



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
P.O. BOX 145115 • SALT LAKE CITY, UTAH 84114-5115 • (801) 538-1035

February 25, 2009

Mr. President:

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 90**, METAL THEFT AMENDMENTS AND PENALTIES, by Senator J. Greiner, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 2, Lines 29 through 33:

29 ENACTS:

= **76-6-402.5, Utah Code Annotated 1953**

30 76-6-412.5, Utah Code Annotated 1953

31 {~~76-10-907.5, Utah Code Annotated 1953~~}

32

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

= **Section 1. Section 76-6-402.5 is enacted to read:**

= **76-6-402.5. Defense regarding metal dealers.**

= **It is a defense against a charge of theft under this part and a defense against a civil claim for conversion if any dealer as defined in Section 76-10-901 has acted in compliance with Title 76, Chapter 10, Part 9, Regulation of Metal Dealers.**

2. Page 2, Lines 43 through 48:

43 As used in this part:

(1) "Catalytic converter" means a motor vehicle exhaust system component that reduces vehicle emissions by breaking down harmful exhaust emissions.

44 {~~(1)~~} **(2)** "Dealer" means any scrap metal processor or secondary metals

Bill Number



SB0090

Action Class



S

Action Code



SCRAMDCON

dealer or recycler,

45 but does not include junk dealers or solid waste management facilities as defined in Section
46 19-6-502.

47 ~~{(2)}~~ (3) "Ferrous metal" means a metal that contains significant quantities of iron or steel.

48 ~~{(3)}~~ (4) "Identification" means a form of positive identification issued by a governmental

3. *Page 2, Line 54:*

54 ~~{(4)}~~ (5) "Junk dealer" means all persons, firms, or corporations engaged in
 the business of

4. *Page 2, Line 57:*

57 ~~{(5)}~~ (6) "Local law enforcement agency" means the law enforcement
 agency that has

5. *Page , Line 59 through Page 3, Line 53:*

59 ~~{(6)}~~ (7) "Nonferrous metal":

6. *Page 3, Lines 62 through 63:*

62 ~~{(7)}~~ (8) (a) "Regulated metal" means any item composed primarily of
 nonferrous metal,

63 except as provided in Subsection ~~{(7)}~~ (8) (c).

7. *Page 3, Line 66:*

66 except under Subsection ~~{(7)}~~ (8) (c);

8. *Page 3, Line 79:*

79 (i) ferrous metal, except as provided in Subsection ~~{(7)}~~ (8) (b)(ii) or (iv);

9. *Page 4, Lines 108 through 109:*

108 (iii) aluminum wire, siding, downspouts, or gutters[-]; ~~{and}~~

(k) catalytic converters; and =

109 ~~{(k)}~~ (l) wire that has been burned or that has the appearance of having

been burned.

10. Page 7, Lines 187 through 190:

187 {~~Section 5. Section 76-10-907.5 is enacted to read:~~
188 ~~76-10-907.5. Transactions over \$100 may not be in cash.~~
189 ~~A dealer making a purchase of more than \$100 worth of regulated metal in a~~
 single
190 transaction shall pay for the metal by check or money order, and may not pay by
 cash.}

11. Page 1, Lines 22 through 23:

22 Other Special Clauses:
23 {~~None~~} This bill provides an immediate effective date.

12. Page 7, Line 190:

190 transaction shall pay for the metal by check or money order, and may not pay by cash.
 = Section 6. Effective date.
 = If approved by two-thirds of all the members elected to each house, this bill takes
 effect upon approval by the governor, or the day following the constitutional time
 limit of Utah Constitution Article VII, Section 8, without the governor's signature, or
 in the case of a veto, the date of veto override.

Respectfully,

Michael G. Waddoups
President of the Senate

Voting: 5-0-1

4 SB0090.SC1.WPD jdhowe/JDH SCA/SES 2/25/09 5:46 pm