

# HOUSE BILL No. 4699

May 7, 2013, Introduced by Reps. Kowall, Cavanagh and Tlaib and referred to the Committee on Regulatory Reform.

A bill to amend 2008 PA 429, entitled "Nonferrous metal regulatory act," by amending the title and sections 1, 3, 5, 7, 9, 11, 13, 15, and 17 (MCL 445.421, 445.423, 445.425, 445.427, 445.429, 445.431, 445.433, 445.435, and 445.437).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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TITLE

An act to regulate the purchase and sale of certain ~~nonferrous~~ metals; to provide for disclosures by certain persons regarding certain transactions; to require the creation **AND MAINTENANCE** of ~~records for certain purposes and for the use of certain databases by certain persons;~~ **THE SCRAP METAL OFFENDERS REGISTRY AND THE CREATION OF THE SCRAP METAL OFFENDERS REGISTRATION FUND; TO REQUIRE THE REGISTRATION OF CERTAIN INDIVIDUALS; TO PRESCRIBE THE POWERS**

1 **AND DUTIES OF CERTAIN PUBLIC OFFICIALS; TO PRESCRIBE THE PAYMENT**  
 2 **AND COLLECTION OF CERTAIN FEES;** and to provide for penalties and  
 3 remedies.

4 Sec. 1. This act shall be known and may be cited as the  
 5 "**FERROUS METAL AND** nonferrous metal ~~regulatory~~**REGULATION AND SCRAP**  
 6 **METAL OFFENDERS REGISTRATION** act".

7 Sec. 3. As used in this act:

8 (a) "Dealer" means any person that is not a first purchaser  
 9 who purchases **FERROUS METAL**, nonferrous ~~metals~~**METAL, OR BOTH**, from  
 10 any seller. Dealer includes, but is not limited to, a person,  
 11 whether or not licensed under state law or local ordinance, that  
 12 operates a business as a scrap metal recycler, scrap processor,  
 13 secondhand and junk dealer, or other person who purchases any  
 14 amount of **FERROUS METAL OR** nonferrous metal on a regular, sporadic,  
 15 or 1-time basis. Dealer ~~does not include~~**INCLUDES** an automotive  
 16 recycler regulated by and complying with ~~section 217~~**ANY OF THE**  
 17 **FOLLOWING:**

18 (i) **SECTION 217C** of the Michigan vehicle code, 1949 PA 300, ~~MCL~~  
 19 ~~257.217; section~~ **MCL 257.217C.**

20 (ii) **SECTION 18** of the motor vehicle service and repair act,  
 21 1974 PA 300, MCL 257.1318. ~~or section~~

22 (iii) **SECTION 2** of 1986 PA 119, MCL 257.1352, when engaging in  
 23 activities ~~that meet~~**LISTED IN** the definition of automotive  
 24 recycler ~~as defined in~~**UNDER** section 2a of the Michigan vehicle  
 25 code, 1949 PA 300, MCL 257.2a.

26 (B) **"DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.**

27 (C) ~~(b)~~"Documentation" means a signed statement that

1 indicates where the person obtained the article, that the person is  
2 authorized to sell the article, or other evidence that reasonably  
3 demonstrates ownership of the article and the source of the  
4 article.

5 (D) ~~(e)~~—"Ferrous metal" means a metal that contains  
6 significant quantities of iron or steel.

7 (E) ~~(d)~~—"First purchaser" means the first buyer of a  
8 manufactured product containing **FERROUS METAL OR** nonferrous metal  
9 in a retail or business-to-business transaction. Persons purchasing  
10 **FERROUS METAL OR** nonferrous metal in violation of this act,  
11 automotive recyclers, pawnshops, scrap metal recyclers, and scrap  
12 processors are not considered first purchasers.

13 (F) ~~(e)~~—"Industrial or commercial account" means ~~any~~ **A** person,  
14 operating from a fixed location, that is a seller of ferrous **METAL**  
15 or nonferrous metal to a scrap metal recycler ~~pursuant to~~ **UNDER** a  
16 written agreement.

17 (G) ~~(f)~~—"Nonferrous metal" means a metal that does not contain  
18 significant quantities of ferrous metal but contains copper, brass,  
19 platinum-based metals, aluminum, bronze, lead, zinc, nickel, or  
20 alloys of those metals.

21 (H) ~~(g)~~—"Person" means an individual, partnership,  
22 corporation, limited liability company, joint venture, trust,  
23 association, or other legal entity.

24 (I) ~~(h)~~—"Public fixtures" means articles containing **FERROUS**  
25 **METAL OR** nonferrous metal that are used or located in areas open to  
26 the public and include, but are not limited to, utility access  
27 covers, ~~+~~street light poles and fixtures, ~~+~~road and bridge guard

1 rails, ~~+~~highway or street signs, ~~+~~water meter covers, ~~+~~traffic  
 2 directional and control signs, ~~+~~traffic light signals, ~~+~~  
 3 telecommunications cable, ~~+~~utility-related articles, ~~+~~and  
 4 historical markers.

5 (J) ~~(i)~~"Record" means a paper, electronic, or other generally  
 6 accepted method of storing information in a retrievable form.

7 (K) "SCRAP METAL" MEANS EITHER OR BOTH OF THE FOLLOWING:

8 (i) NONFERROUS METAL IN AN AMOUNT WEIGHING NOT LESS THAN 5  
 9 POUNDS.

10 (ii) FERROUS METAL IN AN AMOUNT WEIGHING NOT LESS THAN 100  
 11 POUNDS.

12 (l) "SCRAP METAL OFFENSE" MEANS ANY CRIME INVOLVING THE THEFT  
 13 OF SCRAP METAL.

14 (M) "SCRAP METAL OFFENDERS REGISTRY" MEANS THE PUBLIC INTERNET  
 15 WEBSITE CREATED AND MAINTAINED UNDER SECTION 11.

16 (N) ~~(j)~~"Scrap metal recycler" means a person that purchases  
 17 FERROUS METAL, nonferrous metal, OR BOTH, that is intended for  
 18 recycling or reuse, whether regarded as a scrap processor, core  
 19 buyer, or other similar business operation.

20 (O) ~~(k)~~"Scrap processor" means that term as defined in  
 21 section 3 of 1917 PA 350, MCL 445.403.

22 (P) ~~(l)~~"Seller" means ~~any~~AN individual or person that either  
 23 regularly, sporadically, or on a 1-time basis receives  
 24 consideration from ~~any other~~ANOTHER person from the purchase by a  
 25 dealer of FERROUS METAL OR nonferrous metal offered by that seller.

26 Sec. 5. (1) A dealer shall do all of the following:

27 (a) Produce and maintain records as required under section

1 7(2).

2 ~~Participate in a database meeting the requirements of~~  
3 ~~section 11.~~

4 **(B) CHECK THE SCRAP METAL OFFENDERS REGISTRY TO DETERMINE**  
5 **WHETHER THE SELLER IS A REGISTERED OFFENDER LISTED ON THAT WEBSITE.**

6 (c) Tag and hold any **FERROUS METAL OR** nonferrous metal as  
7 ~~provided for~~ **PRESCRIBED** in section 9.

8 (d) Pay a seller by a method capable of being traced from the  
9 dealer to the seller **IF THE AMOUNT OF THE TRANSACTION IS MORE THAN**  
10 **\$200.00**. Payment by cash or currency of more than ~~\$50.00,~~ **\$200.00**,  
11 barter, or trade is not considered a payment that complies with the  
12 requirement of this subdivision. Payment of cash in ~~any~~ **AN** amount  
13 **OF MORE THAN \$200.00** in a transaction involving predominantly  
14 copper articles is ~~considered~~ a violation of this subdivision.

15 (e) In the case of a transaction involving **FERROUS METAL OR**  
16 nonferrous metal, verify that the seller is at least ~~16~~ **18** years of  
17 age.

18 **(F) FOR EACH TRANSACTION REGULATED UNDER THIS ACT, THE**  
19 **PURCHASING DEALER SHALL COLLECT A REGULATORY FEE OF \$1.00.**

20 (2) A seller shall do all of the following:

21 (a) Present to the dealer an operator's or chauffeur's  
22 license, military identification card, Michigan identification  
23 card, passport, or other government-issued identification  
24 containing a photograph and allow the dealer to make a photocopy or  
25 electronic copy of the identification.

26 (b) Allow the dealer to make a thumbprint, ~~to~~ **WHICH SHALL** be  
27 used only for identification purposes by the dealer and for

1 investigation purposes by a law enforcement agency.

2 (c) Execute a signed statement indicating that the seller is  
3 the owner of, or is otherwise authorized to sell, the **FERROUS METAL**  
4 **OR** nonferrous metal offered for purchase to the dealer.

5 (d) Attest to the lack of any criminal convictions **OR PLEA**  
6 **AGREEMENTS** involving the theft, conversion, or sale of **FERROUS**  
7 **METAL OR** nonferrous metals.

8 Sec. 7. (1) Except as otherwise provided in this subsection, a  
9 dealer shall produce and maintain an accurate and legible record of  
10 each purchase transaction. The dealer shall maintain the records  
11 produced under this section for at least 1 year, shall keep the  
12 records in a location that is readily accessible to a local, state,  
13 or federal law enforcement agency for inspection during normal  
14 business hours, and shall make the records, or copies of those  
15 records, available to any local, state, or federal law enforcement  
16 agency upon reasonable suspicion of violation of this act.

17 (2) The record of a purchase transaction regarding **FERROUS**  
18 **METAL OR** nonferrous metal shall contain all of the following:

19 (a) The name, address, and identifying number from the  
20 seller's operator's or chauffeur's license, military identification  
21 card, Michigan identification card, passport, or other government-  
22 issued identification containing a photograph. A legible scan or  
23 photocopy of the identification ~~is considered satisfactory in~~  
24 ~~fulfilling the~~ **SATISFIES THAT** requirement. ~~of this subdivision.~~ In  
25 the case of a repeat seller, a copy of the information may be kept  
26 on file with the dealer and be used for future transactions.

27 (b) The license plate number of the vehicle delivering the

1 **FERROUS METAL OR** nonferrous metal, **OR BOTH.**

2 (c) The date and time of the transaction.

3 (d) A description of the predominant types of metal purchases,  
4 made in accordance with the custom of the trade.

5 (e) The weight, quantity, or volume of metal, made in  
6 accordance with the custom of the trade.

7 (f) The consideration paid and the method of payment.

8 (g) A signed statement from the seller that the seller is the  
9 owner of the metal or is otherwise authorized to sell the metal  
10 subject to the transaction.

11 (h) A thumbprint of the seller.

12 (3) In the case of a seller that is an industrial or  
13 commercial account ~~where~~ **IN WHICH** payment is made by a method  
14 capable of being traced from the dealer to the seller and payment  
15 is made directly to the business, the dealer is not required to  
16 produce the record described in subsection (2) ~~so long as~~ **IF** the  
17 personal and business identifying information of the industrial or  
18 commercial account seller is on file with the dealer and conforms  
19 to a written description of the type of **FERROUS OR** nonferrous metal  
20 or articles customarily purchased by the dealer from that seller,  
21 and the information is periodically reviewed at least every 2 years  
22 and validated as current or updated by the dealer.

23 Sec. 9. (1) A dealer shall tag and hold, for 7 calendar days,  
24 any article containing **FERROUS METAL OR** nonferrous metal, **OR BOTH,**  
25 purchased from a seller and that is offered for purchase under any  
26 of the following circumstances:

27 (a) The article has altered or obliterated serial numbers, and

1 the person delivering the article does not have a written receipt  
2 or documentation.

3 (b) ~~Where,~~ **IF**, due to the **READILY OBSERVABLE** identification on  
4 the article or due to the type of article, **INCLUDING, BUT NOT**  
5 **LIMITED TO, PUBLIC FIXTURES**, the dealer would reasonably be  
6 considered to have knowledge that the article is, or was, the  
7 property of a governmental entity, and the person delivering the  
8 article does not have a written receipt or documentation.

9 (c) ~~Where,~~ **IF**, due to the identification on the article, the  
10 dealer would reasonably be considered to have knowledge that the  
11 article is, or was, the property of a business, and the person  
12 delivering the article does not have a written receipt or  
13 documentation.

14 (d) The article is **PATENTLY** a commemorative, decorative, or  
15 other cemetery-related or apparently ceremonial article, and the  
16 person delivering the article does not have a written receipt or  
17 documentation.

18 (e) The article is subject to a notification or bulletin from  
19 any law enforcement agency that ~~is received by~~ the dealer **AND THE**  
20 **DEALER'S REPRESENTATIVE WHO IS TRANSACTING THE PURCHASE OF THE**  
21 **ARTICLE HAVE RECEIVED**, prior to the purchase of the article.

22 (f) ~~Where the~~ **THE** article is **PATENTLY** copper **UTILITY** wiring,  
23 whether burned or with sheathing, and the person delivering the  
24 article does not have a written receipt or documentation.

25 (2) The tag and hold requirements of this section require the  
26 dealer to also create and maintain the records required under  
27 section 7 regarding those articles.



1           (3) The tag and hold requirements of subsection (1) do not  
2 apply to any of the following:

3           (a) ~~Any-AN~~ article containing **FERROUS METAL OR** nonferrous  
4 metal, **OR BOTH**, that does not conform to the circumstances  
5 described in subsection (1).

6           (b) ~~Any-AN~~ article that has been the subject of tag and hold  
7 by 1 dealer in compliance with this section if that article is  
8 resold directly to another dealer. In addition, any article that  
9 was not initially subject to the tag and hold provisions of this  
10 section is not thereafter subject to the tag and hold provisions if  
11 that article is resold to another dealer.

12           (4) Except in the case where the seller has specific written  
13 documentation that the seller is the owner, agent, or person with  
14 authority to possess and sell certain articles, a seller shall not  
15 sell or offer for sale, and a dealer shall not purchase, ~~any-AN~~  
16 article containing **FERROUS METAL**, nonferrous metal, **OR BOTH**, that  
17 is marked with ~~any-A~~ **READILY OBSERVABLE** form of the name, initials,  
18 markings, or logo of a governmental entity, utility, cemetery, or  
19 railroad; any beer kegs; or any public fixtures. ~~Any sale-**THE SALE**~~  
20 **OF ANY ARTICLE DESCRIBED IN THIS SUBSECTION** is subject to ~~the~~  
21 ~~provisions of~~ this act.

22           (5) **BEGINNING JUNE 30, 2014, NO LATER THAN THE TENTH DAY**  
23 **FOLLOWING THE LAST DAY OF THE PREVIOUS MONTH, A DEALER SHALL REMIT**  
24 **THE FEES COLLECTED UNDER SECTION 5(1)(F) DURING THE PREVIOUS MONTH,**  
25 **ALONG WITH A LIST OF TRANSACTIONS FOR WHICH THE FEES WERE**  
26 **COLLECTED, TO THE DEPARTMENT FOR USE AND DISTRIBUTION AS FOLLOWS:**

27           **(A) FIFTY PERCENT SHALL BE RETAINED BY THE DEPARTMENT AND**

1 SHALL BE EXPENDED SOLELY FOR THE ADMINISTRATION OF THE SCRAP METAL  
2 OFFENDERS REGISTRY AND WEBSITE ESTABLISHED UNDER SECTION 11 AND TO  
3 ENSURE DEALERS' COMPLIANCE WITH THEIR DUTIES UNDER SECTION 5.

4 (B) FIFTY PERCENT SHALL BE DISTRIBUTED BY THE DEPARTMENT TO  
5 THE LOCAL LAW ENFORCEMENT AGENCY SERVING THE LOCATION WHERE THE  
6 TRANSACTION OCCURRED FOR WHICH THE REGULATORY FEE WAS COLLECTED,  
7 WHICH THAT LOCAL LAW ENFORCEMENT AGENCY SHALL USE SOLELY FOR THE  
8 PURPOSE OF FUNDING LAW ENFORCEMENT ACTIVITIES TO INVESTIGATE,  
9 PREVENT, OR PROSECUTE FERROUS OR NONFERROUS METAL THEFT.

10 Sec. 11. ~~(1) A dealer shall register with or subscribe to, and~~  
11 ~~maintain that registration or subscription with, an internet based~~  
12 ~~database available to dealers, law enforcement agencies, and the~~  
13 ~~general public that lists and tracks, at a minimum, thefts of~~  
14 ~~nonferrous metal and articles containing nonferrous metals. The~~  
15 ~~database may be reasonably limited in terms of time and~~  
16 ~~geographical area.~~

17 ~~—— (2) The existing database established by the institute of~~  
18 ~~scrap recycling industries, inc., referred to as the ISRI theft~~  
19 ~~alert system, is considered an appropriate internet based database.~~  
20 ~~A dealer may register with or subscribe to any other database that~~  
21 ~~provides substantially the same services as the database described~~  
22 ~~in subsection (1).~~

23 (1) THE DEPARTMENT SHALL CREATE AND MAINTAIN A PUBLIC INTERNET  
24 WEBSITE TO IMPLEMENT SECTION 5, WHICH SHALL BE KNOWN AS THE SCRAP  
25 METAL OFFENDERS REGISTRY, AND MAKE THE WEBSITE AVAILABLE TO  
26 DEALERS, LAW ENFORCEMENT AGENCIES, AND THE GENERAL PUBLIC. THE  
27 PUBLIC INTERNET WEBSITE SHALL CONTAIN ALL OF THE FOLLOWING

1 INFORMATION FOR EACH INDIVIDUAL REGISTERED UNDER THIS SECTION:

2 (A) THE INDIVIDUAL'S LEGAL NAME AND ANY ALIASES, NICKNAMES,  
3 ETHNIC OR TRIBAL NAMES, OR OTHER NAMES BY WHICH THE INDIVIDUAL IS  
4 OR HAS BEEN KNOWN.

5 (B) THE INDIVIDUAL'S DATE OF BIRTH.

6 (C) THE ADDRESS WHERE THE INDIVIDUAL RESIDES. IF THE  
7 INDIVIDUAL DOES NOT HAVE A RESIDENTIAL ADDRESS, INFORMATION UNDER  
8 THIS SUBSECTION SHALL IDENTIFY THE VILLAGE, CITY, OR TOWNSHIP THE  
9 INDIVIDUAL USES IN LIEU OF AN ADDRESS OR WHERE THE INDIVIDUAL  
10 SPENDS THE MAJORITY OF HIS OR HER TIME IF HE OR SHE IS HOMELESS.

11 (D) A BRIEF SUMMARY OF THE INDIVIDUAL'S CONVICTIONS FOR SCRAP  
12 METAL OFFENSES REGARDLESS OF WHEN THE CONVICTION OCCURRED.

13 (E) A COMPLETE PHYSICAL DESCRIPTION OF THE INDIVIDUAL.

14 (F) A PHOTOGRAPH OF THE INDIVIDUAL.

15 (G) AN IMAGE OF THE INDIVIDUAL'S FINGERPRINTS.

16 (H) THE TEXT OF THE PROVISION OF LAW THE INDIVIDUAL WAS  
17 CONVICTED OF COMMITTING.

18 (I) THE VALUE OF THE STOLEN PROPERTY INVOLVED IN EACH SCRAP  
19 METAL OFFENSE.

20 (J) THE DETAILS OF ANY PLEA AGREEMENT ENTERED INTO INVOLVING A  
21 SCRAP METAL OFFENSE.

22 (2) AN INDIVIDUAL WHO IS CONVICTED OF A SCRAP METAL OFFENSE OR  
23 WHO ENTERS INTO A PLEA AGREEMENT INVOLVING A SCRAP METAL OFFENSE  
24 SHALL REGISTER WITH THE SHERIFF'S DEPARTMENT, LOCAL LAW ENFORCEMENT  
25 AGENCY, OR DEPARTMENT POST WITH JURISDICTION IN THE LOCAL  
26 GOVERNMENTAL UNIT IN WHICH HE OR SHE RESIDES, OR NOT MORE THAN 30  
27 DAYS AFTER SENTENCING, CHANGING HIS OR HER RESIDENCE, OR BEING

1 RELEASED FROM IMPRISONMENT, WHICHEVER OCCURS EARLIEST, BY PAYING A  
2 FEE OF \$50.00 AND PROVIDING ALL OF THE INFORMATION LISTED IN  
3 SUBSECTION (1). THE INDIVIDUAL SHALL REGISTER NOT MORE THAN 1 YEAR  
4 AFTER INITIAL REGISTRATION, AND ANNUALLY EACH YEAR AFTER THAT.

5 (3) OF THE MONEY COLLECTED BY A LOCAL LAW ENFORCEMENT AGENCY,  
6 SHERIFF'S DEPARTMENT, OR DEPARTMENT POST FROM EACH REGISTRATION FEE  
7 PRESCRIBED UNDER THIS SECTION, \$30.00 SHALL BE FORWARDED TO THE  
8 DEPARTMENT, WHICH SHALL DEPOSIT THE MONEY IN THE SCRAP METAL  
9 OFFENDERS REGISTRATION FUND CREATED UNDER SUBSECTION (4), AND  
10 \$20.00 SHALL BE RETAINED BY THE LOCAL LAW ENFORCEMENT AGENCY,  
11 SHERIFF'S DEPARTMENT, OR DEPARTMENT POST.

12 (4) THE SCRAP METAL OFFENDERS REGISTRATION FUND IS CREATED AS  
13 A SEPARATE FUND IN THE DEPARTMENT OF TREASURY. THE STATE TREASURER  
14 SHALL CREDIT THE MONEY RECEIVED FROM THE PAYMENT OF THE  
15 REGISTRATION FEE PRESCRIBED UNDER THIS SECTION TO THE SCRAP METAL  
16 OFFENDERS REGISTRATION FUND. MONEY CREDITED TO THE FUND SHALL ONLY  
17 BE USED BY THE DEPARTMENT FOR TRAINING CONCERNING, AND THE  
18 MAINTENANCE AND AUTOMATION OF, THE LAW ENFORCEMENT DATABASE, SCRAP  
19 METAL OFFENDERS REGISTRY, AND INFORMATION REQUIRED UNDER THIS  
20 SECTION. MONEY IN THE SCRAP METAL OFFENDERS REGISTRATION FUND AT  
21 THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT  
22 LAPSE TO THE GENERAL FUND.

23 (5) IF AN INDIVIDUAL REQUIRED TO PAY A REGISTRATION FEE UNDER  
24 THIS SECTION IS INDIGENT, THE REGISTRATION FEE SHALL BE WAIVED FOR  
25 A PERIOD OF 90 DAYS. THE BURDEN IS ON THE INDIVIDUAL CLAIMING  
26 INDIGENCE TO PROVE THE FACT OF INDIGENCE TO THE SATISFACTION OF THE  
27 LOCAL LAW ENFORCEMENT AGENCY, SHERIFF'S DEPARTMENT, OR DEPARTMENT

1 POST WHERE THE INDIVIDUAL IS REPORTING.

2 (6) PAYMENT OF THE REGISTRATION FEE PRESCRIBED UNDER THIS  
3 SECTION SHALL BE MADE IN THE FORM AND BY MEANS PRESCRIBED BY THE  
4 DEPARTMENT. UPON PAYMENT OF THE REGISTRATION FEE PRESCRIBED UNDER  
5 THIS SECTION, THE LOCAL LAW ENFORCEMENT AGENCY, SHERIFF'S  
6 DEPARTMENT, OR DEPARTMENT POST WHERE PAYMENT WAS MADE SHALL FORWARD  
7 VERIFICATION OF THE PAYMENT TO THE DEPARTMENT IN THE MANNER THE  
8 DEPARTMENT PRESCRIBES. THE DEPARTMENT SHALL REVISE THE SCRAP METAL  
9 OFFENDERS REGISTRY MAINTAINED UNDER THIS SECTION AS NECESSARY AND  
10 SHALL INDICATE VERIFICATION OF PAYMENT IN THE LAW ENFORCEMENT  
11 DATABASE UNDER THIS SECTION.

12 Sec. 13. (1) ~~A~~EXCEPT AS OTHERWISE PROVIDED IN THIS  
13 SUBSECTION, A person who violates section 7(1) or section 9,  
14 ~~knowing or having~~OTHER THAN SECTION 9(5), WHO KNOWS OR HAS reason  
15 to know that he or she is violating ~~these sections~~THAT SECTION is  
16 guilty of a misdemeanor punishable by a fine of not more than  
17 \$500.00 or imprisonment for not more than 93 days, or both. A  
18 DEALER WHO FAILS TO REMIT A REGULATORY FEE COLLECTED UNDER SECTION  
19 9(5) IS GUILTY OF A MISDEMEANOR PUNISHABLE AS FOLLOWS:

20 (A) FOR A FIRST OFFENSE, A FINE OF \$1,000.00, AND THE  
21 REMITTANCE TO THE DEPARTMENT OF THE FEES THE DEALER WAS REQUIRED,  
22 BUT FAILED, TO REMIT TO THE DEPARTMENT UNDER SECTION 9(5).

23 (B) FOR A SECOND OFFENSE, A FINE OF \$3,000.00, AND THE  
24 REMITTANCE TO THE DEPARTMENT OF THE FEES THE DEALER WAS REQUIRED,  
25 BUT FAILED, TO REMIT TO THE DEPARTMENT UNDER SECTION 9(5).

26 (C) FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT FOR NOT  
27 MORE THAN 93 DAYS, A FINE OF \$5,000.00, AND THE REMITTANCE TO THE

1 DEPARTMENT OF THE FEES THE DEALER WAS REQUIRED, BUT FAILED, TO  
2 REMIT TO THE DEPARTMENT UNDER SECTION 9(5).

3 (2) A person who buys or sells FERROUS METAL OR nonferrous  
4 metal articles ~~knowing or having reason to know that they are~~ IT IS  
5 stolen is guilty of a felony punishable by imprisonment for not  
6 more than 5 years or a fine of not more than \$5,000.00, or both,  
7 for a first offense and is guilty of a felony punishable by  
8 imprisonment for not more than 5 years or a fine of not more than  
9 \$10,000.00, or both, for a second or subsequent offense. A PERSON  
10 WHO BUYS OR SELLS FERROUS OR NONFERROUS METAL, OR BOTH, FROM AN  
11 INDIVIDUAL WHO IS REGISTERED ON THE SCRAP METAL OFFENDER REGISTRY  
12 ON THE DATE OF THE MOST RECENT LISTING THEN PUBLICLY AVAILABLE AT  
13 THE TIME OF THE TRANSACTION IS PRESUMED TO KNOW THAT THE METAL IS  
14 STOLEN.

15 (3) A DEALER WHO FAILS TO COLLECT A REGULATORY FEE AS REQUIRED  
16 UNDER SECTION 5(1)(F) IS GUILTY OF A MISDEMEANOR PUNISHABLE BY  
17 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN  
18 \$5,000.00, OR BOTH.

19 (4) A PERSON WHO IS REQUIRED TO REGISTER AS A SCRAP METAL  
20 OFFENDER UNDER SECTION 11 AND WHO FAILS TO DO SO, OTHER THAN  
21 FAILING TO PAY THE FEE REQUIRED UNDER SECTION 11, IS GUILTY OF A  
22 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR  
23 A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

24 (5) AN INDIVIDUAL WHO WILLFULLY REFUSES OR FAILS TO PAY THE  
25 REGISTRATION FEE PRESCRIBED IN SECTION 11 WITHIN 90 DAYS OF THE  
26 DATE THE INDIVIDUAL REPORTS UNDER THAT SECTION IS GUILTY OF A  
27 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

1 (6) THE COURT SHALL REVOKE THE PROBATION OF AN INDIVIDUAL  
2 PLACED ON PROBATION WHO WILLFULLY VIOLATES SECTION 11.

3 (7) THE COURT SHALL REVOKE THE YOUTHFUL TRAINEE STATUS OF AN  
4 INDIVIDUAL ASSIGNED TO YOUTHFUL TRAINEE STATUS WHO WILLFULLY  
5 VIOLATES SECTION 11.

6 (8) THE PAROLE BOARD SHALL RESCIND THE PAROLE OF AN INDIVIDUAL  
7 RELEASED ON PAROLE WHO WILLFULLY VIOLATES SECTION 11.

8 (9) AN INDIVIDUAL'S FAILURE TO REGISTER AS REQUIRED BY SECTION  
9 11 MAY BE PROSECUTED IN THE JUDICIAL DISTRICT OF ANY OF THE  
10 FOLLOWING:

11 (A) THE INDIVIDUAL'S LAST REGISTERED ADDRESS OR RESIDENCE.

12 (B) THE INDIVIDUAL'S ACTUAL ADDRESS OR RESIDENCE.

13 (C) WHERE THE INDIVIDUAL WAS ARRESTED FOR THE VIOLATION.

14 Sec. 15. A person ~~violating~~ WHO VIOLATES this act, ~~knowing or~~  
15 ~~having~~ OTHER THAN A CRIME DESCRIBED IN SECTION 13, WHO KNOWS OR HAS  
16 reason to know that he or she is violating this act, is responsible  
17 for a state civil infraction and may be ordered to pay a civil fine  
18 of not more than \$5,000.00.

19 Sec. 17. (1) A person may bring a private cause of action, in  
20 a court of competent jurisdiction, for monetary damages suffered  
21 from violation of this act by a seller or a dealer, or both.

22 (2) The court ~~shall~~ MAY award treble damages for the value of  
23 the FERROUS METAL OR nonferrous metal article stolen. The court may  
24 award costs regarding any aspect of an action brought under  
25 subsection (1). As used in this subsection, "value of the FERROUS  
26 METAL OR nonferrous metal article stolen" means the greatest of the  
27 following:

1 (a) The replacement cost of the stolen article.

2 (b) The cost of repairing the damage caused by the larceny of  
3 that article.

4 (c) The total of subdivisions (a) and (b).