C2 SB 521/08 – FIN EMERGENCY BILL (PRE-FILED) 9lr0855 CF 9lr1184

By: **Senators DeGrange and Astle** Requested: October 24, 2008

Introduced and read first time: January 14, 2009 Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 Junk Dealers and Scrap Metal Processors – Required Records

- 3 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 4 5 metal in the State; providing that certain provisions of law do not apply to certain transactions; providing for the applicability of the record-keeping 6 7 requirements; providing for the form and contents of the records; requiring that 8 certain records be kept electronically; providing for the submission of certain 9 records to certain law enforcement units under certain circumstances; 10 authorizing certain law enforcement units to issue certain waivers under certain circumstances; prohibiting junk dealers and scrap metal processors from 11 purchasing a catalytic converter except under certain circumstances; 12 13 authorizing State or local law enforcement personnel to request information from certain records under certain circumstances; authorizing a State or local 14 law enforcement agency to issue a certain hold notice under certain 15circumstances; establishing that certain items of junk or scrap metal are subject 16 to a certain holding period; exempting certain items acquired from certain 17entities from a certain holding requirement; authorizing certain law 18 enforcement personnel to enforce this Act; establishing certain penalties; 19 altering a certain definition; providing that this Act may not be construed to 20 21preempt a certain entity from enacting and enforcing certain measures; making this Act an emergency measure; and generally relating to junk dealers and 2223scrap metal processors.
- 24 BY repealing and reenacting, with amendments,
- 25 Article Business Regulation
- 26 Section 12–102(a), 17–1001(e), 17–1010, and 17–1011
- 27 Annotated Code of Maryland
- 28 (2004 Replacement Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



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$ \begin{array}{c} 1 \\ 2 \\ 3 \\ 4 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 10 \\ \end{array} $	Artic Section (2004) BY adding to Artic Section Anno	g and reenacting, without amendments, le – Business Regulation on 17–1001(a) and (f) tated Code of Maryland Replacement Volume and 2008 Supplement) o le – Business Regulation on 17–1001(g) tated Code of Maryland Replacement Volume and 2008 Supplement)
$\frac{11}{12}$		TION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF D, That the Laws of Maryland read as follows:
13		Article – Business Regulation
14	12–102.	
15	(a)	This title does not apply to a transaction that involves:
16 17 18 19		(1) merchandise acquired from an established manufacturer or dealer a license under this title, other than a pawnbroker, if the dealer who e merchandise keeps an invoice or other customary proof of origin for the e;
$\begin{array}{c} 20\\ 21 \end{array}$	practice der	(2) a metal acquired for use in dentistry by a dentist licensed to tistry under Title 4 of the Health Occupations Article; [or]
22		(3) coins or numismatic items; OR
23 24 25	TO THE RE OF THIS AF	(4) THE PURCHASE OF JUNK OR SCRAP METAL THAT IS SUBJECT CORD-KEEPING AND REPORTING REQUIREMENTS UNDER § 17–1011 TICLE.
26	17–1001.	
27	(a)	In this subtitle the following words have the meanings indicated.
28	(e)	"Junk" or "scrap metal" includes:
29		(1) articles made wholly or [partly] SUBSTANTIALLY of:
30		(i) aluminum;
31		(ii) babbitt metal;

2 (iv) bronze; 3 (v) light copper; 4 (vi) heavy copper; 5 (vii) lead; 6 (viii) low carbon chrome; 7 (ix) low carbon manganese; 8 (x) molybdenum; 9 (xi) monel metal; 10 (xii) pewter; 11 (xiii) nickel; 12 (XIV) STAINLESS STEEL; 13 [(xiv)] (XVI) vanadium; [or] 14 [(xiv)] (XVI) vanadium; [or] 15 [(xix)] OLD; 16 (XIX) GOLD; 17 (XIX) NONFERROUS METALS; AND 20 [(2) 21 (3) 22 (4) 23 (5) 24 (6)	1		(iii) brass;
4 (vi) heavy copper; 5 (vii) lead; 6 (viii) low carbon chrome; 7 (ix) low carbon manganese; 8 (x) molybdenum; 9 (xi) monel metal; 10 (xii) pewter; 11 (xiii) nickel; 12 (XIV) STAINLESS STEEL; 13 [(xiv)] (XV) tin; 14 [(xv)] (XVI) vanadium; [or] 15 [(xiv)] (XVI) vanadium; [or] 16 (XVIII) zinc; 17 (XIX) GOLD; 18 (XX) RHODIUM; OR 19 (XXI) NONFERROUS METALS; AND 20 [(2) stoves; 21 (3) plumbing fixtures and supplies; 22 (4) electrical fixtures and wiring; 23 (5) gas fixtures and appliances;	2		(iv) bronze;
5(vii) lead;6(viii) low carbon chrome;7(ix) low carbon manganese;8(x) molybdenum;9(xi) monel metal;10(xii) pewter;11(xiii) nickel;12(XIV) STAINLESS STEEL;13[(xiv)] (XV) tin;14[(xv)] (XVI) vanadium; [or]15[(xvi)] (VXII) zinc;16(XVIII) PLATINUM;17(XIX) GOLD;18(XX) RHODIUM; OR20[(2) stoves;21(3) plumbing fixtures and supplies;22(4) electrical fixtures and wiring;23(5) gas fixtures and appliances;	3		(v) light copper;
6 (viii) low carbon chrome; 7 (ix) low carbon manganese; 8 (x) molybdenum; 9 (xi) monel metal; 10 (xii) pewter; 11 (xiii) nickel; 12 (XIV) STAINLESS STEEL; 13 [(xiv)] (XV) tin; 14 [(xv)] (XVI) vanadium; [or] 15 [(xvi)] (VXII) zinc; 16 (XIX) GOLD; 18 (XX) RHODIUM; OR 19 (XXI) NONFERROUS METALS; AND 20 [(2) stoves; 21 (3) plumbing fixtures and supplies; 22 (4) electrical fixtures and wiring; 23 (5) gas fixtures and appliances;	4		(vi) heavy copper;
7 (ix) low carbon manganese; 8 (x) molybdenum; 9 (xi) monel metal; 10 (xii) pewter; 11 (xiii) nickel; 12 (XIV) STAINLESS STEEL; 13 [(xiv)] (XV) tin; 14 [(xiv)] (XVI) vanadium; [or] 15 [(xvi)] (VXII) zinc; 16 (XIX) GOLD; 18 (XX) RHODIUM; OR 19 (XXI) NONFERROUS METALS; AND 20 [(2) stoves; 21 (3) plumbing fixtures and supplies; 22 (4) electrical fixtures and wiring; 23 (5) gas fixtures and appliances;	5		(vii) lead;
8 (x) molybdenum; 9 (xi) monel metal; 10 (xii) pewter; 11 (xiii) nickel; 12 (XIV) STAINLESS STEEL; 13 [(xiv)] (XV) tin; 14 [(xv)] (XVI) vanadium; [or] 15 [(xvi)] (VXII) zinc; 16 (XIX) GOLD; 18 (XX) RHODIUM; OR 19 (XXI) NONFERROUS METALS; AND 20 [(2) stoves; 21 (3) plumbing fixtures and supplies; 22 (4) electrical fixtures and wiring; 23 (5) gas fixtures and appliances;	6		(viii) low carbon chrome;
9 (xi) monel metal; 10 (xii) pewter; 11 (xiii) nickel; 12 (XIV) STAINLESS STEEL; 13 [(xiv)] (XV) tin; 14 [(xiv)] (XVI) vanadium; [or] 15 [(xvi)] (VXII) zinc; 16 (XIX) GOLD; 18 (XX) RHODIUM; OR 19 (XXI) NONFERROUS METALS; AND 20 [(2) stoves; 21 (3) plumbing fixtures and supplies; 22 (4) electrical fixtures and wiring; 23 (5) gas fixtures and appliances;	7		(ix) low carbon manganese;
10 (xii) pewter; 11 (xiii) nickel; 12 (XIV) STAINLESS STEEL; 13 [(xiv)] (XV) tin; 14 [(xv)] (XVI) vanadium; [or] 15 [(xvi)] (VXII) zinc; 16 (XIX) GOLD; 17 (XIX) RHODIUM; OR 18 (XXI) NONFERROUS METALS; AND 20 [(2) stoves; 21 (3) plumbing fixtures and supplies; 22 (4) electrical fixtures and wiring; 23 (5) gas fixtures and appliances;	8		(x) molybdenum;
11(xiii) nickel;12(XIV) STAINLESS STEEL;13[(xiv)] (XV) tin;14[(xv)] (XVI) vanadium; [or]15[(xvi)] (VXII) zinc;16(XVIII) PLATINUM;17(XIX) GOLD;18(XX) RHODIUM; OR19(XXI) NONFERROUS METALS; AND20[(2) stoves;21(3) plumbing fixtures and supplies;22(4) electrical fixtures and wiring;23(5) gas fixtures and appliances;	9		(xi) monel metal;
12 (XIV) STAINLESS STEEL; 13 [(xiv)] (XV) tin; 14 [(xv)] (XVI) vanadium; [or] 15 [(xvi)] (VXII) zinc; 16 (XIX) PLATINUM; 17 (XIX) GOLD; 18 (XX) RHODIUM; OR 19 (XXI) NONFERROUS METALS; AND 20 [(2) stoves; 21 (3) plumbing fixtures and supplies; 22 (4) electrical fixtures and wiring; 23 (5) gas fixtures and appliances;	10		(xii) pewter;
13[(xiv)] (XV) tin;14[(xv)] (XVI) vanadium; [or]15[(xvi)] (VXII) zinc;16(XVIII) PLATINUM;17(XIX) GOLD;18(XX) RHODIUM; OR19(XXI) NONFERROUS METALS; AND20[(2) stoves;21(3) plumbing fixtures and supplies;22(4) electrical fixtures and wiring;23(5) gas fixtures and appliances;	11		(xiii) nickel;
14[(xv)] (XVI) vanadium; [or]15[(xvi)] (VXII) zinc;16(XVIII) PLATINUM;17(XIX) GOLD;18(XX) RHODIUM; OR19(XXI) NONFERROUS METALS; AND20[(2) stoves;21(3) plumbing fixtures and supplies;22(4) electrical fixtures and wiring;23(5) gas fixtures and appliances;	12		(XIV) STAINLESS STEEL;
15[(xvi)] (UXII) zinc;16(XVIII) PLATINUM;17(XIX) GOLD;18(XX) RHODIUM; OR19(XXI) NONFERROUS METALS; AND20[(2) stoves;21(3) plumbing fixtures and supplies;22(4) electrical fixtures and wiring;23(5) gas fixtures and appliances;	13		[(xiv)] (XV) tin;
16(XVIII) PLATINUM;17(XIX) GOLD;18(XX) RHODIUM; OR19(XX) NONFERROUS METALS; AND20[(2) stoves;21(3) plumbing fixtures and supplies;22(4) electrical fixtures and wiring;23(5) gas fixtures and appliances;	14		[(xv)] (XVI) vanadium; [or]
17(XIX) GOLD;18(XX) RHODIUM; OR19(XX) NONFERROUS METALS; AND20[(2)21(3)22(4)23(5)gas fixtures and appliances;	15		[(xvi)] (VXII) zinc;
18(XX) RHODIUM; OR19(XXI) NONFERROUS METALS; AND20[(2)21(3)22(4)23(5)gas fixtures and appliances;	16		(XVIII) PLATINUM;
19(XXI) NONFERROUS METALS; AND20[(2)21(3)22(4)23(5)gas fixtures and appliances;	17		(XIX) GOLD;
20[(2)stoves;21(3)plumbing fixtures and supplies;22(4)electrical fixtures and wiring;23(5)gas fixtures and appliances;	18		(XX) RHODIUM; OR
 21 (3) plumbing fixtures and supplies; 22 (4) electrical fixtures and wiring; 23 (5) gas fixtures and appliances; 	19		(XXI) NONFERROUS METALS; AND
 22 (4) electrical fixtures and wiring; 23 (5) gas fixtures and appliances; 	20	[(2)	stoves;
23 (5) gas fixtures and appliances;	21	(3)	plumbing fixtures and supplies;
	22	(4)	electrical fixtures and wiring;
24 (6) pipes;	23	(5)	gas fixtures and appliances;
	24	(6)	pipes;

1	(7)	locks;
2	(8)	used railroad equipment;
3	(9)	used farm machinery; and
4	(10)	any other similar used material.]
5 6	(2) OR NONFERROUS	THE FOLLOWING USED ARTICLES, MADE OF EITHER FERROUS METAL:
7		(I) CATALYTIC CONVERTERS;
8		(II) METAL BLEACHERS;
9		(III) HARD-DRAWN COPPER;
10		(IV) METAL BEER KEGS;
11		(V) CEMETERY URNS;
12		(VI) GRAVE MARKERS; AND
13 14	WITH OR OWNED	(VII) ANY OTHER USED ARTICLES COMMONLY ASSOCIATED BY A PUBLIC UTILITY INCLUDING:
15		1. GUARDRAILS;
16		2. MANHOLE COVERS;
17		3. METAL LIGHT POLES;
18		4. TREE GRATES;
19		5. WATER METERS; AND
20		6. STREET SIGNS.
$\begin{array}{c} 21 \\ 22 \end{array}$	(3) CANS OR FOOD C.	"JUNK" OR "SCRAP METAL" DOES NOT INCLUDE BEVERAGE ANS.

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

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$egin{array}{c} 1 \\ 2 \\ 3 \\ 4 \\ 5 \end{array}$	STATE POLICE, RESOLUTION OF	A PO THE O	LAW ENFORCEMENT UNIT" MEANS THE DEPARTMENT OF DLICE DEPARTMENT, OR SHERIFF, AS DESIGNATED BY COUNTY OR MUNICIPAL GOVERNING BODY IN THE COUNTY DE OF THE JUNK DEALER OR SCRAP METAL PROCESSOR IS
6	17–1010.		
7 8			ent junk dealer or nonresident scrap metal processor may not iness in the State.
9 10 11 12 13	[(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.		
14	(2)	The	description shall include:
15		(i)	the date of purchase;
16 17	number, if any, of	(ii) the bu	the name and junk dealer or scrap metal processor license ayer;
18 19	number, if any, of	(iii) Tthe se	the name and junk dealer or scrap metal processor license ller;
20		(iv)	the license tag number of the vehicle used; and
21		(v)	the name of any consignee.]
22	17–1011.		
23 24			dealer or scrap metal processor who is a resident of the State ord in English that:
25	(1)	for ea	ach purchase of junk or scrap metal:
26		(i)	is made at the time of the purchase; and
27		(ii)	includes:
28			1. a description of the junk or scrap metal purchased;
29			2. the name and address of the seller;
30			3. the license tag number of any vehicle used; and

1	4. the date and time of the purchase; and
$\frac{2}{3}$	(2) for each sale of junk or scrap metal, shows the name and address of the buyer.
4 5 6	(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.]
7 8 9 10 11	(A) (1) This section applies to all junk dealers and scrap metal processors doing business in the State, including nonresident junk dealers, nonresident scrap metal processors, and junk dealers and scrap metal processors who are residents of the counties listed in § 17–1002(A) of this subtitle.
$12 \\ 13 \\ 14 \\ 15$	(2) THIS SECTION APPLIES TO AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR LICENSED UNDER TITLE 15, SUBTITLE 5 OF THE TRANSPORTATION ARTICLE IF THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR:
16 17	(I) CONDUCTS BUSINESS AS A LICENSED JUNK DEALER OR SCRAP METAL PROCESSOR; OR
18 19	(II) ACQUIRES VEHICLE PARTS THAT QUALIFY AS JUNK OR SCRAP METAL AS DEFINED UNDER 17–1001(E) OF THIS SUBTITLE.
20 21 22 23 24	(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.
25 26 27	(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.
28	(2) THE RECORD SHALL STATE:
29	(I) THE DATE AND TIME OF PURCHASE;
$\begin{array}{c} 30\\ 31 \end{array}$	(II) A DESCRIPTION OF THE JUNK OR SCRAP METAL PURCHASED, INCLUDING:

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1 1. THE PREVIOUS USE OF THE JUNK OR SCRAP 2 METAL, SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION; 3 2. THE TYPE AND GRADE OF THE JUNK OR SCRAP 4 METAL; AND $\mathbf{5}$ 3. IF PAYMENT IS BASED ON WEIGHT, THE WEIGHT 6 OF EACH TYPE AND GRADE OF JUNK OR SCRAP METAL; $\mathbf{7}$ (III) THE AMOUNT PAID OR OTHER CONSIDERATION FOR THE 8 JUNK OR SCRAP METAL; 9 (IV) THE LICENSE TAG NUMBER, MAKE, AND MODEL OF ANY 10 **VEHICLE USED;** 11 THE NAME AND ADDRESS OF THE INDIVIDUAL FROM **(V)** 12WHOM THE JUNK OR SCRAP METAL IS ACQUIRED; 13 (VI) THE SIGNATURE OF: 14 1. THE INDIVIDUAL FROM WHOM THE JUNK OR 15SCRAP METAL IS ACQUIRED; AND 16 2. THE JUNK DEALER, SCRAP METAL PROCESSOR, 17 OR EMPLOYEE WHO ACCEPTED THE JUNK OR SCRAP METAL; AND 18 (VII) FOR EACH INDIVIDUAL FROM WHOM THE JUNK DEALER 19 OR SCRAP METAL PROCESSOR ACQUIRES JUNK OR SCRAP METAL: 201. THE DATE OF BIRTH AND DRIVER'S LICENSE 21NUMBER OF THE INDIVIDUAL; OR 222. **IDENTIFICATION INFORMATION ABOUT** THE 23**INDIVIDUAL THAT:** 24POSITIVELY IDENTIFIES THE INDIVIDUAL FROM **A**. 25AT LEAST TWO FORMS OF IDENTIFICATION; AND 26 **B**. PROVIDES A PHYSICAL DESCRIPTION OF THE $\mathbf{27}$ INDIVIDUAL, INCLUDING THE SEX, RACE, ANY DISTINGUISHING FEATURES, AND APPROXIMATE AGE, HEIGHT, AND WEIGHT OF THE INDIVIDUAL. 2829 IF THE PREVIOUS USE OF THE JUNK OR SCRAP METAL AS (3) 30 REQUIRED BY PARAGRAPH (2)(II)1 OF THIS SUBSECTION IS UNKNOWN, THE

JUNK DEALER OR SCRAP METAL PROCESSOR SHALL MAKE A GOOD FAITH
 EFFORT TO DESCRIBE THE APPARENT OR PREVIOUS USE IF THE JUNK OR SCRAP
 METAL IS IDENTIFIABLE.

4 (4) THE RECORDS REQUIRED UNDER THIS SUBSECTION SHALL BE 5 KEPT IN ELECTRONIC FORM.

6 (5) THE JUNK DEALER OR SCRAP METAL PROCESSOR SHALL 7 SUBMIT A COPY OF EACH RECORD REQUIRED UNDER THIS SUBSECTION 8 ELECTRONICALLY TO THE PRIMARY LAW ENFORCEMENT UNIT BY THE END OF 9 EACH BUSINESS DAY, IN A FORMAT THAT IS ACCEPTABLE TO THE RECEIVING 10 PRIMARY LAW ENFORCEMENT UNIT.

11(6) A COPY OF A RECORD SUBMITTED UNDER PARAGRAPH (5) OF12THIS SUBSECTION:

- 13
- (I) SHALL BE KEPT CONFIDENTIAL;
- 14 (II) IS NOT A PUBLIC RECORD; AND

15(III) IS NOT SUBJECT TO TITLE 10, SUBTITLE 6 OF THE16STATE GOVERNMENT ARTICLE.

17 (7) THE PRIMARY LAW ENFORCEMENT UNIT MAY DESTROY THE
 18 COPY OF A RECORD SUBMITTED UNDER PARAGRAPH (5) OF THIS SUBSECTION
 19 AFTER 1 YEAR FROM THE DATE THAT THE PRIMARY LAW ENFORCEMENT UNIT
 20 RECEIVES THE COPY.

(8) (I) THE PRIMARY LAW ENFORCEMENT UNIT MAY WAIVE
THE HOLDING OF ELECTRONIC RECORDS UNDER PARAGRAPH (4) OF THIS
SUBSECTION OR THE SUBMISSION OF ELECTRONIC RECORDS UNDER
PARAGRAPH (5) 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 SUBMIT
 RECORDS BY FACSIMILE OR BY MAIL.

30(C)(1)THIS SUBSECTION APPLIES TO JUNK DEALERS AND SCRAP31METAL PROCESSORS WHO ARE RESIDENTS OF THE STATE.

1(2)EACH JUNK DEALER OR SCRAP METAL PROCESSOR SHALL2KEEP THE RECORDS REQUIRED BY SUBSECTION (B) OF THIS SECTION FOR 13YEAR AFTER THE DATE OF THE TRANSACTION.

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

8 [(c)](D) (1) A State junk licensee may not barter, buy, exchange, or 9 accept from a person any junk or scrap metal unless the State junk licensee keeps 10 records and makes entries in them in accordance with Part II of this subtitle.

(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:

14(I)A LICENSED AUTOMOTIVE DISMANTLER AND RECYCLER15OR SCRAP PROCESSOR; OR

16(II) AN AGENT OR EMPLOYEE OF A LICENSED COMMERCIAL17ENTERPRISE.

(E) STATE OR LOCAL LAW ENFORCEMENT PERSONNEL MAY REQUEST
 INFORMATION FROM THE RECORDS REQUIRED UNDER SUBSECTION (B) OF THIS
 SECTION PURSUANT TO AN INVESTIGATION IN THE AREA WHERE THE BUSINESS
 OF THE JUNK DEALER OR SCRAP METAL PROCESSOR IS LOCATED.

22(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A **(F)** 23JUNK DEALER OR SCRAP METAL PROCESSOR WHO ACQUIRES JUNK OR SCRAP 24METAL AS DEFINED IN § 17-1001(E)(2) OF THIS SUBTITLE SHALL KEEP THE 25JUNK OR SCRAP METAL AT THE JUNK DEALER'S OR SCRAP METAL PROCESSOR'S 26PLACE OF BUSINESS FROM THE TIME OF ACQUISITION UNTIL AT LEAST 5 DAYS $\mathbf{27}$ AFTER SUBMITTING A COPY OF THE RECORD OF ITS ACQUISITION UNDER 28SUBSECTION (B) OF THIS SECTION.

(2) (1) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,
 THE HOLD REQUIREMENT OF PARAGRAPH (1) OF THIS SUBSECTION DOES NOT
 APPLY TO AN ITEM THAT IS ACQUIRED FROM:

32
 33 PROCESSOR;
 1. A LICENSED JUNK DEALER OR SCRAP METAL

	10 SENATE BILL 32
$rac{1}{2}$	2. A UNIT OF FEDERAL, STATE, OR LOCAL GOVERNMENT; OR
$3 \\ 4 \\ 5$	3. A COMMERCIAL ENTERPRISE WITH WHOM THE JUNK DEALER OR SCRAP METAL PROCESSOR HAS ESTABLISHED A DOCUMENTED ACCOUNT OR BUSINESS RELATIONSHIP.
6 7 8	(II) A JUNK DEALER OR SCRAP METAL PROCESSOR SHALL KEEP A RECORD OF ITEMS THAT ARE EXEMPT FROM THE HOLD REQUIREMENT IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH.
9 10 11 12	(3) (1) IF A STATE OR LOCAL LAW ENFORCEMENT AGENCY HAS REASONABLE CAUSE TO BELIEVE THAT JUNK OR SCRAP METAL THAT IS IN THE POSSESSION OF A JUNK DEALER OR SCRAP METAL PROCESSOR IS STOLEN, THE LAW ENFORCEMENT AGENCY MAY ISSUE A WRITTEN HOLD NOTICE.
13	(II) THE WRITTEN HOLD NOTICE SHALL:
$\begin{array}{c} 14 \\ 15 \end{array}$	1. IDENTIFY THE ITEMS OF JUNK OR SCRAP METAL ALLEGED TO BE STOLEN AND SUBJECT TO HOLD;
16 17 18	2. INFORM THE JUNK DEALER OR SCRAP METAL PROCESSOR OF THE HOLD IMPOSED ON THE ITEMS OF JUNK OR SCRAP METAL; AND
19 20	3. SPECIFY THE TIME PERIOD FOR THE HOLD, NOT TO EXCEED 30 DAYS.
21 22 23 24 25 26	(III) ON RECEIPT OF A WRITTEN HOLD NOTICE FROM A LAW ENFORCEMENT AGENCY, 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 JUNK OR SCRAP METAL IDENTIFIED IN THE HOLD NOTICE, UNLESS THE ITEM IS RELEASED BY THE LAW ENFORCEMENT AGENCY OR BY COURT ORDER.
27 28 29 30	(G) 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.
$\frac{31}{32}$	(H) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

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

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act shall 4 be construed to preempt a county or municipal government from enacting and 5 enforcing more stringent measures to curb the theft and resale of junk and scrap 6 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.