

Substitute for HOUSE BILL No. 2470

By Committee on Judiciary

2-9

1 AN ACT concerning scrap metal dealers; relating to unlawful acts; fees;
2 amending K.S.A. 2011 Supp. 50-6,111 and 50-6,112a and repealing the
3 existing sections.
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 50-6,111 is hereby amended to read as
7 follows: 50-6,111. (a) It shall be unlawful for any such scrap metal dealer,
8 or employee or agent of the dealer, to purchase any item or items of
9 regulated scrap metal in a transaction for which K.S.A. 2011 Supp. 50-
10 6,110, and amendments thereto, requires information to be presented by
11 the seller, without demanding and receiving from the seller that
12 information. Every scrap metal dealer shall file and maintain a record of
13 information obtained in compliance with the requirements in K.S.A. 2011
14 Supp. 50-6,110, and amendments thereto. All records kept in accordance
15 with the provisions of this act shall be open at all times to peace or law
16 enforcement officers and shall be kept for two years. If the required
17 information is maintained in electronic format, the scrap metal dealer shall
18 provide a printout of the information to peace or law enforcement officers
19 upon request.

20 (b) It shall be unlawful for any scrap metal dealer, or employee or
21 agent of the dealer, to purchase any item or items of regulated scrap metal
22 in a transaction for which K.S.A. 2011 Supp. 50-6,110, and amendments
23 thereto, requires information to be presented by the seller, without
24 obtaining from the seller a signed statement that: (1) Each item is the
25 seller's own personal property, is free of encumbrances and is not stolen; or
26 (2) that the seller is acting for the owner and has permission to sell each
27 item.

28 (c) It shall be unlawful for any scrap metal dealer, or employee or
29 agent of the dealer, to purchase any junk vehicle in a transaction for which
30 K.S.A. 2011 Supp. 50-6,110, and amendments thereto, requires
31 information to be presented by the seller, without: (1) Inspecting the
32 vehicle offered for sale and recording the vehicle identification number;
33 and (2) obtaining an appropriate vehicle title or bill of sale issued by a
34 governmentally operated vehicle impound facility if the vehicle purchased
35 has been impounded by such facility or agency.

36 (d) It shall be unlawful for any scrap metal dealer, or employee or

1 agent of the dealer, to purchase or receive any regulated scrap metal from a
2 minor unless such minor is accompanied by a parent or guardian or such
3 minor is a licensed scrap metal dealer.

4 (e) It shall be unlawful for any scrap metal dealer, or employee or
5 agent of the dealer, to purchase any of the following items of regulated
6 scrap metal property without obtaining proof that the seller is an
7 employee, agent or person who is authorized to sell the item of regulated
8 scrap metal property on behalf of the governmental entity, utility provider,
9 railroad, cemetery, civic organization or scrap metal dealer:

- 10 (1) Utility access cover;
- 11 (2) street light poles or fixtures;
- 12 (3) road or bridge guard rails;
- 13 (4) highway or street sign;
- 14 (5) water meter cover;
- 15 (6) traffic directional or traffic control signs;
- 16 (7) traffic light signals;
- 17 (8) any metal marked with any form of the name or initials of a
18 governmental entity;
- 19 (9) property owned and marked by a telephone, cable, electric, water
20 or other utility provider ~~or any such wire or cable that has had the~~
21 ~~sheathing removed, making ownership identification impossible;~~
- 22 (10) property owned and marked by a railroad;
- 23 (11) funeral markers or vases;
- 24 (12) historical markers;
- 25 (13) bales of regulated metal;
- 26 (14) beer kegs;
- 27 (15) manhole covers;
- 28 (16) fire hydrants or fire hydrant caps;
- 29 (17) junk vehicles with missing or altered vehicle identification
30 numbers;
- 31 (18) real estate signs;
- 32 (19) bleachers or risers, in whole or in part; and
- 33 (20) twisted pair copper telecommunications wiring of 25 pair or
34 greater existing in 19, 22, 24 or 26 gauge.

35 (f) It shall be unlawful for any scrap metal dealer, or employee or
36 agent of the dealer, to sell, trade, melt or crush, or in any way dispose of,
37 alter or destroy any regulated scrap metal, junk vehicle or vehicle part
38 upon notice from any law enforcement agency, or any of their agents or
39 employees, that they have cause to believe an item has been stolen. A scrap
40 metal dealer shall hold any of the items that are designated by or on behalf
41 of the law enforcement agency for 30 days, exclusive of weekends and
42 holidays.

43 Sec. 2. K.S.A. 2011 Supp. 50-6,112a is hereby amended to read as

1 follows: 50-6,112a. (a) ~~On or after January 1, 2012,~~ No business shall
2 purchase any regulated scrap metal without having first registered each
3 place of business as herein provided. In case such place of business is
4 located within the corporate limits of a city, the registration shall be made
5 to the governing body of such city. In all other cases, the registration shall
6 be made to the board of county commissioners in the county in which such
7 place of business is to be located.

8 (b) A board of county commissioners shall provide the clerk of the
9 township with written notice of the filing of a registration by a scrap metal
10 dealer within 10 days of registration or renewal.

11 (c) The governing body of any city and the board of county
12 commissioners shall provide the sheriff, chief of police or director of all
13 law enforcement agencies in the county written notice of the filing of
14 registration by a scrap metal dealer within 10 days of registration or
15 renewal.

16 (d) A registration for a scrap metal dealer shall be verified and upon a
17 form approved by the attorney general and contain:

18 (1) The name and residence of the applicant;

19 (2) the length of time that the applicant has resided within the state of
20 Kansas and a list of all residences outside the state of Kansas during the
21 previous 10 years;

22 (3) the particular place of business for which a registration is desired;

23 (4) the name of the owner of the premises upon which the place of
24 business is located; and

25 (5) the applicant shall disclose any prior convictions within 10 years
26 immediately preceding the date of making the registration for theft, as
27 defined in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2011 Supp. 21-
28 5801, *and amendments thereto*, theft of property lost, mislaid or delivered
29 by mistake, as defined in K.S.A. 21-3703, prior to its repeal, or K.S.A.
30 2011 Supp 21-5802, *and amendments thereto*, theft of services, as defined
31 in K.S.A. 21-3704, prior to its repeal, criminal deprivation of property, as
32 defined in K.S.A. 21-3705, prior to its repeal, or K.S.A. 2011 Supp. 21-
33 5803, *and amendments thereto*, or any other crime involving possession of
34 stolen property.

35 (e) Each registration for a scrap metal dealer to purchase regulated
36 scrap metal shall be accompanied by a fee of not less than \$100 nor more
37 than \$400, as prescribed by the board of county commissioners or the
38 governing body of the city, as the case may be.

39 (f) The board of county commissioners or the governing body of a
40 city shall accept a registration for a scrap metal dealer as otherwise
41 provided for herein, from any scrap metal dealer engaged in business in
42 such county or city and qualified to file such registration, to purchase
43 regulated scrap metals. Such registration shall be issued for a period of 10

1 years.

2 (g) If an original registration is accepted, the governing body of the
3 city or the board of county commissioners shall grant and issue renewals
4 thereof upon application of the registration holder, if the registration holder
5 is qualified to receive the same and the registration has not been revoked
6 as provided by law. The registration fee for such renewal, ~~which shall be in~~
7 ~~addition to the fee provided by subsection (e);~~ shall be not less than \$25
8 nor more than \$50.

9 (h) No registration issued under this act shall be transferable.

10 (i) Violation of subsection (a) is a class A nonperson misdemeanor.

11 (j) This section shall not apply to a business licensed under the
12 provisions of K.S.A. 8-2404, and amendments thereto, unless such
13 business buys or recycles regulated scrap metal that are not motor vehicle
14 components.

15 Sec. 3. K.S.A. 2011 Supp. 50-6,111 and 50-6,112a are hereby
16 repealed.

17 Sec. 4. This act shall take effect and be in force from and after its
18 publication in the Kansas register.
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