

## Bills Associated with Junk Dealers and Recyclable Theft

BILL	AUTHOR	STATUS	SUMMARY
AB 1508	Carter	Amended February 28, 2012  Assembly Committee on Business, Professions and Consumer Protection	<p><b>Existing Law:</b> Junk dealers and recyclers are required to keep written records of all sales and purchases made in the course of their business. They are prohibited from providing payment for nonferrous materials unless payment is by check or cash with certain requirements. Existing law exempts from the payment by cash or check requirement the redemption of nonferrous materials of a certain value in connection with the redemption of beverage containers. It also exempts from the cash or check requirement those sellers of junk or recycling materials who conduct 5 or more separate transactions per month with the junk dealer or recycler.</p> <hr/> <p><b>Proposed Law:</b> This bill would eliminate these exemptions.</p>
AB 1583	Hernandez	Amended April 9, 2012  Assembly Committee on Business, Professions and Consumer Protection	<p><b>Existing Law:</b> Existing law authorizes junk dealers and recyclers, as defined, to sell and purchase junk, which includes secondhand and used furniture, pallets, or other personal property, as specified. Existing law requires junk dealers and recyclers to maintain written records of specified information, and makes a violation of the recordkeeping requirements a misdemeanor.</p> <hr/> <p><b>Proposed Law:</b> This bill would among other things prohibit junk dealers and recyclers from purchasing or receiving bulk merchandise pallets, as defined, marked with an indicia of ownership, as defined, from anyone except the indicated owner, unless specified information is provided to the junk dealer or recycler, and would require the junk dealer or recycler to maintain a written record of that information. The bill would also require that payment by the junk dealer for 5 or more bulk merchandise pallets be made by check mailed to the address of the seller, as specified, or by check or cash on or after the 3rd business day following the transaction.</p>
AB 1796	Galgiani	Amended March 29, 2012  Assembly Committee on Business, Professions and Consumer Protection	<p><b>Existing Law:</b> Under existing law, criminal profiteering activity is defined to include specified crimes, including forgery and receiving stolen property. Existing law requires a person engaged in business as a secondhand dealer, as defined, to be licensed by local law enforcement, and makes a violation of that requirement a misdemeanor under circumstances where a person knows or should have known that a violation was being committed.</p> <hr/> <p><b>Proposed Law:</b> This bill would make a violation of the requirement to be licensed when engaging in business as a secondhand dealer a misdemeanor irrespective of knowledge that a violation was being committed. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.</p>
AB 1971	Buchanan	Amended March 29, 2012 Assembly Committee on Public Safety	<p><b>Existing Law:</b> Every dealer in or collector of junk/secondhand metals who receives or buys metals that he or she should reasonably know are ordinarily used by utilities services without using due diligence to ascertain that it has been acquired legitimately is criminally receiving that property and shall be punished by imprisonment or fined not more than \$250 or both.</p> <hr/> <p><b>Proposed Law:</b> This bill would increase that maximum fine to an amount not to exceed \$1,000.</p>

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AB 2003	Carter	Introduced February 23, 2012  Assembly Committee on Business, Professions and Consumer Protection	<p><b>Existing Law:</b> Existing law requires junk dealers and recyclers, as defined, to keep written records of all sales and purchases made in the course of their business. Existing law prohibits a junk dealer or a recycler from providing payment for nonferrous material, as defined, unless the payment is made by cash or check, the check is mailed or the cash or check is provided no earlier than 3 days after the date of sale, and other specified requirements are met.</p> <hr/> <p><b>Proposed Law:</b> This bill would allow payment for nonferrous materials by check only.</p>
AB 2105	Grove	Introduced February 24, 2012  Assembly	<p><b>Existing Law:</b> Existing law defines a junk dealer to include any person engaged in the business of buying, selling, and dealing in junk. Existing law defines junk to include, among other things, ferrous and nonferrous scrap metals and alloys. Existing law requires a junk dealer in this state to keep written records of all sales and purchases of junk made in the course of his or her business and to report daily to the chief of police or to the sheriff, as specified. A junk dealer that fails to keep these records is guilty of a misdemeanor.</p> <hr/> <p><b>Proposed Law:</b> This bill would express the intent of the Legislature to enact legislation regarding scrap metals and recycling.</p>
AB 2298	Ma and Achadjian	Amended February 29, 2012  Assembly Committee on Business, Professions and Consumer Protection	<p><b>Existing Law:</b> Existing law requires junk dealers and recyclers, as defined, to keep written records of all sales and purchases made in the course of their business. Existing law requires a junk dealer or recycler to allow for periodic inspection by specified persons, including persons authorized by the county sheriff or the head of a city police department, of any premises maintained for purposes of determining compliance with the recordkeeping requirements, and, upon inspection, requires the junk dealer or recycler to produce sales and purchase records.</p> <hr/> <p><b>Proposed Law:</b> This bill would, in addition, authorize persons appointed by the head of a county agricultural commission to carry out the periodic inspection of the premises of junk dealers and recyclers.</p>
SB 1045	Emmerson	Amended March 26, 2012  Senate Judiciary Committee	<p><b>Existing Law:</b> Existing law governs the business of buying, selling, and dealing in secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys, also known as "junk." Existing law further requires junk dealers and recyclers to keep and maintain a written record of all sales and purchases made in the course of their business, including the name and address of each person to whom junk is sold or disposed of.</p> <hr/> <p><b>Proposed Law:</b> This bill would prohibit any junk dealer or recycler from possessing a public fire hydrant, fire department connection, as defined, public manhole cover or lid or any part of that cover or lid, or public backflow device or connection to that device without a written certification on the letterhead of the public agency or utility that owns or previously owned the material certifying that the entity has sold or is offering the material for sale and that the person possessing and identified in the certificate is authorized to negotiate the sale of the material.</p>

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<b>SB 1387</b>	<b>Berryhill</b>	Amended April 11, 2012  Senate Committee on Business, Professions, and Economic Development	<p><b>Existing Law:</b> Existing law provides that the failure of a junk dealer to keep a written record for 2 years after making a final entry of all sales and purchases made including the name and address of each person to whom junk is sold or disposed of is a misdemeanor. Existing law prohibits a junk dealer or recycler from providing payment for nonferrous metals unless specified requirements are met, including that the payment for the material be made by cash or check and that, at the time of sale, the junk dealer or recycler obtains a clear photograph or video of the seller.</p> <hr/> <p><b>Proposed Law:</b> This bill would among other things prohibit any junk dealer or recycler from possessing a fire hydrant, fire department connection, including, but not limited to, bronze or brass fittings or parts, a manhole cover or lid, or any part of that cover or lid, or a backflow device and connections to that device without a written certification on the letterhead of the agency or utility that owns or previously owned the material and that the entity has sold or is offering the material for sale, and that the person possessing the certificate and identified in the certificate is authorized to negotiate the sale of the material. The bill would make junk dealers and recyclers civilly liable and would also provide that if a junk dealer or recycler lacks the certification described above, the lack of that certification would give rise to the presumption that the property was stolen for purposes of the provisions proscribing receiving stolen property .</p>