

SENATE BILL No. 344

By Committee on Judiciary

1-29

1 AN ACT concerning the scrap metal theft reduction act; relating to
2 photographs; amending K.S.A. 2018 Supp. 50-6,110, as amended by
3 section 6 of chapter 66 of the 2019 Session Laws of Kansas, and
4 repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2018 Supp. 50-6,110, as amended by section 6 of
8 chapter 66 of the 2019 Session Laws of Kansas, is hereby amended to read
9 as follows: 50-6,110. (a) It shall be unlawful for any person to sell any
10 item or items of regulated scrap metal to a scrap metal dealer, or employee
11 or agent of a dealer, in this state unless such person meets the requirements
12 of this subsection.

13 (1) Such person shall present to such scrap metal dealer, or employee
14 or agent of such dealer, at or before the time of sale, the following: The
15 seller's name, address, sex, date of birth and the seller's driver's license,
16 military identification card, passport or personal identification license. An
17 official governmental document for a country other than the United States
18 may be used to meet this requirement.

19 (2) Such person shall complete and sign the statement provided for in
20 subsection (b)(10).

21 (b) Every scrap metal dealer shall keep a register in which the dealer,
22 or employee or agent of the dealer, shall, at the time of purchase or receipt
23 of any item for which such information is required to be presented, cross-
24 reference to previously received information, or accurately and legibly
25 record at the time of sale the following information:

26 (1) The time, date and place of transaction;

27 (2) the seller's name, address, sex, date of birth and:

28 (A) The identifying number from the seller's driver's license, military
29 identification card, passport or personal identification license; or

30 (B) the identifying number from the seller's official governmental
31 document for a country other than the United States;

32 (3) a copy of the identification card or document containing such
33 identifying number, unless the dealer has a copy of the card or document
34 in the dealer's register from a prior transaction;

35 (4) the license number, color and style or make of any motor vehicle
36 in which the junk vehicle or other regulated scrap metal property is

1 delivered in a purchase transaction;

2 (5) a general description, made in accordance with the custom of the
3 trade, of the predominant types of junk vehicle or other regulated scrap
4 metal property purchased in the transaction;

5 (6) the weight, quantity or volume, made in accordance with the
6 custom of the trade, of the regulated scrap metal property purchased;

7 (7) if a junk vehicle or vehicle part is being bought or sold, a
8 description of the junk vehicle or vehicle part, including the make, model,
9 color, vehicle identification number and serial number, if applicable;

10 (8) the price paid for, traded for or dealt for in a transaction for the
11 junk vehicle or other regulated scrap metal property;

12 (9) the full name of the individual acting on behalf of the regulated
13 scrap metal dealer in making the purchase; and

14 (10) a signed statement from the seller indicating from where the
15 property was obtained and that: (A) Each item is the seller's own personal
16 property, is free of encumbrances and is not stolen; or (B) the seller is
17 acting for the owner and has permission to sell each item. If the seller is
18 not the owner, such statement shall include the name and address of the
19 owner of the property.

20 (c) Every scrap metal dealer shall take one photograph of the item or
21 lot of items being sold ~~and one photograph of the vehicle in which the junk~~
22 ~~vehicle or other regulated scrap metal property is delivered~~ at the time of
23 purchase or receipt of any item for which such information is required to
24 be presented. Such photographs shall be kept with the record of the
25 transaction and the scrap metal dealer's register of information required by
26 subsection (b).

27 (d) The scrap metal dealer's register of information required by
28 subsection (b), including copies of identification cards and signed
29 statements by sellers, and photographs required by subsection (c) may be
30 kept in electronic format.

31 (e) Every scrap metal dealer shall forward information required by
32 the Kansas bureau of investigation for each transaction to the database
33 described in K.S.A. 2018 Supp. 50-6,109a, and amendments thereto, in the
34 manner prescribed by the bureau within 72 hours after the transaction
35 occurs. The Kansas bureau of investigation shall promulgate rules and
36 regulations providing which information and photographs required to be
37 collected by scrap metal dealers by subsections (b) and (c) shall be entered
38 into the database and prescribing the manner for submitting such
39 information and photographs to the bureau.

40 (f) Notwithstanding any other provision to the contrary, this section
41 shall not apply to transactions in which the seller is a:

42 (1) Registered scrap metal dealer;

43 (2) vehicle dealer licensed under chapter 8 of the Kansas Statutes

1 Annotated, and amendments thereto; or

2 (3) scrap metal dealer or vehicle dealer registered or licensed in
3 another state.

4 (g) (1) Except as provided in subsection (g)(2), this section shall not
5 apply to transactions in which the seller is known to the purchasing scrap
6 metal dealer to be a licensed business that operates out of a fixed business
7 location and that can reasonably be expected to generate regulated scrap
8 metal.

9 (2) The attorney general may determine, by rules and regulations,
10 which of the requirements of this section shall apply to transactions
11 described in subsection (g)(1).

12 Sec. 2. K.S.A. 2018 Supp. 50-6,110, as amended by section 6 of
13 chapter 66 of the 2019 Session Laws of Kansas, is hereby repealed.

14 Sec. 3. This act shall take effect and be in force from and after its
15 publication in the statute book.