

**House Study Bill 603 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON BAUDLER)

**A BILL FOR**

1 An Act requiring salvage dealers to maintain designated  
2 records, and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 714.27, Code Supplement 2011, is amended  
2 to read as follows:

3 **714.27 ~~Copper theft~~ Salvage dealers — ordinance authorized**  
4 **— penalty.**

5 1. ~~The governing body of a political subdivision in which~~  
6 ~~copper theft has been reported may consider the adoption of a~~  
7 ~~copper theft~~ board of supervisors in each county shall adopt  
8 an ordinance requiring a salvage dealer to maintain complete,  
9 accurate, and legible records in the English language of all  
10 purchases and receipt of salvaged materials. Such records  
11 shall be maintained and located at the place of business of  
12 the salvage dealer for a minimum of one year from the date of  
13 purchase or receipt by the salvage dealer. For the purposes of  
14 this section, "salvage dealer" means any person engaged in the  
15 business of buying, selling, and dealing in salvaged materials.  
16 For the purposes of this section, "salvaged materials" means  
17 scrap iron, brass, lead, copper, or aluminum wire or tubing,  
18 and other scrap metals.

19 2. The ordinance ~~may~~ shall require a salvage dealer to  
20 maintain ~~one or more of~~ the following records:

21 a. The identity of the person from whom the salvaged  
22 material was received or purchased, including name and address;  
23 date of birth; Iowa driver's license number, Iowa nonoperator's  
24 identification card number, or social security number in  
25 conjunction with photo identification; sex, age, height, and  
26 race.

27 b. The vehicle license plate number of the vehicle that  
28 delivered the salvaged material to the salvage dealer, if  
29 applicable.

30 c. The date and hour of the purchase or receipt of the  
31 salvaged material.

32 d. A reasonably accurate inventory and description of the  
33 salvaged material obtained.

34 e. The value of or amount paid for the salvaged material.

35 f. The weight or other measurable quantity of the salvaged

1 material.

2 *g.* From whom and at what time and place the salvaged  
3 material was obtained by the person from whom it was purchased  
4 or received, if known.

5 *h.* The date and manner of disposition by the salvage dealer  
6 of the salvaged material by each article or in bulk.

7 *i.* The name and address of the person to whom the salvaged  
8 material was sold or otherwise disposed of.

9 3. *a.* A violation of this section by a salvage dealer is a  
10 simple misdemeanor.

11 *b.* (1) In addition to the penalty imposed pursuant to  
12 paragraph "a", in the event that a political subdivision issues  
13 city or county within which a salvage dealer is conducting  
14 business has issued a license or permit to a the salvage dealer  
15 for the operation of a salvage business, the ordinance may  
16 shall provide for the suspension, revocation, or nonrenewal of  
17 the license or permit in the event the ordinance is violated by  
18 the salvage dealer. A suspension, revocation, or nonrenewal  
19 shall not take effect without notice delivered to the licensee  
20 or permittee in the regular mail addressed to the licensee  
21 or permittee at the licensed premises a minimum of ten days  
22 prior to a date set for hearing before a magistrate or district  
23 associate judge. The notice shall inform the licensee or  
24 permittee of the time, date, and place of hearing, the purpose  
25 of the hearing, and shall set out briefly the reasons for the  
26 hearing.

27 (2) A decision regarding whether to suspend or revoke  
28 a license or permit, or deny its renewal, shall be at the  
29 discretion of the magistrate or district associate judge,  
30 based upon the circumstances surrounding the violation and its  
31 severity.

32 (3) A licensee or permittee whose license or permit or  
33 renewal has been revoked or denied because of a violation of  
34 this section shall not be eligible for another such license  
35 or permit for a period of one hundred eighty days after the

1 revocation or denial.

2 ~~b. In the event a political subdivision does not issue a~~  
3 ~~license or permit to a salvage dealer for the operation of a~~  
4 ~~salvage business, the ordinance may provide for such penalty~~  
5 ~~provision as the governing body of the political subdivision~~  
6 ~~may deem appropriate.~~

7

EXPLANATION

8 This bill imposes information-gathering requirements on  
9 salvage dealers under specified circumstances.

10 The bill modifies current provisions contained in Code  
11 section 714.27 authorizing a political subdivision of the state  
12 to adopt an ordinance aimed at preventing or curtailing copper  
13 theft. The Code section provides that the governing body of a  
14 political subdivision in which copper theft has been reported  
15 may consider the adoption of a copper theft ordinance requiring  
16 a salvage dealer to maintain a specified list of records of all  
17 purchases and receipt of salvaged materials.

18 The bill changes adoption of the ordinance from optional to  
19 mandatory for a county board of supervisors and applies the  
20 ordinance to salvaged materials, rather than only copper. The  
21 bill provides definitions of "salvage dealer" and "salvaged  
22 materials". A "salvage dealer" is defined to mean any person  
23 engaged in the business of buying, selling, and dealing in  
24 salvaged materials. The bill defines "salvaged materials"  
25 to mean scrap iron, brass, lead, copper, or aluminum wire or  
26 tubing and other scrap metals.

27 The bill does not modify or alter the information currently  
28 authorized to be obtained by a salvage dealer from a person  
29 from whom salvaged materials was received or purchased, but  
30 such information shall now be required to be obtained. The  
31 information generally relates to the identity of the person  
32 from whom salvaged material was received or purchased, the  
33 vehicle license plate number of the vehicle that delivered the  
34 salvaged material, the date and hour of the purchase or receipt  
35 of the salvaged material, a reasonably accurate inventory and

1 description of the salvaged material obtained, the value of  
2 or amount paid for the salvaged material, the weight or other  
3 measurable quantity of the salvaged material, from whom and at  
4 what time and place the salvaged material was obtained by the  
5 person from whom it was purchased or received, if known, the  
6 date and manner of disposition by the salvage dealer of the  
7 salvaged material, and the name and address of the person to  
8 whom the salvaged material was sold or otherwise disposed of.

9     The bill specifies that a violation of the bill's provisions  
10 by a salvage dealer shall constitute a simple misdemeanor  
11 punishable by confinement for no more than 30 days or a fine  
12 of at least \$65 but not more than \$625 or by both. The bill  
13 additionally modifies the currently optional suspension,  
14 revocation, or nonrenewal of a license or permit if issued to a  
15 salvage dealer by a city or county in which the salvage dealer  
16 conducts business, to provisions which mandate such suspension,  
17 revocation, or nonrenewal.