

SENATE BILL 262

By Tracy

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

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

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

62-9-114.

(a) Notwithstanding § 62-9-107, scrap metal described in § 62-9-107(a) may be sold for scrap by a person, other than an authorized agent, representative or employee of a contractor or company listed in § 62-9-107(b), if such person presents to the scrap metal dealer, in addition to any other identification, impression or documentation required by this part, a statement and appropriate documentation from an authorized agent, representative or employee of a contractor or company listed in § 62-9-107(b) evidencing that the scrap metal has been decommissioned and removed in compliance with the federal Clean Air Act, 42 U.S.C. § 7401 et seq., and 40 C.F.R. part 82.

(b) Payment for scrap metal sold pursuant to this section shall be made in compliance with § 62-9-104(c)(2).

(c)

(1) A violation of this section is a Class A misdemeanor, punishable by fine only.

(2) Nothing in this section shall be construed to preclude a person violating this section from also being prosecuted for any applicable criminal offense.

SECTION 2. Tennessee Code Annotated, Section 62-9-105(a), is amended by deleting the language "62-9-103(b) and 62-9-104(b)(2)" and substituting instead the language "62-9-103(b), 62-9-104(b)(2), and 62-9-114(a)."

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it.