

LEAD RECYCLING AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Merrill F. Nelson

Senate Sponsor: Scott K. Jenkins

LONG TITLE

General Description:

This bill modifies the Utah Criminal Code regarding the regulation of metal dealers.

Highlighted Provisions:

This bill:

▸ requires that automotive and industrial lead batteries be handled by metal dealers and recyclers as a suspect regulated metal; ~~H→~~ **[and]** ~~←H~~

▸ adds automotive and industrial lead batteries as suspect regulated metal regarding transactions with recyclers and metal dealers ~~H→~~ ; **and**

▸ **exempts from the definition of a dealer specified types of businesses that accept lead batteries for recycling** ~~←H~~ .

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-6-1402, as last amended by Laws of Utah 2014, Chapter 261

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

Section 1. Section **76-6-1402** is amended to read:

76-6-1402. Definitions.

As used in this part:

H.B. 84



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

30 (2) "Dealer" means:

31 (a) a scrap metal processor or secondary metals dealer or recycler, but does not include ~~it~~ :

31a (i) ~~it~~

32 junk dealers as defined in Section [76-6-1402](#) ~~it~~ :

32a (ii) ~~it~~ solid waste management facilities as defined

33 in Section [19-6-502](#); or

33a ~~it~~ (iii) **the following businesses that are authorized to accept delivery of used lead**

33b **batteries for recycling under Sections 19-6-603, 19-6-604, and 19-6-605:**

33c **(A) retailers;**

33d **(B) wholesalers;**

33e **(C) battery manufacturers; and**

33f **(D) secondary lead smelters.** ~~it~~

34 (b) a metals refiner.

35 (3) "Ferrous metal" means a metal that contains significant quantities of iron or steel.

36 (4) "Identification" means a form of positive identification issued by a state of the

37 United States or the United States federal government that:

38 (a) contains a numerical identifier and a photograph of the person identified;

39 (b) provides the date of birth of the person identified; and

40 (c) includes a state identification card, a state driver license, a United States military
 41 identification card, or a United States passport.

42 (5) "Junk dealer" means all persons, firms, or corporations engaged in the business of
 43 purchasing or selling secondhand or castoff material, including ropes, cordage, bottles,
 44 bagging, rags, rubber, paper, and other like materials, but not including regulated metal.

45 (6) "Local law enforcement agency" means the law enforcement agency that has
 46 jurisdiction over the area where the dealer's business is located.

47 (7) "Metals refiner" means an individual or business that refines or melts any regulated
 48 metal, but does not include an individual or business that primarily uses ore, concentrate, or
 49 other primary materials in refining, melting, or producing any regulated metal.

50 (8) "Nonferrous metal":

51 (a) means a metal that does not contain significant quantities of iron or steel; and

52 (b) includes copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys.

53 (9) (a) "Regulated metal" means any item composed primarily of nonferrous metal,
 54 except as provided in Subsection (9)(c).

55 (b) "Regulated metal" includes:

56 (i) aluminum, brass, copper, lead, chromium, tin, nickel, or alloys of these metals,

57 except under Subsection (9)(c), and lead that is a part of an automotive or industrial lead

58 battery;

- 59 (ii) property that is a regulated metal and that is owned by, and also identified by
60 marking or other means as the property of:
- 61 (A) a telephone, cable, electric, water, or other utility; or
62 (B) a railroad company;
- 63 (iii) unused and undamaged building construction materials made of metal or alloy,
64 including:
- 65 (A) copper pipe, tubing, or wiring; and
66 (B) aluminum wire, siding, downspouts, or gutters;
- 67 (iv) oil well rigs, including any part of the rig;
68 (v) nonferrous materials, stainless steel, and nickel; and
69 (vi) irrigation pipe.
- 70 (c) "Regulated metal" does not include:
- 71 (i) ferrous metal, except as provided in Subsection (9)(b)(ii) or (iv);
72 (ii) household-generated recyclable materials;
73 (iii) items composed wholly of light iron or sheet steel;
74 (iv) aluminum beverage containers; or
75 (v) containers used solely for containing food.
- 76 ~~[(H)]~~ (10) "Scrap metal processor" means any person:
- 77 (a) who, from a fixed location, utilizes machinery and equipment for processing and
78 manufacturing iron, steel, or nonferrous scrap into prepared grades; and
79 (b) whose principal product is scrap iron, scrap steel, or nonferrous metallic scrap, not
80 including precious metals, for sale for remelting purposes.
- 81 ~~[(H)]~~ (11) "Secondary metals dealer or recycler" means any person who:
- 82 (a) is engaged in the business of purchasing, collecting, or soliciting regulated metal; or
83 (b) operates or maintains a facility where regulated metal is purchased or kept for
84 shipment, sale, transfer, or salvage.
- 85 (12) "Suspect metal items" are the following items made of regulated metal:
- 86 (a) manhole covers and sewer grates;
87 (b) gas meters and water meters;
88 (c) traffic signs, street signs, aluminum street light poles, communications transmission
89 towers, and guard rails;

- 90 (d) grave site monument vases and monument plaques;
- 91 (e) any monument plaque;
- 92 (f) brass or bronze bar stock and bar ends;
- 93 (g) ingots;
- 94 (h) nickel and nickel alloys containing greater than 50% nickel;
- 95 (i) #1 and #2 copper as defined by the most recent institute of Scrap Recycling
- 96 Industries, Inc., Scrap Specifications Circular;
- 97 (j) unused and undamaged building materials, including:
- 98 (i) greenline copper;
- 99 (ii) copper pipe, tubing, or wiring; and
- 100 (iii) aluminum wire, siding, downspouts, or gutters;
- 101 (k) catalytic converters; [~~and~~]
- 102 (l) automotive and industrial lead batteries; and
- 103 [~~(t)~~] (m) wire that has been burned or that has the appearance of having been burned.

Legislative Review Note
as of 11-13-14 4:19 PM

Office of Legislative Research and General Counsel