

SENATE BILL NO. 496

BY SENATOR CONNICK

1 AN ACT

2 To amend and reenact R.S. 37:1962, 1964(8), 1972(C), the introductory paragraph of  
3 1973(A)(1), and 1973(A)(2) and (C), and to enact R.S. 37:1968(C) and 1972(D),  
4 relative to scrap metal recycling; to provide for recordkeeping and reporting  
5 requirements for certain transactions; to provide for payment requirements for  
6 certain metal transactions; to provide for duties of operators; to provide for  
7 exemptions; to provide for definitions and terms; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 37:1962, 1964(8), 1972(C), the introductory paragraph of 1973(A)(1),  
10 and 1973(A)(2) and (C) are hereby amended and reenacted and R.S. 37:1968(C) and  
11 1972(D) are hereby enacted to read as follows:

12 §1962. Definitions

13 As used in this Chapter, the following words shall have the meaning ascribed  
14 to them in this Section unless the context clearly indicates otherwise:

15 (1) **"Cable service provider" means any person or entity that provides**  
16 **cable service over a cable system and directly, or through one or more affiliates,**  
17 **owns a significant interest in that cable system, or that otherwise controls or is**  
18 **responsible for, through any arrangement, the management and operation of**  
19 **that system.**

20 (2) **"Carrier" means any person who transports in a transport vehicle**  
21 **hazardous materials, freight, or passengers and includes a common, contract,**  
22 **or private carrier.**

23 (3) **"Common carrier" includes all persons engaged in the transportation**  
24 **of petroleum as public utilities and common carriers for hire, or which on**

1 proper showing may be legally held a common carrier from the nature of the  
 2 business conducted, or from the manner in which such business is carried on.

3 (4) "Copper or brass material" means either of the following:

4 (a) A power inverter, bus bar, insulated or noninsulated copper wire or  
 5 cable that contains copper or an alloy of copper and zinc, and that is of the type  
 6 used by any of the following:

7 (i) Cable service provider.

8 (ii) Carrier.

9 (iii) Person responsible for the construction, maintenance, service, or  
 10 operation of a pipeline.

11 (iv) Public utility.

12 (v) Telecommunications service provider.

13 (vi) Video service provider.

14 (b) Any copper or brass item of a type commonly used in construction  
 15 or by a person listed in this Paragraph.

16 (5) "Operator" means any person employed in responsible charge of  
 17 operating all or any portion of a scrap metal recycling facility.

18 (6) "Pipeline" means flow, transmission, distribution, or gathering lines,  
 19 regardless of size or length, which transmit or transport oil, gas,  
 20 petrochemicals, minerals, or water in a solid, liquid, or gaseous state.

21 (7) "Public utility" means any business or organization that regularly  
 22 supplies the public with a commodity or service, including electricity, gas,  
 23 water, telephone, telegraph, radio, drainage, sewerage, and other like services.

24 ~~(2)~~**(8)** "Railroad track materials" means steel in the form of railroad tracks or  
 25 in the form of rail, switch components, spikes, angle bars, tie plates, or bolts of the  
 26 type used in constructing railroads, or any combination of such materials.

27 ~~(3)~~**(9)** "Scrap metal" means metal materials which are purchased for resale  
 28 to be recycled, including but not limited to ferrous materials, catalytic converters,  
 29 auto hulks, copper, copper wire, copper alloy, bronze, zinc, aluminum other than in  
 30 the form of cans, stainless steel, nickel alloys, or brass, whether in the form of bars,

1 cable, ingots, rods, tubing, wire, wire scraps, clamps or connectors, railroad track  
2 materials, water utility materials, and used building components. The term shall not  
3 include precious metals, including but not limited to gold, silver, and platinum.

4 ~~(4)~~**(10)** "Scrap metal recycling facility" means any physical entity that has the  
5 function of recycling scrap metal.

6 **(11) "Telecommunications service" means the electronic transmission,**  
7 **conveyance, or routing of voice, data, audio, video, or any other information or**  
8 **signals to a point, or between or among points. "Telecommunications service"**  
9 **includes the transmission, conveyance, or routing in which computer processing**  
10 **applications are used to act on the form, code, or protocol of the content for**  
11 **purposes of transmission, conveyance, or routing without regard to whether the**  
12 **service is referred to as voice over internet protocol service or is classified by the**  
13 **Federal Communications Commission as an enhanced or value-added service.**

14 ~~(5)~~**(12)** "Used building component" means any object produced or shaped by  
15 human workmanship or tools that is an element of structural, architectural,  
16 archaeological, historical, ornamental, cultural, utilitarian, decorative, or sentimental  
17 significance or interest, which has been and may be used as an adjunct to or  
18 component or ornament of any building or structure, regardless of monetary worth,  
19 age, size, shape, or condition, that is immovable property, or fixtures or component  
20 parts of immovable property of any nature or kind whatsoever.

21 **(13) "Video service provider" means any entity providing video service**  
22 **programming through wireline facilities located at least in part in any public**  
23 **right-of-way without regard to delivery technology, including internet protocol**  
24 **technology.**

25 ~~(6)~~**(14)** "Water utility materials" shall include but not be limited to water  
26 meters, valves, pipes, and fittings.

27 \* \* \*

28 §1964. Exemptions

29 The provisions of this Chapter shall not apply to:

30 \* \* \*

1 (8) The purchase of materials from any manufacturing, industrial, or other  
2 commercial vendor that generates the materials as a byproduct or recyclable waste  
3 or sells such materials in the ordinary course of its business. **Business-to-business**  
4 **purchase of materials by an operator from either of the following:**

5 **(a) Any licensed operator, scrap metal recycling facility, cable service**  
6 **provider, carrier, public utility company, telecommunications service provider,**  
7 **or video service provider.**

8 **(b) Any other manufacturing, industrial, or other commercial business,**  
9 **or its agent, that generates scrap metal in the ordinary course and scope of its**  
10 **business.**

11 \* \* \*

12 §1968. Photographic and other records; exceptions

13 \* \* \*

14 **C. In any transaction involving copper or brass material, every operator**  
15 **shall be required to obtain a photograph of the person selling or delivering the**  
16 **copper or brass material to the facility, a thumbprint of the person, the quality**  
17 **of which thumbprint shall be sufficient to identify the person, and a photocopy**  
18 **of the person's valid Louisiana driver's license, valid driver's license from**  
19 **another state, valid passport, military identification, or identification issued by**  
20 **a governmental agency or the United States Postal Service.**

21 \* \* \*

22 §1972. Daily report of entries

23 \* \* \*

24 **C. In any transaction involving copper or brass material, every operator**  
25 **licensed pursuant to this Chapter shall, every day before the hour of twelve**  
26 **noon, transmit pictures of all copper or brass materials purchased during the**  
27 **previous day to an electronic database accessible by law enforcement.**

28 **D.** The operator shall have the responsibility of tendering the information  
29 provided for in Subsections A ~~and B, B, and C~~ of this Section regardless of its use  
30 or nonuse by the chief of police in the city or town in which he is doing business or,

1           alternatively, to the sheriff of the parish in which he is doing business. The tender of  
2           this information is a courtesy mandated by state law and which provides a benefit to  
3           the general public. The chief of police or sheriff shall not be mandated to take any  
4           particular action concerning the information tendered.

5           §1973. Payment by loadable payment card or check for copper **or brass materials**,  
6                                   aluminum-copper air conditioning coils, or other metals required;  
7                                   check cashing prohibited

8                   A.(1) An operator shall not enter into any cash transactions in payment for  
9           the purchase of copper **or brass materials**, or aluminum-copper air conditioning  
10          coils. After five business days from the date of the transaction, payment for copper  
11          **or brass materials**, or aluminum-copper air conditioning coils shall be made in the  
12          form of a check made payable to the name and address of the seller of the copper **or**  
13          **brass materials**, or aluminum-copper air conditioning coils, or a loadable payment  
14          card and shall be tendered to the seller in any of the following manners:

15   \*       \*       \*

16                   (2) An operator shall not enter into any cash transactions in excess of three  
17          hundred dollars in payment for the purchase of metal property other than copper **or**  
18          **brass materials**, or aluminum-copper air conditioning coils. Payments in excess of  
19          three hundred dollars for metals other than copper **or brass materials**, or aluminum-  
20          copper air conditioning coils shall be made in the form of a check made payable to  
21          the name and address of the seller or a loadable payment card and may be tendered  
22          to the seller at the time of the transaction. The operator, at his discretion, may make  
23          payment by either cash or other method for transactions of three hundred dollars or  
24          less for all metals other than copper **or brass materials**, or aluminum-copper air  
25          conditioning coils.

26   \*       \*       \*

27                   C. Pursuant to the provisions of this Section, if an operator makes a payment  
28          to the seller in the form of a check or loadable payment card, the operator shall  
29          require verification of the seller's identification by a **valid** driver's license or similar  
30          means ~~and shall require verification of the seller's address by a current utility bill.~~

