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State of Misconsin 2021 - 2022 LEGISLATURE

LRB-3430/1 JAM:emw

2021 SENATE BILL 408

June 10, 2021 - Introduced by Senators Bernier, L. Taylor, Ballweg, Cowles, Larson and Smith, cosponsored by Representatives Moses, James, Doyle, Brandtjen, Billings, Callahan, Dittrich, Edming, Emerson, Gundrum, Knodl, Kuglitsch, Novak, Rozar, Snyder, Sortwell, Tauchen, Thiesfeldt, Tittl, Wichgers and Tusler. Referred to Committee on Labor and Regulatory Reform.

AN ACT to create 134.405 (1) (f) 9. of the statutes; relating to: regulating scrap

dealer purchases of catalytic converters.

Analysis by the Legislative Reference Bureau

This bill designates a catalytic converter as a type of proprietary article for which scrap dealers must follow certain requirements. Under current law, "proprietary articles" include copper and aluminum conductors and wires, metal beer kegs, manhole covers, metal grave markers, railroad track components, and plastic bulk merchandise containers.

Under current law, scrap dealers may purchase proprietary articles from any person who is over the age of 18 if all of the following apply:

- 1. The seller or deliverer of the proprietary article provides to the scrap dealer the seller's government-issued, current photographic identification.
- 2. The scrap dealer records and maintains information from the identification provided by the seller or deliverer as well as the time and date of the purchase, the number and state of the seller's or deliverer's vehicle license plate, and a description of the proprietary article, including the weight of the article and a description of the article consistent with certain national recycling guidelines.
- 3. The scrap dealer either 1) receives from the seller certain evidence that establishes that the seller lawfully possesses the proprietary article or 2) documents that the dealer has made a diligent inquiry into whether the person selling the proprietary article has a legal right to do so and then submits within one business day a report to a local law enforcement department describing the proprietary article and a copy of the seller's or deliverer's photographic identification information.

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The above requirements do not apply if the scrap dealer purchases the proprietary article from a commercial account if the scrap dealer also creates and maintains certain records of purchases from the commercial account.

Scrap dealers must maintain all of the above stated records for not less than two years after recording, and city, village, town, or county law enforcement officers may request that all scrap dealers in the municipality furnish reports of proprietary article purchases. Upon such a request, the scrap dealers must furnish the reports no later than the business day following the purchase.

A scrap dealer's intentional failure to comply with the above requirements is a misdemeanor. A first-time violator is subject to a fine of up to \$1,000 or imprisonment for up to 90 days or both, and a repeat violator is subject to a fine of up to \$10,000 or imprisonment for up to nine months or both. Owners of proprietary articles who incur injury or loss as a result of a violation of the above requirements may bring a civil action against the person who committed the violation.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- **SECTION 1.** 134.405 (1) (f) 9. of the statutes is created to read:
- 2 134.405 (1) (f) 9. A catalytic converter.

3 (END)