

# SENATE BILL No. 699

December 3, 2013, Introduced by Senators ANANICH, SMITH and HOOD and referred to the Committee on Economic Development.

A bill to amend 2008 PA 429, entitled  
"Nonferrous metal regulatory act,"  
by amending section 3 (MCL 445.423).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 3. As used in this act:

2       (a) "Dealer" means any person that is not a first purchaser  
3 who purchases nonferrous metals from any seller. Dealer includes,  
4 but is not limited to, a person, whether or not licensed under  
5 state law or local ordinance, that operates a business as a scrap  
6 metal recycler, scrap processor, secondhand and junk dealer, or  
7 other person who purchases any amount of nonferrous metal on a  
8 regular, sporadic, or 1-time basis. Dealer does not include an  
9 automotive recycler regulated by and complying with section 217 of  
10 the Michigan vehicle code, 1949 PA 300, MCL 257.217; section 18 of

1 the motor vehicle service and repair act, 1974 PA 300, MCL  
2 257.1318; or section 2 of 1986 PA 119, MCL 257.1352, when engaging  
3 in activities that meet the definition of automotive recycler as  
4 defined in section 2a of the Michigan vehicle code, 1949 PA 300,  
5 MCL 257.2a.

6 (b) "Documentation" means a signed statement that indicates  
7 where the person obtained the article, that the person is  
8 authorized to sell the article, or other evidence that reasonably  
9 demonstrates ownership of the article and the source of the  
10 article.

11 (c) "Ferrous metal" means a metal that contains significant  
12 quantities of iron or steel.

13 (d) "First purchaser" means the first buyer of a manufactured  
14 product containing nonferrous metal in a retail or business-to-  
15 business transaction. Persons purchasing nonferrous metal in  
16 violation of this act, automotive recyclers, pawnshops, scrap metal  
17 recyclers, and scrap processors are not considered first  
18 purchasers.

19 (e) "Industrial or commercial account" means any person,  
20 operating from a fixed location, that is a seller of ferrous or  
21 nonferrous metal to a scrap metal recycler pursuant to a written  
22 agreement.

23 (f) "Nonferrous metal" means a metal that does not contain  
24 significant quantities of ferrous metal but contains copper, brass,  
25 platinum-based metals, aluminum, bronze, lead, zinc, nickel, or  
26 alloys of those metals.

27 (g) "Person" means an individual, partnership, corporation,

1 limited liability company, joint venture, trust, association, or  
2 other legal entity.

3 (h) "Public fixtures" means articles containing nonferrous  
4 metal that are used or located in areas open to the public and  
5 include, but are not limited to, utility access covers; street  
6 light poles and fixtures; road and bridge guard rails; highway or  
7 street signs; water meter covers; traffic directional and control  
8 signs; traffic light signals; telecommunications cable; utility-  
9 related articles; and historical markers.

10 (i) "Record" means a paper, electronic, or other generally  
11 accepted method of storing information in a retrievable form.

12 (j) "Scrap metal recycler" means a person that purchases  
13 nonferrous metal that is intended for recycling or reuse, whether  
14 regarded as a scrap processor, core buyer, or other similar  
15 business operation.

16 (k) "Scrap processor" means that term as defined in section 3  
17 of 1917 PA 350, MCL 445.403.

18 (l) "Seller" means any individual or person that either  
19 regularly, sporadically, or on a 1-time basis receives  
20 consideration from any other person from the purchase by a dealer  
21 of nonferrous metal offered by that seller. **IT IS A REBUTTABLE**  
22 **PRESUMPTION THAT A PERSON IS A SELLER IF THE PERSON REMOVES OR**  
23 **ATTEMPTS TO REMOVE NONFERROUS METAL FROM WITHIN A BUILDING OR**  
24 **STRUCTURE WITHOUT THE WRITTEN PERMISSION OF THE OWNER OF THAT**  
25 **BUILDING OR STRUCTURE IF ANY OF THE FOLLOWING APPLY:**

26 (A) **THE NONFERROUS METAL HAS A SCRAP VALUE OF \$100.00 OR MORE**  
27 **AT THE TIME OF THE ALLEGED VIOLATION.**

1           (B) THE NONFERROUS METAL HAS A TOTAL COMBINED WEIGHT OF 100  
2 POUNDS OR MORE.

3           (C) THE NONFERROUS METAL IS OR WAS SECURED TO THAT BUILDING OR  
4 STRUCTURE BY A NAIL, SCREW, BOLT, OR OTHER MEANS OF FASTENING.

5           (D) THE NONFERROUS METAL IS OR WAS ENCLOSED WITHIN A WALL,  
6 CEILING, OR FLOOR OF THAT BUILDING OR STRUCTURE.