

ENVIRONMENTAL STEWARDS,
JOB CREATORS, ECONOMIC LEADERS
www.isri.org



Institute of
Scrap Recycling
Industries, Inc.
Pride of the Recycling Industry

The State of Affairs on Preventing Theft

A Look at How States are Addressing Metals Theft and Other Scrap-Related theft crimes

Milwaukee, Wisconsin
November 19, 2014

Danielle F. Waterfield, Esq.
Asst. Counsel / Director of Government Relations
Institute of Scrap Recycling Industries, Inc

50 Different State Metals Theft Laws

- **2014:** Alaska becomes 50th state to enact a specific metals theft law
- All states require recordkeeping and making records available to law enforcement
- Retail trade is focus for narrow restrictions
- Exceptions for commercial (B2B) transactions



State
Metal Theft
Statutes
compiled by ISRI November 10, 2014



Institute of
Scrap Recycling
Industries, Inc.

www.isri.org

Compare State Laws on Metals Theft

www.isri.org/state-database



Compare:

- Licensing
- Payment restrictions
- Recordkeeping
- Reporting requirements
- Alert notices
- More....

NOTE:
This does not include locality-specific regulations




Institute of
Scrap Recycling
Industries, Inc.

www.isri.org

Electronic Reporting Requirements



33 States have Reporting Requirements – either automatic or upon request

Automatic Reporting <ul style="list-style-type: none">• 16 States require automatic reporting• 12 States w/ statewide databases<ul style="list-style-type: none">– 7 active now (AL, AZ, AR, LA, MS, NM, TX)– 5 not implemented yet• MN starts in 2016• Michigan starts upon approval by MSP	Report on Request <ul style="list-style-type: none">• Law Enforcement Notice• Suspicious transactions• Records must be available for inspection at all reasonable times even if not reported• Many states leave decision on reporting to the localities
---	---

 Institute of Scrap Recycling Industries, Inc.  www.isri.org

Statewide Solutions – Consistent State Law

<ul style="list-style-type: none">• 18 States have some form of preemption on metals theft law• Designed to:<ul style="list-style-type: none">– Prevent thieves from “forum shopping”– Enhancing enforcement– Assisting compliance	Northwest States <ul style="list-style-type: none">• Wisconsin• Minnesota• Iowa• North Dakota• Ohio
---	--

 Institute of Scrap Recycling Industries, Inc.  www.isri.org

Vehicle Theft – Detitling Reform

<ul style="list-style-type: none">• ONLY Delaware includes vehicles in its metals theft statute<ul style="list-style-type: none">– Hold if there is no title• Hybrid Approach<ul style="list-style-type: none">– MN: motor vehicle statute incorporates some of the same reporting as metals theft statute.– No vehicle holds with proof of ownership & NMVTIS reporting– No Title=Vehicle Hold w/reporting– TN: 3-days; AL: 2-days; KY: 2-days	Why Distinguish? <ul style="list-style-type: none">• Vehicle Identification Numbers (VINs) are traceable<ul style="list-style-type: none">– NMVTIS– State vehicle titles• Scrap metal is NOT<ul style="list-style-type: none">– Scrap doesn't belong in the motor vehicle code and vice versa
---	--

 Institute of Scrap Recycling Industries, Inc.  www.isri.org

Trending: State NMVTIS Reporting

Solution: Give state law enforcement VIN sale information quickly

How?: State law will mandate reporting VINs to NMVTIS frequently

- VINs are reported within 5 or less days instead of 30 days
- Law enforcement gets sale info with VINs

Example: States enacting these reforms:

- IN: IC 9-22-5-18.2
- MS: § 63-21-39
- NC: N.C.G.S. § 20-62.1
- SC: § 56-5-5670

States w/ legislation in 2014

- MN: HB 1214 (2013)
- KY: HB 481
- TN: HB 1484/ SB 1729



Abandoned Buildings: Statutory Oversight

• Government Imposed Responsibility

- Mandate fences & security
- Secure & recoup costs

• Abandoned Property Registries

• Local Efforts

- Nuisance laws
- Building Code Enforcement
- Demolition

Examples

- NJ: 2014 AB 1229 - fine for failure to maintain certain vacant properties; requires out-of-state creditors to designate in-State representative
- St. Clair, MO: Local Bill No. 2014-44 / Ordinance 1790 that provides "for the registration of properties that are foreclosed, condemned or abandoned"
- Jacksonville, FL: Aug. 2014, Require abandoned, non-historic buildings w/o water or electricity for 2 years to be declared a public nuisance and subject to demolition.



Abandoned Buildings: Securing Property

Insurance Industry Urges Prevention and Protection



Insured Property Metals Theft Claims Decreased 26% between 2011-2013

National Insurance Crime Bureau (NICB)

- Started tracking insurance claims for metals theft in 2008
- Urges property owners to "make theft less appealing"
 - Add security devices
 - Install tracking devices
 - Well lit fences



Contact Information

Danielle F. Waterfield, Esq.
Asst. Counsel / Director of Government Relations
Institute of Scrap Recycling Industries, Inc.
1615 L Street, NW
Suite 600
Washington, D.C. 20036
(202) 662-8516 – Office
(202) 714-3295 – Mobile
DanielleWaterfield@ISRI.org



Institute of
Scrap Recycling
Industries, Inc.



www.isri.org
