



GENERAL ASSEMBLY COMMONWEALTH OF KENTUCKY

2011 REGULAR SESSION

HOUSE BILL NO. 242

FRIDAY, FEBRUARY 11, 2011

The following bill was reported to the Senate from the House and ordered to be printed.

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ELAINE N. WALKER
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adles

1 AN ACT relating to metals.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 →Section 1. KRS 433.890 is amended to read as follows:

4 (1) Every recycler, dealer in junk or metals, dealer in secondhand articles, vendor of
5 bottles or rags, collector of or dealer in articles found in ashes, garbage, or other
6 refuse, whether such dealers, collectors, or vendors have established places of
7 business or operate a business of an itinerant nature, shall, with regard to any
8 catalytic converter, metal beverage container that is capable of holding more than
9 two (2) liters of beverage and is marketed as returnable, railroad rails, nonferrous
10 metal or an alloy thereof, or an object containing nonferrous metal or an alloy
11 thereof:

12 (a) Keep a register that contains:

- 13 1. A photocopy of a valid driver's license or other government-issued
14 identification card or document which contains the name, photograph,
15 and signature of the seller. If the purchaser has a copy of the seller's
16 valid photo identification on file, it shall not be necessary for the
17 purchaser to make another copy of the identification document for each
18 purchase if the purchaser references the number on the identification
19 document in the register at the time of each purchase; and
- 20 2. The state and license number of the motor vehicle used to transport the
21 purchased catalytic converter, metal beverage container that is capable
22 of holding more than two (2) liters of beverage and is marketed as
23 returnable, railroad rail, nonferrous metal or an alloy thereof, or object
24 containing nonferrous metal or an alloy thereof, to the place of purchase,
25 which shall be provided by the seller of the items;
- 26 3. The time and date of the transaction;
- 27 4. A description in the usage of the trade of the kind and weight of the

1 railroad rail, nonferrous metal or an alloy thereof, or object containing
2 the nonferrous metal or an alloy thereof purchased; and

3 5. The amount paid for the material and the unit basis of the purchase, such
4 as by ounce or pound, etc.;

5 **(b) Not purchase any metal that has been smelted, burned, or melted unless, in**
6 **addition to the other requirements of this subsection, the seller provides the**
7 **following and the purchaser maintains a copy thereof:**

8 **1. A signed certificate of ownership stating that he or she is the owner of**
9 **the metal and is entitled to sell it; or**

10 **2. A signed certificate from the owner of the metal stating that he or she**
11 **is the owner of the metal and that the person selling the metal is**
12 **authorized to sell the metal on behalf of the owner;**

13 ~~(c)~~~~(b)~~ Not purchase any catalytic converter, metal beverage container that is
14 capable of holding more than two (2) liters of beverage and is marketed as
15 returnable, railroad rail, nonferrous metal or an alloy thereof, or an object
16 containing nonferrous metal or an alloy thereof from a person who:

17 1. Is less than eighteen (18) years of age; or

18 2. Is unable or refuses to provide the identification and information
19 required in paragraph (a) of this subsection;

20 ~~(d)~~~~(e)~~ Retain the information required by this section for a period of two (2)
21 years, after which time, the information may be retained, destroyed in a
22 manner that protects the identity of the owner of the property and the seller of
23 the property, or transferred to a law enforcement agency specified in
24 paragraph ~~(g)~~~~(f)~~ of this subsection;

25 ~~(e)~~~~(d)~~ If the purchaser ceases business, transfer all records and information
26 required by this section to a law enforcement agency specified in paragraph
27 ~~(g)~~~~(f)~~ of this subsection;

1 ~~(d)~~(e) Permit any peace officer to inspect the register, and if the peace officer
 2 deems it necessary to locate specific stolen property, may inspect the catalytic
 3 converter, metal beverage and container that is capable of holding more than
 4 two (2) liters of beverage is marketed as returnable, railroad rail, nonferrous
 5 metal or an alloy thereof, or object containing nonferrous metal or an alloy
 6 thereof received during business hours;

7 ~~(g)~~(f) Upon written request of the sheriff or chief of police, as appropriate,
 8 make a report containing the information required to be retained in the register
 9 under paragraph (a) of this subsection in person, in digital format, in writing,
 10 or by electronic means within twenty-four (24) hours of the transaction to:

- 11 1. The sheriff of the county in which the purchase was made and the sheriff
 12 of the county in which the business is located; and
- 13 2. When the purchase was made in a city, county, urban-county, charter
 14 county, consolidated local government, or unified local government, to
 15 the police department of the city, county, urban-county, charter county,
 16 consolidated local government, or unified local government in which the
 17 purchase is made and the police department of the city, county, urban-
 18 county, charter county, consolidated local government, or unified local
 19 government in which the business is located, unless there is no police
 20 department in that jurisdiction;

21 ~~(h)~~(g) Comply with a written request pursuant to paragraph ~~(g)~~(f) of this
 22 subsection until a written notice to cease sending the reports required by
 23 paragraph ~~(g)~~(f) of this subsection is received by the purchaser. A request
 24 may relate to:

- 25 1. All records of purchases;
- 26 2. Records of a specific class of metals or items purchased;
- 27 3. Records of purchases during a specific period of time; or

1 4. Records of a specific purchase or purchases; and

2 ~~(1)(h)~~ Retain the property in its original form or a photograph or digital image
3 of the property for a period of three (3) business days from the date of
4 purchase unless notified by a peace officer having reasonable cause to believe
5 that the property may be stolen property, in which case, the property may be
6 seized as evidence by the peace officer or, if not seized, shall be retained for
7 an additional thirty (30) days unless earlier notified by a peace officer that the
8 property may be sold;

9 (2) A sheriff or police department receiving records pursuant to this section shall retain
10 the records for two (2) years, after which time, it may either retain or destroy the
11 records in a manner that protects the identity of the owner of the property, the seller
12 of the property, and the purchaser of the property.

13 (3) Any record required to be made or reported pursuant to this section may be kept and
14 reported in hard copy or digital or in electronic format.

15 (4) This section shall not apply to the purchase, sale, or transfer of:

16 (a) A motor vehicle, aircraft, or other item that is licensed by the state or federal
17 government pursuant to a legitimate transfer of title or issuance of a junk title;

18 (b) A firearm, part of a firearm, firearm accessory, ammunition, or ammunition
19 component;

20 (c) A knife, knife parts, accessory or sheath for a knife, or knifemaking products;

21 (d) A nonreturnable used beverage container or food container;

22 (e) Jewelry, household goods containing metal, garden tools, and similar
23 household items, except for a catalytic converter or metal beverage container
24 that is capable of holding more than two (2) liters of liquid and which is
25 marketed as returnable, which takes place at a flea market or yard sale;

26 (f) A single transaction involving a purchase price of ten dollars (\$10) or less, but
27 more than two (2) transactions with the same person involving a purchase

1 price of ten dollars (\$10) or less in one (1) seven (7) day period shall be
2 reportable transactions;

3 (g) Material disposed of as trash or refuse that contains or may contain a catalytic
4 converter, metal beverage container that is capable of holding more than two
5 (2) liters of beverage and is marketed as returnable, railroad rail, nonferrous
6 metals or an alloy thereof, or an object that contains or may contain a railroad
7 rail or nonferrous metals or an alloy thereof, which is collected by a municipal
8 waste department or by a licensed waste hauler and no payment is made to the
9 person from whom the material is collected by the person or agency collecting
10 the material;

11 (h) A catalytic converter, metal beverage container that is capable of holding
12 more than two (2) liters of beverage and marketed as returnable, railroad rail,
13 nonferrous metal or alloy thereof, or an object containing railroad rail,
14 nonferrous metal, or an alloy thereof from a person who has maintained a
15 record pursuant to this section to a person who is to further recycle the metal
16 or object containing the metal;

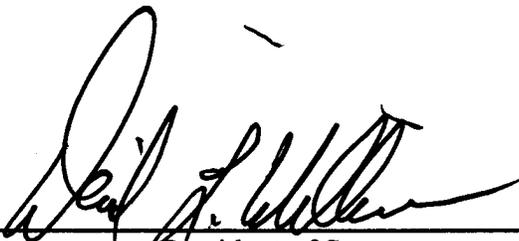
17 (i) A catalytic converter, metal beverage container that is capable of holding
18 more than two (2) liters of beverage and marketed as returnable, railroad rail,
19 nonferrous metal or an alloy thereof, or object containing nonferrous metal or
20 an alloy thereof under a written contract with an organization, corporation, or
21 association registered with the Commonwealth as a charitable, philanthropic,
22 religious, fraternal, civic, patriotic, social, or school sponsored organization;

23 (j) A purchase, pursuant to a written contract, from a manufacturing, industrial or
24 other commercial vendor that generates catalytic converters, metal beverage
25 containers capable of holding more than two (2) liters of beverage and which
26 are marketed as returnable, railroad rail, nonferrous metal or an alloy thereof,
27 or object containing nonferrous metal in the ordinary course of business;

- 1 (k) An item purchased by, pawned to, or sold by a pawnbroker licensed pursuant
2 to KRS Chapter 226, engaging in the business authorized by that chapter; or
3 (l) Any ferrous metal item, except for a catalytic converter, metal beverage
4 container that is capable of holding more than two (2) liters of beverage and is
5 marked as returnable, or railroad rails.



Speaker-House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date March 9, 2011