c) (Deleted by amendment, L. 2007, p. 759, 1, effective July 1, 2007.)

(d) "Dealer" means any person, business, or entity that buys, sells, or distributes, for the purpose of recycling, any commodity metal on a wholesale basis.

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(e) (Deleted by amendment, L. 2011, (HB 11-1130), ch. 106, p. 330, 1, effective April 13, 2011.)

(9) (a) There is hereby created the commodity metals theft task force, also referred to in this subsection (9) as the "task force".

(b) The task force consists of the following ten persons or their designees:

(I) The chief of the Colorado state patrol;

(II) A sheriff appointed by a Colorado sheriffs' association;

(III) A municipal police chief appointed by the Colorado association of chiefs of police;

(IV) A contractor that uses commodity metals in construction;

(V) A representative of a national trade association or other organization that represents commodity metals recyclers, such as the institute of scrap recycling industries, incorporated, or its successor organization or another entity representing comparable interests;

(VI) A scrap metal dealer located in Colorado who is a member of the institute of scrap recycling industries, incorporated, or its successor organization;

(VII) A representative of the Colorado municipal league, or its successor entity;

(VIII) A representative of Colorado counties, incorporated, or its successor entity;

(IX) A representative of a public utility that uses commodity metals; and

(X) A representative of a railroad company that operates in Colorado.

(c) The task force shall hold its first meeting no later than July 1, 2011. At the first meeting, the task force shall discuss the best way to distribute and use information related to theft of scrap metals, including whether and how to promote use by law enforcement agencies of the scrap theft alert system maintained by the institute of scrap recycling industries, incorporated, or its successor organization. Thereafter, the task force shall meet on a regular basis, convening at least every October, to discuss issues related to theft of commodity metals, including sharing relevant information on theft of scrap metal, identifying ways in which Colorado's laws regulating commodity metals purchases can be improved to reduce theft, and reviewing any performance problems or communication issues. The task force is specifically directed to consider: Possible policies or practices to aid in tracking or apprehending stolen commodity metals prior to the point of sale in order to assist law enforcement personnel in theft prevention and recovery of stolen materials; recommendations regarding when and how a commodity metals purchaser

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should be required to apprise local law enforcement authorities if a purchased commodity metal is a potential

match of a commodity metal reported stolen in the scrap theft alert system; and the creation and attributes of a civil penalty process for egregious and repeat violators of the record-keeping requirements of this section.

(d) A member of the task force, as designated by the task force, shall report annually to the judiciary committees of the house of representatives and the senate, or any successor committees, regarding the task force's meetings, findings, and recommendations.

(e) Members of the task force shall not be compensated for, or reimbursed for expenses incurred in, attending meetings of the task force.

(f) This subsection (9) is repealed, effective July 1, 2016. Before the repeal, the commodity metals theft task force, created pursuant to this subsection (9), shall be reviewed as provided in section 2-3-1203, C.R.S.

(10) (a) The general assembly hereby finds, determines, and declares that:

(I) Thefts of commodity metals jeopardize the safety and welfare of the public, financially burden taxpayers and industry, and exhaust law enforcement resources;

(II) Such thefts impact every community in Colorado; and

(III) The regulation of commodity metal purchases is a matter of statewide concern.

(b) The general assembly further encourages law enforcement authorities in the state to report thefts of commodity metals occurring within their jurisdictions to the scrap theft alert system maintained by the institute of scrap recycling industries, incorporated, or its successor organization, in order to ensure that persons using the system receive timely and thorough information. The general assembly also encourages commercial stakeholders affected by commodity metals theft to sign up for and participate in the scrap theft alert system.

**Source:** L. 75: Entire section added, p. 641, 1, effective June 20. L. 90: Entire section amended, p. 997, 1, effective April 3. L. 2007: Entire section amended, p. 759, 1, effective July 1. L. 2011: (1)(b)(V), (1)(b)(VI), (1)(b)(VII), (2), (3)(e), (5), (8)(b.5), and (8)(e) amended and (1.3), (1.5), (9), and (10) added, (HB 11-1130), ch. 106, p. 330, 1, effective April 13.

### **18-13-113. Unlawful to sell metal beverage containers with detachable opening devices.**

(1) As used in this section:

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(a) "Beverage" means each of the following forms of liquid refreshment intended for human consumption:

(I) Fermented malt beverages, malt liquors, beers, or any beverages obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any similar product, or any combination thereof, in water;

(II) Alcoholic beverages obtained by distillation, and mixed with water or other substances in solution;

(III) Alcoholic beverages obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar;

(IV) Mineral or soda waters;

(V) Carbonated or noncarbonated soft drinks; or

(VI) Fruit juices or vegetable juices or fruitades.

(b) "Beverage container" means an individual, sealed metal can which contains a beverage.

(c) "Within Colorado" means within the exterior limits of Colorado and includes all territory within these limits owned or ceded to the United States of America.

(2) No person shall sell or offer for sale at retail within Colorado any metal beverage container with a detachable opening device designed to detach from the beverage container when a user opens the beverage container in a manner reasonably calculated to gain access to its contents.

(3) Subsection (2) of this section shall not apply to metal beverage containers with opening devices consisting of sensitized adhesive tape.

(4) Any person who violates subsection (2) of this section commits a class 2 petty offense and, upon conviction thereof, shall be fined not less than fifty dollars nor more than one hundred dollars.

**Source: L. 82:** Entire section added, p. 325, 1, effective January 1, 1983.

<http://www.lpdirect.net/casb/crs/18-13-111.html>