

# HOUSE BILL 1201

C2

71r2948

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By: **Delegates Kelly, Beitzel, and Myers**  
Introduced and read first time: February 21, 2007  
Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Junk Dealers and Scrap Metal Processors –**  
3 **Required Records**

4 FOR the purpose of altering the requirements for records of purchases of junk or scrap  
5 metal that certain junk dealers and scrap metal processors must keep;  
6 requiring the records to include certain information about individuals from  
7 whom junk dealers or scrap metal processors acquire the junk or scrap metal;  
8 requiring junk dealers and scrap metal processors to submit the required  
9 records to certain law enforcement units in a certain manner; providing that the  
10 records shall be kept confidential and are not public records; authorizing the  
11 law enforcement unit to destroy the records after a certain period of time;  
12 providing for the application of this Act; defining a certain term; and generally  
13 relating to junk dealers and scrap metal processors.

14 BY repealing and reenacting, with amendments,  
15 Article – Business Regulation  
16 Section 17–1011  
17 Annotated Code of Maryland  
18 (2004 Replacement Volume and 2006 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Business Regulation**

22 17–1011.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) IN THIS SECTION, “PRIMARY LAW ENFORCEMENT UNIT” MEANS THE**  
2 **DEPARTMENT OF STATE POLICE, A POLICE DEPARTMENT, OR A SHERIFF, AS**  
3 **DESIGNATED BY RESOLUTION OF THE COUNTY OR MUNICIPAL GOVERNING BODY**  
4 **IN THE COUNTY IN WHICH THE BUSINESS OF THE JUNK DEALER OR SCRAP**  
5 **METAL PROCESSOR IS LOCATED.**

6           **(B) THIS SECTION APPLIES TO ALL JUNK DEALERS AND SCRAP METAL**  
7 **PROCESSORS WHO ARE RESIDENTS OF THE STATE, INCLUDING JUNK DEALERS**  
8 **AND SCRAP METAL PROCESSORS WHO ARE RESIDENTS OF THE COUNTIES**  
9 **LISTED IN § 17-1002(A) OF THIS SUBTITLE.**

10           **[(a)] (C) (1) Each junk dealer or scrap metal processor who is a resident**  
11 **of the State shall keep a written record in English [that:**

12                   (1) for each purchase of junk or scrap metal:

13                           (i) is made at the time of the purchase; and

14                           (ii) includes:

15                                   1. a description of the junk or scrap metal purchased;

16                                   2. the name and address of the seller;

17                                   3. the license tag number of any vehicle used; and

18                                   4. the date and time of the purchase; and

19                   (2) for each sale of junk or scrap metal, shows the name and address of  
20 the buyer] **MADE AT THE TIME OF PURCHASE FOR EACH PURCHASE OF JUNK OR**  
21 **SCRAP METAL.**

22           **(2) FOR EACH PURCHASE OF JUNK OR SCRAP METAL, THE**  
23 **RECORDS OF A JUNK DEALER OR SCRAP METAL PROCESSOR SHALL INCLUDE:**

24                   **(I) THE DATE, PLACE, AND TIME OF EACH TRANSACTION**  
25 **THAT INVOLVES THE ACQUISITION OF JUNK OR SCRAP METAL;**

26                   **(II) THE NAME AND ADDRESS OF THE PRINCIPAL, IF THE**  
27 **TRANSACTION IS BY AN AGENT;**

1                   (III) A DESCRIPTION OF THE JUNK OR SCRAP METAL,  
2 INCLUDING:

3                   1. ANY MARK, NUMBER, WORD, OR OTHER  
4 IDENTIFICATION ON THE JUNK OR SCRAP METAL;

5                   2. ITS WEIGHT, IF PAYMENT IS BASED ON WEIGHT;

6                   3. A STATEMENT WHETHER IT APPEARS TO HAVE  
7 BEEN ALTERED BY ANY MEANS, INCLUDING OBSCURING A SERIAL NUMBER OR  
8 IDENTIFYING FEATURE;

9                   4. THE TYPE OF ITEM;

10                  5. ITS MANUFACTURER, MODEL NUMBER, YEAR OF  
11 MANUFACTURE IF KNOWN, AND SERIAL NUMBER IF KNOWN; AND

12                  6. ITS COLOR AND SIZE;

13                  (IV) THE AMOUNT PAID OR OTHER CONSIDERATION FOR THE  
14 JUNK OR SCRAP METAL;

15                  (V) THE LICENSE TAG NUMBER OF ANY VEHICLE USED; AND

16                  (VI) FOR EACH INDIVIDUAL FROM WHOM THE JUNK DEALER  
17 OR SCRAP METAL PROCESSOR ACQUIRES JUNK OR SCRAP METAL:

18                   1. THE NAME, DATE OF BIRTH, AND DRIVER'S  
19 LICENSE NUMBER OF THE INDIVIDUAL; OR

20                   2. IDENTIFICATION INFORMATION ABOUT THE  
21 INDIVIDUAL THAT:

22                   A. POSITIVELY IDENTIFIES THE INDIVIDUAL FROM  
23 AT LEAST TWO FORMS OF IDENTIFICATION, WHICH MAY INCLUDE AN AGE OF  
24 MAJORITY CARD, MILITARY IDENTIFICATION, OR PASSPORT; AND

1                   **B. PROVIDES A PHYSICAL DESCRIPTION OF THE**  
2 **INDIVIDUAL, INCLUDING THE SEX, RACE, ANY DISTINGUISHING FEATURES, AND**  
3 **APPROXIMATE AGE, HEIGHT, AND WEIGHT OF THE INDIVIDUAL;**

4                   **(VII) A STATEMENT INDICATING WHETHER OR NOT THE**  
5 **PERSON MAKING THE TRANSACTION IS PERSONALLY KNOWN TO THE JUNK**  
6 **DEALER OR SCRAP METAL PROCESSOR; AND**

7                   **(VIII) THE SIGNATURE OF THE PERSON FROM WHOM THE**  
8 **JUNK OR SCRAP METAL IS ACQUIRED AND THE SIGNATURE OF THE JUNK**  
9 **DEALER, SCRAP METAL PROCESSOR, OR EMPLOYEE WHO ACCEPTED THE JUNK**  
10 **OR SCRAP METAL.**

11                   **(3) FOR EACH SALE OF JUNK OR SCRAP METAL, THE RECORDS OF**  
12 **A JUNK DEALER OR SCRAP METAL PROCESSOR SHALL INCLUDE THE NAME AND**  
13 **ADDRESS OF THE BUYER.**

14                   **(D) (1) A JUNK DEALER OR SCRAP METAL PROCESSOR SHALL SUBMIT**  
15 **A COPY OF EACH RECORD TO THE PRIMARY LAW ENFORCEMENT UNIT BY ONE OF**  
16 **THE FOLLOWING METHODS:**

17                   **(I) BY DELIVERING OR MAILING A COPY OF THE RECORD BY**  
18 **THE END OF THE NEXT BUSINESS DAY AFTER THE DAY ON WHICH THE JUNK OR**  
19 **SCRAP METAL WAS ACQUIRED; OR**

20                   **(II) BY TRANSMITTING A COPY OF THE RECORD**  
21 **ELECTRONICALLY, IN A FORMAT ACCEPTABLE TO THE RECEIVING PRIMARY LAW**  
22 **ENFORCEMENT UNIT, BY THE END OF EACH BUSINESS DAY.**

23                   **(2) EACH COPY OF A RECORD SUBMITTED TO THE PRIMARY LAW**  
24 **ENFORCEMENT UNIT SHALL INCLUDE:**

25                   **(I) THE LICENSE NUMBER OF THE JUNK DEALER OR SCRAP**  
26 **METAL PROCESSOR, IF THE JUNK DEALER OR SCRAP METAL PROCESSOR IS A**  
27 **STATE LICENSEE;**

28                   **(II) THE LOCATION OF EACH ITEM LISTED IN THE RECORD;**  
29 **AND**

1                   **(III) THE INFORMATION REQUIRED UNDER SUBSECTION**  
2 **(C)(2) OF THIS SECTION.**

3                   **(3) A COPY OF A RECORD SUBMITTED UNDER THIS SECTION:**

4                   **(I) SHALL BE KEPT CONFIDENTIAL;**

5                   **(II) IS NOT A PUBLIC RECORD; AND**

6                   **(III) IS NOT SUBJECT TO TITLE 10, SUBTITLE 6 OF THE**  
7 **STATE GOVERNMENT ARTICLE.**

8                   **(4) A PRIMARY LAW ENFORCEMENT UNIT MAY DESTROY THE**  
9 **COPY OF A RECORD SUBMITTED UNDER THIS SUBSECTION AFTER 1 YEAR FROM**  
10 **THE DATE THE PRIMARY LAW ENFORCEMENT UNIT RECEIVES THE COPY.**

11           **[(b)] (E)** The records shall be open to inspection by State or local law  
12 enforcement personnel for the jurisdiction where the place of business of the junk  
13 dealer or scrap metal processor is located.

14           **[(c)] (F)** A State junk licensee may not barter, buy, exchange, or accept  
15 from a person any junk or scrap metal unless the State junk licensee keeps records  
16 and makes entries in them in accordance with Part II of this subtitle.

17           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
18 **October 1, 2007.**