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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **335**

January 26, 2009

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

1.1 A bill for an act
1.2 relating to housing; vacant buildings; providing for certain trespass and scrap
1.3 metal sale provisions; amending Minnesota Statutes 2008, sections 325E.21,
1.4 subdivisions 1a, 3, 6, by adding a subdivision; 609.605, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2008, section 325E.21, subdivision 1a, is amended to
1.7 read:

1.8 Subd. 1a. **Purchase or acquisition record required.** (a) Every scrap metal dealer,
1.9 including an agent, employee, or representative of the dealer, shall keep a written record at
1.10 the time of each purchase or acquisition of scrap metal. The record must include:

1.11 (1) an accurate account or description, including the weight if customarily purchased
1.12 by weight, of the scrap metal purchased or acquired;

1.13 (2) the date, time, and place of the receipt of the scrap metal purchased or acquired;

1.14 (3) the name and address of the person selling or delivering the scrap metal as
1.15 stated on the seller's or deliverer's driver's license number, Minnesota identification card
1.16 number, or other identification document number of an identification document issued
1.17 for identification purposes by any state, federal, or foreign government if the document
1.18 includes the person's current photograph, full name, birth date, current address, and
1.19 signature. The identification document and the information recorded from it must be
1.20 current and valid;

1.21 (4) the number of the ~~check~~ or electronic transfer used to purchase the scrap metal;

1.22 (5) the number of the seller's or deliverer's driver's license, Minnesota identification
1.23 card number, or other identification document number of an identification document
1.24 issued for identification purposes by any state, federal, or foreign government if the

2.1 document includes the person's current photograph, full name, birth date, current address,
 2.2 and signature. The identification document and the information recorded from it must
 2.3 be current and valid; and

2.4 (6) the license plate number and state of issuance and ~~description~~ year, make,
 2.5 and model of the vehicle used by the person when delivering the scrap metal, and
 2.6 any identifying marks on the vehicle, such as a business name, decals, or markings,
 2.7 if applicable.

2.8 (b) The record, as well as the scrap metal purchased or received, shall at all
 2.9 reasonable times be open to the inspection of any law enforcement agency.

2.10 (c) No record is required for property purchased from merchants, manufacturers or
 2.11 wholesale dealers, having an established place of business, or of any goods purchased
 2.12 at open sale from any bankrupt stock, but a bill of sale or other evidence of open or
 2.13 legitimate purchase of the property shall be obtained and kept by the person, which must
 2.14 be shown upon demand to any law enforcement agency.

2.15 (d) Except as otherwise provided in this section, a scrap metal dealer or the dealer's
 2.16 agent, employee, or representative may not disclose personal information concerning a
 2.17 customer without the customer's consent unless the disclosure is made in response to a
 2.18 request from a law enforcement agency. A scrap metal dealer must implement reasonable
 2.19 safeguards to protect the security of the personal information and prevent unauthorized
 2.20 access to or disclosure of the information. For purposes of this paragraph, "personal
 2.21 information" is any individually identifiable information gathered in connection with a
 2.22 record under paragraph (a).

2.23 Sec. 2. Minnesota Statutes 2008, section 325E.21, subdivision 3, is amended to read:

2.24 Subd. 3. **Payment by ~~check~~ or electronic transfer required.** A scrap metal dealer
 2.25 or the dealer's agent, employee, or representative shall pay for all scrap metal purchases
 2.26 only by ~~check~~ or electronic transfer.

2.27 Sec. 3. Minnesota Statutes 2008, section 325E.21, subdivision 6, is amended to read:

2.28 Subd. 6. **Criminal penalty.** A scrap metal dealer, or the agent, employee, or
 2.29 representative of the dealer, who ~~intentionally~~ knowingly violates a provision of this
 2.30 section, is guilty of a gross misdemeanor.

2.31 Sec. 4. Minnesota Statutes 2008, section 325E.21, is amended by adding a subdivision
 2.32 to read:

3.1 Subd. 6a. Scrap metal theft; civil liability. (a) Any owner of scrap metal who
 3.2 incurs injury or loss as a result of a violation of this section may bring a civil action against
 3.3 the person who committed the violation.

3.4 (b) If the person who incurs the loss prevails against a person who committed the
 3.5 violation, the court shall grant the prevailing party all of the following:

3.6 (1) actual damages;

3.7 (2) any lost profits that are attributable to the violation and that were not taken into
 3.8 account in determining the amount of actual damages under clause (1); and

3.9 (3) costs, disbursements, and reasonable attorney fees.

3.10 Sec. 5. Minnesota Statutes 2008, section 609.605, subdivision 1, is amended to read:

3.11 Subdivision 1. **Misdemeanor.** (a) The following terms have the meanings given
 3.12 them for purposes of this section.

3.13 (1) "Premises" means real property and any appurtenant building or structure.

3.14 (2) "Dwelling" means the building or part of a building used by an individual as a
 3.15 place of residence on either a full-time or a part-time basis. A dwelling may be part of a
 3.16 multidwelling or multipurpose building, or a manufactured home as defined in section
 3.17 168.002, subdivision 16.

3.18 (3) "Construction site" means the site of the construction, alteration, painting, or
 3.19 repair of a building or structure.

3.20 (4) "Owner or lawful possessor," as used in paragraph (b), clause (9), means the
 3.21 person on whose behalf a building or dwelling is being constructed, altered, painted, or
 3.22 repaired and the general contractor or subcontractor engaged in that work.

3.23 (5) "Posted," as used:

3.24 (i) in paragraph (b), clause (9), means the placement of a sign at least 11 inches
 3.25 square in a conspicuous place ~~on the exterior of the building that is under construction,~~
 3.26 ~~alteration, or repair,~~ and additional signs in at least two conspicuous places for each ten
 3.27 acres being protected. ~~The sign must carry an appropriate notice and the name of the~~
 3.28 ~~person giving the notice, followed by the word "owner" if the person giving the notice~~
 3.29 ~~is the holder of legal title to the land on which the construction site is located or by the~~
 3.30 ~~word "occupant" if the person giving the notice is not the holder of legal title but is a~~
 3.31 ~~lawful occupant of the land;~~ and

3.32 (ii) in paragraph (b), clause (10), means the placement of signs that:

3.33 (A) state "no trespassing" or similar terms;

3.34 (B) display letters at least two inches high;

3.35 (C) state that Minnesota law prohibits trespassing on the property; and

4.1 (D) are posted in a conspicuous place and at intervals of 500 feet or less.

4.2 (6) "Business licensee," as used in paragraph (b), clause (9), includes a representative
4.3 of a building trades labor or management organization.

4.4 (7) "Building" has the meaning given in section 609.581, subdivision 2.

4.5 (b) A person is guilty of a misdemeanor if the person intentionally:

4.6 (1) permits domestic animals or fowls under the actor's control to go on the land
4.7 of another within a city;

4.8 (2) interferes unlawfully with a monument, sign, or pointer erected or marked to
4.9 designate a point of a boundary, line or a political subdivision, or of a tract of land;

4.10 (3) trespasses on the premises of another and, without claim of right, refuses to
4.11 depart from the premises on demand of the lawful possessor;

4.12 (4) occupies or enters the dwelling or locked or posted building of another, without
4.13 claim of right or consent of the owner or the consent of one who has the right to give
4.14 consent, except in an emergency situation;

4.15 (5) enters the premises of another with intent to take or injure any fruit, fruit trees, or
4.16 vegetables growing on the premises, without the permission of the owner or occupant;

4.17 (6) enters or is found on the premises of a public or private cemetery without
4.18 authorization during hours the cemetery is posted as closed to the public;

4.19 (7) returns to the property of another with the intent to abuse, disturb, or cause
4.20 distress in or threaten another, after being told to leave the property and not to return, if the
4.21 actor is without claim of right to the property or consent of one with authority to consent;

4.22 (8) returns to the property of another within one year after being told to leave the
4.23 property and not to return, if the actor is without claim of right to the property or consent
4.24 of one with authority to consent;

4.25 (9) enters the locked or posted construction site of another without the consent of the
4.26 owner or lawful possessor, unless the person is a business licensee; or

4.27 (10) enters the locked or posted aggregate mining site of another without the consent
4.28 of the owner or lawful possessor, unless the person is a business licensee.