

2016 Regular Session

SENATE BILL NO. 157

BY SENATOR CORTEZ

COMMERCIAL REGULATIONS. Provides relative to scrap metal recyclers. (gov sig)

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 37:1973(A)(1) and (2) and (D)(1),
3 and to repeal R.S. 37:1970(C)(1)(k) and 1977, relative to scrap metal recyclers; to
4 increase certain monetary prohibitions on payments for copper and aluminum-copper
5 air conditioning coils and other metals; to allow the purchase of certain materials; to
6 remove the expiration date; to provide terms, conditions, and requirements; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The introductory paragraph of R.S. 37:1973(A)(1) and (2) and (D)(1) are
10 hereby amended and reenacted to read as follows:

11 §1973. Payment by loadable payment card or check for copper, aluminum-copper
12 air conditioning coils, or other metals required; check cashing
13 prohibited

14 A.(1) An operator shall not enter into any cash transactions in payment for
15 the purchase of copper or aluminum-copper air conditioning coils. ~~After five~~
16 ~~business days from the date of the transaction, payment~~ **Payment** for copper or
17 aluminum-copper air conditioning coils shall be made in the form of a check made

1 payable to the name and address of the seller of the copper or aluminum-copper air
2 conditioning coils, or a loadable payment card and shall be tendered to the seller in
3 any of the following manners:

4 * * *

5 (2) An operator shall not enter into any cash transactions in excess of ~~three~~
6 **five** hundred dollars in payment for the purchase of metal property other than copper
7 or aluminum-copper air conditioning coils. Payments in excess of ~~three~~ **five** hundred
8 dollars for metals other than copper or aluminum-copper air conditioning coils shall
9 be made in the form of a check made payable to the name and address of the seller
10 or a loadable payment card and may be tendered to the seller at the time of the
11 transaction. The operator, at his discretion, may make payment by either cash or
12 other method for transactions of ~~three~~ **five** hundred dollars or less for all metals other
13 than copper or aluminum-copper air conditioning coils.

14 * * *

15 D.(1) No operator shall allow a seller to engage in multiple transactions
16 within a twenty-four hour period totaling more than ~~three~~ **five** hundred dollars for the
17 purpose of circumventing this Section.

18 * * *

19 Section 2. R.S. 37:1970(C)(1)(k) and 1977 are hereby repealed.

20 Section 3. This Act shall become effective upon signature by the governor or, if not
21 signed by the governor, upon expiration of the time for bills to become law without signature
22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
23 vetoed by the governor and subsequently approved by the legislature, this Act shall become
24 effective on the day following such approval.

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

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Present law requires that scrap metal recyclers wait five business days from the date of transaction before issuing certain payments for the purchase of copper or aluminum-copper air conditioning coils.

Proposed law removes the five-day waiting period.

Present law prohibits scrap metal recyclers from entering into any cash transaction in excess of \$300 for the purchase of metal property other than copper or aluminum-copper air conditioning coils.

Proposed law raises the limit from \$300 to \$500.

Present law requires that any payment in excess of \$300 for metals other than copper or aluminum-copper air conditioning coils must be made in the form of a check made payable to the name and address of the seller or a loadable payment card and may be tendered to the seller at the time of the transaction.

Proposed law raises the limit from \$300 to \$500.

Present law allows the operator, at his discretion, to make payments of \$300 or less by either cash or other payment for any metal other than copper or aluminum-copper air conditioning coils.

Proposed law raises the limit from \$300 to \$500.

Present law prohibits operators from allowing a seller to engage in multiple transactions within a 24-hour period totaling more than \$300 for the purpose of circumventing present law.

Proposed law raises the limit from \$300 to \$500.

Present law prohibits operators from purchasing certain materials, including catalytic converters, without first obtaining a signed statement from the company or governmental entity owning the materials and consenting to the sale of the materials identified in the statement.

Proposed law removes catalytic converters from the list of prohibited materials an operator may purchase.

Present law provides an expiration date of July 31, 2016, for certain provisions of present law dealing with scrap metal recyclers.

Proposed law removes the expiration date.

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

(Amends R.S. 37:1973(A)(1)(intro para) and (2); repeals R.S. 37:1970(C)(1)(k) and 1977)