

SENATE BILL No. 470

September 10, 2013, Introduced by Senators SMITH and KOWALL and referred to the Committee on Economic Development.

A bill to amend 2008 PA 429, entitled "Nonferrous metal regulatory act," by amending the title and sections 1, 3, 5, 7, 9, 11, 13, 15, and 17 (MCL 445.421, 445.423, 445.425, 445.427, 445.429, 445.431, 445.433, 445.435, and 445.437).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to regulate the purchase and sale of certain ~~nonferrous~~ **FERROUS METALS, NONFERROUS** metals, **AND SCRAP METALS**; to provide for disclosures by certain persons regarding certain transactions; to require the creation **AND MAINTENANCE** of ~~records for certain purposes and for the use of certain databases by certain persons,~~ **THE SCRAP METAL OFFENDERS REGISTRY AND THE SCRAP METAL OFFENDERS REGISTRATION FUND; TO REQUIRE THE REGISTRATION OF CERTAIN INDIVIDUALS; TO PRESCRIBE THE POWERS AND DUTIES OF CERTAIN PUBLIC**

SENATE BILL No. 470

1 **OFFICIALS; TO PRESCRIBE THE PAYMENT AND COLLECTION OF CERTAIN FEES;**
 2 and to provide for penalties and remedies.

3 Sec. 1. This act shall be known and may be cited as the
 4 "**FERROUS METAL AND** nonferrous metal ~~regulatory~~**REGULATION AND SCRAP**
 5 **METAL OFFENDERS REGISTRATION** act".

6 Sec. 3. As used in this act:

7 (a) "Dealer" means any person that is not a first purchaser
 8 who purchases **FERROUS METAL**, nonferrous ~~metals~~**METAL, OR BOTH**, from
 9 any seller. Dealer includes, but is not limited to, a person,
 10 whether or not licensed under state law or local ordinance, that
 11 operates a business as a scrap metal recycler, scrap processor,
 12 secondhand and junk dealer, or other person who purchases any
 13 amount of **FERROUS OR** nonferrous metal on a regular, sporadic, or 1-
 14 time basis. Dealer does not include an automotive recycler
 15 regulated by and complying with ~~section 217~~**ANY OF THE FOLLOWING:**

16 (i) **SECTION 217C** of the Michigan vehicle code, 1949 PA 300, ~~MCL~~
 17 ~~257.217; section~~**MCL 257.217C.**

18 (ii) **SECTION 18** of the motor vehicle service and repair act,
 19 1974 PA 300, MCL 257.1318. ~~or section~~

20 (iii) **SECTION 2** of 1986 PA 119, MCL 257.1352, when engaging in
 21 activities ~~that meet~~**DESCRIBED IN** the definition of automotive
 22 recycler as defined in section 2a of the Michigan vehicle code,
 23 1949 PA 300, MCL 257.2a.

24 (B) **"DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.**

25 (C) ~~(b)~~"Documentation" means a signed statement that
 26 indicates where the person obtained the article, that the person is
 27 authorized to sell the article, or other evidence that reasonably

1 demonstrates ownership of the article and the source of the
2 article.

3 (D) ~~(e)~~—"Ferrous metal" means a metal that contains
4 significant quantities of iron or steel.

5 (E) ~~(d)~~—"First purchaser" means the first buyer of a
6 manufactured product containing **FERROUS METAL OR** nonferrous metal
7 in a retail or business-to-business transaction. Persons purchasing
8 **FERROUS METAL OR** nonferrous metal in violation of this act,
9 automotive recyclers, pawnshops, scrap metal recyclers, and scrap
10 processors are not considered first purchasers.

11 (F) ~~(e)~~—"Industrial or commercial account" means any person,
12 operating from a fixed location, that is a seller of ferrous **METAL**
13 or nonferrous metal to a scrap metal recycler ~~pursuant to~~ **UNDER** a
14 written agreement.

15 (G) ~~(f)~~—"Nonferrous metal" means a metal that does not contain
16 significant quantities of ferrous metal but contains copper, brass,
17 platinum-based metals, aluminum, bronze, lead, zinc, nickel, or
18 alloys of those metals.

19 (H) ~~(g)~~—"Person" means an individual, partnership,
20 corporation, limited liability company, joint venture, trust,
21 association, or other legal entity.

22 (I) ~~(h)~~—"Public fixtures" means articles containing **FERROUS**
23 **METAL OR** nonferrous metal that are used or located in areas open to
24 the public and include, but are not limited to, utility access
25 covers, ~~+~~street light poles and fixtures, ~~+~~road and bridge guard
26 rails, ~~+~~highway or street signs, ~~+~~water meter covers, ~~+~~traffic
27 directional and control signs, ~~+~~traffic light signals, ~~+~~

1 telecommunications cable, ~~+~~utility-related articles, ~~+~~and
2 historical markers.

3 (J) ~~(i)~~"Record" means a paper, electronic, or other generally
4 accepted method of storing information in a retrievable form.

5 (K) "SCRAP METAL" MEANS EITHER OR BOTH OF THE FOLLOWING:

6 (i) NONFERROUS METAL IN AN AMOUNT WEIGHING NOT LESS THAN 5
7 POUNDS.

8 (ii) FERROUS METAL IN AN AMOUNT WEIGHING NOT LESS THAN 100
9 POUNDS.

10 (l) "SCRAP METAL OFFENSE" MEANS ANY CRIME INVOLVING THE THEFT
11 OF SCRAP METAL.

12 (M) "SCRAP METAL OFFENDERS REGISTRY" MEANS THE PUBLIC INTERNET
13 WEBSITE CREATED AND MAINTAINED UNDER SECTION 11.

14 (N) ~~(j)~~"Scrap metal recycler" means a person that purchases
15 FERROUS METAL, nonferrous metal, OR BOTH, that is intended for
16 recycling or reuse, whether regarded as a scrap processor, core
17 buyer, or other similar business operation.

18 (O) ~~(k)~~"Scrap processor" means that term as defined in
19 section 3 of 1917 PA 350, MCL 445.403.

20 (P) ~~(h)~~"Seller" means any individual or person that either
21 regularly, sporadically, or on a 1-time basis receives
22 consideration from any other person from the purchase by a dealer
23 of FERROUS METAL OR nonferrous metal offered by that seller.

24 Sec. 5. (1) A dealer shall do all of the following:

25 (a) Produce and maintain records as required under section
26 7(2).

27 ~~(b) Participate in a database meeting the requirements of~~

1 ~~section 11.~~

2 **(B) CHECK THE SCRAP METAL OFFENDERS REGISTRY TO DETERMINE**
3 **WHETHER THE SELLER IS A REGISTERED OFFENDER LISTED ON THAT WEBSITE.**

4 (c) Tag and hold any nonferrous metal **OR SCRAP METAL** as
5 ~~provided for~~**PRESCRIBED** in section 9.

6 (d) Pay a seller by a method capable of being traced from the
7 dealer to the seller **IF THE AMOUNT OF THE TRANSACTION IS MORE THAN**
8 **\$200.00.** Payment by cash or currency of more than ~~\$50.00,~~**\$200.00,**
9 barter, or trade is not considered a payment that complies with the
10 requirement of this subdivision. Payment of cash in any amount in a
11 transaction involving predominantly copper articles is considered a
12 violation of this subdivision.

13 (e) In the case of a transaction involving **FERROUS METAL OR**
14 nonferrous metal, verify that the seller is at least ~~16~~**18** years of
15 age.

16 **(F) FOR EACH TRANSACTION REGULATED UNDER THIS ACT, THE**
17 **PURCHASING DEALER SHALL COLLECT A REGULATORY FEE OF \$1.00.**

18 (2) A seller shall do all of the following:

19 (a) Present to the dealer an operator's or chauffeur's
20 license, military identification card, Michigan identification
21 card, passport, or other government-issued identification
22 containing a photograph and allow the dealer to make a photocopy or
23 electronic copy of the identification.

24 (b) Allow the dealer to make a thumbprint, ~~to~~**WHICH SHALL** be
25 used only for identification purposes by the dealer and for
26 investigation purposes by a law enforcement agency.

27 (c) Execute a signed statement indicating that the seller is

1 the owner of, or is otherwise authorized to sell, the nonferrous
2 metal offered for purchase to the dealer.

3 (d) Attest to the lack of any criminal convictions involving
4 the theft, conversion, or sale of ~~nonferrous~~ **SCRAP** metals.

5 Sec. 7. (1) Except as otherwise provided in this subsection, a
6 dealer shall produce and maintain an accurate and legible record of
7 each purchase transaction. The dealer shall maintain the records
8 produced under this section for at least 1 year, shall keep the
9 records in a location that is readily accessible to a local, state,
10 or federal law enforcement agency for inspection during normal
11 business hours, and shall make the records, or copies of those
12 records, available to any local, state, or federal law enforcement
13 agency upon reasonable suspicion of violation of this act.

14 (2) The record of a purchase transaction regarding nonferrous
15 metal **OR SCRAP METAL** shall contain all of the following:

16 (a) The name, address, and identifying number from the
17 seller's operator's or chauffeur's license, military identification
18 card, Michigan identification card, passport, or other government-
19 issued identification containing a photograph. A legible scan or
20 photocopy of the identification is considered satisfactory in
21 fulfilling the requirement of this subdivision. In the case of a
22 repeat seller, a copy of the information may be kept on file with
23 the dealer and be used for future transactions.

24 (b) The license plate number of the vehicle delivering the
25 nonferrous metal, **SCRAP METAL, OR BOTH.**

26 (c) The date and time of the transaction.

27 (d) A description of the predominant types of metal purchases,

1 made in accordance with the custom of the trade.

2 (e) The weight, quantity, or volume of metal, made in
3 accordance with the custom of the trade.

4 (f) The consideration paid and the method of payment.

5 (g) A signed statement from the seller that the seller is the
6 owner of the metal or is otherwise authorized to sell the metal
7 subject to the transaction.

8 (h) A thumbprint of the seller.

9 (3) In the case of a seller that is an industrial or
10 commercial account ~~where~~ **IN WHICH** payment is made by a method
11 capable of being traced from the dealer to the seller and payment
12 is made directly to the business, the dealer is not required to
13 produce the record described in subsection (2) so long as the
14 personal and business identifying information of the industrial or
15 commercial account seller is on file with the dealer and conforms
16 to a written description of the type of nonferrous metal, **SCRAP**
17 **METAL**, or articles customarily purchased by the dealer from that
18 seller, and the information is periodically reviewed at least every
19 2 years and validated as current or updated by the dealer.

20 Sec. 9. (1) A dealer shall tag and hold, for 7 calendar days,
21 any article containing nonferrous metal, **SCRAP METAL, OR BOTH**,
22 purchased from a seller and that is offered for purchase under any
23 of the following circumstances:

24 (a) The article has altered or obliterated serial numbers, and
25 the person delivering the article does not have a written receipt
26 or documentation.

27 (b) Where, due to the **READILY OBSERVABLE** identification on the

1 article or due to the type of article, **INCLUDING, BUT NOT LIMITED**
2 **TO, PUBLIC FIXTURES,** the dealer would reasonably be considered to
3 have knowledge that the article is, or was, the property of a
4 governmental entity, and the person delivering the article does not
5 have a written receipt or documentation.

6 (c) Where, due to the identification on the article, the
7 dealer would reasonably be considered to have knowledge that the
8 article is, or was, the property of a business, and the person
9 delivering the article does not have a written receipt or
10 documentation.

11 (d) The article is **PATENTLY** a commemorative, decorative, or
12 other cemetery-related or apparently ceremonial article, and the
13 person delivering the article does not have a written receipt or
14 documentation.

15 (e) The article is subject to a notification or bulletin from
16 any law enforcement agency that ~~is~~ **HAS ACTUALLY BEEN** received by
17 the dealer **AND THE DEALER'S REPRESENTATIVE WHO IS TRANSACTING THE**
18 **PURCHASE OF THE ARTICLE,** prior to the purchase of the article.

19 (f) ~~Where the~~ **THE** article is **PATENTLY** copper **UTILITY** wiring,
20 whether burned or with sheathing, and the person delivering the
21 article does not have a written receipt or documentation.

22 (2) The tag and hold requirements of this section require the
23 dealer to also create and maintain the records required under
24 section 7 regarding those articles.

25 (3) The tag and hold requirements of subsection (1) do not
26 apply to any of the following:

27 (a) Any article containing nonferrous metal **OR SCRAP METAL, OR**

1 **BOTH**, that does not conform to the circumstances described in
2 subsection (1).

3 (b) Any article that has been the subject of tag and hold by 1
4 dealer in compliance with this section if that article is resold
5 directly to another dealer. In addition, any article that was not
6 initially subject to the tag and hold provisions of this section is
7 not thereafter subject to the tag and hold provisions if that
8 article is resold to another dealer.

9 (4) Except in the case where the seller has specific written
10 documentation that the seller is the owner, agent, or person with
11 authority to possess and sell certain articles, a seller shall not
12 sell or offer for sale, and a dealer shall not purchase, ~~any~~**AN**
13 article containing **FERROUS METAL**, nonferrous metal, **OR BOTH**, that
14 is marked with ~~any~~**A READILY OBSERVABLE** form of the name, initials,
15 markings, or logo of a governmental entity, utility, cemetery, or
16 railroad; any beer kegs; or any public fixtures. Any sale is
17 subject to ~~the provisions of this act~~.

18 (5) **BEGINNING JUNE 30, 2014, AND SEMIANNUALLY AFTER THAT, A**
19 **DEALER SHALL REMIT 50% OF THE REGULATORY FEES COLLECTED UNDER THIS**
20 **SECTION TO THE SCRAP METAL OFFENDERS REGISTRATION FUND ESTABLISHED**
21 **UNDER SECTION 11 AND 50% OF THOSE FEES SHALL BE PAID TO THE LOCAL**
22 **LAW ENFORCEMENT AGENCY, SHERIFF'S DEPARTMENT, OR DEPARTMENT POST.**
23 **PAYMENT OF THE REGULATORY FEE PRESCRIBED UNDER THIS SECTION SHALL**
24 **BE MADE IN THE FORM AND BY MEANS PRESCRIBED BY THE DEPARTMENT.**

25 Sec. 11. ~~(1) A dealer shall register with or subscribe to, and~~
26 ~~maintain that registration or subscription with, an internet based~~
27 ~~database available to dealers, law enforcement agencies, and the~~

1 ~~general public that lists and tracks, at a minimum, thefts of~~
2 ~~nonferrous metal and articles containing nonferrous metals. The~~
3 ~~database may be reasonably limited in terms of time and~~
4 ~~geographical area.~~

5 ~~—— (2) The existing database established by the institute of~~
6 ~~scrap recycling industries, inc., referred to as the ISRI theft~~
7 ~~alert system, is considered an appropriate internet based database.~~
8 ~~A dealer may register with or subscribe to any other database that~~
9 ~~provides substantially the same services as the database described~~
10 ~~in subsection (1).~~

11 (1) THE DEPARTMENT SHALL CREATE AND MAINTAIN A PUBLIC INTERNET
12 WEBSITE TO IMPLEMENT SECTION 5, WHICH SHALL BE KNOWN AS THE SCRAP
13 METAL OFFENDERS REGISTRY, AND MAKE THE WEBSITE AVAILABLE TO
14 DEALERS, LAW ENFORCEMENT AGENCIES, AND THE GENERAL PUBLIC. THE
15 PUBLIC INTERNET WEBSITE SHALL CONTAIN ALL OF THE FOLLOWING
16 INFORMATION FOR EACH INDIVIDUAL REGISTERED UNDER THIS SECTION:

17 (A) THE INDIVIDUAL'S LEGAL NAME AND ANY ALIASES, NICKNAMES,
18 ETHNIC OR TRIBAL NAMES, OR OTHER NAMES BY WHICH THE INDIVIDUAL IS
19 OR HAS BEEN KNOWN.

20 (B) THE INDIVIDUAL'S DATE OF BIRTH.

21 (C) THE ADDRESS WHERE THE INDIVIDUAL RESIDES. IF THE
22 INDIVIDUAL DOES NOT HAVE A RESIDENTIAL ADDRESS, INFORMATION UNDER
23 THIS SUBSECTION SHALL IDENTIFY THE VILLAGE, CITY, OR TOWNSHIP THE
24 INDIVIDUAL USES IN LIEU OF AN ADDRESS OR WHERE THE INDIVIDUAL
25 SPENDS THE MAJORITY OF HIS OR HER TIME IF HE OR SHE IS HOMELESS.

26 (D) A BRIEF SUMMARY OF THE INDIVIDUAL'S CONVICTIONS FOR SCRAP
27 METAL OFFENSES REGARDLESS OF WHEN THE CONVICTION OCCURRED.

1 (E) A COMPLETE PHYSICAL DESCRIPTION OF THE INDIVIDUAL.

2 (F) A PHOTOGRAPH OF THE INDIVIDUAL.

3 (G) AN IMAGE OF THE INDIVIDUAL'S FINGERPRINTS.

4 (H) THE TEXT OF THE PROVISION OF LAW THE INDIVIDUAL WAS
5 CONVICTED OF COMMITTING.

6 (I) THE VALUE OF THE STOLEN PROPERTY INVOLVED IN EACH SCRAP
7 METAL OFFENSE.

8 (J) THE DETAILS OF ANY PLEA AGREEMENT ENTERED INTO INVOLVING A
9 SCRAP METAL OFFENSE.

10 (2) AN INDIVIDUAL WHO IS CONVICTED OF A SCRAP METAL OFFENSE OR
11 WHO ENTERS INTO A PLEA AGREEMENT INVOLVING A SCRAP METAL OFFENSE
12 SHALL REGISTER WITH THE SHERIFF'S DEPARTMENT, LOCAL LAW ENFORCEMENT
13 AGENCY, OR DEPARTMENT POST WITH JURISDICTION IN THE LOCAL
14 GOVERNMENTAL UNIT IN WHICH HE OR SHE RESIDES, OR NOT MORE THAN 30
15 DAYS AFTER SENTENCING, CHANGING HIS OR HER RESIDENCE, OR BEING
16 RELEASED FROM IMPRISONMENT, WHICHEVER OCCURS EARLIEST, BY PAYING A
17 FEE OF \$50.00 AND PROVIDING ALL OF THE INFORMATION LISTED IN
18 SUBSECTION (1). THE INDIVIDUAL SHALL REGISTER NOT MORE THAN 1 YEAR
19 AFTER INITIAL REGISTRATION, AND ANNUALLY EACH YEAR AFTER THAT.

20 (3) OF THE MONEY COLLECTED BY A LOCAL LAW ENFORCEMENT AGENCY,
21 SHERIFF'S DEPARTMENT, OR DEPARTMENT POST FROM EACH REGISTRATION FEE
22 PRESCRIBED UNDER THIS SECTION, \$30.00 SHALL BE FORWARDED TO THE
23 DEPARTMENT, WHICH SHALL DEPOSIT THE MONEY IN THE SCRAP METAL
24 OFFENDERS REGISTRATION FUND CREATED UNDER SUBSECTION (4), AND
25 \$20.00 SHALL BE RETAINED BY THE LOCAL LAW ENFORCEMENT AGENCY,
26 SHERIFF'S DEPARTMENT, OR DEPARTMENT POST.

27 (4) THE SCRAP METAL OFFENDERS REGISTRATION FUND IS CREATED AS

1 A SEPARATE FUND IN THE DEPARTMENT OF TREASURY. THE STATE TREASURER
2 SHALL CREDIT THE MONEY RECEIVED FROM THE PAYMENT OF THE
3 REGISTRATION FEE PRESCRIBED UNDER THIS SECTION TO THE SCRAP METAL
4 OFFENDERS REGISTRATION FUND. MONEY CREDITED TO THE FUND SHALL ONLY
5 BE USED BY THE DEPARTMENT FOR TRAINING CONCERNING, AND THE
6 MAINTENANCE AND AUTOMATION OF, THE LAW ENFORCEMENT DATABASE, SCRAP
7 METAL OFFENDERS REGISTRY, AND INFORMATION REQUIRED UNDER THIS
8 SECTION. MONEY IN THE SCRAP METAL OFFENDERS REGISTRATION FUND AT
9 THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT
10 LAPSE TO THE GENERAL FUND.

11 (5) IF AN INDIVIDUAL REQUIRED TO PAY A REGISTRATION FEE UNDER
12 THIS SECTION IS INDIGENT, THE REGISTRATION FEE SHALL BE WAIVED FOR
13 A PERIOD OF 90 DAYS. THE BURDEN IS ON THE INDIVIDUAL CLAIMING
14 INDIGENCE TO PROVE THE FACT OF INDIGENCE TO THE SATISFACTION OF THE
15 LOCAL LAW ENFORCEMENT AGENCY, SHERIFF'S DEPARTMENT, OR DEPARTMENT
16 POST WHERE THE INDIVIDUAL IS REPORTING.

17 (6) PAYMENT OF THE REGISTRATION FEE PRESCRIBED UNDER THIS
18 SECTION SHALL BE MADE IN THE FORM AND BY MEANS PRESCRIBED BY THE
19 DEPARTMENT. UPON PAYMENT OF THE REGISTRATION FEE PRESCRIBED UNDER
20 THIS SECTION, THE OFFICER OR EMPLOYEE SHALL FORWARD VERIFICATION OF
21 THE PAYMENT TO THE DEPARTMENT IN THE MANNER THE DEPARTMENT OF STATE
22 POLICE PRESCRIBES. THE DEPARTMENT SHALL REVISE THE SCRAP METAL
23 OFFENDERS REGISTRY MAINTAINED UNDER THIS SECTION AS NECESSARY AND
24 SHALL INDICATE VERIFICATION OF PAYMENT IN THE LAW ENFORCEMENT
25 DATABASE UNDER THIS SECTION.

26 Sec. 13. (1) A person who violates section 7(1) or section 9
27 ~~knowing or having~~ WHO KNOWS OR HAS reason to know that he or she is

1 violating ~~these sections~~ **THAT SECTION** is guilty of a misdemeanor
2 punishable by a fine of not more than \$500.00 or imprisonment for
3 not more than 93 days, or both.

4 (2) A person who buys or sells **FERROUS METAL OR** nonferrous
5 metal articles ~~knowing or having reason to know that they are~~ **IT IS**
6 stolen is guilty of a felony punishable by imprisonment for not
7 more than 5 years or a fine of not more than \$5,000.00, or both,
8 for a first offense and is guilty of a felony punishable by
9 imprisonment for not more than 5 years or a fine of not more than
10 \$10,000.00, or both, for a second or subsequent offense. **A PERSON**
11 **WHO BUYS OR SELLS NONFERROUS METAL OR SCRAP METAL, OR BOTH, FROM AN**
12 **INDIVIDUAL WHO IS REGISTERED ON THE SCRAP METAL OFFENDER REGISTRY**
13 **CREATED UNDER SECTION 11 IS PRESUMED TO KNOW THAT THE METAL IS**
14 **STOLEN.**

15 (3) **A PERSON WHO IS REQUIRED TO REGISTER AS A SCRAP METAL**
16 **OFFENDER UNDER SECTION 11, AND WHO FAILS TO DO SO OTHER THAN**
17 **FAILING TO PAY THE FEE REQUIRED UNDER SECTION 11, IS GUILTY OF A**
18 **MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR**
19 **A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.**

20 (4) **AN INDIVIDUAL WHO WILLFULLY REFUSES OR FAILS TO PAY THE**
21 **REGISTRATION FEE PRESCRIBED IN SECTION 11 WITHIN 90 DAYS OF THE**
22 **DATE THE INDIVIDUAL REPORTS UNDER THAT SECTION IS GUILTY OF A**
23 **MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS.**

24 (5) **THE COURT SHALL REVOKE THE PROBATION OF AN INDIVIDUAL**
25 **PLACED ON PROBATION WHO WILLFULLY VIOLATES SECTION 11.**

26 (6) **THE COURT SHALL REVOKE THE YOUTHFUL TRAINEE STATUS OF AN**
27 **INDIVIDUAL ASSIGNED TO YOUTHFUL TRAINEE STATUS WHO WILLFULLY**

1 VIOLATES SECTION 11.

2 (7) THE PAROLE BOARD SHALL RESCIND THE PAROLE OF AN INDIVIDUAL
3 RELEASED ON PAROLE WHO WILLFULLY VIOLATES SECTION 11.

4 (8) AN INDIVIDUAL'S FAILURE TO REGISTER AS REQUIRED BY SECTION
5 11 MAY BE PROSECUTED IN THE JUDICIAL DISTRICT OF ANY OF THE
6 FOLLOWING:

7 (A) THE INDIVIDUAL'S LAST REGISTERED ADDRESS OR RESIDENCE.

8 (B) THE INDIVIDUAL'S ACTUAL ADDRESS OR RESIDENCE.

9 (C) WHERE THE INDIVIDUAL WAS ARRESTED FOR THE VIOLATION.

10 Sec. 15. A person ~~violating~~ WHO VIOLATES this act, ~~knowing or~~
11 ~~having~~ OTHER THAN A CRIME DESCRIBED IN SECTION 13, WHO KNOWS OR HAS
12 reason to know that he or she is violating this act, is responsible
13 for a state civil infraction and may be ordered to pay a civil fine
14 of not more than \$5,000.00.

15 Sec. 17. (1) A person may bring a private cause of action, in
16 a court of competent jurisdiction, for monetary damages suffered
17 from violation of this act by a seller or a dealer, or both.

18 (2) The court shall award treble damages for the value of the
19 nonferrous metal OR **SCRAP METAL** article stolen. The court may award
20 costs regarding any aspect of an action brought under subsection
21 (1). As used in this subsection, "value of the nonferrous metal OR
22 **SCRAP METAL** article stolen" means the greatest of the following:

23 (a) The replacement cost of the stolen article.

24 (b) The cost of repairing the damage caused by the larceny of
25 that article.

26 (c) The total of subdivisions (a) and (b).