
DIGEST

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HB 801 Original

2022 Regular Session

Goudeau

Abstract: Provides relative to scrap metal recyclers.

Present law provides that no person shall do business as a scrap metal recycler in this state without having first obtained the occupational license required by law. Present law further provides that any person desiring a license as a scrap metal recycler shall make an application in writing, specifying the street number and house number of the building where the business is to be carried on.

Proposed law deletes the provision that provides for a person specifying in the written application the street number and house number of the building where the business is to be carried. Proposed law otherwise retains present law.

Proposed law provides that it shall be unlawful and it shall constitute as a misdemeanor for any person, firm, association, corporation, limited liability company (LLC), or trust to engage in business as, serve in the capacity of, or act as a scrap metal recycler in this state without first obtaining a license as provided for in proposed law.

Proposed law provides that any person, firm, association, corporation, LLC, or trust who engages in business as, services in the capacity of, or acts as a scrap metal recycler pursuant to proposed law shall obtain and hold a current license for each capacity and each location in which he engages in business as, serves in the capacity of, or acts as a scrap metal recycler, to the extent that all scrap metal recyclers have at least one licensed person per location.

Proposed law provides a fine for those who violate the provisions of proposed law. Proposed law further provides that they shall be fined not less than \$300 and not more than \$1,000, imprisoned for not more than 90 days, or both.

Proposed law provides that every applicant for licensure or renewal of a license as a scrap metal recycler shall show proof of responsibility by depositing with the commission a continuing bond in the amount of \$2,500. Proposed law further provides that all bonds shall be with a commercial surety authorized to do business in the state and approved by the commission.

Proposed law provides that the bond shall be for the license period and is nontransferable. Proposed law further provides that a new bond or a proper continuation certificate shall be delivered to the commission at the beginning of each license period, but the aggregate liability of the surety in any calendar year shall not exceed \$50,000.

Proposed law provides that the commission shall promulgate rules to implement the provisions of proposed law.

Proposed law provides that it is unlawful to transport nonferrous metals in a vehicle or have nonferrous metals in a person's possession.

Proposed law provides that proposed law does not apply if the person transporting the nonferrous metal can provide either of the following:

- (1) A valid permit to transport and sell nonferrous metals issued pursuant to proposed law.
- (2) A valid bill of sale for the nonferrous metals.

Proposed law provides that a person who violates proposed law shall be subject to the following:

- (1) For a first offense the person is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$200 or imprisoned not more than 30 days.
- (2) For a second offense, the person is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500, imprisoned not more than 1 year, or both.
- (3) For each subsequent offense, the person is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000, imprisoned not more than 3 years, or both. For an offense to be considered a subsequent offense, only those offenses that occurred within a period of 10 years, including and immediately preceding the date of the last offense, shall constitute a prior offense as provided for in proposed law.

Proposed law provides that a person who does any of the following is guilty of a felony and upon conviction shall be fined at the discretion of the court, imprisoned for not more than 10 years, or both:

- (1) Transports, by vehicle, nonferrous metals that person knows are stolen.
- (2) Possesses nonferrous metals that the person knows are stolen.
- (3) Operates a vehicle used in the ordinary course of business to transport nonferrous metals that the person knows are stolen.
- (4) Presents a valid or falsified license to transport and sell nonferrous metals that the person knows are stolen.
- (5) Presents a valid or falsified bill of sale for nonferrous metals that the person knows to be stolen.

Present law provides that an operator shall not willfully or knowingly purchase scrap metal unpaid

for by the seller or not owned by the seller.

Present law provides that an operator shall not purchase scrap metal, other than aluminum in the form of cans, from a person under 18. Present law further provides that lack of knowledge of age will not constitute as a defense.

Present law provides that an operator shall not purchase precious metals.

Proposed law retains present law and adds an operator shall not purchase an iron or steel manhole cover and an iron or steel drainage gate.

(Amends R.S. 37:1963; Adds R.S. 37:1963.1 and 1969(D) and (E))