

Lincoln County Metal Theft Plan of Action

Introduction

Oregon law establishes the requirements for the operation of a scrap metal business. Attached to this Metal Theft Plan of Action is a copy of those laws (current as of the 2011 edition of Oregon Revised Statutes). See *Attachment C - Scrap Metal Business Requirements and Offenses*. Among other things, the law requires the District Attorney to create a written plan of action that ensures effective communication between law enforcement and the business community regarding the theft of metal property. The plan must include, but need not be limited to, a procedure for law enforcement agencies to notify scrap metal businesses of a theft of metal property within 24 hours after the receipt of the report of the theft. This Metal Theft Plan of Action is for that purpose. The definitions provided in ORS 165.116 in the Attachment also apply to this Metal Theft Plan of Action. This Metal Theft Plan of Action should be broadly construed to effectuate the purposes of the Oregon law recited in the Attachment.

Section 1 - Scrap Metal Business

(1) Lincoln County scrap metal businesses that purchase metal property as defined in ORS 165.116(5) shall maintain a metal property record of all articles purchased or maintained. The District Attorney also requests that scrap metal businesses that purchase metal property not defined in ORS 165.116(5) (for example, ferrous metal property that is not commercial metal property) maintain a similar metal property record of all articles purchased or maintained. The metal property record shall contain the information required by Oregon law, including, but not limited to:

- (a) A general description and weight of the property purchased;
- (b) The name and address of the person who sells, delivers, or otherwise makes the metal available;
- (c) The motor vehicle and trailer license numbers used in the delivery of such articles; and
- (d) The date and time of sale, amount paid, and ticket number.

(2) In addition to the requirements of subsection (1) of this section, the metal buyer shall retain an electronic copy of the customer's government issued photo identification presented to the scrap metal business at the time of sale. See *Attachment A: Driver's License Scanner Screenshot sample*. An electronic copy of the following declaration shall be signed and dated by the customer:

I, _____, AFFIRM UNDER PENALTY OF LAW THAT THE PROPERTY I AM SELLING IN THIS TRANSACTION IS NOT, TO THE BEST OF MY KNOWLEDGE, STOLEN PROPERTY.

Customer Signature

Date

(3) Metal property records shall be available electronically to law enforcement on a daily, weekly, and "as requested" basis. See *Attachment B: Cash Customer Audit Report*

(4) All metal property records shall be retained by the scrap metal business for at least one year following the date of the transaction.

(5) A scrap metal business may only purchase scrap metal Monday through Friday of each week.

Section 2 - Metal Transportation Certificate

(1) A Metal Transportation Certificate (MTC) is required when transporting metal to a scrap metal business. The Department of State Police has created a form that may serve as a metal transportation certificate and had made the form available on the department's website:

http://www.oregon.gov/OSP/metal_trans_certificate.shtml

(2) A scrap metal business is not required to check a customer's MTC before completing a scrap metal transaction.

Section 3 - Coordination between Law Enforcement and Scrap Metal Businesses

(1) The Lincoln County Sheriff's Office is the primary law enforcement contact for scrap metal businesses in Lincoln County. However, each law enforcement agency operating in Lincoln County will work directly with scrap metal businesses regarding individual cases of suspected or confirmed metal theft occurring within its jurisdiction. As of the time of adoption of this Plan, the primary contact person for the Lincoln County Sheriff's Office is Deputy Gary Davey: gdavey@co.lincoln.or.us.

(2) In order to ensure that notification of a metal theft is promptly received by all scrap metal business operating in Lincoln County, each scrap metal business operating in Lincoln County shall provide the Lincoln County Sheriff's Office with contact information, including, but not limited to, an e-mail address and phone number that is checked at least once each day. Each scrap metal business operating in Lincoln County shall update its contact information as necessary to effectuate the purposes of this subsection.

(3) Law enforcement in Lincoln County does not currently maintain a list of persons whom are prohibited from selling scrap metal pursuant to ORS 165.118(3)(e)(B). However, if a law enforcement agency in Lincoln County transmits information relating to a person so disqualified, the scrap metal business shall enter that information into its records management system to ensure that it does not purchase scrap metal from the disqualified person during the period of disqualification. A scrap metal business must check this "no buy" list before considering a metal purchase, and should not buy metal from individuals on the list.

(4) A scrap metal business shall contact law enforcement if:

(a) A person is on the "no buy" list is attempting to sell metal items to the scrap metal business; or

(b) The scrap metal business suspects metal items being presented for sale are stolen.

Section 4 - Publication of Plan; Amendments to Plan

(1) The Lincoln County District Attorney shall publish a copy of this Plan on the website maintained by Lincoln County for the Lincoln County District Attorney's Office.

(2) The Lincoln County District Attorney may amend and update this Plan at any time. Before any amendment or update to this Plan goes into effect, the District Attorney shall first transmit an electronic copy of the updated Plan by e-mail to each scrap metal business operating in Lincoln County, at the current e-mail address for each scrap metal business as known to the Lincoln County Sheriff's Office.

Adopted May 1, 2012, by Rob Bovett, Lincoln County District Attorney

Lincoln County Metal Theft Plan of Action, 2012

Attachment A: Driver's License Scanner Screenshot

Scrap View

Standard Ticket Date: 3/5/2012 Time In: 16:05:38 **Weighed**

Truck: Info

License:

Customer: Cash Customer Info

Comment: Work Order



Material >> Name Grid >> Gross Tare Net Unit Quantity

Material >>	Name	Grid >>	Gross	Tare	Net	Unit	Quantity
MSW	MSW	NA	200.00	10.00	190.00	Ton	0.1000
			0.00	0.00	0.00		0.0000

Weigh (F10) Zero Gross (Ctrl+G) Zero Tare (Ctrl+T) Clear & Delete (F5) Stage (F12) Save & Print (F2)

All Weighments in 1 lb increments

Lincoln County Metal Theft Plan of Action, 2012

Attachment B: Cash Customer Audit Report

A Company
Cash Customer Audit Report
 Transactions from 3/1/2010 through 3/23/2010

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 2/29/2012
 9:18AM

Ticket	Date	Time Out	Vehicle License	Trailer License	Customer Information	Material	Net Lbs.	Amount
2969532	03/01/10	07:37:39	CELI		John Doe 160 DEL MONTE ST Anytown, CA 94112	ALUMINUM 1-100 LBS	12.70	-22.48
2969532	03/01/10	07:37:39	CELI		John Doe 160 DEL MONTE ST Anytown, CA 94112	HDPE, #2 PER LB	15.00	-7.65
2969532	03/01/10	07:37:39	CELI		John Doe 160 DEL MONTE ST Anytown, CA 94112	PET, #1 PER LB	95.00	-88.35
2969852	03/01/10	10:23:54	7S18677		John Doe 160 DEL MONTE ST. Anytown, CA 94112	PET, #1 PER LB	163.00	-151.59
2970615	03/01/10	15:02:16	5XSZ954		John Doe 595 SYLVAN ST Anytown, CA 94014	ALUMINUM 1-100 LBS	11.80	-20.89
2970615	03/01/10	15:02:16	5XSZ954		John Doe 595 SYLVAN ST Anytown, CA 94014	PET, #1 PER LB	92.00	-85.56
2972011	03/02/10	13:46:30	PICK UP		John Doe 629 SPRUCE AVE Anytown, CA 94080	ALUMINUM < 50 LBS	24.30	-40.58
2972011	03/02/10	13:46:30	PICK UP		John Doe 629 SPRUCE AVE Anytown, CA 94080	GLASS PER LB	226.20	-23.75
2972011	03/02/10	13:46:30	PICK UP		John Doe 629 SPRUCE AVE Anytown, CA 94080	PET, #1 PER LB	82.10	-76.35
2972666	03/03/10	08:24:10	4NTA656		John Doe 158 SCHOOL ST APT C Anytown, CA 94014	ALUMINUM > 50 LBS	65.40	-113.80
2972666	03/03/10	08:24:10	4NTA656		John Doe 158 SCHOOL ST APT C Anytown, CA 94014	PET, #1 PER LB	183.30	-170.47
2972824	03/03/10	09:45:15	8E79480		John Doe 79 WEST VIEW AVE Anytown, CA 94134	PET, #1 PER LB	133.80	-124.43
2972845	03/03/10	09:51:48	8141751		John Doe PO BX 370035 Anytown, CA 94037	GLASS 100% CRV	1,900.00	-199.50
2973065	03/03/10	10:59:15	627680	6C27680	John Doe 18 CASTILLO ST Anytown, CA 94134	ALUMINUM > 50 LBS	97.90	-170.35
2973065	03/03/10	10:59:15	627680	6C27680	John Doe 18 CASTILLO ST Anytown, CA 94134	GLASS PER LB	25.30	-2.66
2973065	03/03/10	10:59:15	627680	6C27680	John Doe 18 CASTILLO ST Anytown, CA 94134	HDPE, COMMINGLED	10.50	-2.63
2973065	03/03/10	10:59:15	627680	6C27680	John Doe 18 CASTILLO ST Anytown, CA 94134	PET, #1 PER LB	10.50	-9.77
2973087	03/03/10	11:04:08	7U11179		John Doe 110 GARDEN LN Anytown, CA 94014	ALUMINUM > 50 LBS	58.20	-101.27
2974334	03/04/10	09:22:38	4F72142		John Doe 307 GRAD AVE. Anytown, CA 94080	PET, #1 PER LB	295.80	-275.09
2974524	03/04/10	10:22:18	4UWN785		John Doe 97 JUNIOR TER Anytown, CA 94112	ALUMINUM > 50 LBS	81.80	-142.33
2974524	03/04/10	10:22:18	4UWN785		John Doe 97 JUNIOR TER Anytown, CA 94112	PET, #1 PER LB	3.70	-3.44
2974587	03/04/10	10:35:21	8E79480		John Doe 79 WEST VIEW AVE Anytown, CA 94134	PET, #1 PER LB	109.00	-101.37
2975179	03/04/10	14:01:04	9428HDP		John Doe 974 FLORIDA ST. Anytown, CA 94110	ALUMINUM < 50 LBS	32.70	-54.61
2975179	03/04/10	14:01:04	9428HDP		John Doe 974 FLORIDA ST. Anytown, CA 94110	GLASS PER LB	38.60	-4.05
2975179	03/04/10	14:01:04	9428HDP		John Doe 974 FLORIDA ST. Anytown, CA 94110	PET, #1 PER LB	59.60	-55.43
2976029	03/05/10	09:39:12	VAN		John Doe 30 CLAYTON CT Anytown, CA 94014	ALUMINUM > 50 LBS	69.80	-121.45
2976029	03/05/10	09:39:12	VAN		John Doe 30 CLAYTON CT Anytown, CA 94014	PET, #1 PER LB	38.50	-35.81
2976202	03/05/10	10:27:28	4F72142		John Doe 307 GRAD AVE. Anytown, CA 94080	ALUMINUM > 50 LBS	146.10	-254.21

SCRAP METAL BUSINESS REQUIREMENTS AND OFFENSES
(2011 Oregon Revised Statutes)

164.857 Unlawfully transporting metal property.

(1) A person commits the offense of unlawfully transporting metal property if the person transports metal property on a public highway or on premises open to the public with the intent to deliver the metal property to a scrap metal business and the person does not have a metal transportation certificate in the person's possession.

(2) A seller or transferor of metal property that has reason to believe that a buyer or transferee intends to obtain the metal property for delivery to a scrap metal business shall provide the buyer or transferee with a metal transportation certificate.

(3) A metal transportation certificate must include:

(a) The date the metal property was acquired and the amount and type of metal property that the person is transporting;

(b) The location where the metal property was loaded and the destination of the metal property;

(c) The name, address and telephone number of the seller or the transferor;

(d) The signature of the seller or transferor or the authorized agent of the seller or transferor; and

(e) The name, address and telephone number of the person transporting the metal property.

(4) The Department of State Police shall create a form that may serve as a metal transportation certificate and shall make the form available on the department's website.

(5) It is a defense to a charge of unlawfully transporting metal property that the person transporting the metal property is the owner of the property or an agent or employee of the owner of the property.

(6) Unlawfully transporting metal property is a Class C misdemeanor.

(7) As used in this section:

(a) "Agent or employee of the owner of the property" includes a motor carrier as defined in ORS 825.005 that is operating in accordance with the provisions of ORS chapter 825.

(b) "Metal property" and "scrap metal business" have the meanings given those terms in ORS 165.116.

165.107 Metal property transaction records; prohibited conduct.

(1) Before completing a transaction, a scrap metal business engaged in business in this state shall:

(a) Create a metal property record for the transaction at the time and in the location where the transaction occurs. The record must:

(A) Be accurate and written clearly and legibly in English;

(B) Be entered onto a standardized printed form or an electronic form that is securely stored and is capable of ready retrieval and printing; and

(C) Contain all of the following information:

(i) The signature of the individual with whom the scrap metal business conducts the transaction.

(ii) The time, date, location and monetary amount or other value of the transaction.

(iii) The name of the employee who conducts the transaction on behalf of the scrap metal business.

(iv) The name and telephone number of the individual with whom the scrap metal business conducts the transaction and a street address to which the scrap metal business will mail payment to the individual. The metal property record may contain an address other than a street address if the address is listed on the government-issued photo identification described in sub-subparagraph (vi) of this subparagraph.

(v) A description of, and the license number and issuing state shown on the license plate affixed to, the motor vehicle, if any, used to transport the individual who conducts, or the nonferrous metal property or private metal property that is the subject of, the transaction.

(vi) A photocopy of a current, valid driver license or other government-issued photo identification belonging to the individual with whom the scrap metal business conducts the transaction.

(vii) A photograph of, or video surveillance recording depicting, a recognizable facial image of the individual with whom the scrap metal business conducts the transaction.

(viii) A general description of the nonferrous metal property or private metal property that constitutes the predominant part of the transaction. The description must include any identifiable marks on the property, if readily discernible, and must specify the weight, quantity or volume of the nonferrous metal property or private metal property.

(b) Require the individual with whom the scrap metal business conducts a transaction to sign and date a

declaration printed in conspicuous type, either on the record described in this subsection or on a receipt issued to the individual with whom the scrap metal business conducts the transaction, that states:

I, _____, AFFIRM UNDER PENALTY OF LAW THAT THE PROPERTY I AM SELLING IN THIS TRANSACTION IS NOT, TO THE BEST OF MY KNOWLEDGE, STOLEN PROPERTY.

(c) Require the employee of the scrap metal business who conducts the transaction on behalf of the scrap metal business to witness the individual sign the declaration, and also to sign and date the declaration in a space provided for that purpose.

(d) For one year following the date of the transaction, keep a copy of the record and the signed and dated declaration described in this subsection. If the scrap metal business uses a video surveillance recording as part of the record kept in accordance with this subsection, the scrap metal business need not keep the video surveillance recording for one year, but shall retain the video surveillance recording for a minimum of 30 days following the date of the transaction. The scrap metal business shall at all times keep the copies at the current place of business for the scrap metal business.

(2) A scrap metal business engaged in business in this state may not do any of the following:

(a) Purchase or receive kegs or similar metallic containers used to store or dispense alcoholic beverages, except from a person that manufactures the kegs or containers or from a person licensed by the Oregon Liquor Control Commission under ORS 471.155.

(b) Conduct a transaction with an individual if the individual does not at the time of the transaction consent to the creation of the record described in subsection (1) of this section and produce for inspection a valid driver license or other government-issued photo identification that belongs to the individual.

(c) Conduct a transaction with an individual in which the scrap metal business pays the individual other than by mailing a nontransferable check, made payable to the individual, for the amount of the transaction to the address the individual provided under subsection (1)(a)(C)(iv) of this section not earlier than three business days after the date of the transaction. The check must be drawn on an account that the scrap metal business maintains with a financial institution, as defined in ORS 706.008.

(d) Purchase metal property from a nonprofit corporation other than by mailing a nontransferable check, made payable to the nonprofit corporation, for the amount of the purchase price to the business address provided under subsection (3)(a)(B) of this section not earlier than three business days after the date of the purchase. The check must be drawn on an account that the scrap metal business maintains with a financial institution, as defined in ORS 706.008.

(e) Cash or release a check issued in payment for a transaction or for a purchase described in paragraph (d) of this subsection other than as provided in this paragraph or paragraph (c) or (d) of this subsection. If a check is returned as undelivered or undeliverable, the scrap metal business:

(A) Shall retain the check until the individual or nonprofit corporation to which the check was mailed provides a valid address in accordance with subsection (1)(a)(C)(iv) or (3)(a)(B) of this section. If after 30 days following the date of the transaction or the purchase described in paragraph (d) of this subsection the individual or nonprofit corporation fails to provide a valid address, the scrap metal business may cancel the check and the individual or nonprofit corporation shall forfeit to the scrap metal business the amount due as payment; or

(B) May release the check directly to the individual or nonprofit corporation with the written approval of a law enforcement agency having jurisdiction over the scrap metal business. The scrap metal business shall retain the written approval for one year following the date the approval is received.

(3) Before purchasing or receiving metal property from a commercial seller, a scrap metal business shall:

(a) Create and maintain a commercial account with the commercial seller. As part of the commercial account, the scrap metal business shall enter accurately, clearly and legibly in English onto a standardized printed form, or an electronic form that is securely stored and is capable of ready retrieval and printing, the following information:

(A) The full name of the commercial seller;

(B) The business address and telephone number of the commercial seller; and

(C) The full name of each employee, agent or other individual the commercial seller authorizes to deliver metal property to the scrap metal business.

(b) Record as part of the commercial account at the time the scrap metal business purchases or receives metal property from a commercial seller the following information:

(A) The time, date and location at which the commercial seller delivered the metal property for purchase or receipt;

(B) The monetary amount or other value of the metal property;

(C) A description of the type of metal property that constitutes the predominant part of the purchase or receipt; and

(D) The signature of the individual who delivered the metal property to the scrap metal business.

(4) A scrap metal business may require an individual from whom the business obtains metal property to provide the individual's thumbprint to the scrap metal business.

(5) A scrap metal business shall make all records and accounts required to be maintained under this section available to any peace officer on demand.

(6)(a) Violation of subsections (1) to (3) of this section is a specific fine violation, and the presumptive fine for the violation is \$1,000.

(b) Notwithstanding paragraph (a) of this subsection, the presumptive fine for a violation of a provision of subsections (1) to (3) of this section is \$5,000 if the scrap metal business has at least three previous convictions for violations of a provision of subsections (1) to (3) of this section.

(7) The definitions in ORS 165.116 apply to this section.

165.116 Definitions for ORS 165.116 to 165.124.

As used in ORS 165.116 to 165.124:

(1) "Commercial account" means an agreement or arrangement between a commercial seller and a scrap metal business for regularly or periodically selling, delivering, purchasing or receiving metal property.

(2) "Commercial metal property" means an item fabricated or containing parts made of metal or metal alloys that:

(a) Is used as, used in or used as part of:

(A) A utility access cover or a cover for a utility meter;

(B) A pole, fixture or component of a street light or traffic light;

(C) A sign or marker located, with the permission of a governmental entity, alongside a street, road or bridge for the purpose of directing or controlling traffic or providing information to motorists;

(D) A traffic safety device, including a guardrail for a highway, road or bridge;

(E) A vase, plaque, marker, tablet, plate or other sign or ornament affixed to or in proximity to a historic site, grave, statue, monument or similar property accessible to members of the public;

(F) An agricultural implement, including an irrigation wheel, sprinkler head or pipe;

(G) A forestry implement or structure, including silvicultural equipment, gates, culverts and servicing and maintenance parts or supplies; or

(H) A logging operation implement, including mechanical equipment, rigging equipment and servicing and maintenance parts or supplies;

(b) Bears the name of, or a serial or model number, logo or other device used by, a commercial seller to identify the commercial seller's property including, but not limited to, implements or equipment used by railroads and utilities that provide telephone, commercial mobile radio, cable television, electricity, water, natural gas or similar services;

(c) Consists of material used in building construction or other commercial construction, including:

(A) Copper or aluminum pipe, tubing or wiring;

(B) Aluminum gutters, downspouts, siding, decking, bleachers or risers; or

(C) Aluminum or stainless steel fence panels made of one-inch tubing 42 inches long, with four-inch gaps; or

(d) Constitutes wire of a gauge typically used by utilities to provide electrical or telecommunications service.

(3) "Commercial seller" means a business entity, as defined in ORS 60.470, nonprofit corporation or governmental entity that regularly or periodically sells or delivers metal property to a scrap metal business as part of the entity's business functions.

(4) "Law enforcement agency" has the meaning given that term in ORS 131.550.

(5) "Metal property" means commercial metal property, nonferrous metal property or private metal property.

(6)(a) "Nonferrous metal property" means an item fabricated or containing parts made of or in an alloy with copper, brass, aluminum, bronze, lead, zinc or nickel.

(b) "Nonferrous metal property" does not include gold, silver or platinum that is used in the manufacture, repair, sale or resale of jewelry.

(7) "Nonprofit corporation" means a corporation to which the Secretary of State has issued a certificate of existence or a certificate of authorization under ORS 65.027.

(8) "Private metal property" means a catalytic converter that has been removed from a vehicle and is offered for sale as an independent item, whether individually or as part of a bundle, bale or in other bulk form.

(9)(a) "Scrap metal business" means a person that:

(A) Maintains a permanent or fixed place of business at which the person:

(i) Engages in the business of purchasing or receiving metal property;

(ii) Alters or prepares metal property the person receives for use in manufacturing other products; and

(iii) Owns, leases, rents, maintains or uses a device used in metal recycling, including a hydraulic baler, metal shearer or metal shredder;

(B) Maintains a permanent or fixed place of business at which the person engages in the business of purchasing or receiving metal property for the purpose of aggregation and sale to another scrap metal business; or

(C) Does not necessarily maintain a permanent or fixed place of business in this state but engages in the business of purchasing or receiving nonferrous metal property or private metal property for the purpose of aggregation and sale to another scrap metal business.

(b) "Scrap metal business" does not include a governmental entity that accepts metal property for recycling.

(10)(a) "Transaction" means a sale, purchase, receipt or trade of, or a contract, agreement or pledge to sell, purchase, receive or trade, private metal property or nonferrous metal property that occurs or forms between an individual and a scrap metal business.

(b) "Transaction" does not include:

(A) A transfer of metal property made without consideration; or

(B) A sale, purchase, receipt or trade of, or a contract, agreement or pledge to sell, purchase, receive or trade, private metal property or nonferrous metal property that occurs or forms between:

(i) A commercial seller or an authorized employee or agent of the commercial seller; and

(ii) A scrap metal business or an authorized employee or agent of the scrap metal business.

165.118 Metal property offenses.

(1) A person commits the offense of unlawfully altering metal property if the person, with intent to deceive a scrap metal business as to the ownership or origin of an item of metal property, knowingly removes, alters, renders unreadable or invisible or obliterates a name, logo, model or serial number, personal identification number or other mark or method that a manufacturer uses to identify the metal property.

(2) A person commits the offense of making a false statement on a metal property record if the person:

(a) Knowingly makes, causes or allows to be made a false entry or misstatement of material fact in a metal property record described in ORS 165.107; or

(b) Signs a declaration under ORS 165.107 knowing that the nonferrous metal property or private metal property that is the subject of a transaction is stolen.

(3) A person commits the offense of unlawfully purchasing or receiving metal property if the person is a scrap metal business or an agent or employee of a scrap metal business and the person fails to report any of the following to a law enforcement agency within 24 hours:

(a) The purchase or receipt of metal property that the person knows or has good reason to know was the subject of theft.

(b) The purchase or receipt of metal property that the person knows or has good reason to know has been unlawfully altered as described in subsection (1) of this section.

(c) The purchase or receipt of metallic wire from which insulation has been removed, unless the individual offering the wire for purchase or receipt can prove by appropriate documentation that the individual owns or is entitled to offer the wire for purchase or receipt and that the insulation has been removed by accident or was done by legitimate means or for a legitimate purpose. The scrap metal business shall retain a copy of the documentation provided.

(d) The purchase or receipt of commercial metal property that the person knows or has good reason to know was purchased or received from a person other than:

(A) A commercial seller that has a commercial account with the scrap metal business; or

(B) An individual who can produce written documentation or identification that proves that the individual is an employee, agent or other individual authorized by a commercial seller that has a commercial account with the scrap metal business to deliver commercial metal property for purchase or receipt.

(e) The purchase or receipt of metal property from an individual whom the person knows or has good reason to know:

(A) Is under 16 years of age; or

(B) Has, according to written or electronically transmitted information provided by a peace officer or law enforcement agency, been convicted within the past five years, as a principal, agent or accessory of a crime involving:

(i) Drugs;

(ii) Burglary, robbery or theft;

(iii) Possession or receipt of stolen property;

(iv) The manufacture, delivery or possession of, with intent to deliver, methamphetamine;

(v) The manufacture, delivery or possession of, with intent to deliver, ephedrine or a salt, isomer or salt of an isomer of ephedrine;

(vi) The manufacture, delivery or possession of, with intent to deliver, pseudoephedrine or a salt, isomer or salt of an isomer of pseudoephedrine; or

(vii) Possession of anhydrous ammonia with intent to manufacture methamphetamine.

(4) Violation of a provision of subsections (1) to (3) of this section is a Class A misdemeanor.

165.122 Compliance with subpoena for information related to metal transaction; lost or stolen metal property.

(1) Not later than two business days after receiving from a peace officer or law enforcement agency a subpoena for information related to a named or specified individual, vehicle or item of metal property, a scrap metal business shall provide to the peace officer or law enforcement agency a copy of a metal property record created under ORS 165.107 or a copy of the relevant portion of a commercial account that contains the information about the individual, vehicle or item of metal property that is the subject of the subpoena. The scrap metal business shall provide the information in any form or by any method reasonably required by the peace officer or law enforcement agency.

(2) If a scrap metal business knows or has good reason to know that metal property that the scrap metal business purchased or received or possesses or controls was lost by or stolen from the metal property's owner or lawful possessor, the scrap metal business shall promptly notify an appropriate law enforcement agency and shall:

(a) Name the owner or lawful possessor of the property, if known; and

(b) Disclose the name of the person that delivered the metal property and the date on which the scrap metal business received the metal property.

(3) If a peace officer or law enforcement agency notifies a scrap metal business that an item of metal property in the possession or control of the scrap metal business is lost or stolen, the scrap metal business shall:

(a) Segregate the metal property that is the subject of the notification from other inventory kept by the scrap metal business;

(b) Protect the metal property from alteration or damage;

(c) Mark, tag or otherwise identify the metal property; and

(d) Hold the metal property for the length of time, not to exceed 10 days, that the peace officer or law enforcement agency specifies.

(4) A peace officer or law enforcement agency may not require a scrap metal business to hold metal property under subsection (3) of this section unless the peace officer or law enforcement agency reasonably suspects that the metal property was lost by or stolen from the owner or lawful possessor of the metal property. Within 10 days after notifying a scrap metal business that an item of metal property may be lost or stolen, the peace officer or law enforcement agency shall:

(a) Determine that the metal property is lost or stolen and take appropriate lawful action to impound or recover the metal property and return the metal property to the owner or lawful possessor; or

(b) Determine that the metal property is not lost or stolen and notify the scrap metal business that it is not necessary to hold the metal property any longer.

165.124 Application of ORS 164.857, 165.107, 165.116, 165.118 and 165.122.

(1) Except as provided in subsection (2) of this section, ORS 164.857, 165.107, 165.116, 165.118 and 165.122 do not apply to:

- (a) A person engaged in recycling beverage containers as defined in ORS 459A.700.
- (b) A person engaged in buying or selling used or empty food containers made of metal.
- (c) A person to whom a vehicle dealer certificate has been issued under ORS 822.020.
- (d) A person to whom a dismantler certificate has been issued under ORS 822.110.
- (e) A person to whom a towing business certificate has been issued under ORS 822.205.

(2) A person described in subsection (1)(c) to (e) of this section shall comply with and is subject to the penalty provided for violating a provision of ORS 164.857, 165.107, 165.116, 165.118 or 165.122, if the person purchases, receives or transports:

- (a) Private metal property; or
- (b) Commercial metal property or nonferrous metal property, that is not a motor vehicle or a part of a motor vehicle.

165.127 County metal theft plan of action.

(1) In each county in which a scrap metal business, as defined in ORS 165.116, has a place of business, the district attorney of the county shall, after consulting with representatives of the affected law enforcement agencies and the business community, create a written plan of action that ensures effective communication between law enforcement and the business community regarding the theft of metal property as defined in ORS 165.116.

(2) The written plan of action must include, but need not be limited to, a procedure for law enforcement agencies to notify scrap metal businesses of a theft of metal property within 24 hours after the receipt of the report of the theft.

(3) The district attorney shall provide a copy of the written plan of action to the local public safety coordinating council described in ORS 423.560.

646A.060 Purchase of used goods; records; application to pawnbrokers.

(1) A person doing business as a consignment store, a buy-sell store, a secondhand store or a similar store or enterprise that in the regular course of business buys used goods from individuals for the purpose of resale shall:

- (a) Require that the individual from whom the person buys the used goods present proof of identification; and
- (b) Maintain a record of the name and address of the individual, the type of identification provided by the individual, the date and a description of the goods bought from the individual.

(2) If the goods described in subsection (1) of this section are private metal property or are constructed of or contain parts made of nonferrous metal property as those terms are defined in ORS 165.116, in addition to the requirements of subsection (1) of this section, the person shall comply with and is subject to the penalty provided for violating a provision of ORS 165.107, 165.118 or 165.122 that is applicable to a scrap metal business as defined in ORS 165.116.

(3) The person shall make all records required to be maintained by subsection (1) of this section available to any peace officer on demand.

(4) This section does not apply to pawnbrokers licensed under ORS 726.080.

(5) This section does not preempt, invalidate or in any way affect the operation of any provision of a county, city or district ordinance regulating the activities of consignment stores, buy-sell stores, secondhand stores or similar stores or enterprises that in the regular course of business buy used goods from individuals for the purpose of resale.