



House of Representatives

General Assembly

File No. 260

January Session, 2007

House Bill No. 7239

House of Representatives, April 2, 2007

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT PREVENTING THE THEFT OF COPPER.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21-14 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 The provisions of this chapter shall not apply to any dealer in motor
4 vehicles, as defined in chapter 246, [nor to] or any dealer in antique
5 household furniture, china or glassware, [, nor to any scrap metal
6 processor, as defined in section 14-67w.]

This act shall take effect as follows and shall amend the following sections:

| | | |
|-----------|------------------------|-------|
| Section 1 | <i>October 1, 2007</i> | 21-14 |
|-----------|------------------------|-------|

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact:

| Municipalities | Effect | FY 08 \$ | FY 09 \$ |
|------------------------|---------------|-----------------|-----------------|
| Various Municipalities | See Below | See Below | See Below |

Explanation

This bill will result in a minimal revenue gain of less than \$1,000 per year for the reason that scrap metal processors will be subject to local licensing and ordinances as junk dealers.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 7239*****AN ACT PREVENTING THE THEFT OF COPPER.*****SUMMARY:**

This bill subjects scrap metal processors to the laws that apply to junk dealers, including municipal licensing and record keeping for property they receive. By law, a junk dealer is someone in the business of dealing and trading in junk, old metal, scrap, rags, waste, paper, or other secondhand articles. By law, anyone illegally engaging in the junk dealer business is subject to a penalty of up to three months in prison, a fine of up to \$50, or both.

EFFECTIVE DATE: October 1, 2007

JUNK DEALERS

By law, a town can make reasonable ordinances on licensing junk dealers, including imposing a license fee of \$2 to \$10 for each team or vehicle. Junk dealers must register with the Department of Motor Vehicles and show their registration certificate when applying for a town license. Town ordinances can regulate the establishment, location, or conduct of a junk yard unless the town has a zoning and planning commission or a special act provides otherwise.

By law, anyone in the business of dealing and trading in secondhand bicycles, junk, metals, or other secondhand articles must apply for a license to conduct business in a town. Towns set licensing fees between \$2 and \$10, with a \$10 annual renewal fee. Licenses may be revoked for cause. Dealers must keep a record book that describes property they receive, when they receive it, and who they receive it from. The record book, property, and place of business can be examined at any time by town officials. Dealers must make weekly sworn statements of transactions to the chief of police or town clerk (depending on the circumstances) describing the goods received and

the person the dealer received them from. Dealers must keep goods for at least five days after filing the statement.

These provisions do not apply to motor vehicle dealers or dealers in antique household furniture, china, or glassware (CGS § 21-9 et seq.).

BACKGROUND

Scrap Metal Processors

By law, a scrap metal processor includes any place of business and place of deposit that (1) has facilities for preparing and processing iron, steel, and nonferrous metals into a form suitable for remelting by a foundry, steel mill, or other remelter; (2) does not buy or receive motor vehicles except from licensed motor vehicle recyclers, public agencies, or certain intermediate processors; and (3) does not sell automobile parts for reuse as parts.

A processor is considered a motor vehicle recycler's business or motor vehicle recycler's yard if motor vehicle junk is retained on the premises for over 30 days without being processed into a suitable form for remelting (CGS § 14-67w). Motor vehicle recycler businesses and yards are subject to laws on licensing, location, and record keeping (CGS §§ 14-67g et seq.).

Scrap metal processors receiving motor vehicles must obtain, keep, and have open to inspection certain information about the vehicle and the person they receive it from. These provisions do not apply to a licensed motor vehicle recycler's business or motor vehicle recycler's yard that is delivering a motor vehicle that has been dismantled, crushed, or conditioned for scrap metal processing to a scrap metal processor (CGS § 14-67w).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 38 Nay 0 (03/14/2007)