

# SENATE BILL 1026

R1, C2

9lr2908

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By: **Senator Feldman**

Introduced and read first time: March 1, 2019

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Junkyards and Scrap Metal Processing Facilities**

3 FOR the purpose of altering the definitions of “junkyard” and “scrap metal processing  
4 facility” as those definitions apply to the regulation of those facilities near certain  
5 highways in the State; authorizing only scrap metal processing facilities and  
6 junkyards to purchase scrap metal by weight across an on–site scale; providing that  
7 certain provisions of law governing scrap metal processing facilities and junkyards  
8 preempt and supersede any conflicting local law; increasing certain penalties  
9 applicable to junk dealers and scrap metal processors; and generally relating to  
10 junkyards and scrap metal processing facilities.

11 BY repealing and reenacting, with amendments,  
12 Article – Business Regulation  
13 Section 17–1011(i) and 17–1013  
14 Annotated Code of Maryland  
15 (2015 Replacement Volume and 2018 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Transportation  
18 Section 8–801  
19 Annotated Code of Maryland  
20 (2015 Replacement Volume and 2018 Supplement)

21 BY adding to  
22 Article – Transportation  
23 Section 8–809.1  
24 Annotated Code of Maryland  
25 (2015 Replacement Volume and 2018 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**Article – Business Regulation**

17–1011.

(i) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) a fine not exceeding [\$500] **\$1,000** for a first offense; and

(2) a fine not exceeding [\$5,000] **\$7,500** or imprisonment not exceeding 1 year or both for a subsequent offense.

17–1013.

Except as otherwise specifically provided in Part II of this subtitle, a person who violates Part II of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding [\$500] **\$5,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH** for each offense.

**Article – Transportation**

8–801.

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

(b) “Automobile graveyard” means an establishment or place of business that is maintained, operated, or used for storing wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(c) “Automotive dismantler and recycler facility” means an establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. All requirements in any statute, rule, or regulation applicable to automobile graveyards also apply to automobile dismantler and recycler facilities.

(d) “Junk” means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, iron, steel, and any other old or scrap material.

(e) “Junkyard” means an establishment or place of business that is maintained, operated, or used:

(1) For storing, keeping, buying, or selling junk;

(2) For an automobile graveyard; [or]

(3) As a garbage dump or sanitary fill; **OR**

1           **(4) FOR:**

2                   **(I) PURCHASING BY WEIGHT ACROSS AN ON-SITE SCALE**  
3 **UNPROCESSED METAL, PROCESSED METAL, WASTEPAPER, OR OTHER JUNK;**

4                   **(II) SORTING, BALING, SEPARATING, SHEARING, SHREDDING,**  
5 **OR TORCH PREPARATION OF METAL; OR**

6                   **(III) ANY OTHER FORM OF SCRAP METAL PROCESSING,**  
7 **INCLUDING AUTOMOBILE FLATTENING AND CRUSHING.**

8           (f)     “Main traveled way” has the meaning stated in § 8-701 of this title.

9           (g)     “Primary highway” means any State highway that is designated under this  
10 title as a primary highway and approved by the United States Secretary of Transportation  
11 under Title 23 of the United States Code.

12           (h)     “Scrap metal processing facility” means an establishment:

13                   (1)   **THAT:**

14                           **(I) PURCHASES BY WEIGHT ACROSS AN ON-SITE SCALE**  
15 **UNPROCESSED METAL, PROCESSED METAL, WASTEPAPER, OR OTHER JUNK;**

16                           **(II) ENGAGES IN SORTING, BALING, SEPARATING, SHEARING,**  
17 **SHREDDING, OR TORCH PREPARATION OF METAL; OR**

18                           **(III) ENGAGES IN ANY OTHER FORM OF SCRAP METAL**  
19 **PROCESSING, INCLUDING AUTOMOBILE FLATTENING AND CRUSHING;**

20                   **(2)**   That has facilities for processing iron, steel, or nonferrous scrap metal;  
21 and

22                   **[(2)] (3)**   The principal product of which is scrap iron, scrap steel, or  
23 nonferrous scrap for sale only for resmelting purposes.

24 **8-809.1.**

25           **(A) ONLY A SCRAP METAL PROCESSING FACILITY OR A JUNKYARD, AS**  
26 **DEFINED IN § 8-801 OF THIS SUBTITLE, MAY PURCHASE SCRAP METAL BY WEIGHT**  
27 **ACROSS AN ON-SITE SCALE.**

1           **(B) ANY LOCAL ORDINANCE OR PROVISION OF LAW THAT CONFLICTS WITH**  
2 **THIS SECTION IS PREEMPTED AND SUPERSEDED BY THIS SECTION.**

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2019.