

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 1479

4
5 By: Representatives Williams, J. Edwards, Pierce, T. Baker, Adcock, Allen, Blount, J. Brown, Carroll,
6 Carter, Cash, Clemmer, Cole, D. Creekmore, Davis, Dismang, Greenberg, Hardy, Hyde, Lea, W.
7 Lewellen, McLean, Moore, Nickels, Ragland, Rainey, Rice, J. Roebuck, T. Rogers, Sample, G. Smith,
8 Tyler, B. Wilkins, Word
9 By: Senator Wilkinson

For An Act To Be Entitled

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11
12 AN ACT TO AMEND ARKANSAS LAW CONCERNING SCRAP
13 METAL DEALERS; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 TO AMEND ARKANSAS LAW CONCERNING SCRAP
17 METAL DEALERS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22
23 SECTION 1. Arkansas Code Title 5, Chapter 38, Subchapter 2, is amended
24 to add an additional section to read as follows:

25 5-38-206. Damaging wires and other fixtures of telephone, cable, and
26 electric power companies.

27 (a) It is unlawful for a person to knowingly damage, destroy, or pull
28 down a:

29 (1) Telephone, cable communications, or electric power
30 transmission pedestal or pole owned or operated by a telephone, cable, or
31 electric power company;

32 (2) Telephone, cable communications or electric power line,
33 wire, fiber insulator, power supply transformer, transmission, or other
34 apparatus, equipment, or fixture used in the transmission of telephone, cable
35 communications, or electric power owned or operated by a telephone, cable, or
36 electric power company; or



1 (3) Equipment related to wireless communications that are
2 regulated by the Federal Communications Commission.

3 (b) It is unlawful for a person to injure or destroy, steal, or remove
4 any electric power line, gas line, water line, wire or fiber insulators,
5 electric motors or other apparatus connected to farm shops, on-farm grain
6 drying and storage complexes, heating and cooling systems and environmental
7 control systems, animal production facilities, irrigation systems, dwellings,
8 or alterations that could result in physical injury.

9 (c) A violation of this section is a Class D Felony.

10
11 SECTION 2. Arkansas Code § 17-44-102 is amended to read as follows:
12 17-44-102. Records required.

13 (a)(1) Each scrap metal recycler doing business in the State of
14 Arkansas shall maintain an accurate and legible record of each scrap metal
15 purchase transaction ~~in excess of one hundred pounds (100 lbs.) or fifty~~
16 ~~dollars (\$50.00), whichever is less.~~

17 (2) Individual records shall not be required for a series of
18 scrap metal purchase transactions made ~~pursuant to~~ under a contract.

19 (3) The data required under subdivision (b)(1) of this section
20 may be maintained for repeat sellers in a relational database allowing the
21 scrap metal recycler to record the information one (1) time and relate future
22 purchase records to that information.

23 (4) A municipality or county may require by ordinance electronic
24 or digital records and reporting methods.

25 (b) The record of each scrap metal purchase transaction shall contain
26 the following information taken at the time of sale and kept on record:

27 (1)~~(A)~~ The name, address, gender, birth date, and identifying
28 number from the seller's driver's license, military identification card,
29 passport, or other form of government-issued photo identification-

30 ~~(B) The data required under this subdivision (b)(1) may be~~
31 ~~maintained for repeat sellers in a relational database allowing the scrap~~
32 ~~metal recycler to record the information one (1) time and relate future~~
33 ~~purchase records to that information;~~

34 (2) A photocopy of the government-issued photo identification
35 provided under subdivision (b)(1) of this section;

36 ~~(2)~~(3) The date of the scrap metal purchase transaction;

1 (4) The digital thumbprints of the seller;

2 ~~(3)~~(5)(A) A general description of the predominant types of
3 scrap metal purchased.

4 (B) The general description shall be made in accordance
5 with the custom of the trade;

6 ~~(4)~~(6) A general description of the configuration of the scrap
7 metal and whether the material is insulated;

8 ~~(5)~~(7) The weight, quantity, or volume, recorded in accordance
9 with the custom of the trade, of the scrap metal purchased; ~~and~~

10 ~~(6)~~(8) The consideration paid;

11 (9) The license plate number of the vehicle used in transporting
12 the materials to the scrap metal recycler's place of business; and

13 (10) A date and time stamped digital photograph of the:

14 (A) Seller; and

15 (B) Scrap metal in the form in which it was
16 purchased.

17 (C) The name of the person taking the photographs
18 under subdivision (b)(9)(A) of this section shall be recorded and provided
19 with the photographs.

20 (c) The photocopy required under subdivision (b)(2) of this section,
21 the digital thumbprints required under subdivision (b)(4) of this section and
22 the digital photographs taken required under subdivision (b)(10)(A) of this
23 section shall be reasonably clear.

24 (d)(1) For records required under subsection (b) of this section, a
25 scrap metal recycler shall file a daily electronic record of scrap metal
26 purchases made for that day.

27 (2) The report shall be made daily by entering the information
28 into an automated database which may be interfaced by law enforcement
29 statewide.

30 ~~(e)~~(e) A seller shall provide the following to a purchaser:

31 (1) A copy of a valid driver's license, military identification
32 card, passport, or other form of government-issued photo identification; ~~and~~

33 (2) A signed statement that the seller is the owner or is
34 otherwise authorized to sell the scrap metal; and

35 (3) A general description of where and how the seller acquired
36 the scrap metal.

1 and marked or otherwise identified as such; ~~and~~

2 (12) Unused and undamaged building construction or utility
3 materials consisting of copper, pipe, tubing or wiring, or aluminum wire,
4 historical markers, or grave markers and vases;

5 (13) Catalytic converters that are not part of an entire motor
6 vehicle;

7 (14) Scrap metal that has been smelted, burned, or melted;

8 (15) Air conditioning parts unless:

9 (A) The parts are being sold by a contractor, plumber, or
10 electrician;

11 (B) A current and valid HVAC license is provided at the
12 time of the sale; and

13 (C) A copy of the HVAC license number is recorded by the
14 purchaser of the scrap metal; and

15 (16) Any scrap metal that has been brightly painted or marked to
16 deter theft of the scrap metal.

17 (b)(1) A scrap metal recycler shall not make a cash payment to a
18 seller known by the recycler to have plead guilty or nolo contendere to or
19 have been found guilty of theft, burglary, or vandalism when the offense
20 involved scrap metal.

21 (2) Payments to a seller who has plead guilty or nolo contendere
22 to or have been found guilty of theft, burglary, or vandalism where the
23 offense involved scrap metal shall be made in the following manner:

24 (A) A check mailed to the seller; or

25 (B) An electronic funds transfer initiated no earlier than
26 three (3) days after the date of the transaction.

27 (3) A scrap metal recycler shall request a list of persons who
28 have plead guilty or nolo contendere to or have been found guilty of theft,
29 burglary, or vandalism when the offense involved scrap metal from the
30 appropriate law enforcement agency.

31 ~~(b)(c)~~ This section does not apply to transactions in which a scrap
32 metal processor purchases, transfers, or otherwise conveys scrap metal to
33 another scrap metal processor.

34
35 SECTION 4. Arkansas Code 17-44-106 is amended to read as follows:
36 17-44-106. Penalties.

1 (a) Any person that fails to comply with this chapter is guilty of a
2 Class ~~B~~ A misdemeanor.

3 (b) Any person that knowingly gives false information with respect to
4 the matters required to be maintained in the records provided for in this
5 chapter is guilty of a Class ~~B~~ A misdemeanor.

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