

AN ACT

1 Amending Title 16 (Counties) of the Pennsylvania Consolidated
2 Statutes, providing for electronic device 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. Electronic Device Licenses

11 CHAPTER 81

12 ELECTRONIC DEVICE 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. Applicability.
- 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 an individual who acts as agent for
16 an individual, partnership, association, corporation or business
17 entity for the purchase or possession of electronic devices. The
18 term does not include an individual or entity that purchases or
19 possesses electronic devices on behalf of a charitable
20 organization as that term is defined in section 3 of the act of
21 December 19, 1990 (P.L.1200, No.202), known as the Solicitation
22 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 "Transaction." A purchase or consignment of an electronic
26 device by a dealer of electronic devices, other than as an
27 allowance for the trade-in or exchange of the electronic device
28 on the purchase of a new electronic device of the same kind from
29 a dealer primarily engaged in the business of selling new
30 electronic devices.

1 § 8102. License required.

2 (a) Dealer.--A dealer of electronic devices shall obtain a
3 license from the sheriff of the county in which the dealer
4 purchases or possesses the electronic devices.

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

8 (c) License fee.--A license fee in an amount not to exceed
9 \$50, as prescribed by the Attorney General, shall be paid
10 annually. The fee shall be paid into the treasury of the county
11 where the license is issued.

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

14 (e) Public record.--A license application under this section
15 shall be a public record and be available to the general public
16 for inspection.

17 § 8103. Records of transactions.

18 (a) Recordkeeping.--Dealers of electronic devices shall keep
19 a record of every transaction upon a form approved by the
20 Attorney General. The record shall include, at a minimum:

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

29 (2) An accurate description of the property purchased,
30 including any serial number or other identifying marks or

1 symbols and the date and time of the transaction.

2 (b) Retention of records.--Records of purchase or
3 consignment shall be retained by a dealer of electronic devices
4 for a period of 180 days from the date of purchase or
5 consignment and shall be available for inspection by any law
6 enforcement official of the Federal Government, the Commonwealth
7 or any of its municipalities.

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

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

20 § 8104. Retention of electronic devices and availability for
21 inspection.

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

27 (b) Electronic devices to be available for inspection.--
28 Electronic devices shall be available for inspection during the
29 retention period required under subsection (a) by law
30 enforcement officials of the Federal Government, the

1 Commonwealth or any of its municipalities in the course of their
2 law enforcement duties. A search warrant shall not be required
3 unless the inspection is made during hours other than those when
4 the dealer of electronic devices is open for business.

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

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

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

21 § 8105. Purchases from minors.

22 A dealer of electronic devices shall wait three business days
23 after taking possession of an electronic device before providing
24 payment for the electronic device to a person under 18 years of
25 age.

26 § 8106. Local ordinances.

27 This chapter shall not supersede or preclude the adoption of
28 a municipal ordinance applicable to dealers of electronic
29 devices, if the municipal ordinance meets the minimum
30 requirements of this chapter.

1 § 8107. Inspection of licensee.

2 The acceptance of a license by a dealer of electronic devices
3 implies consent to inspections of the dealer's premises by law
4 enforcement officials and officials authorized to enforce laws,
5 regulations or ordinances related, directly or indirectly, to
6 disposal of electronic devices.

7 § 8108. Penalty.

8 (a) Unlicensed purchases.--The purchase of an electronic
9 device by a dealer of electronic devices who does not hold a
10 valid license under this chapter is a violation of this chapter
11 and a misdemeanor of the third degree.

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

18 § 8109. Severability.

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

24 § 8110. Applicability.

25 (a) Attorney General.--The Attorney General shall promulgate
26 regulations for the implementation and operation of this
27 chapter.

28 (b) Prohibition.--This chapter shall not apply to a person
29 until the regulations under subsection (a) have been
30 promulgated.

1 Section 2. This act shall take effect immediately.