WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990

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ENROLLED

HOUSE BILL No. 4249

(By Delegate Basham & Reid)

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Passed March 16, 1990

In Effect 90 Days from Passage
ENROLLED

H. B. 4749

(By Delegates Basham and Reid)

[Passed March 10, 1990; in effect ninety days from passage.]

AN ACT to amend and reenact section forty-nine, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to purchase of metals by junk dealers, salvage yard or recycling facility owners or operators; maintaining records thereof; requiring proof of ownership; and providing criminal penalties.

Be it enacted by the Legislature of West Virginia:

That section forty-nine, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-49. Purchase of metals by junk dealers, salvage yard or recycling facilities owners or operators; records of such purchases; penalties.

(a) Any person in the business of purchasing scrap metal, such as a junk dealer, a salvage yard owner or operator or a public or commercial recycling facility owner or operator, or any agent or employee thereof, who purchases any form of copper, or aluminum wire, brass bearings or fittings, mercury, lead or other metallic material of any kind, shall make a permanent record of such purchase. Such record shall accurately list the name, permanent and business addresses and telephone number of the seller, the motor vehicle license
number of any vehicle used to transport the metals to
the place of purchase, the time and date of the transac-
tion and a complete description of the kind and
character of the materials purchased. The person
purchasing the scrap metal shall also require from the
seller, and retain in the permanent record, affidavit of
ownership of the materials being sold. It shall be
unlawful for any of the aforementioned persons to
purchase any metallic materials without affidavit of
ownership, or authorization from the owner to sell, on
the part of the seller. Such record shall be available for
inspection by any law-enforcement officer and must be
maintained for not less than one year after the date of
the purchase. On or before the first day of January,
April, July and October of each year, a purchaser of
scrap metal shall forward to the division of public safety
a copy of all records of purchases made in the preceding
three months.

(b) Should the transaction involve one hundred or
more pounds of copper or aluminum, in any form, the
purchaser of the scrap metal, or his or her agent, shall
report in writing to the chief of police of the municipal-
ity or the sheriff of the county wherein he or she is
transacting business and to the local detachment of the
division of public safety all the information obtained.
The report must be filed within twenty-four hours after
the transaction. The purchaser may not alter the form
or substance of, dispose of or remove from this state,
such copper or aluminum for a period of ten days after
the purchase.

(c) Every nonresident, before transporting from the
state any of the items hereinbefore mentioned, shall file
with the sheriff of the county where such purchase was
made a complete description of the property he or she
proposes to transport from the state, showing the date
of purchase, the names of the buyer and seller, the party
to whom consigned, and the license number of any
automobile or truck which may be employed in trans-
porting such junk or materials hereinbefore mentioned.

(d) Nothing in this section applies to scrap purchases
by manufacturing facilities that melt, or otherwise alter
the form of scrap metal and transform it into a new
product or to the purchase or transportation of food and
beverage containers or other nonindustrial metallic
materials having a marginal value per individual unit.

(e) Any person violating the provisions of this section,
including the knowing falsification of any required
information, is guilty of a misdemeanor, and, upon
conviction, shall be fined not less than one hundred nor
more than five hundred dollars or imprisoned in the
county jail for not more than six months, or both fined
and imprisoned.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within is approved this the 30th day of [Month] 1990.

[Signature]
Governor
PRESENTED TO THE
GOVERNOR
Date 3/21/40
Time 5:29 pm

RECEIVED
MAY 20, 1940