

By: Representative Morgan

To: Judiciary B

## HOUSE BILL NO. 815

1 AN ACT TO PROHIBIT THE REMOVAL OR ASSISTED REMOVAL OF STREET,  
2 ROAD OR HIGHWAY SIGNS; TO PROVIDE PENALTIES FOR SUCH REMOVAL; TO  
3 AMEND SECTION 97-17-71, MISSISSIPPI CODE OF 1972, TO ADD STREET,  
4 ROAD AND HIGHWAY SIGNS TO THE LIST OF METALS PROHIBITED FROM  
5 PURCHASE BY SCRAP METAL DEALERS; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Any person who shall remove, or cause to be  
8 removed, or aid or assist in removing any street, road or highway  
9 sign, upon conviction, shall be guilty of a misdemeanor, and shall  
10 be punished by a fine not to exceed One Thousand Dollars  
11 (\$1,000.00) per offense unless the aggregate value of such exceeds  
12 One Thousand Dollars (\$1,000.00) but less than Five Thousand  
13 Dollars (\$5,000.00), in which case the person shall be guilty of a  
14 felony and shall be imprisoned in the custody of the Department of  
15 Corrections for a term not to exceed five (5) years, fined not  
16 more than Ten Thousand Dollars (\$10,000.00), or both.

17 **SECTION 2.** Section 97-17-71, Mississippi Code of 1972, is  
18 amended as follows:



19           97-17-71. (1) For the purposes of this section, the  
20 following terms shall have the meanings ascribed in this section:

21           (a) "Railroad materials" means any materials, equipment  
22 and parts used in the construction, operation, protection and  
23 maintenance of a railroad.

24           (b) "Copper materials" means any copper wire, bars,  
25 rods or tubing, including copper wire or cable or coaxial cable of  
26 the type used by public utilities, common carriers or  
27 communication services providers, whether wireless or wire line,  
28 copper air conditioner evaporator coil or condenser, aluminum  
29 copper radiators not attached to a motor vehicle, or any  
30 combination of these.

31           (c) "Aluminum materials" means any aluminum cable,  
32 bars, rods or tubing of the type used to construct utility,  
33 communication or broadcasting towers, aluminum utility wire and  
34 aluminum irrigation pipes or tubing. "Aluminum materials" does  
35 not include aluminum cans that have served their original economic  
36 purpose.

37           (d) "Dealer-to-dealer transaction(s)" means any  
38 transaction of regulated metals, regardless of compensation,  
39 between registered scrap metal dealers.

40           (e) "Law enforcement officer" means any person  
41 appointed or employed full time by the state or any political  
42 subdivision thereof, or by the state military department as  
43 provided in Section 33-1-33, who is duly sworn and vested with



44 authority to bear arms and make arrests, and whose primary  
45 responsibility is the prevention and detection of crime, the  
46 apprehension of criminals and the enforcement of the criminal  
47 traffic laws of this state or the ordinances of any political  
48 subdivision thereof.

49 (f) "Metal property" means materials as defined in this  
50 section as railroad track materials, copper materials and aluminum  
51 materials and electrical, communications or utility brass, metal  
52 covers for service access and entrances to sewers and storm  
53 drains, metal bridge pilings, irrigation wiring and other metal  
54 property attached to or part of center pivots, grain bins,  
55 stainless steel sinks, catalytic converters not attached to a  
56 motor vehicle and metal beer kegs. Metal property does not  
57 include ferrous materials not listed in this section.

58 (g) "Person" means an individual, partnership,  
59 corporation, joint venture, trust, limited liability company,  
60 association or any other legal or commercial entity.

61 (h) "Personal identification card" means any government  
62 issued photographic identification card including a valid  
63 identification card issued by a federally recognized Indian tribe  
64 that contains a color photograph of the card holder and the card  
65 holder's legal name, residence address and date of birth.

66 (i) "Photograph" or "photographically" means a still  
67 photographic image, including images captured in digital format,



68 that are of such quality that the persons and objects depicted are  
69 clearly identifiable.

70 (j) "Purchase transaction" means a transaction in which  
71 metal property is acquired whether the person acquiring the metal  
72 property gives consideration for the metal property or not. For  
73 purposes of Sections 97-17-71 through 97-17-71.3, the words  
74 "purchase" and "purchased" mean a purchase transaction.

75 (k) "Purchaser" means a person who acquires metal  
76 property, whether the person gives consideration for the metal  
77 property or not.

78 (l) "Record" or "records" means a paper, electronic or  
79 other method of storing information.

80 (m) "Registered business entity" means a business  
81 entity created by statute, registered and in good standing with  
82 its state of incorporation or formation, and having a federal  
83 Employer Identification Number (EIN). This term does not include  
84 any sole proprietorship, fictitious business name, or nonstatutory  
85 general partnership.

86 (n) "Scrap metal" means any metal property that is  
87 acquired by a scrap metal dealer in a purchase transaction.

88 (o) "Scrap metal dealer" means any person who is  
89 engaged, from a fixed location or otherwise, acquiring by purchase  
90 transaction, metal property that has served its original economic  
91 purpose, whether or not the person is engaged in the business of  
92 performing the manufacturing process by which metals are converted



93 into raw material products consisting of prepared grades and  
94 having an existing or potential economic value. Any person who  
95 falls under this definition must register as a scrap metal dealer  
96 pursuant to Sections 97-17-71 through 97-17-71.3 and its rules.

97 (2) Every scrap metal dealer or other purchaser shall keep  
98 an accurate and legible record in which he shall enter the  
99 following information for each purchase transaction:

100 (a) The name, address and age of the person from whom  
101 the metal property is purchased as obtained from the seller's  
102 personal identification card;

103 (i) If a person other than the seller delivers the  
104 metal property to the purchaser, the purchaser shall enter the  
105 name, address, and age of the person who delivers the metal  
106 property, as obtained from the personal identification card of the  
107 person delivering the metal property. If the person delivering  
108 the metal property is the employee of the scrap metal dealer  
109 acting in his official capacity and at the direction of the scrap  
110 metal dealer, the purchaser is not required to enter the name,  
111 address, and age of the person who delivers the metal property.

112 (ii) If the seller is a registered business  
113 entity, and a person other than the seller delivers the metal  
114 property to the purchaser, in addition to the information required  
115 by this paragraph (a), the purchaser shall enter the name,  
116 principal business address, state of incorporation or formation of  
117 the entity, the federal Employer Identification Number (EIN) of



the entity, and the name and telephone number of a contact person for the seller;

(b) The date and place of each acquisition of the metal property;

(c) The weight, quantity or volume and a general physical description of the type of metal property, such as wire, tubing, extrusions or casting, acquired in a purchase transaction;

(d) The amount of consideration given in a purchase transaction for the metal property. If no consideration is given, a record of the origin of the regulated metal;

(e) The vehicle license tag number, state of issue and the make and type of the vehicle used to deliver the metal property to the purchaser;

(f) A signed statement from the person receiving consideration in the purchase transaction stating that he or she is the rightful owner of the metal property or is entitled to sell the metal property being sold. Signed statements as required by this section may be collected and recorded on paper, by photographic copy, or other alternative formats as set forth in the rules promulgated by the Secretary of State;

(g) A scanned copy or a photocopy of the personal identification card of the person receiving consideration, or delivering the metal property in the purchase transaction; and

(h) A photograph, videotape or similar likeness of the person receiving consideration or any person other than the seller



143 who delivers the metal property to the purchaser in which the  
144 person's facial features are clearly visible and in which the  
145 metal property the person is selling or delivering is clearly  
146 visible.

147       Such records shall be maintained by the scrap metal dealer or  
148 purchaser for not less than two (2) years from the date of the  
149 purchase transaction, and such records shall be made available to  
150 any law enforcement officer or Secretary of State examiner during  
151 usual and customary business hours.

152       (3) The purchaser shall photographically capture the metal  
153 property as it exists when it is acquired by the purchaser. The  
154 time and date shall be digitally recorded on the photograph, and  
155 the identity of the person taking the photograph shall be  
156 recorded. The purchaser shall permit any law enforcement officer  
157 or Secretary of State examiner to make an inspection of the metal  
158 property, if the metal property is still in the purchaser's  
159 possession, and of all photographs of the metal property. Any  
160 photograph of metal property taken and maintained pursuant to this  
161 subsection shall be admissible in any civil or criminal  
162 proceeding.

163       (4) During the usual and customary business hours of a scrap  
164 metal dealer, a law enforcement officer or Secretary of State  
165 examiner, after proper identification as a law enforcement officer  
166 or Secretary of State examiner, shall have the right to inspect  
167 all purchased metal property and all records pertaining to the



purchase of regulated metals in the possession of the scrap metal dealer or purchaser.

(5) (a) Whenever a law enforcement officer has reasonable cause to believe that any item of metal property in the possession of a scrap metal dealer has been stolen, a law enforcement officer who has an affidavit from the alleged rightful owner of the property identifying the property with specificity, including any identifying markings, may issue and deliver a written hold notice to the scrap metal dealer. The hold notice shall specifically identify those items of metal property that are believed to have been stolen and that are subject to the hold notice. Upon receipt of the notice, the scrap metal dealer may not process or remove the metal property identified in the notice from the place of business of the scrap metal dealer for fifteen (15) calendar days after receipt of the notice, unless sooner released by a law enforcement officer.

(b) No later than the expiration of the fifteen-day period, a law enforcement officer, after receiving additional substantive evidence beyond the initial affidavit, may issue and deliver a second written hold notice, which shall be an extended hold notice. The extended hold notice shall specifically identify those items of metal property that are believed to have been stolen and that are subject to the extended hold notice. Upon receipt of the extended hold notice, the scrap metal dealer may not process or remove the items of metal property identified in





the notice from the place of business of the scrap metal dealer for fifteen (15) calendar days after receipt of the extended hold notice, unless sooner released by a law enforcement officer.

(c) At the expiration of the hold period or, if extended in accordance with this subsection, at the expiration of the extended hold period, the hold is automatically released, then the scrap metal dealer may dispose of the metal property unless other disposition has been ordered by a court of competent jurisdiction.

(d) If the scrap metal dealer contests the identification or ownership of the metal property, the party other than the scrap metal dealer claiming ownership of any metal property in the possession of a scrap metal dealer, provided that a timely report of the theft of the metal property was made to the proper authorities, may bring a civil action in the circuit court of the county in which the scrap metal dealer or purchaser is located. The petition for the action shall include the means of identification of the metal property utilized by the petitioner to determine ownership of the metal property in the possession of the scrap metal dealer.

(e) When a lawful owner recovers stolen metal property from a scrap metal dealer who has complied with this section, and the person who sold the metal property to the scrap metal dealer is convicted of a violation of this section, or theft by receiving stolen property under Section 97-17-70, the court shall order the



convicted person to make full restitution to the scrap metal dealer, including, without limitation, attorney's fees, court costs and other expenses.

(6) For dealer-to-dealer transactions, records required to be kept include:

- (a) Name and address of selling dealer;
- (b) Date and place of each acquisition of the metal property;
- (c) The weight, quantity, or volume and a general description of the type of metal property; and
- (d) The amount or type of consideration given for the metal property by the purchasing dealer.

Such records shall be maintained by the scrap metal dealer for not less than two (2) years from the date of the purchase transaction, and such records shall be made available to any law enforcement officer or Secretary of State examiner during usual and customary business hours.

(7) It shall be unlawful for any person to give a false statement of ownership or to give a false or altered identification or vehicle tag number and receive money or other consideration from a scrap metal dealer or other purchaser in return for metal property.

(8) A scrap metal dealer or other purchaser shall not enter into any cash transactions in payment for the purchase of metal



property. Payment shall be made by check issued to the seller of the metal property or by electronic funds transfer.

(9) If a person acquiring metal property fails to maintain the records or to hold such materials as requested by a law enforcement officer under Sections 97-17-71 through 97-17-71.3, such failure shall be prima facie evidence that the person receiving the metal property received it knowing it to be stolen in violation of Section 97-17-70.

(10) It shall be unlawful for any person to transport or cause to be transported for himself or another from any point within this state to any point outside this state any metal property, unless the person or entity first reports to the sheriff of the county from which he departs this state transporting such materials the same information that a purchaser in this state would be required to obtain and keep in a record as set forth in subsection (2) of this section. In such a case the sheriff receiving the report shall keep the information in records maintained in his office as a public record available for inspection by any person at all reasonable times. This section shall not apply to a public utility, as that term is defined in Section 77-3-3, engaged in carrying on utility operations; to a railroad, as that term is defined in Section 77-9-5; to a communications service provider, whether wireless or wire line; or to a scrap metal dealer.



(11) It shall be unlawful for a scrap metal dealer or other purchaser to knowingly purchase or possess a metal beer keg, or a metal syrup tank generally used by the soft drink industry, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut or otherwise alter scrap metal. However, it shall not be unlawful to purchase or possess a metal syrup tank generally used by the soft drink industry if the scrap metal dealer or other purchaser obtains a bill of sale at the time of purchase from a seller if the seller is a manufacturer of such tanks, a soft drink company or a soft drink distributor.

(12) It shall be unlawful to sell to a scrap metal dealer any bronze vase and/or marker, memorial, statue, plaque, or other bronze object used at a cemetery or other location where deceased persons are interred or memorialized, or for any such dealer to purchase those objects, unless the source of the bronze is known and notice is provided to the municipal or county law enforcement agency where the dealer is located. The notice shall identify all names, letters, dates and symbols on the bronze and a photograph of the bronze shall be attached thereto. Written permission from the cemetery and the appropriate law enforcement agency must be received before any type of bronze described in this subsection may be purchased, processed, sold or melted.

(13) (a) It shall be unlawful for any scrap metal dealer to purchase any manhole cover and other similar types of utility



291 access covers, including storm drain covers, street, road or  
292 highway signs or any metal property clearly identified as  
293 belonging to a political subdivision of the state or a  
294 municipality, unless that metal property is purchased from the  
295 state, the political subdivision, the municipal utility or the  
296 manufacturer of the metal. Any purchaser who purchases metal  
297 property in bulk shall be allowed twenty-four (24) hours to  
298 determine if any metal property prohibited by this subsection is  
299 included in a bulk purchase. If such prohibited metal property is  
300 included in a bulk purchase, the purchaser shall notify law  
301 enforcement no later than twenty-four (24) hours after the  
302 purchase.

303 (b) It shall be unlawful for a person to sell, or any  
304 scrap metal dealer to purchase, any copper telecommunication wire  
305 in any form or any metal property clearly identified as belonging  
306 to a telecommunications company, unless that metal property is  
307 purchased from (i) an electrician or contractor to whom either a  
308 license has been issued by a municipality or county in this state  
309 or a current certificate of responsibility has been issued by the  
310 State Board of Public Contractors; or (ii) a person who holds a  
311 demolition permit issued by a municipality or county in this  
312 state. It shall be unlawful for a person to sell, or a scrap  
313 metal dealer to purchase, copper telecommunication wire that has  
314 been burned to remove the insulation, unless the seller provides  
315 certification, on a form as issued by the Secretary of State and



signed by a firefighter who is currently in compliance with the certification requirements of the Mississippi Fire Personnel Minimum Standards and Certification Board or a certified law enforcement officer, that the source of the copper telecommunication wire was from a building destroyed by fire.

(14) It shall be unlawful for a scrap metal dealer or other purchaser to purchase metal property from a person younger than eighteen (18) years of age.

(15) Metal property may not be purchased, acquired or collected between the hours of 9:00 p.m. and 6:00 a.m.

(16) Except as provided in this subsection, any person willfully or knowingly violating the provisions of Sections 97-17-71 through 97-17-71.3 shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) per offense, unless the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, including replacement costs of the metal property, are in aggregate an amount which exceeds One Thousand Dollars (\$1,000.00) but less than Five Thousand Dollars (\$5,000.00), in which case the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not to exceed five (5) years, fined not more than Ten Thousand Dollars (\$10,000.00), or both.



Any person found guilty of stealing metal property or receiving metal property, knowing it to be stolen in violation of Section 97-17-70, shall be ordered to make full restitution to the victim, including, without limitation, restitution for property damage that resulted from the theft of the property.

(17) If the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, including replacement costs of the metal property, are in aggregate an amount which exceeds Five Thousand Dollars (\$5,000.00) but less than Twenty-five Thousand Dollars (\$25,000.00), the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not less than one (1) year, but not to exceed ten (10) years, fined not more than Fifteen Thousand Dollars (\$15,000.00), or both.

(18) If the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, including replacement costs of the metal property, are in aggregate an amount which exceeds Twenty-five Thousand Dollars (\$25,000.00), the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a



term not less than three (3) years, but not to exceed twenty (20) years, fined not more than Twenty Thousand Dollars (\$20,000.00), or both.

(19) This section shall not be construed to repeal other criminal laws. Whenever conduct proscribed by any provision of this section is also proscribed by any other provision of law, the provision which carries the more serious penalty shall be applied.

(20) This section shall apply to all businesses regulated under this section without regard to the location within the State of Mississippi.

(21) Sections 97-17-71 through 97-17-71.3 shall take precedence over any and all local ordinances governing purchase transactions of metal property. If any municipal or county ordinance, rule or regulation conflicts with the provisions of Sections 97-17-71 through 97-17-71.3, the provisions of Sections 97-17-71 through 97-17-71.3 shall preempt the municipal or county ordinance, rule or regulation.

(22) This section shall be fully applicable to the requirements for the purchase and sale of detached catalytic converters provided in Section 97-17-71.3, Mississippi Code of 1972.

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2025.

