

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 918

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Costa” and substitute “Delegates Costa, Clippinger, and M. Washington”; in line 15, after “revoked;” insert “requiring a buyer to ensure that each automated purchasing machine that the buyer owns or operates in the State meets certain requirements;”; in line 22, after “time;” insert “providing that certain reporting requirements may not be construed to require a buyer to incur a certain financial burden;”; in line 23, after “time;” insert “requiring a buyer to provide certain personal property to the primary law enforcement unit on request and at the cost of the buyer; requiring a buyer to make certain personal property available for inspection by the primary law enforcement unit at a certain time; requiring buyers to remove certain personal property from an automated purchasing machine in a certain manner and to provide a certain notice; authorizing the primary law enforcement unit to inspect personal property being removed from an automated purchasing machine at the time of removal;”; in line 28, strike “an automated purchasing machine operator” and substitute “a buyer”; in line 29, after “minor;” insert “prohibiting a buyer from buying an electronic device under certain circumstances;”; and in line 31, after “Act;” insert “providing that this Act preempts the right of any county or municipality to regulate automated purchasing machines or operators of automated purchasing machines and supercedes any existing law of a county or municipality that regulates automated purchasing machines or operators of automated purchasing machines under certain circumstances;”.

AMENDMENT NO. 2

On page 3, in line 21, after “WHO” insert “:

(1)”;

(Over)

in the same line, strike “AND” and substitute “;

(2)”;

and in line 22, after “LICENSEE” insert “;AND

(3) MAINTAINS A PHYSICAL LOCATION IN MARYLAND WHERE THE RESIDENT AGENT REGULARLY CONDUCTS BUSINESS AND AT WHICH THE RESIDENT AGENT OR AN EMPLOYEE OF THE RESIDENT AGENT IS PHYSICALLY PRESENT DURING NORMAL BUSINESS HOURS”.

On page 13, in line 17, after “(A)” insert “A BUYER SHALL ENSURE THAT EACH AUTOMATED PURCHASING MACHINE THAT THE BUYER OWNS OR OPERATES IN THE STATE MEETS THE REQUIREMENTS OF THIS SECTION.

(B)”.

On page 14, in line 5, strike “(B)” and substitute “(C)”; in line 10, strike “(A)(1)” and substitute “(B)(1)”; and in line 13, strike “(A)(2)” and substitute “(B)(2)”.

On page 15, in line 4, strike “A” and substitute “SUBJECT TO PARAGRAPH (III) OF THIS SUBSECTION, A”; in lines 5, 12, 15, 17 and 18, 20, and 28, in each instance, strike “§ 20-401(B)” and substitute “§ 20-401(C)”; and after line 16, insert:

“(III) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE CONSTRUED TO REQUIRE A BUYER TO INCUR A SUBSTANTIAL FINANCIAL BURDEN TO COMPLY WITH THE REQUIREMENTS OF THIS PARAGRAPH.”.

AMENDMENT NO. 3

On page 14, in line 27, after “DEVICE” insert “IF IT CAN BE DETERMINED AT THE TIME OF PURCHASE”.

On page 16, in line 16, before “A” insert “(A)”; and after line 17, insert:

“(B) IF AN AUTOMATED PURCHASING MACHINE CANNOT DETERMINE THE SERIAL NUMBER OF AN ELECTRONIC DEVICE AND THE DEVICE IS VALUED AT \$25 OR MORE, THE BUYER MAY NOT PURCHASE THE ELECTRONIC DEVICE.”.

AMENDMENT NO. 4

On page 15, in line 26, after “(B)” insert “(1)”; and after line 29, insert:

“(2) ON THE REQUEST OF THE PRIMARY LAW ENFORCEMENT UNIT, A BUYER SHALL PROVIDE TO THE PRIMARY LAW ENFORCEMENT UNIT ANY PERSONAL PROPERTY PURCHASED BY AN AUTOMATED PURCHASING MACHINE AT THE COST OF THE BUYER.

(C) A BUYER SHALL MAKE ALL PERSONAL PROPERTY PURCHASED BY AN AUTOMATED PURCHASING MACHINE AVAILABLE FOR INSPECTION BY THE PRIMARY LAW ENFORCEMENT UNIT AT ANY TIME.

(D) (1) A BUYER SHALL REMOVE ALL ITEMS OF PERSONAL PROPERTY FROM AN AUTOMATED PURCHASING MACHINE IN INTERVALS OF NO LESS THAN 10 DAYS.

(2) A BUYER SHALL NOTIFY THE PRIMARY LAW ENFORCEMENT UNIT OF THE DATE AND TIME THE BUYER WILL REMOVE PERSONAL PROPERTY FROM AN AUTOMATED PURCHASING MACHINE AT LEAST 72 HOURS BEFORE REMOVING THE PERSONAL PROPERTY.

(Over)

(3) THE PRIMARY LAW ENFORCEMENT UNIT MAY INSPECT THE PERSONAL PROPERTY BEING REMOVED FROM AN AUTOMATED PURCHASING MACHINE AT THE TIME OF THE REMOVAL.

AMENDMENT NO. 5

On page 16, in line 21, strike “\$500;” and substitute “\$1,000;”; and in line 23, strike “\$1,000.” and substitute “\$5,000.”.

AMENDMENT NO. 6

On page 3, in line 26, before “THIS” insert “(A)”; and after line 29, insert:

“(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS TITLE:

(I) PREEMPTS THE RIGHT OF A COUNTY OR MUNICIPALITY TO REGULATE AUTOMATED PURCHASING MACHINES AND OPERATORS OF AUTOMATED PURCHASING MACHINES; AND

(II) SUPERCEDES ANY EXISTING LAW OF A COUNTY OR MUNICIPALITY THAT REGULATES AUTOMATED PURCHASING MACHINES AND OPERATORS OF AUTOMATED PURCHASING MACHINES.

(2) THIS TITLE DOES NOT LIMIT THE POWER OF A COUNTY OR MUNICIPALITY TO PROHIBIT THE INSTALLATION OR OPERATION OF AUTOMATED PURCHASING MACHINES WITHIN THE COUNTY OR MUNICIPALITY.