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HOUSE BILL NO. 927

Offered January 11, 2012

Prefiled January 11, 2012

A BILL to amend and reenact §§ 59.1-120, 59.1-129, and 59.1-136.3 of the Code of Virginia, relating to requirements applicable to the purchase of certain secondhand articles.

Patron—Lingamfelter

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-120, 59.1-129, and 59.1-136.3 of the Code of Virginia are amended and reenacted as follows:

§ 59.1-120. Recordkeeping and retention requirements.

A. At the time of purchasing, collecting, receiving, or acquiring a secondhand building fixture, the dealer shall be required to provide:

1. The date and time of the secondhand building fixture's acquisition; and

2. The address from which the property was acquired and, if available, a driver's license or other form of government identification to include the name and date of birth of the person from whom the material was collected.

B. Every dealer shall keep at his place of business a permanently bound book or ledger in which shall be legibly written with ink in English at the time of each transaction in the course of the dealer's transaction involving a secondhand building fixture that is collected, received, acquired, or purchased by the dealer. Such account shall set forth:

1. A complete and accurate description of the secondhand building fixture that is the subject of the transaction;

2. All information prescribed in subsection A regarding location and, if available, the name and date of birth of the person with whom the dealer conducts the transaction;

3. The license number of the automobile or other vehicle in which the secondhand building fixture was delivered or received; and

4. The number of the permit issued pursuant to § 59.1-118 by the chief of police of the city or town, or the sheriff of the county, in which the transaction involving a secondhand building fixture occurred.

C. Records required by subsection B shall be maintained by the dealer at its normal place of business or at another readily accessible and secure location for a period of 24 months.

D. Any dealer shall hold and retain any nonferrous scrap or proprietary articles, as defined in § 59.1-136.1, for three days from the date of purchase before selling, dismantling, defacing, or in any manner altering or disposing of them.

§ 59.1-129. Requirements when articles mentioned in § 59.1-128 are bought, exchanged, etc.

A. Any person, ~~firm or corporation~~ which shall barter, purchase, exchange, buy or accept any of the articles mentioned in § 59.1-128, shall comply with the provisions of § 59.1-126 and shall, in addition, tag each lot of said articles with the name of the seller and the date of receipt ~~and~~. *The person shall retain each such lot in his possession so tagged for 30 days in such manner that its separate identity shall be preserved; provided that the and shall retain any other nonferrous scrap metal or proprietary articles as defined in § 59.1-136.1 for three days from the date of purchase before selling, dismantling, defacing, or in any manner altering or disposing of them.* The requirements of this section for tagging said articles and retaining them in possession shall not be applicable if the receipt or bill of sale required by § 59.1-126 shall contain an authorization naming the agent who delivers the articles and signed by an officer, or by the proprietor, of the manufacturer, or coal mining, industrial, manufacturing, public utility company, governmental agency, licensed junk dealer, licensed scrap metal dealer, licensed electrical contractor or licensed merchant, giving such authorization.

B. Notwithstanding anything in subsection A to the contrary, the provisions of this article shall not apply to scrap metal processors as provided in Article 4 (§ 59.1-136.1 et seq.).

§ 59.1-136.3. Purchases of nonferrous scrap, metal articles, and proprietary articles.

A. Except as provided in § 59.1-136.4, scrap metal processors may purchase nonferrous scrap, metal articles, and proprietary articles from any person who is not an authorized scrap seller or the authorized agent and employee of an authorized scrap seller only in accordance with the following requirements and procedures:

1. At the time of sale, the seller of any nonferrous scrap, metal article, or proprietary article shall provide a driver's license or other government-issued current photographic identification including the

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59 seller's full name, current address, date of birth, and social security or other recognized identification
60 number; and

61 2. The scrap metal processor shall record the seller's identification information, as well as the time
62 and date of the transaction, the license number of the seller's vehicle, and a description of the items
63 received from the seller, in a permanent ledger maintained at the scrap metal processor's place of
64 business. The ledger shall be made available upon request to any law-enforcement official, conservator
65 of the peace, or special conservator of the peace appointed pursuant to § 19.2-13, in the performance of
66 his duties who presents his credentials at the scrap metal processor's normal business location during
67 regular business hours. Records required by this subdivision shall be maintained by the scrap metal
68 dealer at its normal place of business or at another readily accessible and secure location for at least five
69 years.

70 B. Upon compliance with the other requirements of this section and § 59.1-136.4, a scrap metal
71 processor may purchase proprietary articles from a person who is not an authorized scrap seller or the
72 authorized agent and employee of an authorized scrap seller if the scrap metal processor complies with
73 one of the following:

74 1. The scrap metal processor receives from the person seeking to sell the proprietary articles
75 documentation, such as a bill of sale, receipt, letter of authorization or similar evidence, establishing that
76 the person lawfully possesses the proprietary articles to be sold; or

77 2. The scrap metal processor shall document a diligent inquiry into whether the person selling or
78 delivering the same has a legal right to do so, and, after purchasing a proprietary article from a person
79 without obtaining the documentation described in subdivision 1, shall submit a report to the local police
80 or sheriff's department, by the close of the following business day, describing the proprietary article and
81 including a copy of the seller's identifying information, and hold the proprietary article for not less than
82 15 days following purchase.

83 C. Scrap metal processors may purchase nonferrous scrap, metal articles, and proprietary articles
84 directly from an authorized scrap seller and from the authorized agent or employee of an authorized
85 scrap seller.

86 *D. Any scrap metal processor shall hold and retain any nonferrous scrap metal or proprietary*
87 *articles for three days from the date of purchase before selling, dismantling, defacing, or in any manner*
88 *altering or disposing of them.*