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State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE NO. **457**

January 29, 2007

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act
1.2 relating to public safety; expanding an existing law enforcement tool regarding
1.3 record keeping of purchases by scrap metal dealers; requiring registration;
1.4 providing penalties; appropriating money; amending Minnesota Statutes 2006,
1.5 section 325E.21.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2006, section 325E.21, is amended to read:

1.8 **325E.21 DEALERS IN ~~WIRE AND CABLE~~ SCRAP METAL; RECORDS**
1.9 **~~AND, REPORTS, AND REGISTRATION.~~**

1.10 Subdivision 1. **Purchase or acquisition record required.** Every ~~person, firm or~~
1.11 ~~corporation~~ scrap metal dealer, including an agent, employee, or representative ~~thereof of~~
1.12 ~~the dealer, engaging in the business of buying and selling wire and cable commonly and~~
1.13 ~~customarily used by communication and electric utilities~~ shall keep a record, in the English
1.14 language, legibly written in ink or typewriting, at the time of each purchase or acquisition,
1.15 an accurate account or description, including the weight if customarily purchased by
1.16 weight, of ~~such wire and cable commonly and customarily used by communication~~
1.17 ~~and electric utilities~~ the scrap metal purchased or acquired, the date, time, and place
1.18 of the receipt of the same, the name and address of the person selling or delivering the
1.19 same ~~and, the number of the check used to purchase the scrap metal, the number of the~~
1.20 ~~driver's license of such the person, and the license plate number of the vehicle used by the~~
1.21 ~~person when delivering the scrap metal. Such~~ The record, as well as ~~such wire and cable~~
1.22 ~~commonly and customarily used by communication and electric utilities~~ the scrap metal
1.23 purchased or received, shall at all reasonable times be open to the inspection of any ~~sheriff~~
1.24 ~~or deputy sheriff of the county, or of any police officer in any incorporated city or statutory~~

city, in which such business may be carried on law enforcement agency. ~~Such~~ The person shall not be required to furnish or keep such record of any property purchased from merchants, manufacturers or wholesale dealers, having an established place of business, or of any goods purchased at open sale from any bankrupt stock, but a bill of sale or other evidence of open or legitimate purchase of ~~such~~ the property shall be obtained and kept by ~~such~~ the person which must be shown upon demand to ~~the sheriff or deputy sheriff of the county, or to any police officer in any incorporated city or statutory city, in which such business may be carried on.~~ The provisions of this subdivision and of subdivision 2 shall not apply to or include any person, firm or corporation engaged exclusively in the business of buying or selling motor vehicles, new or used, paper or wood products, rags or furniture, secondhand machinery any law enforcement agency.

Subd. 2. **Sheriff's copy of record required.** It shall be the duty of every ~~such~~ person, ~~firm or corporation defined in~~ that is subject to subdivision 1 hereof, to make out and to deliver or mail to the office of the sheriff of the county in which business is conducted, not later than the second business day of each week, a legible and correct copy of the record required in subdivision 1 of the entries during the preceding week. In the event ~~such~~ the person, ~~firm or corporation~~ has not made any purchases or acquisitions required to be recorded under subdivision 1 ~~hereof~~ during the preceding week, no report need be submitted to the sheriff under this subdivision.

Subd. 3. **Retention required.** Records required to be maintained by ~~subdivision 1 hereof~~ subdivisions 1 and 5 shall be retained by the person making them for a period of three years.

Subd. 4. **Payment by check required.** A scrap metal dealer shall pay for all scrap metal purchases only by check. For purposes of this section, "check" means a check, draft, or other negotiable or nonnegotiable order of withdrawal which is drawn against funds held by a financial institution.

Subd. 5. **Video security cameras required.** (a) The scrap metal dealer shall install and maintain at each licensed location video surveillance cameras or similar devices positioned to record (1) a frontal view showing the face of each seller or prospective seller of scrap metal who enters the licensed location; and (2) the seller's or prospective seller's vehicle so that an accurate and complete description of it may be obtained from the recordings made by the cameras. The video camera must be kept in operating condition. The camera must record and display the accurate date and time. The video camera must be turned on at all times when the licensed location is open for business and at any other time when scrap metal is purchased.

(b) If the scrap metal dealer does not purchase some or any scrap metal at a specific business location, the dealer need not comply with this subdivision with respect to those purchases.

Subd. 6. **Registration required.** (a) Every scrap metal dealer doing business in this state, whether or not the scrap metal dealer maintains a regular place of business in this state, shall register with the commissioner of public safety as a scrap metal dealer on a form prescribed by that commissioner.

(b) The registration must include at least the scrap metal dealer's name, physical location, contact information, and the types of scrap metal the dealer buys and sells.

(c) The registration is valid for three years and must be accompanied by a registration fee of \$..... The fee must be deposited in the general fund.

Subd. 7. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "Law enforcement agency" means a duly authorized municipal, county, state, or federal law enforcement agency.

(c) "Person" means an individual, partnership, limited partnership, limited liability company, corporation, or other entity.

(d) "Scrap metal" means:

(1) wire and cable commonly and customarily used by communication and electric utilities; and

(2) copper, aluminum, or any other metal purchased primarily for its reuse or recycling value as raw metal, including metal that is combined with other materials at the time of purchase.

(e) "Scrap metal dealer" or "dealer" means a person engaged in the business of buying and selling scrap metal, but does not include a person engaged exclusively in the business of buying or selling motor vehicles, new or used; paper or wood products; rags or furniture; or secondhand machinery.

EFFECTIVE DATE. This section is effective August 1, 2007.

Sec. 2. **APPROPRIATION.**

\$..... is appropriated from the general fund to the commissioner of public safety for fiscal years 2008 to 2009 for the purpose of section 1, subdivision 6.