

SENATE BILL No. 469

September 10, 2013, Introduced by Senators SMITH and KOWALL and referred to the Committee on Economic Development.

A bill to amend 2008 PA 429, entitled
"Nonferrous metal regulatory act,"
by amending sections 5 and 7 (MCL 445.425 and 445.427).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) A dealer shall do all of the following:

2 (a) Produce and maintain records as required under section
3 7(2).

4 (b) Participate in a database ~~meeting~~ **THAT MEETS** the
5 requirements of section 11.

6 (c) Tag and hold any nonferrous metal as ~~provided for in~~
7 **REQUIRED UNDER** section 9.

8 (d) Pay a seller by a method ~~capable of being~~ **THAT ALLOWS THE**

1 **PAYMENT TO BE** traced from the dealer to the seller. Payment by cash
2 or currency of more than \$50.00, barter, or trade is not considered
3 a payment that complies with the requirement of this subdivision.
4 Payment of cash in any amount in a transaction involving
5 predominantly copper articles is considered a violation of this
6 subdivision.

7 ~~(e) In the case of IF~~ a transaction ~~involving~~ **INVOLVES**
8 nonferrous metal, verify that the ~~seller~~ **INDIVIDUAL WHO DELIVERS**
9 **THE NONFERROUS METAL TO THE DEALER FOR SALE** is at least 16 years of
10 age.

11 **(F) VERIFY THAT THE SELLER HAS A PERMIT ISSUED UNDER SECTION**
12 **2A OF 1917 PA 350, MCL 445.402A, OR IS NOT REQUIRED TO OBTAIN A**
13 **PERMIT UNDER THAT SECTION.**

14 ~~(2) A seller~~ **AN INDIVIDUAL WHO DELIVERS THE NONFERROUS METAL**
15 **TO THE DEALER FOR SALE** shall do all of the following:

16 (a) Present to the dealer ~~an~~ **HIS OR HER** operator's or
17 chauffeur's license, military identification card, Michigan
18 identification card, passport, or other government-issued
19 identification ~~containing~~ **THAT CONTAINS** a photograph and allow the
20 dealer to make a photocopy or electronic copy of the
21 identification.

22 (b) Allow the dealer to ~~make a~~ **TAKE HIS OR HER** thumbprint, to
23 be used only for identification purposes by the dealer and for
24 investigation purposes by a law enforcement agency.

25 (c) Execute a signed statement ~~indicating that the seller~~ **THAT**
26 **STATES THAT HE OR SHE** is the owner of, or is otherwise authorized
27 to sell, the nonferrous metal offered for purchase to the dealer.

(d) ~~Attest to the lack of any criminal convictions involving~~
THAT HE OR SHE HAS NOT BEEN CONVICTED OF A CRIME THAT INVOLVES the
theft, conversion, or sale of nonferrous metals.

(E) PRESENT TO THE DEALER A PERMIT ISSUED UNDER SECTION 2A OF
1917 PA 350, MCL 445.402A, AND ALLOW THE DEALER TO MAKE A PHOTOCOPY
OR ELECTRONIC COPY OF THE PERMIT.

Sec. 7. (1) Except as otherwise provided in this subsection, a
dealer shall produce and maintain an accurate and legible record of
each purchase transaction. The dealer shall maintain the records
produced under this section for at least 1 year, shall keep the
records in a location that is readily accessible to a local, state,
or federal law enforcement agency for inspection during normal
business hours, and shall make the records, or copies of those
records, available to any local, state, or federal law enforcement
agency ~~upon~~ **THAT HAS A** reasonable suspicion ~~of~~ **THAT A** violation of
this act **HAS OCCURRED.**

(2) The record of a purchase transaction regarding nonferrous
metal **DESCRIBED IN SUBSECTION (1)** shall ~~contain~~ **INCLUDE** all of the
following:

(a) The name, address, and identifying number from the
~~seller's operator's or chauffeur's license, military identification~~
card, Michigan identification card, passport, or other government-
issued identification ~~containing a photograph.~~ **PRESENTED UNDER**
SECTION 5(2)(A). A legible scan or photocopy of the identification
~~is considered satisfactory in fulfilling~~ **MEETS** the requirement of
this subdivision. ~~In the case of~~ **IF THE SELLER IS** a repeat seller,
THE DEALER MAY KEEP a copy of the information ~~may be kept~~ on file

1 ~~with the dealer and be used~~ **USE THAT INFORMATION** for future
2 transactions.

3 (b) The license plate number of the vehicle ~~delivering~~ **THAT**
4 **DELIVERED** the nonferrous metal.

5 (c) The date and time of the transaction.

6 (d) A description of the predominant types of metal ~~purchases,~~
7 **PURCHASED**, made in accordance with the custom of the trade.

8 (e) The weight, quantity, or volume of metal, ~~made~~ **THE SCRAP**
9 **METAL PURCHASED, DESCRIBED AND CALCULATED** in accordance with the
10 custom of the trade; **THE NAME OF THE SCALE OPERATOR WHO WEIGHS AND**
11 **INSPECTS THAT PROPERTY; AND THE NAME OF THE EMPLOYEE OF THE SCRAP**
12 **METAL DEALER WHO PURCHASED OR AUTHORIZED THE PURCHASE OF THE SCRAP**
13 **METAL ON THE DEALER'S BEHALF IF THE PURCHASER WAS NOT THE SCALE**
14 **OPERATOR.**

15 (F) A PHOTOGRAPH OR DIGITAL OR ELECTRONIC IMAGE OF THE SCRAP
16 METAL PURCHASED. A DIGITAL OR ELECTRONIC IMAGE THAT MEETS 1 OF THE
17 FOLLOWING IS SUFFICIENT FOR PURPOSES OF THIS SUBDIVISION EVEN IF
18 EACH ITEM OF SCRAP METAL IS NOT SHOWN IN THE IMAGE:

19 (i) IF THE SCRAP METAL AND THE VEHICLE IN WHICH IT IS DELIVERED
20 ARE WEIGHED, AN OVERHEAD IMAGE OF THE VEHICLE AND THE SCRAP METAL
21 IN THE VEHICLE ON THE SCALE.

22 (ii) IF ONLY THE SCRAP METAL IS WEIGHED, AN IMAGE OF THE SCRAP
23 METAL ON THE SCALE.

24 (G) ~~(f)~~ The consideration paid and the method of payment.

25 (H) ~~(g)~~ **A THE** signed statement ~~from the seller that the seller~~
26 ~~is the owner of the metal or is otherwise authorized to sell the~~
27 ~~metal subject to the transaction.~~ **DESCRIBED IN SECTION 5(2)(C).**

1 (I) ~~(h) A~~ **THE** thumbprint of the seller **TAKEN UNDER SECTION**
2 5 (2) (B) .

3 (J) **THE PHOTOCOPY OF THE SELLER'S PERMIT DESCRIBED IN SECTION**
4 5 (2) (E) .

5 (3) ~~In the case of a~~ **IF THE** seller ~~that~~ is an industrial or
6 commercial account ~~where~~ **TO WHICH** payment is made by a method
7 capable of being traced from the dealer to the seller and payment
8 is made directly to the business, ~~the~~ **A** dealer is not required to
9 produce the record described in subsection (2) ~~so long as~~ **IF** the
10 personal and business identifying information of the industrial or
11 commercial account seller is on file with the dealer and conforms
12 to a written description of the type of nonferrous metal or
13 articles customarily purchased by the dealer from that seller, and
14 the information is periodically reviewed at least every 2 years and
15 validated as current or updated by the dealer.