

**HOUSE BILL No. 2326**

By Committee on Judiciary

2-7

1 AN ACT concerning consumer protection; relating to the scrap metal theft  
2 reduction act; clarifying that catalytic converters are regulated scrap  
3 metal; ***providing that certain purchases of catalytic converters and***  
4 ***by-products or dust are unlawful under the act***; extending the  
5 expiration date of the act; amending K.S.A. 2022 Supp. 50-6,109, ***50-***  
6 ***6,111*** and 50-6,112d and repealing the existing sections.

7  
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2022 Supp. 50-6,109 is hereby amended to read as  
10 follows: 50-6,109. (a) K.S.A. 2022 Supp. 50-6,109 through ~~50-6,112e~~ *50-*  
11 *6,112d*, and amendments thereto, shall be known and may be cited as the  
12 scrap metal theft reduction act.

13 (b) As used in the scrap metal theft reduction act:

14 (1) "Scrap metal dealer" means any individual, firm, company,  
15 partnership, association or corporation that operates a business that is  
16 engaged in the business of buying, trading or dealing in regulated scrap  
17 metal for the purpose of sale for recycling.

18 (2) (A) "Regulated scrap metal" means any item, in any form, for  
19 which the purchase price described in K.S.A. 2022 Supp. 50-6,110 and 50-  
20 6,111, and amendments thereto, was primarily based on the content of:

21 ~~(A)~~(i) Aluminum, except that aluminum shall not include food or  
22 beverage containers;

23 ~~(B)~~(ii) copper;

24 ~~(C)~~(iii) brass;

25 ~~(D)~~(iv) bronze;

26 ~~(E)~~(v) stainless steel;

27 ~~(F)~~(vi) zinc;

28 ~~(G)~~(vii) titanium;

29 ~~(H)~~(viii) tungsten;

30 ~~(I)~~(ix) nickel;

31 ~~(J)~~(x) platinum;

32 ~~(K)~~(xi) palladium;

33 ~~(L)~~(xii) rhodium;

34 ~~(M)~~(xiii) magnesium;

1       ~~(N)~~(xiv) lead;  
2       ~~(O)~~(xv) any other nonferrous metal; or  
3       ~~(P)~~(xvi) any combination of nonferrous metals listed in ~~subsections~~  
4 ~~(b)(2)(A) through (b)(2)(P)~~ *this subparagraph.*

5       (B) "Regulated scrap metal" includes catalytic converters.

6       (3) "Bales of regulated metal" means regulated scrap metal property  
7 processed with professional recycling equipment by compression, shearing  
8 or shredding, to a form in which it may be sold by a scrap metal dealer  
9 consistent with industry standards.

10       (4) "Junk vehicle" means a vehicle as defined in K.S.A. 8-126, and  
11 amendments thereto, not requiring a title as provided in chapter 8 of the  
12 Kansas Statutes Annotated, and amendments thereto, an aircraft or a boat  
13 which is being sold for scrap value.

14       (5) "Nonferrous metal" means a metal that does not contain iron or  
15 steel.

16       (6) "Vehicle part" means:

17       (A) The front clip consisting of the two front fenders, hood, grill and  
18 front bumper of an automobile assembled as one unit; or

19       (B) the rear clip consisting of those body parts behind the rear edge of  
20 the back doors, including both rear quarter panels, the rear window, trunk  
21 lid, trunk floor panel and rear bumper, assembled as one unit.

22       (7) "Person" means any individual, scrap metal dealer, manager or  
23 employee, owner, operator, corporation, partnership or association.

24       (8) "Attorney general" means the attorney general of the state of  
25 Kansas or the attorney general's designee.

26       **(9) "Catalytic converters" means a device installed in the exhaust**  
27 **system of a motor vehicle that uses a catalyst to convert pollutant**  
28 **gases into less harmful gases.**

29       *Sec. 2. K.S.A. 2022 Supp. 50-6,111 is hereby amended to read as*  
30 *follows: 50-6,111. (a) It shall be unlawful for any such scrap metal*  
31 *dealer, or employee or agent of the dealer, to purchase any item or items*  
32 *of regulated scrap metal in a transaction for which K.S.A. 2022 Supp.*  
33 *50-6,110, and amendments thereto, requires information to be presented*  
34 *by the seller, without demanding and receiving from the seller that*  
35 *information. Every scrap metal dealer shall file and maintain a record of*  
36 *information obtained in compliance with the requirements in K.S.A.*  
37 *2022 Supp. 50-6,110, and amendments thereto. All records kept in*  
38 *accordance with the provisions of the scrap metal theft reduction act*  
39 *shall be open at all times to law enforcement officers and shall be kept*  
40 *for two years. If the required information is maintained in electronic*  
41 *format, the scrap metal dealer shall provide a printout of the*  
42 *information to law enforcement officers upon request.*

43       **(b) It shall be unlawful for any scrap metal dealer, or employee or**

1 *agent of the dealer, to purchase any junk vehicle in a transaction for*  
2 *which K.S.A. 2022 Supp. 50-6,110, and amendments thereto, requires*  
3 *information to be presented by the seller, without:*

4 (1) *Inspecting the vehicle offered for sale and recording the vehicle*  
5 *identification number; and*

6 (2) *obtaining an appropriate bill of sale issued by a governmentally*  
7 *operated vehicle impound facility if the vehicle purchased has been*  
8 *impounded by such facility or agency.*

9 (c) *It shall be unlawful for any scrap metal dealer, or employee or*  
10 *agent of the dealer, to purchase or receive any regulated scrap metal*  
11 *from a minor unless such minor is accompanied by a parent or guardian*  
12 *or such minor is a licensed scrap metal dealer.*

13 (d) *It shall be unlawful for any scrap metal dealer, or employee or*  
14 *agent of the dealer, to purchase any of the following items without*  
15 *obtaining proof that the seller is an employee, agent or person who is*  
16 *authorized to sell the item on behalf of the governmental entity; utility*  
17 *provider; railroad; cemetery; civic organization; manufacturing,*  
18 *industrial or other commercial vendor that generates or sells such items*  
19 *in the regular course of business; or scrap metal dealer:*

20 (1) *Utility access cover;*

21 (2) *street light poles or fixtures;*

22 (3) *road or bridge guard rails;*

23 (4) *highway or street sign;*

24 (5) *water meter cover;*

25 (6) *traffic directional or traffic control signs;*

26 (7) *traffic light signals;*

27 (8) *any metal marked with any form of the name or initials of a*  
28 *governmental entity;*

29 (9) *property owned and marked by a telephone, cable, electric,*  
30 *water or other utility provider;*

31 (10) *property owned and marked by a railroad;*

32 (11) *funeral markers or vases;*

33 (12) *historical markers;*

34 (13) *bales of regulated metal;*

35 (14) *beer kegs;*

36 (15) *manhole covers;*

37 (16) *fire hydrants or fire hydrant caps;*

38 (17) *junk vehicles with missing or altered vehicle identification*  
39 *numbers;*

40 (18) *real estate signs;*

41 (19) *bleachers or risers, in whole or in part;*

42 (20) *twisted pair copper telecommunications wiring of 25 pair or*  
43 *greater existing in 19, 22, 24 or 26 gauge; and*

1       **(21) burnt wire;**

2       (22) any catalytic converter that has:

3       (A) A defaced identification mark or owner-applied paint or  
4 identification number; or

5       (B) been intentionally altered by removing or obliterating the make,  
6 model or manufacturer's number; and

7       (23) any by-product or dust containing platinum, palladium or  
8 rhodium.

9       **(e) It shall be unlawful for any scrap metal dealer, or employee or**  
10 **agent of the dealer, to sell, trade, melt or crush, or in any way dispose of,**  
11 **alter or destroy any regulated scrap metal, junk vehicle or vehicle part**  
12 **upon notice from any law enforcement agency, or any of their agents or**  
13 **employees, that they have cause to believe an item has been stolen. A**  
14 **scrap metal dealer shall hold any of the items that are designated by or**  
15 **on behalf of the law enforcement agency for 30 days, exclusive of**  
16 **weekends and holidays.**

17       Sec. ~~2~~ **3.** K.S.A. 2022 Supp. 50-6,112d is hereby amended to read as  
18 follows: 50-6,112d. ~~(a)~~—The provisions of the scrap metal theft reduction  
19 act shall expire on July 1, ~~2023~~ 2028.

20       ~~(b)~~—This section shall be a part of and supplemental to the scrap metal  
21 theft reduction act.

22       Sec. ~~3~~ **4.** K.S.A. 2022 Supp. 50-6,109, **50-6,111** and 50-6,112d are  
23 hereby repealed.

24       Sec. ~~4~~ **5.** This act shall take effect and be in force from and after its  
25 publication in the statute book.