

1 AN ACT relating to the disposition of catalytic converters and other items
2 containing metal.

3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

4 ➔Section 1. KRS 433.890 is amended to read as follows:

5 (1) Every recycler, dealer in junk or metals, dealer in secondhand articles, vendor of
6 bottles or rags, collector of or dealer in articles found in ashes, garbage, or other
7 refuse, whether such dealers, collectors, or vendors have established places of
8 business or operate a business of an itinerant nature, shall, with regard to any
9 catalytic converter, metal beverage container that is capable of holding more than
10 two (2) liters of beverage and is marketed as returnable, railroad rails, nonferrous
11 metal or an alloy thereof, or an object containing nonferrous metal or an alloy
12 thereof:

13 (a) Keep a register that contains:

- 14 1. A photocopy of a valid driver's license or other government-issued
15 identification card or document which contains the name, photograph,
16 and signature of the seller. If the purchaser has a copy of the seller's
17 valid photo identification on file, it shall not be necessary for the
18 purchaser to make another copy of the identification document for each
19 purchase if the purchaser references the number on the identification
20 document in the register at the time of each purchase; ~~and~~
- 21 2. The state and license number of the motor vehicle used to transport the
22 purchased catalytic converter, metal beverage container that is capable
23 of holding more than two (2) liters of beverage and is marketed as
24 returnable, railroad rail, nonferrous metal or an alloy thereof, or object
25 containing nonferrous metal or an alloy thereof, to the place of purchase,
26 which shall be provided by the seller of the items;
- 27 3. The time and date of the transaction;

- 1 4. A description in the usage of the trade of the kind and weight of the
2 railroad rail, nonferrous metal or an alloy thereof, or object containing
3 the nonferrous metal or an alloy thereof purchased; ~~and~~
- 4 5. The amount paid for the material and the unit basis of the purchase, such
5 as by ounce or pound, etc.; and
- 6 **6. For the purchase of a catalytic converter in compliance with the age**
7 **and proof-of-identification requirements for the purchase under**
8 **paragraph (c) of this subsection, a photocopy of proof of ownership by**
9 **affidavit or junk title;**
- 10 (b) Not purchase any metal that has been smelted, burned, or melted unless, in
11 addition to the other requirements of this subsection, the seller provides the
12 following, and the purchaser maintains a copy thereof:
- 13 1. A signed certificate of ownership stating that he or she is the owner of
14 the metal and is entitled to sell it; or
- 15 2. A signed certificate from the owner of the metal stating that he or she is
16 the owner of the metal, and that the person selling the metal is
17 authorized to sell the metal on behalf of the owner;
- 18 (c) Not purchase any catalytic converter, metal beverage container that is capable
19 of holding more than two (2) liters of beverage and is marketed as returnable,
20 railroad rail, nonferrous metal or an alloy thereof, or an object containing
21 nonferrous metal or an alloy thereof from a person who:
- 22 1. Is less than eighteen (18) years of age; or
- 23 2. Is unable or refuses to provide the identification and information
24 required in paragraph (a) of this subsection;
- 25 (d) Retain the information required by this section for a period of two (2) years,
26 after which time, the information may be retained, destroyed in a manner that
27 protects the identity of the owner of the property and the seller of the property,

1 or transferred to a law enforcement agency specified in paragraph (g) of this
2 subsection;

3 (e) If the purchaser ceases business, transfer all records and information required
4 by this section to a law enforcement agency specified in paragraph (g) of this
5 subsection;

6 (f) Permit any peace officer to inspect the register, and if the peace officer deems
7 it necessary to locate specific stolen property, may inspect the catalytic
8 converter, metal beverage and container that is capable of holding more than
9 two (2) liters of beverage is marketed as returnable, railroad rail, nonferrous
10 metal or an alloy thereof, or object containing nonferrous metal or an alloy
11 thereof received during business hours;

12 (g) Upon written request of the sheriff or chief of police, as appropriate, make a
13 report containing the information required to be retained in the register under
14 paragraph (a) of this subsection in person, in digital format, in writing, or by
15 electronic means within twenty-four (24) hours of the transaction to:

16 1. The sheriff of the county in which the purchase was made and the sheriff
17 of the county in which the business is located; and

18 2. When the purchase was made in a city, county, urban-county, charter
19 county, consolidated local government, or unified local government, to
20 the police department of the city, county, urban-county, charter county,
21 consolidated local government, or unified local government in which the
22 purchase is made and the police department of the city, county, urban-
23 county, charter county, consolidated local government, or unified local
24 government in which the business is located, unless there is no police
25 department in that jurisdiction;

26 (h) Comply with a written request pursuant to paragraph (g) of this subsection
27 until a written notice to cease sending the reports required by paragraph (g) of

1 this subsection is received by the purchaser. A request may relate to:

- 2 1. All records of purchases;
- 3 2. Records of a specific class of metals or items purchased;
- 4 3. Records of purchases during a specific period of time; or
- 5 4. Records of a specific purchase or purchases; and

6 (i) Retain the property in its original form or a photograph or digital image of the
7 property for a period of three (3) business days from the date of purchase
8 unless notified by a peace officer having reasonable cause to believe that the
9 property may be stolen property, in which case, the property may be seized as
10 evidence by the peace officer or, if not seized, shall be retained for an
11 additional thirty (30) days unless earlier notified by a peace officer that the
12 property may be sold.

13 (2) A sheriff or police department receiving records pursuant to this section shall retain
14 the records for two (2) years, after which time, it may either retain or destroy the
15 records in a manner that protects the identity of the owner of the property, the seller
16 of the property, and the purchaser of the property.

17 (3) Any record required to be made or reported pursuant to this section may be kept and
18 reported in hard copy or digital or in electronic format.

19 (4) This section shall not apply to the purchase, sale, or transfer of:

20 (a) A motor vehicle, aircraft, or other item that is licensed by the state or federal
21 government pursuant to a legitimate transfer of title or issuance of a junk title;

22 (b) A firearm, part of a firearm, firearm accessory, ammunition, or ammunition
23 component;

24 (c) A knife, knife parts, accessory or sheath for a knife, or knifemaking products;

25 (d) A nonreturnable used beverage container or food container;

26 (e) Jewelry, household goods containing metal, garden tools, and similar
27 household items, except for a catalytic converter or metal beverage container

- 1 that is capable of holding more than two (2) liters of liquid and which is
2 marketed as returnable, which takes place at a flea market or yard sale;
- 3 (f) A single transaction involving a purchase price of ten dollars (\$10) or less, but
4 more than two (2) transactions with the same person involving a purchase
5 price of ten dollars (\$10) or less in one (1) seven (7) day period shall be
6 reportable transactions;
- 7 (g) Material disposed of as trash or refuse that contains or may contain a catalytic
8 converter, metal beverage container that is capable of holding more than two
9 (2) liters of beverage and is marketed as returnable, railroad rail, nonferrous
10 metals or an alloy thereof, or an object that contains or may contain a railroad
11 rail or nonferrous metals or an alloy thereof, which is collected by a municipal
12 waste department or by a licensed waste hauler and no payment is made to the
13 person from whom the material is collected by the person or agency collecting
14 the material;
- 15 (h) A catalytic converter, metal beverage container that is capable of holding
16 more than two (2) liters of beverage and marketed as returnable, railroad rail,
17 nonferrous metal or alloy thereof, or an object containing railroad rail,
18 nonferrous metal, or an alloy thereof from a person who has maintained a
19 record pursuant to this section to a person who is to further recycle the metal
20 or object containing the metal;
- 21 (i) A catalytic converter, metal beverage container that is capable of holding
22 more than two (2) liters of beverage and marketed as returnable, railroad rail,
23 nonferrous metal or an alloy thereof, or object containing nonferrous metal or
24 an alloy thereof under a written contract with an organization, corporation, or
25 association registered with the Commonwealth as a charitable, philanthropic,
26 religious, fraternal, civic, patriotic, social, or school sponsored organization;
- 27 (j) A purchase, pursuant to a written contract, from a manufacturing, industrial or

1 other commercial vendor that generates catalytic converters, metal beverage
 2 containers capable of holding more than two (2) liters of beverage and which
 3 are marketed as returnable, railroad rail, nonferrous metal or an alloy thereof,
 4 or object containing nonferrous metal in the ordinary course of business;

5 (k) An item purchased by, pawned to, or sold by a pawnbroker licensed pursuant
 6 to KRS Chapter 226, engaging in the business authorized by that chapter; or

7 (l) Any ferrous metal item, except for a catalytic converter, metal beverage
 8 container that is capable of holding more than two (2) liters of beverage and is
 9 marked as returnable, or railroad rails.

10 ➔Section 2. KRS 433.892 is amended to read as follows:

11 (1) A person is guilty of failure to maintain a register of metals and objects containing
 12 metal when the person fails or refuses to:

13 (a) Obtain the information required by KRS 433.890;

14 (b) Keep the records required by KRS 433.890 for the period of time required in
 15 KRS 433.890;

16 (c) Provide the required records to the police department or sheriff as required by
 17 KRS 433.890;

18 (d) Provide access to a peace officer to records required to be kept pursuant to
 19 KRS 433.890; or

20 (e) Dispose of the records required to be maintained pursuant to KRS 433.890 in
 21 a manner meeting the requirements of KRS 433.890.

22 (2) **Failure to maintain a register of metals and objects containing metal is a Class B**

23 **misdemeanor**~~[A person guilty of failure to maintain a register of metals and objects~~
 24 ~~containing metal shall be fined not more than one hundred dollars (\$100) or be~~
 25 ~~imprisoned in the county jail for not more than thirty (30) days, or both].~~

26 ➔Section 3. KRS 433.894 is amended to read as follows:

27 (1) A person is guilty of unlawful acts relating to purchase or disposition of metals

1 when the person violates any provision of KRS 433.890 other than the
2 recordkeeping provisions.

3 (2) **Unlawful acts relating to the purchase or disposition of metals is a Class B**
4 **misdemeanor**~~[A person guilty of unlawful acts relating to the purchase or~~
5 ~~disposition of metals shall be fined not more than one hundred dollars (\$100) or~~
6 ~~imprisoned in the county jail for not more than thirty (30) days, or both].~~