

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2358 Session of
2012

INTRODUCED BY DAVIS, CALTAGIRONE, DALEY, DONATUCCI, FABRIZIO,
GEORGE, GODSHALL, JOSEPHS, MCGEEHAN, TOEPEL, PASHINSKI,
GERGELY, BARBIN AND O'NEILL, MAY 9, 2012

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MAY 9, 2012

AN ACT

1 Amending the act of October 9, 2008 (P.L.1408, No.113), entitled
2 "An act requiring scrap processors and recycling facility
3 operators to collect certain information relating to the
4 purchase of scrap material; requiring commercial accounts;
5 and restricting scrap processors and recycling facility
6 operators from purchasing certain materials," further
7 providing for identification requirements for sale of scrap
8 materials to scrap processors and recycling facility
9 operators, for commercial accounts and for restricted
10 materials.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 3(a) and (b) of the act of October 9,
14 2008 (P.L.1408, No.113), known as the Scrap Material Theft
15 Prevention Act, are amended and the section is amended by adding
16 a subsection to read:

17 Section 3. Identification requirements for sale of scrap
18 materials to scrap processors and recycling facility
19 operators.

20 (a) General rule.--A scrap processor and recycling facility
21 operator shall collect the following information for all

1 transactions by a seller [of restricted material under section 5
2 and from any other seller when the purchase of scrap material
3 from the seller exceeds \$100]:

4 (1) A photocopy of the driver's license of the seller.

5 (2) The seller's and buyer's signature for each
6 transaction.

7 (3) The license plate number of the motor vehicle the
8 seller operates at the time of the transaction.

9 (4) Written permission of the seller's parent or legal
10 guardian, if the seller is under 18 years of age.

11 (5) The date and time of the transaction.

12 (6) A description of the scrap material included in the
13 transaction, including the weight of the scrap material and
14 the amount paid to the seller.

15 (b) Tracking the transaction.--A scrap processor and
16 recycling facility operator shall[, when payment is made in
17 cash,] develop methods of tracking a transaction that obtains
18 the seller's signature on a receipt for the transaction. The
19 receipt shall include a certification that the seller is the
20 owner or authorized seller of the scrap material.

21 (b.1) Cash transactions prohibited.--A scrap processor or
22 recycling facility operator may not make payment in cash for
23 purchase of scrap material from a seller. Credit card, debit
24 card and electronic funds transfer transactions shall not be
25 considered cash transactions under this subsection.

26 * * *

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

29 Section 4. Commercial accounts.

30 * * *

1 (d) Financial transactions.--Once a commercial account has
2 been established, if a financial transaction occurs between a
3 scrap processor or recycling facility operator and a person
4 delivering the scrap material, the scrap processor or recycling
5 facility operator shall obtain the following before completing
6 each transaction:

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

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

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

12 (4) Confirmation that the person delivering the scrap
13 material is authorized to receive a check [or cash] on behalf
14 of the person or entity providing the scrap material.

15 Section 5. Restricted materials.

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

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

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

24 (3) Commercial metal property.

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

28 (5) Beer kegs.

29 (6) Detached catalytic converters.

30 Section 3. This act shall take effect in 60 days.