



ORIGINAL SENATE
ENGROSSED
FILE NO. SF0011

ENROLLED ACT NO. 58,

SENATE SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING 2015 GENERAL
SESSION 1

AN ACT relating to junk dealers; requiring photo identification or vehicle license plate number to be recorded by junk dealers as specified; providing an exception; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 33-18-102 is amended to read:

33-18-102. Records; book to be kept.

(a) Every person, firm or corporation engaged in the junk business as defined in W.S. 33-18-101, shall keep a book, or dedicated computer software program in which all entries shall be written in a computer or in ink, in the English language and entered at the time of each and every sale, transaction and in which the following information is recorded:

(i) An accurate account and description, in the English language, of all junk metal or rubber goods purchased or sold; and

(ii) The name and residence of the person selling or buying the same. junk metal or rubber goods; and

(iii) If the person is selling junk metal or rubber goods:

(A) The license plate number of the person's vehicle, if applicable; or

(B) Verification of the person's name and residence through presentation of the person's United States federal or state-issued photo identification.

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Information Current as of May 2016.

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2 (b) Compliance with paragraph (iii) of subsection (a) of this section is optional for common household and personal items of less than fifty dollars (\$50.00) market value.

(c) No entry in such book or computer shall be erased, mutilated or changed.

Section 2. This act is effective July 1, 2015.

(END)

Speaker of the House
President of the Senate
Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk

Chapter 18 Junk Dealers Notes

NOTES:

Cross references. --

As to licensing provisions generally, see chapter 1 of this title.

For the Junkyard Control Act, see chapter 19 of this title.

Am. Jur. 2d, ALR and C.J.S. references. --

Validity of license statute as to junk dealers as affected by discretion of officers, 45 ALR2d 1391.

Validity of regulation requiring junk dealer to obtain license, 45 ALR2d 1391.

Conditions imposed on right of junk dealer to license, 45 ALR2d 1391.

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Regulation as to keeping of records by junk dealers, 45 ALR2d 1391.

Junk dealers, 45 ALR2d 1391.

33-18-101. Definition.

Every person, firm or corporation engaged in the business of buying or selling of second hand, or broken metals, such as copper, brass, lead, zinc, tin, steel, cast iron, rags, rubber, or waste paper, shall be held and hereby are defined to be junk dealers within the meaning of this act [§§ 33-18-101 through 33-18-106].

HISTORY: Laws 1919, ch. 64, § 1; C.S. 1920, § 3447; R.S. 1931, § 60-101; C.S. 1945, § 37-1401; W.S. 1957, § 33-254.

§ 33-18-102. Records; book to be kept.

(a) Every person engaged in the junk business as defined in W.S. 33-18-101, shall keep a book or dedicated computer software program in which all entries shall be written in a computer or in ink, in the English language and entered at the time of each and every transaction and in which the following information is recorded:

(i) An accurate account and description of all junk metal or rubber goods purchased or sold;

(ii) The name and residence of the person selling or buying the junk metal or rubber goods; and

(iii) If the person is selling junk metal or rubber goods:

(A) The license plate number of the person's vehicle, if applicable; or

(B) Verification of the person's name and residence through presentation of the person's United States federal or state-issued photo identification.

(b) Compliance with paragraph (iii) of subsection (a) of this section is optional for common household and personal items of less than fifty dollars (\$ 50.00) market value.

(c) No entry in such book or computer shall be erased, mutilated or changed.

HISTORY: Laws 1919, ch. 64, § 3; C.S. 1920, § 3449; R.S. 1931, § 60-103; C.S. 1945, § 37-1403; W.S. 1957, § 33-255; 2015, ch. 137, § 1.

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NOTES:

The 2015 amendment, effective July 1, 2015, rewrote the section, which formerly read: "Every person, firm or corporation engaged in the junk business as defined in W.S. 33-18-101, shall keep a book, in which shall be written in ink, at the time of each and every sale, an accurate account and description, in the English language, of all junk metal or rubber goods purchased or sold, and the name and residence of the person selling or buying the same. No entry in such book shall be erased, mutilated or changed."

§ 33-18-103. Records; information to be posted.

Every person, firm or corporation engaged in the buying and selling of junk metals, rags, rubber, or waste paper as described in W.S. 33-18-101 shall at all times keep posted, conspicuously in the office of their [his] place of business, the description of, and amount of junk articles purchased each day, and the names and addresses of the parties for whom said purchase was made, and also the names and addresses of all to whom sales of junk metals are made.

HISTORY: Laws 1919, ch. 64, § 2; C.S. 1920, § 3448; R.S. 1931, § 60-102; C.S. 1945, § 37-1402; W.S. 1957, § 33-256.

§ 33-18-104. Records; inspection by law enforcement officers.

The said book, and the entries therein, shall at all times be open to the inspection of the sheriff of the county and his deputies, or any member of the police force of any city or town, in the county in which said junk dealers do business.

HISTORY: Laws 1919, ch. 64, § 4; C.S. 1920, § 3450; R.S. 1931, § 60-104; C.S. 1945, § 37-1404; W.S. 1957, § 33-257; 2010, ch. 69, § 207.

NOTES:

The 2010 amendment, effective July 1, 2010, substituted "or town, in the county" for "or town, or any constable, in the county."

Office of constable abolished. --

The office of constable has been abolished. See § 5-4-401.



§ 33-18-105. Purchase from intoxicated persons.

No person, firm or corporation engaged in the buying or selling of junk metals, rubber, rags or paper, shall purchase any articles from any person appearing to be intoxicated, nor from any person known to have been convicted of larceny or theft, and when any person is found to be the owner of stolen property, which had been so sold, the property shall be returned to the owner thereof without the payment of any money on the part of the owner.

HISTORY: Laws 1919, ch. 64, § 5; C.S. 1920, § 3451; R.S. 1931, § 60-105; C.S. 1945, § 37-1405; W.S. 1957, § 33-258; 2013, ch. 191, § 2.

NOTES:

The 2013 amendment, effective July 1, 2013, deleted "be a thief, or to" before "have been convicted of larceny" and added "or theft" thereafter.

§ 33-18-106. Penalty; power of cities and towns not impaired.

Every junk dealer who shall be found guilty of a violation of the provisions of this act [§§ 33-18-101 through 33-18-106] shall, for the first offense, be fined not less than fifty dollars (\$ 50.00), nor more than two hundred dollars (\$ 200.00), or imprisoned in the county jail not more than sixty (60) days, or either or both, in the discretion of the court, and for each subsequent offense of violating any of the provisions of this act of which any such junk dealer shall be found guilty, such junk dealer shall be fined not less than one hundred dollars (\$ 100.00), nor more than three hundred dollars (\$ 300.00), or imprisoned in the county jail not less than thirty (30) days nor more than ninety (90) days, or either or both, in the discretion of the court; provided, that this act shall not be construed to in any wise impair the power of cities or incorporated towns in this state to license, tax and regulate any person, persons or corporations now engaged in or hereafter engaging in the buying and selling of second hand metals.

HISTORY: Laws 1919, ch. 64, § 6; C.S. 1920, § 3452; R.S. 1931, § 60-106; C.S. 1945, § 37-1406; W.S. 1957, § 33-259.

NOTES:

Cross references. --

As to powers of cities and towns generally, see § 15-1-103.

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<http://legisweb.state.wy.us/2015/Enroll/SF0011.pdf>

<http://www.lexisnexis.com/hottopics/wystatutes/>

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