

AMENDMENTS TO LB 766

Introduced by Judiciary.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. For purposes of sections 1 to 9 of this act:

4 (1) Fixed location means any site occupied by a secondary
5 metals recycler as the owner of a site or as a lessee of a site
6 under a lease or other rental agreement providing for occupation of
7 the site by the secondary metals recycler for a total duration of
8 not less than one year;

9 (2) Regulated metals property means all nonferrous metal,
10 except gold and silver, and metal beer kegs, including those kegs
11 made of stainless steel;

12 (3) Secondary metals recycler means any person, firm, or
13 corporation in this state that:

14 (a) Is engaged in the business of gathering or obtaining
15 nonferrous metals and metal beer kegs, including those kegs made of
16 stainless steel, that have served their original economic purpose;
17 or

18 (b) Is in the business of or has facilities for
19 performing the manufacturing process by which nonferrous metals or
20 metal beer kegs, including those kegs made of stainless steel, are
21 converted into raw material products consisting of prepared grades
22 and having an existing or potential economic value by methods
23 including, but not limited to, processing, sorting, cutting,

1 classifying, cleaning, baling, wrapping, shredding, shearing, or
2 changing the physical form or chemical content of the metals, but
3 not including the exclusive use of hand tools.

4 Sec. 2. (1) A secondary metals recycler shall maintain a
5 record, either as a hard copy or electronically, of all purchase
6 transactions in which the secondary metals recycler purchases
7 regulated metals property.

8 (2) The following information shall be maintained for
9 transactions in which a secondary metals recycler purchases
10 regulated metals property:

11 (a) The name and address of the secondary metals
12 recycler;

13 (b) The name and signature of the individual entering the
14 information;

15 (c) The date and time of the transaction;

16 (d) The weight and grade of the regulated metals property
17 purchased;

18 (e) The description made in accordance with the custom of
19 the trade of the type of regulated metals property purchased;

20 (f) The amount of consideration given for the regulated
21 metals property, if any;

22 (g) The name, signature, date of birth, and address of
23 the vendor of the regulated metals property;

24 (h) The operator's license number, state identification
25 card number, or federal government-issued identification card
26 number of the person delivering the regulated metals property
27 to the secondary metals recycler;

1 (i) A photocopy of the current operator's license,
2 state-issued identification card, or federal government-issued
3 identification card, of the person delivering the regulated metals
4 property to the secondary metals recycler;

5 (j) A fingerprint from the person delivering the
6 regulated metals property. The fingerprint shall be taken from the
7 right index finger, but if the right index finger is missing, the
8 fingerprint shall be taken from the left index finger; and

9 (k) A photograph or time-stamped video recording of the
10 regulated metals property.

11 (3) The vendor of the regulated metals property shall
12 receive at no charge a plain written or printed receipt of the
13 recorded transaction containing a copy of the entries required by
14 this section.

15 (4) A secondary metals recycler shall keep and maintain
16 the information required under this section for not less than
17 one year after the date of the purchase of the regulated metals
18 property.

19 Sec. 3. During the usual and customary business hours of
20 a secondary metals recycler, any peace officer shall have the right
21 to inspect:

22 (1) Any and all purchased regulated metals property in
23 the possession of the secondary metals recycler; and

24 (2) Any and all records required to be maintained under
25 section 2 of this act.

26 Sec. 4. No secondary metals recycler shall purchase
27 regulated metals property for cash consideration unless the

1 purchase total is not more than twenty-five dollars. Purchases
2 made with the same seller within a four-hour period shall be
3 considered a single transaction. Payment shall be made payable only
4 to the individual named on the identification presented pursuant
5 to section 2 of this act.

6 Sec. 5. No secondary metals recycler shall purchase or
7 receive regulated metals property:

8 (1) From any person who is under the age of majority; or

9 (2) From any person who does not possess a valid
10 form of personal identification or current operator's license
11 required under section 2 of this act at the time of the recorded
12 transaction.

13 Sec. 6. No secondary metals recycler shall purchase or
14 receive a metal beer keg, including those kegs made of stainless
15 steel, if the serial number or other identifying insignia has been
16 destroyed, removed, altered, covered, or defaced.

17 Sec. 7. Sections 1 to 9 of this act do not apply to:

18 (1) Purchases of regulated metals property from a
19 manufacturing, industrial, or other commercial vendor that
20 generates or sells regulated metals in the ordinary course of its
21 business;

22 (2) The collection or purchase of regulated metals
23 property in the form of beverage or food cans; or

24 (3) Recycling or neighborhood cleanup programs contracted
25 or sponsored by the state or any political subdivision.

26 Sec. 8. Any person violating any of the provisions of
27 sections 1 to 9 of this act is guilty of a Class II misdemeanor.

1 Sec. 9. Nothing in sections 1 to 9 of this act shall
2 be construed to abrogate or affect the provisions of any lawful
3 rule, regulation, resolution, ordinance, or statute which is more
4 restrictive than sections 1 to 9 of this act.