

**HB0023/827378/1**

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 23  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL".

On pages 1 and 2, strike in their entirety the lines beginning with line 3 on page 1 through line 2 on page 2, inclusive, and substitute:

"FOR the purpose of altering the requirements for records that certain junk dealers and scrap metal processors must keep for each purchase of certain junk or scrap metal in the State; providing that certain provisions of law do not apply to certain transactions; providing for the applicability of the record-keeping requirements; providing for the form and contents 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; providing that certain provisions may not be construed to require junk dealers and scrap metal processors to incur certain additional expenses for complying with certain record submission requirements; authorizing certain law enforcement units to issue certain waivers under certain circumstances; prohibiting junk dealers and scrap metal processors from purchasing a catalytic converter except under certain circumstances; prohibiting junk dealers and scrap metal processors from purchasing cemetery urns, grave markers, and certain other items except under certain circumstances; 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; exempting certain items acquired from certain entities from certain record and reporting requirements; authorizing certain law enforcement personnel to enforce this Act; establishing certain penalties; altering a certain definition; providing that this Act may not be construed to preempt a certain entity from enacting and enforcing certain

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measures; making this Act an emergency measure; and generally relating to junk dealers and scrap metal processors.”.

On page 2, in line 10, after “17-1001(a)” insert “and (f)”; and after line 12, insert:

“BY adding to

Article – Business Regulation

Section 17-1001(g)

Annotated Code of Maryland

(2004 Replacement Volume and 2008 Supplement)”.

AMENDMENT NO. 2

On page 4, strike beginning with “**HARD**” in line 5 down through “**AND**” in line 16; in line 17, strike the brackets; in the same line, strike “**(13)**”; in line 18, strike “**OWNED BY A PUBLIC UTILITY**”; and after line 18, insert:

**“(2) THE FOLLOWING USED ARTICLES, MADE OF EITHER FERROUS OR NONFERROUS METAL:**

**(I) CATALYTIC CONVERTERS;**

**(II) METAL BLEACHERS;**

**(III) HARD-DRAWN COPPER;**

**(IV) METAL BEER KEGS;**

**(V) CEMETERY URNS;**

**(VI) GRAVE MARKERS; AND**

**(VII) ANY OTHER USED ARTICLES OWNED BY A PUBLIC UTILITY INCLUDING:**

- 1. GUARDRAILS;**
- 2. MANHOLE COVERS;**
- 3. METAL LIGHT POLES;**
- 4. TREE GRATES;**
- 5. WATER METERS; AND**
- 6. STREET SIGNS.**

**(3) “JUNK” OR “SCRAP METAL” DOES NOT INCLUDE BEVERAGE CANS OR FOOD CANS.**

**(f) “Junk dealer” or “scrap metal processor” means a person who does business buying or selling junk or scrap metal.**

**(g) “PRIMARY LAW ENFORCEMENT UNIT” MEANS THE DEPARTMENT OF STATE POLICE, A POLICE DEPARTMENT, OR SHERIFF, AS DESIGNATED BY RESOLUTION OF THE COUNTY OR MUNICIPAL GOVERNING BODY IN THE COUNTY IN WHICH THE LICENSE OF THE JUNK DEALER OR SCRAP METAL PROCESSOR IS HELD.”.**

On page 5, in line 24, after “STATE” insert “, **INCLUDING NONRESIDENT JUNK DEALERS, NONRESIDENT SCRAP METAL PROCESSORS, AND JUNK DEALERS AND**

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SCRAP METAL PROCESSORS WHO ARE RESIDENTS OF THE COUNTIES LISTED IN § 17-1002(A) OF THIS SUBTITLE"; and in line 30, after "ARTICLE" insert "IF THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP METAL PROCESSOR:

(I) CONDUCTS BUSINESS AS A LICENSED JUNK DEALER OR SCRAP METAL PROCESSOR; OR

(II) ACQUIRES VEHICLE PARTS THAT QUALIFY AS JUNK OR SCRAP METAL AS DEFINED UNDER § 17-1001(E) OF THIS SUBTITLE.

(3) THIS SECTION DOES NOT APPLY TO AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR THAT ONLY ACQUIRES WHOLE VEHICLES FOR THE PURPOSE OF DISMANTLING, DESTROYING, OR SCRAPPING THEM FOR THE BENEFIT OF THEIR PARTS OR THE MATERIALS IN THEM".

On page 6, in line 3, strike "THAT INCLUDES:" and substitute ".

(2) THE RECORD SHALL STATE:";

strike beginning with "ACCORDING" in line 6 down through "WEIGHT;" in line 7 and substitute "PURCHASED, INCLUDING:

1. THE TYPE AND GRADE OF THE JUNK OR SCRAP METAL; AND

2. IF PAYMENT IS BASED ON WEIGHT, THE WEIGHT OF EACH TYPE AND GRADE OF JUNK OR SCRAP METAL;";

and in line 28, after “INDIVIDUAL” insert “, INCLUDING THE SEX, RACE, ANY DISTINGUISHING FEATURES, AND APPROXIMATE AGE, HEIGHT, AND WEIGHT OF THE INDIVIDUAL”.

On page 7, strike in their entirety lines 1 through 5, inclusive; in line 8, strike “A” and substitute “SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE”; strike beginning with “IN” in line 10 down through “PARAGRAPH.” in line 11 and substitute “BY THE END OF EACH BUSINESS DAY, IN A FORMAT THAT CAN BE SUCCESSFULLY RECEIVED BY THE RECEIVING PRIMARY LAW ENFORCEMENT UNIT.”

(II) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE CONSTRUED TO REQUIRE A JUNK DEALER OR SCRAP METAL PROCESSOR TO INCUR ANY ADDITIONAL EXPENSE TO COMPLY WITH THE REQUIREMENTS OF THIS PARAGRAPH.”;

and strike beginning with “(II)” in line 12 down through “(IV)” in line 23 and substitute “(5)”.

On page 8, in lines 1 and 4, strike “(V)” and “(5)”, respectively, and substitute “(6)” and “(7)”, respectively; in line 1, strike “A” and substitute “THE PRIMARY”; in line 2, strike “THIS SECTION” and substitute “PARAGRAPH (4) OF THIS SUBSECTION”; in line 3, after the first “THE” insert “PRIMARY”; in line 6, strike “TRANSMISSION” and substitute “SUBMISSION”; in line 7, strike “(4)(II)” and substitute “(4)”; in line 11, after the first “TO” insert “:

1. EXTEND THE REPORTING DEADLINE UNDER PARAGRAPH (5) OF THIS SUBSECTION FOR AN EXTRA DAY;

2.”;

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in line 11, after “RECORDS” insert a semicolon; in the same line, strike “TO TRANSMIT” and substitute:

**“3. SUBMIT”;**

in line 19, strike “NORMAL”; in the same line, strike “.”; strike beginning with the first “THE” in line 20 down through “LOCATED” in line 22 and substitute “AN INVESTIGATION OF A SPECIFIC CRIME INVOLVING THE MATERIALS LISTED UNDER § 17-1001(E) OF THIS SUBTITLE”; in line 23, after “(D)” insert “(1) 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.”;

strike in their entirety lines 26 through 30, inclusive, and substitute:

**“(2) A STATE JUNK LICENSEE MAY NOT PURCHASE A CATALYTIC CONVERTER FROM AN INDIVIDUAL UNLESS THE INDIVIDUAL, AT THE TIME OF PURCHASE, PROVIDES IDENTIFICATION AS:**

**(I) A LICENSED AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR; OR**

**(II) AN AGENT OR EMPLOYEE OF A LICENSED COMMERCIAL ENTERPRISE.**

**(3) A STATE JUNK LICENSEE MAY NOT PURCHASE A CEMETERY URN, GRAVE MARKER, OR ANY OTHER ITEM LISTED UNDER § 17-1001(E)(2) OF THIS SUBTITLE FROM AN INDIVIDUAL UNLESS THE INDIVIDUAL, AT THE TIME OF PURCHASE, PROVIDES APPROPRIATE AUTHORIZATION FROM A RELEVANT**

BUSINESS OR UNIT OF FEDERAL, STATE, OR LOCAL GOVERNMENT SPECIFICALLY AUTHORIZING THE INDIVIDUAL TO CONDUCT THE TRANSACTION.

(E) STATE OR LOCAL LAW ENFORCEMENT PERSONNEL MAY REQUEST INFORMATION FROM THE RECORDS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION PURSUANT TO AN INVESTIGATION OF A SPECIFIC CRIME INVOLVING THE MATERIALS LISTED UNDER § 17-1001(E) OF THIS SUBTITLE.

(F) (1) THE RECORD AND REPORTING REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION DO NOT APPLY TO AN ITEM THAT IS ACQUIRED FROM:

(I) A LICENSED JUNK DEALER OR SCRAP METAL PROCESSOR;

(II) A UNIT OF FEDERAL, STATE, OR LOCAL GOVERNMENT;  
OR

(III) A COMMERCIAL ENTERPRISE WITH WHOM THE JUNK DEALER OR SCRAP METAL PROCESSOR HAS ESTABLISHED A DOCUMENTED ACCOUNT OR BUSINESS RELATIONSHIP.”;

in line 32, strike “PROVIDES” and substitute “HAS”; in the same line, strike “ITEMS OF” and substitute “JUNK OR”; in the same line, after “METAL” insert “THAT IS”; in the same line, after “IN” insert “THE”; in line 33, strike “ARE” and substitute “IS”; and in line 34, strike “THEN”.

On page 9, in lines 1, 4, and 9, in each instance, strike “REGULATED” and substitute “JUNK OR”; in line 2, strike the second “AND”; in line 5, after “METAL” insert “; AND”

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**3. SPECIFY THE TIME PERIOD FOR THE HOLD, NOT TO EXCEED 15 DAYS**;

strike beginning with “**FOR**” in line 6 down through “**NOTICE**” in line 7 and substitute “**ON RECEIPT OF A WRITTEN HOLD NOTICE FROM A LAW ENFORCEMENT AGENCY**”; in line 9, after “**BUSINESS**” insert “**BEFORE THE END OF THE HOLD PERIOD**”; in line 10, strike “**EARLIER**”; in lines 12 and 16, strike “**(E)**” and “**(F)**”, respectively, and substitute “**(G)**” and “**(H)**”, respectively; in line 21, strike “this Act”; and in line 25, strike “shall take effect July 1, 2009.” and substitute “nothing in this Act shall be construed to preempt a county or municipal government from enacting and enforcing more stringent measures to curb the theft and resale of junk and scrap metal.”

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted”.