

HOUSE BILL No. 2326

AN ACT concerning consumer protection; relating to the scrap metal theft reduction act; clarifying that catalytic converters are regulated scrap metal; providing that certain purchases of catalytic converters and by-products or dust are unlawful under the act; extending the expiration date of the act; amending K.S.A. 2022 Supp. 50-6,109, 50-6,111 and 50-6,112d and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2022 Supp. 50-6,109 is hereby amended to read as follows: 50-6,109. (a) K.S.A. 2022 Supp. 50-6,109 through ~~50-6,112e~~ 50-6,112d, and amendments thereto, shall be known and may be cited as the scrap metal theft reduction act.

(b) As used in the scrap metal theft reduction act:

(1) "Scrap metal dealer" means any individual, firm, company, partnership, association or corporation that operates a business that is engaged in the business of buying, trading or dealing in regulated scrap metal for the purpose of sale for recycling.

(2) (A) "Regulated scrap metal" means any item, in any form, for which the purchase price described in K.S.A. 2022 Supp. 50-6,110 and 50-6,111, and amendments thereto, was primarily based on the content of:

~~(A)~~(i) Aluminum, except that aluminum shall not include food or beverage containers;

~~(B)~~(ii) copper;

~~(C)~~(iii) brass;

~~(D)~~(iv) bronze;

~~(E)~~(v) stainless steel;

~~(F)~~(vi) zinc;

~~(G)~~(vii) titanium;

~~(H)~~(viii) tungsten;

~~(I)~~(ix) nickel;

~~(J)~~(x) platinum;

~~(K)~~(xi) palladium;

~~(L)~~(xii) rhodium;

~~(M)~~(xiii) magnesium;

~~(N)~~(xiv) lead;

~~(O)~~(xv) any other nonferrous metal; or

~~(P)~~(xvi) any combination of nonferrous metals listed in subsections ~~(b)(2)(A) through (b)(2)(P)~~ this subparagraph.

(B) "Regulated scrap metal" includes catalytic converters.

(3) "Bales of regulated metal" means regulated scrap metal property processed with professional recycling equipment by compression, shearing or shredding, to a form in which it may be sold by a scrap metal dealer consistent with industry standards.

(4) "Junk vehicle" means a vehicle as defined in K.S.A. 8-126, and amendments thereto, not requiring a title as provided in chapter 8 of the Kansas Statutes Annotated, and amendments thereto, an aircraft or a boat which is being sold for scrap value.

(5) "Nonferrous metal" means a metal that does not contain iron or steel.

(6) "Vehicle part" means:

(A) The front clip consisting of the two front fenders, hood, grill and front bumper of an automobile assembled as one unit; or

(B) the rear clip consisting of those body parts behind the rear edge of the back doors, including both rear quarter panels, the rear window, trunk lid, trunk floor panel and rear bumper, assembled as one unit.

(7) "Person" means any individual, scrap metal dealer, manager or employee, owner, operator, corporation, partnership or association.

(8) "Attorney general" means the attorney general of the state of Kansas or the attorney general's designee.

(9) *"Catalytic converters" means a device installed in the exhaust system of a motor vehicle that uses a catalyst to convert pollutant gases into less harmful gases.*

Sec. 2. K.S.A. 2022 Supp. 50-6,111 is hereby amended to read as follows: 50-6,111. (a) It shall be unlawful for any such scrap metal dealer, or employee or agent of the dealer, to purchase any item or items of regulated scrap metal in a transaction for which K.S.A. 2022 Supp. 50-6,110, and amendments thereto, requires information to be presented by the seller, without demanding and receiving from the seller that information. Every scrap metal dealer shall file and maintain a record of information obtained in compliance with the requirements in K.S.A. 2022 Supp. 50-6,110, and amendments thereto. All records kept in accordance with the provisions of the scrap metal theft reduction act shall be open at all times to law enforcement officers and shall be kept for two years. If the required information is maintained in electronic format, the scrap metal dealer shall provide a printout of the information to law enforcement officers upon request.

(b) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any junk vehicle in a transaction for which K.S.A. 2022 Supp. 50-6,110, and amendments thereto, requires information to be presented by the seller, without:

(1) Inspecting the vehicle offered for sale and recording the vehicle identification number; and

(2) obtaining an appropriate bill of sale issued by a governmentally operated vehicle impound facility if the vehicle purchased has been impounded by such facility or agency.

(c) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase or receive any regulated scrap metal from a minor unless such minor is accompanied by a parent or guardian or such minor is a licensed scrap metal dealer.

(d) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any of the following items without obtaining proof that the seller is an employee, agent or person who is authorized to sell the item on behalf of the governmental entity; utility provider; railroad; cemetery; civic organization; manufacturing, industrial or other commercial vendor that generates or sells such items in the regular course of business; or scrap metal dealer:

- (1) Utility access cover;
- (2) street light poles or fixtures;
- (3) road or bridge guard rails;
- (4) highway or street sign;
- (5) water meter cover;
- (6) traffic directional or traffic control signs;
- (7) traffic light signals;
- (8) any metal marked with any form of the name or initials of a governmental entity;
- (9) property owned and marked by a telephone, cable, electric, water or other utility provider;
- (10) property owned and marked by a railroad;
- (11) funeral markers or vases;
- (12) historical markers;
- (13) bales of regulated metal;
- (14) beer kegs;
- (15) manhole covers;
- (16) fire hydrants or fire hydrant caps;
- (17) junk vehicles with missing or altered vehicle identification numbers;
- (18) real estate signs;
- (19) bleachers or risers, in whole or in part;

(20) twisted pair copper telecommunications wiring of 25 pair or greater existing in 19, 22, 24 or 26 gauge; ~~and~~

(21) burnt wire;

(22) any catalytic converter that has:

(A) A defaced identification mark or owner-applied paint or identification number; or

(B) been intentionally altered by removing or obliterating the make, model or manufacturer's number; and

(23) any by-product or dust containing platinum, palladium or rhodium.

(e) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to sell, trade, melt or crush, or in any way dispose of, alter or destroy any regulated scrap metal, junk vehicle or vehicle part upon notice from any law enforcement agency, or any of their agents or employees, that they have cause to believe an item has been stolen. A scrap metal dealer shall hold any of the items that are designated by or on behalf of the law enforcement agency for 30 days, exclusive of weekends and holidays.

Sec. 3. K.S.A. 2022 Supp. 50-6,112d is hereby amended to read as follows: 50-6,112d. ~~(a)~~—The provisions of the scrap metal theft reduction act shall expire on July 1, ~~2023~~ 2028.

~~(b) This section shall be a part of and supplemental to the scrap metal theft reduction act.~~

Sec. 4. K.S.A. 2022 Supp. 50-6,109, 50-6,111 and 50-6,112d are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the House, and passed that body

HOUSE concurred in
SENATE amendments _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.