

By: Pierson

H.B. No. 1717

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of metal recycling entities.

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

SECTION 1. Sections 1956.032(a) and (f), Occupations Code, are amended to read as follows:

(a) Except as provided by Subsection (f), a person attempting to sell regulated material to a metal recycling entity shall:

(1) display to the metal recycling entity the person's personal identification document;

(2) provide to the metal recycling entity the make, model, and license plate number of the motor vehicle used to transport the regulated material; ~~and~~

(3) either:

(A) present written documentation evidencing that the person is the legal owner or is lawfully entitled to sell the regulated material; or

(B) sign a written statement provided by the metal recycling entity that the person is the legal owner of or is lawfully entitled to sell the regulated material offered for sale; and

(4) submit to the metal recycling entity a complete set of legible fingerprints on a fingerprint card that is:

(A) approved by the department;

1                    (B) provided by the metal recycling entity; and  
2                    (C) completed at the time of sale in the presence  
3 of the metal recycling entity or the entity's agent.

4            (f) The metal recycling entity is not required to make a  
5 copy of the identification as required under Subsection (c) or  
6 collect the information required under Subsections [~~Subsection~~  
7 (a)(3) and (4) if:

8                    (1) the seller signs the written statement as required  
9 under Subsection (a)(3);

10                   (2) the seller has previously provided the information  
11 required under Subsection (a); and

12                   (3) the previously provided information has not  
13 changed.

14            SECTION 2. Section 1956.033(b), Occupations Code, is  
15 amended to read as follows:

16            (b) The record must be in English and include:

17                    (1) the place and date of the purchase;

18                    (2) the name and address of each individual from whom  
19 the regulated material is purchased or obtained;

20                    (3) the identifying number of the seller's personal  
21 identification document;

22                    (4) a description made in accordance with the custom  
23 of the trade of the type and quantity of regulated material  
24 purchased; and

25                    (5) the information required by Sections [~~Section~~  
26 1956.032(a)(3) and (4)].

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 metal unless:

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

7 (2) the entity purchased the item from a  
8 manufacturing, industrial, commercial, retail, or other seller  
9 that sells regulated material in the ordinary course of its  
10 business.

11 SECTION 4. Subchapter A-3, Chapter 1956, Occupations Code,  
12 is amended by adding Section 1956.0391 to read as follows:

13 Sec. 1956.0391. FORM OF PAYMENT. A metal recycling entity  
14 may not pay for a purchase of regulated material with cash. The  
15 metal recycling entity shall make payment for a purchase of  
16 regulated material by mailing to the seller's home or business  
17 address a draft drawn on a depository account of a financial  
18 institution that has its main operating office or a branch in this  
19 state.

20 SECTION 5. The change in law made by this Act applies only  
21 to a purchase of regulated material made on or after the effective  
22 date of this Act. A purchase of regulated material made before the  
23 effective date of this Act is governed by the law in effect when the  
24 material was purchased, and the former law is continued in effect  
25 for that purpose.

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