



134.405 Purchase and sale of certain scrap material.

(1) Definitions. In this section:

(a) "Commercial account" means a commercial enterprise with which a scrap dealer maintains an ongoing and documented business relationship.

(b) "Commercial enterprise" means a corporation, partnership, limited liability company, business operated by an individual, association, state agency, political subdivision, or other government or business entity, including a scrap dealer.

(c) "Ferrous scrap" means scrap metal, other than scrap metal described in pars. (d) to (f), consisting primarily of iron or steel, including large manufactured articles that may contain other substances to be removed and sorted during normal operations of scrap metal dealers.

(d) "Metal article" means a manufactured item that consists of metal, is usable for its original intended purpose without processing, repair, or alteration, and is offered for sale for the value of the metal it contains, except that "metal article" does not include antique or collectible articles, including jewelry, coins, silverware, and watches.

(e) "Nonferrous scrap" means scrap metal consisting primarily of metal other than iron or steel, but does not include any of the following:

1. Aluminum beverage cans.
2. Used household items.
3. Items removed from a structure during renovation or demolition.
4. Small quantities of nonferrous metals contained in large manufactured items.

(em) "Plastic bulk merchandise container" means a plastic crate, pallet, or shell used by a product producer, distributor, or retailer for the bulk transport or storage of retail containers of bottled beverages.

(f) "Proprietary article" means any of the following:

1. A metal article stamped, engraved, stenciled, or otherwise marked to identify the article as the property of a governmental entity, telecommunications provider, public utility, cable operator, as defined in s. [66.0420 \(2\) \(d\)](#), or an entity that produces, transmits, delivers, or furnishes electricity, or transportation, shipbuilding, ship repair, mining, or manufacturing company.
2. A copper conductor, bus bar, cable, or wire, whether stranded or solid.
3. An aluminum conductor, cable, or wire, whether stranded or solid.
4. A metal beer keg.
5. A manhole cover.
6. A metal grave marker, sculpture, plaque, or vase, if the item's appearance suggests the item has been obtained from a cemetery.
7. A rail, switch component, spike, angle bar, tie plate, or bolt used to construct railroad track.
8. A plastic bulk merchandise container.

(fm) "Scrap dealer" means a scrap plastic dealer or scrap metal dealer.

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(g) "Scrap metal" means a metal article; metal removed from or obtained by cutting, demolishing, or disassembling a building, structure, or manufactured item; or other metal that is no longer used for its original intended purpose and that can be processed for reuse in a mill, foundry, or other manufacturing facility.

(h) "Scrap metal dealer" means a person engaged in the business of buying or selling scrap metal.

(j) "Scrap plastic dealer" means a person engaged in the business of buying or selling plastic to be processed for reuse in a mill or other manufacturing facility.

(2) Purchases of ferrous scrap. Except as provided in sub. (3m), a scrap metal dealer may purchase scrap metal other than nonferrous scrap, a metal article, or a proprietary article from any person over the age of 18.

(3) Purchases of nonferrous scrap, metal articles, proprietary articles.

(a) Subject to par. (b) and except as provided in sub. (3m), a scrap dealer may purchase nonferrous scrap, metal articles, or proprietary articles from any person who is over the age of 18 if all of the following apply:

1. If the seller of nonferrous scrap, metal articles, or proprietary articles is an individual, at the time of the sale, the seller provides to the scrap dealer the seller's motor vehicle operator's license or other government-issued, current photographic identification that includes the seller's full name, current address, date of birth, and recognized identification number. If the seller is not an individual, at the time of the sale, the individual who delivers the seller's nonferrous scrap, metal articles, or proprietary articles provides to the dealer the deliverer's motor vehicle operator's license or other government-issued, current photographic identification that includes the deliverer's full name, current address, date of birth, and recognized identification number.

2. The scrap dealer records and maintains at the scrap dealer's place of business the seller's or deliverer's identification information described in subd. 1., the time and date of the purchase, the number and state of issuance of the license plate on the seller's or deliverer's vehicle, and a description of the items received, including all of the following:

a. The weight of the scrap or articles.

b. A description of the scrap or articles that is consistent with guidelines promulgated by a national recycling industry trade organization. This subd. 2. b. does not apply to plastic bulk merchandise containers.

4. With respect to a purchase of nonferrous scrap or a metal article the scrap dealer obtains the seller's signed declaration that the seller is the owner of the items being sold.

5. With respect to a purchase of a proprietary article, one of the following applies:

a. The scrap dealer receives from the seller documentation, such as a bill of sale, receipt, letter of authorization, or similar evidence, that establishes that the seller lawfully possesses the proprietary article.

b. The scrap dealer documents that the scrap dealer has made a diligent inquiry into whether the person selling the proprietary article has a legal right to do so, and, not later than one

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business day after purchasing the proprietary article, submits a report to a local law enforcement

department describing the proprietary article and submits a copy of the seller's or deliverer's identifying information under subd. [1](#).

(b) This subsection does not apply to purchases of nonferrous scrap, metal articles, or proprietary articles by a scrap dealer from a commercial account, if the scrap dealer creates and maintains a record of its purchases from the commercial account that includes all of the following:

1. The full name of the commercial account.
2. The business address and telephone number of the commercial account.
3. The name of a contact person at the commercial account who is responsible for the sale of nonferrous scrap, metal articles, or proprietary articles to the scrap dealer.
4. The time, date, and value of each of the scrap dealer's purchases from the commercial account.
5. A description of the predominant types of nonferrous scrap, metal articles, or proprietary articles the scrap dealer has purchased from the commercial account.

(c) Except as provided under sub. [\(4\)](#), a scrap dealer may disclose personally identifiable information recorded or maintained under this subsection only to a successor in interest to the scrap dealer, including a successor in interest that arises as a result of a merger, sale, assignment, restructuring, or change of control.

(3m) Motor vehicles. Before a scrap metal dealer may acquire a motor vehicle for ferrous scrap, nonferrous scrap, metal articles, or proprietary articles, the dealer shall examine the certificate of title for the motor vehicle, or examine the title records of the department of transportation if the person transferring the motor vehicle is not in possession of the certificate of title, to determine whether there is any security interest in the motor vehicle. No scrap metal dealer may acquire a motor vehicle for ferrous scrap, nonferrous scrap, metal articles, or proprietary articles if the certificate of title for the motor vehicle identifies a holder of a security interest in the motor vehicle. A scrap metal dealer who demonstrates that the dealer has acted in accordance with this subsection is not liable for any damages incurred by a person who asserts a security interest in a motor vehicle and who is not named on the certificate of title of the vehicle.

(4) Other provisions.

(a) A scrap dealer shall make the records required under sub. [\(3\) \(a\) 2.](#) to [5.](#) and [\(b\)](#) available to a law enforcement officer who presents the agent's credentials at the scrap dealer's place of business during business hours.

(b) A scrap dealer shall maintain the records required under sub. [\(3\) \(a\) 2., 4., and 5.](#) and [\(b\) 4.](#) and [5.](#) for not less than 2 years after recording it. A scrap dealer shall maintain the records required under sub. [\(3\) \(b\) 1. to 3.](#) regarding a commercial account for not less than 2 years after the dealer's most recent transaction with the commercial account.

(c) A law enforcement officer of a city, village, town, or county in which a scrap dealer conducts business may request that all scrap dealers in the city, village, town, or county furnish reports of

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all purchases of nonferrous scrap, metal articles, and proprietary articles. A scrap dealer shall comply with a request under this paragraph by submitting to the requesting law enforcement officer a report of each purchase of nonferrous scrap, metal articles, and proprietary articles not later than the business day following the purchase, including each seller's or deliverer's name, date of birth,

identification number, and address, and the number and state of issuance of the license plate on each seller's or deliverer's vehicle.

(d) Notwithstanding s. [19.35 \(1\)](#), a law enforcement officer or agency that receives a record under par. [\(a\)](#) or a report under par. [\(c\)](#) may disclose it only to another law enforcement officer or agency.

(5) Penalties.

(a) Except as provided in par. [\(am\)](#):

1. A scrap dealer who knowingly violates this section and who has not knowingly committed a previous violation of this section is subject to a fine not to exceed \$1,000 or imprisonment not to exceed 90 days, or both.

2. A scrap dealer who knowingly violates this section and who has knowingly committed one previous violation of this section is subject to a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both.

3. A scrap dealer who knowingly violates this section and who has knowingly committed more than one previous violation of this section is guilty of a Class I felony.

(am) A scrap metal dealer who knowingly violates sub. [\(3m\)](#) may be fined not more than \$250 for a first offense, not more than \$750 for a 2nd offense, and not more than \$1,500 for a 3rd or subsequent offense.

(b) Each day on which a scrap dealer knowingly violates this section constitutes a separate violation.

(6) Ordinance.

(a) A county, town, city, or village may enact an ordinance governing the sale and purchase of scrap metal or the sale of bulk plastic merchandise containers to scrap plastic dealers if the ordinance is not more stringent than this section, except that a 1st class city may enact an ordinance that is more stringent than this section.

(b) Notwithstanding par. [\(a\)](#), a city, village, town, or county may enact an ordinance that requires scrap dealers to submit reports to a law enforcement officer under sub. [\(4\) \(c\)](#) in an electronic format.

History: [2007 a. 64](#); [2009 a. 180](#); [2011 a. 194](#); [2013 a. 165](#) s. [115](#); [2015 a. 55](#).

134.41 Poles and wires on private property without owner's consent.

(1) No person nor any officer, agent, servant or employee of any firm or corporation shall erect any pole or poles outside of the limits of any highway, street or alley or attach any wire or cables to any tree, building or structure, or string or suspend any wire, wires or cables over any private property without first obtaining the consent of the owner or agent of the owner, to erect such pole or poles or to string such wire or wires, or the consent of the owner or agent of the owner of

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any building or structure to which such wire, wires or cables are attached; and any person who shall fail to remove such pole, poles, wire or wires or to detach such wire, wires or cables within 10 days after such person, firm or corporation has been served with a notice to remove, as hereinafter provided, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$25.

(2) Such notice to remove shall be in writing and shall be given by the owner or agent of the owner of the land or of the building or structure, and shall contain a description of the land upon which such pole or poles have been erected, or over which such wires have been strung or attached. Such notice to remove shall be served in the manner prescribed for the service of a summons upon such person, firm or corporation in courts of record.

<https://docs.legis.wisconsin.gov/statutes/statutes/134/405/4/a>

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