

# **Bright and Carpenter Consulting, Inc.**



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## **SB 219**

### **Before the Senate Judiciary Committee Testimony by Marlee Carpenter, City of Wichita**

Chairman Wilborn and Members of the Committee;

The City of Wichita is here in support of SB 219. We support a statewide database for scrap metal sales in the state and strongly recommend that this database be funded. We support the tonnage fee that is included in the bill but are also open for other funding options, including funding by the state general fund.

We have some suggested changes to SB 219. These suggested changes will simplify the database that is in current law and currently outlined in SB 219. The City of Wichita supports a functioning database that is valuable to local law enforcement but also a minimal burden on Kansas small businesses. The suggested changes include:

New Section 1 (a) of SB 219:

**Recommendation: Include a maximum and minimum tonnage fee**

**Recommendation: Eliminate vehicles from the scrap metal database**

Below is the current list of info to collect in 50-6,110 (b) and (c), which is required to be uploaded to the database by 50-6,110:

*(1) The time, date and place of transaction;*

*(2) the seller's name, address, sex, date of birth and the identifying number from the seller's driver's license, military identification card, passport or personal identification license; the identifying number from an official governmental document for a country other than the United States may be used to meet this requirement provided that a legible fingerprint is also obtained from the seller;*

**Recommendation: Keep name, address, date of birth, driver's license/ID number. Add phone number and email address of the seller. Eliminate all other requirements listed including fingerprinting which would be problematic.**

*(3) a copy of the identification card or document containing such identifying number. Failure to comply with the provisions of this paragraph between June 1, 2017, and*

*January 1, 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation;*

**Recommendation: Capture a picture of the ID card, but only the first time the seller sells scrap.**

*(4) the license number, color and style or make of any motor vehicle in which the junk vehicle or other regulated scrap metal property is delivered in a purchase transaction;*

**Recommendation: Delete at this time.**

*(5) a general description, made in accordance with the custom of the trade, of the predominant types of junk vehicle or other regulated scrap metal property purchased in the transaction;*

**Recommendation: Keep and recommend an easy to use drop down menu to capture the options for the dealer to enter.**

*(6) the weight, quantity or volume, made in accordance with the custom of the trade, of the regulated scrap metal property purchased;*

*(7) if a junk vehicle or vehicle part is being bought or sold, a description of the junk vehicle or vehicle part, including the make, model, color, vehicle identification number and serial number if applicable;*

**Recommendation: Delete this item.**

*(8) the price paid for, traded for or dealt for in a transaction for the junk vehicle or other regulated scrap metal property;*

*(9) the full name of the individual acting on behalf of the regulated scrap metal dealer in making the purchase; and*

*(10) a signed statement from the seller indicating from where the property was obtained and that: (A) Each item is the seller's own personal property, is free of encumbrances and is not stolen; or (B) the seller is acting for the owner and has permission to sell each item. If the seller is not the owner, such statement shall include the name and address of the owner of the property.*

**Recommendation: Delete at this time. Too difficult for a small business to manage.**

*(c) Every scrap metal dealer shall photograph the item or lot of items being sold at the time of purchase or receipt of any item for which such information is required to be presented. Such photographs shall be kept with the record of the transaction and the scrap metal dealer's register of information required by subsection (b). Failure to comply with the provisions of this subsection between June 1, 2017, and January 1, 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation.*

Again, the City of Wichita urges passage of SB 219 and funding of the statewide database. Thank you for your time and I will be happy to answer any questions.