

HOUSE BILL 727

C2

8lr1110

By: **Delegates Kullen, Bronrott, Cardin, Conaway, Doory, Morhaim, Olszewski, Schuler, Stein, F. Turner, and Walker**

Introduced and read first time: February 4, 2008

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Junk Dealers and Scrap Metal Processors – Regulated Scrap Metal**

3 FOR the purpose of requiring certain junk dealers and scrap metal processors to post a
4 certain sign; prohibiting certain junk dealers and scrap metal processors from
5 purchasing regulated scrap metal from certain persons under certain
6 circumstances; requiring certain junk dealers and scrap metal processors to
7 keep a log of purchases of regulated scrap metal for a certain period of time in a
8 certain manner; providing for the contents of the log; authorizing a
9 governmental entity or business to establish a certain account with a junk
10 dealer or scrap metal processor to sell regulated scrap metal; prohibiting certain
11 junk dealers or scrap metal processors from purchasing certain regulated scrap
12 metal under certain circumstances; authorizing State or local law enforcement
13 personnel to request information from the log under certain circumstances;
14 authorizing a State or local law enforcement agency to issue a certain hold
15 notice under certain circumstances; prohibiting certain junk dealers and scrap
16 metal processors from failing to provide certain information or from willfully
17 and knowingly making a false statement or providing untrue information;
18 establishing a certain penalty; providing for the application of this Act; defining
19 certain terms; and generally relating to junk dealers and scrap metal
20 processors.

21 BY adding to

22 Article – Business Regulation

23 Section 17–1027 through 17–1034 to be under the new part “Part IV. Regulated
24 Scrap Metal”

25 Annotated Code of Maryland

26 (2004 Replacement Volume and 2007 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Business Regulation**

2 **17-1025. RESERVED.**

3 **17-1026. RESERVED.**

4 **PART IV. REGULATED SCRAP METAL.**

5 **17-1027.**

6 (A) IN PART IV OF THIS SUBTITLE THE FOLLOWING WORDS HAVE THE
7 MEANINGS INDICATED.

8 (B) “JUNK DEALER” OR “SCRAP METAL PROCESSOR” INCLUDES A
9 SECONDARY METALS DEALER OR RECYCLER IF THE DEALER OR RECYCLER
10 DOES BUSINESS BUYING OR SELLING REGULATED SCRAP METAL.

11 (C) (1) “REGULATED SCRAP METAL” MEANS AN ARTICLE MADE
12 WHOLLY OR PARTLY OF COPPER, #1 AND #2 COPPER, GREENLINE COPPER,
13 BRASS, ALUMINUM, BRONZE, LEAD, NICKEL, NICKEL ALLOYS GREATER THAN
14 50% NICKEL, CHROMIUM, TIN, OR PLATINUM.

15 (2) “REGULATED SCRAP METAL” INCLUDES:

16 (I) TELEPHONE, CABLE, ELECTRIC, AND UTILITY WIRES;

17 (II) METAL RAILROAD TIES;

18 (III) UNUSED OR UNDAMAGED BUILDING CONSTRUCTION
19 MATERIALS MADE OF METAL;

20 (IV) COPPER PIPE, TUBING, AND WIRING;

21 (V) ALUMINUM WIRE, SIDING, DOWNSPOUTS, AND GUTTERS;

22 (VI) MANHOLE COVERS;

23 (VII) GAS, WATER, AND ELECTRIC METERS;

24 (VIII) TRAFFIC AND STREET SIGNS;

25 (IX) TRANSMISSION TOWERS;

- 1 (X) GUARD RAILS;
- 2 (XI) GRAVESITE VASES, URNS, AND PLAQUES;
- 3 (XII) ARTISTIC MONUMENTS, STATUES, AND PLAQUES; AND
- 4 (XIII) CATALYTIC CONVERTERS.

5 **17-1028.**

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

11 **17-1029.**

12 **(A) EACH JUNK DEALER OR SCRAP METAL PROCESSOR SHALL POST A**
13 **CLEAR AND CONSPICUOUS SIGN THAT ADVISES SELLERS OF REGULATED SCRAP**
14 **METAL THAT THEY MUST PROVIDE IDENTIFICATION IN ACCORDANCE WITH THE**
15 **REQUIREMENTS OF PART IV OF THIS SUBTITLE.**

16 **(B) IF A PERSON WHO OFFERS TO SELL REGULATED SCRAP METAL TO A**
17 **JUNK DEALER OR SCRAP METAL PROCESSOR IS UNABLE TO COMPLY WITH THE**
18 **IDENTIFICATION REQUIREMENTS OF PART IV OF THIS SUBTITLE, THE JUNK**
19 **DEALER OR SCRAP METAL PROCESSOR MAY NOT PURCHASE THE REGULATED**
20 **SCRAP METAL FROM THAT PERSON.**

21 **17-1030.**

22 **(A) EXCEPT AS OTHERWISE PROVIDED IN § 17-1031 OF THIS SUBTITLE,**
23 **EACH JUNK DEALER OR SCRAP METAL PROCESSOR SHALL KEEP A LOG THAT**
24 **INCLUDES, FOR EACH PURCHASE OF REGULATED SCRAP METAL:**

25 **(1) THE DATE AND TIME OF PURCHASE;**

26 **(2) A DETAILED DESCRIPTION OF THE REGULATED SCRAP METAL,**
27 **INCLUDING ITS WEIGHT, IF PAYMENT IS BASED ON WEIGHT;**

28 **(3) THE AMOUNT PAID OR OTHER CONSIDERATION FOR THE**
29 **REGULATED SCRAP METAL;**

30 **(4) THE PRICE PER POUND OF THE REGULATED SCRAP METAL;**

1 **(5) IF APPROPRIATE, A WORK SITE LOCATION FOR THE**
2 **REGULATED SCRAP METAL;**

3 **(6) THE LICENSE TAG NUMBER AND DESCRIPTION OF ANY**
4 **VEHICLE USED TO TRANSPORT THE REGULATED SCRAP METAL TO THE JUNK**
5 **DEALER OR SCRAP METAL PROCESSOR;**

6 **(7) THE SIGNATURE OF THE SELLER OF THE REGULATED SCRAP**
7 **METAL AND A STATEMENT THAT THE SELLER IS THE LEGAL OWNER OF THE**
8 **REGULATED SCRAP METAL;**

9 **(8) THE FULL NAME AND BUSINESS AND HOME ADDRESSES OF**
10 **THE SELLER; AND**

11 **(9) A CLEARLY LEGIBLE PHOTOCOPY OF THE DRIVER'S LICENSE**
12 **OR OTHER GOVERNMENT-ISSUED IDENTIFICATION OF THE SELLER.**

13 **(B) THE JUNK DEALER OR SCRAP METAL PROCESSOR SHALL KEEP A**
14 **RECORD OF EACH PURCHASE OF REGULATED SCRAP METAL IN THE LOG FOR 3**
15 **YEARS.**

16 **(C) THE LOG MAY BE KEPT IN WRITTEN OR ELECTRONIC FORM.**

17 **17-1031.**

18 **(A) A GOVERNMENTAL ENTITY OR ANY OTHER BUSINESS WITH A VALID**
19 **BUSINESS LICENSE MAY ESTABLISH AN ACCOUNT WITH A JUNK DEALER OR**
20 **SCRAP METAL PROCESSOR TO SELL REGULATED SCRAP METAL ON BEHALF OF**
21 **THE GOVERNMENTAL ENTITY OR BUSINESS.**

22 **(B) THE JUNK DEALER OR SCRAP METAL PROCESSOR SHALL OBTAIN**
23 **AND KEEP ON FILE A STATEMENT THAT ESTABLISHES THE ACCOUNT AND**
24 **AUTHORIZES EMPLOYEES TO MAKE TRANSACTIONS ON BEHALF OF THE**
25 **GOVERNMENTAL ENTITY OR BUSINESS.**

26 **(C) THE JUNK DEALER OR SCRAP METAL PROCESSOR MAY CONDUCT**
27 **TRANSACTIONS WITH AUTHORIZED EMPLOYEES BY RECORDING THE DATE AND**
28 **TIME OF EACH TRANSACTION AND THE WEIGHT AND DESCRIPTION OF THE**
29 **REGULATED SCRAP METAL.**

30 **17-1032.**

1 (A) A JUNK DEALER OR SCRAP METAL PROCESSOR MAY NOT PURCHASE
2 REGULATED SCRAP METAL THAT APPEARS TO BE THE PROPERTY OF A
3 GOVERNMENTAL ENTITY WITHOUT OBTAINING REASONABLE DOCUMENTATION
4 FROM THE SELLER THAT THE SELLER IS AN EMPLOYEE, AGENT, OR
5 CONTRACTOR OF THE GOVERNMENTAL ENTITY WHO IS AUTHORIZED TO SELL
6 THE ITEMS PRESENTED.

7 (B) THIS SECTION APPLIES TO ITEMS SUCH AS MANHOLE COVERS, GAS
8 METERS, WATER METERS, ELECTRIC METERS, SEWER GRATES, ELECTRIC LIGHT
9 POLES, GUARD RAILS, TRAFFIC SIGNS, AND STREET SIGNS.

10 **17-1033.**

11 (A) STATE OR LOCAL LAW ENFORCEMENT PERSONNEL CONDUCTING AN
12 INVESTIGATION IN THE AREA WHERE THE BUSINESS OF THE JUNK DEALER OR
13 SCRAP METAL PROCESSOR IS LOCATED MAY REQUEST INFORMATION FROM THE
14 LOG REQUIRED UNDER PART IV OF THIS SUBTITLE.

15 (B) (1) IF A STATE OR LOCAL LAW ENFORCEMENT AGENCY PROVIDES
16 REASONABLE CAUSE TO BELIEVE THAT ITEMS OF REGULATED SCRAP METAL IN
17 POSSESSION OF A JUNK DEALER OR SCRAP METAL PROCESSOR ARE STOLEN,
18 THEN THE LAW ENFORCEMENT AGENCY MAY ISSUE A WRITTEN HOLD NOTICE.

19 (2) THE WRITTEN HOLD NOTICE SHALL:

20 (I) IDENTIFY THE ITEMS OF REGULATED SCRAP METAL
21 ALLEGED TO BE STOLEN AND SUBJECT TO HOLD; AND

22 (II) INFORM THE JUNK DEALER OR SCRAP METAL
23 PROCESSOR OF THE HOLD IMPOSED ON THE ITEMS OF REGULATED SCRAP
24 METAL.

25 (3) FOR 60 DAYS AFTER THE DATE OF RECEIVING A HOLD
26 NOTICE, A JUNK DEALER OR SCRAP METAL PROCESSOR MAY NOT PROCESS OR
27 REMOVE FROM THE JUNK DEALER'S OR SCRAP METAL PROCESSOR'S PLACE OF
28 BUSINESS ANY ITEMS OF REGULATED SCRAP METAL IDENTIFIED IN THE HOLD
29 NOTICE, UNLESS THE ITEM IS RELEASED EARLIER BY THE LAW ENFORCEMENT
30 AGENCY OR BY COURT ORDER.

31 **17-1034.**

32 (A) A JUNK DEALER OR SCRAP METAL PROCESSOR MAY NOT FAIL TO
33 PROVIDE ANY INFORMATION REQUIRED UNDER PART IV OF THIS SUBTITLE.

1 **(B) A JUNK DEALER OR SCRAP METAL PROCESSOR MAY NOT WILLFULLY**
2 **AND KNOWINGLY MAKE A FALSE STATEMENT OR PROVIDE ANY UNTRUE**
3 **INFORMATION UNDER PART IV OF THIS SUBTITLE.**

4 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
5 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**
6 **\$500.**

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