

SENATE BILL NO. 2174

Introduced by

Senators Vedaa, Hogue, Kannianen, Paulson

Representatives Louser, Thomas

1 A BILL for an Act to amend and reenact section 51-35-02 of the North Dakota Century Code,
2 relating to scrap metal dealers; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 51-35-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **51-35-02. Records of purchase, trade, barter, or transaction required.**

- 7 1. Every scrap metal dealer shall keep business records of any purchase, trade, barter,
8 or other transaction that involves the receipt of scrap metals worth over twenty-five
9 dollars. The business records must include the following information:
- 10 a. The date, time, and place of each purchase or transaction;
 - 11 b. A description of the scrap metal received and the weight and type of scrap metal
12 received;
 - 13 c. The amount paid to the person selling or delivering the scrap metal and the
14 manner of payment, including check or electronic transfer;
 - 15 d. A photograph or video of the scrap metal received if the scrap metal is a catalytic
16 converter, in whole or in part;
 - 17 e. The name and address of the person selling or delivering the scrap metal; and
18 e.f. A photocopy of a valid government-issued identification card or driver's license
19 ~~and~~ which must include the seller's or deliverer's full name, photograph, date of
20 birth, and signature.
- 21 2. Every scrap metal dealer shall keep the business records required under this section
22 at the business premises of the scrap metal dealer or other reasonably available
23 location within this state for seven years after the date of each purchase or transaction
24 for which business records are required under this section.

- 1 3. A scrap metal dealer shall register as a scrap metal dealer with the secretary of state
2 and provide the secretary of state with the address of the dealer's business premises
3 or address at which the dealer's business records are kept. The secretary of state
4 shall make the address available to any law enforcement officer upon request.
- 5 4. A scrap metal dealer may not pay cash for scrap metal purchases or transactions over
6 one thousand dollars, but may only pay by check or electronic transfer.
- 7 4.5. Each scrap metal dealer's premises must be kept open during regular business hours
8 for inspection by a law enforcement officer and each scrap metal dealer's business
9 records and business inventory must be made available for inspection by a law
10 enforcement officer at all times during reasonable business hours or at reasonable
11 times if ordinary hours of business are not kept.
- 12 5.6. Before a law enforcement officer may conduct an inspection under this section, the
13 law enforcement officer shall inform the scrap metal dealer ~~that~~ the individual is a law
14 enforcement officer and ~~shall~~ inform the scrap metal dealer of the purpose of the
15 inspection. The law enforcement officer shall comply with all reasonable and
16 customary safety requirements of the scrap metal dealer on the business premises.
- 17 6.7. The scrap metal dealer may require a law enforcement officer to sign an inspection log
18 that includes the officer's name and serial or badge number and the date, time, and
19 purpose for the inspection.
- 20 7.8. As used in this section, "catalytic converter" means a device that is incorporated in a
21 motor vehicle's exhaust system which is used for controlling the exhaust emissions
22 from the motor vehicle, and contains a catalyst metal.
- 23 9. The provisions of this chapter shall take precedence over and supersede any local
24 ordinance adopted by a political subdivision that regulates scrap metal transactions.