WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1991

ENROLLED

HOUSE BILL No. 2103

(By Mr. [Signature])

Passed March 1, 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.

(a) Any person in the business of purchasing scrap metal, any salvage yard owner or operator, or any public or commercial recycling facility owner or operator, or any agent or employee thereof, who purchases any form of copper, aluminum, brass, lead or other nonferrous metal of any kind, shall make a 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 nonferrous metal to the place of purchase, the time and date of the transaction and a complete description of the kind and character of the nonferrous metal purchased. The person purchasing the nonferrous metal shall also require from the seller, and retain in the record, a signed certificate of ownership of the nonferrous metal being sold or authorization from the owner to sell. It shall be unlawful for any of the aforementioned persons to purchase any nonferrous metal without obtaining the certificate of ownership, or authorization from the owner to sell, on the part of the seller. Such record and certificate shall be available for inspection by any law-enforcement officer and must be maintained by the purchaser for not less than one year after the date of the purchase.

(b) Should the transaction involve one hundred or more pounds of copper or aluminum, in any form, the purchaser of the copper or aluminum, or his or her agent, shall report in writing to the chief of police of the municipality 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 seventy-two hours after the transaction. The provisions of this subsection do not apply to purchases made at wholesale under contract or as a result of a bidding process.

(c) 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 materials
having a marginal value per individual unit.

(d) 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 five hundred nor
more than two thousand dollars.
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 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 ______ day of ________, 1991.

[Signature]
Governor