

HOUSE BILL No. 1264

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-32-9-11; IC 25-37.5-1; IC 35-52-25-61.5.

Synopsis: Regulation of valuable metal transactions. Requires, after December 31, 2017, a valuable metal dealer (dealer) to enter into a registry established and maintained by the state police department certain information concerning a valuable metal purchase transaction. Makes it a Class A infraction to fail to enter the required information into the registry within 24 hours of the valuable metal purchase transaction. Makes it a Class C misdemeanor instead of a Class A infraction for a dealer to knowingly or intentionally fail to comply with the law concerning regulation of dealers. Makes it a Class C misdemeanor instead of a Class A infraction for a person to knowingly or intentionally sell or attempt to sell valuable metal to a dealer that fails to comply with the law concerning regulation of dealers. Requires the secretary of state to revoke a person's license issued under the law concerning licensing of vehicle salvaging if the person has at least three criminal convictions for violating the law concerning dealers. Relocates language specifying that a dealer may not accept a damaged beer keg under certain circumstances.

Effective: July 1, 2017.

Gutwein, Soliday, Wolkins

January 10, 2017, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1264

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-32-9-11, AS AMENDED BY P.L.174-2016,
2 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 11. **(a)** If the secretary receives a written
4 complaint from a local zoning body that an automotive salvage
5 recycler, subject to this chapter, is operating in violation of a local
6 zoning ordinance, the secretary shall delay the issuance or renewal of
7 the automotive salvage recycler's license under this chapter until the
8 local zoning complaints have been satisfied.

9 **(b) If:**
10 **(1) a licensee has at least three (3) criminal convictions under**
11 **IC 25-37.5-1-12(a) for violating the law concerning valuable**
12 **metal dealers; and**
13 **(2) the court recommends revocation of the licensee's license**
14 **issued under this chapter as provided in IC 25-37.5-1-12(c);**
15 **the secretary shall revoke the licensee's license.**

16 SECTION 2. IC 25-37.5-1-2, AS AMENDED BY P.L.224-2013,
17 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2017]: Sec. 2. (a) Except as provided in section 5 of this
 2 chapter, every valuable metal dealer in this state shall enter on forms
 3 provided under section 6 of this chapter by the state police department
 4 for each purchase of valuable metal the following information:

- 5 (1) The name and address of the valuable metal dealer.
 6 (2) The **time**, date, and place of each purchase.
 7 (3) The name, address, age, and driver's license number or Social
 8 Security number of the person or persons from whom the valuable
 9 metal was purchased.
 10 (4) The valuable metal dealer shall verify the identity of the
 11 person from whom the valuable metal was purchased by use of a
 12 government issued photographic identification. The valuable
 13 metal dealer shall enter on the form the type of government issued
 14 photographic identification used to verify the identity of the
 15 person from whom the valuable metal was purchased, together
 16 with the:
 17 (A) name of the government agency that issued the
 18 photographic identification; and
 19 (B) identification number present on the government issued
 20 photographic identification.
 21 (5) The motor vehicle license number of the vehicle or
 22 conveyance on which the valuable metal was delivered to the
 23 valuable metal dealer.
 24 (6) The price paid for the metal.
 25 (7) A description and weight of the valuable metal purchased.
 26 (8) The source of the valuable metal.
 27 (9) The photograph described in subsection (b).

28 After entering the information required in this subsection, the valuable
 29 metal dealer shall require the person or persons from whom the
 30 valuable metal is purchased to sign the form and verify its accuracy.

31 (b) In addition to collecting the information described in subsection
 32 (a), a valuable metal dealer shall take a photograph of:

- 33 (1) the person from whom the valuable metal is being purchased;
 34 and
 35 (2) the valuable metal.

36 (c) In addition to the requirements of subsections (a) and (b), a
 37 valuable metal dealer shall keep a copy of the:

- 38 (1) bill of sale or other written documentation submitted by a
 39 person attempting to sell an air conditioner evaporator coil or
 40 condenser under section 8(c) of this chapter; and
 41 (2) written documentation produced by a person attempting to sell
 42 a catalytic converter required by section 9(b) of this chapter.



1 (d) A valuable metal dealer shall make and retain a copy of the
 2 government issued photographic identification described under
 3 subsection (a)(4) used to verify the identity of the person from whom
 4 valuable metal was purchased and the photograph described in
 5 subsection (b). However, a valuable metal dealer is not required to
 6 make a copy of a government issued photographic identification used
 7 under subsection (a)(4) to verify the identity of the person from whom
 8 valuable metal is purchased if the valuable metal dealer has retained a
 9 copy of a person's government issued photographic identification from
 10 a prior purchase from the person by the valuable metal dealer.

11 (e) The completed form, the photograph described in subsection (b),
 12 the copy of the bill of sale or other written documentation required by
 13 subsection (c), and the copy of the government issued photographic
 14 identification described in subsection (d) shall be kept in a separate
 15 book or register by the valuable metal dealer and shall be retained for
 16 a period of two (2) years. This book or register shall be made available
 17 for inspection by any law enforcement official at any time.

18 ~~(f) A valuable metal dealer may not accept a damaged or an~~
 19 ~~undamaged metal beer keg if either of the following applies:~~

20 ~~(1) The keg is clearly marked as the property of a brewery~~
 21 ~~manufacturer.~~

22 ~~(2) The keg's identification markings have been made illegible.~~

23 SECTION 3. IC 25-37.5-1-3, AS AMENDED BY P.L.134-2012,
 24 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2017]: Sec. 3. **(a) The state police department shall, not**
 26 **later than January 1, 2018, establish and maintain an electronic**
 27 **registry of purchases of valuable metal made by a valuable metal**
 28 **dealer.**

29 **(b) Except as provided in section 5 of this chapter, after**
 30 **December 31, 2017, every valuable metal dealer in Indiana shall**
 31 **enter into the electronic registry established under subsection (a)**
 32 **the information for each purchase of valuable metal collected**
 33 **under section 2(a)(1), 2(a)(2), 2(a)(3), 2(a)(5), 2(a)(6), and 2(a)(7) of**
 34 **this chapter.**

35 **(c) The information contained in the electronic registry**
 36 **established under subsection (a) is confidential, but the information**
 37 **is subject to IC 10-11-2-23. However, a valuable metal dealer may**
 38 **disclose information pertaining to the purchase of valuable metal**
 39 **by the valuable metal dealer to a third party.**

40 **(d) The state police department shall retain the information**
 41 **contained in the electronic registry established under subsection (a)**
 42 **for a period of at least two (2) years.**



1 (e) A valuable metal dealer shall submit the required
 2 information to the electronic registry established under subsection
 3 (a) not later than twenty-four (24) hours after the purchase of
 4 valuable metal made under section 2(a) of this chapter.

5 (f) A valuable metal dealer that fails to comply with subsection
 6 (e) commits a Class A infraction. However, a valuable metal dealer
 7 may be charged with only one (1) infraction per calendar day for
 8 a violation of subsection (e).

9 (g) The superintendent of the state police department may adopt
 10 rules under IC 4-22-2 as may be necessary to administer and enforce
 11 the provisions and intent of this chapter.

12 SECTION 4. IC 25-37.5-1-6, AS AMENDED BY P.L.134-2012,
 13 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2017]: Sec. 6. The state police department shall publish the
 15 following on the state police Internet web site:

16 (1) The forms described in section 2(a) of this chapter to be used
 17 by valuable metal dealers when purchasing valuable metal.

18 (2) A list that describes valuable metal products that are
 19 particularly susceptible to theft.

20 (3) The:

21 (A) statutes; and

22 (B) rules adopted by the superintendent of the state police
 23 department under section 3 3(g) of this chapter;
 24 concerning the regulation of valuable metal dealers.

25 SECTION 5. IC 25-37.5-1-7 IS REPEALED [EFFECTIVE JULY
 26 1, 2017]. Sec. 7: (a) A valuable metal dealer who fails to comply with
 27 this chapter commits a Class A infraction:

28 (b) A person that sells or attempts to sell valuable metal to a
 29 valuable metal dealer that fails to comply with this chapter commits a
 30 Class A infraction:

31 SECTION 6. IC 25-37.5-1-11 IS ADDED TO THE INDIANA
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2017]: Sec. 11. A valuable metal dealer may
 34 not accept a damaged or undamaged metal beer keg if either of the
 35 following applies:

36 (1) The keg is clearly marked as the property of a brewery
 37 manufacturer.

38 (2) The keg's identification markings have been made
 39 illegible.

40 SECTION 7. IC 25-37.5-1-12 IS ADDED TO THE INDIANA
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2017]: Sec. 12. (a) Except as provided in



1 section 3(f) of this chapter, a valuable metal dealer that knowingly
2 or intentionally fails to comply with this chapter commits a Class
3 C misdemeanor.
4 (b) A person who knowingly or intentionally sells or attempts to
5 sell valuable metal to a valuable metal dealer that fails to comply
6 with this chapter commits a Class C misdemeanor.
7 (c) In addition to a criminal penalty imposed for a violation of
8 subsection (a), if the court finds that:
9 (1) a person has at least three (3) criminal convictions for a
10 violation under subsection (a); and
11 (2) the person possesses a valid license issued by the secretary
12 of state under IC 9-32-9 concerning licensing of vehicle
13 salvaging;
14 the court shall recommend the revocation of the person's license
15 issued under IC 9-32-9.
16 SECTION 8. IC 35-52-25-61.5 IS ADDED TO THE INDIANA
17 CODE AS A NEW SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2017]: Sec. 61.5. IC 25-37.5-1-12 defines
19 crimes concerning valuable metal dealers.

