



Indiana 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 June 1, 2022

Overview of Provisions (use the links to travel directly to that section)

- [Materials Covered and Other Definitions](#)
- [Exemptions](#)
- [Recordkeeping](#)
- [HVAC - Additional Recordkeeping](#)
- [Catalytic Converter – Seller Restriction](#)
- [Retention](#)
- [Inspection](#)
- [Metal Beer Kegs](#)
- [Hold](#)
- [State Police Responsibilities](#)
- [Penalties](#)
- [References and Recent Amendments](#)

Please Note: Amendments by [2022 Indiana SB 293](#), effective July 1, 2022, are included and noted in this summary. SB 293 also amends requirements for automotive salvage recycler requirements under IC 9-13-2-95 and IC 9-32-9-14.5 and -15 to make catalytic converters a major component part, limit cash payments and purchases of catalytic converters, and require automotive salvage recyclers follow the recordkeeping requirements of Valuable Metal Dealers.

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

"Valuable Metal" means any product made of metal that readily may be resold. The term includes metal bossies and small component motor vehicle parts. The term does not include a beverage can, used jewelry regulated under IC 24-4-13, or precious metal regulated under IC 24-4-19.

"Metal Bossie" means a metal 4 wheel cart used to transport or sell food products that are stored in crates, shells, or trays.

"Valuable Metal Dealer" means any entity engaged in the business of purchasing and reselling Valuable Metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, auto wreckers, scrap metal dealers or processors, salvage yards, collectors of or dealers in junk, and junk cars or trucks. The term includes a Core Buyer. The term does not include a person who purchases a vehicle and obtains title to the vehicle.

"Core Buyer" means a person engaged in the business of purchasing or acquiring small component motor vehicle parts for resale, including catalytic converters, automobile radiators, and batteries.

[back to top](#)

Exemptions (italicized text added by SB 293)

The Recordkeeping, Retention, Inspection, and Metal Beer Kegs provisions do not apply if the Seller provides the Dealer with a bill of sale or other written evidence of title to the Valuable Metal at the time of purchase, *except this exemption does not apply to a used parts dealer:*

- Manufacturers of Valuable Metals;
 - Entities engaged in the business of selling Valuable Metals at retail or wholesale;
 - Other Valuable Metal Dealers;
 - Entities engaged in the generation, transmission or distribution of electric energy or in telephone, telegraph and other communications.
-

Exempts transactions between scrap metal processing facilities as defined in [IC 8-23-1-36](#).

The HVAC - Additional Recordkeeping and Catalytic Converter – Seller Restriction provisions do not apply to commercial transactions between 2 or more of the following:

- An entity licensed under [IC 9-32-9](#) as an automotive salvage rebuilder; a disposal facility; or a used parts dealer;
- A Valuable Metal Dealer.
- An Automobile Scrapyard (as defined by [IC 9-13-2-8](#)).
- A Scrap Metal Processor (as defined by [IC 9-13-2-162](#)).

[back to top](#)

Recordkeeping

Every Dealer must record the following on forms provided by the State Police Department for purchases of Valuable Metal:

- The Dealer's name and address;
- The Date and Place of each purchase;
- The Seller(s)'s name, address, age, and driver's license or Social Security number;
- From a government-issued photo ID used to verify the Seller's identity:
 - The type, name of the issuing agency, and identification number; and
 - A copy of the ID, unless the Dealer has a copy on file already;
- License number from the vehicle used to deliver the Valuable Metal;
- The price paid;
- A description and weight of the Valuable Metal;
- The source of the Valuable Metal;
- A photograph of the Seller;
- A photograph of the Valuable Metal;
- The Seller's signature verifying that the record is accurate.

[back to top](#)

HVAC - Additional Recordkeeping

A Dealer may only purchase an air conditioner evaporator coil or condenser, in whole or in part, from a Seller who either:

- Acquired the item in the performance of business as one of the following and provides reasonable documentation that they are:
 - An authorized agent of a heating, ventilation, or air conditioning contractor; or
 - A person engaged in heating, ventilation, or air conditioning repair; or
- Provides a bill of sale or other written documentation that shows the item lawfully came into the Seller's possession;

The Dealer must record a copy of the Seller's documentation in addition to the transaction record. A Dealer may purchase a window air conditioning unit without restriction.

[back to top](#)

Catalytic Converter – Seller Restriction

A Dealer may only purchase or attempt to purchase a catalytic converter, in whole or in part, that is not attached to a motor vehicle from a Seller that either

- Is a used parts dealer or an automotive repair company; or
- Presents the Dealer with an affidavit executed by a law enforcement officer attesting to the officer's reasonable belief that the converter lawfully came into the Seller's possession.

(SB 293 removes options for the seller to present a certificate of title, registration, or authority, or a repair receipt)

The Dealer must record a copy of the Seller's documentation in addition to the transaction record.

[back to top](#)

Retention

Records shall be retained for 2 years.

[back to top](#)

Inspection

Records and Valuable Metal subject to the Hold provision shall be made available for inspection by any law enforcement official at any time.

[back to top](#)

Metal Beer Kegs

A Dealer may not accept a metal beer keg if the keg is clearly marked as the property of a brewery manufacturer or the keg's identification markings have been made illegible.

[back to top](#)

Hold

5 working day hold "from the date of notification" on any Valuable Metal "requiring notification".

[back to top](#)

State Police Responsibilities

The State Police shall publish on the State Police web site:

- The Recordkeeping forms;
- A list describing Valuable Metal products that are particularly susceptible to theft;
- Statutes as well as such rules adopted by the Superintendent of the State Police as are necessary to administer and enforce the provisions and intent of the law.

[back to top](#)

Penalties

A Dealer who fails to comply commits a Class A infraction.

A Dealer who knowingly or intentionally fails to comply with this chapter and purchases stolen valuable metal commits concealing a valuable metal purchase, a Level 6 felony.

Under [IC 35-43-4-2](#), Theft, subsection (a)(2)(B), an offense is a level 5 felony if the property that is the subject of the theft is a Valuable Metal and:

- Relates to transportation safety;
- Relates to public safety; or
- Is taken from a hospital or other health care facility, telecommunications provider, public utility, or critical infrastructure facility.

Under [IC 9-13-2-34](#), a catalytic converter is a "component part", impacting the IC 35-43-4-2 Theft, subsection (a)(1)(B)(iii) designation of theft of a component part (as defined in IC 9-13-12-34) as a Level 6 felony.

The value of the property is:

- The fair market value of the property at the time and place the offense was committed; or
- If the fair market value of the property cannot be satisfactorily determined, the cost to replace the property within a reasonable time after the offense was committed.

[back to top](#)

References and Recent Amendments

Statutes

- [Ind. Code Title 25, Article 37.5](#). Dealers in Valuable Metals; IC 25-37.5-1 to IC 25-37.5-1-10
- [Ind. Code Title 35, Article 43, Ch. 4, IC 35-43-4-2](#). Theft
 - [IC 9-13-2-34](#). "Component part"
- Automotive Salvage Recycler catalytic converter requirements:
 - [IC 9-13-2-95](#). "Major component parts"

- [IC 9-32-9-14.5](#). Detached catalytic converter purchase; valuation and payment; retention of records; violation
- [IC 9-32-9-15](#). Recordkeeping forms; violation

Recent Amendments

- [2013 Indiana HB 1188](#) (effective January 1, 2014)
- [2013 Indiana HB 1441](#) (effective July 1, 2013)
- [2015 Indiana HB 1396](#) (minor amendment to definition of "disposal facility")
- [2019 Indiana SB 471](#) (effective July 1, 2019)
- [2021 Indiana SB 167](#) (effective July 1, 2021)
- [2022 Indiana SB 293](#) (effective July 1, 2022)

[back to top](#)