

SB0521/867077/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 521

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “or sale”; in line 5, after “State;” insert “providing that certain provisions of law do not apply to certain transactions;”; in line 6, after “records;” insert “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;”; strike beginning with “requiring” in line 9 down through “purchased;” in line 12; in line 15, after “documentation;” insert “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;”; and in line 25, strike “17-1001(e)” and substitute “12-102(a), 17-1001(e)”.

AMENDMENT NO. 2

On page 2, after line 3, insert:

“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]

(Over)

(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.”.

AMENDMENT NO. 3

On page 3, in line 5, strike “stoves” and substitute “STREET SIGNS”; in line 6, strike “plumbing fixtures and supplies” and substitute “GUARD RAILS”; strike beginning with “(4)” in line 7 down through “machinery;” in line 12; in lines 13, 16, 18, 19, 20, 21, 22, and 23, strike “(10)”, “(11)”, “(12)”, “(13)”, “(14)”, “(15)”, “(16)”, and “(17)”, respectively, and substitute “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, and “(11)”, respectively; and in line 23, after “material” insert “COMMONLY ASSOCIATED WITH PUBLIC UTILITY MAINTENANCE”.

On page 5, in line 9, after “TO” insert “AN”; strike beginning with “DISMANTLERS” in line 10 down through “15-501” in line 11 and substitute “DISMANTLER AND RECYCLER OR SCRAP PROCESSOR LICENSED UNDER TITLE 15, SUBTITLE 5”; in lines 12 and 15, in each instance, strike “OR SALE”; in lines 13 and 14, strike “A WRITTEN” and substitute “AN ACCURATE”; in line 18, strike “OR RECEIVED”; after line 21, insert:

“(v) THE NAME AND ADDRESS OF THE INDIVIDUAL FROM WHOM THE JUNK OR SCRAP METAL IS ACQUIRED;”;

in lines 22 and 27, strike “(v)” and “(vi)”, respectively, and substitute “(vi)” and “(vii)”, respectively; in lines 23 and 27, in each instance, strike “OR TO”; in lines 24 and 26, in each instance, strike “OR SOLD”; in line 28, strike “OR SELLS”; and in line 30, strike “NAME, DATE OF BIRTH,” and substitute “DATE OF BIRTH”.

AMENDMENT NO. 4

On page 6, after line 12, insert:

“(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:

(Over)

- 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 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.”.

AMENDMENT NO. 5

On page 6, in lines 16 and 17, strike “**3 YEARS**” and substitute “**1 YEAR**”; strike in their entirety lines 22 through 29, inclusive; and in line 30, strike “**(E)**” and substitute “**(D)**”.

On page 7, strike in their entirety lines 1 through 10, inclusive; after line 10, insert:

“(E) (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 10 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.”;

in lines 11 and 15, strike “(G)” and “(H)”, respectively, and substitute “(F)” and “(G)”, respectively; and in line 13, strike “OR SOLD”.