

HOUSE BILL 727

C2

8lr1110

By: **Delegates Kullen, Bronrott, Cardin, Conaway, Doory, Morhaim, Olszewski, Schuler, Stein, F. Turner, and Walker**

Introduced and read first time: February 4, 2008

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 31, 2008

CHAPTER _____

1 AN ACT concerning

2 **Junk Dealers and Scrap Metal Processors - ~~Regulated Scrap Metal~~ Required**
3 **Records**

4 FOR the purpose of ~~requiring certain junk dealers and scrap metal processors to post a~~
5 ~~certain sign; prohibiting certain junk dealers and scrap metal processors from~~
6 ~~purchasing regulated scrap metal from certain persons under certain~~
7 ~~circumstances; requiring certain junk dealers and scrap metal processors to~~
8 ~~keep a log of purchases of regulated scrap metal for a certain period of time in a~~
9 ~~certain manner; providing for the contents of the log; authorizing a~~
10 ~~governmental entity or business to establish a certain account with a junk~~
11 ~~dealer or scrap metal processor to sell regulated scrap metal; prohibiting certain~~
12 ~~junk dealers or scrap metal processors from purchasing certain regulated scrap~~
13 ~~metal under certain circumstances; authorizing State or local law enforcement~~
14 ~~personnel to request information from the log under certain circumstances;~~
15 ~~authorizing a State or local law enforcement agency to issue a certain hold~~
16 ~~notice under certain circumstances; prohibiting certain junk dealers and scrap~~
17 ~~metal processors from failing to provide certain information or from willfully~~
18 ~~and knowingly making a false statement or providing untrue information;~~
19 ~~establishing a certain penalty; providing for the application of this Act; defining~~
20 ~~certain terms; altering the requirements for records that certain junk dealers~~
21 ~~and scrap metal processors must keep for each purchase of certain junk or scrap~~
22 ~~metal in the State; providing that certain provisions of law do not apply to~~
23 ~~certain transactions; providing for the applicability of the record keeping~~
24 ~~requirements; providing for the form and contents of the records; requiring that~~
25 ~~certain records be kept electronically; providing for the submission of certain~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 records to certain law enforcement units under certain circumstances;
 2 authorizing certain law enforcement units to issue certain waivers under
 3 certain circumstances; requiring junk dealers and scrap metal processors who
 4 are residents of the State to keep the required records for a certain period of
 5 time; providing that the records shall be open to inspection by certain law
 6 enforcement personnel; prohibiting junk dealers and scrap metal processors
 7 from purchasing junk or scrap metal unless the person seeking to sell the junk
 8 or scrap metal provides certain documentation; authorizing State or local law
 9 enforcement personnel to request information from certain records under
 10 certain circumstances; authorizing a State or local law enforcement agency to
 11 issue a certain hold notice under certain circumstances; authorizing certain law
 12 enforcement personnel to enforce this Act; establishing certain penalties;
 13 altering a certain definition; and generally relating to junk dealers and scrap
 14 metal processors.

15 ~~BY adding to~~
 16 ~~Article – Business Regulation~~
 17 ~~Section 17–1027 through 17–1034 to be under the new part “Part IV. Regulated~~
 18 ~~Scrap Metal”~~
 19 ~~Annotated Code of Maryland~~
 20 ~~(2004 Replacement Volume and 2007 Supplement)~~

21 BY repealing and reenacting, with amendments,
 22 Article – Business Regulation
 23 Section 12–102(a), 17–1001(e), 17–1010, and 17–1011
 24 Annotated Code of Maryland
 25 (2004 Replacement Volume and 2007 Supplement)

26 BY repealing and reenacting, without amendments,
 27 Article – Business Regulation
 28 Section 17–1001(a)
 29 Annotated Code of Maryland
 30 (2004 Replacement Volume and 2007 Supplement)

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

33 **Article – Business Regulation**

34 ~~17–1025. RESERVED.~~

35 ~~17–1026. RESERVED.~~

36 ~~PART IV. REGULATED SCRAP METAL.~~

37 ~~17–1027.~~

1 ~~(A) IN PART IV OF THIS SUBTITLE THE FOLLOWING WORDS HAVE THE~~
2 ~~MEANINGS INDICATED.~~

3 ~~(B) "JUNK DEALER" OR "SCRAP METAL PROCESSOR" INCLUDES A~~
4 ~~SECONDARY METALS DEALER OR RECYCLER IF THE DEALER OR RECYCLER~~
5 ~~DOES BUSINESS BUYING OR SELLING REGULATED SCRAP METAL.~~

6 ~~(C) (1) "REGULATED SCRAP METAL" MEANS AN ARTICLE MADE~~
7 ~~WHOLLY OR PARTLY OF COPPER, #1 AND #2 COPPER, GREENLINE COPPER,~~
8 ~~BRASS, ALUMINUM, BRONZE, LEAD, NICKEL, NICKEL ALLOYS GREATER THAN~~
9 ~~50% NICKEL, CHROMIUM, TIN, OR PLATINUM.~~

10 ~~(2) "REGULATED SCRAP METAL" INCLUDES:~~

11 ~~(I) TELEPHONE, CABLE, ELECTRIC, AND UTILITY WIRES;~~

12 ~~(II) METAL RAILROAD TIES;~~

13 ~~(III) UNUSED OR UNDAMAGED BUILDING CONSTRUCTION~~
14 ~~MATERIALS MADE OF METAL;~~

15 ~~(IV) COPPER PIPE, TUBING, AND WIRING;~~

16 ~~(V) ALUMINUM WIRE, SIDING, DOWNSPOUTS, AND GUTTERS;~~

17 ~~(VI) MANHOLE COVERS;~~

18 ~~(VII) GAS, WATER, AND ELECTRIC METERS;~~

19 ~~(VIII) TRAFFIC AND STREET SIGNS;~~

20 ~~(IX) TRANSMISSION TOWERS;~~

21 ~~(X) GUARD RAILS;~~

22 ~~(XI) GRAVESITE VASES, URNS, AND PLAQUES;~~

23 ~~(XII) ARTISTIC MONUMENTS, STATUES, AND PLAQUES; AND~~

24 ~~(XIII) CATALYTIC CONVERTERS.~~

25 ~~17-1028.~~

26 ~~PART IV OF THIS SUBTITLE APPLIES TO ALL JUNK DEALERS AND SCRAP~~
27 ~~METAL PROCESSORS DOING BUSINESS IN THE STATE, INCLUDING NONRESIDENT~~

~~1 JUNK DEALERS, NONRESIDENT SCRAP METAL PROCESSORS, AND JUNK DEALERS
2 AND SCRAP METAL PROCESSORS WHO ARE RESIDENTS OF THE COUNTIES
3 LISTED IN § 17-1002(A) OF THIS SUBTITLE.~~

~~4 17-1029.~~

~~5 (A) EACH JUNK DEALER OR SCRAP METAL PROCESSOR SHALL POST A
6 CLEAR AND CONSPICUOUS SIGN THAT ADVISES SELLERS OF REGULATED SCRAP
7 METAL THAT THEY MUST PROVIDE IDENTIFICATION IN ACCORDANCE WITH THE
8 REQUIREMENTS OF PART IV OF THIS SUBTITLE.~~

~~9 (B) IF A PERSON WHO OFFERS TO SELL REGULATED SCRAP METAL TO A
10 JUNK DEALER OR SCRAP METAL PROCESSOR IS UNABLE TO COMPLY WITH THE
11 IDENTIFICATION REQUIREMENTS OF PART IV OF THIS SUBTITLE, THE JUNK
12 DEALER OR SCRAP METAL PROCESSOR MAY NOT PURCHASE THE REGULATED
13 SCRAP METAL FROM THAT PERSON.~~

~~14 17-1030.~~

~~15 (A) EXCEPT AS OTHERWISE PROVIDED IN § 17-1031 OF THIS SUBTITLE,
16 EACH JUNK DEALER OR SCRAP METAL PROCESSOR SHALL KEEP A LOG THAT
17 INCLUDES, FOR EACH PURCHASE OF REGULATED SCRAP METAL:~~

~~18 (1) THE DATE AND TIME OF PURCHASE;~~

~~19 (2) A DETAILED DESCRIPTION OF THE REGULATED SCRAP METAL,
20 INCLUDING ITS WEIGHT, IF PAYMENT IS BASED ON WEIGHT;~~

~~21 (3) THE AMOUNT PAID OR OTHER CONSIDERATION FOR THE
22 REGULATED SCRAP METAL;~~

~~23 (4) THE PRICE PER POUND OF THE REGULATED SCRAP METAL;~~

~~24 (5) IF APPROPRIATE, A WORK SITE LOCATION FOR THE
25 REGULATED SCRAP METAL;~~

~~26 (6) THE LICENSE TAG NUMBER AND DESCRIPTION OF ANY
27 VEHICLE USED TO TRANSPORT THE REGULATED SCRAP METAL TO THE JUNK
28 DEALER OR SCRAP METAL PROCESSOR;~~

~~29 (7) THE SIGNATURE OF THE SELLER OF THE REGULATED SCRAP
30 METAL AND A STATEMENT THAT THE SELLER IS THE LEGAL OWNER OF THE
31 REGULATED SCRAP METAL;~~

1 ~~(8) THE FULL NAME AND BUSINESS AND HOME ADDRESSES OF~~
2 ~~THE SELLER; AND~~

3 ~~(9) A CLEARLY LEGIBLE PHOTOCOPY OF THE DRIVER'S LICENSE~~
4 ~~OR OTHER GOVERNMENT ISSUED IDENTIFICATION OF THE SELLER.~~

5 ~~(B) THE JUNK DEALER OR SCRAP METAL PROCESSOR SHALL KEEP A~~
6 ~~RECORD OF EACH PURCHASE OF REGULATED SCRAP METAL IN THE LOG FOR 3~~
7 ~~YEARS.~~

8 ~~(C) THE LOG MAY BE KEPT IN WRITTEN OR ELECTRONIC FORM.~~

9 ~~17-1031.~~

10 ~~(A) A GOVERNMENTAL ENTITY OR ANY OTHER BUSINESS WITH A VALID~~
11 ~~BUSINESS LICENSE MAY ESTABLISH AN ACCOUNT WITH A JUNK DEALER OR~~
12 ~~SCRAP METAL PROCESSOR TO SELL REGULATED SCRAP METAL ON BEHALF OF~~
13 ~~THE GOVERNMENTAL ENTITY OR BUSINESS.~~

14 ~~(B) THE JUNK DEALER OR SCRAP METAL PROCESSOR SHALL OBTAIN~~
15 ~~AND KEEP ON FILE A STATEMENT THAT ESTABLISHES THE ACCOUNT AND~~
16 ~~AUTHORIZES EMPLOYEES TO MAKE TRANSACTIONS ON BEHALF OF THE~~
17 ~~GOVERNMENTAL ENTITY OR BUSINESS.~~

18 ~~(C) THE JUNK DEALER OR SCRAP METAL PROCESSOR MAY CONDUCT~~
19 ~~TRANSACTIONS WITH AUTHORIZED EMPLOYEES BY RECORDING THE DATE AND~~
20 ~~TIME OF EACH TRANSACTION AND THE WEIGHT AND DESCRIPTION OF THE~~
21 ~~REGULATED SCRAP METAL.~~

22 ~~17-1032.~~

23 ~~(A) A JUNK DEALER OR SCRAP METAL PROCESSOR MAY NOT PURCHASE~~
24 ~~REGULATED SCRAP METAL THAT APPEARS TO BE THE PROPERTY OF A~~
25 ~~GOVERNMENTAL ENTITY WITHOUT OBTAINING REASONABLE DOCUMENTATION~~
26 ~~FROM THE SELLER THAT THE SELLER IS AN EMPLOYEE, AGENT, OR~~
27 ~~CONTRACTOR OF THE GOVERNMENTAL ENTITY WHO IS AUTHORIZED TO SELL~~
28 ~~THE ITEMS PRESENTED.~~

29 ~~(B) THIS SECTION APPLIES TO ITEMS SUCH AS MANHOLE COVERS, GAS~~
30 ~~METERS, WATER METERS, ELECTRIC METERS, SEWER GRATES, ELECTRIC LIGHT~~
31 ~~POLES, GUARD RAILS, TRAFFIC SIGNS, AND STREET SIGNS.~~

32 ~~17-1033.~~

~~(A) 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 LOG REQUIRED UNDER PART IV OF THIS SUBTITLE.~~

~~(B) (1) IF A STATE OR LOCAL LAW ENFORCEMENT AGENCY PROVIDES REASONABLE CAUSE TO BELIEVE THAT ITEMS OF REGULATED 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.~~

~~(2) THE WRITTEN HOLD NOTICE SHALL:~~

~~(I) IDENTIFY THE ITEMS OF REGULATED SCRAP METAL ALLEGED TO BE STOLEN AND SUBJECT TO HOLD; AND~~

~~(II) INFORM THE JUNK DEALER OR SCRAP METAL PROCESSOR OF THE HOLD IMPOSED ON THE ITEMS OF REGULATED SCRAP METAL.~~

~~(3) FOR 60 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.~~

~~17-1034.~~

~~(A) A JUNK DEALER OR SCRAP METAL PROCESSOR MAY NOT FAIL TO PROVIDE ANY INFORMATION REQUIRED UNDER PART IV OF THIS SUBTITLE.~~

~~(B) A JUNK DEALER OR SCRAP METAL PROCESSOR MAY NOT WILLFULLY AND KNOWINGLY MAKE A FALSE STATEMENT OR PROVIDE ANY UNTRUE INFORMATION UNDER PART IV OF THIS SUBTITLE.~~

~~(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.~~

~~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

1 acquires the merchandise keeps an invoice or other customary proof of origin for the
2 merchandise;

3 (2) a metal acquired for use in dentistry by a dentist licensed to
4 practice dentistry under Title 4 of the Health Occupations Article; [or]

5 (3) coins or numismatic items; OR

6 (4) **THE PURCHASE OF JUNK OR SCRAP METAL THAT IS SUBJECT**
7 **TO THE RECORD AND REPORTING REQUIREMENTS UNDER § 17-1011 OF THIS**
8 **ARTICLE.**

9 17-1001.

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

11 (e) “Junk” or “scrap metal” includes:

12 (1) articles made wholly or [partly] **SUBSTANTIALLY** of:

13 (i) aluminum;

14 (ii) babbitt metal;

15 (iii) brass;

16 (iv) bronze;

17 (v) light copper;

18 (vi) heavy copper;

19 (vii) lead;

20 (viii) low carbon chrome;

21 (ix) low carbon manganese;

22 (x) molybdenum;

23 (xi) monel metal;

24 (xii) pewter;

25 (xiii) nickel;

26 **(XIV) STAINLESS STEEL;**

- 1 [(xiv)] (XV) tin;
- 2 [(xv)] (XVI) vanadium; [or]
- 3 [(xvi)] (XVII) zinc;
- 4 (XVIII) PLATINUM;
- 5 (XIX) GOLD;
- 6 (XX) RHODIUM; OR
- 7 (XXI) NONFERROUS METALS;
- 8 (2) [stoves] STREET SIGNS;
- 9 (3) [plumbing fixtures and supplies] GUARD RAILS;
- 10 (4) [electrical fixtures and wiring;
- 11 (5) gas fixtures and appliances;
- 12 (6) pipes;
- 13 (7) locks;
- 14 (8) used railroad equipment;
- 15 (9) used farm machinery; and] HARD DRAWN COPPER ELECTRICAL
- 16 CONDUCTORS, CABLES, OR WIRE GREATER THAN THREE-EIGHTHS OF 1 INCH
- 17 DIAMETER, STRANDED OR SOLID;
- 18 (5) ALUMINUM CONDUCTORS, CABLES, OR WIRES GREATER THAN
- 19 THREE-QUARTERS OF 1 INCH IN DIAMETER, STRANDED OR SOLID;
- 20 (6) METAL BEER KEGS;
- 21 (7) MANHOLE COVERS;
- 22 (8) TREE GRATES;
- 23 (9) METAL LIGHT POLES;
- 24 (10) CATALYTIC CONVERTERS; AND

1 [(10)] (11) any other similar used material COMMONLY ASSOCIATED
2 WITH PUBLIC UTILITY MAINTENANCE.

3 17-1010.

4 [(a)] A nonresident junk dealer or nonresident scrap metal processor may not
5 keep a fixed place of business in the State.

6 [(b) (1) Before transporting junk or scrap metal from the State, each
7 nonresident junk dealer, nonresident scrap metal processor, or agent of a nonresident
8 junk dealer or nonresident scrap metal processor shall register with the sheriff of the
9 county where the junk or scrap metal was bought a complete description of the junk or
10 scrap metal to be transported.

11 (2) The description shall include:

12 (i) the date of purchase;

13 (ii) the name and junk dealer or scrap metal processor license
14 number, if any, of the buyer;

15 (iii) the name and junk dealer or scrap metal processor license
16 number, if any, of the seller;

17 (iv) the license tag number of the vehicle used; and

18 (v) the name of any consignee.]

19 17-1011.

20 [(a) Each junk dealer or scrap metal processor who is a resident of the State
21 shall keep a written record in English that:

22 (1) for each purchase of junk or scrap metal:

23 (i) is made at the time of the purchase; and

24 (ii) includes:

25 1. a description of the junk or scrap metal purchased;

26 2. the name and address of the seller;

27 3. the license tag number of any vehicle used; and

28 4. the date and time of the purchase; and

1 (2) for each sale of junk or scrap metal, shows the name and address of
2 the buyer.

3 (b) The records shall be open to inspection by State or local law enforcement
4 personnel for the jurisdiction where the place of business of the junk dealer or scrap
5 metal processor is located.]

6 (A) THIS SECTION APPLIES TO ALL JUNK DEALERS AND SCRAP METAL
7 PROCESSORS DOING BUSINESS IN THE STATE, INCLUDING NONRESIDENT JUNK
8 DEALERS, NONRESIDENT SCRAP METAL PROCESSORS, AND JUNK DEALERS AND
9 SCRAP METAL PROCESSORS WHO ARE RESIDENTS OF THE COUNTIES LISTED IN §
10 17-1002(A) OF THIS SUBTITLE.

11 (B) (1) FOR EACH PURCHASE OF JUNK OR SCRAP METAL IN THE
12 STATE, A JUNK DEALER OR SCRAP METAL PROCESSOR SHALL KEEP AN
13 ACCURATE RECORD IN ENGLISH THAT INCLUDES:

14 (I) THE DATE AND TIME OF PURCHASE;

15 (II) A DESCRIPTION OF THE JUNK OR SCRAP METAL,
16 INCLUDING ITS WEIGHT, IF PAYMENT IS BASED ON WEIGHT;

17 (III) THE AMOUNT PAID OR OTHER CONSIDERATION FOR THE
18 JUNK OR SCRAP METAL;

19 (IV) THE LICENSE TAG NUMBER, MAKE, AND MODEL OF ANY
20 VEHICLE USED;

21 (V) THE NAME AND ADDRESS OF THE INDIVIDUAL FROM
22 WHOM THE JUNK OR SCRAP METAL IS ACQUIRED;

23 (VI) THE SIGNATURE OF:

24 1. THE INDIVIDUAL FROM WHOM THE JUNK OR
25 SCRAP METAL IS ACQUIRED; AND

26 2. THE JUNK DEALER, SCRAP METAL PROCESSOR,
27 OR EMPLOYEE WHO ACCEPTED THE JUNK OR SCRAP METAL; AND

28 (VII) FOR EACH INDIVIDUAL FROM WHOM THE JUNK DEALER
29 OR SCRAP METAL PROCESSOR ACQUIRES JUNK OR SCRAP METAL:

30 1. THE DATE OF BIRTH AND DRIVER'S LICENSE
31 NUMBER OF THE INDIVIDUAL; OR

1 **2. IDENTIFICATION INFORMATION ABOUT THE**
2 **INDIVIDUAL THAT:**

3 **A. POSITIVELY IDENTIFIES THE INDIVIDUAL FROM**
4 **AT LEAST TWO FORMS OF IDENTIFICATION; AND**

5 **B. PROVIDES A PHYSICAL DESCRIPTION OF THE**
6 **INDIVIDUAL, INCLUDING THE SEX, RACE, ANY DISTINGUISHING FEATURES, AND**
7 **APPROXIMATE AGE, HEIGHT, AND WEIGHT OF THE INDIVIDUAL.**

8 **(2) THE RECORD KEEPING REQUIREMENTS OF THIS SUBSECTION:**

9 **(I) APPLY TO ALUMINUM BLEACHERS;**

10 **(II) APPLY TO KEGS MADE OF ALUMINUM OR ANY OTHER**
11 **METAL; AND**

12 **(III) DO NOT APPLY TO BEVERAGE CANS OR FOOD CANS.**

13 **(3) THE RECORDS REQUIRED UNDER THIS SUBSECTION SHALL BE**
14 **KEPT IN ELECTRONIC FORM.**

15 **(4) (I) A JUNK DEALER AND SCRAP METAL PROCESSOR SHALL**
16 **SUBMIT A COPY OF EACH RECORD REQUIRED UNDER THIS SUBSECTION TO THE**
17 **PRIMARY LAW ENFORCEMENT UNIT IN ACCORDANCE WITH SUBPARAGRAPHS (II)**
18 **AND (III) OF THIS PARAGRAPH.**

19 **(II) A JUNK DEALER AND SCRAP METAL PROCESSOR SHALL**
20 **SUBMIT A RECORD BY TRANSMITTING A COPY OF THE RECORDS**
21 **ELECTRONICALLY, IN A FORMAT ACCEPTABLE TO THE RECEIVING PRIMARY LAW**
22 **ENFORCEMENT UNIT, BY THE END OF EACH BUSINESS DAY.**

23 **(III) EACH COPY OF A RECORD, SUBMITTED TO THE PRIMARY**
24 **LAW ENFORCEMENT UNIT SHALL INCLUDE:**

25 **1. THE DATE AND TIME OF PURCHASE;**

26 **2. A DESCRIPTION OF THE JUNK OR SCRAP METAL,**
27 **INCLUDING ITS WEIGHT, IF PAYMENT IS BASED ON WEIGHT; AND**

28 **3. WHETHER THE AMOUNT PAID OR OTHER**
29 **CONSIDERATION FOR THE JUNK OR SCRAP METAL EXCEEDS \$500.**

30 **(IV) A COPY OF A RECORD SUBMITTED UNDER THIS**
31 **PARAGRAPH:**

- 1 **1. SHALL BE KEPT CONFIDENTIAL;**
2 **2. IS NOT A PUBLIC RECORD; AND**
3 **3. IS NOT SUBJECT TO TITLE 10, SUBTITLE 6 OF THE**
4 **STATE GOVERNMENT ARTICLE.**

5 **(V) A LAW ENFORCEMENT UNIT MAY DESTROY THE COPY OF**
6 **A RECORD SUBMITTED UNDER THIS SECTION AFTER 1 YEAR FROM THE DATE**
7 **THE LAW ENFORCEMENT UNIT RECEIVES THE COPY.**

8 **(5) (I) THE PRIMARY LAW ENFORCEMENT UNIT MAY WAIVE**
9 **THE HOLDING OF ELECTRONIC RECORDS UNDER PARAGRAPH (3) OF THIS**
10 **SUBSECTION OR THE TRANSMISSION OF ELECTRONIC RECORDS UNDER**
11 **PARAGRAPH (4)(II) OF THIS SUBSECTION BY A JUNK DEALER OR SCRAP METAL**
12 **PROCESSOR.**

13 **(II) ANY WAIVERS GRANTED UNDER SUBPARAGRAPH (I) OF**
14 **THIS PARAGRAPH SHALL BE LIMITED TO AUTHORIZING A JUNK DEALER OR**
15 **SCRAP METAL PROCESSOR TO HOLD WRITTEN RECORDS OR TO TRANSMIT**
16 **RECORDS BY FACSIMILE OR BY MAIL.**

17 **(C) (1) THIS SUBSECTION APPLIES TO JUNK DEALERS AND SCRAP**
18 **METAL PROCESSORS WHO ARE RESIDENTS OF THE STATE.**

19 **(2) EACH JUNK DEALER OR SCRAP METAL PROCESSOR SHALL**
20 **KEEP THE RECORDS REQUIRED BY SUBSECTION (B) OF THIS SECTION FOR 1**
21 **YEAR AFTER THE DATE OF THE TRANSACTION.**

22 **(3) THE RECORDS KEPT IN ACCORDANCE WITH THIS SUBSECTION**
23 **SHALL BE OPEN TO INSPECTION BY STATE OR LOCAL LAW ENFORCEMENT**
24 **PERSONNEL FOR THE JURISDICTION WHERE THE PLACE OF BUSINESS OF THE**
25 **JUNK DEALER OR SCRAP METAL PROCESSOR IS LOCATED.**

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

29 **(E) (1) STATE OR LOCAL LAW ENFORCEMENT PERSONNEL**
30 **CONDUCTING AN INVESTIGATION IN THE AREA WHERE THE BUSINESS OF THE**
31 **JUNK DEALER OR SCRAP METAL PROCESSOR IS LOCATED MAY REQUEST**
32 **INFORMATION FROM THE RECORDS REQUIRED UNDER SUBSECTION (B)(1) OF**
33 **THIS SECTION.**

1 **(2) (I) IF A STATE OR LOCAL LAW ENFORCEMENT AGENCY**
2 **PROVIDES REASONABLE CAUSE TO BELIEVE THAT ITEMS OF SCRAP METAL IN**
3 **POSSESSION OF A JUNK DEALER OR SCRAP METAL PROCESSOR ARE STOLEN,**
4 **THEN THE LAW ENFORCEMENT AGENCY MAY ISSUE A WRITTEN HOLD NOTICE.**

5 **(II) THE WRITTEN HOLD NOTICE SHALL:**

6 **1. IDENTIFY THE ITEMS OF REGULATED SCRAP**
7 **METAL ALLEGED TO BE STOLEN AND SUBJECT TO HOLD; AND**

8 **2. INFORM THE JUNK DEALER OR SCRAP METAL**
9 **PROCESSOR OF THE HOLD IMPOSED ON THE ITEMS OF REGULATED SCRAP**
10 **METAL.**

11 **(III) FOR 10 DAYS AFTER THE DATE OF RECEIVING A HOLD**
12 **NOTICE, A JUNK DEALER OR SCRAP METAL PROCESSOR MAY NOT PROCESS OR**
13 **REMOVE FROM THE JUNK DEALER'S OR SCRAP METAL PROCESSOR'S PLACE OF**
14 **BUSINESS ANY ITEMS OF REGULATED SCRAP METAL IDENTIFIED IN THE HOLD**
15 **NOTICE, UNLESS THE ITEM IS RELEASED EARLIER BY THE LAW ENFORCEMENT**
16 **AGENCY OR BY COURT ORDER.**

17 **(F) LOCAL LAW ENFORCEMENT PERSONNEL OF THE COUNTY WHERE**
18 **THE PLACE OF BUSINESS OF THE JUNK DEALER OR SCRAP METAL PROCESSOR IS**
19 **LOCATED OR WHERE THE JUNK OR SCRAP METAL WAS PURCHASED MAY**
20 **ENFORCE THIS SECTION.**

21 **(G) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
22 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

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

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 ~~October~~ July 1, 2008.