S.B. 90

METAL THEFT AMENDMENTS AND PENALTIES

SENATE COMMITTEE AMENDMENTS					AMENDMENT 1	FEBRUARY 9, 2009	2:31 PM	
Senator Jon J. Greiner proposes the following amendments:								
1. Page 2, Lines 29 through 33:								
	29 ENACTS:							
	2)	76-6-402.5, Utah Code Annotated 1953						
	30	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.	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	• • • •		"Dealer" means any scrap me	-	•	ycler,	
	but does not include junk dealers or solid waste management facilities as defined in Section							
	46	19-6-502.						
	47	· ·	<u>(3)</u>	"Ferrous metal" means a meta	_	-		
	48	{ (3) }	<u>(4)</u>	"Identification" means a form	of positive identifica	tion issued by a governm	ental	
3.	Pag	Page 2, Line 54:						
	54	{ -(4)- }	<u>(5)</u>	"Junk dealer" means all perso	ons, firms, or corporati	ons engaged in the busin	ess of	
4.	Pag	Page 2, Line 57:						
	57	{ -(5)- }	<u>(6)</u>	"Local law enforcement agen	cy" means the law enf	Forcement agency that has	3	
5.	Pag	Page, Line 59 through Page 3, Line 53:						

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 $\{ \frac{(6)}{} \}$ <u>(7)</u> "Nonferrous metal":

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6.
   Page 3, Lines 62 through 63:
    62
                            (8) (a) "Regulated metal" means any item composed primarily of nonferrous metal,
    63
          except as provided in Subsection \{ (7) \}
                                                     (8) (c).
    Page 3, Line 66:
    66
          except under Subsection \{-(7)\}
                                             (8) (c);
    Page 3, Line 79:
    79
                (i) ferrous metal, except as provided in Subsection \{-(7)\}
                                                                             (8) (b)(ii) or (iv);
   Page 4, Lines 108 through 109:
   108
                (iii) aluminum wire, siding, downspouts, or gutters[-]; {-and-}
                  (k) catalytic converters; and
   109
                            (l) wire that has been burned or that has the appearance of having been burned.
                  {<del>-(k)</del>-}
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.
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                A dealer making a purchase of more than $100 worth of regulated metal in a single
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transaction shall pay for the metal by check or money order, and may not pay by cash.

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