

## 1 HOUSE BILL NO. 463

2 INTRODUCED BY G. BENNETT, SONJU

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO NONFERROUS  
5 METAL; REVISING THE DEFINITION OF "SALVAGE METAL DEALER"; CREATING THE OFFENSE OF THEFT  
6 OF NONFERROUS METAL; PROVIDING PENALTIES; AMENDING SECTION 30-22-101, MCA; AND  
7 PROVIDING AN APPLICABILITY DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 30-22-101, MCA, is amended to read:

12 **"30-22-101. Definitions.** As used in this part, unless the context requires otherwise, the following  
13 definitions apply:

14 (1) "Nonferrous metal" means metal and metal alloys not containing significant quantities of iron or steel,  
15 including but not limited to:

16 (a) copper;

17 (b) brass;

18 (c) aluminum, other than aluminum cans;

19 (d) bronze;

20 (e) lead;

21 (f) zinc;

22 (g) nickel;

23 (h) stainless steel, including stainless steel beer kegs; and

24 (i) precious metals, including catalytic converters.

25 (2) "Person" means an individual, partnership, corporation, joint venture, trust, association, or any other  
26 legal entity.

27 (3) "Salvage metal dealer" means a person who is engaged in the business of paying, trading, recycling,  
28 or bartering for or collecting nonferrous metals that have served their original economic purpose, whether or not  
29 the person is engaged in the business of performing the manufacturing process by which ferrous metals or  
30 nonferrous metals are converted into raw material products consisting of prepared grades and having an existing

1 or potential economic value.

2 (4) "Seller" means a person who sells or delivers nonferrous metal or otherwise makes nonferrous metal  
3 available to a salvage metal dealer."  
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5 **NEW SECTION. Section 2. Theft of nonferrous metal.** (1) A person commits the offense of theft of  
6 nonferrous metal if the person purposely or knowingly takes, steals, carries away, destroys, injures, or otherwise  
7 damages any personal or real property of another without consent, including fixtures or improvements, for the  
8 purpose of obtaining nonferrous metal as defined in 30-22-101.

9 (2) (a) If the injury to the property, the amount of loss in value to the property, the amount of repairs  
10 necessary to return the property to its condition before the act, or the property loss is less than \$1,500, the person  
11 shall be fined an amount not to exceed \$5,000 or be imprisoned for a term not to exceed 1 year, or both.

12 (b) If the injury to the property, the amount of loss in value to the property, the amount of repairs  
13 necessary to return the property to its condition before the act, or the property loss is ~~more than~~ \$1,500 OR MORE,  
14 the person shall be fined an amount not to exceed \$50,000 or be imprisoned in the state prison for a term not to  
15 exceed 10 years, or both.  
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17 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an  
18 integral part of Title 45, chapter 6, part 3, and the provisions of Title 45, chapter 6, part 3, apply to [section 1].  
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20 **NEW SECTION. Section 4. Applicability.** [This act] applies to offenses committed on or after [the  
21 effective date of this act].  
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