

## AMENDMENTS TO SENATE BILL NO. 1077

Sponsor: REPRESENTATIVE DAVIS

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1 Amend Bill, page 1, line 7, by striking out "and for  
2 restricted materials." and inserting  
3 , for commercial accounts and for restricted materials;  
4 providing for Statewide registry of scrap processors and  
5 recycling facilities and for duty to register and for  
6 criminal registry; and further providing for penalties.  
7 Amend Bill, page 1, lines 10 through 19; page 2, lines 1  
8 through 30, by striking out all of said lines on said pages and  
9 inserting

10 Section 1. Section 2 of the act of October 9, 2008  
11 (P.L.1408, No.113), known as the Scrap Material Theft Prevention  
12 Act, is amended by adding a definition to read:

13 Section 2. Definitions.

14 The following words and phrases when used in this act shall  
15 have the meanings given to them in this section unless the  
16 context clearly indicates otherwise:

17 \* \* \*

18 "Railroad material." Railroad power and signal equipment,  
19 road or rail crossing signals, railroad track, railroad switch  
20 components, railroad spike, angle/joint bar as used in the  
21 jointing of railroad track, railroad anchors, railroad tie plate  
22 or bolt used in constructing a railroad.

23 \* \* \*

24 Section 2. Sections 4(d) and 5 of the act are amended to  
25 read:

26 Section 4. Commercial accounts.

27 \* \* \*

28 (d) Financial transactions.--Once a commercial account has  
29 been established, if a financial transaction occurs between a  
30 scrap processor or recycling facility operator and a person  
31 delivering the scrap material, the scrap processor or recycling  
32 facility operator shall obtain the following before completing  
33 each transaction:

34 (1) A photocopy of the driver's license of the person  
35 delivering the scrap materials.

1 (2) The license plate number of the vehicle transporting  
2 scrap material.

3 (3) The telephone number of the commercial account.

4 (4) Confirmation that the person delivering the scrap  
5 material is authorized to receive a check or cash on behalf  
6 of the person or entity providing the scrap material. The  
7 confirmation shall consist of written, signed authorization  
8 from the owner or officer of the commercial enterprise  
9 stating that the person delivering the scrap material is  
10 designated to receive payment for the scrap material.

11 (5) An acknowledgment of receipt of cash payment, signed  
12 by the person delivering the scrap material and receiving the  
13 cash payment.

14 Section 5. Restricted materials.

15 A scrap processor and recycling facility operator may  
16 purchase the following scrap material only if the purchase  
17 occurs with a commercial enterprise:

18 (1) New production scrap or new materials that are a  
19 part of a manufacturing process that are being sold by an  
20 individual, not a company.

21 (2) Full sized, new materials, such as those used in  
22 construction, or equipment and tools used by contractors.

23 (3) Commercial metal property.

24 (4) Metallic wire that has been burned in whole or in  
25 part to remove insulation, unless the aggregate value is less  
26 than \$100.

27 (5) Beer kegs.

28 (6) Detached catalytic converters.

29 (7) Railroad materials.

30 Section 3. The act is amended by adding sections to read:  
31 Section 6.1. Statewide registry of scrap processors and  
32 recycling facilities.

33 The Pennsylvania State Police shall establish and maintain a  
34 Statewide registry of scrap processors and recycling facilities  
35 that register with the Pennsylvania State Police under section  
36 6.2. The registry shall be posted on the Internet website of the  
37 Pennsylvania State Police and shall be accessible to law  
38 enforcement personnel.

39 Section 6.2. Duty to register.

40 (a) General rule.--A scrap processor and recycling facility  
41 shall register with the Pennsylvania State Police as provided in  
42 this section.

43 (b) Method of registration.--A person shall register with  
44 the Pennsylvania State Police in writing or electronically via a  
45 secure Internet connection on a form provided by the  
46 Pennsylvania State Police. The application shall include the  
47 following information:

48 (1) For an individual applicant, all of the following:

49 (i) Name.

50 (ii) Driver's license number, a copy of an  
51 identification card issued by the state in which the

individual resides or other form of identification as permitted by the Commonwealth.

(iii) Business name, address and telephone number.

(iv) Federal employer identification number, if applicable.

(2) For a general partnership applicant, all of the following:

(i) Name of each partner.

(ii) Driver's license number or a copy of an identification card issued by the state in which each partner resides, of each partner.

(iii) Partnership name, address and telephone number.

(iv) Federal employer identification number, if applicable.

(3) For a corporation, limited liability company or limited partnership, all of the following:

(i) Name of the registering officer, manager and general partner.

(ii) Business name, address and telephone number.

(iii) Name of each director or each individual holding greater than a 5% equity interest in the entity.

(4) For an out-of-State corporation, limited liability company or limited partnership, the name and address of the entity's resident agent or registered office provider within this Commonwealth and any registration number or license number issued to the entity by its home state or political subdivision of the other state, if applicable.

(5) For a joint venture applicant, the name, address and telephone number of the joint venture, as well as the name, address and telephone number of each party to the joint venture.

(c) Reporting of multiple registrations.--An entity owning multiple scrap processing and recycling facilities must register individually for each physical address of a scrap processing and recycling facility.

(d) Application fees.--

(1) Each completed registration form for a scrap recycler or renewal of registration shall be accompanied by a fee of \$100. After completion of the registration and payment of the fee, the Pennsylvania State Police shall issue, within seven business days, the scrap processing and recycling facility a registration certificate identifying the name of the applicant, scrap processing and recycling facility name and address and a registration number. The certificate shall be valid for a period of two years. Renewals shall be on a biennial basis.

(2) The registration fee shall be used to establish and maintain the database under section 6.1.

(e) Proof of registration.--A scrap processor and recycling facility shall include its registration number in all

1 advertisements distributed within this Commonwealth, and shall  
2 have the registration certificate clearly visible at its place  
3 of business.

4 (f) Failure to register.--A scrap processor or recycling  
5 facility that fails to register commits a summary offense and  
6 shall, upon conviction, be sentenced to pay a fine of \$1,000.

7 Section 4. Section 7 of the act is amended to read:

8 Section 7. Penalties.

9 [A] (a) Scrap processor and recycling facility operator  
10 penalties.--Except as provided under section 6.2(f), a scrap  
11 processor and recycling facility operator who violates this act  
12 commits a summary offense and shall, upon conviction, be  
13 sentenced to pay a fine of up to \$2,500. A second or subsequent  
14 violation shall be classified as a misdemeanor of the third  
15 degree.

16 (b) Motor vehicle penalties.--Upon a conviction of an  
17 offense under 18 Pa.C.S. § 3921 (relating to theft by unlawful  
18 taking or disposition) or 3925 (relating to receiving stolen  
19 property) that relates to the theft of scrap material or the  
20 transportation of stolen scrap material, the court may order the  
21 impoundment of any vehicle used in the act of theft of scrap  
22 material or the transportation of stolen scrap material. For the  
23 first offense, a vehicle may be impounded for at least 30 days,  
24 but not more than 60 days. For a second or subsequent offense  
25 involving the same motor vehicle, the vehicle may be impounded  
26 for at least 60 days and not more than 180 days. The person  
27 convicted shall be responsible for any fees associated with or  
28 related to the impoundment of the vehicle.

29 Section 5. This act shall take effect in 60 days.