

CHAPTER 203

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 07-1141

BY REPRESENTATIVE(S) Todd, Stafford, Butcher, Frangas, Hodge, and Labuda;
also SENATOR(S) Williams, Groff, Hagedorn, Tapia, Boyd, and Morse.

AN ACT**CONCERNING PURCHASES OF COMMODITY METALS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 18-13-111, Colorado Revised Statutes, is amended to read:

18-13-111. Purchases of commodity metals. (1) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION, every owner, keeper, or proprietor of a junk shop, junk store, salvage yard, or junk cart or other vehicle and every collector of or dealer in junk, salvage, or other secondhand property shall keep a book or register ~~in which he shall enter the following information: Name, address, date of birth, and driver's license number, if any, of the person from whom any copper or copper alloy, aluminum, or magnesium is purchased~~ DETAILING ALL TRANSACTIONS INVOLVING COMMODITY METALS.

(b) THE OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER SHALL RECORD THE IDENTIFICATION OF A SELLER OF COMMODITY METALS IN THE BOOK OR REGISTER AND THE METHOD BY WHICH THE SELLER VERIFIED HIS OR HER IDENTITY. THE SELLER SHALL VERIFY HIS OR HER IDENTITY BY ONE OF THE FOLLOWING:

(I) A VALID COLORADO DRIVER'S LICENSE;

(II) AN IDENTIFICATION CARD ISSUED IN ACCORDANCE WITH SECTION 42-2-302, C.R.S.;

(III) A VALID DRIVER'S LICENSE FROM ANOTHER STATE THAT CONTAINS A PICTURE IDENTIFICATION;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(IV) A MILITARY IDENTIFICATION CARD;

(V) A VALID UNITED STATES PASSPORT;

(VI) AN ALIEN REGISTRATION CARD; OR

(VII) A NONPICTURE IDENTIFICATION DOCUMENT ISSUED BY A STATE OR FEDERAL GOVERNMENT ENTITY IF THE OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER OBTAINS A CLEAR IMPRINT OF THE SELLER'S RIGHT INDEX FINGER OR THE CLEAR IMPRINT OF ANOTHER FINGER IF THE RIGHT FINGER DOES NOT PROVIDE A CLEAR IMPRINT.

(c) THE OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER SHALL REQUIRE THE SELLER OF A COMMODITY METAL TO PROVIDE FOR THE BOOK OR REGISTER:

(I) A SIGNED AFFIDAVIT, SWORN AND AFFIRMED UNDER PENALTY OF LAW, THAT THE SELLER IS THE OWNER OF THE COMMODITY METAL OR IS OTHERWISE ENTITLED TO SELL THE COMMODITY METAL. THE OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER SHALL PROVIDE THE AFFIDAVIT FORM TO THE SELLER.

(II) The license plate number and description of the vehicle or conveyance ~~if any,~~ in which the ~~same~~ COMMODITY METAL was delivered.

(d) THE OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER SHALL INCLUDE THE FOLLOWING IN THE BOOK OR REGISTER:

(I) The date and place of each purchase of ~~such copper or copper alloy, aluminum, or magnesium~~ THE COMMODITY METAL; and

(II) The description and quantity of ~~such copper, copper alloy, aluminum, or magnesium~~ THE COMMODITY METAL purchased.

(e) ~~Such~~ THE book or register shall be made available to any ~~law enforcement~~ PEACE officer for inspection at any reasonable time.

(2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION, the ~~purchaser~~ OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER of any ~~such copper or copper alloy, aluminum, or magnesium~~ COMMODITY METAL shall hold the ~~copper or copper alloy, aluminum, or magnesium~~ COMMODITY METAL purchased separate and apart from all other materials purchased for a period of not less than five working days after the date of purchase, during which period the ~~purchaser~~ OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER shall not change the form of ~~said copper or copper alloy, aluminum, or magnesium~~ THE COMMODITY METAL and shall permit any law enforcement officer to make inspection of ~~such copper or copper alloy, aluminum, or magnesium~~ THE COMMODITY METAL during the ~~said~~ holding period of five working days; EXCEPT THAT ANY TRANSACTION FOR THE PURCHASE OF A COMMODITY METAL WHEREIN A DIGITAL PHOTOGRAPHIC RECORD, VIDEO RECORD, OR OTHER RECORD FORMAT IS USED TO IDENTIFY THE SELLER AND THE COMMODITY METAL THAT THE SELLER IS SELLING SHALL BE EXEMPT FROM THE HOLDING REQUIREMENT DESCRIBED IN THIS SUBSECTION (2). THE DIGITAL PHOTOGRAPHIC RECORD, VIDEO RECORD, OR OTHER RECORD FORMAT SHALL BE

RETAINED FOR NINETY DAYS, AND THE OWNER SHALL PERMIT A LAW ENFORCEMENT OFFICER TO MAKE INSPECTIONS OF THE RECORD.

~~(3) Exempted from the five-day holding period and from any requirement to keep records pursuant to this subsection (1) shall be~~ THE FOLLOWING TRANSACTIONS AND MATERIALS ARE EXEMPT FROM THE REQUIREMENTS SPECIFIED IN SUBSECTIONS (1) AND (2) OF THIS SECTION:

(a) Any materials purchased from a regulated public utility or an original manufacturer of scrap or industrially generated scrap; ~~or~~

(b) The purchase of recyclable food and beverage containers from any source; ~~or~~ EXCEPT THAT, FOR PURPOSES OF THIS EXEMPTION, A METAL BEER KEG SUITABLE FOR REUSE SHALL NOT BE CONSIDERED A RECYCLABLE BEVERAGE CONTAINER;

(c) Any scrap ~~which~~ THAT is involved in a transaction between dealers or governmental entities; ~~or~~

~~(d) Any salvageable by-product of construction sold by any contractor or subcontractor;~~

~~(e) The requirements of this subsection (1) shall not apply to~~ Any transaction for the purchase of ~~copper or copper alloy, aluminum, or magnesium~~ A COMMODITY METAL in which the amount of ~~such~~ THE metal purchased from a single seller in a single day ~~does not exceed~~ IS LESS THAN twenty-five pounds.

~~(2)~~ (4) The information entered in ~~said~~ THE book or register, as provided in subsection (1) of this section, need not be kept for a period longer than three years after the date of purchase of ~~such copper or copper alloy, aluminum, or magnesium~~ THE COMMODITY METAL.

~~(3)~~ (5) Any person who violates any of the provisions of subsection (1) of this section ~~or~~ BY FAILING TO KEEP A BOOK OR REGISTER, any person who knowingly gives false information with respect to the information required to be maintained in the BOOK OR register provided for in subsection (1) of this section, AND ANY PERSON WHO VIOLATES THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION commits:

(a) A ~~class 1~~ CLASS 2 misdemeanor IF THE VALUE OF THE COMMODITY METAL INVOLVED IS LESS THAN FIVE HUNDRED DOLLARS; OR

(b) A CLASS 1 MISDEMEANOR IF THE VALUE OF THE COMMODITY METAL INVOLVED IS FIVE HUNDRED DOLLARS OR MORE.

(6) THERE IS A REBUTTABLE PRESUMPTION THAT METAL PURCHASED BY A DEALER FOR THE PURPOSE OF RECYCLING IS A COMMODITY METAL IF THE COMMODITY METAL HAS A VALUE OF FIFTY CENTS PER POUND OR GREATER FOR PURPOSES OF RECYCLING THE COMMODITY METAL.

(7) THIS SECTION SHALL NOT APPLY TO A PERSON OR ENTITY THAT DOES NOT PROVIDE REMUNERATION FOR COMMODITY METALS COLLECTED IN DROP-OFF CURBSIDE CONTAINERS OR AT MATERIALS RECOVERY SITES.

~~(4)~~ (8) For the purposes of this section, unless the context otherwise requires: ~~the following definitions shall apply:~~

(a) ~~"Aluminum" means any metal containing fifty percent or more aluminum by content.~~

(b) "Book or register" means any written OR ELECTRONIC record of transactions kept by any OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR dealer, including sequentially numbered receipts containing the information required by subsection (1) of this section.

(b.5) "COMMODITY METAL" MEANS A METAL CONTAINING BRASS, COPPER, COPPER ALLOY, ALUMINUM, STAINLESS STEEL, OR MAGNESIUM OR ANOTHER METAL TRADED ON THE COMMODITY MARKETS THAT SELLS FOR FIFTY CENTS PER POUND OR GREATER.

(c) ~~"Copper alloy" means any metal containing fifty percent or more copper by content.~~

(d) "Dealer" means any person, business, or entity ~~which~~ THAT buys, sells, or distributes, for the purpose of recycling, any ~~copper or copper alloy, aluminum, or magnesium~~ COMMODITY METAL on a wholesale basis.

(e) "Working day" means Monday, Tuesday, Wednesday, Thursday, ~~and~~ Friday, AND SATURDAY, except for such days which are designated a legal holiday by the state.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 2007, and shall apply to offenses committed on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 14, 2007