

STATE OF KANSAS

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SENATE CHAMBER

MADAM PRESIDENT:

I move to amend **Substitute for SB 219**, on page 2, in line 20, after "(f)" by inserting "(1)"; in line 21, by striking all after "database"; by striking all in line 22; in line 23, by striking all before the period and inserting "that shall be accessible by scrap metal dealers to determine if a seller is prohibited from selling regulated scrap metal"; in line 24, after "of" by inserting "allowing pre-sale checks by scrap metal dealers,"; in line 27, after the period by inserting "The database shall be electronically available to allow pre-sale checks by scrap metal dealers using typical commercial computer hardware and software. No fee shall be charged to a scrap metal dealer for the establishment or maintenance of the database or for the receipt of information from the database for a pre-sale check.

(2) (A) The Kansas bureau of investigation shall ensure that the database lists all persons who have pled guilty to, entered into a diversion agreement for, or been convicted of theft as defined in K.S.A. 2018 Supp. 21-5801, and amendments thereto, and such theft was of regulated scrap metal either in whole or in part.

(B) The attorney general shall ensure that the database lists all persons who, within the prior 10 years, held a scrap metal dealer registration that was revoked, or managed a facility for a scrap metal dealer whose registration was revoked, or was an employee whose conduct led to or contributed to the revocation of such registration under the scrap metal theft reduction act.

(3) Any person listed in the database shall be prohibited from selling regulated scrap metal.";

Also on page 2, in line 33, by striking all after "information"; in line 34, by striking all before "maintained"; in line 39, after "for" by inserting "pre-sale checks by scrap metal dealers and";

On page 3, in line 2, by striking "2020" and inserting "2024"; following line 18, by inserting:

"(3) Such person shall not be listed as a person prohibited from selling regulated scrap metal in the database described in K.S.A. 2018 Supp. 50-6,109a, and amendments thereto.";

On page 4, in line 27, by striking all after "shall"; in line 28, by striking all before "the" and inserting "conduct a search of"; in line 29, after "thereto" by inserting ", prior to purchasing any item or items of regulated scrap metal to verify that the person selling such item or items is not prohibited from selling regulated scrap metal";

On page 5, following line 4, by inserting:

"Sec. 3. K.S.A. 2018 Supp. 50-6,111 is hereby amended to read as follows: 50-6,111. (a) It shall be unlawful for any such scrap metal dealer, or employee or agent of the dealer, to purchase any item or items of regulated scrap metal in a transaction for which K.S.A. 2018 Supp. 50-6,110, and amendments thereto, requires information to be presented by the seller, without demanding and receiving from the seller that information. Every scrap metal dealer shall file and maintain a record of information obtained in compliance with the requirements in K.S.A. 2018 Supp. 50-6,110, and amendments thereto. All records kept in accordance with the provisions of the scrap metal theft reduction act shall be open at all times to law enforcement officers and shall be kept for two years. If the required information is maintained in electronic format, the scrap metal dealer shall provide a printout of the information to law enforcement officers upon request.

(b) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any junk vehicle in a transaction for which K.S.A. 2018 Supp. 50-6,110, and amendments thereto, requires information to be presented by the seller, without:

- (1) Inspecting the vehicle offered for sale and recording the vehicle identification number; and
- (2) obtaining an appropriate bill of sale issued by a governmentally operated vehicle impound facility if the vehicle purchased has been impounded by such facility or agency.

(c) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to

purchase or receive any regulated scrap metal from a:

(1) Minor unless such minor is accompanied by a parent or guardian or such minor is a licensed scrap metal dealer; and

(2) person listed as a person prohibited from selling regulated scrap metal in the database described in K.S.A. 2018 Supp. 50-6,109a, and amendments thereto.

(d) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any of the following items without obtaining proof that the seller is an employee, agent or person who is authorized to sell the item on behalf of the governmental entity; utility provider; railroad; cemetery; civic organization; manufacturing, industrial or other commercial vendor that generates or sells such items in the regular course of business; or scrap metal dealer:

- (1) Utility access cover;
- (2) street light poles or fixtures;
- (3) road or bridge guard rails;
- (4) highway or street sign;
- (5) water meter cover;
- (6) traffic directional or traffic control signs;
- (7) traffic light signals;
- (8) any metal marked with any form of the name or initials of a governmental entity;
- (9) property owned and marked by a telephone, cable, electric, water or other utility provider;
- (10) property owned and marked by a railroad;
- (11) funeral markers or vases;
- (12) historical markers;
- (13) bales of regulated metal;
- (14) beer kegs;

- (15) manhole covers;
- (16) fire hydrants or fire hydrant caps;
- (17) junk vehicles with missing or altered vehicle identification numbers;
- (18) real estate signs;
- (19) bleachers or risers, in whole or in part;
- (20) twisted pair copper telecommunications wiring of 25 pair or greater existing in 19, 22, 24 or 26 gauge; and
- (21) burnt wire.

(e) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to sell, trade, melt or crush, or in any way dispose of, alter or destroy any regulated scrap metal, junk vehicle or vehicle part upon notice from any law enforcement agency, or any of their agents or employees, that they have cause to believe an item has been stolen. A scrap metal dealer shall hold any of the items that are designated by or on behalf of the law enforcement agency for 30 days, exclusive of weekends and holidays.

(f) Failure to comply with the provisions of this section between June 1, 2017, and January 1, 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation.";

On page 8, in line 23, after the second comma by inserting "50-6,111,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the second comma by inserting "50-6,111,"

Senator \_\_\_\_\_