



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1113 (as introduced 2-13-08)
Sponsor: Senator Cameron S. Brown
Committee: Economic Development and Regulatory Reform

Date Completed: 2-21-08

CONTENT

The bill would amend the Michigan Vehicle Code to do the following:

- Establish record-keeping requirements for automotive recyclers and vehicle scrap metal processors who purchased articles containing nonferrous metals.**
- Prohibit automotive recyclers and scrap metal processors from purchasing from a person who was intoxicated, a habitual drunkard, or known or suspected to be a thief.**
- Make it a felony for an automotive recycler or scrap metal processor to buy or sell nonferrous scrap metal that was unlawfully removed from utility or government property, an irrigation system, or agricultural machinery.**

Record-Keeping

The Code requires a dealer licensed as an automotive recycler or vehicle scrap metal processor to maintain records as prescribed by the Secretary of State. Under the bill, if an automotive recycler or vehicle scrap metal processor purchased items containing nonferrous metals, the records would have to contain at least the name, description, date of purchase, location from which the item was obtained by the seller, fingerprint, operator's or chauffeur's license or State identification card number, and address of the person selling the item, as well as a copy of the operator's or chauffeur's license or State identification card.

An automotive recycler or vehicle scrap metal processor would have to retain articles containing nonferrous metals that the recycler or processor purchased or exchanged for at least 15 days before disposing of them, in an accessible place in the building where the articles were purchased and received. A tag would have to be attached to those articles in some visible and convenient place, with a number written on them to corresponded with the entry number in the automotive recycler's or vehicle scrap metal processor's records.

Each Monday before noon, the recycler or processor would have to prepare a legible and correct copy, written in English from the dealer's records, and deliver it to the chief of police or chief law enforcement officer of the local unit of government within which its business was conducted. The statement would have to contain a description of each nonferrous metal article purchased or received during the preceding week, the hour and day when the purchase was made, and the description of the person from whom it was purchased. The statement would have to be verified by the person subscribing his or her name to the record.

Prohibition & Penalty

The bill would prohibit an automotive recycler or scrap metal processor from purchasing or receiving from any person who was intoxicated at the time, from a habitual drunkard, from any person known by the recycler or processor to be a thief or an associate of thieves or receiver of stolen property, or from any person the recycler or processor had reason to suspect of being a person known by him or her to be a thief or an associate of thieves or receiver of stolen property.

If an automotive recycler or scrap metal processor bought or sold stolen nonferrous scrap metal that he or she had reason to believe was unlawfully removed from a utility pole, irrigation system, agricultural machinery, telecommunication company property, government property, or utility property or jobsite, the recycler or processor would be guilty of a felony punishable by imprisonment for up to five years and/or a maximum fine of \$10,000.

MCL 257.251

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offense. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$33,000. Additional penal fine revenue would benefit public libraries.

The bill would have no fiscal impact on the Office of the Secretary of State.

Fiscal Analyst: Joe Carrasco
Lindsay Hollander

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.