

AN ACT

1 Amending Title 16 (Counties) of the Pennsylvania Consolidated
2 Statutes, providing for licenses.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Title 16 of the Pennsylvania Consolidated
6 Statutes is amended by adding a part to read:

7 PART IV

8 LICENSES

9 Chapter

10 81. Licenses

11 CHAPTER 81

12 LICENSES

13 Sec.

14 8101. Definitions.

15 8102. License required.

16 8103. Records of transactions.

17 8104. Retention of electronic devices and availability for

- 1 inspection.
2 8105. Purchases from minors.
3 8106. Local ordinances.
4 8107. Inspection of licensee.
5 8108. Penalty.
6 8109. Severability.
7 8110. Application.
8 § 8101. Definitions.

9 The following words and phrases when used in this chapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Dealer of electronic devices." An individual, partnership,
13 association, corporation or business entity, or any member
14 thereof, that purchases or possesses electronic devices from the
15 general public for resale or any individual who acts as agent
16 for an individual, partnership, association, corporation or
17 business entity for the purchase or possession of electronic
18 devices. The term does not include an individual or entity that
19 purchases or possesses electronic devices on behalf of a
20 charitable organization as that term is defined in section 3 of
21 the act of December 19, 1990 (P.L.1200, No.202), known as the
22 Solicitation of Funds for Charitable Purposes Act.

23 "Electronic device." A device which accomplishes its purpose
24 electronically and any component or accessory of the device,
25 including, but not limited to, computers and computing devices
26 and cellular telephones????.

27 "Transaction." ?????.

28 § 8102. License required.

29 (a) Dealer.--A dealer of electronic devices shall obtain a
30 license from the sheriff of the county in which the dealer

1 purchases or possesses the electronic devices.

2 (b) Application form.--The application for a license under
3 this section shall be on a form as prescribed by regulations
4 promulgated by the Attorney General.

5 (c) License fee.--A license fee in an amount not to exceed
6 \$50, as prescribed by the Attorney General, shall be paid
7 annually. The fee shall be paid into the treasury of the county
8 where the license is issued.

9 (d) Duration of license.--A license issued under this
10 chapter shall be valid for one year.

11 (e) Application to be public record.--A license application
12 under this section shall be a public record and be available to
13 the general public for inspection.

14 § 8103. Records of transactions.

15 (a) Dealers to keep record.--Dealers of electronic devices
16 shall keep a record of every transaction upon a form approved by
17 the Attorney General. The record shall include, at a minimum:

18 (1) The name, age and address of the seller, which must
19 be verified by the dealer, requiring photographic proof of
20 identity from the seller sufficient to ensure the accuracy of
21 the represented name, age and address of the seller?????. Each
22 dealer of electronic devices must make a photocopy of the
23 identification and retain the photocopy with the record of
24 purchase or consignment for a period of not less than 180
25 days from date of purchase or consignment.

26 (2) An accurate description of the property purchased,
27 including any serial number or other identifying marks or
28 symbols and the date and time of the transaction.

29 (b) Records to be retained.--Records of purchase or
30 consignment shall be retained by a dealer of electronic devices

1 for a period of 180 days from the date of purchase or
2 consignment and shall be available for inspection by any law
3 enforcement official of the Federal Government, the Commonwealth
4 or any of its municipalities.

5 (c) Copy of record to district attorney.--A dealer of
6 electronic devices shall deliver or mail a copy of every
7 transaction, including any photocopy of photographic
8 identification, to the district attorney of the county in which
9 a purchase or consignment of electronic devices is made by the
10 close of the next business day after purchase or consignment.

11 (d) Copy of record to police department in lieu of district
12 attorney.--The district attorney may authorize that the records
13 required under this section be delivered or mailed to the police
14 department of the municipality in which the electronic devices
15 were purchased in lieu of delivery or mailing to the district
16 attorney.

17 § 8104. Retention of electronic devices and availability for
18 inspection.

19 (a) Electronic devices to be retained for five days.--Each
20 electronic device purchased by a dealer of electronic devices
21 shall be retained in unaltered condition for five full working
22 days after report of its purchase has been filed with the proper
23 district attorney or the district attorney's designee.

24 (b) Electronic devices to be available for inspection.--
25 Electronic devices shall be available for inspection during the
26 retention period required under subsection (a) by law
27 enforcement officials of the Federal Government, the
28 Commonwealth or any of its municipalities in the course of their
29 law enforcement duties. A search warrant shall not be required
30 unless the inspection is made during hours other than those when

1 the dealer of electronic devices is open for business.

2 (c) Notice.--If a law enforcement official has probable
3 cause to believe an electronic device was stolen, the official
4 may give written notice to the dealer of electronic devices.
5 Upon receipt of the written notice, the dealer of electronic
6 devices shall retain the electronic device in unaltered
7 condition for an additional seven days, unless the law
8 enforcement official recalls the notice in writing.

9 (d) Court ordered retention.--Upon application of the
10 district attorney, a court of proper jurisdiction may order a
11 dealer of electronic devices to retain an electronic device for
12 a reasonable period.

13 (e) Location.--An electronic device required to be retained
14 under subsection (d) shall be retained within the county of
15 purchase at the location where the dealer of electronic devices
16 purchased the electronic device, unless otherwise authorized in
17 writing by the district attorney or a designee.

18 § 8105. Purchases from minors.

19 A dealer of electronic devices shall wait three business days
20 after taking possession of an electronic device before
21 providing???? payment for the electronic device to any person
22 under 18 years of age.

23 § 8106. Local ordinances.

24 This chapter shall not supersede or preclude the adoption of
25 any municipal ordinance applicable to dealers of electronic
26 devices, if the municipal ordinance meets the minimum
27 requirements of this chapter.

28 § 8107. Inspection of licensee.

29 The acceptance of a license by a dealer of electronic devices
30 implies consent to inspections of the dealer of electronic

1 devices' premises by law enforcement officials and officials
2 authorized to enforce laws, regulations or ordinances related,
3 directly or indirectly, to disposal of electronic devices.

4 § 8108. Penalty.

5 (a) Unlicensed purchases.--The purchase of an electronic
6 device by an individual who does not hold a valid license under
7 this chapter shall constitute a violation of this chapter and
8 the individual commits a misdemeanor of the third degree.

9 (b) Violations by licensed dealers.--A licensed dealer of
10 electronic devices who violates a provision of this chapter
11 commits a misdemeanor of the third degree and shall, upon
12 conviction, be subject to immediate revocation of an existing
13 license issued under this chapter and be ineligible to apply for
14 a license under this chapter for five years thereafter.

15 § 8109. Severability.

16 The provisions of this chapter are severable. If any
17 provision of this chapter or its application to any person or
18 circumstance is held invalid, the invalidity shall not affect
19 other provisions or applications of this chapter which can be
20 given effect without the invalid provision or application.

21 § 8110. Application.

22 This chapter shall not be enforced until appropriate ????
23 regulations are promulgated by the Attorney General.

24 Section 2. This act shall take effect immediately.