

Regular Session, 2013

SENATE BILL NO. 131

BY SENATORS JOHN SMITH AND JOHNS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COMMERCIAL REGULATIONS. Provides relative to the sale of certain scrap metal.
(8/1/13)

1 AN ACT
2 To amend and reenact R.S. 37:1973(A) and (C), relative to scrap metal recyclers; to provide
3 for the forms of payment for copper or other metals; to provide terms and conditions;
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 37:1973(A) and (C) are hereby amended and reenacted to read as
7 follows:

8 §1973. Payment by **loadable payment card or** check for copper or other metals
9 required; check cashing prohibited

10 A.(1) An operator shall not enter into any cash transactions in payment for
11 the purchase of copper. Payment **After five business days from the date of the**
12 **transaction, payment** for copper shall be made in the form of a check made payable
13 to the **name and address of the** seller of the metal ~~and mailed to the address~~
14 ~~recorded on the photo identification of the seller no earlier than five business days~~
15 ~~after the date of the transaction~~ **or a loadable payment card and shall be tendered**
16 **to the seller in any of the following manners:**

17 **(a) By mail to the address recorded on the photo identification of the**

1 seller.

2 (b) In person at the place of business of the operator.

3 (c) By electronic transfer.

4 (2) An operator shall not enter into any cash transactions in excess of three
 5 hundred dollars in payment for the purchase of metal property other than copper.
 6 Payments in excess of three hundred dollars for metals other than copper shall be
 7 made in the form of a check made payable to the name and address of the seller or
 8 a loadable payment card and may be tendered to the seller at the time of the
 9 transaction. The operator, at his discretion, may make payment by either cash or
 10 other method for transactions of three hundred dollars or less for all metals other
 11 than copper.

12 * * *

13 C. ~~Except for copper purchases, in lieu of a check,~~ Pursuant to the
 14 provisions of this Section, if an operator ~~may make~~ makes a payment to the seller
 15 in the form of a check or loadable payment card. ~~The~~ the operator shall require
 16 verification of the seller's identification by a driver's license or similar means; and
 17 shall require verification of the seller's address by a current utility bill. The operator
 18 shall retain a copy of such utility bill.

19 * * *

The original instrument was prepared by Michelle Ducharme. The following digest, which does not constitute a part of the legislative instrument, was prepared by J. Ashley Mitchell.

DIGEST

John Smith (SB 131)

Present law provides that an operator shall not enter into any cash transactions in payment for the purchase of copper.

Present law provides that payment for copper shall be made in the form of a check made payable to the seller of the metal and mailed to the address recorded on the photo identification of the seller no earlier than five business days after the date of the transaction.

Proposed law provides that after five business days from the date of the transaction, payment for copper shall be made in the form of a check made payable to the name and address of the seller of the metal or a loadable payment card and shall be tended to the seller in either of the following manners:

- (1) By mail to the address recorded on the photo identification of the seller.
- (2) In person at the place of business of the operator.
- (3) By electronic transfer.

Present law provides that an operator shall not enter into any cash transactions in excess of \$300 in payment for the purchase of metal property other than copper. Payments in excess of \$300 for metals other than copper shall be made in the form of a check made payable to the name and address of the seller and may be tendered to the seller at the time of the transaction.

Proposed law provides that payments in excess of \$300 for metals other than copper shall be made in the form of a check made payable to the name and address of the seller or a loadable payment card and may be tendered to the seller at the time of the transaction.

Present law provides that except for copper purchases, in lieu of a check, an operator may make payment to the seller in the form of a check or loadable payment card.

Present law further provides that an operator shall require verification of the seller's identification by a driver's license or similar means, and shall require verification of the seller's address by a current utility bill.

Proposed law provides that if an operator makes payment to the seller in the form of a loadable payment card, the operator shall require verification of the seller's identification by a driver's license or similar means, and shall require verification of the seller's address by a current utility bill.

Effective August 1, 2013.

(Amends R.S. 37:1973(A) and (C))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Requires that payment for the sale of copper be made after five business days after the transaction either by check or by loadable payment card.
2. Provides that payment by check or loadable payment card shall be either mailed to the seller at the address recorded on the photo identification of the seller or in person at the place of business of the operator.

Senate Floor Amendments to engrossed bill

1. Allows payment "by electronic transfer".
2. Allows payment by a check card.