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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL**NO. 476**

Introduced by Assembly Member Mark González
(Coauthors: Assembly Members Alanis, Davies, and Flora)

February 10, 2025

An act to amend Sections 21606 and 21609.1 of the Business and Professions Code, and to amend Sections 496a and 496e of the Penal Code, relating to metal theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 476, as amended, Mark González. Metal theft.

Existing law governs the business of buying, selling, and dealing in secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys, also known as "junk." Existing law requires junk dealers and recyclers to keep a written record of all sales and purchases made in the course of their business, including the place and date of each sale or purchase of junk and a description of the item or items, as specified. Existing law requires the written record to include a statement indicating either that the seller of the junk is the owner of it, or the name of the person they obtained the junk from, as shown on a signed transfer document. Existing law prohibits a junk dealer or recycler from providing payment for nonferrous materials until the junk dealer or recycler obtains a copy of a valid driver's license of the seller or other specified identification. Existing law requires a junk dealer or recycler to preserve the written record for at least 2 years. Existing law makes a violation of the recordkeeping requirements a misdemeanor.

This bill would require junk dealers and recyclers to include additional information in the written record, including the time and amount paid for each sale or purchase of junk made, and the name of the employee handling the transaction. The bill would revise the type of information required to be included in the description of the item or items of junk purchased or sold, as specified. The bill would require the statement referenced above indicating ownership or the name of the person from whom the seller obtained the junk from to be signed and would

require the statement to include specified information, including the legal name, date of birth, and place of residence of the seller. The bill would prohibit a junk dealer or recycler from purchasing nonferrous metals from a person under 18 years of age.

Existing law prohibits a junk dealer or recycler from possessing certain materials, including a fire hydrant or manhole cover or lid, without written certification from the agency owning or previously owning the material specifying that the agency has either sold the material or is offering the material for sale, salvage, or recycling and that the person is authorized to negotiate the sale of the material. Existing law makes it a crime for any person who is engaged in the salvage, recycling, purchase, or sale of scrap metal to possess specified items, including a fire hydrant or a manhole cover or lid, that were owned or previously owned by specified public entities and that have been stolen or obtained in a manner constituting theft or extortion, knowing the property to be stolen or obtained in that manner, or to fail to report possession of those items, as specified. A person who violates those provisions is subject to a criminal fine of not more than \$3,000.

This bill would expand the list of materials and items subject to those provisions to include, among other things, street lights and other attachments related to street lighting and traffic signals, and would increase the maximum amount of the criminal fine to ~~\$10,000~~ *\$5,000*.

Existing law makes a person who is a dealer in or collector of junk, metals, or secondhand materials, or their agent, employee, or representative, who buys or receives any wire, cable, copper, lead, solder, mercury, iron, or brass that the person knows or reasonably should know is used by or belongs to specified entities, including a railroad, certain utility companies, or a public entity engaged in furnishing public utility service, without using due diligence to ascertain that the person selling or delivering that material has a legal right to do so, guilty of criminally receiving that property and, in addition to imprisonment, makes that act punishable by a fine of not more than \$1,000.

This bill would ~~increase the maximum amount of the fine to \$10,000~~ *additionally make the act punishable by a fine of not more than \$10,000*.

Because the bill would expand the scope of crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 21606 of the Business and Professions Code is amended to read:

21606. (a) Every junk dealer and every recycler shall set out in the written record required by this article all of the following:

(1) The place, date, time, and amount paid of each sale or purchase of junk made in the conduct of their business as a junk dealer or recycler and the name of the employee handling the transaction.

(2) One of the following methods of identification:

(A) The name, valid driver's license number, and state of issue or California- or United States-issued identification card number.

(B) The name, identification number, and country of issue from a passport used for identification and the address from an additional item of identification that also bears the seller's name.

(C) The name and identification number from a Matricula Consular used for identification and the address from an additional item of identification that also bears the seller's name.

(3) The vehicle license number, including the state of issue, of any motor vehicle used in transporting the junk to the junk dealer's or recycler's place of business.

(4) The name and address of each person to whom junk is sold or disposed of, and the license number of any motor vehicle used in transporting the junk from the junk dealer's or recycler's place of business.

(5) A description of the item or items of junk purchased or sold, including the item type, number of units, weight, identifying marks engraved or etched on the metal, if any, and serial numbers, if any.

(6) A signed statement indicating either that the seller of the junk is the owner of it, or the name of the person the seller obtained the junk from, as shown on a signed transfer document. The signed statement shall include the legal name, date of birth, and place of residence, including street number, street name, city, state, and ZIP Code, of the seller.

(b) A junk dealer or recycler shall not purchase nonferrous metals from a person under 18 years of age.

(c) Any person who makes, or causes to be made, any false or fictitious statement regarding any information required by this section, is guilty of a misdemeanor.

(d) Every junk dealer and every recycler shall report the information required in subdivision (a) to the chief of police or to the sheriff in the same manner as described in Section 21628.

SEC. 2. Section 21609.1 of the Business and Professions Code is amended to read:

21609.1. (a) A junk dealer or recycler shall not possess any of the following material that was owned or previously owned by an agency, in the absence of a written certification on the letterhead of the agency owning or previously owning the material described in the certification that the agency has either sold the material described or is offering the material for sale, salvage, or recycling, and that the person possessing the certification and identified in the certification is authorized to negotiate the sale of that material:

- (1) A fire hydrant or any reasonably recognizable part of a fire hydrant.
- (2) A fire department connection, including, but not limited to, reasonably recognizable bronze or brass fittings and parts.
- (3) A maintenance hole cover or lid or reasonably recognizable part of a maintenance hole cover or lid.
- (4) Backflow devices and connections to that device, or any part of that device.
- (5) Street lights and other attachments related to street lighting, including, but not limited to, all of the following:
 - (A) Ubiquia smart nodes.
 - (B) Light-emitting diode (LED) fixtures.
 - (C) Ornamental or historical, modern, or pedestrian poles made of concrete, steel, brass, cast iron, or aluminum.
 - (D) Solar street lighting components, such as solar panels, steel poles, and battery packs.
 - (E) Colocation equipment.
 - (F) Fiber optic cables.
 - (G) Electric vehicle chargers.
 - (H) Cameras.
 - (I) Air quality sensors.
 - (J) Digital banners.
 - (K) Pedestrian and cycling counters.
- (6) Traffic signals and active grade crossing signals.
- (7) Sewer flow monitoring station equipment.
- (8) Sewer pump station instrumentation and controls.
- (9) Stormwater auto sampling equipment and instrumentation.
- (10) Stormwater pump station instrumentation and controls.

(11) Irrigation wiring.

(12) Plaques.

(13) Communications or broadband infrastructure or equipment.

(b) A junk dealer or recycler who unknowingly takes possession of one or more of the items listed in subdivision (a) as part of a load of otherwise nonprohibited materials without a written certification has a duty to notify the appropriate law enforcement agency by the end of the next business day upon discovery of the prohibited material. Written certification shall relieve the junk dealer or recycler from any civil or criminal penalty for possession of the prohibited material. The prohibited material shall be set aside and not sold pending a determination made by a law enforcement agency pursuant to Section 21609.

(c) For purposes of this section, the following definitions apply:

(1) "Agency" means a public agency, city, county, city and county, special district, or private utility regulated by the Public Utilities Commission.

(2) "Appropriate law enforcement agency" means either of the following:

(A) The police chief of the city, or their designee, if the item or items listed in subdivision (a) are located within the territorial limits of an incorporated city.

(B) The sheriff of the county or their designee if the item or items listed are located within the county but outside the territorial limits of an incorporated city.

(3) "Written certification" means a certification in written form by the junk dealer or recycler to a law enforcement agency, including electronic mail, facsimile, or a letter delivered in person or by certified mail.

SEC. 3. Section 496a of the Penal Code is amended to read:

496a. (a) Every person who is a dealer in or collector of junk, metals, or secondhand materials, or the agent, employee, or representative of such dealer or collector, and who buys or receives any wire, cable, copper, lead, solder, mercury, iron, or brass which they know or reasonably should know is ordinarily used by or ordinarily belongs to a railroad or other transportation, telephone, telegraph, gas, water, or electric light company, or a county, city, city and county, or other political subdivision of this state engaged in furnishing public utility service, without using due diligence to ascertain that the person selling or delivering the same has a legal right to do so, is guilty of criminally receiving that property, and shall be punished by *a fine not exceeding one thousand dollars (\$1,000), or by* imprisonment in a county jail for not more than one year, *of by both that fine and imprisonment,* or by imprisonment pursuant to subdivision (h) of Section 1170, or by a fine of not more than ten thousand dollars (\$10,000), or by both that fine and imprisonment.

(b) Any person who buys or receives material pursuant to subdivision (a) shall obtain evidence of their identity from the seller, including, but not limited to, that person's full name, signature, address, driver's license number, and vehicle license number, and the license number of the vehicle delivering the material.

(c) The record of the transaction shall include an appropriate description of the material purchased and the record shall be maintained pursuant to Section 21607 of the Business and Professions Code.

SEC. 4. Section 496e of the Penal Code is amended to read:

496e. (a) Any person who is engaged in the salvage, recycling, purchase, or sale of scrap metal and who possesses any of the following items that were owned or previously owned by any public agency, city, county, city and county, special district, or private utility that have been stolen or obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, or fails to report possession of the items pursuant to Section 21609.1 of the Business and Professions Code, is guilty of a crime:

(1) A fire hydrant or any reasonably recognizable part of that hydrant.

(2) Any fire department connection, including, but not limited to, reasonably recognizable bronze or brass fittings and parts.

(3) Maintenance hole covers or lids, or any reasonably recognizable part of those maintenance hole covers and lids.

- (4) Backflow devices and connections to that device, or any part of that device.
- (5) Streetlights and other attachments related to street lighting, including, but not limited to, all of the following:
 - (A) Ubiquitous smart nodes.
 - (B) Light-emitting diode (LED) fixtures.
 - (C) Ornamental or historical, modern, or pedestrian poles made of concrete, steel, brass, cast iron, or aluminum.
 - (D) Solar street lighting components, such as solar panels, steel poles, and battery packs.
 - (E) Colocation equipment.
 - (F) Fiber optic cables.
 - (G) Electric vehicle chargers.
 - (H) Cameras.
 - (I) Air quality sensors.
 - (J) Digital banners.
 - (K) Pedestrian and cycling counters.
- (6) Traffic signals and active grade crossing signals.
- (7) Sewer flow monitoring station equipment.
- (8) Sewer pump station instrumentation and controls.
- (9) Stormwater auto sampling equipment and instrumentation.
- (10) Stormwater pump station instrumentation and controls.
- (11) Irrigation wiring.
- (12) Plaques.
- (13) Communications or broadband infrastructure or equipment.

(b) A person who violates subdivision (a) shall, in addition to any other penalty provided by law, be subject to a criminal fine of not more than ~~ten~~ **five** thousand dollars ~~(\$10,000)~~ **(\$5,000)**.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.