

**TITLE 20**  
**BUSINESS REGULATION AND PRACTICE**

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**CHAPTER 8**

SCRAP METAL DEALER INSPECTION

ARRANGEMENT OF SECTIONS

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An Act relate to the sale and purchase of scrap metal in the Republic by requiring records to be kept by a scrap metal dealer; to require the inspection of records; and to provide penalties for violations of the Act.

Commencement:        March 10, 2009  
Source:                    P.L. 2009 - 14

**§801. Short title.**

This Chapter may be cited as the Scrap Metal Dealer Inspection Act, 2009.

**§802. Interpretation.**

In this Chapter , unless the context otherwise requires:

- (a) “Scrap metal” means any recyclable object that has a metallic content and has a resale value, but does not include aluminum beverage container;
- (b) “Scrap metal dealer” means any person, firm, corporation, association or other recognized legal entity engaged in the business of buying or selling scrap metal;
- (c) “shipping agent” means any person, firm, corporation, association or authorised legal entity engaged in the business of handling the shipping of exportable items from the Republic of the Marshall Islands to outside market;
- (d) “Identification card” means a photographic identification issued by a government body for the purpose of identifying a person, and which bears the person’s signature;

**§803. Requirement to maintain records.**

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

**§804. Inspection.**

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

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

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

**§805. Prohibition.**

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

**§806. Offences.**

A person that violates Section 3, 4, or 5 above shall be guilty of an offense under this Chapter .

**§807. Penalties.**

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

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

**§808. Regulations.**

Cabinet is hereby authorised to promulgate the necessary regulations, subject to the Administrative Procedure Act, 1979 to ensure the effective administration of the provisions of this Chapter .

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