

**RECYCLING OF COPPER WIRE**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Fred C. Cox**

Senate Sponsor: Scott K. Jenkins

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**LONG TITLE**

**General Description:**

This bill modifies penalties associated with violations of Title 76, Chapter 6, Part 14, Regulation of Metal Dealers.

**Highlighted Provisions:**

This bill:

- ▶ states that a dealer or seller who is convicted of a misdemeanor under Title 76, Chapter 6, Part 14, Regulation of Metal Dealers, is also subject to a mandatory fine;
- and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-6-1407**, as renumbered and amended by Laws of Utah 2013, Chapter 187

**76-6-1408**, as renumbered and amended by Laws of Utah 2013, Chapter 187

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **76-6-1407** is amended to read:



28 **76-6-1407. Violation by dealer -- Penalty -- Local regulation not less stringent.**

29 (1) (a) (i) Any dealer who violates any of the provisions of this part is guilty of a class  
30 C misdemeanor.

31 (ii) Any dealer who is convicted of a class C misdemeanor under this section is subject  
32 to a mandatory fine of no less than \$750.

33 (b) (i) A violation of Subsection (1)(a) that occurs after the defendant has been  
34 convicted of a violation of Subsection (1)(a) is a class A misdemeanor.

35 (ii) Any dealer who is convicted of a class A misdemeanor under this section is subject  
36 to a mandatory fine of no less than \$2,500.

37 (2) This section does not impair the authority of a county or municipality in this state to  
38 license, tax, and regulate any junk dealer or metal dealer, except that local regulations may not  
39 be any less stringent than the provisions in this part.

40 (3) This section does not impair the authority of a county or municipality to revoke or  
41 deny any business license or permit required by that county or municipality regulating the  
42 authority to sell, purchase, or possess metal, including the revocation or denial of a business  
43 license or permit based on a violation of this part.

44 (4) This section does not prohibit the charging of a seller or dealer with any other  
45 criminal offense related to the obtaining, possession, or selling of stolen regulated metals.

46 Section 2. Section **76-6-1408** is amended to read:

47 **76-6-1408. Falsification of seller's statement to dealer.**

48 (1) (a) Any seller who, in providing any information as required by this part in selling,  
49 offering, or attempting to sell regulated metal willfully makes a false statement or provides any  
50 untrue information, is guilty of a class B misdemeanor.

51 (b) Any seller who is convicted of a class B misdemeanor under this section is subject  
52 to a mandatory fine of no less than \$1,000.

53 (2) (a) A violation of Subsection (1) that occurs after the defendant has been convicted  
54 of a violation of Subsection (1) is a class A misdemeanor.

55 (b) Any seller who is convicted of a class A misdemeanor under this section is subject  
56 to a mandatory fine of no less than \$2,500.

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**