

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Givens**

A Bill

HOUSE BILL 1174

For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE TITLE
9 17, CHAPTER 37, SUBCHAPTER 1 CONCERNING SCRAP METAL
10 DEALERS; AND FOR OTHER PURPOSES."

11

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

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14 SECTION 1. Arkansas Code 17-37-101 is amended to read as follows:

15 "17-37-101. Records generally.

16 (a) All dealers or purchasers of junk and scrap metals and materials
17 doing business in the State of Arkansas shall prepare and keep records
18 showing:

19 (1) The seller's full name, address, driver's license number, and
20 social security number;

21 (2) The type of scrap metals and material so purchased;

22 (3) The weights of the materials;

23 (4) The license number of the vehicle used in transporting the
24 materials to the place of business.

25 (b) These records shall:

26 (1) Be kept for a period of three (3) years;

27 (2) Be made available to any law enforcement officer of the State
28 of Arkansas or of any municipality; and

29 (3) Be available for use in any court, should that be necessary.

30 (c) Any person, firm, or corporation failing to comply with the
31 provisions of this section shall be deemed guilty of a misdemeanor and upon
32 conviction shall be fined an amount not to exceed *one thousand dollars*
33 (*\$1000*), or imprisonment for not less than six (6) months nor more than one
34 year in jail, or subject to both fine and imprisonment."

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1 17-37-103. Records of scrap copper utility wire purchases.

2 (a) All dealers or purchasers within this state of scrap copper utility
3 wire shall prepare and maintain records of all purchases of scrap copper
4 utility wire, which record will show the following:

5 (1) The seller's full name, address, driver's license number, and
6 social security number;

7 (2) The license number of the vehicle used in transporting the
8 material to the place of business;

9 (3) The date of the purchase; and

10 (4) The price in money or other consideration paid therefor.

11 (b) Records shall be maintained by the dealer or purchaser for a period
12 of three (3) years and shall be made available, upon request, for inspection
13 by law enforcement agencies and by representatives of public utilities.

14 (c) Purchases of scrap utility wire, either burned or hard drawn, from
15 individuals other than from utility companies must be recorded separately,
16 including all information set forth in subsection (a) of this section, by the
17 purchaser if the purchase exceeds two hundred fifty pounds (250 lbs.).

18 (d) Any utility may notify dealers or purchasers of scrap utility
19 copper wire of a known or presumed theft of wire setting forth any information
20 concerning the theft as might be available to the utility including, but not
21 limited to, the approximate quantity and size of the wire stolen, the
22 geographical area from which the wire was reported missing or presumed stolen,
23 and any specific distinguishing marks on or in the wire or other method of
24 identifying the wire.

25 (e) If notice is given to a dealer or purchaser and, subsequent
26 thereto, wire meeting that description is purchased by the dealer or offered
27 for sale to the dealer, then the dealer shall notify the local police, if
28 within a municipality, or sheriff's department, if outside a municipality,
29 that the wire was purchased or offered for sale to the dealer.

30 (f) Any person, partnership, firm, or corporation who violates any of
31 the provisions of this section shall, upon conviction, be guilty of a
32 misdemeanor and shall be fined an amount not to exceed *one thousand dollars*
33 (*\$1000*), or imprisonment for not less than six (6) months nor more than one
34 year in jail, or subject to both fine and imprisonment.

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1 17-37-104. Records of bronze cemetery memorial purchases.

2 (a) Whenever any collector of or dealer in junk or any secondhand
3 property purchases any bronze cemetery vase or receptacle, any bronze cemetery
4 memorial, or any bronze statuary, whatever may be the condition of the vase or
5 receptacle, cemetery memorial, or bronze statuary, he shall make a record of
6 the place of business of the seller in addition to all other information
7 required by §17-37-101.

8 (b) Any peace officer of this state may inspect the register at any
9 reasonable time.

10 (c) Any person violating any of the provisions of this section is
11 guilty of a misdemeanor and upon conviction shall be fined an amount not to
12 exceed *one thousand dollars (\$1000)*, or imprisonment for not less than six (6)
13 months nor more than one year in jail, or subject to both fine and
14 imprisonment.

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16 17-37-105. Records of aluminum purchases.

17 (a) (1) On and after July 3, 1989, every scrap metal dealer, junk yard
18 operator, or operator of any junk shop, junk store, salvage yard, scrap yard,
19 or other collector or dealer in junk salvage shall prepare and maintain
20 records of all purchases in excess of twenty-five dollars (\$25.00) of aluminum
21 irrigation pipe, *aluminum utility wire*, aluminum traffic delineators, aluminum
22 posts, aluminum guard rails, aluminum bridge rails, or aluminum traffic signs,
23 hereinafter referred to in this section as aluminum products.

24 (2) Such records shall contain:

25 (A) The seller's full name, address, driver's license
26 number, and social security number;

27 (B) The license tag number of the vehicle in which such
28 aluminum products were delivered;

29 (C) The quantity of aluminum products purchased;

30 (D) The date of the purchase; and

31 (E) The amount in money or other consideration paid for the
32 aluminum products.

33 (b) (1) Such records herein provided for shall be kept for a period of
34 three (3) years.

35 (2) Such records shall be made available to any law enforcement

1 officer at any time during regular business hours.

2 (c) Any person may notify dealers or purchasers of scrap metals of a
3 known or presumed theft of aluminum products setting forth any information
4 concerning the theft as might be available to that person, including, but not
5 limited to:

6 (1) The approximate quantity and size of the aluminum products
7 stolen;

8 (2) The geographical area from which the aluminum products were
9 reported missing or presumed stolen; and

10 (3) Any specific distinguishing marks on or in the aluminum
11 products, or other method of identifying the aluminum products.

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

18 (e)(1) Any person, partnership, firm, or corporation failing to
19 maintain any records required under this section shall, upon conviction
20 thereof, be guilty of a misdemeanor and shall be fined not less than one
21 hundred dollars (\$100), nor more than five hundred dollars (\$500), or
22 imprisoned in the county jail for a period not to exceed six (6) months, or
23 both such fine and imprisonment.

24 (2) Any person who shall knowingly give false information with
25 respect to the matters required to be maintained in the records provided for
26 in subsections (a) and (b) of this section shall be guilty of a misdemeanor
27 and shall be fined an amount not to exceed *one thousand dollars (\$1000)*, or
28 imprisonment for not less than six (6) months nor more than one year in jail,
29 or both such fine and imprisonment."

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31 SECTION 2. All provisions of this act of a general and permanent nature
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
33 Revision Commission shall incorporate the same in the Code.

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35 SECTION 3. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

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6 SECTION 4. All laws and parts of laws in conflict with this act are
7 hereby repealed.

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/s/Art Givens

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