

HOUSE BILL 753

By Goins

AN ACT to amend Tennessee Code Annotated, Title 62,
Chapter 9, relative to scrap metal dealers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-9-101, is amended by adding the following language as a new subdivision:

"Person" means an individual, association, partnership, corporation, or any other legally cognizable organization or entity;

SECTION 2. Tennessee Code Annotated, Section 62-9-102, is amended by deleting the section and substituting instead the following:

(a)

(1) Except as provided in subsection (f), no dealer shall purchase, deal, or otherwise engage in the scrap metal business unless the dealer and any location used by the dealer to purchase, deal, or otherwise engage in the scrap metal business is registered with the department. However, a registered dealer does not have to register the location of the dealer's headquarters but does have to list the location pursuant to subsection (g).

(2) Any registration under this chapter expires two (2) years from the date of the registration or the renewal of the registration.

(3) The commissioner may promulgate and adopt rules that are reasonably necessary to carry out this chapter. The commissioner shall establish registration and renewal fees that are adequate to cover the administrative costs associated with the registration program.

(b) Included on each registration and renewal form must be a section in which the registrant declares, under penalty of perjury pursuant to § 39-16-702(a)(3), whether the registrant has ever been convicted of a violation of this chapter or convicted of the criminal offense of theft, burglary or vandalism, where the offense involves scrap metal. If the registrant is a legally cognizable organization or entity, convictions of theft, burglary or vandalism, where the offense involves scrap metal, by any member, as defined in title 48, of the organization or entity must be disclosed on the application. Convictions of theft, burglary or vandalism, where the offense involves scrap metal, by members of organizations or entities constitute convictions by the registrant for purposes of subsection (c).

(c) A registrant who has been convicted of a violation of this chapter or has a conviction for the criminal offense of theft, burglary or vandalism, where the offense involves scrap metal, is prohibited from registering under this chapter for five (5) years from the date of conviction.

(d) Notwithstanding any law to the contrary, a registration issued pursuant to this chapter does not expire immediately upon the death of the registrant. The registration continues to be effective for the locations designated in the registration for a period of at least sixty (60) days after the death of the registrant. The sixty-day period may be extended by the commissioner for good cause.

(e) Notwithstanding any law to the contrary, a registration issued pursuant to this chapter expires upon notification to the department that the registrant is no longer in business at the registered location.

(f) Notwithstanding subsection (a):

(1) Nothing in this chapter requires an employee of a registered scrap metal dealer to secure a registration under this chapter as long as the employee remains an employee of the registered scrap metal dealer;

(2) Nothing in this chapter requires an agent of a registered scrap metal dealer to secure a registration under this chapter as long as the agent remains an agent of the registered scrap metal dealer within the scope of the agent's employment; and

(3) Nothing in this chapter prohibits a registered scrap metal dealer from employing another registered scrap metal dealer.

(g) A registered scrap metal dealer shall list each place of business within this state with reference to its specific location, upon registration and upon subsequent renewals of the registration.

SECTION 3. Tennessee Code Annotated, Title 62, Chapter 9, Part 1, is amended by adding the following language as a new section:

Any violation of this chapter committed by an employee of a registered scrap metal dealer while acting within the scope of employment constitutes a violation by that dealer for purposes of enforcement of this chapter.

SECTION 4. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2018, the public welfare requiring it.