



Vermont Metals Theft Statute

This document is provided as background information for ReMA members. It does not constitute legal advice. Recyclers should consult their attorneys / legal advisors regarding the application of each state's statutes and regulations to each company's individual circumstances. Other state laws governing precious metals, secondhand materials, vehicles, and other materials may apply.

Current as of August 30, 2023

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Please Note: Amendments by [2023 Vermont SB 48](#), effective July 1, 2023, are included and noted in this summary.

24 V.S.A. § 2242 includes requirements for salvage yards to give written acknowledgment that they are aware of any will comply with the requirements for buying, selling, transporting, and keeping records concerning Nonferrous Scrap, Metal Articles, Proprietary Articles, and Railroad Scrap.

Materials Covered and Other Definitions (edited for clarity and conciseness)

"Scrap Metal" means any manufactured item or article that contains metal.

"Ferrous Scrap" means any Scrap Metal consisting primarily of iron, steel, or both, including large manufactured articles such as automobile bodies that may contain other substances to be removed and sorted during normal processing operations of Scrap Metal.

"Nonferrous Scrap" means any Scrap Metal consisting primarily of metal other than iron or steel, and does not include aluminum beverage cans, post-consumer household items, items removed during building renovations or demolitions, or large manufactured items containing small quantities of nonferrous metals such as automobile bodies and appliances.

"Metal Article" means any manufactured item consisting of metal that is usable for its originally intended purpose without processing, repair, or alteration, including railings, copper or aluminum wire, copper pipe and tubing, bronze cemetery plaques, urns, markers, plumbing fixtures, and cast-iron radiators.

"Proprietary Article" means any of the following:

- Any Metal Article stamped, engraved, stenciled, or marked as being or having been the property of a governmental entity, public utility, or a transportation, shipbuilding, ship repair, mining, or manufacturing company;
 - Any hard-drawn copper electrical conductor, cable, or wire greater than 0.375 inches in diameter, stranded or solid;
 - Any aluminum conductor, cable, or wire greater than 0.75 inches in diameter, stranded or solid;
 - Metal beer kegs;
 - Manhole covers; or
 - Catalytic converters.
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"Railroad Scrap" means any Scrap Metal consisting primarily of the steel components used in rolling stock and railroad tracks, including rails, joint bars, tie plates, anchors, turnouts, frogs, and spikes, as well as railroad signals and signal components.

"Scrap Metal Processor" means:

- A salvage yard, as defined in 24 V.S.A. § 2241(7); or
- A person engaged in purchasing Ferrous or Nonferrous Scrap, Metal Articles, or Proprietary Articles, whether for resale or for processing into raw material products consisting of prepared grades.

"Scrap Metal Processor" does not include:

- A salvage yard as described in 24 V.S.A. § 2248(e); or
- A salvage yard or dealer that only accepts or dismantles motor vehicles and flattens or crushes the vehicles for transport to a Processor.

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Recordkeeping (italicized text added by SB 48)

For Nonferrous Scrap, Metal Articles, Proprietary Articles, and Railroad Scrap, a Processor must record in a permanent ledger:

- The Seller's full name, current address, and date of birth from a current government-issued photo ID;
- Time and Date of the transaction;
- License number of the Seller's vehicle;
- Description of the items received;
- *Either* of the following; if third party documentation is not provided, Reporting and Hold provisions apply:
 - *Third-party* documentation that *establishes that the Seller lawfully owns the items to be sold*, such as a bill of sale, *itemized* receipt, or letter of authorization; or
 - *A written affidavit of ownership* that *states* that the Seller lawfully owns the items.

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Retention

Records must be retained at least 5 years at the Processor's normal place of business or other readily accessible and secure location.

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Inspection

Records shall be made available on request to any law enforcement official or authorized security agent of a governmental entity who provides official credentials at the Scrap Metal Processor's business location during regular business hours.

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Reporting

If the Seller does not provide ownership documentation, a Processor must submit a report to the Department of Public Safety by the close of the following business day that describes the material and the Seller's identifying information.

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Hold

If the Seller does not provide ownership documentation, a Processor must hold the material for at least 10 days following the purchase.

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Catalytic Converters - Purchase Restriction (added by SB 48)

A Processor shall not purchase more than one used and detached catalytic converter per day from any person other than a motor vehicle recycler or a motor vehicle repair shop.

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Catalytic Converters - Possession (added by SB 49)

A person, other than a motor vehicle recycler or motor vehicle repair shop, shall not transport simultaneously two or more used and detached catalytic converters unless:

- Each is engraved or otherwise permanently marked with the VIN of the vehicle from which it was removed; and
- The person transporting has in the person's possession documentation demonstrating proof of lawful ownership as specified in the Recordkeeping provision.

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Penalties

A person who violates the provisions shall be fined (*SB 48 changes from "processor" to "person"*):

- 1st offense: a civil penalty not to exceed \$1,000 for each transaction;
- 2nd or subsequent: fined not more than \$25,000 for each transaction.

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Department of Public Safety (added by SB 48)

The Department of Public Safety (DPS) shall adopt and make available on its website sample forms for an affidavit or other proof of ownership, for collection and retention of records, and for other recordkeeping purposes to comply with the requirements of the Scrap Metal Processors Chapter.

DPS and the Agency of Natural Resources shall coordinate to design and implement a public outreach campaign to educate sellers of Scrap Metal and Proprietary Articles, including catalytic converters; Processors; and law enforcement on the requirements for buying, selling, transporting, and keeping records.

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References and Recent Amendments

Statutes

- [Vt. Stat. Ann. Title 9, Part 4, Ch. 82](#): Scrap Metal Processors; 9 V.S.A. § 3021 to 9 V.S.A. § 3023
- [Vt. Stat. Ann. Title 24, Ch. 61, Subch. 10. Salvage Yards; 24 V.S.A. § 2242](#). Requirement for operation or maintenance.

Recent Amendments

- [2014 Vermont HB 872](#) (effective July 1, 2014)
- [2023 Vermont SB 48](#) (effective July 1, 2023)

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