
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

Kostelka (SB 475)

Present law provides for the sale of auto hulk as scrap to a scrap metal processor or a licensed automotive dismantler and parts recycler.

Proposed law repeals present law.

Present law regulates the purchase of scrap metal.

Present law defines the term "operator" as any person employed in responsible charge of operating all or any portion of a scrap metal recycling facility.

Proposed law removes from present law the definition for the term "operator" and defines the term "scrap metal recycler" as any person in this state engaged in the business of buying, selling, recycling, or otherwise acquiring or disposing of scrap metal.

Present law provides for certain duties of an operator.

Proposed law transfers the duties of an operator to a scrap metal recycler.

Present law prohibits a person from doing business as a scrap metal recycler in this state without having first obtained the occupational license required by law.

Present law requires a signed statement to be obtained from the seller that states that the scrap metal has been paid for or is owned by the seller.

Proposed law changes present law to require an affidavit, rather than a signed statement, be obtained from the seller of the scrap metal.

Present law provides that an operator who obtains the required statement from the seller shall be exonerated from any fraudulent, willful, or criminal knowledge.

Proposed law removes from present law the immunity provision.

Present law provides that any licensed operator who violates, neglects, or refuses to comply with certain provisions of law shall be penalized as follows:

- (1) A fine of not less than \$1,000, nor more than \$10,000 or imprisonment for not less than 30 days nor more than 60 days, or both.

- (2) For the second offense, his occupational license shall be suspended for a 30 day period.
- (3) For a third offense, his occupational license shall be revoked and he shall not thereafter be permitted to engage in the business of scrap metal recycling in the state of Louisiana.

Proposed law retains present law and provides that a licenced scrap metal recycler who violates certain provisions of law shall be subject to penalties and actions of the Unfair Trade Practices and Consumer Protection Law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 37:1962, 1966, 1967(A)(intro para) and (B), 1968, 1969, 1970(A), (B), (C)(1)(intro para) and (C)(2), 1971, 1972, 1973(A), (C), and (D), 1974, and 1975(A); repeals R.S. 32:718 and R.S. 37:1970(D))