

SENATE BILL 922

C2

7lr2957

By: **Senator Benson**

Introduced and read first time: February 3, 2017

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – State Junk Licenses and Trader’s Licenses – Applicants**

3 FOR the purpose of requiring applicants for a State junk license or a trader’s license to
4 disclose certain information and make certain attestations under certain
5 circumstances; prohibiting a clerk of a circuit court from issuing a State junk license
6 or a trader’s license to an applicant if the applicant or a certain interested party has
7 been convicted of a certain offense within a certain period of time or has had a certain
8 judgment entered against the applicant or interested party; defining a certain term;
9 and generally relating to State junk licenses and trader’s licenses.

10 BY repealing and reenacting, without amendments,
11 Article – Business Regulation
12 Section 17–1005(e) and 17–1801(e)
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2016 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Business Regulation
17 Section 17–1008
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2016 Supplement)

20 BY adding to
21 Article – Business Regulation
22 Section 17–1806.1
23 Annotated Code of Maryland
24 (2015 Replacement Volume and 2016 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Business Regulation

17–1005.

(e) “State junk license” includes:

- (1) a junk dealer or scrap metal processor license; and
- (2) an agent license.

17–1008.

(A) IN THIS SECTION, “INTERESTED PARTY” MEANS, WITH RESPECT TO AN ENTITY THAT IS AN APPLICANT FOR A STATE JUNK LICENSE:

(1) AN OWNER OF AT LEAST A 25% INTEREST IN THE ENTITY; AND

(2) THE PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE ENTITY.

(B) AN APPLICANT FOR A STATE JUNK LICENSE SHALL:

(1) DISCLOSE TO THE CLERK THE IDENTITY OF ANY INTERESTED PARTY; AND

(2) ATTEST THAT NO CONVICTION OR CIVIL JUDGMENT DESCRIBED UNDER SUBSECTION (E) OF THIS SECTION HAS BEEN ENTERED AGAINST THE APPLICANT OR ANY INTERESTED PARTY.

[(a)] (C) [The] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE clerk shall:

(1) issue, in numerical order, a State junk license to each applicant who meets the requirements of Part II of this subtitle; and

(2) collect an issuing fee of 50 cents per State junk license.

[(b)] (D) The clerk shall keep a record of the name, business address, and license number of each State junk licensee.

(E) THE CLERK MAY NOT ISSUE A STATE JUNK LICENSE TO AN APPLICANT IF THE APPLICANT OR AN INTERESTED PARTY:

(1) HAS BEEN CONVICTED OF A FELONY THEFT OR FRAUD OFFENSE WITHIN 5 YEARS OF THE APPLICATION, INCLUDING A VIOLATION OF:

1 (I) TITLE 7 OR TITLE 8 OF THE CRIMINAL LAW ARTICLE; OR

2 (II) 18 U.S.C. §§ 641–670, 1001–1040, AND 1341–1351; OR

3 (2) HAS HAD A CIVIL JUDGMENT IN EXCESS OF \$1,000,000 ENTERED
4 AGAINST THE APPLICANT OR AN INTERESTED PARTY FOR A CLAIM THAT REQUIRED
5 PROOF OF INTENT TO DEFRAUD.

6 17–1801.

7 (e) “Licensed trader” means a trader who is licensed by the clerk under this
8 subtitle.

9 17–1806.1.

10 (A) IN THIS SECTION, “INTERESTED PARTY” MEANS, WITH RESPECT TO AN
11 ENTITY THAT IS AN APPLICANT FOR A TRADER’S LICENSE:

12 (1) AN OWNER OF AT LEAST A 25% INTEREST IN THE ENTITY; AND

13 (2) THE PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE ENTITY.

14 (B) AN APPLICANT FOR A TRADER’S LICENSE SHALL:

15 (1) DISCLOSE TO THE CLERK THE IDENTITY OF ANY INTERESTED
16 PARTY; AND

17 (2) ATTEST THAT NO CONVICTION OR CIVIL JUDGMENT DESCRIBED
18 UNDER SUBSECTION (C) OF THIS SECTION HAS BEEN ENTERED AGAINST THE
19 APPLICANT OR ANY INTERESTED PARTY.

20 (C) THE CLERK MAY NOT ISSUE A TRADER’S LICENSE TO AN APPLICANT IF
21 THE APPLICANT OR AN INTERESTED PARTY:

22 (1) HAS BEEN CONVICTED OF A FELONY THEFT OR FRAUD OFFENSE
23 WITHIN 5 YEARS OF THE APPLICATION, INCLUDING A VIOLATION OF:

24 (I) TITLE 7 OR TITLE 8 OF THE CRIMINAL LAW ARTICLE; OR

25 (II) 18 U.S.C. §§ 641–670, 1001–1040, AND 1341–1351; OR

26 (2) HAS HAD A CIVIL JUDGMENT IN EXCESS OF \$1,000,000 ENTERED
27 AGAINST THE APPLICANT OR AN INTERESTED PARTY FOR A CLAIM THAT REQUIRED
28 PROOF OF INTENT TO DEFRAUD.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2017.