

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 1086 Session of  
2013

---

INTRODUCED BY DAVIS, K. BOYLE, ROZZI, HAGGERTY, V. BROWN,  
MAHONEY, GAINNEY, MURT, TOEPEL, GALLOWAY, B. BOYLE, NEUMAN,  
FABRIZIO, CALTAGIRONE, HEFFLEY, COHEN, THOMAS, D. COSTA,  
PASHINSKI, DeLUCA, QUINN, WATSON, MUNDY, MOUL AND FARRY,  
APRIL 2, 2013

---

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, APRIL 2, 2013

---

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 law enforcement and for penalties.

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

12 Section 1. Sections 3, 6 and 7 of the act of October 9, 2008  
13 (P.L.1408, No.113), known as the Scrap Material Theft Prevention  
14 Act, are amended to read:

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

18 (a) General rule.--A scrap processor and recycling facility  
19 operator shall collect the following information for all  
20 transactions by a seller [of restricted material under section 5

1 and from any other seller when the purchase of scrap material  
2 from the seller exceeds \$100]:

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

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

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

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

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

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

14 (7) A photograph of the scrap material included in the  
15 transaction.

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

22 (b.1) Certain transactions prohibited.--No scrap processor  
23 or recycling facility operator may entertain a transaction from  
24 a person on the banned sellers list as provided by law  
25 enforcement officials pursuant to section 6(e).

26 (b.2) Cash transactions prohibited.--A scrap processor or  
27 recycling facility operator may not make payment in cash for the  
28 purchase of scrap material from a seller. Credit card, debit  
29 card and electronic funds transfer transactions shall not be  
30 considered cash transactions under this subsection.

1     (b.3) Payment withholding period.--A scrap processor or  
2 recycling facility operator shall provide a receipt to the  
3 seller at the time of the initial transaction for the value of  
4 the scrap material being sold. A scrap processor or recycling  
5 facility operator shall not relinquish payment to a seller of  
6 scrap material for at least 48 hours, but not more than 72  
7 hours, from the time of the initial transaction.

8     (c) Holding period.--

9         (1) (i) Following notification, either verbally or in  
10         writing, from a law enforcement officer that certain  
11         scrap materials have been reported as stolen, a scrap  
12         processor or recycling facility operator that is in  
13         possession of the scrap material in question shall hold  
14         that scrap material intact and safe from alteration,  
15         damage or commingling and shall place an identifying tag  
16         or other suitable identification upon the scrap material.

17         (ii) A law enforcement officer making a verbal  
18         request shall provide the scrap processor or recycling  
19         facility operator, upon request, with the officer's name,  
20         badge number and department contact telephone number so  
21         that the scrap processor or recycling facility operator  
22         may call back to confirm the identity of the law  
23         enforcement officer.

24         (2) Within 24 hours of notification by the law  
25         enforcement officer or 24 hours of the receipt of the  
26         material, whichever is later, the scrap processor or  
27         recycling facility operator shall notify the law enforcement  
28         officer that scrap material matching the law enforcement  
29         officer's description is on the premises.

30         (3) The scrap processor or recycling facility shall hold

1 the scrap material for a period of time as directed by the  
2 applicable law enforcement agency, up to a maximum of 48  
3 hours following notification, unless extended pursuant to  
4 paragraph (5).

5 (4) A law enforcement officer shall not place a hold on  
6 any scrap material unless that law enforcement officer  
7 reasonably suspects that the scrap material is lost or  
8 stolen. The request to hold scrap material shall be as  
9 specific as possible by using descriptive language,  
10 including, but not limited to, the type and the style of the  
11 material, length or weight or any other such description to  
12 identify the material to be held. Any hold that is placed on  
13 scrap material shall not exceed 48 hours, and the scrap  
14 material must be returned to the owner or released when the  
15 hold has been released or has expired.

16 (5) A holding period may be extended beyond 48 hours  
17 only upon the order of a magisterial district judge after the  
18 magisterial district judge has determined that probable cause  
19 exists that the scrap material is lost or stolen.

20 (6) A scrap processor or recycling facility operator  
21 that receives material that does not meet the description of  
22 materials being sought by a law enforcement officer may  
23 dispose of that material at its discretion.

24 (d) Maintenance of records.--The information required by  
25 this section shall be maintained by the scrap processor or  
26 recycling facility operator for a minimum of two years from the  
27 date of the transaction.

28 Section 6. Law enforcement.

29 (a) Record requests.--A scrap processor and recycling  
30 facility operator shall disclose seller registration information

1 required by this act during normal business hours to any  
2 investigative or law enforcement officer or any person acting at  
3 the direction or request of an investigative or law enforcement  
4 officer to investigate suspected criminal activities.

5 (b) Victim requests.--A person who claims to own scrap  
6 material that was stolen may request from law enforcement a copy  
7 of a scrap processor's or recycling facility operator's  
8 transaction records for the purpose of searching for the missing  
9 property if the person has a copy of a filed police report for  
10 the stolen scrap material.

11 (c) Authority to develop procedures for requests.--Law  
12 enforcement may develop procedures to provide a person who  
13 requests transaction records pursuant to subsection (b) with the  
14 records. Law enforcement shall provide the requester the records  
15 within seven business days. Prior to delivering the records to  
16 the requester, law enforcement officials shall:

17 (1) Redact any personal information of a seller,  
18 collected at the time of the transaction, pursuant to section  
19 3(a)(1), (2), (3) or (4).

20 (2) Redact the address and telephone number of the  
21 seller.

22 (3) Redact any financial account information a seller  
23 may have established with a scrap processor or recycling  
24 facility operator.

25 (4) Redact the price paid to the seller for the scrap  
26 material or any estimated value of the scrap material  
27 received by a scrap processor or recycling facility operator.

28 (5) Determine the appropriate records to provide to the  
29 requester, based upon the time period that the alleged theft  
30 is reported to have taken place.

1 (d) Fees for requests.--A law enforcement agency may charge  
2 or collect a reasonable administration fee for providing records  
3 as requested by this section.

4 (e) Banned sellers list.--A law enforcement agency that  
5 serves a jurisdiction in which scrap processors or recycling  
6 facilities are located shall provide to the scrap processors or  
7 recycling facility operators a list, in either written or  
8 electronic form, of the names and descriptions of persons  
9 convicted of an offense under 18 Pa.C.S. § 3921 (relating to  
10 theft by unlawful taking or disposition) or 3925 (relating to  
11 receiving stolen property) that relates to the theft of scrap  
12 material or the transportation of stolen scrap material. Law  
13 enforcement shall provide updated copies of this list at least  
14 once every 30 days. The law enforcement agency may request the  
15 appropriate clerk of courts to provide the list.

16 Section 7. Penalties.

17 (a) Scrap processor and recycling facility operator  
18 penalties.--A scrap processor and recycling facility operator  
19 who violates this act commits a summary offense and shall, upon  
20 conviction, be sentenced to pay a fine of up to \$2,500. A second  
21 or subsequent violation shall be classified as a misdemeanor of  
22 the third degree.

23 (b) Motor vehicle penalties.--Upon a conviction of an  
24 offense under 18 Pa.C.S. § 3921 (relating to theft by unlawful  
25 taking or disposition) or 3925 (relating to receiving stolen  
26 property) that relates to the theft of scrap material or the  
27 transportation of stolen scrap material, the courts shall order  
28 the impoundment of any vehicle used in the act of theft of scrap  
29 material or the transportation of stolen scrap material. For the  
30 first offense, a vehicle shall be impounded for at least 30

1 days, but not more than 60 days. For a second or subsequent  
2 offense involving the same motor vehicle, the vehicle shall be  
3 impounded for at least 60 days and not more than 180 days. The  
4 person convicted shall be responsible for any fees associated  
5 with or related to the impoundment of the vehicle.

6 Section 2. This act shall take effect in 60 days.