

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/17/15

A Bill

HOUSE BILL 1345

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

7 By: Senator *E. Williams*
8

For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR DELAYED PAYMENT FOR CERTAIN
10 METAL TRANSACTIONS; TO PROVIDE FOR EXCEPTIONS; AND
11 FOR OTHER PURPOSES.
12
13
14

Subtitle

15 TO PROVIDE FOR DELAYED PAYMENT FOR
16 CERTAIN METAL TRANSACTIONS; AND TO
17 PROVIDE FOR EXCEPTIONS.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

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

25 17-44-109. Delayed payment for certain sales of metal.

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

29 (2) Payment shall be:

30 (A) Made by check or money order; and

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

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

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



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

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

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

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

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

13 (A) General contractor;

14 (B) Plumber;

15 (C) Electrician;

16 (D) Auto body shop operator; or

17 (E) HVAC technician;

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

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

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

26 (ii) A scrap metal recycler; or

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

29
30 */s/Hillman*