



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 6181 (Substitute S-3 as reported)
Sponsor: Representative Andy Meisner
House Committee: Commerce
Senate Committee: Economic Development and Regulatory Reform

CONTENT

The bill would create the "Nonferrous Metal Regulatory Act" to establish requirements for dealers and sellers of nonferrous metals. The bill would require a dealer to do the following:

- Produce and maintain a record of each purchase for at least one year; and make the records accessible and available to law enforcement agencies.
- Tag and hold, for seven calendar days, any nonferrous metal purchased from a seller and offered for purchase under certain circumstances.
- Register with or subscribe to an internet database that tracked nonferrous metal theft.
- Pay a seller by a method capable of being traced from the dealer to the seller.
- Verify that a seller of nonferrous metal was at least 16 years old.

A seller would be required to: present the dealer with pictured ID and allow the dealer to photocopy it; allow the dealer to make a thumbprint for identification and investigation purposes; sign a statement that the seller owned or was authorized to sell the nonferrous metal; and attest to the lack of any criminal convictions involving nonferrous metals.

A person who knowingly violated the dealer or seller requirements would be guilty of a misdemeanor. Buying or selling nonferrous metal articles, knowing or having reason to know that they were stolen, would be a felony. A person who otherwise knowingly violated the proposed Act would be responsible for a State civil infraction.

A person could bring a private cause of action for monetary damages suffered from a violation of the Act by a seller and/or a dealer. The court would have to award treble damages for the value of the nonferrous metal article stolen, and could award costs.

The bill is tie-barred to Senate Bills 720, 1114, and 1571 and House Bill 5694.

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 offenses. To the extent that the bill increased convictions or incarceration time, local governments would incur the costs of misdemeanor probation and 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 \$32,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 12-8-08

Fiscal Analyst: Lindsay Hollander

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Analysis available @ <http://www.michiganlegislature.org>

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.

