

By: Truitt

H.B. No. 1188

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation of metal recycling entities; providing
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 1956.001(10), Occupations Code, is
6 amended to read as follows:

7 (10) "Regulated metal" means:

8 (A) manhole covers;

9 (B) guardrails;

10 (C) metal cylinders designed to contain
11 compressed air, oxygen, gases, or liquids;

12 (D) beer kegs made from metal other than
13 aluminum;

14 (E) historical markers or cemetery vases,
15 receptacles, or memorials made from metal other than aluminum;

16 (F) unused rebar;

17 (G) street signs;

18 (H) drain gates;

19 (I) safes;

20 (J) communication, transmission, and service
21 wire or cable;

22 (K) condensing or evaporator coils for heating or
23 air conditioning units;

24 (L) utility structures, including the fixtures

1 and hardware;

2 (M) aluminum or stainless steel containers
3 designed to hold propane for fueling forklifts; ~~and~~

4 (N) metal railroad equipment, including tie
5 plates, signal houses, control boxes, signs, signals, traffic
6 devices, traffic control devices, traffic control signals, switch
7 plates, e-clips, and rail tie functions;

8 (O) catalytic converters;

9 (P) metal bleachers or other seating facilities
10 used in recreational areas or sporting arenas;

11 (Q) plumbing or electrical fixtures;

12 (R) tools;

13 (S) machinery or supplies commonly used in the
14 drilling, completing, operating, or repairing of oil or gas wells;

15 (T) stainless steel fittings and fixtures
16 commonly used in the operation of car wash facilities; and

17 (U) any metal item marked with any form of the
18 name, initials, or logo of a government entity, utility, cemetery,
19 or railroad.

20 SECTION 2. Section 1956.032(e), Occupations Code, is
21 amended to read as follows:

22 (e) The metal recycling entity or the entity's agent for
23 recordkeeping purposes may take a photograph of the motor vehicle
24 of the seller in which the make, model, and license plate number of
25 the motor vehicle are identifiable in lieu of the information
26 required under Subsection (a)(2) ~~[(a)(3)]~~.

27 SECTION 3. Section 1956.037(a), Occupations Code, is

1 amended to read as follows:

2 (a) A metal recycling entity may not dispose of, process,
3 sell, or remove from the premises an item of regulated material
4 [~~metal~~] unless:

5 (1) the entity acquired the item more than 72 hours,
6 excluding weekends and holidays, before the disposal, processing,
7 sale, or removal; [~~or~~]

8 (2) for purchases of 35 pounds or more of regulated
9 material, the entity holds the material separate and apart from all
10 other purchases so that the regulated material may be readily
11 identifiable for a period of not less than 10 days, excluding
12 weekends and holidays, before the disposal, processing, sale, or
13 removal; or

14 (3) the entity purchased the item from a
15 manufacturing, industrial, commercial, retail, or other seller
16 that sells regulated material in the ordinary course of its
17 business.

18 SECTION 4. Subchapter A-3, Chapter 1956, Occupations Code,
19 is amended by adding Sections 1956.0395 and 1956.0396 to read as
20 follows:

21 Sec. 1956.0395. PURCHASE FROM MINOR. (a) A metal recycling
22 entity may not purchase regulated material from a person younger
23 than 18 years of age unless a written statement from the seller's
24 parent or legal guardian consenting to the transaction is provided
25 to the entity before the transaction.

26 (b) The metal recycling entity shall retain the statement
27 with the records required to be kept under this subchapter.

1 Sec. 1956.0396. INSULATED WIRE. A metal recycling entity
2 may not purchase or otherwise receive wire that has been burned in
3 whole or in part to remove the insulation.

4 SECTION 5. Section 1956.151, Occupations Code, is amended
5 to read as follows:

6 Sec. 1956.151. DENIAL OF CERTIFICATE; DISCIPLINARY ACTION.
7 The department shall deny an application for a certificate of
8 registration, suspend or revoke a certificate of registration, or
9 reprimand a person who is registered under this chapter if the
10 person:

11 (1) obtains a certificate of registration by means of
12 fraud, misrepresentation, or concealment of a material fact;

13 (2) sells, barter, or offers to sell or barter a
14 certificate of registration;

15 (3) violates this chapter or a rule adopted under this
16 chapter; or

17 (4) violates Section 1956.021.

18 SECTION 6. This Act takes effect September 1, 2009.