

Requested by Representative WALLAN

**PROPOSED AMENDMENTS TO
HOUSE BILL 4140**

On page 1 of the printed bill, line 2, delete “161.005,” and after “164.365” insert “, 165.116”.

On page 2, line 19, delete “3 to 9” and insert “3 and 4”.

In line 35, delete “On a daily basis,” and after “download” insert “and maintain”.

In line 39, after “was” insert “received and”.

Delete lines 40 through 45 and delete pages 3 through 7.

On page 8, delete lines 1 through 40 and insert:

“CHANGES TO SCRAP METAL LAWS

“SECTION 5. ORS 165.116 is amended to read:

“165.116. 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;

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

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

6 “(E) A vase, plaque, marker, tablet, plate or other sign or ornament af-
7 fixed to or in proximity to a historic site, grave, statue, monument or similar
8 property accessible to members of the public;

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

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

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

15 “(b) Bears the name of, or a serial or model number, logo or other device
16 used by, a commercial seller to identify the commercial seller’s property in-
17 cluding, but not limited to, implements or equipment used by railroads,
18 **telecommunications providers** and utilities that provide telephone, com-
19 mercial mobile radio, cable television, electricity, water, natural gas or sim-
20 ilar services;

21 “(c) Consists of **unused or undamaged** material used in building con-
22 struction or other commercial construction, including:

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

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

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

28 “(d) Constitutes wire of a gauge typically used by utilities to provide
29 electrical [or *telecommunications*] service[.];

30 “(e) **Constitutes telecommunications wire; or**

1 **“(f) Constitutes metallic wire from which insulation has been re-**
2 **moved.**

3 “(3) ‘Commercial seller’ means:

4 “(a) A business entity, as defined in ORS 60.470, business enterprise with
5 a fixed place of business, nonprofit corporation or governmental entity that
6 regularly or periodically sells or delivers metal property to a scrap metal
7 business as part of the entity’s business functions; or

8 “(b) A person with a court order authorizing the possession and sale of
9 particular metal property.

10 “(4) ‘Dismantler’ means the holder of a valid, current dismantler certifi-
11 cate issued under ORS 822.110.

12 “(5) ‘Electronic funds transfer’ has the meaning given that term in ORS
13 293.525.

14 “(6) ‘Fixed place of business’ means a location:

15 “(a) Where a business enterprise primarily and regularly conducts the
16 enterprise’s business activity;

17 “(b) That includes a commercial building; and

18 “(c) That corresponds to the address shown on any licenses required by
19 state law or local ordinance for all applicable business activity conducted
20 at that location.

21 “(7) ‘Law enforcement agency’ has the meaning given that term in ORS
22 131.550.

23 “(8) ‘Metal property’ means commercial metal property, nonferrous metal
24 property or private metal property.

25 “(9)(a) ‘Nonferrous metal property’ means an item fabricated or contain-
26 ing parts made of or in an alloy with copper, brass, aluminum, bronze, lead,
27 zinc or nickel.

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

30 “(10) ‘Nonprofit corporation’ means a corporation to which the Secretary

1 of State has issued a certificate of existence or a certificate of authorization
2 under ORS 65.027.

3 “(11) ‘Private metal property’ means a catalytic converter or a component
4 of a catalytic converter that has been removed from a vehicle and is offered
5 for sale as an independent item, whether individually or as part of a bundle,
6 bale or in other bulk form.

7 “(12)(a) ‘Scrap metal business’ means a person that:

8 “(A) Maintains a permanent or fixed place of business at which the per-
9 son:

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

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

13 “(iii) Owns, leases, rents, maintains or uses a device used in metal recy-
14 cling, including a hydraulic baler, metal shearer or metal shredder;

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

18 “(C) Does not necessarily maintain a permanent or fixed place of business
19 in this state but engages in the business of purchasing or receiving
20 nonferrous metal property for the purpose of aggregation and sale to another
21 scrap metal business and holds any licenses required by state law or local
22 ordinance for conducting all applicable business activity; or

23 “(D) Engages in the business of purchasing or receiving private metal
24 property at a fixed place of business and holds any licenses required by state
25 law or local ordinance for all applicable business activity.

26 “(b) ‘Scrap metal business’ does not include a governmental entity that
27 accepts metal property for recycling.

28 “(13) ‘Stored value device’ means a debit card or other device that draws
29 funds from an account owned or operated by the user and that allows the
30 user to obtain something of value from a merchant.

1 “(14) ‘Telecommunications provider’ has the meaning given that
2 term in ORS 184.911.

3 “(15) ‘Telecommunications wire’ means copper or copper alloy wire,
4 cable, tubing or related materials that bear evidence of being or are
5 reasonably likely to be implements or equipment used by a telecom-
6 munications provider, such as insulation of an industry-standard color
7 for telecommunications wiring, materials with attached telecommuni-
8 cations connectors or terminators or materials showing evidence of
9 recent removal from telecommunications infrastructure.

10 “[(14)(a)] (16)(a) ‘Transaction’ means a sale, purchase, receipt or trade of,
11 or a contract, agreement or pledge to sell, purchase, receive or trade, private
12 metal property or nonferrous metal property that occurs or forms between
13 an individual and a scrap metal business.

14 “(b) ‘Transaction’ does not include:

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

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

19 “(i) A commercial seller or an authorized employee or agent of the com-
20 mercial seller; and

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

23 “**SECTION 6.** ORS 165.117 is amended to read:

24 “165.117. (1) Before completing a transaction, a scrap metal business en-
25 gaged in business in this state shall:

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

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

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

1 “(C) Contain all of the following information:

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

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

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

8 “(iv) The name and telephone number of the individual with whom the
9 scrap metal business conducts the transaction and a street address or, if a
10 post office box is listed on the government-issued photo identification de-
11 scribed in sub-subparagraph (vi) of this subparagraph, a post office box, to
12 which the scrap metal business will mail payment to the individual.

13 “(v) The make, model year and the license plate number and state of issue
14 of the motor vehicle or motor vehicles, if any, used to transport the indi-
15 vidual who conducts the transaction and to transport the nonferrous metal
16 property or private metal property that is the subject of the transaction.

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

20 “(vii) A photograph of, or video surveillance recording depicting, a re-
21 cognizable facial image of the individual with whom the scrap metal business
22 conducts the transaction.

23 “(viii) A general description of the nonferrous metal property that con-
24 stitutes the predominant part of the transaction and a specific description
25 of private metal property, if any, included in the transaction. The description
26 must include any identifiable marks on the property, if readily discernible,
27 and must specify the weight, quantity or volume of the nonferrous metal
28 property or private metal property.

29 “(ix) For private metal property, the vehicle identification number and a
30 copy of the title or vehicle registration for the vehicle from which the pri-

1 vate metal property was removed.

2 “(b) Require the individual with whom the scrap metal business conducts
3 a transaction to sign and date a declaration printed in conspicuous type, ei-
4 ther on the record described in this subsection or on a receipt issued to the
5 individual with whom the scrap metal business conducts the transaction,
6 that states:

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

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

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

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

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

30 “(b) Conduct a transaction with an individual if the individual does not

1 at the time of the transaction consent to the creation of the record described
2 in subsection (1) of this section and produce for inspection a valid driver li-
3 cense or other valid government-issued photo identification that belongs to
4 the individual.

5 “(c) Conduct a transaction with an individual in which the scrap metal
6 business pays the individual other than by electronic funds transfer, stored
7 value card or stored value device, or by mailing a nontransferable check,
8 made payable to the individual, for the amount of the transaction to the
9 street address or post office box the individual provided under subsection
10 (1)(a)(C)(iv) of this section. Payment must be made not earlier than three
11 business days after the date of the transaction. The check, electronic funds
12 transfer or stored value device must be drawn on or must draw from an ac-
13 count that the scrap metal business maintains with a financial institution,
14 as defined in ORS 706.008. A stored value card may be issued by a money
15 transmission business licensed under ORS 717.200 to 717.320 or exempt from
16 the licensing requirement under ORS 717.210.

17 “(d) Purchase metal property from a nonprofit corporation other than by
18 electronic funds transfer, stored value card or stored value device, or by
19 mailing a nontransferable check, made payable to the nonprofit corporation,
20 for the amount of the purchase price to the business address provided under
21 subsection (4)(a)(B) of this section. Payment must be made not earlier than
22 three business days after the date of the purchase. The check, electronic
23 funds transfer or stored value device must be drawn on or must draw from
24 an account that the scrap metal business maintains with a financial insti-
25 tution, as defined in ORS 706.008. A stored value card may be issued by a
26 money transmission business licensed under ORS 717.200 to 717.320 or exempt
27 from the licensing requirement under ORS 717.210.

28 “(e) Purchase private metal property from a commercial seller other than
29 by electronic funds transfer, credit card, debit card, stored value card or
30 stored value device or by mailing a nontransferable check, made payable to

1 the commercial seller, for the amount of the purchase price to the business
2 address provided under subsection (4)(a)(B) of this section. Except for an
3 electronic funds transfer, credit card transaction or debit card transaction
4 which can be immediate, payment must be made not earlier than three busi-
5 ness days after the date of the purchase. The check, electronic funds trans-
6 fer, credit card, debit card or stored value device must be drawn on or must
7 draw from an account that the scrap metal business maintains with a fi-
8 nancial institution, as defined in ORS 706.008. A stored value card may be
9 issued by a money transmission business licensed under ORS 717.200 to
10 717.320 or exempt from the licensing requirement under ORS 717.210.

11 “(f) Cash or release a check issued in payment for a transaction or for a
12 purchase described in paragraph (c), (d) or (e) of this subsection other than
13 as provided in this paragraph or paragraph (c), (d) or (e) of this subsection.
14 If a check is not delivered to the intended recipient within 10 days of the
15 date of the transaction or the purchase, the scrap metal business may release
16 the check directly to the individual or commercial seller with the written
17 approval of a law enforcement agency having jurisdiction over the scrap
18 metal business. If a check is returned as undelivered or undeliverable, the
19 scrap metal business shall:

20 “(A) Release the check directly to the individual or commercial seller
21 with the written approval of a law enforcement agency having jurisdiction
22 over the scrap metal business; or

23 “(B) Retain the check until the individual or commercial seller to which
24 the check was mailed provides a valid address in accordance with subsection
25 (1)(a)(C)(iv) or (4)(a)(B) of this section. If after 30 days following the date
26 of the transaction or the purchase described in paragraph (c), (d) or (e) of
27 this subsection the individual or commercial seller fails to provide a valid
28 address, the scrap metal business may cancel the check and the individual
29 or commercial seller shall forfeit to the scrap metal business the amount due
30 as payment.

1 “(g) Purchase or receive private metal property, except from:

2 “(A) A commercial seller; or

3 “(B) An individual who is the owner of the vehicle from which the private
4 metal property was removed and who provides the information required un-
5 der subsection (1)(a)(C) of this section.

6 **“(h) Conduct a transaction with an individual at a time that the**
7 **scrap metal business is out of compliance with the requirements de-**
8 **scribed in section 4 of this 2026 Act.**

9 “(3) If a scrap metal business obtains the approval of a law enforcement
10 agency under subsection (2)(f) of this section, the scrap metal business shall
11 retain the written approval for one year following the date the approval is
12 received.

13 “(4) Before purchasing or receiving metal property from a commercial
14 seller, a scrap metal business shall:

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

20 “(A) The full name of the commercial seller;

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

23 “(C) The full name of each employee, agent or other individual the com-
24 mercial seller authorizes to receive payment for metal property from the
25 scrap metal business.

26 “(b) Create a metal property record as part of the commercial account at
27 the time and in the location that the scrap metal business purchases or re-
28 ceives metal property from a commercial seller that contains the following
29 information:

30 “(A) The time, date and location at which the scrap metal business pur-

1 chased or received the metal property;

2 “(B) The printed name and signature or electronic signature of the em-
3 ployee who conducted the purchase or receipt on behalf of the scrap metal
4 business;

5 “(C) The printed name and signature or electronic signature of the indi-
6 vidual or individuals who conducted the purchase or receipt of the metal
7 property on behalf of the commercial seller and of the individual or indi-
8 viduals who delivered the metal property on behalf of the commercial seller
9 to the scrap metal business, if different;

10 “(D) A photocopy of a valid driver license or other valid government-
11 issued photo identification belonging to the individual or individuals who
12 conducted the purchase or receipt of the metal property on behalf of the
13 commercial seller and of the individual or individuals who delivered the
14 metal property on behalf of the commercial seller to the scrap metal busi-
15 ness, if different;

16 “(E) The monetary amount or other value of the metal property;

17 “(F) A description of the type of metal property that constitutes the pre-
18 dominant part of the purchase or receipt;

19 “(G) For private metal property sold or transferred by a commercial seller
20 other than a dismantler, the following information for the vehicle from
21 which the private metal property was removed:

22 “(i) The make, model year, vehicle identification number and, if available,
23 the license plate number and issuing state shown on the license plate; and

24 “(ii) The date that the commercial seller removed the private metal
25 property; and

26 “(H) For private metal property sold or transferred by a dismantler, the
27 stock or yard number or numbers assigned to the private metal property by
28 the dismantler under ORS 822.137.

29 “(I) **For the following commercial metal property, written doc-**
30 **umentation or identification proving that the commercial seller owns**

1 the commercial metal property or is otherwise authorized to offer the
2 commercial metal property for sale or transfer on behalf of the owner:

3 “(i) Commercial metal property described under ORS 165.116 (2)(b),
4 if the commercial metal property is offered for sale or transfer by a
5 commercial seller other than the railroad, telecommunications pro-
6 vider or utility whose name, serial or model number, logo or other
7 device appears on the commercial property.

8 “(ii) Commercial metal property described under ORS 165.116 (2)(d),
9 unless the commercial seller is a utility that provides electrical ser-
10 vices and the commercial metal property does not bear a device as
11 described under sub-subparagraph (i) of this subparagraph.

12 “(iii) Commercial metal property described under ORS 165.116 (2)(e),
13 unless the commercial seller is a telecommunications provider and the
14 commercial metal property does not bear a device as described under
15 sub-subparagraph (i) of this subparagraph.

16 “(J) For commercial metal property described under ORS 165.116
17 (2)(f), appropriate documentation proving that the commercial seller
18 owns or is entitled to offer the metallic wire for purchase or receipt
19 and that the insulation has been removed by accident or was done by
20 legitimate means or for a legitimate purpose.

21 “(c) Require all signatories to the metal property record to declare the
22 accuracy of the information contained in the record by including on the
23 metal property record in conspicuous type, ‘I AFFIRM BY MY SIGNATURE
24 THAT UNDER PENALTY OF LAW THAT THE INFORMATION I PRO-
25 VIDED AND REFLECTED ON THIS FORM IS TRUE AND ACCURATE.’

26 “(5) A scrap metal business may require an individual from whom the
27 business obtains metal property to provide the individual’s thumbprint to the
28 scrap metal business.

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

1 “(7)(a) Except as otherwise provided in ORS 165.118, violation of this
2 section is a specific fine violation, and the presumptive fine for the violation
3 is \$1,000.

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

8
9 **“APPLICABILITY**

10
11 **“SECTION 7. Sections 3 and 4 of this 2026 Act and the amendments**
12 **to ORS 164.365, 165.116 and 165.117 by sections 1, 5 and 6 of this 2026**
13 **Act apply to conduct occurring on or after the effective date of this**
14 **2026 Act.”.**

15 In line 44, delete “13” and insert “8”.
16 _____