

NONFERROUS METAL REGULATORY ACT (EXCERPT)
Act 429 of 2008

***** 445.423.new THIS NEW SECTION IS EFFECTIVE APRIL 1, 2009 *****

445.423.new Definitions.

Sec. 3. As used in this act:

(a) "Dealer" means any person that is not a first purchaser who purchases nonferrous metals from any seller. Dealer includes, but is not limited to, a person, whether or not licensed under state law or local ordinance, that operates a business as a scrap metal recycler, scrap processor, secondhand and junk dealer, or other person who purchases any amount of nonferrous metal on a regular, sporadic, or 1-time basis. Dealer does not include an automotive recycler regulated by and complying with section 217 of the Michigan vehicle code, 1949 PA 300, MCL 257.217; section 18 of the motor vehicle service and repair act, 1974 PA 300, MCL 257.1318; or section 2 of 1986 PA 119, MCL 257.1352, when engaging in activities that meet the definition of automotive recycler as defined in section 2a of the Michigan vehicle code, 1949 PA 300, MCL 257.2a.

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

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

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

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

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

(g) "Person" means an individual, partnership, corporation, limited liability company, joint venture, trust, association, or other legal entity.

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

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

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

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

(l) "Seller" means any individual or person that either regularly, sporadically, or on a 1-time basis receives consideration from any other person from the purchase by a dealer of nonferrous metal offered by that seller.

History: 2008, Act 429, Eff. Apr. 1, 2009.