



## New Jersey Metals Theft Statute

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*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 New Jersey SB 249](#), effective May 15, 2023, are included and noted in this summary.

### Materials Covered and Other Definitions

"Scrap Metal" means used, discarded, or previously owned items that consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel, or alloys, *and shall include a used catalytic converter, in whole or in part, if the used catalytic converter is not attached to a motor vehicle (italicized text added by SB 249).*

"Scrap Metal Business" means a commercial establishment which, as one of its principal business purposes, purchases scrap metal for purposes of resale or processing.

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### Recordkeeping

The Operator of a scrap metal business shall, before receiving or purchasing any Scrap Metal from a Deliverer or Seller:

- Verify their identity by examining a valid government-issued photo ID,
- Make a copy of the ID and record the identifying number,
- *(added by SB 249)* Purchase or attempt to purchase only from a person delivering or selling Scrap Metal who provides the information required.

For receipts or purchases in excess of 100 lbs. or \$50, whichever is less, record:

- The date of receipt or purchase of the Scrap Metal;
  - The name and address of the Deliverer or Seller;
  - The type and number of the Deliverer or Seller's identification;
  - A copy of the identification;
  - A description of the Scrap Metal, including its type, amount, and form;
  - The signature of the Deliverer or Seller;
  - *(Added by SB 249)* For a used catalytic converter, in whole or in part, that is not attached to a motor vehicle at the time of sale or attempted sale, unless the Seller is a registered business that, in the regular course of business, collects, stores, or sells a used catalytic converter or any other motor vehicle part:
    - The VIN of the motor vehicle from which the catalytic converter was taken; and
    - A copy of the certificate of title or registration, a receipt from a transaction of repair, or a bill of sale for the motor vehicle from which the catalytic converter was taken;
  - Any other information as may be required by the Attorney General.
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### *Retention*

Records for receipts or purchases in excess of 100 lbs. or \$50 must be maintained for 5 years. The retention period for the identifying number and copy of photo ID collected for all transactions is not specified.

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### *Inspection*

An Operator must make any records maintained available, upon request, to any law enforcement agency or official investigating the possible theft or resale of scrap metals.

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### *Purchaser Restriction - Catalytic Converters (added by SB 249)*

The purchase of a used catalytic converter, in whole or in part, that is not attached to a motor vehicle at the time of sale or attempted sale shall be limited to a Scrap Metal Business, unless the Seller is a registered business that, in the regular course of business, collects, stores, or sells a catalytic converter or any other motor vehicle part.

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### *Reporting*

An Operator shall immediately report to an appropriate law enforcement agency any delivery or sale of Scrap Metal under circumstances that would cause a reasonable person to believe the Scrap Metal was probably stolen or otherwise inappropriately obtained.

Any person who reports information to a law enforcement official or agency concerning the suspect delivery or sale of Scrap Metal shall be immune from any civil liability for the report unless they acted in bad faith or with malicious intent.

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### *Penalties*

Any violations are:

- 1st or 2nd offense: disorderly persons offenses;
- 3rd or subsequent: crimes of the fourth degree.

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### *References and Recent Amendments*

[N.J. Rev. Stat. Title 45, Subtitle 2, Ch. 28](#); § 45:28-1 to § 45:28-6

[2023 New Jersey SB 249](#), effective May 15, 2023

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