

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 142, As Amended

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO SCRAP DEALERS; AMENDING SECTION 54-2701, IDAHO CODE, TO PROVIDE
2 FOR CATALYTIC CONVERTERS AND CERTAIN VALUABLE METALS; AND DECLARING AN
3 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 54-2701, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 54-2701. DEFINITIONS. The definitions in this section apply through-
9 out this chapter unless the context clearly requires otherwise.

10 (1) "Commercial account" means a relationship between a scrap metal
11 business and a commercial enterprise that is ongoing and properly documented
12 under this chapter.

13 (2) "Commercial enterprise" means a corporation, partnership, limited
14 liability company, association, state agency, political subdivision of the
15 state, public corporation, or any other legal or commercial entity.

16 (3) "Commercial metal property" means property sold by a commercial
17 enterprise consisting of: access covers; street light poles and fixtures;
18 road and bridge guardrails; highway or street signs; water meter covers;
19 traffic directional and control signs; traffic light signals; any metal
20 property marked with the name of a municipality, governmental entity or a
21 commercial enterprise, including, but not limited to, a telephone, cable,
22 electric, water, natural gas, or other utility, or railroad materials;
23 copper or aluminum wiring with associated clamps and connectors; aluminum
24 or stainless steel fence panels; aluminum decking, bleachers, or risers;
25 historical markers; statue plaques; grave markers and funeral vases; ~~or~~
26 agricultural irrigation equipment not limited to wheels, sprinkler heads,
27 or pivots or pipes; or catalytic converters.

28 (4) "Nonferrous metal property" means metal property for which the
29 value of the metal property is derived from the property's content of cop-
30 per, brass, aluminum, bronze, lead, zinc, nickel, gold, silver, platinum,
31 rhodium, palladium, and their alloys, but shall not include aluminum bever-
32 age containers, used beverage containers or similar beverage containers;
33 however, the term includes stainless steel beer kegs and catalytic convert-
34 ers.

35 (5) "Record" means a paper, electronic, or other method of storing in-
36 formation.

37 (6) "Scrap metal business" means a scrap metal supplier, scrap metal
38 recycling center, or scrap metal processor that is a commercial enterprise
39 that purchases, receives and processes nonferrous metal property, stainless
40 steel or commercial metal property.

41 (7) "Scrap metal processor" means a person with a current business li-
42 cense that conducts business from a permanent location, that is engaged in

1 the business of purchasing or receiving metal property for the purpose of
2 altering the metal in preparation for its use as feedstock in the manufac-
3 ture of new products, and that maintains a hydraulic bailer, shearing de-
4 vice, crusher or shredding device for recycling.

5 (8) "Scrap metal recycling center" means a person with a current busi-
6 ness license that is engaged in the business of purchasing or receiving non-
7 ferrous metal property for the purpose of aggregation and sale to another
8 scrap metal business and that maintains a fixed place of business within the
9 state.

10 (9) "Scrap metal supplier" means a person that is engaged in the busi-
11 ness of purchasing or receiving nonferrous metal property for the purpose of
12 aggregation and sale to a scrap metal recycling center or scrap metal proces-
13 sor and that does not maintain a fixed business location in the state.

14 (10) "Transaction" means a pledge, or the purchase of, or the trade of
15 any item of nonferrous metal property by a scrap metal business from a member
16 of the general public. "Transaction" does not include donations or the pur-
17 chase or receipt of nonferrous metal property by a scrap metal business from
18 a commercial enterprise, from another scrap metal business, or from a duly
19 authorized employee or agent of the commercial enterprise or scrap metal
20 business.

21 SECTION 2. An emergency existing therefor, which emergency is hereby
22 declared to exist, this act shall be in full force and effect on and after
23 July 1, 2023.