



LEGISLATURE OF THE STATE OF IDAHO

Sixtieth Legislature First Regular Session 2009

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 163

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO SCRAP DEALERS; REPEALING CHAPTER 27, TITLE 54, IDAHO CODE, RELATING TO REGULATION OF SCRAP DEALERS; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 27, TITLE 54, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE RECORDS REQUIRED FOR PURCHASING NONFERROUS OR STAINLESS STEEL METAL PROPERTY FROM THE GENERAL PUBLIC, TO PROVIDE REQUIREMENTS FOR PURCHASING OR RECEIVING METAL PROPERTY FROM THE GENERAL PUBLIC, TO PROVIDE FOR A RECORD FOR COMMERCIAL ACCOUNTS, TO PROVIDE FOR REPORTING TO LAW ENFORCEMENT, TO PROVIDE FOR PRESERVING 11 EVIDENCE OF METAL THEFT, TO PROVIDE UNLAWFUL VIOLATIONS AND TO PROVIDE EXEMPTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 27, Title 54, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 27, Title 54, Idaho Code, and to read as follows:

#### CHAPTER 27

#### SCRAP DEALERS

542701. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Commercial account" means a relationship between a scrap metal business and a commercial enterprise that is ongoing and properly documented under this chapter.
- (2) "Commercial enterprise" means a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity.
- (3) "Commercial metal property" means: Utility access covers; street light poles and fixtures; road and bridge guardrails; highway or street signs; water meter covers; traffic directional and control signs; traffic light signals; any metal property marked with the name of a commercial enterprise, including, but not limited to, a telephone, cable, electric, water, natural gas, or other utility, or railroad; building construction materials consisting of copper pipe, tubing, or wiring, or aluminum wire, siding, downspouts, or gutters; aluminum or stainless steel fence panels; aluminum decking, bleachers, or risers; historical markers; statue plaques; grave markers and funeral vases; or agricultural irrigation wheels, sprinkler heads, and pipes; or stainless steel designed to be used in agricultural or commercial businesses.

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(4) "Nonferrous metal property" means metal property for which the value of the metal property is derived from the property's content of copper, brass, aluminum, bronze, lead, zinc, nickel, gold, silver, platinum and their alloys.

(5) "Record" means a paper, electronic, or other method of storing information.

(6) "Scrap metal business" means a scrap metal supplier, scrap metal recycling center, and scrap metal processor.

(7) "Scrap metal processor" means a person with a current business license that conducts business from a permanent location, that is engaged in the business of purchasing or receiving metal property for the purpose of altering the metal in preparation for its use as feedstock in the manufacture of new products, and that maintains a hydraulic bailer, shearing device, or shredding device for recycling.

(8) "Scrap metal recycling center" means a person with a current business license that is engaged in the business of purchasing or receiving nonferrous metal property for the purpose of aggregation and sale to another scrap metal business and that maintains a fixed place of business within the state.

(9) "Scrap metal supplier" means a person that is engaged in the business of purchasing or receiving nonferrous metal property for the purpose of aggregation and sale to a scrap metal recycling center or scrap metal processor and that does not maintain a fixed business location in the state.

(10) "Transaction" means a pledge, or the purchase of, or the trade of any item of nonferrous metal property by a scrap metal business from a member of the general public. "Transaction" does not include donations or the purchase or receipt of nonferrous metal property by a scrap metal business from a commercial enterprise, from another scrap metal business, or from a duly authorized employee or agent of the commercial enterprise or scrap metal business.

#### 542702. RECORDS REQUIRED FOR PURCHASING NONFERROUS OR STAINLESS STEEL METAL PROPERTY FROM THE GENERAL PUBLIC. (1) At the time of a transaction, every

scrap metal business doing business in this state shall produce, wherever that business is conducted, an accurate and legible record of each transaction involving nonferrous metal property or stainless steel metal property. This record must be written in the English language, documented on a standardized form or in electronic form, and contain the following information:

(a) The signature of the person with whom the transaction is made;

(b) The date, location and value of the transaction;

(c) The name of the employee representing the scrap metal business in the transaction;

(d) The name and street address of the person with whom the transaction is made;

(e) A photocopy or digital image of a current driver's license that is valid to operate a motor vehicle in the state of Idaho or a United States or Idaho government issued picture identification of the seller; and

(f) The license plate number of any vehicle required to have such a plate, if any, used by the person with whom the transaction is made.

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(2) For every transaction that involves nonferrous or stainless steel metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration.

The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following: "I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

The declaration must be signed and dated and the time of day noted by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and sign the declaration accordingly before any transaction may be consummated.

**542703. REQUIREMENTS FOR PURCHASING OR RECEIVING METAL 10 PROPERTY FROM THE GENERAL PUBLIC.** (1) No scrap metal business may enter into a transaction to purchase or receive nonferrous metal property or stainless steel from any person who cannot produce identification as described in section 542702(1)(e), Idaho Code.

(2) No scrap metal business may purchase or receive commercial metal property unless the seller: (a) Has a commercial account with the scrap metal business; (b) can prove ownership of the property by producing written documentation that the seller is the owner of the property; or (c) can produce written documentation that the seller is an employee or agent authorized to sell the property on behalf of a commercial enterprise.

(3) No scrap metal business may enter into a transaction to purchase or receive metallic wire that was burned in whole or in part to remove insulation unless the seller can produce written proof to the scrap metal business that the wire was lawfully burned or lawfully recovered from a burned structure.

(4) No scrap metal business may purchase or receive beer kegs from anyone except a distributor or manufacturer of beer kegs or licensed brewery.

**542704. RECORD FOR COMMERCIAL ACCOUNTS.** (1) Every scrap metal business must create and maintain a permanent record with a commercial enterprise, including another scrap metal business, in order to establish a commercial account. That record, at a minimum, must include the following information:

(a) The full name of the commercial enterprise or commercial account;

(b) The business address and telephone number of the commercial enterprise or commercial account;

(c) The full name of the primary contact of the commercial enterprise or whoever is authorized to deliver nonferrous metal and stainless steel and commercial metal property to the scrap metal business; and

(d) The full name of the primary contact of the commercial enterprise who is authorized to permit a scrap metal business to take possession of nonferrous metal and stainless steel and commercial metal property at the business location of the commercial enterprise.

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(2) The record maintained by a scrap metal business for a commercial account must document every purchase or receipt of nonferrous metal and stainless steel and commercial metal property from the commercial enterprise. The documentation must include, at a minimum, the following information:

- (a) The time, date and value of the property being purchased or received;
  - (b) A description of the predominant types of property being purchased or received.
- (3) Payment for nonferrous metal and stainless steel and/or commercial metal property purchased or received by the scrap metal business will be made by check payable to the commercial enterprise.

542705. REPORTING TO LAW ENFORCEMENT. Upon request by any commissioned law enforcement officer of the state or any of its political subdivisions, every scrap metal business shall make available a full, true, and correct record from the purchase or receipt of nonferrous metal property or stainless steel involving a specific individual, vehicle, or item of nonferrous metal property or commercial metal property. This information may be transmitted within a specified time of not less than five (5) business days to the applicable law enforcement agency electronically, by facsimile transmission, or by modem or similar device, or by delivery of computer disk subject to the requirements of, and approval by, the chief of police or the county's chief law enforcement officer.

542706. PRESERVING EVIDENCE OF METAL THEFT. (1) Following notification, either verbally or in writing, from a commissioned law enforcement officer of the state or any of its political subdivisions, that an item of nonferrous metal property, stainless steel, or commercial metal property has been reported as stolen, a scrap metal business shall hold that property intact and safe from alteration, damage, or commingling, and shall place an identifying tag or other suitable identification upon the property. The scrap metal business shall hold the property for a period of time as directed by the applicable law enforcement agency up to a maximum of ten (10) business days.

542707. UNLAWFUL VIOLATIONS. It is a misdemeanor for:

- (1) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of nonferrous metal property or commercial metal property in order to deceive a scrap metal business;
- (2) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;
- (3) Any person to sign the declaration required under this chapter knowing that the nonferrous metal property subject to the transaction is stolen;
- (4) Any scrap metal business to possess commercial metal property that was not lawfully purchased or received under the requirements of this chapter;
- (5) Any scrap metal business to engage in a series of transactions valued at less than twenty dollars (\$20.00) with the same seller for the purposes of avoiding the requirements of this chapter; or

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- (6) Any person to intentionally violate the provisions of section 542703, Idaho Code.
- (7) Any person who has pled guilty to or been found guilty of violating the provisions of this section for a second time within five (5) years is guilty of a felony.

542708. EXEMPTIONS. The provisions of this chapter do not apply to transactions 40 conducted by the following:

- (1) Motor vehicle dealers;
- (2) Persons in the business of operating an automotive repair facility;
- (3) Persons in the business of buying or selling empty food and beverage containers, including metal food and beverage containers, except beer kegs; and
- (4) Transactions of a value of less than twenty dollars (\$20.00).

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-second Legislature Second Regular Session - 2014  
IN THE HOUSE OF REPRESENTATIVES  
HOUSE BILL NO. 518, As Amended in the Senate  
BY HEALTH AND WELFARE COMMITTEE  
AN ACT

RELATING TO SCRAP METAL BUSINESSES; AMENDING SECTION 54-2701, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 54-2702, IDAHO CODE, TO REVISE REQUIREMENTS FOR RECORDS FOR PURCHASING NONFERROUS OR STAINLESS STEEL METAL PROPERTY FROM THE GENERAL PUBLIC; AMENDING SECTION 54-2704, IDAHO CODE, TO PROVIDE A CERTAIN RECORD RETENTION TIME REQUIREMENT; AMENDING SECTION 54-2705, IDAHO CODE, TO REVISE REQUIREMENTS FOR REPORTING TO LAW ENFORCEMENT; AMENDING SECTION 54-2706, IDAHO CODE, TO REVISE REQUIREMENTS FOR PRESERVING EVIDENCE OF METAL THEFT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2707, IDAHO CODE, TO REVISE PROVISIONS REGARDING UNLAWFUL VIOLATIONS AND LIABILITY; AND AMENDING SECTION 54-2708, IDAHO CODE, TO REVISE EXEMPTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-2701, Idaho Code, be, and the same is hereby amended to read as follows:

54-2701. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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- (1) "Commercial account" means a relationship between a scrap metal business and a commercial enterprise that is ongoing and properly documented under this chapter.
- (2) "Commercial enterprise" means a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity.
- (3) "Commercial metal property" means: Utility property sold by a commercial enterprise consisting of: access covers; street light poles and fixtures; road and bridge guardrails; highway or street signs; water meter covers; traffic directional and control signs; traffic light signals; any metal property marked with the name of a municipality, governmental entity or a commercial enterprise, including, but not limited to, a telephone, cable, electric, water, natural gas, or other utility, or railroad materials; building construction materials consisting of copper pipe, tubing, or wiring, or aluminum wire, siding, downspouts, or gutters copper or aluminum wiring with associated clamps and connectors; aluminum or stainless steel fence panels; aluminum decking, bleachers, or risers; historical markers; statue plaques; grave markers and funeral vases; or agricultural irrigation equipment not limited to wheels, sprinkler heads, and or pivots or pipes; or stainless steel designed to be used in agricultural or commercial businesses.
- (4) "Nonferrous metal property" means metal property for which the value of the metal property is derived from the property's content of copper, brass, aluminum, bronze, lead, zinc, nickel, gold, silver, platinum and their alloys, but shall not include aluminum beverage containers, used beverage containers or similar beverage containers; however, the term includes stainless steel beer kegs.
- (5) "Record" means a paper, electronic, or other method of storing information.
- (6) "Scrap metal business" means a scrap metal supplier, scrap metal recycling center, and or scrap metal processor that is a commercial enterprise that purchases, receives and processes nonferrous metal property, stainless steel or commercial metal property.
- (7) "Scrap metal processor" means a person with a current business license that conducts business from a permanent location, that is engaged in the business of purchasing or receiving metal property for the purpose of altering the metal in preparation for its use as feedstock in the manufacture of new products, and that maintains a hydraulic bailer, shearing device, crusher or shredding device for recycling.
- (8) "Scrap metal recycling center" means a person with a current business license that is engaged in the business of purchasing or receiving nonferrous metal property for the purpose of aggregation and sale to another scrap metal business and that maintains a fixed place of business within the state.
- (9) "Scrap metal supplier" means a person that is engaged in the business of purchasing or receiving nonferrous metal property for the purpose of aggregation and sale to a scrap metal recycling center or scrap metal processor and that does not maintain a fixed business location in the state.

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(10) "Transaction" means a pledge, or the purchase of, or the trade of any item of nonferrous metal property by a scrap metal business from a member of the general public. "Transaction" does not include donations or the purchase or receipt of nonferrous metal property by a scrap metal business from a commercial enterprise, from another scrap metal business, or from a duly authorized employee or agent of the commercial enterprise or scrap metal business.

SECTION 2. That Section 54-2702, Idaho Code, be, and the same is hereby amended to read as follows:

54-2702. RECORDS REQUIRED FOR PURCHASING NONFERROUS OR STAINLESS STEEL METAL PROPERTY FROM THE GENERAL PUBLIC. (1) At the time of a transaction, every scrap metal business doing business in this state shall produce, 36 wherever that business is conducted, an accurate and legible record of each transaction involving nonferrous metal property or stainless steel metal property and the photographs required in subsection (3) of this section. This record must be written in the English language, documented on a standardized form or in electronic form, retained for five (5) years and contain the following information:

- (a) The signature of the person with whom the transaction is made;
- (b) The date, location and value of the transaction;
- (c) The name of the employee representing the scrap metal business in the transaction;
- (d) The name and street address of the person with whom the transaction is made;
- (e) A photocopy or digital image of a current driver's license that is 2 valid to operate a motor vehicle in the state of Idaho or a United States or Idaho government-issued picture identification of the seller; and
- (f) The license plate number of any vehicle required to have such a plate, if any, used by the person with whom the transaction is made.

(2) For every transaction that involves nonferrous or stainless steel metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration, which record must be maintained for five (5) years.

The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following: "I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

The declaration must be signed and dated and the time of day noted by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and sign the declaration accordingly before any transaction may be consummated.

(3) For every transaction that involves nonferrous or stainless steel metal property purchased from the general public, every scrap metal business doing business in the state shall create a photographic or digital image of the following, or may create a digital video record of no less than thirty (30) seconds in total length of the following:

- (a) Each of the individuals with whom the transaction is being made, to include the face, head and shoulders;

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- (b) The vehicle used by the person(s) with whom the transaction is being made with the property involved in the transaction clearly visible;
  - (c) The vehicle used by the person(s) with whom the transaction is being made with the license plate number clearly visible;
  - (d) The property involved in the transaction that allows for the property to be identified; and
  - (e) The provisions of this subsection shall not apply upon and after the fourth purchase from the same member of the general public to the same scrap metal business within one (1) year.
- All transactions involving the sale of nonferrous metal property shall include a digital, photographic or videographic image of the transaction to include the person, property and vehicle involved in the transaction. Such images shall be used exclusively for the purposes as defined in this section. The provisions of this subsection shall not apply upon and after the fourth purchase from the same member of the general public to the same scrap metal business within one (1) year.

SECTION 3. That Section 54-2704, Idaho Code, be, and the same is hereby amended to read as follows:

54-2704. RECORD FOR COMMERCIAL ACCOUNTS. (1) Every scrap metal business must create and maintain a permanent record with a commercial enterprise, including another scrap metal business, in order to establish a commercial account. That record, at a minimum, must be retained for five (5) years and must include the following information:

- (a) The full name of the commercial enterprise or commercial account;
- (b) The business address and telephone number of the commercial enterprise or commercial account;
- (c) The full name of the primary contact of the commercial enterprise or whoever is authorized to deliver nonferrous metal and stainless steel 5 and commercial metal property to the scrap metal business; and
- (d) The full name of the primary contact of the commercial enterprise who is authorized to permit a scrap metal business to take possession of nonferrous metal and stainless steel and commercial metal property at the business location of the commercial enterprise.

(2) The record maintained by a scrap metal business for a commercial account must document every purchase or receipt of nonferrous metal and stainless steel and commercial metal property made in the previous five (5) years from the commercial enterprise. The documentation must include, at a minimum, the following information:

- (a) The time, date and value of the property being purchased or received;
  - (b) A description of the predominant types of property being purchased or received.
- (3) Payment for nonferrous metal and stainless steel and/or commercial metal property purchased or received by the scrap metal business under a commercial account will be made by cash, credit cards, electronic funds transfer or check payable to the commercial enterprise.

SECTION 4. That Section 54-2705, Idaho Code, be, and the same is hereby amended to read as follows:

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54-2705. REPORTING TO LAW ENFORCEMENT. Upon request by any commissioned law enforcement officer of the state or any of its political subdivisions, every scrap metal business shall make available a full, true, and correct record from the purchase or receipt of nonferrous metal property or stainless steel involving a specific individual, vehicle, or item of nonferrous metal property or commercial metal property provided that such record still exists at the time of inquiry. This information may be transmitted within a specified time of not less than five (5) business days to the applicable law enforcement agency electronically, by facsimile transmission, or by modem or similar device, or by delivery of computer disk subject to the requirements of, and approval by, the chief of police or the county's chief law enforcement officer. The scrap metal business and law enforcement may arrange a time for law enforcement to review records in lieu of providing the records as set forth in this section.

SECTION 5. That Section 54-2706, Idaho Code, be, and the same is hereby amended to read as follows:

41 54-2706. PRESERVING EVIDENCE OF METAL THEFT. (1) Following notification, either verbally or in writing, from a commissioned law enforcement officer of the state or any of its political subdivisions, that an item of nonferrous metal property, stainless steel, or commercial metal property has been reported as stolen, a scrap metal business shall hold that property intact and safe from alteration, damage, or commingling, and shall place an identifying tag or other suitable identification upon the property. The scrap metal business shall hold the property for a period of time as directed by the applicable law enforcement agency up to a maximum of ten five (105) 3 business days.

SECTION 6. That Section 54-2707, Idaho Code, be, and the same is hereby amended to read as follows:

54-2707. UNLAWFUL VIOLATIONS AND LIABILITY. (1) It is a misdemeanor for:

(a) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of nonferrous metal property or commercial metal property in order to deceive a scrap metal business;

(b) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;

(c) Any person to sign the declaration required under this chapter knowing that the nonferrous metal property subject to the transaction is stolen;

(d) Any scrap metal business to knowingly possess commercial metal property that was not lawfully purchased or received under the requirements of this chapter;

(e) Any scrap metal business to engage in a series of transactions valued at less than twenty dollars (\$20.00) with the same seller at the same location within a twenty-four (24) hour period of time for the purposes of avoiding the requirements of this chapter; or

(f) Any person to intentionally violate the provisions of section 54-2703, Idaho Code.

(2) Any person, other than a scrap metal business, who has pled guilty to or been found guilty of violating the provisions of this section for a second time within five (5) years is guilty of a felony.

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(3) A person who knowingly and intentionally takes copper or other nonferrous metals from an electrical substation without authorization of the utility, or who knowingly and intentionally takes copper or other nonferrous metals from a utility or communications services provider, thereby causing damage to the facilities of a utility or communications services provider, or interfering with the ability of a utility or communications services provider to provide service, is guilty of a felony.

(4) (a) A public or private owner of metal property is not civilly liable to a person who is injured during the theft or attempted theft of metal property.

(b) A public or private owner of metal property is not civilly liable to a person for injuries caused by a dangerous condition created as a result of the theft or attempted theft of the owner's metal property when the owner did not know, and could not have reasonably known, of the dangerous condition.

This section does not create or impose a duty of care upon an owner of metal property that would not otherwise exist under common law.

1 SECTION 7. That Section 54-2708, Idaho Code, be, and the same is hereby amended to read as follows:

54-2708. EXEMPTIONS. The provisions of this chapter do not apply to transactions conducted by the following:

- (1) Motor vehicle dealers that do not meet the definition of a scrap metal business as described in section 54-2701, Idaho Code;
- (2) Persons in the business of operating an automotive repair facility that do not meet the definition of a scrap metal business as described in section 54-2701, Idaho Code;
- (3) Persons in the business of buying or selling empty food and beverage containers, including metal food and beverage containers, except beer kegs; and
- (4) Transactions of a value of less than twenty dollars (\$20.00);
- (5) Entities or individuals who do not receive compensation for the metal property; and
- (6) Authorized insurers as defined in section 41-110(1), Idaho Code.

IN THE SENATE

SENATE BILL NO. 1298

BY JUDICIARY AND RULES COMMITTEE

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AN ACT

RELATING TO SCRAP METAL DEALERS; AMENDING CHAPTER 8, TITLE 31, IDAHO

CODE, BY THE ADDITION OF A NEW SECTION 31-878, IDAHO CODE, TO DEFINE TERMS, TO REQUIRE RECORDS FOR PURCHASES OF SCRAP ALUMINUM PIPE OR COPPER, TO REQUIRE THE MAINTENANCE OF RECORDS, TO PROVIDE PENALTIES AND TO PROVIDE AN EXEMPTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 8, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW SECTION**, to be known and designated as Section 31-878, Idaho Code, and to read as follows:

31-878. SCRAP METAL DEALERS -- RECORDS. (1) As used in this section:

(a) "Scrap metal" means used or discarded items which consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel, or alloys thereof, but does not include aluminum beverage containers or household-generated waste; and

(b) "Scrap metal dealer" means any person, firm, corporation, association or other recognized legal entity engaged in the business of buying or selling scrap metal.

(2) Scrap metal dealers shall keep records of every purchase of scrap aluminum pipe or scrap copper. Such records shall be made available for inspection by law enforcement officers or agencies upon request at any time during the scrap metal dealer's regular business hours. The records shall provide the following information:

(a) Name and address of the seller;

(b) Date of the purchase;

(c) Description of the article or articles purchased by the dealer;

(d) Seller's driver's license number or state identification card number,

or a copy of the seller's official United States military identification with photograph; and

(e) The signature of the scrap metal dealer and the seller, as executed at the time of the purchase, provided the dealer shall compare the seller's signature to the signature upon the seller's license or other required identification at the time of purchase.

(3) A scrap metal dealer shall maintain all records of purchases of scrap aluminum pipe or scrap copper for a minimum period of one (1) year.

(4) A violation of this section shall be punishable by a civil penalty of one hundred dollars (\$100) for each violation, plus attorney's fees and court costs incurred by the county prosecuting attorney in bringing the action.

(5) The provisions of this section shall not apply to items donated to and subsequently sold by a scrap metal dealer.

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## Statement of Purpose / Fiscal Impact

### STATEMENT OF PURPOSE

RS 15622

The purpose of this bill is to add a tool for law enforcement to enable them to identify persons stealing electrical wire and aluminum piping. Such thefts have become an epidemic in Idaho, wherein a person will cut power lines or steal pipes, melt them down and sell them to scrap metal dealers. Hundreds of dollars worth of damage are typical in these types of cases. This bill will require a scrap metal dealer to obtain identification from any seller of scrap copper or scrap aluminum pipe. The identifying information will then be available upon request of law enforcement. Failure to require and keep identification from the scrap seller would be handled civilly, rather than criminally.

### FISCAL IMPACT

There will be no impact on the general fund of the state as a result of this bill.

CONTACT: Michael J. Kane, Idaho Sheriffs Association  
Phone: 342-4545

STATEMENT OF PURPOSE/FISCAL NOTE

S 1298

<http://legislature.idaho.gov/legislation/2009/H0163.pdf>

<https://legislature.idaho.gov/legislation/2014/H0518E1.pdf>

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<http://legislature.idaho.gov/legislation/2006/S1298.html>

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