

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/17/15
A Bill

HOUSE BILL 1345

By: Representatives Hillman, *E. Armstrong, Bennett, Bentley, D. Douglas, M.J. Gray, Jett, Richey, Scott, D. Whitaker*

By: Senator *E. Williams*

For An Act To Be Entitled

AN ACT TO PROVIDE FOR DELAYED PAYMENT FOR CERTAIN METAL TRANSACTIONS; TO PROVIDE FOR EXCEPTIONS; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE FOR DELAYED PAYMENT FOR CERTAIN METAL TRANSACTIONS; AND TO PROVIDE FOR EXCEPTIONS.

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

SECTION 1. Arkansas Code Title 17, Chapter 44, is amended to add an additional section to read as follows:

17-44-109. Delayed payment for certain sales of metal.

(a)(1) Payment for scrap metal shall not be made until three (3) days after the seller of the scrap metal relinquishes physical control of the scrap metal to the scrap metal recycler.

(2) Payment shall be:

(A) Made by check or money order; and

(B)(i) Mailed to the business address of the company or the home address of the person by whom the metal is being sold.

(ii) The name of the company or person must be the payee on the check.

(b) The following entities or persons are exempt from the delayed payment provisions of this subchapter and may be paid by a scrap metal



recycler when the entity or person relinquishes physical control of the scrap metal:

(1) A law enforcement officer acting in an official capacity purchasing or selling metal property;

(2) A trustee in bankruptcy, executor, administrator, or receiver who purchases or sells metal property when acting in such a capacity;

(3) A public official acting under a court order to deal in metal property;

(4) A licensed individual or entity that comes into possession of scrap metal in the ordinary course of business, including without limitation a:

(A) General contractor;

(B) Plumber;

(C) Electrician;

(D) Auto body shop operator; or

(E) HVAC technician;

(5)(A) A manufacturing, industrial, or other commercial vendor that generates or sells regulated metal property in the ordinary course of its business.

(B) As used in this subsection, "commercial vendor" does not mean:

(i) An individual or business that acquires, generates, or produces scrap metal and then sells that scrap metal as a primary business operation; or

(ii) A scrap metal recycler; or

(6) A person who receives twenty-five dollars (\$25.00) or less per day from scrap metal transactions.

/s/Hillman