



#### **45:28-1 Definitions relative to scrap metal businesses.**

1. As used in this act:

"Scrap metal" means used, discarded, or previously owned items that consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel, or alloys.

"Scrap metal business" means a commercial establishment which, as one of its principal business purposes, purchases scrap metal for purposes of resale or processing.

L.2009, c.8, s.1.

#### **45:28-2 Requirements for operator of scrap metal business.**

2. The operator of a scrap metal business shall:

- a. Verify the identity of any person delivering or selling scrap metal to the scrap metal business by requesting and examining a photograph-bearing, valid State or federal driver's license or other government-issued form of identification bearing a photograph;

- b. Make a clear copy of, and record, in a manner as may be prescribed by the Attorney General, the number of the driver's license or other government-issued form of identification presented by the person delivering or selling the scrap metal, before receiving or purchasing any scrap metal from that person;

- c. Maintain, for at least five years, a record of all receipts or purchases of scrap metal in excess of 100 pounds or \$50, whichever is less, including, but not limited to:

- (1) the date of receipt or purchase of the scrap metal;
- (2) the name and address of the person delivering or selling the scrap metal;
- (3) the type and number of the identification presented by the person delivering or selling the scrap metal, along with a copy of the driver's license or other government-issued form of identification;
- (4) a description of the scrap metal received or purchased, including, but not limited to its type, amount, and form;
- (5) the signature of the person delivering or selling the scrap metal; and

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(6) any other information as may be required by the Attorney General; and

d. Make any records maintained pursuant to subsection c. of this section available, upon request, to any law enforcement agency or official investigating the possible theft or resale of scrap metals.

L.2009, c.8, s.2.

**45:28-3 Report of stolen scrap metal.**

4. The operator of a scrap metal business shall immediately report to an appropriate law enforcement agency any delivery or sale of scrap metal under circumstances that would cause a reasonable person to believe the scrap metal was probably stolen or otherwise inappropriately obtained.

L.2009, c.8, s.4.

**45:28-4 Immunity from civil liability.**

5. Notwithstanding any provision of the law to the contrary, any person who reports information to a law enforcement official or agency concerning the suspect delivery or sale of scrap metal shall be immune from any civil liability on account of the report, unless such person has acted in bad faith or with malicious purpose.

L.2009, c.8, s.5.

**45:28-5 Violations, degree of crime.**

6. Violations of section 2 or 4 of P.L.2009, c.8 (C.45:28-2 or C.45:28-3) are disorderly persons offenses for a first or second offense, and crimes of the fourth degree for third and subsequent offenses.

L.2009, c.8, s.6.

An Act imposing requirements on scrap metal businesses and supplementing Title 45 of the Revised Statutes and Title 2C of the New Jersey Statutes.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. As used in this act:

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“Scrap metal” means used, discarded, or previously owned items that consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel, or alloys.

“Scrap metal business” means a commercial establishment which, as one of its principal business purposes, purchases scrap metal for purposes of resale or processing.

2. The operator of a scrap metal business shall:
  - a. Verify the identity of any person delivering or selling scrap metal to the scrap metal business by requesting and examining a photograph-bearing, valid State or federal driver’s license or other government-issued form of identification bearing a photograph;
  - b. Make a clear copy of, and record, in a manner prescribed by the Attorney General, the number of the driver’s license or other government-issued form of identification presented by the person delivering or selling the scrap metal, before receiving or purchasing any scrap metal from that person;
  - c. Maintain, for at least five years, a record of all receivings or purchases of scrap metal, including, but not limited to:
    - (1) the date of receipt or purchase of the scrap metal;
    - (2) the name and address of the person delivering or selling scrap metal;
    - (3) the type and number of the identification presented by the person delivering or selling the scrap metal, along with a copy of the driver’s license or other government-issued form of identification;
    - (4) a description of the scrap metal received or purchased, including, but not limited to its type, amount, and form;
    - (5) the signature of the person delivering or selling the scrap metal; and
    - (6) any other information as may be required by the Attorney General; and
  - d. Make any records maintained pursuant to subsection c. of this section available, upon request, to any law enforcement agency or official investigating the possible theft or resale of scrap metals.
3. Each State, county, and municipal police department may, upon receiving reliable information that scrap metal has been stolen, promptly notify scrap metal businesses of the theft and provide such businesses with information to identify the stolen scrap metal, to effectuate the purposes of P.L., c.(C.) (pending before the Legislature as this bill).
4. The operator of a scrap metal business shall immediately report any suspicious delivery or sale of scrap metal, including, but not limited to the delivery or sale of scrap metal suspected to be stolen or otherwise inappropriately obtained, to the appropriate law enforcement agency.

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5. Notwithstanding any provision of the law to the contrary, any person who reports information to a law enforcement official or agency concerning the suspect delivery or sale of scrap metal shall be immune from any civil liability on account of the report, unless such person has acted in bad faith or with malicious purpose.

6. a. A person who violates sections 2 or 4 of P.L. , c.(C.) (pending before the Legislature as this bill) is guilty of a crime of the fourth degree.

b. Notwithstanding the provisions of any other law, a conviction under section 2 or 4 of P.L. , c.(C.) (pending before the Legislature as this bill) shall not merge with a conviction of any other criminal offense, and the court shall impose separate sentences upon each violation of this section and any other criminal offense.

7. The Attorney General, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations necessary to implement P.L. , c.(C.) (pending before the Legislature as this bill).

8. This act shall take effect on the first day of the seventh month following enactment, but the Attorney General may take such anticipatory acts in advance of that date as may be necessary for the timely implementation of this act.

## STATEMENT

This bill would require operators scrap metal businesses to maintain certain records and report suspicious deliveries or sales to law enforcement authorities. The bill was introduced in response to the reported increase in thefts of scrap metal, correlating with its recent increase in value.

Under the bill, operators of scrap metal businesses would be required to verify the identity of individuals delivering or selling scrap metal against government-issued identification and maintain records of all scrap metal receivings or purchases for five years. These records would be accessible to law enforcement agencies or officials investigating the possible theft or resale of scrap metals.

The bill would also authorize State, county, and municipal police departments to notify scrap metal businesses of recent thefts of scrap metal and provide the businesses with information to help them identify the stolen materials.

Operators of scrap metal business would be required by the bill to immediately report suspicious deliveries or sales of scrap metal, including those suspected to be of stolen materials, to law enforcement authorities, and would be granted immunity for any such reports made in good faith.

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The bill specifies that violations of the requirements of scrap metal business operators are crimes of the fourth degree. In addition, the bill states that violations under this bill are not to merge with any other criminal offense, and that courts must impose separate sentences for each violation under this bill and other criminal offenses. A crime of the fourth degree is punishable by up to 18 months imprisonment, a \$10,000 fine, or both.

Links: <http://www.nj.gov/dep/dwq/sm2.htm>

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