

RECEIVED

1991 MAR 29 PM 4:50

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. *2103*

(By Mr. *Delegates Houvouras & Reid*)

— ● —

Passed *March 9,* 1991

In Effect *from* Passage

RECEIVED

1991 MAR 29 PM 4: 51

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 2103

(By DELEGATE HOUVOURAS AND REID)

[Passed March 9, 1991; in effect 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 nonferrous metal by persons in the businesses of purchasing scrap metal, salvage, and recycling; requiring signed certificates from sellers; removing provisions providing for quarterly report to division of public safety; increasing time to report certain transactions; exempting certain sales from required transaction reporting; removing provisions requiring reports to sheriffs by nonresidents prior to transporting metal from state; increasing the amount of criminal fines for violations; and removing provisions permitting imposition of criminal penalties for violation of section.

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 nonferrous metals by scrap metal purchasing businesses, salvage yards, or recycling facilities; certificates, records and reports of such purchases; criminal penalties.

1 (a) Any person in the business of purchasing scrap
2 metal, any salvage yard owner or operator, or any public
3 or commercial recycling facility owner or operator, or
4 any agent or employee thereof, who purchases any form
5 of copper, aluminum, brass, lead or other nonferrous
6 metal of any kind, shall make a record of such purchase.
7 Such record shall accurately list the name, permanent
8 and business addresses and telephone number of the
9 seller, the motor vehicle license number of any vehicle
10 used to transport the nonferrous metal to the place of
11 purchase, the time and date of the transaction and a
12 complete description of the kind and character of the
13 nonferrous metal purchased. The person purchasing the
14 nonferrous metal shall also require from the seller, and
15 retain in the record, a signed certificate of ownership
16 of the nonferrous metal being sold or authorization from
17 the owner to sell. It shall be unlawful for any of the
18 aforementioned persons to purchase any nonferrous
19 metal without obtaining the certificate of ownership, or
20 authorization from the owner to sell, on the part of the
21 seller. Such record and certificate shall be available for
22 inspection by any law-enforcement officer and must be
23 maintained by the purchaser for not less than one year
24 after the date of the purchase.

25 (b) Should the transaction involve one hundred or
26 more pounds of copper or aluminum, in any form, the
27 purchaser of the copper or aluminum, or his or her
28 agent, shall report in writing to the chief of police of
29 the municipality or the sheriff of the county wherein he
30 or she is transacting business and to the local detach-
31 ment of the division of public safety all the information
32 obtained. The report must be filed within seventy-two
33 hours after the transaction. The provisions of this
34 subsection do not apply to purchases made at wholesale
35 under contract or as a result of a bidding process.

36 (c) Nothing in this section applies to scrap purchases

RECEIVED

3 [Enr. Com. Sub for H.B. 2103
1991 MAR 20 11:30 AM

37 by manufacturing facilities that melt, or otherwise alter
38 the form of scrap metal and transform it into a new
39 product or to the purchase or transportation of food and
40 beverage containers or other nonindustrial materials
41 having a marginal value per individual unit.

42 (d) Any person violating the provisions of this section,
43 including the knowing falsification of any required
44 information, is guilty of a misdemeanor, and, upon
45 conviction, shall be fined not less than five hundred nor
46 more than two thousand dollars.

Enr. Com. Sub. for H. B. 2103] 4

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

Tomer Seck

Chairman Senate Committee

Ernest C Moore

Chairman House Committee

Originating in the House.

Takes effect from passage.

Harold Phillips

Clerk of the Senate

Donald L Kopp

Clerk of the House of Delegates

Keith Brumette

President of the Senate

Robt C. Chalk

Speaker of the House of Delegates

The within *is approved* this the *29th*
day of *March*, 1991.

Yaston Caperton

Governor

PRESENTED TO THE

GOVERNOR

Date

3/20/91

Time

4:50 pm p