

HOUSE BILL 33

C2

8lr0458

(PRE-FILED)

By: **Delegate Sophocleus**

Requested: August 6, 2007

Introduced and read first time: January 9, 2008

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring certain junk dealers and scrap metal processors to keep
5 certain records of purchases of copper scrap metal; requiring junk dealers and
6 scrap metal processors who are residents of the State to keep the records for a
7 certain period of time; providing that the records shall be open to inspection by
8 certain law enforcement personnel; requiring nonresident junk dealers and
9 scrap metal processors to submit the records to the sheriff of the county where
10 the copper scrap metal was purchased before leaving the State; establishing
11 certain penalties; defining a certain term; and generally relating to junk dealers
12 and scrap metal processors.

13 BY adding to

14 Article – Business Regulation

15 Section 17–1027 through 17–1031 to be under the new part “Part IV. Copper
16 Scrap Metal”

17 Annotated Code of Maryland

18 (2004 Replacement Volume and 2007 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 **17–1025. RESERVED.**

23 **17–1026. RESERVED.**

24 **PART IV. COPPER SCRAP METAL.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **17-1027.**

2 (A) IN PART IV OF THIS SUBTITLE, "COPPER SCRAP METAL" MEANS AN
3 ARTICLE MADE WHOLLY OR PARTLY OF COPPER METAL.

4 (B) IN PART IV OF THIS SUBTITLE, "COPPER SCRAP METAL" INCLUDES
5 COPPER WIRE, CABLE, BARS, RODS, TUBING, PIPES, PLUMBING FIXTURES,
6 PLUMBING SUPPLIES, ELECTRICAL FIXTURES, ELECTRICAL WIRING, SCRAPS,
7 SHEETING, AND FITTINGS.

8 **17-1028.**

9 PART IV OF THIS SUBTITLE APPLIES TO ALL JUNK DEALERS AND SCRAP
10 METAL PROCESSORS DOING BUSINESS IN THE STATE, INCLUDING NONRESIDENT
11 JUNK DEALERS, NONRESIDENT SCRAP METAL PROCESSORS, AND JUNK DEALERS
12 AND SCRAP METAL PROCESSORS WHO ARE RESIDENTS OF THE COUNTIES
13 LISTED IN § 17-1002(A) OF THIS SUBTITLE.

14 **17-1029.**

15 FOR EACH PURCHASE OF COPPER SCRAP METAL IN THE STATE, A JUNK
16 DEALER OR SCRAP METAL PROCESSOR SHALL KEEP A WRITTEN RECORD IN
17 ENGLISH THAT INCLUDES:

18 (1) THE DATE AND TIME OF PURCHASE;

19 (2) A DESCRIPTION OF THE COPPER SCRAP METAL, INCLUDING
20 ITS WEIGHT, IF PAYMENT IS BASED ON WEIGHT, AND ANY MARK, NUMBER,
21 WORD, OR OTHER IDENTIFICATION ON THE COPPER SCRAP METAL;

22 (3) THE AMOUNT PAID OR OTHER CONSIDERATION FOR THE
23 COPPER SCRAP METAL;

24 (4) THE LICENSE TAG NUMBER OF ANY VEHICLE USED;

25 (5) THE SIGNATURE OF:

26 (I) THE INDIVIDUAL FROM WHOM THE COPPER SCRAP
27 METAL IS ACQUIRED; AND

28 (II) THE JUNK DEALER, SCRAP METAL PROCESSOR, OR
29 EMPLOYEE WHO ACCEPTED THE COPPER SCRAP METAL; AND

1 **(6) FOR EACH INDIVIDUAL FROM WHOM THE JUNK DEALER OR**
2 **SCRAP METAL PROCESSOR ACQUIRES COPPER SCRAP METAL:**

3 **(I) THE NAME, DATE OF BIRTH, AND DRIVER'S LICENSE**
4 **NUMBER OF THE INDIVIDUAL; OR**

5 **(II) IDENTIFICATION INFORMATION ABOUT THE INDIVIDUAL**
6 **THAT:**

7 **1. POSITIVELY IDENTIFIES THE INDIVIDUAL FROM**
8 **AT LEAST TWO FORMS OF IDENTIFICATION, WHICH MAY INCLUDE AN AGE OF**
9 **MAJORITY CARD, MILITARY IDENTIFICATION, OR PASSPORT; AND**

10 **2. PROVIDES A PHYSICAL DESCRIPTION OF THE**
11 **INDIVIDUAL, INCLUDING THE SEX, RACE, ANY DISTINGUISHING FEATURES, AND**
12 **APPROXIMATE AGE, HEIGHT, AND WEIGHT OF THE INDIVIDUAL.**

13 **17-1030.**

14 **(A) (1) THIS SUBSECTION APPLIES TO JUNK DEALERS AND SCRAP**
15 **METAL PROCESSORS WHO ARE RESIDENTS OF THE STATE.**

16 **(2) EACH JUNK DEALER OR SCRAP METAL PROCESSOR SHALL**
17 **KEEP THE RECORDS REQUIRED BY § 17-1029 OF THIS SUBTITLE FOR 3 YEARS**
18 **AFTER THE DATE OF THE TRANSACTION.**

19 **(3) THE RECORDS KEPT IN ACCORDANCE WITH THIS SUBSECTION**
20 **SHALL BE OPEN TO INSPECTION BY STATE OR LOCAL LAW ENFORCEMENT**
21 **PERSONNEL FOR THE JURISDICTION WHERE THE PLACE OF BUSINESS OF THE**
22 **JUNK DEALER OR SCRAP METAL PROCESSOR IS LOCATED.**

23 **(B) (1) THIS SUBSECTION APPLIES TO JUNK DEALERS AND SCRAP**
24 **METAL PROCESSORS WHO ARE NOT RESIDENTS OF THE STATE.**

25 **(2) BEFORE TRANSPORTING COPPER SCRAP METAL FROM THE**
26 **STATE, EACH NONRESIDENT JUNK DEALER, NONRESIDENT SCRAP METAL**
27 **PROCESSOR, OR AGENT OF A NONRESIDENT JUNK DEALER OR NONRESIDENT**
28 **SCRAP METAL PROCESSOR SHALL SUBMIT THE RECORDS REQUIRED BY**
29 **§ 17-1029 OF THIS SUBTITLE TO THE SHERIFF OF THE COUNTY WHERE THE**
30 **COPPER SCRAP METAL WAS PURCHASED.**

31 **17-1031.**

1 **A PERSON WHO VIOLATES PART IV OF THIS SUBTITLE IS GUILTY OF A**
2 **MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING:**

3 **(1) \$500 FOR A FIRST OFFENSE;**

4 **(2) \$1,500 FOR A SECOND OFFENSE; AND**

5 **(3) \$3,000 FOR A THIRD OR SUBSEQUENT OFFENSE.**

6 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
7 **October 1, 2008.**