

**SECOND ENGROSSMENT
with House Amendments
REENGROSSED SENATE BILL NO. 2242**

Introduced by

Senators Kannianen, Burckhard, Vedaa

Representatives Fegley, Longmuir, Schauer

1 A BILL for an Act to amend and reenact section 51-35-01, subsection 1 of section 51-35-02, and
2 section 51-35-04 of the North Dakota Century Code, relating to scrap metal dealers; and to
3 provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 51-35-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **51-35-01. Definitions.**

8 As used in this chapter, unless the context otherwise requires:

- 9 1. "Alloy" means a combination of a metal and carbon or other metals.
- 10 2. "Business records" means records of any purchase or transaction that involves the
11 receipt of scrap metals made in the ordinary course of business and includes written
12 receipts, books or similar records, or electronically stored records, but does not
13 include correspondence, tax returns, or financial statements.
- 14 3. "Core recycler" means a person that buys used individual catalytic converters
15 previously removed from a motor vehicle. The term includes a recycler, junk dealer,
16 valuable metal dealer, and a pawn shop.
- 17 4. "Ferrous metals" means those metals that will attract a magnet, and includes alloys of
18 those metals.
- 19 4.5. "Law enforcement officer" or "peace officer" means a public servant authorized by law
20 or by a government agency or branch to enforce the law and to conduct or engage in
21 investigations or prosecutions for violations of law.
- 22 5.6. "Nonferrous metals" means those metals that will not normally attract a magnet,
23 including copper, brass, aluminum, bronze, lead, zinc, platinum, and nickel and

1 includes alloys of those metals. The term includes a used catalytic converter
2 previously removed from a motor vehicle.

3 ~~6-7.~~ "Scrap metal" means ferrous or nonferrous metals purchased primarily for reuse or
4 recycling, including metals combined with other materials at the time of purchase or
5 acquisition, and including insulated and uninsulated wire and cable. Scrap metal does
6 not include automobiles, automobile hulks, or any aluminum food or beverage
7 containers.

8 ~~7-8.~~ "Scrap metal dealer" means a person, as defined in subsection 8 of section 1-01-49,
9 engaged in the business of purchasing, selling, trading, or bartering scrap metal, and
10 includes all employees of the scrap metal dealer. The term includes a core recycler.

11 **SECTION 2. AMENDMENT.** Subsection 1 of section 51-35-02 of the North Dakota Century
12 Code is amended and reenacted as follows:

- 13 1. Every scrap metal dealer shall keep business records of any purchase, trade, barter,
14 or other transaction that involves the receipt of scrap metals worth over twenty-five
15 dollars. The business records must include the following information:
- 16 a. The date, time, and place of each purchase or transaction;
 - 17 b. A description of the scrap metal received and the weight and type of scrap metal
18 received;
 - 19 c. The amount paid to the person selling or delivering the scrap metal and the
20 manner of payment, including check or electronic transfer;
 - 21 d. The name and address of the person selling or delivering the scrap metal; ~~and~~
 - 22 e. A photocopy of a valid government-issued identification card or driver's license
23 and which must include the seller's or deliverer's full name, photograph, date of
24 birth, and signature; and
 - 25 f. For the purchase of a used catalytic converter previously removed from a motor
26 vehicle, in whole or in part, a photocopy of the seller's certificate of title, certificate
27 of registration, a receipt from a transaction of repair, or a bill of sale for the motor
28 vehicle from which the catalytic converter was removed. This subdivision does
29 not apply if the seller is a used parts dealer, an automotive repair business, or a
30 licensed business that in the regular course of business collects, stores, or sells a
31 catalytic converter or any other motor vehicle part.

1 **SECTION 3. AMENDMENT.** Section 51-35-04 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **51-35-04. Penalty.**

- 4 1. A scrap metal dealer who willfully fails to comply with section 51-35-02 is guilty of a
5 class B misdemeanor for a first offense. For a subsequent offense involving a used
6 catalytic converter previously removed from a motor vehicle, a scrap metal dealer is
7 guilty of a class B misdemeanor and the court shall order the dealer to cease
8 engaging in the business of a scrap metal dealer for a period of one year.
- 9 2. A scrap metal dealer who willfully buys, receives, possesses, or conceals stolen scrap
10 metal, and the scrap metal is less than five hundred dollars in value is guilty of a
11 class A misdemeanor.
- 12 3. A scrap metal dealer who willfully buys, receives, possesses, or conceals stolen scrap
13 metal, and the scrap metal exceeds five hundred dollars in value, is guilty of a class C
14 felony.