

HOUSE BILL No. 2470

By Committee on Corrections and Juvenile Justice

1-17

1 AN ACT concerning regulated scrap metal; relating to unlawful acts;
2 amending K.S.A. 2011 Supp. 50-6,111 and repealing the existing
3 section.

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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Sec. 1. K.S.A. 2011 Supp. 50-6,111 is hereby amended to read as
7 follows: 50-6,111. (a) It shall be unlawful for any such scrap metal dealer,
8 or employee or agent of the dealer, to purchase any item or items of
9 regulated scrap metal in a transaction for which K.S.A. 2011 Supp. 50-
10 6,110, and amendments thereto, requires information to be presented by
11 the seller, without demanding and receiving from the seller that
12 information. Every scrap metal dealer shall file and maintain a record of
13 information obtained in compliance with the requirements in K.S.A. 2011
14 Supp. 50-6,110, and amendments thereto. All records kept in accordance
15 with the provisions of this act shall be open at all times to peace or law
16 enforcement officers and shall be kept for two years. If the required
17 information is maintained in electronic format, the scrap metal dealer shall
18 provide a printout of the information to peace or law enforcement officers
19 upon request.

20 (b) It shall be unlawful for any scrap metal dealer, or employee or
21 agent of the dealer, to purchase any item or items of regulated scrap metal
22 in a transaction for which K.S.A. 2011 Supp. 50-6,110, and amendments
23 thereto, requires information to be presented by the seller, without
24 obtaining from the seller a signed statement that: (1) Each item is the
25 seller's own personal property, is free of encumbrances and is not stolen; or
26 (2) that the seller is acting for the owner and has permission to sell each
27 item.

28 (c) It shall be unlawful for any scrap metal dealer, or employee or
29 agent of the dealer, to purchase any junk vehicle in a transaction for which
30 K.S.A. 2011 Supp. 50-6,110, and amendments thereto, requires
31 information to be presented by the seller, without: (1) Inspecting the
32 vehicle offered for sale and recording the vehicle identification number;
33 and (2) obtaining an appropriate vehicle title or bill of sale issued by a
34 governmentally operated vehicle impound facility if the vehicle purchased
35 has been impounded by such facility or agency.

36 (d) It shall be unlawful for any scrap metal dealer, or employee or

1 agent of the dealer, to purchase or receive any regulated scrap metal from a
2 minor unless such minor is accompanied by a parent or guardian or such
3 minor is a licensed scrap metal dealer.

4 (e) It shall be unlawful for any scrap metal dealer, or employee or
5 agent of the dealer, to purchase any of the following items of regulated
6 scrap metal property without obtaining proof that the seller is an
7 employee, agent or person who is authorized to sell the item of regulated
8 scrap metal property on behalf of the governmental entity, utility provider,
9 railroad, cemetery, civic organization or scrap metal dealer:

- 10 (1) Utility access cover;
- 11 (2) street light poles or fixtures;
- 12 (3) road or bridge guard rails;
- 13 (4) highway or street sign;
- 14 (5) water meter cover;
- 15 (6) traffic directional or traffic control signs;
- 16 (7) traffic light signals;
- 17 (8) any metal marked with any form of the name or initials of a
18 governmental entity;
- 19 (9) property owned and marked by a telephone, cable, electric, water
20 or other utility provider ~~or any such wire or cable that has had the~~
21 ~~sheathing removed, making ownership identification impossible;~~
- 22 (10) property owned and marked by a railroad;
- 23 (11) funeral markers or vases;
- 24 (12) historical markers;
- 25 (13) bales of regulated metal;
- 26 (14) beer kegs;
- 27 (15) manhole covers;
- 28 (16) fire hydrants or fire hydrant caps;
- 29 (17) junk vehicles with missing or altered vehicle identification
30 numbers;
- 31 (18) real estate signs;
- 32 (19) bleachers or risers, in whole or in part; and
- 33 (20) twisted pair copper telecommunications wiring of 25 pair or
34 greater existing in 19, 22, 24 or 26 gauge.

35 (f) It shall be unlawful for any scrap metal dealer, or employee or
36 agent of the dealer, to sell, trade, melt or crush, or in any way dispose of,
37 alter or destroy any regulated scrap metal, junk vehicle or vehicle part
38 upon notice from any law enforcement agency, or any of their agents or
39 employees, that they have cause to believe an item has been stolen. A scrap
40 metal dealer shall hold any of the items that are designated by or on behalf
41 of the law enforcement agency for 30 days, exclusive of weekends and
42 holidays.

43 Sec. 2. K.S.A. 2011 Supp. 50-6,111 is hereby repealed.

1 Sec. 3. This act shall take effect and be in force from and after its
2 publication in the Kansas register.
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