

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990



ENROLLED

HOUSE BILL No. 4249

(By ~~the~~ Delegates Basham + Reid)



Passed March 10, 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.

1 (a) Any person in the business of purchasing scrap
2 metal, such as a junk dealer, a salvage yard owner or
3 operator or a public or commercial recycling facility
4 owner or operator, or any agent or employee thereof,
5 who purchases any form of copper, or aluminum wire,
6 brass bearings or fittings, mercury, lead or other
7 metallic material of any kind, shall make a permanent
8 record of such purchase. Such record shall accurately
9 list the name, permanent and business addresses and
10 telephone number of the seller, the motor vehicle license

11 number of any vehicle used to transport the metals to
12 the place of purchase, the time and date of the transac-
13 tion and a complete description of the kind and
14 character of the materials purchased. The person
15 purchasing the scrap metal shall also require from the
16 seller, and retain in the permanent record, affidavit of
17 ownership of the materials being sold. It shall be
18 unlawful for any of the aforementioned persons to
19 purchase any metallic materials without affidavit of
20 ownership, or authorization from the owner to sell, on
21 the part of the seller. Such record shall be available for
22 inspection by any law-enforcement officer and must be
23 maintained for not less than one year after the date of
24 the purchase. On or before the first day of January,
25 April, July and October of each year, a purchaser of
26 scrap metal shall forward to the division of public safety
27 a copy of all records of purchases made in the preceding
28 three months.

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

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

50 (d) Nothing in this section applies to scrap purchases
51 by manufacturing facilities that melt, or otherwise alter

52 the form of scrap metal and transform it into a new
53 product or to the purchase or transportation of food and
54 beverage containers or other nonindustrial metallic
55 materials having a marginal value per individual unit.

56 (e) Any person violating the provisions of this section,
57 including the knowing falsification of any required
58 information, is guilty of a misdemeanor, and, upon
59 conviction, shall be fined not less than one hundred nor
60 more than five hundred dollars or imprisoned in the
61 county jail for not more than six months, or both fined
62 and imprisoned.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Fredrick L. Parks
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Samuel E. Adams
Clerk of the Senate

Donald J. Kopp
Clerk of the House of Delegates

Kenneth Sundlette
President of the Senate

Bob Cole
Speaker of the House of Delegates

The within is approved this the 30th
day of March 1990.

Easton Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/21/40

Time 3:29 pm

RECEIVED
1900 MAR 30 PM 11:21
OFFICE OF THE GOVERNOR
STATE OF TEXAS