

CHAPTER 8

AN ACT regulating scrap metal businesses and supplementing Title 45 of the Revised Statutes and Title 2C of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.45:28-1 Definitions relative to scrap metal businesses.

1. As used in this act:

“Scrap metal” means used, discarded, or previously owned items that consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel, or alloys.

“Scrap metal business” means a commercial establishment which, as one of its principal business purposes, purchases scrap metal for purposes of resale or processing.

C.45:28-2 Requirements for operator of scrap metal business.

2. The operator of a scrap metal business shall:

a. Verify the identity of any person delivering or selling scrap metal to the scrap metal business by requesting and examining a photograph-bearing, valid State or federal driver’s license or other government-issued form of identification bearing a photograph;

b. Make a clear copy of, and record, in a manner as may be prescribed by the Attorney General, the number of the driver’s license or other government-issued form of identification presented by the person delivering or selling the scrap metal, before receiving or purchasing any scrap metal from that person;

c. Maintain, for at least five years, a record of all receipts or purchases of scrap metal in excess of 100 pounds or \$50, whichever is less, including, but not limited to:

(1) the date of receipt or purchase of the scrap metal;

(2) the name and address of the person delivering or selling the scrap metal;

(3) the type and number of the identification presented by the person delivering or selling the scrap metal, along with a copy of the driver’s license or other government-issued form of identification;

(4) a description of the scrap metal received or purchased, including, but not limited to its type, amount, and form;

(5) the signature of the person delivering or selling the scrap metal; and

(6) any other information as may be required by the Attorney General; and

d. Make any records maintained pursuant to subsection c. of this section available, upon request, to any law enforcement agency or official investigating the possible theft or resale of scrap metals.

C.2C:20-7.2 Notification of theft of scrap metal.

3. Each State, county, and municipal police department may, upon receiving reliable information that scrap metal has been stolen, promptly notify scrap metal businesses of the theft and provide such businesses with information to identify the stolen scrap metal, to effectuate the purposes of P.L.2009, c.8 (C.45:28-1 et al.).

C.45:28-3 Report of stolen scrap metal.

4. The operator of a scrap metal business shall immediately report to an appropriate law enforcement agency any delivery or sale of scrap metal under circumstances that would cause a reasonable person to believe the scrap metal was probably stolen or otherwise inappropriately obtained.

C.45:28-4 Immunity from civil liability.

5. Notwithstanding any provision of the law to the contrary, any person who reports information to a law enforcement official or agency concerning the suspect delivery or sale of scrap metal shall be immune from any civil liability on account of the report, unless such person has acted in bad faith or with malicious purpose.

C.45:28-5 Violations, degree of crime.

6. Violations of section 2 or 4 of P.L.2009, c.8 (C.45:28-2 or C.45:28-3) are disorderly persons offenses for a first or second offense, and crimes of the fourth degree for third and subsequent offenses.

7. The Attorney General, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may promulgate rules and regulations necessary to implement P.L.2009, c.8 (C.45:28-1 et al.).

8. This act shall take effect on the first day of the seventh month following enactment, but the Attorney General may take such anticipatory acts in advance of that date as may be necessary for the timely implementation of this act.

Approved January 27, 2009.