



AN ACT GENERALLY REVISING LAWS RELATED TO NONFERROUS METAL; REVISING THE DEFINITION OF "SALVAGE METAL DEALER"; CREATING THE OFFENSE OF THEFT OF NONFERROUS METAL; PROVIDING PENALTIES; AMENDING SECTION 30-22-101, MCA; AND PROVIDING AN APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 30-22-101, MCA, is amended to read:

**"30-22-101. Definitions.** As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Nonferrous metal" means metal and metal alloys not containing significant quantities of iron or steel, including but not limited to:

- (a) copper;
- (b) brass;
- (c) aluminum, other than aluminum cans;
- (d) bronze;
- (e) lead;
- (f) zinc;
- (g) nickel;
- (h) stainless steel, including stainless steel beer kegs; and
- (i) precious metals, including catalytic converters.

(2) "Person" means an individual, partnership, corporation, joint venture, trust, association, or any other legal entity.

(3) "Salvage metal dealer" means a person who is engaged in the business of paying, trading, recycling, or bartering for or collecting nonferrous metals that have served their original economic purpose, whether or not the person is engaged in the business of performing the manufacturing process by which ferrous metals or

nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value.

(4) "Seller" means a person who sells or delivers nonferrous metal or otherwise makes nonferrous metal available to a salvage metal dealer."

**Section 2. Theft of nonferrous metal.** (1) A person commits the offense of theft of nonferrous metal if the person purposely or knowingly takes, steals, carries away, destroys, injures, or otherwise damages any personal or real property of another without consent, including fixtures or improvements, for the purpose of obtaining nonferrous metal as defined in 30-22-101.

(2) (a) If the injury to the property, the amount of loss in value to the property, the amount of repairs necessary to return the property to its condition before the act, or the property loss is less than \$1,500, the person shall be fined an amount not to exceed \$5,000 or be imprisoned for a term not to exceed 1 year, or both.

(b) If the injury to the property, the amount of loss in value to the property, the amount of repairs necessary to return the property to its condition before the act, or the property loss is \$1,500 or more, the person shall be fined an amount not to exceed \$50,000 or be imprisoned in the state prison for a term not to exceed 10 years, or both.

**Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 45, chapter 6, part 3, and the provisions of Title 45, chapter 6, part 3, apply to [section 1].

**Section 4. Applicability.** [This act] applies to offenses committed on or after [the effective date of this act].

- END -

I hereby certify that the within bill,  
HB 0463, originated in the House.

---

Chief Clerk of the House

---

Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2013.

---

President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2013.

HOUSE BILL NO. 463

INTRODUCED BY G. BENNETT, SONJU

AN ACT GENERALLY REVISING LAWS RELATED TO NONFERROUS METAL; REVISING THE DEFINITION OF "SALVAGE METAL DEALER"; CREATING THE OFFENSE OF THEFT OF NONFERROUS METAL; PROVIDING PENALTIES; AMENDING SECTION 30-22-101, MCA; AND PROVIDING AN APPLICABILITY DATE.