

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 142

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO SCRAP DEALERS; AMENDING SECTION 54-2701, IDAHO CODE, TO PROVIDE
2 FOR CATALYTIC CONVERTERS AND CERTAIN VALUABLE METALS; AMENDING CHAPTER
3 27, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2709, IDAHO
4 CODE, TO PROVIDE FOR STATEWIDE JURISDICTION AND PREEMPTION; AND DECLAR-
5 ING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 54-2701, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 54-2701. DEFINITIONS. The definitions in this section apply through-
11 out this chapter unless the context clearly requires otherwise.

12 (1) "Commercial account" means a relationship between a scrap metal
13 business and a commercial enterprise that is ongoing and properly documented
14 under this chapter.

15 (2) "Commercial enterprise" means a corporation, partnership, limited
16 liability company, association, state agency, political subdivision of the
17 state, public corporation, or any other legal or commercial entity.

18 (3) "Commercial metal property" means property sold by a commercial
19 enterprise consisting of: access covers; street light poles and fixtures;
20 road and bridge guardrails; highway or street signs; water meter covers;
21 traffic directional and control signs; traffic light signals; any metal
22 property marked with the name of a municipality, governmental entity or a
23 commercial enterprise, including, but not limited to, a telephone, cable,
24 electric, water, natural gas, or other utility, or railroad materials;
25 copper or aluminum wiring with associated clamps and connectors; aluminum
26 or stainless steel fence panels; aluminum decking, bleachers, or risers;
27 historical markers; statue plaques; grave markers and funeral vases; ~~or~~
28 agricultural irrigation equipment not limited to wheels, sprinkler heads,
29 or pivots or pipes; or catalytic converters.

30 (4) "Nonferrous metal property" means metal property for which the
31 value of the metal property is derived from the property's content of cop-
32 per, brass, aluminum, bronze, lead, zinc, nickel, gold, silver, platinum,
33 rhodium, palladium, and their alloys, but shall not include aluminum bever-
34 age containers, used beverage containers or similar beverage containers;
35 however, the term includes stainless steel beer kegs and catalytic convert-
36 ers.

37 (5) "Record" means a paper, electronic, or other method of storing in-
38 formation.

39 (6) "Scrap metal business" means a scrap metal supplier, scrap metal
40 recycling center, or scrap metal processor that is a commercial enterprise
41 that purchases, receives and processes nonferrous metal property, stainless
42 steel or commercial metal property.

1 (7) "Scrap metal processor" means a person with a current business li-
2 cense that conducts business from a permanent location, that is engaged in
3 the business of purchasing or receiving metal property for the purpose of
4 altering the metal in preparation for its use as feedstock in the manufac-
5 ture of new products, and that maintains a hydraulic bailer, shearing de-
6 vice, crusher or shredding device for recycling.

7 (8) "Scrap metal recycling center" means a person with a current busi-
8 ness license that is engaged in the business of purchasing or receiving non-
9 ferrous metal property for the purpose of aggregation and sale to another
10 scrap metal business and that maintains a fixed place of business within the
11 state.

12 (9) "Scrap metal supplier" means a person that is engaged in the busi-
13 ness of purchasing or receiving nonferrous metal property for the purpose of
14 aggregation and sale to a scrap metal recycling center or scrap metal proces-
15 sor and that does not maintain a fixed business location in the state.

16 (10) "Transaction" means a pledge, or the purchase of, or the trade of
17 any item of nonferrous metal property by a scrap metal business from a member
18 of the general public. "Transaction" does not include donations or the pur-
19 chase or receipt of nonferrous metal property by a scrap metal business from
20 a commercial enterprise, from another scrap metal business, or from a duly
21 authorized employee or agent of the commercial enterprise or scrap metal
22 business.

23 SECTION 2. That Chapter 27, Title 54, Idaho Code, be, and the same is
24 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
25 ignated as Section 54-2709, Idaho Code, and to read as follows:

26 54-2709. STATEWIDE JURISDICTION AND PREEMPTION. This chapter and its
27 provisions are of statewide concern and occupy the whole field of regulation
28 regarding scrap metal businesses, scrap metal processors, scrap metal re-
29 cycling centers, scrap metal suppliers, and scrap metal transactions to the
30 exclusion of all local ordinances or regulations. No ordinance or regula-
31 tion of any political subdivision may prohibit or in any way attempt to regu-
32 late any matter provided for in this chapter.

33 SECTION 3. An emergency existing therefor, which emergency is hereby
34 declared to exist, this act shall be in full force and effect on and after
35 July 1, 2023.