

SCRAP MATERIAL THEFT PREVENTION ACT - COMMERCIAL ACCOUNTS,
RESTRICTED MATERIALS, STATEWIDE REGISTRY OF SCRAP PROCESSORS
AND RECYCLING FACILITIES, DUTY TO REGISTER, CRIMINAL REGISTRY
AND PENALTIES

Act of Jun. 26, 2014, P.L. 799, No. 79

Cl. 27

Session of 2014
No. 2014-79

SB 1077

AN ACT

Amending the act of October 9, 2008 (P.L.1408, No.113), entitled "An act requiring scrap processors and recycling facility operators to collect certain information relating to the purchase of scrap material; requiring commercial accounts; and restricting scrap processors and recycling facility operators from purchasing certain materials," further providing for definitions, for commercial accounts and for restricted materials; providing for Statewide registry of scrap processors and recycling facilities and for duty to register and for criminal registry; and further providing for penalties.

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

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

Section 2. Definitions.

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

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

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

Section 4. Commercial accounts.

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

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

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

(3) The telephone number of the commercial account.

(4) Confirmation that the person delivering the scrap material is authorized to receive a check or cash on behalf of the person or entity providing the scrap material. **The confirmation shall consist of written, signed authorization from the owner or officer of the commercial enterprise**

stating that the person delivering the scrap material is designated to receive payment for the scrap material.

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

Section 5. Restricted materials.

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

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

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

(3) Commercial metal property.

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

(5) Beer kegs.

(6) Detached catalytic converters.

(7) Railroad materials.

Section 3. The act is amended by adding sections to read:

Section 6.1. Statewide registry of scrap processors and recycling facilities.

The Pennsylvania State Police shall establish and maintain a Statewide registry of scrap processors and recycling facilities under section 6.2. The registry information shall be posted on the publicly accessible Internet website of the Pennsylvania State Police.

Section 6.2. Duty to register.

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

(b) Registration.--A person shall register with the Pennsylvania State Police under subsection (e). The registrant must provide the following information:

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

(i) Name.

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

(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, 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) Registration 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 14 business days, the scrap processing and recycling facility a written notice of registration identifying the name of the applicant, scrap processing and recycling facility name and address and a registration number. The notice 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 a database under this act. Before July 1, 2016, money collected under paragraph (1) shall augment the money appropriated to the Pennsylvania State Police to be used to create an electronic database of registrations. The Pennsylvania State Police shall transmit a notice when the electronic database is operational to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. After June 30, 2016, money collected under paragraph (1) shall be deposited in the General Fund.

(e) Method of registration.--

(1) Except as set forth in paragraph (2), registration must be in writing on a form prescribed by the Pennsylvania State Police.

(2) After publication of the notice under subsection (d)(2), the Pennsylvania State Police may require registration:

(i) in writing on a form prescribed by the Pennsylvania State Police; or

(ii) electronically.

(f) Proof of registration.--A scrap processor and recycling facility shall include its registration number in all advertisements distributed within this Commonwealth and shall have the notice of registration clearly visible at its place of business.

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

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

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

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

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

APPROVED--The 26th day of June, A.D. 2014.

TOM CORBETT