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P.L. 2009 - 14

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3 **AN ACT**  
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6 **to relate the sale and purchase of scrap metal in the Republic by requiring records to be**  
7 **kept by a scrap metal dealer; to require the inspection of records; and to provide penalties**  
8 **for violations of the Act.**  
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10 **BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL**  
11 **ISLANDS:**

12 **Section 1. Short title.**

13 This Act may be cited as the Scrap Metal Dealer Inspection Act 2009.  
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15 **Section 2. Definitions.**

16 (1) In this Act, unless the context otherwise requires -

17 (a) "Scrap metal" means any recyclable object that has a metallic content and has a resale  
18 value, but does not include aluminum beverage containers:

19 (b) "Scrap metal dealer" means any person, firm, corporation, association or other  
20 recognized legal entity engaged in the business of buying or selling scrap metal.

21 (c) "shipping agent" means any person, firm, corporation, association or authorized legal  
22 entity engaged in the business of handling the shipping of exportable items from the  
23 Republic of the Marshall Islands to outside markets.

24 (d) "Identification card" means a photographic identification issued by a governmental  
25 body for the purpose of identifying a person, and which bears the person's signature.  
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2 **Section 3. Requirement to maintain Records.**

- 3 (1) Scrap metal dealers shall keep a record of every transaction involving the  
4 purchase or sale of scrap metal in the Republic of the Marshall Islands
- 5 (2) Prior to the export of any scrap metal, such records shall be presented for  
6 inspection by law enforcement officer or agency to be designated by the Minister  
7 of Justice.
- 8 (3) The records shall provide the following information:
- 9 (a) name and address of the seller;
- 10 (b) date of the purchase;
- 11 (c) description of the article or articles purchased by the dealer;
- 12 (d) number from the seller's identification card, passport, or drivers license;
- 13 (e) the signature of the scrap metal dealer and the seller, as executed at the  
14 time of the purchase, provided the dealer shall compare the seller's  
15 signature to the signature upon the seller's required identification at the  
16 time of purchase.
- 17 (4) Scrap metal dealers shall maintain all records of all transactions involving  
18 purchases of scrap metal for a minimum period of three (3) years.
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20 **Section 4. Inspection.**

- 21 (1) Prior to the export of any scrap metal from the Republic, a scrap metal dealer  
22 must ensure that the shipment of scrap metal is inspected by a designated law  
23 enforcement officer or agency.

1 (2) Once the inspection has been carried out, the law enforcement officer or agency  
2 must issue a written notification and release form indicating that the records and  
3 scrap metal being exported have been duly inspected. The written notification  
4 shall bear the stamp of the designated law enforcement officer or agency carrying  
5 out the inspection.

6 (3) A designated law enforcement officer or agency is authorized to physically  
7 inspect any scrap metal being sold or purchased by a dealer.

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9 **Section 5. Prohibition.**

10 A scrap metal dealers and shipping agent shall not export any scrap metal from the  
11 Republic without first obtaining a stamped written notification and release form from the  
12 designated law enforcement officer or agency.

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14 **Section 6. Offenses.**

15 A person that violates Sections 3, 4, or 5 above shall be guilty of an offense under this  
16 Act.

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18 **Section 7. Penalties.**

19 (1) Any person that violates the provisions of Sections 3 and 4 above shall, upon  
20 conviction, be liable to a fine of no more than one thousand dollars (\$1,000) for  
21 each violation.

1 (2) Any person who violates the provisions of Section 5 shall upon conviction be  
2 liable for a maximum fine of ten thousand dollars (\$10,000) for each violation, or  
3 to a term of imprisonment not exceeding twelve (12) months, or both.  
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5 Section 8.     **Regulations**

6 Cabinet is hereby authorized to promulgate the necessary regulations, subject to  
7 the Administrative Procedure Act, 1979 to ensure the effective administration of the  
8 provisions of this Act.  
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10 Section 9.     **Effective date.**

11 This Act will come into force and effect in accordance with Article IV, Section 21  
12 of the Constitution.  
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16 **CERTIFICATE**

17 **I hereby certify:**  
18

- 19 (1) That Nitijela Bill No: 29ND2 was passed by the Nitijela of the Republic of the  
20 Marshall Islands on the 22nd day of January, 2009; and  
21 (2) That I am satisfied that Nitijela Bill No.: 29ND2 was passed in accordance with  
22 the relevant provisions of the Constitution of the Republic of the Marshall Islands  
23 and the Rules of Procedures of the Nitijela.

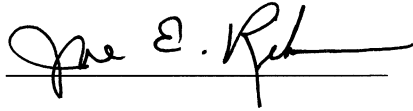
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I hereby place my signature before the Clerk this 10<sup>th</sup> day of March, 2009.

**Attest:**



**Hon. Jurelang Zedkaia**  
Speaker  
Nitijela of the Marshall Islands



**Joe E. Riklon**  
Clerk  
Nitijela of the Marshall Islands