

Act 476 of the 1989 Regular Session.

Act 476

HB1562

By: Representative Foster

"AN ACT TO REQUIRE SCRAP METAL AND JUNK DEALERS WHO PURCHASE ALUMINUM IRRIGATION PIPE, ALUMINUM TRAFFIC DELINEATORS, ALUMINUM POSTS, ALUMINUM GUARD RAILS, ALUMINUM BRIDGE RAILS, OR ALUMINUM TRAFFIC SIGNS TO PREPARE AND MAINTAIN RECORDS OF ALL PURCHASES IN EXCESS OF TWENTY-FIVE DOLLARS; TO MAKE SUCH RECORDS AVAILABLE FOR INSPECTION; TO PROVIDE A PENALTY FOR VIOLATION; AND FOR OTHER PURPOSES."

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

SECTION 1. On and after the effective date of this act, every scrap metal dealer, junk yard operator or operator of any junk shop, junk store, salvage yard, scrap yard, or other collector or dealer in junk salvage shall prepare and maintain records of all purchases in excess of twenty-five dollars (\$25.00) of aluminum irrigation pipe, aluminum traffic delineators, aluminum posts, aluminum guard rails, aluminum bridge rails, or aluminum traffic signs, hereinafter referred to in this act as "aluminum products". Such records shall contain (1) the name and address of the one from whom the purchase was made; (2) the license tag number of the vehicle in which such "aluminum products" were delivered; (3) the quantity of "aluminum products" purchased; (4) the date of the purchase; and (5) the amount in money or other consideration paid for the "aluminum products". Such records herein provided for shall be kept for a period of three (3) years.

Such records shall be made available to any law enforcement officer at any time during regular business hours.

SECTION 2. (a) Any person may notify dealers or purchasers of scrap metals of a known or presumed theft of "aluminum products" setting forth any information concerning the theft as might be available to that person, including, but not limited to, the approximate quantity and size of the "aluminum products" stolen, the geographical area from which the "aluminum products" were reported missing or presumed stolen, and any specific distinguishing marks on or in the "aluminum products" or other method of identifying the "aluminum products".

(b) If notice is given to a dealer or purchaser and, subsequent thereto, "aluminum products" meeting that description are purchased by the dealer or offered for sale to the dealer, then the dealer shall notify the local police, if within a municipality, or sheriff's department, if outside a municipality, that the "aluminum products" were purchased or offered for sale to the dealer.

SECTION 3. Any person, partnership, firm or corporation failing to maintain any records required under this act shall upon conviction thereof, be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), or imprisoned in the county jail for a period not to exceed six (6) months, or both such fine and imprisonment.

SECTION 4. Any person who shall knowingly give false information with

respect to the matters required to be maintained in the records provided for in Section 1, shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), or imprisoned in the county jail for a period not to exceed six (6) months, or both such fine and imprisonment.

SECTION 5. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: March 10, 1989

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