
OLR Bill Analysis

sHB 5506

AN ACT CONCERNING SCRAP METAL SOLD ON BEHALF OF MUNICIPALITIES.

SUMMARY:

This bill makes it illegal for scrap metal processors, junk dealers, or junkyard owners or operators (processors, dealers, or owners) to purchase or receive municipal property unless they receive a letter, at delivery, from the municipality authorizing the transaction. The letter must be on municipal letterhead and signed by either the municipal (1) chief executive officer or (2) head of the department responsible for maintaining the property. Under the bill, payment for the property must be sent to the municipal official designated in the letter.

The bill also eliminates the requirement that processors, dealers, or owners notify municipal law enforcement authorities when someone tries to sell certain privately owned property. Under the bill, notification is required only when someone tries to sell public property without a municipal authorization letter.

Violations of the bill's requirements are misdemeanors, subjecting violators to fines, imprisonment, or both.

EFFECTIVE DATE: October 1, 2014

SALE OF PUBLIC PROPERTY

Notice to Law Enforcement Authorities

Under current law, processors, dealers, or owners must immediately notify municipal law enforcement authorities when anyone offers to sell a bronze statue, plaque, historical marker, cannon or cannon ball, lamp or lamp post, lighting fixture, architectural artifact, or similar item (covered items).

The bill:

1. limits the notice requirement to offers to sell public property without a municipal authorization letter and
2. expands the covered items to include items associated with public streets and sidewalks such as manhole or utility access covers, highway and street signs, guardrails, and traffic control signals and devices.

The bill defines “public property” as property owned and maintained by a municipality, the state or federal government, or any quasi-governmental entity. It is unclear under the bill how (1) processors, dealers, or owners will differentiate between private and public property and (2) governmental entities other than municipalities can sell property without triggering the notice requirement.

Penalties

The bill extends the penalties under existing law for violating scrap metal sales laws to processors, dealers, or owners who violate the bill’s requirements. Table 1 lists the fines and prison terms associated with these penalties.

Table 1: Penalties for Scrap Metal Sales Violations

<i>Violation</i>	<i>Classification</i>	<i>Maximum Prison Term</i>	<i>Maximum Fine</i>
First	Class C misdemeanor	3 months	\$500
Second	Class B misdemeanor	6 months	\$1,000
Third and subsequent	Class A misdemeanor	1 year	\$2,000

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/25/2014)