


MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

Introduced

JAN 01 2007
11:17 A.M.

Bill No. 12 (LS)

Introduced by:

J. T. Won Pat 

AN ACT TO ADD SECTION 43.10 (g) CHAPTER 43 OF TITLE 9 G.C.A., TO DEFINE "HIGH VALUE SALVAGE MATERIAL;" TO AMEND SECTION 43.50, CHAPTER 43 OF TITLE 9 G.C.A., TO REQUIRE PERSONS, ENTITIES OR CORPORATIONS BUYING HIGH VALUE SALVAGE MATERIAL TO MAINTAIN INDIVIDUAL REPORTS; A NEW SECTION 43.52, CHAPTER 43 OF TITLE 9 G.C.A., TO MAKE IT UNLAWFUL FOR PERSONS CONVICTED OF ROBBERY, THEFT OR BURGLARY WITHIN THE LAST THREE (3) YEARS TO SALE HIGH VALUE SALVAGE MATERIAL TO PERSONS, ENTITIES OR CORPORATIONS; TO AMEND SECTION 74101, CHAPTER 74, DIVISION 3 OF TITLE 11 G.C.A, TO AMEND THE DEFINITION OF SCRAP DEALER; AN ACT TO AMEND 74103, CHAPTER 74, DIVISION 3 OF TITLE 11 G.C.A. TO ADD HIGH VALUE SALVAGE MATERIAL.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. A new §43.10(g), Chapter 43 of Title 9 G.C.A. is hereby added

3 to read: "(g) High value salvage material shall mean any copper, bronze,

1 brass, and aluminum, whether scrap metal or recyclable metal, with the
2 exception of aluminum cans and tin cans."

3 **Section 2.** §43.50 (f), Chapter 43 of Title 9 of the Guam Code Annotated
4 **is** hereby amended to read: "(f) Any person, corporation or entity who, as a
5 substantial part of a business, buys and sells used items, including ~~copper~~
6 ~~wire~~ high value salvage material and including any contractor who buys
7 ~~copper wire~~ high value salvage material in the course of conducting his or her
8 business, shall retain an individual report, of every transaction of high value
9 salvage material organized by the date and hour of transaction and shall be
10 maintained and kept on the premises for a minimum of one (1) year ~~after the~~
11 ~~last entry, a log book~~ the report shall be kept in a form provided by the Guam
12 Police Department or in a form approved by the Guam Police Department of
13 all purchases of ~~copper wire~~ high value salvage material from on-island
14 sources, indicating the nature of the items bought, the complete description of
15 weight and grade, the name, birth date, signature, fingerprint and address of
16 the seller, the price paid, the name and signature of the individual who
17 handled the transaction on behalf of the business purchasing and the date
18 and hour of purchase, and shall obtain and maintain a copy of each seller's
19 identification documents, including, but not limited to, a valid, unexpired
20 ~~government~~ driver's license, or government identification card with
21 photograph issued by any state, territory or possession of the United States or
22 a valid, unexpired United States passport, ~~and~~ a copy of the registration
23 certificate of the vehicles used to transport the ~~copper wire~~ high value salvage

1 material and if applicable a copy of the seller's business license to sell high
2 value salvage material. The above ~~records~~ reports shall be made available to
3 law enforcement officers upon request.

4 (g) Any person, corporation or entity who, as a substantial part of a
5 business, buys and sells used items, including ~~copper wire~~ high value salvage
6 material and including any contractor who buys ~~copper wire~~ high value
7 salvage material in the course of conducting his or her business, who
8 purchases said ~~wire~~ high value salvage material from persons who do not
9 have a business license for buying or selling ~~copper wire~~ high value salvage
10 material, shall keep such ~~wire~~ high value salvage material for a period of
11 seven (7) days before altering, selling, melting, destroying, or otherwise
12 disposing of ~~copper wire~~ high value salvage material purchased on Guam.

13 ~~(h) Any knowing violation of Subsections (c), (d) or (e) of § 43.50 of~~
14 ~~Chapter 43 of Title 9 GCA shall be a misdemeanor upon the first conviction of~~
15 ~~any such violation, and shall be a felony of the third degree for any~~
16 ~~subsequent offense. Any violation of Subsections (f) or (g) shall be a felony of~~
17 ~~the third degree. A third conviction of any such violation shall require~~
18 ~~revocation of the offender's business license.~~ Any person, corporation or
19 entity who, as a substantial part of a business, buys and sells used items,
20 including high value salvage material and including any contractor who buys
21 high value salvage material in the course of conducting his or her business,
22 who purchases said high value salvage material from persons who do not
23 have a business license for selling high value salvage material, shall
24 fingerprint the seller of the high value salvage material. The fingerprint shall

1 be taken from the seller's right index finger; if the right index finger is
2 missing, the fingerprint shall be taken from the left index finger of the seller
3 and said fingerprint shall be placed on the report. Each person, corporation or
4 entity shall display a notice to his patrons, in a prominent place, to the effect
5 that he is required by law to fingerprint every person selling any high value
6 scrap material to him who does not have a business license for selling high
7 salvage material.

8 (i) Any person, corporation or entity who, as a substantial part of a
9 business, buys and sells used items, including high value salvage material and
10 including any contractor who buys high value salvage material in the course
11 of conducting his or her business, shall submit to the chief of police or his
12 duly authorized representative before 12:00 noon of every business day a true
13 copy of every individual report of high value salvage material transacted
14 during the preceding business day.

15 (j) Any person, corporation or entity who, as a substantial part of a
16 business, buys and sells used items, including high value salvage material and
17 including any contractor who buys high value salvage material in the course
18 of conducting his or her business, shall not purchase high value salvage
19 material from any person who has engaged in more than three (3) transactions
20 within a calendar year to sell high value salvage material to any business
21 described in this subsection, unless the person has a business license to sale
22 high value salvage material.

1 (k) Any person, corporation or entity who, as a substantial part of a
2 business, buys and sells used items, including high value salvage material and
3 including any contractor who buys high value salvage material in the course
4 of conducting his or her business, shall not purchase high value salvage
5 material from any person under the age of eighteen (18) and any person who
6 appears under the influence of alcohol or controlled substance.

7 (l) Any knowing violation of Subsections (c), (d) or (e) of § 43.50 of
8 Chapter 43 of Title 9 GCA shall be a misdemeanor upon the first conviction of
9 any such violation, and shall be a felony of the third degree for any
10 subsequent offense. Any violation of Subsections (f), (g), (i), (j) or (k) shall be a
11 felony of the third degree and a fine not to exceed to one thousand dollars
12 (\$1000.00). A third conviction of any such violation shall require revocation of
13 the offender's business license."

14 **Section 3.** A new §43.50, Chapter 43 of Title 9 G.C.A. is hereby added to
15 read: "**§43.52 . Unlawful Sale of High Value Salvage Material by Person**
16 **Convicted of Robbery, Theft or Burglary.** It shall be unlawful for any person
17 who has been convicted of robbery, theft or burglary in any state territory or
18 possession of the United States within the last three (3) years to sale any high
19 value salvage material to any person, corporation or entity who, as a
20 substantial part of a business, buys and sells used items, including high value
21 salvage material and including any contractor who buys high value salvage
22 material in the course of conducting his or her business. A violation of this
23 section shall be a felony of the third degree."

1 **Section 4.** §74101 of Chapter 74, Division 3, Title 11 G.C.A. is hereby
2 amended to read as follows: “§74101. **Definition.** As used in this Chapter, the
3 term scrap dealer means any person who is licensed to engage in the purchase
4 or the sale of metal, high value salvage material as defined in §43.10(g),
5 Chapter 43 of Title 9 G.C.A. other than precious metals, or other items that are
6 normally and generally defined as scrap, second-hand items or junk.”

7 **Section 5.** §74103 of Chapter 74, Division 3, Title 11 G.C.A. is hereby
8 amended to read as follows:

9 “§ 74103. **Record.** (a) Each scrap dealer shall keep a written record of
10 each purchase of scrap, junk, high value salvage material as defined in
11 §43.10(g), Chapter 43 of Title 9 G.C.A or other second-hand items.

12 (1) The record for all items except aluminum cans or tin cans or small
13 items not brought in a motor vehicle shall include:

14 (i) the name and signature of the seller with a valid identification;
15 and

16 (ii) the license number of the seller's vehicle.

17 (2) The record for aluminum cans or tin cans shall include the name and
18 signature of the seller.

19 (3) The record for high value salvage material as described in §43.50,
20 Chapter 43 of Title 9 G.C.A

21 (b) Every transaction shall be recorded and the record shall be made
22 available for inspection by law enforcement officers and agents of the
23 Department of Revenue and Taxation for up to one (1) year.”