

**SB0032/493091/1**

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 32  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike “EMERGENCY BILL”.

On pages 1 and 2, strike beginning with “providing” in line 6 on page 1 down through “processors” in line 2 on page 2, and substitute “providing that this Act applies to certain automotive dismantlers and scrap metal processors; providing for the applicability of the record keeping requirements; providing for the form and content of the records; requiring that certain records be kept electronically; providing for the submission of certain records to certain law enforcement units under certain circumstances; authorizing certain law enforcement units to issue certain waivers under certain circumstances; requiring junk dealers and scrap metal processors who are residents of the State to keep the required records for a certain period of time; providing that the records shall be open to inspection by certain law enforcement personnel during certain hours; prohibiting junk dealers and scrap metal processors from purchasing junk or scrap metal unless the person seeking to sell the junk or scrap metal provides certain documentation; authorizing State or local law enforcement personnel to request information from certain records under certain circumstances; authorizing a State or local law enforcement agency to issue a certain hold notice under certain circumstances; authorizing certain law enforcement personnel to enforce this Act; establishing certain penalties; altering a certain definition; and generally relating to junk dealers and scrap metal processors”;

in line 10, strike “and (f)”;

and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On pages 2 through 11, strike in their entirety the lines beginning with line 21 on page 2 through line 23 on page 11, inclusive, and substitute:

(Over)

“12-102.

(a) This title does not apply to a transaction that involves:

(1) merchandise acquired from an established manufacturer or dealer who holds a license under this title, other than a pawnbroker, if the dealer who acquires the merchandise keeps an invoice or other customary proof of origin for the merchandise;

(2) a metal acquired for use in dentistry by a dentist licensed to practice dentistry under Title 4 of the Health Occupations Article; [or]

(3) coins or numismatic items; OR

(4) THE PURCHASE OF JUNK OR SCRAP METAL THAT IS SUBJECT TO THE RECORD AND REPORTING REQUIREMENTS UNDER § 17-1011 OF THIS ARTICLE.

17-1001.

(a) In this subtitle the following words have the meanings indicated.

(e) “Junk” or “scrap metal” includes:

(1) NONFERROUS articles made wholly or [partly] SUBSTANTIALLY  
of:

(i) aluminum;

(ii) babbitt metal;

(iii) brass;

- (iv) bronze;
- (v) light copper;
- (vi) heavy copper;
- (vii) lead;
- (viii) low carbon chrome;
- (ix) low carbon manganese;
- (x) molybdenum;
- (xi) monel metal;
- (xii) pewter;
- (xiii) nickel;
- (XIV) STAINLESS STEEL;**
- [~~(xiv)~~] (XV) tin;**
- [~~(xv)~~] (XVI) vanadium; [or]**
- [~~(xvi)~~] (XVII) zinc;**
- (XVIII) PLATINUM;**
- (XIX) GOLD;**

(XX) RHODIUM; OR

(XXI) OTHER NONFERROUS METALS;

(2) [stoves] STREET SIGNS;

(3) [plumbing fixtures and supplies] GUARD RAILS;

(4) [electrical fixtures and wiring;

(5) gas fixtures and appliances;

(6) pipes;

(7) locks;

(8) used railroad equipment;

(9) used farm machinery; and] HARD DRAWN COPPER ELECTRICAL CONDUCTORS, CABLES, OR WIRE;

(5) ALUMINUM CONDUCTORS, CABLES, OR WIRES GREATER THAN THREE-QUARTERS OF 1 INCH IN DIAMETER, STRANDED OR SOLID;

(6) METAL BEER KEGS;

(7) MANHOLE COVERS;

(8) TREE GRATES;

(9) METAL LIGHT POLES;

(10) CATALYTIC CONVERTERS;

(11) CEMETERY URNS;

(12) GRAVE MARKERS; AND

[(10)] (13) any other similar used material OWNER BY A PUBLIC UTILITY.

17-1010.

[(a)] A nonresident junk dealer or nonresident scrap metal processor may not keep a fixed place of business in the State.

[(b) (1) Before transporting junk or scrap metal from the State, each nonresident junk dealer, nonresident scrap metal processor, or agent of a nonresident junk dealer or nonresident scrap metal processor shall register with the sheriff of the county where the junk or scrap metal was bought a complete description of the junk or scrap metal to be transported.

(2) The description shall include:

(i) the date of purchase;

(ii) the name and junk dealer or scrap metal processor license number, if any, of the buyer;

(iii) the name and junk dealer or scrap metal processor license number, if any, of the seller;

(Over)

(iv) the license tag number of the vehicle used; and

(v) the name of any consignee.]

17-1011.

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

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

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

(ii) includes:

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

2. the name and address of the seller;

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

4. the date and time of the purchase; and

(2) for each sale of junk or scrap metal, shows the name and address of the buyer.

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

**(A) (1) THIS SECTION APPLIES TO ALL JUNK DEALERS AND SCRAP METAL PROCESSORS DOING BUSINESS IN THE STATE.**

**(2) THIS SECTION APPLIES TO AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP METAL PROCESSOR LICENSED UNDER TITLE 15, SUBTITLE 5 OF THE TRANSPORTATION ARTICLE.**

**(B) (1) FOR EACH PURCHASE OF JUNK OR SCRAP METAL IN THE STATE, A JUNK DEALER OR SCRAP METAL PROCESSOR SHALL KEEP AN ACCURATE RECORD IN ENGLISH THAT INCLUDES:**

**(I) THE DATE AND TIME OF PURCHASE;**

**(II) A DESCRIPTION OF THE JUNK OR SCRAP METAL ACCORDING TO INDUSTRY CUSTOMS, INCLUDING ITS WEIGHT IF PAYMENT IS BASED ON WEIGHT;**

**(III) THE AMOUNT PAID OR OTHER CONSIDERATION FOR THE JUNK OR SCRAP METAL;**

**(IV) THE LICENSE TAG NUMBER, MAKE, AND MODEL OF ANY VEHICLE USED;**

**(V) THE NAME AND ADDRESS OF THE INDIVIDUAL FROM WHOM THE JUNK OR SCRAP METAL IS ACQUIRED;**

**(VI) THE SIGNATURE OF:**

**1. THE INDIVIDUAL FROM WHOM THE JUNK OR SCRAP METAL IS ACQUIRED; AND**

**2. THE JUNK DEALER, SCRAP METAL PROCESSOR, OR EMPLOYEE WHO ACCEPTED THE JUNK OR SCRAP METAL; AND**

(Over)

**(VII) FOR EACH INDIVIDUAL FROM WHOM THE JUNK DEALER OR SCRAP METAL PROCESSOR ACQUIRES JUNK OR SCRAP METAL:**

**1. THE DATE OF BIRTH AND DRIVER'S LICENSE NUMBER OF THE INDIVIDUAL; OR**

**2. IDENTIFICATION INFORMATION ABOUT THE INDIVIDUAL FROM A VALID STATE-ISSUED PHOTO ID THAT PROVIDES A PHYSICAL DESCRIPTION OF THE INDIVIDUAL.**

**(2) THE RECORD KEEPING REQUIREMENTS OF THIS SUBSECTION:**

**(I) APPLY TO ALUMINUM BLEACHERS;**

**(II) APPLY TO KEGS MADE OF ALUMINUM OR ANY OTHER METAL; AND**

**(III) DO NOT APPLY TO BEVERAGE CANS OR FOOD CANS.**

**(3) THE RECORDS REQUIRED UNDER THIS SUBSECTION SHALL BE KEPT IN ELECTRONIC FORM.**

**(4) (I) A JUNK DEALER AND SCRAP METAL PROCESSOR SHALL SUBMIT A COPY OF EACH RECORD REQUIRED UNDER THIS SUBSECTION TO THE PRIMARY LAW ENFORCEMENT UNIT IN ACCORDANCE WITH SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH.**

**(II) A JUNK DEALER AND SCRAP METAL PROCESSOR SHALL SUBMIT A RECORD BY TRANSMITTING A COPY OF THE RECORDS**



ELECTRONICALLY, IN A FORMAT ACCEPTABLE TO THE RECEIVING PRIMARY LAW ENFORCEMENT UNIT, BY THE END OF EACH BUSINESS DAY.

(III) EACH COPY OF A RECORD SUBMITTED TO THE PRIMARY LAW ENFORCEMENT UNIT SHALL INCLUDE:

1. THE DATE AND TIME OF PURCHASE;
2. A DESCRIPTION OF THE JUNK OR SCRAP METAL, INCLUDING ITS WEIGHT IF PAYMENT IS BASED ON WEIGHT; AND
3. WHETHER THE AMOUNT PAID OR OTHER CONSIDERATION FOR THE JUNK OR SCRAP METAL EXCEEDS \$500.

(IV) A COPY OF A RECORD SUBMITTED UNDER THIS PARAGRAPH:

1. SHALL BE KEPT CONFIDENTIAL;
2. IS NOT A PUBLIC RECORD; AND
3. IS NOT SUBJECT TO TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE.

(V) A LAW ENFORCEMENT UNIT MAY DESTROY THE COPY OF A RECORD SUBMITTED UNDER THIS SECTION AFTER 1 YEAR FROM THE DATE THE LAW ENFORCEMENT UNIT RECEIVES THE COPY.

(5) (I) THE PRIMARY LAW ENFORCEMENT UNIT MAY WAIVE THE HOLDING OF ELECTRONIC RECORDS UNDER PARAGRAPH (3) OF THIS

(Over)

SUBSECTION OR THE TRANSMISSION OF ELECTRONIC RECORDS UNDER PARAGRAPH (4)(II) OF THIS SUBSECTION BY A JUNK DEALER OR SCRAP METAL PROCESSOR.

(II) ANY WAIVERS GRANTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE LIMITED TO AUTHORIZING A JUNK DEALER OR SCRAP METAL PROCESSOR TO HOLD WRITTEN RECORDS OR TO TRANSMIT RECORDS BY FACSIMILE OR BY MAIL.

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

(2) EACH JUNK DEALER OR SCRAP METAL PROCESSOR SHALL KEEP THE RECORDS REQUIRED BY SUBSECTION (B) OF THIS SECTION FOR 1 YEAR AFTER THE DATE OF THE TRANSACTION.

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

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

(D) (1) STATE OR LOCAL LAW ENFORCEMENT PERSONNEL CONDUCTING AN INVESTIGATION IN THE AREA WHERE THE BUSINESS OF THE JUNK DEALER OR SCRAP METAL PROCESSOR IS LOCATED MAY REQUEST

INFORMATION FROM THE RECORDS REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION.

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

(II) THE WRITTEN HOLD NOTICE SHALL:

1. IDENTIFY THE ITEMS OF REGULATED SCRAP METAL ALLEGED TO BE STOLEN AND SUBJECT TO HOLD; AND

2. INFORM THE JUNK DEALER OR SCRAP METAL PROCESSOR OF THE HOLD IMPOSED ON THE ITEMS OF REGULATED SCRAP METAL.

(III) FOR 5 DAYS AFTER THE DATE OF RECEIVING A HOLD NOTICE, A JUNK DEALER OR SCRAP METAL PROCESSOR MAY NOT PROCESS OR REMOVE FROM THE JUNK DEALER'S OR SCRAP METAL PROCESSOR'S PLACE OF BUSINESS ANY ITEMS OF REGULATED SCRAP METAL IDENTIFIED IN THE HOLD NOTICE, UNLESS THE ITEM IS RELEASED EARLIER BY THE LAW ENFORCEMENT AGENCY OR BY COURT ORDER.

(E) LOCAL LAW ENFORCEMENT PERSONNEL OF THE COUNTY WHERE THE PLACE OF BUSINESS OF THE JUNK DEALER OR SCRAP METAL PROCESSOR IS LOCATED OR WHERE THE JUNK OR SCRAP METAL WAS PURCHASED MAY ENFORCE THIS SECTION.

(F) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) A FINE NOT EXCEEDING \$500 FOR A FIRST OFFENSE; AND

(2) A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH FOR A SUBSEQUENT OFFENSE.”.

AMENDMENT NO. 3

On page 11, strike beginning with “SECTION” in line 24 down through “enacted” in line 32 and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009”.