

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 434

Introduced by Cook, 13.

Read first time January 20, 2015

Committee: Judiciary

1 A BILL FOR AN ACT relating to personal property; to amend sections
2 69-401, 69-407, 69-408, and 69-409, Revised Statutes Cumulative
3 Supplement, 2014; to require law enforcement agencies to use theft
4 notification web sites as prescribed; to provide a penalty; to
5 harmonize provisions; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 69-401, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 69-401 For purposes of sections 69-401 to 69-409 and sections 2, 3,
4 and 4 of this act:

5 (1) Regulated metals property means catalytic converters, all
6 nonferrous metal except gold and silver, manhole covers, sewer grates, or
7 metal beer kegs, including those kegs made of stainless steel; and

8 (2) Secondary metals recycler means any person, firm, or corporation
9 in this state that:

10 (a) Is engaged in the business of gathering or obtaining regulated
11 metals property that has served its original economic purpose; or

12 (b) Is in the business of or has facilities for performing the
13 manufacturing process by which regulated metals property is converted
14 into raw material products consisting of prepared grades and having an
15 existing or potential economic value by methods including, but not
16 limited to, processing, sorting, cutting, classifying, cleaning, baling,
17 wrapping, shredding, shearing, or changing the physical form or chemical
18 content of the metals, but not including the exclusive use of hand tools.

19 Sec. 2. (1) A secondary metals recycler shall register for a metals
20 theft alert notification system to receive alerts regarding thefts of
21 regulated metals property in the secondary metals recycler's geographic
22 area, which shall cover at least a one-hundred mile radius from the
23 location of the theft. The web site shall allow secondary metals
24 recyclers to alert law enforcement agencies as applicable when a
25 secondary metals recycler is offered suspicious materials as determined
26 according to standard industry business practices. The web site shall be
27 operated and provided at no charge to the purchasing yard.

28 (2) A secondary metals recycler shall download and maintain metals
29 theft alerts generated by the metals theft alert notification system and
30 use the alerts to identify potentially stolen regulated metals property.
31 A secondary metals recycler shall also maintain documentation that it

1 educates its employees about, and provides its employees with, alerts
2 from the metals theft alert notification system.

3 Sec. 3. (1) All law enforcement agencies in this state shall
4 register for a metals theft alert notification system and be granted
5 access to verify compliance of secondary metals recyclers with section 2
6 of this act and shall submit alerts of thefts of regulated metals
7 property within the agency's jurisdiction.

8 (2) The web site shall be operated and provided to the law
9 enforcement agency at no charge to the agency and not be funded by any
10 for-profit third-party data base company. The web site shall broadcast
11 alerts of stolen property within a geographic region that covers at least
12 a one-hundred mile radius from the location of the theft. The web site
13 shall allow secondary metals recyclers to alert law enforcement agencies
14 as applicable when a secondary metals recycler is offered suspicious
15 materials as determined according to standard industry business
16 practices.

17 Sec. 4. Any secondary metals recycler violating section 2 of this
18 act is guilty of a Class II misdemeanor.

19 Sec. 5. Section 69-407, Revised Statutes Cumulative Supplement,
20 2014, is amended to read:

21 69-407 Sections 69-401 to 69-409 and sections 2, 3, and 4 of this
22 act do not apply to:

23 (1) Purchases of regulated metals property from a manufacturing,
24 industrial, or other commercial vendor that generates or sells regulated
25 metals property in the ordinary course of its business;

26 (2) The collection or purchase of regulated metals property in the
27 form of beverage or food cans; or

28 (3) Recycling or neighborhood cleanup programs contracted or
29 sponsored by the state or any political subdivision.

30 Sec. 6. Section 69-408, Revised Statutes Cumulative Supplement,
31 2014, is amended to read:

1 69-408 Any person violating any of the provisions of sections 69-401
2 to 69-409 and sections 2, 3, and 4 of this act is guilty of a Class II
3 misdemeanor.

4 Sec. 7. Section 69-409, Revised Statutes Cumulative Supplement,
5 2014, is amended to read:

6 69-409 Nothing in sections 69-401 to 69-409 and sections 2, 3, and 4
7 of this act shall be construed to abrogate or affect the provisions of
8 any lawful rule, regulation, resolution, ordinance, or statute which is
9 more restrictive than sections 69-401 to 69-409 and sections 2, 3, and 4
10 of this act.

11 Sec. 8. Original sections 69-401, 69-407, 69-408, and 69-409,
12 Revised Statutes Cumulative Supplement, 2014, are repealed.