

HOUSE BILL 1960

By Ramsey

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 47 and Title 62, relative to stored value cards.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-9-101, is amended by adding the following subdivisions:

() "Recycled stored value card dealer" means a person who buys, exchanges, or deals in stored value cards or an employee or agent of that dealer who has the express or implied authority to buy, exchange, or deal in stored value cards on behalf of the dealer;

() "Stored value cards" has the same meaning as that term is defined in § 39-14-113;

SECTION 2. Tennessee Code Annotated, Section 62-9-102(a)(1), is amended by deleting the language "scrap metal business" and substituting instead the language "scrap metal or recycled stored value card business".

SECTION 3. Tennessee Code Annotated, Section 62-9-102(b) and (c), are amended by deleting the language "where the offense involves scrap metal" wherever it appears and substituting instead the language "where the offense involves scrap metal or stored value cards".

SECTION 4. Tennessee Code Annotated, Section 62-9-102(f) and (g), are amended by deleting the language "registered scrap metal" wherever it appears.

SECTION 5. Tennessee Code Annotated, Section 62-9-103, is amended by deleting the section and substituting the following:

(a) Except as provided in subdivision (b)(2), no dealer may purchase or otherwise acquire scrap metal or a stored value card, as applicable, from a person unless that person presents a state or federally issued photo identification card that appears valid on its face to the dealer and provides a thumbprint as provided in § 62-9-104.

(b)

(1) If a valid state or federally issued photo identification card is presented, the dealer shall record the name, sex, height, date of birth, residence address, and photo identification card number of the person selling the scrap metal or stored value card, as applicable; photocopy the photo identification card presented; and maintain this information as part of the transaction record. The dealer shall also record the license plate number and make and model of the motor vehicle the seller arrived in. If the vehicle is a commercial vehicle, the buyer must record the name of the business owning or leasing the vehicle.

(2) If the person presenting the scrap metal or stored value card, as applicable, for sale does not have a state or federally issued photo identification card, the dealer shall require the seller to present some form of state or federally issued identification; photograph the person; and record the information contained on the identification card prior to the transaction being made. Even if a photograph of the seller is taken, the dealer is prohibited from making the transaction if the seller does not have, or refuses to present, the required identification.

SECTION 6. Tennessee Code Annotated, Section 62-9-104(a), (b), (c)(1), (c)(3), and (c)(4), are amended by deleting the language "scrap metal" wherever it appears and substituting instead the language "scrap metal or stored value card, as applicable,".

SECTION 7. Tennessee Code Annotated, Section 62-9-105, is amended by deleting the language "scrap metal transaction record" wherever it appears and substituting instead the language "scrap metal or stored value card transaction record".

SECTION 8. Tennessee Code Annotated, Section 62-9-109(a), is amended by deleting the subsection and substituting the following:

(a) It is an offense for a person to engage in the business of buying scrap metal or stored value cards without registering as a dealer with the department or falsely registering with the department as a dealer.

SECTION 9. Tennessee Code Annotated, Section 62-9-109(b), is amended by deleting the subsection in its entirety and substituting the following:

(b) A person engaged in the business of buying scrap metal or stored value cards, as a registered dealer or otherwise, commits an offense who knowingly:

(1) Purchases scrap metal or stored value cards:

(A) That was not property of the seller and the seller did not have the authorization to sell the metal or a stored value card; or

(B) That was unlawfully obtained by the seller; or

(2) Commits any other act in violation of this chapter.

SECTION 10. Tennessee Code Annotated, Section 62-9-109(c), is amended by deleting the language "scrap metal" wherever it appears and substituting instead the language "scrap metal or stored value cards, as applicable,".

SECTION 11. Tennessee Code Annotated, Section 62-9-109(d), is amended by designating the existing language as (d)(1) and adding the following new (d)(2):

(A) It is an offense for a person to sell or attempt to sell a stored value card knowing that the stored value card is stolen, whether by the person selling or by some other person.

(B) A violation of this subdivision (d)(2) is punishable as theft and graded according to the value of the stored value card sold or attempted to be sold as provided in § 39-14-105.

SECTION 12. Tennessee Code Annotated, Section 62-9-110(a), is amended by deleting the subsection and substituting instead the following:

The scrap metal or stored value card registration of a person convicted of a violation of this chapter, or the criminal offense of theft, burglary, or vandalism if the offense involved scrap metal or a stored value card, as applicable, shall be immediately revoked by operation of law upon conviction. A copy of the judgment of conviction must be transmitted to the commissioner of commerce and insurance by the law enforcement agency responsible for the conviction.

SECTION 13. Tennessee Code Annotated, Section 62-9-112, is amended by designating the existing language as subsection (a) and adding the following new subsection (b):

This chapter does not apply to recycled stored value card transactions that take place between a recycled stored value card dealer registered pursuant to this chapter and another recycled stored value card registered dealer if the stored value card is lawfully obtained by the seller and, at the time of the transaction, may lawfully be sold as a recycled stored value card. The terms of sale between two (2) registered dealers shall be determined by the parties.

SECTION 14. Tennessee Code Annotated, Sections 62-9-114 and 62-9-116, are amended by deleting the language "scrap metal" wherever it appears.

SECTION 15. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2019, the public welfare requiring it.