



LEGISLATIVE BILL 766

Approved by the Governor April 11, 2008

Introduced by Cornett, 45; Flood, 19; Fulton, 29; Preister, 5.

FOR AN ACT relating to scrap metal; to regulate scrap metal recycling as prescribed; to define terms; to provide a penalty; and to provide an operative date.

Be it enacted by the people of the State of Nebraska,

Section 1. For purposes of sections 1 to 9 of this act:

(1) Regulated metals property means catalytic converters, all nonferrous metal except gold and silver, or metal beer kegs, including those kegs made of stainless steel; and

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

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

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

Sec. 2. (1) A secondary metals recycler shall maintain a record, either as a hard copy or electronically, of all purchase transactions in which the secondary metals recycler purchases regulated metals property.

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

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

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

(c) The date and time of the transaction;

(d) The weight and grade of the regulated metals property purchased;

(e) The description made in accordance with the custom of the trade of the type of regulated metals property purchased;

(f) The amount of consideration given for the regulated metals property, if any;

(g) The name, signature, and address of the vendor of the regulated metals property;

(h) The motor vehicle operator's license number, state identification card number, or federal government-issued identification card number of the person delivering the regulated metals property to the secondary metals recycler;

(i) A photocopy of the current motor vehicle operator's license, state-issued identification card, or federal government-issued identification card of the person delivering the regulated metals property to the secondary metals recycler;

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(j) A fingerprint from the person, but only if the person is delivering copper or catalytic converters. The fingerprint shall be taken from the right index finger, but if the right index finger is missing, the fingerprint shall be taken from the left index finger; and

(k) A date-and-time-stamped photograph or a date-and-time-stamped video recording of the regulated metals property.

(3) The vendor of the regulated metals property shall receive at no charge a plain written or printed receipt of the recorded transaction containing a copy of the entries required by this section. (4) A secondary metals recycler shall keep and maintain the information required under this section for not less than one year after the date of the purchase of the regulated metals property. Sec. 3. During the usual and customary business hours of a secondary metals recycler, any peace officer shall have the right to inspect:

(1) Any and all purchased regulated metals property in the possession of the secondary metals recycler; and

(2) Any and all records required to be maintained under section 2 of this act.

Sec. 4. No secondary metals recycler shall purchase regulated metals property for cash consideration unless the purchase total is not more than twenty-five dollars. Purchases made from the same person within a four-hour period shall be considered a single transaction. Payment shall be made payable -1- LB 766 LB 766 only to the individual named on the identification presented pursuant to section 2 of this act. Payment for copper and catalytic converters shall be by check. Sec. 5. No secondary metals recycler shall purchase or receive regulated metals property:

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

(2) From any person who does not possess a valid form of personal identification or current motor vehicle operator's license required under section 2 of this act at the time of the recorded transaction.

Sec. 6. No secondary metals recycler shall purchase or receive a metal beer keg, including those kegs made of stainless steel, if the serial number or other identifying insignia has been destroyed, removed, altered, covered, or defaced.

Sec. 7. Sections 1 to 9 of this act do not apply to:

(1) Purchases of regulated metals property from a manufacturing, industrial, or other commercial vendor that generates or sells regulated metals property in the ordinary course of its business;

(2) The collection or purchase of regulated metals property in the form of beverage or food cans; or

(3) Recycling or neighborhood cleanup programs contracted or sponsored by the state or any political subdivision.

Sec. 8. Any person violating any of the provisions of sections 1 to 9 of this act is guilty of a Class II misdemeanor.



Sec. 9. Nothing in sections 1 to 9 of this act shall be construed to abrogate or affect the provisions of any lawful rule, regulation, resolution, ordinance, or statute which is more restrictive than sections 1 to 9 of this act.

Sec. 10. This act becomes operative on September 1, 2008

<http://www.nebraskalegislature.gov/FloorDocs/100/PDF/Slip/LB766.pdf>

Chapter 69 Section 206

Pawned or secondhand goods; restrictions on disposition; jewelry defined.

No personal property received or purchased by any pawnbroker, dealer in secondhand goods, or junk dealer, shall be sold or permitted to be taken from the place of business of such person for fourteen days after the copy of the card or ledger entry required to be delivered to the police department or sheriff's office shall have been delivered as required by section 69-205. Secondhand jewelry shall not be destroyed, damaged, or in any manner defaced for a period of fourteen days after the time of its purchase or receipt. For purposes of this section, jewelry shall mean any ornament which is intended to be worn on or about the body and which is made in whole or in part of any precious metal, including gold, silver, platinum, copper, brass, or pewter.

All property accepted as collateral security or purchased by a pawnbroker shall be kept segregated from all other property in a separate area for a period of forty-eight hours after its receipt or purchase, except that valuable articles may be kept in a safe with other property if grouped according to the day of purchase or receipt. Notwithstanding the provisions of this section, a pawnbroker may return any property to the person pawning the same after the expiration of such forty-eight-hour period or when permitted by the chief of police, sheriff, or other authorized law enforcement officer.

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<http://www.nebraskalegislature.gov/laws/statutes.php?statute=69-206>

Chapter 69 Section 402

Secondary metals recycler; purchase of regulated metals property; information required; duration; receipt.

- (1) A secondary metals recycler shall maintain a record, either as a hard copy or electronically, of all purchase transactions in which the secondary metals recycler purchases regulated metals property.
- (2) The following information shall be maintained for transactions in which a secondary metals recycler purchases regulated metals property:
 - (a) The name and address of the secondary metals recycler;
 - (b) The name and signature of the individual entering the information;
 - (c) The date and time of the transaction;
 - (d) The weight and grade of the regulated metals property purchased;
 - (e) The description made in accordance with the custom of the trade of the type of regulated metals property purchased;
 - (f) The amount of consideration given for the regulated metals property, if any;
 - (g) The name, signature, and address of the vendor of the regulated metals property;

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(h) The motor vehicle operator's license number, state identification card number, or federal government-issued identification card number of the person delivering the regulated metals property to the secondary metals recycler;

(i) A photocopy of the current motor vehicle operator's license, state-issued identification card, or federal government-issued identification card of the person delivering the regulated metals property to the secondary metals recycler;

(j) A fingerprint from the person, but only if the person is delivering copper or catalytic converters. The fingerprint shall be taken from the right index finger, but if the right index finger is missing, the fingerprint shall be taken from the left index finger; and

(k) A date-and-time-stamped photograph or a date-and-time-stamped video recording of the regulated metals property.

(3) The vendor of the regulated metals property shall receive at no charge a plain written or printed receipt of the recorded transaction containing a copy of the entries required by this section.

(4) A secondary metals recycler shall keep and maintain the information required under this section for not less than one year after the date of the purchase of the regulated metals property.

<http://www.nebraskalegislature.gov/laws/statutes.php?statute=69-402>

Chapter 69 Section 403

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69-403. Peace officer; right to inspect property and records.

During the usual and customary business hours of a secondary metals recycler, any peace officer shall have the right to inspect:

- (1) Any and all purchased regulated metals property in the possession of the secondary metals recycler; and
- (2) Any and all records required to be maintained under section [69-402](#).

<http://www.nebraskalegislature.gov/laws/statutes.php?statute=69-403>

Chapter 69 Section 404

Secondary metals recycler; limitations on payment.

No secondary metals recycler shall purchase regulated metals property for cash consideration unless the purchase total is not more than twenty-five dollars. Purchases made from the same person within a four-hour period shall be considered a single transaction. Payment shall be made payable only to the individual named on the identification presented pursuant to section [69-402](#). Payment for copper and catalytic converters shall be by check, and if the purchase total for copper is more than one hundred dollars, the check shall be sent by United States mail, postage prepaid.

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<http://www.nebraskalegislature.gov/laws/statutes.php?statute=69-404>

- View Statute69-406

Chapter 69 Section 405

Seller; age restriction; identification required.

No secondary metals recycler shall purchase or receive regulated metals property:

- (1) From any person who is under the age of majority; or
- (2) From any person who does not possess a valid form of personal identification or current motor vehicle operator's license required under section 69-402 at the time of the recorded transaction.

<http://www.nebraskalegislature.gov/laws/statutes.php?statute=69-405>

Chapter 69 Section 406

Limitation on metal beer keg purchase or receipt.

No secondary metals recycler shall purchase or receive a metal beer keg, including those kegs made of stainless steel, if the serial number or other identifying insignia has been destroyed, removed, altered, covered, or defaced.

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<http://www.nebraskalegislature.gov/laws/statutes.php?statute=69-406>

Chapter 69 Section 406.01

Manhole cover or sewer grate; purchase or receipt; limitations; payment.

No secondary metals recycler shall purchase or receive any manhole cover or sewer grate except from (1) an authorized representative of the political subdivision that owns the manhole cover or sewer grate as is evidenced by the stamping or engraving on the cover or grate or (2) a third party who has a legitimate bill-of-sale, letter of authorization, or similar approval from the political subdivision evidencing the third party's right to possess and sell the cover or grate. Payment for a manhole cover or sewer grate shall be by draft or check and sent by United States mail, postage prepaid, to the official address of the finance department of such political subdivision or to the third-party seller. Such draft or check shall be made payable only to the political subdivision or to the third-party seller.

<http://www.nebraskalegislature.gov/laws/statutes.php?statute=69-406.01>

Chapter 69 Section 407

Exemptions.

Sections 69-401 to 69-409 do not apply to:

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(1) Purchases of regulated metals property from a manufacturing, industrial, or other commercial vendor that generates or sells regulated metals property in the ordinary course of its business;

(2) The collection or purchase of regulated metals property in the form of beverage or food cans; or

(3) Recycling or neighborhood cleanup programs contracted or sponsored by the state or any political subdivision.

<http://www.nebraskalegislature.gov/laws/statutes.php?statute=69-407>

Chapter 69 Section 408

Violation; penalty.

Any person violating any of the provisions of sections [69-401](#) to [69-409](#) is guilty of a Class II misdemeanor.

<http://www.nebraskalegislature.gov/laws/statutes.php?statute=69-408>

Chapter 69 Section 409

Sections; how construed.

Nothing in sections [69-401](#) to [69-409](#) shall be construed to abrogate or affect the provisions of any lawful rule, regulation, resolution, ordinance, or statute which is more restrictive than sections [69-401](#) to [69-409](#).

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<http://www.nebraskalegislature.gov/laws/statutes.php?statute=69-409>

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