

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed and Rescind the Subsequent Referral to the Committee on Ways and Means
Vote:	9 - 0 - 0
Yeas:	Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson
Nays:	0
Exc.:	0
Prepared By:	Darian Stanford, Counsel
Meeting Dates:	4/20, 4/23, 4/24

WHAT THE MEASURE DOES: Clarifies components of metal purchase record for purposes of failing to maintain a metal purchase record. Removes criminal component of existing crime of failing to maintain metal purchase record and replaces it with civil fines.

ISSUES DISCUSSED:

- Fine not criminal penalty
- Problem with metal theft

EFFECT OF COMMITTEE AMENDMENT: Uses term “scrap metal dealer” and replaces criminal sanctions with fine system. Deletes prior references to the repeat property offender statute and to the Class C felony of theft in the first degree.

BACKGROUND: Existing ORS 165.107 creates the Class B misdemeanor of failing to maintain a metal purchase record. This offense relates generally to the problem of drug users, primarily methamphetamine users, financing their habit through stealing and then recycling metal. The focus is on the metal recycler/dealer. Rather than allowing “no questions asked” commerce in “nonferrous” (not containing iron) scrap metal, the dealer must record certain information about each transaction (this theoretically at least inhibits nefarious sellers). Presently, the dealer must retain the following information for at least one year and make it available to any officer: (1) description of property purchased; (2) type/quantity/weight of property; (3) name, address and signature of seller; and (4) type/license plate of seller’s car.

HB 3026 makes several changes to ORS 165.107. First, it replaces the word “person” in existing law with “scrap metal dealer” and provides a specific definition. Second, it removes the existing requirements for a record and replaces these with the following: (1) the date and time of the transaction; (2) the name of the person conducting the transaction for the dealer; (3) a general description of the property, including any readily discernible marks; (4) a copy of the seller’s license, passport or ID card; (5) the amount of consideration given; (6) if over \$100, a declaration by the seller that the metal was not stolen; (7) video surveillance of the seller (must retain for 30 days); and (8) the vehicle/license plate of the seller.

Third, HB 3026 replaces the existing criminal sanctions for failing to maintain a record and replaces these with a fine system. The first to third offenses result in a \$1,000 fine. The fourth or subsequent offenses result in a \$5,000 fine. Fourth, HB 3026 applies these same rules for record keeping and fine system to pawn shops, secondhand dealers, etc.

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This summary has not been adopted or officially endorsed by action of the committee.