

1 ton, nor without delivering to the purchaser a bill of sale of such
2 metal, a copy of which shall be retained and filed in the office of
3 such duly authorized employee or officer. If a duly authorized
4 employee or officer of a railroad company sells or disposes of
5 railroad scrap metal in quantities less than one ton, or without
6 delivering a bill of sale of such metal to the purchaser, the
7 company which he or she represents shall not thereafter be entitled
8 to the benefit of paragraphs (b) and ©.

9 (b) The person, company, or firm to whom is offered for sale,
10 pledge, or trade, worn or used links, pins, journal bearings, or
11 other worn, used, or detached appendages of railroad equipment, or
12 scrap metal of iron, brass, or steel appertaining to such equipment
13 or to a railroad track, before purchasing or dealing in it, shall
14 ascertain whether the ownership thereof is lawfully derived, by
15 bill of sale or otherwise, from a company, or the duly authorized
16 employee or officer of the company. When the right or title to such
17 article of metal is drawn in question in any suit, the person,
18 company, or firm dealing in such metal, or its assignee, party
19 thereto, must make prima facie proof of title and ownership so
20 derived. If it appears, prima facie, from the evidence on the trial
21 that any of the articles or metals in controversy were unlawfully
22 obtained, and mixed or confused with other scrap metal, it shall be
23 deemed a confusion of goods unless the party claiming against the
24 title of the company establishes, prima facie, a lawful title from

1 or through a railroad company to the residue.

2 © By its proper officer or agent, or by the receiver of such
3 company, a railroad company may claim to be the general owner of
4 and maintain an action of detinue to recover any of the metals or
5 articles mentioned in paragraph (b), and metals with which they may
6 have been confused, found in the possession of a person, firm, or
7 company, when there is good reason to believe that such metals or
8 articles were unlawfully taken from such company or its receiver.
9 Instead of the usual averment as to ownership in the action of
10 detinue, it is sufficient for the officer, agent, or receiver of
11 such railroad company to aver that he or she believes such metals
12 or articles were unlawfully taken from such company or some other
13 company. The person, firm or company claiming the right or title to
14 such metals or articles in such action, prima facie shall prove a
15 right or title to them, lawfully derived. In the absence of such
16 proof, the railroad company or receiver claiming such metals or
17 articles shall be held to be the general owner of them, but any
18 other company or receiver, upon showing that part of such metals or
19 articles unlawfully were taken from it or him or her, shall be
20 entitled to such part upon payment of a proper share of the cost
21 and expenses of recovering it through detinue.

22 (d) If a railroad company or its receiver recovers property
23 under paragraph © without reasonable cause to believe that it was
24 unlawfully taken from some company or its receiver, such company or

1 receiver shall be liable to the party entitled to such property in
2 any sum not exceeding double the value of the property so
3 recovered, in addition to such damages as such party sustains
4 thereby.

NOTE: The purpose of this bill is to prohibit the unauthorized sale of railroad scrap metal.

§31-2-17 is new; therefore, it has been completely underscored.