

ENVIRONMENTAL STEWARDS,  
JOB CREATORS, ECONOMIC LEADERS

[www.isri.org](http://www.isri.org)



*Voice of the Recycling Industry*

Institute of  
Scrap Recycling  
Industries, Inc.

# The State of Affairs on Preventing Theft

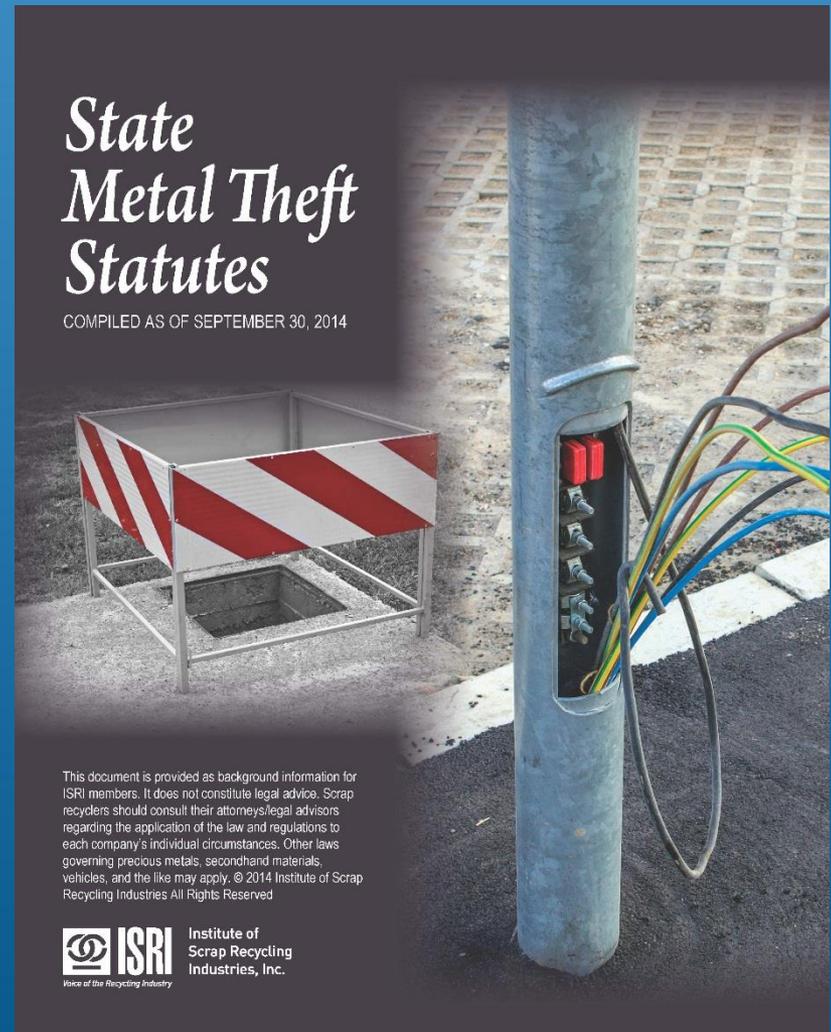
## A Look at How States are Addressing Metals Theft and Other Scrap-Related theft crimes

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 50<sup>th</sup> 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



# Compare State Laws on Metals Theft

[www.isri.org/state-database](http://www.isri.org/state-database)

Compare:

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

ISRI Institute of Scrap Recycling Industries, Inc. Voice of the Recycling Industry™

Find A Recycler » ISRI Chapters » ISRI Store » Join ISRI

Welcome, Danielle | Log Out

Safety & Best Practices | Policy & Regulations | News & Publications | Recycling Industry | About ISRI

## ISRI State Metal Theft Law Database

Home / Policy & Regulations / Metals Theft / Metal Theft Law Database

**» In This Section:**  
**State Database**

- » Common Reports
- » Custom Reports

**» Have Questions?**

Danielle Waterfield  
Director, Government Relations  
[daniellewaterfield@isri.org](mailto:daniellewaterfield@isri.org)  
(202) 662-8516

Justin Short  
Legislative Analyst  
[JustinShort@isri.org](mailto:JustinShort@isri.org)  
(202) 662-8522

All 50 state legislatures have passed laws intended to combat the growth in metals theft over recent years. These laws impose varying requirements on purchasers, sellers, law enforcement, and other parties, with little uniformity between the states. In addition, many of the states are frequently amending their laws – to date there have been over 50 bills passed in the 2013-2014 session.

All of these changes makes it increasingly challenging for citizens, law enforcement, lawmakers, and recyclers to stay on top of current requirements. This database is a public resource to help understand the laws by allowing visitors to view and download pre-made or custom reports on the provisions and states that interest them.

Please pay careful attention to the Materials Covered and Exemptions for each state! States may define the same term (such as "regulated metal") to cover entirely different types of metals or transactions and give varied exemptions for particular materials and entities. ISRI has attempted to present the definitions and materials covered as clearly as possible; unfortunately, this means that we've occasionally had to edit the definitions from how they are presented in the state law.

You can also download a [Compilation of ISRI's State Metal Theft Law Summaries](#) (last updated September 30, 2014); please note that this is an 8 MB PDF and may take some time to download.

### Commonly Requested Metal Theft Law Reports

These reports allow you to quickly compare key provisions of laws between states. Just select the report you'd like to view, check the states that you'd like to compare, and select whether you'd like to view the report in your web browser or download it as a spreadsheet or PDF.

**» Learn More and Access Our Most Common Reports**

**NOTE:**  
This does not include locality-specific regulations

# Electronic Reporting Requirements

33 States have Reporting Requirements – either automatic or upon request

## Automatic Reporting

- 16 States require automatic reporting
- 12 States w/ statewide databases
  - 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

- 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

# Statewide Solutions – Consistent State Law

- 18 States have some form of preemption on metals theft law
- Designed to:
  - Prevent thieves from “forum shopping”
  - Enhancing enforcement
  - Assisting compliance

## Northwest States

- Wisconsin
- Minnesota
- Iowa
- North Dakota
- Ohio



# Vehicle Theft – Detitling Reform

- ONLY Delaware includes vehicles in its metals theft statute
  - Hold if there is no title
- Hybrid Approach
  - 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?

- Vehicle Identification Numbers (VINs) are traceable
  - NMVTIS
  - State vehicle titles
- Scrap metal is NOT
  - Scrap doesn't belong in the motor vehicle code and vice versa



# 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



## 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

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

# 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

A graphic featuring the words "THANK YOU" in large, 3D, light blue block letters. The letters are set against a black rectangular background that is tilted slightly to the right. The lighting on the letters creates a sense of depth and shadow.