

SENATE BILL 521

C2

8lr0659

By: **Senators DeGrange, Astle, Garagiola, Kasemeyer, Klausmeier, Robey, and Rosapepe**

Introduced and read first time: February 1, 2008

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
4 and scrap metal processors must keep for each purchase or sale of certain junk
5 or scrap metal in the State; providing for the applicability of the record keeping
6 requirements; providing for the form and contents of the records; requiring junk
7 dealers and scrap metal processors who are residents of the State to keep the
8 required records for a certain period of time; providing that the records shall be
9 open to inspection by certain law enforcement personnel; requiring nonresident
10 junk dealers and scrap metal processors before transporting the junk or scrap
11 metal from the State to submit the records to the primary law enforcement
12 agency of the county where the junk or scrap metal was purchased; prohibiting
13 junk dealers and scrap metal processors from purchasing junk or scrap metal
14 unless the person seeking to sell the junk or scrap metal provides certain
15 documentation; authorizing certain law enforcement personnel to enforce this
16 Act; establishing certain penalties; altering a certain definition; and generally
17 relating to junk dealers and scrap metal processors.

18 BY repealing and reenacting, without amendments,
19 Article – Business Regulation
20 Section 17–1001(a)
21 Annotated Code of Maryland
22 (2004 Replacement Volume and 2007 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Business Regulation
25 Section 17–1001(e), 17–1010, and 17–1011
26 Annotated Code of Maryland
27 (2004 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Business Regulation**

4 17–1001.

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

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

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

8 (i) aluminum;

9 (ii) babbitt metal;

10 (iii) brass;

11 (iv) bronze;

12 (v) light copper;

13 (vi) heavy copper;

14 (vii) lead;

15 (viii) low carbon chrome;

16 (ix) low carbon manganese;

17 (x) molybdenum;

18 (xi) monel metal;

19 (xii) pewter;

20 (xiii) nickel;

21 **(XIV) STAINLESS STEEL;**

22 [(xiv)] **(XV)** tin;

23 [(xv)] **(XVI)** vanadium; [or]

24 [(xvi)] **(XVII)** zinc;

- 1 **(XVIII) PLATINUM;**
2 **(XIX) GOLD;**
3 **(XX) RHODIUM; OR**
4 **(XXI) NON-FERROUS METALS;**

- 5 (2) stoves;
6 (3) plumbing fixtures and supplies;
7 (4) electrical fixtures and wiring;
8 (5) gas fixtures and appliances;
9 (6) pipes;
10 (7) locks;
11 (8) used railroad equipment;
12 (9) used farm machinery;[and]

13 **(10) HARD DRAWN COPPER ELECTRICAL CONDUCTORS, CABLES,**
14 **OR WIRE GREATER THAN THREE-EIGHTHS OF 1 INCH DIAMETER, STRANDED OR**
15 **SOLID;**

16 **(11) ALUMINUM CONDUCTORS, CABLES, OR WIRES GREATER THAN**
17 **THREE-QUARTERS OF 1 INCH IN DIAMETER, STRANDED OR SOLID;**

18 **(12) METAL BEER KEGS;**

19 **(13) MANHOLE COVERS;**

20 **(14) TREE GRATES;**

21 **(15) METAL LIGHT POLES;**

22 **(16) CATALYTIC CONVERTERS; AND**

23 **[(10)] (17) any other similar used material.**

24 17-1010.

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

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

8 (2) The description shall include:

9 (i) the date of purchase;

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

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

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

15 (v) the name of any consignee.]

16 17-1011.

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

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

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

21 (ii) includes:

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

23 2. the name and address of the seller;

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

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

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

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

4 (A) (1) THIS SECTION APPLIES TO ALL JUNK DEALERS AND SCRAP
5 METAL PROCESSORS DOING BUSINESS IN THE STATE, INCLUDING NONRESIDENT
6 JUNK DEALERS, NONRESIDENT SCRAP METAL PROCESSORS, AND JUNK DEALERS
7 AND SCRAP METAL PROCESSORS WHO ARE RESIDENTS OF THE COUNTIES
8 LISTED IN § 17-1002(A) OF THIS SUBTITLE.

9 (2) THIS SECTION DOES NOT APPLY TO AUTOMOTIVE
10 DISMANTLERS AND RECYCLERS AND SCRAP PROCESSORS LICENSED UNDER §
11 15-501 OF THE TRANSPORTATION ARTICLE.

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

15 (I) THE DATE AND TIME OF PURCHASE OR SALE;

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

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

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

22 (V) THE SIGNATURE OF:

23 1. THE INDIVIDUAL FROM OR TO WHOM THE JUNK
24 OR SCRAP METAL IS ACQUIRED OR SOLD; AND

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

27 (VI) FOR EACH INDIVIDUAL FROM OR TO WHOM THE JUNK
28 DEALER OR SCRAP METAL PROCESSOR ACQUIRES OR SELLS JUNK OR SCRAP
29 METAL:

30 1. THE NAME, DATE OF BIRTH, AND DRIVER'S
31 LICENSE 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 **(C) (1) THIS SUBSECTION APPLIES TO JUNK DEALERS AND SCRAP**
14 **METAL PROCESSORS WHO ARE RESIDENTS OF THE STATE.**

15 **(2) EACH JUNK DEALER OR SCRAP METAL PROCESSOR SHALL**
16 **KEEP THE RECORDS REQUIRED BY SUBSECTION (B) OF THIS SECTION FOR 3**
17 **YEARS AFTER THE DATE OF THE TRANSACTION.**

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

22 **(D) (1) THIS SUBSECTION APPLIES TO JUNK DEALERS AND SCRAP**
23 **METAL PROCESSORS WHO ARE NOT RESIDENTS OF THE STATE.**

24 **(2) BEFORE TRANSPORTING JUNK OR SCRAP METAL FROM THE**
25 **STATE, EACH NONRESIDENT JUNK DEALER, NONRESIDENT SCRAP METAL**
26 **PROCESSOR, OR AGENT OF A NONRESIDENT JUNK DEALER OR NONRESIDENT**
27 **SCRAP METAL PROCESSOR SHALL SUBMIT THE RECORDS REQUIRED BY**
28 **SUBSECTION (B) OF THIS SECTION TO THE PRIMARY LAW ENFORCEMENT**
29 **AGENCY OF THE COUNTY WHERE THE JUNK OR SCRAP METAL WAS PURCHASED.**

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

1 **(F) (1) IN ADDITION TO MEETING THE OTHER RECORD KEEPING**
2 **REQUIREMENTS OF THIS SECTION, A JUNK DEALER OR SCRAP METAL**
3 **PROCESSOR MAY NOT PURCHASE JUNK OR SCRAP METAL FROM A PERSON**
4 **UNLESS THE JUNK DEALER OR SCRAP METAL PROCESSOR RECEIVES FROM THE**
5 **PERSON SEEKING TO SELL THE JUNK OR SCRAP METAL DOCUMENTATION THAT**
6 **ESTABLISHES THAT THE PERSON LAWFULLY POSSESSES THE JUNK OR SCRAP**
7 **METAL TO BE SOLD.**

8 **(2) THE DOCUMENTATION REQUIRED UNDER THIS SUBSECTION**
9 **MAY BE A BILL OF SALE, RECEIPT, LETTER OF AUTHORIZATION, OR OTHER**
10 **SIMILAR EVIDENCE.**

11 **(G) LOCAL LAW ENFORCEMENT PERSONNEL OF THE COUNTY WHERE**
12 **THE PLACE OF BUSINESS OF THE JUNK DEALER OR SCRAP METAL PROCESSOR IS**
13 **LOCATED OR WHERE THE JUNK OR SCRAP METAL WAS PURCHASED OR SOLD**
14 **MAY ENFORCE THIS SECTION.**

15 **(H) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
16 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 July 1, 2008.