



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRBs0198/3  
CTS:wlj:wnw

**SENATE SUBSTITUTE AMENDMENT 2,  
TO 2007 SENATE BILL 225**

December 19, 2007 - Offered by Senator OLSEN.

1     **AN ACT** *to create* 134.715 of the statutes; **relating to:** regulating the sale and  
2         purchase of scrap metal, granting rule-making authority, and providing  
3         penalties.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4         **SECTION 1.** 134.715 of the statutes is created to read:

5         **134.715 Scrap metal dealers. (1)** In this section:

6         (a) "Electronic device" includes all of the following:

- 7             1. A computer, computer monitor, or computer peripheral.
- 8             2. A television, video display device, digital video disc player, or video cassette  
9             recorder.
- 10            3. A telephone or facsimile machine.
- 11            4. An item of electronic equipment the department of natural resources may  
12            identify by rule.

1 (b) “Metal cemetery merchandise” means an object described in s. 157.061 (3),  
2 if the object is made of metal or a combination of metal and other materials.

3 (c) “Scrap metal” means all of the following:

4 1. Nonferrous metal purchased primarily for its reuse or recycling value as raw  
5 metal, including metal that is combined with other materials at the time of purchase,  
6 but does not include electronic devices or jewelry, as defined in s. 134.71 (1) (c).

7 2. All of the following, whether composed of ferrous or nonferrous metals:

8 a. Utility access covers.

9 b. Street light poles and fixtures.

10 c. Road and bridge guard rails.

11 d. Highway or street signs.

12 e. Water meter covers.

13 f. Traffic directional and control signs.

14 g. Any metal objects marked with the name of a governmental entity.

15 h. Property owned by, and marked as owned by, a telephone, cable, electric,  
16 water, or other utility, or railroad.

17 i. Historical markers.

18 j. Grave markers and vases.

19 k. Beer kegs.

20 (d) “Scrap metal dealer” means a person engaged in the business of purchasing  
21 and selling scrap metal.

22 **(2)** (a) For purposes of this subsection, “value” means the cost of replacing an  
23 object sold or purchased in violation of par. (b) with another object substantially  
24 identical, in function and condition, to the object sold or purchased at the time the  
25 object was stolen.

1 (b) No person may sell or purchase scrap metal if the person knows the scrap  
2 metal has been stolen.

3 (c) A person who violates this subsection is subject to a fine not to exceed  
4 \$10,000 or imprisonment not to exceed 9 months or both, if the value of the scrap  
5 metal sold or purchased does not exceed \$2,500.

6 (d) A person who violates this subsection is guilty of a Class I felony, if the value  
7 of the scrap metal sold or purchased exceeds \$2,500.

8 **(3)** No person may sell or purchase metal cemetery merchandise associated  
9 with the remains of a veteran, as defined in s. 230.03 (14) (b), if the person knows the  
10 metal cemetery merchandise has been stolen. A person who violates this subsection  
11 is guilty of a Class I felony.

12 **(4)** No scrap metal dealer may purchase scrap metal from a seller unless the  
13 dealer does all of the following:

14 (a) Verifies the seller's identity using a driver's license, tribal identification  
15 card, or other government-issued identification card.

16 (b) Obtains and documents all of the following information:

17 1. The name of the seller.

18 2. The license plate number of the seller's vehicle, if the seller arrived at the  
19 dealer's premises in a vehicle.

20 3. A statement, signed by the seller, that the seller is the owner of or is  
21 authorized to sell the scrap metal and has complied with applicable environmental  
22 laws and regulations in preparing the scrap metal for sale.

23 4. A description, consistent with the format recommended by the national  
24 institute of scrap recycling industries, of the items purchased from the seller.

1           5. A description of the method the dealer used to pay the seller for the scrap  
2 metal

3           6. A copy of the identification described in par. (a).

4           **(5)** A scrap metal dealer shall retain the information required under sub. (4)  
5 (b) for not less than 3 years after the date of the purchase and shall make the  
6 information available to any law enforcement officer for inspection at any time that  
7 the scrap metal dealer's principal place of business is open to the public or at any  
8 other reasonable time.

9           **(6)** Unless the seller presents to a scrap metal dealer a document that  
10 reasonably supports the seller's authority to sell the scrap metal, the dealer may not  
11 purchase scrap metal from a seller if any of the following apply:

12           (a) The scrap metal matches the description of an item that has been reported  
13 to the scrap metal dealer by law enforcement authorities as having been stolen.

14           (b) The scrap metal consists of new materials used in a manufacturing or  
15 construction process.

16           (c) The nature or quantity of the scrap metal would indicate to a reasonable  
17 person that the seller is not authorized to sell the scrap metal.

18           **(7)** This section does not apply to any of the following:

19           (a) Transactions involving only aluminum cans if the total weight of the  
20 aluminum cans does not exceed 250 pounds.

21           (b) Transactions involving a seller that is not an individual.

22           **(8)** No political subdivision, other than a city of the first class, may enact an  
23 ordinance or adopt a resolution or other restriction for the purpose of regulating the  
24 sale or purchase of scrap metal unless the ordinance, resolution, or other restriction

1 is identical to or is similar to, but no more stringent than, the provisions of subs. (4)  
2 to (7).

3 **SECTION 2. Effective date.**

4 (1) This act takes effect on the first day of the 6th month beginning after  
5 publication.

6 (END)