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Sub for SB 219

Before the House Judiciary Committee Testimony by Marlee Carpenter, City of Wichita

Chairman Patton and Members of the Committee;

The City of Wichita is here in support of SB 219 and the funding of a statewide database for scrap metal sales. The City of Wichita believes that funding and implementing the statewide database will help curb scrap metal theft and help address thefts across the state and in the City of Wichita.

All states require record keeping by the dealer in some shape or form. Database reporting is split. Ten states require reporting to a statewide database and 11 states require reporting to a local database. One additional state requires statewide reporting if the seller is not the owner of the property. All 22 state and local databases require electronic reporting. I have attached information about all state reporting requirements to my testimony.

The Kansas database requires reporting much of the same information that is currently required to be kept by the dealer in their local log. The database requirement only requires this information to be upload into a statewide database. In addition, local databases were required in several local jurisdictions in Kansas before 2015. In those localities, dealers were required to provide information to a local database. The requirements for the local database are similar to the current statewide database and requirements in SB 219.

Regarding database effectiveness, Ohio, which was once ranked the top state in the country for scrap metal thefts, police were able to identify a ring of suspects breaking into vacant and under construction residences in several counties, stealing copper plumbing and electrical wiring. This allowed a multi-agency surveillance operation, confirming their stops with scrap metals sold. In 2015, one year after Ohio implemented

their statewide database, scrap metal theft claims decreased by 30% See link to news article: https://www.news-herald.com/news/ohio/ohio-scrap-metal-theft-claims-took-sharp-decline-in-but/article_4966ab66-ffa0-59bb-8435-de03e822f963.html).

Finally, looking at the cost of scrap metal thefts in the last year:

City of Wichita

Parks and Rec \$400,000 with 24 thefts

Public Works \$200,000

KCPL/Westar \$200,000-\$500,000 per year with 3 thefts per month

Cox \$300,000

Again, the City of Wichita urges passage of SB 219 and funding of the statewide database. Thank you for your time and I will be happy to answer any questions.

Scrap Metal Reporting Requirements

Alabama	Automatic daily electronic reporting to state database maintained by the Alabama Criminal Justice Information Center (ACJIC) by 9 PM of day of transaction. Report must include: (1) the name and address of the Recycler; (2) Date and Time of the transaction; (3) The weight, quantity, or volume, and a general physical description of the type of metal property (wire, tubing, extrusions, casting, etc.); (4) The amount of consideration given; (5) The name and address of the person delivering the metal property; and (6) The vehicle license tag number and state of issue (or VIN if no tag is available), and type (automobile, pickup truck, van, truck) of the delivery vehicle.
Alaska	N/A
Arizona	Automatic electronic reporting to Dept. of Public Safety within 24 hours of receiving scrap metal, except from an Industrial Account or another Scrap Metal Dealer. Must include: date, time, place; identifying description & weight of scrap metal; dollar amount of transaction; seller's name, physical description, physical address, date of birth, and signature; copy of seller's ID; and delivery vehicle license number & state of issue.
Arkansas	Daily electronic report of Scrap Metal purchases consisting of the seller's "reasonable, written documentation" and the transaction record. Must be entered into an automated database accessible by law enforcement. Municipalities may require electronic records and reporting by ordinance. A person may notify a recycler of a known or presumed theft of Nonferrous Metal; if metal meeting the description is purchased by or offered for sale to the recycler within 90 days of the notice, the Recycler must notify law enforcement. Database operator shall send a report every 7 days to county sheriffs and to any law enforcement agency that requests more frequent reports, listing all recyclers in the country that have accessed or have access to the database but have not filed a daily report as required.
California	Electronic reports beginning 12 months after the Dept. of Justice & local law enforcement agencies develop a standard format; until that time, may continue to report using existing forms or may begin electronic reporting. Every Recycler shall report transaction record info to the chief of police or sheriff as provided in Bus. & Prof. Code § 21628, on the first working day after purchase of property, on forms or through an electronic reporting system. The Office of the Attorney General provides a Record of Junk Sale or Purchase form PDF for download at http://oag.ca.gov/recycle A Recycler who unknowingly takes possession of Prohibited materials in a

Scrap Metal Reporting Requirements

load without the required certification must notify the appropriate law enforcement agency by the end of the next business day after discovering such, by electronic mail, fax, or a letter delivered in person or by certified mail to provide the written confirmation necessary to avoid being charged with a civil or criminal penalty for possession.

Colorado

N/A

Connecticut

Dealer must make weekly, sworn reports of their transaction records to the local chief of police or to the town clerk.

Processor must immediately notify local law enforcement of the name, if known, and motor vehicle license plate number, if available, of any person offering to sell a bronze statue, plaque, historical marker, cannon, cannon ball, bell, lamp, lighting fixture, lamp post, architectural artifact or similar item.

Under C.G.S. § 22a-208f, Processors qualify for an exemption from solid waste facility permitting requirements if the Processor submits an annual report to the Commissioner of Energy and Environmental Protection on July 31 of each year containing the amount of scrap metals the Processor purchased or received in the prior state fiscal year that were generated within Connecticut. The report must be on a form prescribed by the Commissioner and include or identify: (1) A good faith estimate of the amount received directly from in-state construction or demolition sites; (2) Monthly amounts of scrap metal generated within Connecticut; (3) "Other recyclable materials" generated within Connecticut; (4) Recycling residue generated and the destination facility for such, including whether the destination facility is in Connecticut.

Delaware

Records shall be reported electronically by the close of business the next business day to the law enforcement agency with primary jurisdiction over the Processor's location. The Secretary of the Department of Safety and Homeland Security may determine the format of reports and promulgate rules and regulations that allow for their completion and filing.

A copy of the electronic images of the articles acquired must be supplied to a law enforcement agency within 24 hours of a specific request.

Processors who seize goods offered to them when they have reason to believe those goods have been stolen must immediately notify the law enforcement agency with jurisdiction over the premises where the transaction took place or where the goods are currently located.

Florida

Electronic transaction records shall be electronically transmitted to the appropriate law enforcement official by 10 AM of the business day following the transaction. The electronic law enforcement report must not contain the price paid. Recyclers who provide electronic reports are not required to also deliver the original or paper copies; however, the official

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may request the Recycler make the original transaction form (including the price paid) available within 24 hours of receiving the a request.

Georgia

(amended by HB 461) Effective July 1, 2015, Recyclers must provide record information, except for the amount of consideration given, electronically to the Georgia Bureau of Investigation or its designee. A Recycler who maintains a copy with the Bureau or its designee of the statements each seller must sign and swear to may provide a copy of the individual seller's signature instead of the actual statements, provided the statements are retained and are available for inspection.

The Bureau or its designee shall establish and maintain a database of reported information. Such information shall be considered a trade secret exempt from disclosure under Art. 4, Ch. 18, Title 50; this shall not relieve the Recycler of the obligation to report such to the Bureau or its designee. The database shall be accessible and searchable by: (1) All law enforcement agencies in the state; and (2) Employees of electric suppliers (§ 46-3-3) and of telecommunications companies (§ 46-5-162), provided that such employees have been certified by the Georgia Peace Officers Standards and Training Council as having successfully completed the course of training required by Ch. 8 of Title 35.

The Bureau shall promulgate rules and regulations and establish procedures necessary for this section and ensure compliance with applicable federal and state laws, including: (1) The time, manner, and method of the transmittal of the information; (2) The manner and method by which employees of electric suppliers and telecommunications companies may access and search the database; and (3) The specific information the employees of electric suppliers and telecommunications companies may access and search within the database.

Hawaii

For Copper, Beer Kegs, or Urns, if a Seller does not provide a receipt or notarized declaration the Scrap Dealer shall not purchase the item and shall report the attempted sale to the police.

Idaho

Upon request by a state or local law enforcement officer, a Scrap Metal Business shall report records involving a specific individual, vehicle, or covered item of property, provided that such record still exists at the time of inquiry. The request shall specify a time of not less than 5 business days for the report. The report may be transmitted by fax, modem or similar, or delivered by computer disk subject to the requirements and approval of the chief of police or county's chief law enforcement officer.

Illinois

If a recyclable metal dealer suspects property in his or her possession to be lost or stolen, then he or she shall immediately notify the local law enforcement agency having jurisdiction and provide the law enforcement agency with the seller's information.

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Indiana

N/A

Iowa

N/A

Kansas

(SB 261 makes unenforceable until January 1, 2020) Every Dealer must forward the information required under the Recordkeeping provision to the database maintained by the Attorney General (AG). (date changed by SB 261) Before January 1, 2020, the AG must establish and maintain a transaction report database to provide information to law enforcement and for any other purpose deemed necessary by the AG to implement and enforce the Act.

Information maintained in, submitted to, or stored as part of the database by the AG or by any entity contracting with the AG shall: (1) Be confidential, only be used for investigatory, evidentiary, or analysis purposes related to criminal violations of city, state, or federal law, and shall only be released to law enforcement in response to an official investigation, to provide information to law enforcement, or for any other purpose deemed necessary by the AG; and (2) Not be a public record or subject to the Kansas Open Records Act.

Kentucky

Metal Objects: Upon written request of the sheriff or chief of police, as appropriate, a Recycler shall report Metal Object transaction records in person, in digital format, in writing, or by electronic means within 24 hours of the transaction to all of the following that apply: the sheriff of the county or counties where the purchase was made and where the business is located, as well as the police department or departments of the city, county, urban-county, charter county, consolidated local government, or unified local government where the purchase was made and where the business is located. Metal Object Reports shall be sent until a written notice to cease sending the reports is received. A request may relate to: (1) All records of purchases; (2) Records of a specific class of metals or items purchased; (3) Records of purchases during a specific period of time; or (4) Records of a specific purchase or purchases.

Restricted Metal: A Recycler shall automatically report Restricted Metal purchases at the end of each business day in digital format, in writing, or by electronic means to any of the law enforcement agencies specified in the Metal Objects reporting requirements that apply. The report shall include the following disclosure: "This information is for the designated recipient only and may contain privileged, proprietary, or otherwise private information. If you are not the intended recipient of this information, you are hereby notified that any use, distribution, copying, or disclosure of this communication is strictly prohibited. If you have received this information in error, please notify the sender and purge the communication immediately."

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Louisiana

Every day before 12 PM, Operators must transmit an electronic report of the previous day's records to an electronic database accessible by law enforcement as well as to the chief of police of the city or sheriff of the county where they do business. Payments made by check must be reported separately in the daily reports.

The appropriate law enforcement official may, for an investigation of a crime relating to a particular Scrap Metal transaction, request the Operator to mail or fax them the personally identifiable information relating to the transaction within 24 hours of the request.

Maine

N/A

Maryland

Scrap Metal: Electronic report by the end of the first business day after the transaction to the "Primary Law Enforcement Unit" (Unit): the Department of State Police, a police department, or sheriff, as designated by a resolution of the county or municipal governing body in the county where the Processor is licensed. The report shall be in a format acceptable to the Unit and include all record information except: (1) for the amount paid, only whether the amount or other consideration exceeds \$500; (2) does not require the signature of the Seller and the Dealer, Processor, or employee; and (3) if a Maryland-issued photo ID is provided, a copy of the photo ID. A Processor may not be required to incur a substantial financial burden to comply with the Reporting requirements. Submitted reports shall be kept confidential, are not public records, and are not subject to the State Government article, Title 10, Subtitle 6. The Unit may destroy its copy of a report 1 year after it is received. The Unit may authorize a Processor to extend the Reporting deadline by an extra day, hold written records instead of electronic, or submit reports by facsimile or mail.

Historic Marker or Plaque: Dealers, Processors, and Antique Dealers shall report the following within 3 business days to the sheriff or other law enforcement official designated by the governing body of the county in which the business is located: (1) the date and time of purchase; (2) the name and address of the Seller; (3) the license tag number of any vehicle used; and (3 A) description of the Historic Marker or Plaque, including the full text, any installation date, and the name of any installation sponsor. The sheriff or other law enforcement official promptly shall notify the Maryland Historical Trust with a copy to the reporting business.

Massachusetts

N/A

Michigan

If representatives of the scrap metal industry, in consultation with the Dept. of State Police, develop or contract for the development of a web-based electronic database of Special Payment Item transactions that meets the state's requirements, beginning no later than 30 days after the database is determined in order and the State Police publish notice that it

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is implemented and operational, a Dealer must, by noon of the next business day, electronically report the following for Special Payment Item transactions: (1) Name and address of the Dealer; (2) Name and address of the Seller; (3) Date and time of the transaction; (4) A description of the items purchased; (5) The weight or volume of the items purchased.

Minnesota N/A, SF 878 repealed the reporting requirements created by 2013 Minnesota HF 1214 and 2014 Minnesota HF 2605 and removed references to the Minneapolis automated property system interchange file specification format.

Mississippi The Mississippi Secretary of State has adopted rules requiring Customer Transaction Reports containing the record information be submitted electronically to the State's agent (currently Leads Online) no later than 5 PM of the next business day following a purchase. The Mississippi Scrap Metal Rules are available online along with additional information on compliance and sample reports on the Mississippi Secretary of State Scrap Metal Site.

Any person transporting or causing Metal Property to be transported from any point within this state to any point outside this state must first report the same record information required of a Purchaser by the Recordkeeping provision to the sheriff of the county from which the person departs the state. The sheriff receiving the report shall keep the information in records maintained in his office as a public record available for inspection by any person at all reasonable times.

Bronze Cemetery Objects must be reported to the municipal or county law enforcement agency where the Dealer is located. The notice must identify all names, letters, dates, and symbols on the bronze and include a photograph of the bronze. Written permission from the cemetery and the appropriate law enforcement agency must be received before such objects may be purchased, processed, sold, or melted.

Manhole Covers and Political Subdivision Property: Any Purchaser who purchases in bulk shall have 24 hours to determine if prohibited property is included in the purchase; if such is included, the Purchaser shall notify law enforcement no later than 24 hours.

Missouri N/A

Montana N/A

Nebraska N/A

Nevada A local law enforcement agency may establish an electronic reporting system or utilize an existing electronic reporting system to receive

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information related to purchases of Scrap Metal by Processors in its jurisdiction. The system must provide for electronic submission by Processors, and be electronically secure and accessible only to: (1) A Processor for the purpose of submitting information; (2) An officer of the local law enforcement agency; and (3) If applicable, an authorized employee of any designated 3rd party.

If a system is established, a Processor transacting business in that jurisdiction must submit electronic reports to the agency or designated 3rd party by 12 PM of the next business day with the following information (purchases from a business entity are exempt from reporting): (1) The Seller's name; (2) The date of purchase; (3) The name of the person who conducted the transaction on behalf of the Processor; (4) The name, street, house number, and date of birth listed on the Seller's ID; (5) The Seller's physical description, including gender, height, and eye and hair color; (6) The license number and general description of the delivery vehicle; (7) The description of the Scrap Metal as recorded; (8) The amount, in weight, of Scrap Metal purchased.

Separate reporting requirements for Junk Dealers.

New Hampshire

N/A

New Jersey

An Operator shall immediately report to an appropriate law enforcement agency any delivery or sale of Scrap Metal under circumstances that would cause a reasonable person to believe the Scrap Metal was probably stolen or otherwise inappropriately obtained.

Any person who reports information to a law enforcement official or agency concerning the suspect delivery or sale of Scrap Metal shall be immune from any civil liability for the report unless they acted in bad faith or with malicious intent.

New Mexico

A Dealer must report the Regulated Material transaction record by the 2nd business day following a transaction to the database maintained by the Regulation and Licensing Department. A Dealer must upload the required report directly to the database. The database is exclusively accessible to law enforcement agencies; records received by the Department shall be made available by the end of the second business day following the receipt. A Dealer that becomes aware they are in possession of Regulated Material that was stolen or unlawfully obtained must report to a local law enforcement agency within 24 hours.

New York

N/A

North Carolina

If requested by the sheriff or chief of police of the county or municipality where the Recycler is located, a Recycler shall make the required receipts available for pickup each regular workday. Law enforcement may also

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request receipts be electronically transferred directly to the law enforcement agency.

North Dakota

N/A

Ohio

Effective February 2, 2015, Ohio Admin. Code 4501:5-3-03 requires a daily electronic report by 12 PM EST of all retail transactions during the previous day using the Ohio Dept. of Public Safety Scrap Metal & Bulk Merchandise Container Dealers page. Reports must be submitted in English by manually entering the transactions, uploading prepared transaction reports manually, or utilizing independent software capable of transmitting them in accordance with the rules. Photographs must include a valid date and time stamp in a mm/dd/yyyy and 00:00 standard time format, be legible and clearly display the content being photographed, be in color, be no larger than 1 MB when transmitted, and be transmitted as a JPEG. Records submitted to any law enforcement agency, railroad police officer, or the Director or Director's representative are not public records. Upon request, Dealers shall provide a copy of records to any law enforcement agency, railroad police officer, or the Director or Director's representative.

A person or their agent who claims to own a stolen article that may be identified in the submitted records and provides proof of having filed a stolen property report may request those records held by a law enforcement agency. The law enforcement agency shall redact information that reveals the name of the Seller, the price the Dealer paid, or the estimated value of any article the Dealer received. The law enforcement agency shall determine which records to provide based upon the time period that the alleged theft is reported to have taken place, and may charge or collect a fee for providing records.

A peddler or person who goes about with a wagon to purchase or obtain articles, and who does not have a place of business in a building, need not retain articles for 30 days before selling them if they report their records weekly with the mayor of the municipal corporation where they sell the articles they have obtained, along with a description of the articles sold, the purchaser, and the purchaser's place of business.

Oklahoma

If requested by a law enforcement agency, a Dealer shall report in writing the required record for all purchases of Scrap Metal within 48 hours. Political subdivisions may prescribe the reporting methods and the format of records, either written, electronic, or internet-based. The Department shall designate an internet-based reporting method that applies to all geographic areas of the state that are not subject to a local designation for internet reporting. A retention period is not specified. (Dept. designation added by HB 2950)

(added by HB 2950) For sales or purchases of material covered by the Copper Material provision, Exempted Sellers must provide documentation of their Exempt Seller status. If requested by a law enforcement agency

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where the purchase was made, a Dealer must transmit the documentation to the agency. The documentation may be kept as permanent record and made available for public inspection
(added by HB 2950) A Dealer shall not provide payment for a vehicle until the certificate of ownership has been submitted to the Oklahoma Tax Commission or a motor license agent, and the vehicle is determined not to be stolen. Does not apply to transactions between Dealers and licensed automotive dismantlers and parts recyclers.

Oregon

A Scrap Metal Business must report the purchase or receipt of any of the following to a law enforcement agency within 24 hours: (1) Metal Property the person knows or has good reason to know is stolen or was unlawfully altered; (2) Metallic wire which has had insulation removed if the Seller did not provide additional documentation proving the Seller owns or is entitled to offer the wire for purchase or receipt and that the insulation was removed by accident or was done by legitimate means for a legitimate purpose; (3) Commercial Metal Property the person knows or has good reason to know was not acquired from a Commercial Seller with a Commercial Account or an individual who can produce written authorization to deliver Metal Property for such; or (4) Metal Property from an individual the person knows or has good reason to know is under 16 years old or has, according to written or electronically transmitted information provided by a peace officer or law enforcement agency, been convicted within the last five years as a principal, agent, or accessory of a crime involving drugs; burglary, robbery, or theft; or possession or receipt of stolen property.

For Metal Property the Scrap Metal Business possesses and knows or has good reason to know was lost by or stolen from the lawful possessor, the Scrap Metal Business must promptly report the name of the lawful possessor, if known; the name of the person that delivered the Metal Property; and the date the property was received.

Within 2 business days after receiving a subpoena from a peace officer or law enforcement agency for information related to a specified individual, vehicle, or Metal Property, a Scrap Metal Business must provide a copy of the relevant record or relevant part of a Commercial Account record with the related information, by any form or method reasonably required.

Pennsylvania

For material subject to a tag and hold notice, the Processor or Operator must notify law enforcement that the material is on their premises within 24 hours of receiving the hold notice or of receiving the reported materials.

Rhode Island

At the request of a law enforcement department, records must be reported by hand delivery, mail, or electronic submission to the chief of police of the requesting department.

A licensee shall immediately notify the police department of any purchase or receipt of Restricted Regulated Metal Property, or of any individual

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attempting to sell Public Property without authorization from a governmental entity.

South Carolina

N/A

South Dakota

Upon request by a law enforcement officer, a Scrap Metal Business must report a requested copy of a transaction record within 2 business days. A Scrap Metal Business with good cause to believe any Nonferrous Metal in its possession is lost or stolen must promptly report the following to a law enforcement officer: (1) The fact that the Scrap Metal Business believes the metal was lost or stolen; (2) The name of the owner of the Nonferrous Metal, if known; (3) The date of the transaction; (4) The Seller's name.

Tennessee

N/A

Texas

Recyclers must send an electronic transaction report to the Department by the close of the Recycler's second working day after the date of acquisition. A Recycler is not required to include the amount of the purchase or a copy of the cash transaction card, debit card receipt, or check in the transaction report.

For a purchase of bronze cemetery vase, receptacle, memorial, or statuary, or an aluminum irrigation pipe, a Recycler must also notify the Department by phone, email, or the Department's website by the close of the business on the first working day after the purchase date in addition to the standard report, unless the Seller: (1) Is the manufacturer or fabricator of the material or pipe; (2) Bears a bill of sale for the material or pipe; or (3) Is the owner of the material or pipe.

Recyclers may submit reports by fax if they receive an annual exception from the Department for having no available and reliable means of electronic transmission.

(added by SB 208) For the possession of an Explosive Device unknowingly purchased or otherwise obtained, a Recycler must report to the Department by phone, email, or through the Department's website on the first working day after the date the possession of the device is discovered. The Recycler may also report to an appropriate law enforcement authority or the nearest military installation so that the Explosive Device may be removed or disposed of as soon as possible.

Utah

N/A

Vermont

If the Seller does not provide ownership documentation, a Processor must submit a report to the Department of Public Safety by the close of the

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following business day that describes the material and the Seller's identifying information.

Virginia

For Proprietary Articles purchased without documentation from the Seller establishing lawful possession, a Purchaser must submit a report to the local sheriff's department or chief of police by the close of the following business day with: (1) A description of the Proprietary Article; and (2) A copy of the Seller's identifying information.

If requested by the chief law enforcement officer of a Purchaser's business locality, every Purchaser conducting business in the locality shall furnish to the chief a report of all purchases of Nonferrous Scrap, Metal Articles, and Proprietary Articles, excluding aluminum cans and interior household items. Reports must be submitted in a form prescribed by the Virginia State Police and electronically if requested, on the next business day following the purchase, containing the following information: (1) The Seller's name, date of birth, identification number, address, height, and weight; (2) The license number of any motor vehicle the goods were delivered in.

Washington

A Scrap Metal Business with good cause to believe that any Covered Metal Property in its possession was previously lost or stolen must promptly report the following to the applicable commissioned law enforcement officer of the state, the chief of police, or the county's chief law enforcement officer: (1) The name of the owner of the property, if known; (2) The date the property was received; (3) The name of the Seller.

Upon request by any commissioned law enforcement officer of the state or any political subdivision, every Scrap Metal Business must furnish record transcripts involving only a specified individual, vehicle, or item. Such reports must be transmitted within 2 business days electronically, by fax, modem or similar, or by delivery of a computer disk subject to the requirements and approval of the chief of police or county's chief law enforcement officer. Reports are exempt from disclosure under § 42.56. Compliance with the Reporting requirements shall not give rise to or form the basis of private civil liability on the part of a Scrap Metal Business.

West Virginia

Purchasers must either: (1) Retain records at their place of business for 3 years after the date of purchase; or (2) File records within 72 hours with the local detachment of the State Police and either the chief of police of the municipality or sheriff of the county where the Purchaser is transacting business. Law enforcement must retain for 3 years.

Wisconsin

For a Proprietary Article purchased without documentation establishing lawful possession, a Dealer must report within 1 business day to a local law enforcement department: (1) A description of the article; and (2) The Seller's or Deliverer's identifying information.

A local law enforcement officer may request that all Dealers in the

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jurisdiction furnish reports of all purchases of Nonferrous Scrap, Metal Articles, and Proprietary Articles within 1 business day following the purchase with the following information: (1) Each Seller's or Deliverer's name, date of birth, identification number and address; (2) The license number and state of issuance on each Seller's or Deliverer's vehicle. Any city, village, town, or county may require by ordinance that Dealers submit the reports provided for in an electronic format to a law enforcement officer.

Wyoming

N/A