
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1868 Session of
2013

INTRODUCED BY K. BOYLE, TAYLOR, NEILSON, SCHREIBER, PASHINSKI,
NEUMAN, SCHLOSSBERG, CALTAGIRONE, YOUNGBLOOD, DAVIS, SWANGER,
PARKER, HAGGERTY, B. BOYLE, MULLERY, DeLUCA, COHEN, PAINTER,
SABATINA, QUINN, BURNS, O'BRIEN, GINGRICH, BRADFORD AND
D. COSTA, DECEMBER 9, 2013

REFERRED TO COMMITTEE ON COMMERCE, DECEMBER 9, 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," providing for
7 registry of operators, processors and locations; and further
8 providing for identification requirements for sale of scrap
9 materials to scrap processors and recycling facility
10 operators and for commercial accounts.

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

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

16 Section 2.1. Registry of operators, processors and locations.

17 (a) Registration.--

18 (1) A recycling facility operator or scrap processor may
19 not purchase, deal or engage in the scrap metal business
20 unless the operator or processor and all locations used by

1 the operator or processor to purchase, deal or engage in the
2 scrap metal business are registered with the Office of
3 Attorney General.

4 (2) A certificate of proof of registration under this
5 section shall be displayed prominently as required by
6 regulations promulgated under this section.

7 (b) Time periods.--

8 (1) A registration under this section shall expire two
9 years from the date of initial registration or renewal of the
10 registration.

11 (2) A current valid registration under this section
12 shall expire 60 days after the death of the registrant. The
13 Attorney General, or a designated representative of the
14 Attorney General, may extend the 60-day time period for good
15 cause.

16 (3) A current valid registration under this section
17 shall expire immediately after a registrant is no longer an
18 employee or agent of the location designated on the
19 registration.

20 (c) Powers and duties.--The Attorney General, or a
21 designated representative of the Attorney General, shall do the
22 following:

23 (1) Promulgate regulations to carry out the provisions
24 of this section.

25 (2) Set registration and renewal fees to cover the
26 administrative costs of this section.

27 (3) Issue, renew or deny registration and certificates
28 of proof of registration.

29 (d) Declaration.--The application for registration or
30 renewal under this section must include a declaration by the

1 applicant for registration or renewal that the applicant has not
2 been convicted of an offense listed in subsection (e) that
3 related to scrap metal. An applicant who knowingly or willfully
4 makes a false statement in the declaration shall be subject to
5 prosecution for perjury under 18 Pa.C.S. § 4902 (relating to
6 perjury).

7 (e) Prohibition.--If an applicant for registration or
8 renewal under this section has been convicted of a violation of
9 this act or any of the following offenses involving scrap metal,
10 the applicant shall be prohibited from registering for five
11 years from the date of conviction:

12 (1) An offense under 18 Pa.C.S. Ch. 33 (relating to arson,
13 criminal mischief and other property destruction).

14 (2) An offense under 18 Pa.C.S. Ch. 35 (relating to burglary
15 and other criminal intrusion).

16 (3) An offense under 18 Pa.C.S. Ch. 39 (relating to theft
17 and related offenses).

18 Section 2. Sections 3(a), (b), (c)(1), (d) and 4(d) of the
19 act are amended and the sections are amended by adding
20 subsections to read:

21 Section 3. Identification requirements for sale of scrap
22 materials to scrap processors and recycling facility
23 operators.

24 (a) General rule.--A registered scrap processor and
25 recycling facility operator shall collect and transmit to the
26 Office of Attorney General the following information for all
27 transactions by a seller [of restricted material under section 5
28 and from any other seller when the purchase of scrap material
29 from the seller exceeds \$100]:

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

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

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

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

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

8 (6) A detailed description of the scrap material
9 included in the transaction, including the identifying
10 information, types of items, weight of the scrap material and
11 the amount paid to the seller.

12 (a.1) Database.--

13 (1) The Attorney General, or the designated agent or
14 representative of the Attorney General, shall develop and
15 maintain a database accessible by law enforcement agencies
16 that provides the following:

17 (i) Secure receiving and storing of all information
18 required under this section including registration
19 information and daily transaction data.

20 (ii) A link and retransmission capabilities for
21 routine scrap theft alerts published by the Institute of
22 Scrap Recycling Industries. An alert shall be sent to
23 both registrants and law enforcement agencies.

24 (iii) Search capabilities for law enforcement
25 purposes.

26 (iv) Accessibility, search capabilities and editing
27 capabilities to a registrant with regard to the
28 registrant's own data and transaction history. Editing
29 may only be done in accordance with regulations that may
30 be promulgated by the Attorney General, or the designated

1 representative of the Attorney General.

2 (2) A record kept or created under this section shall
3 not constitute a public record subject to public access under
4 the act of February 14, 2008 (P.L.6, No.3), known as the
5 Right-to-Know Law.

6 (b) Tracking the transaction.--A scrap processor and
7 recycling facility operator shall[, when payment is made in
8 cash,] develop methods of tracking a transaction that obtains
9 the seller's signature on a receipt for the transaction. The
10 receipt shall include a certification that the seller is the
11 owner or authorized seller of the scrap material.

12 (b.1) Cash transactions prohibited.--A scrap processor or
13 recycling facility operator may not make payment in cash for the
14 purchase of scrap material from a seller. Credit card, debit
15 card and electronic funds transfer transactions shall not be
16 considered cash transactions under this subsection.

17 (c) Holding period.--

18 (1) (i) Following notification, either verbally,
19 through an alert retransmitted from the Institute of
20 Scrap Recycling Industries or in writing, from a law
21 enforcement officer that certain scrap materials have
22 been reported as stolen, a scrap processor or recycling
23 facility operator that is in possession of the scrap
24 material in question shall hold that scrap material
25 intact and safe from alteration, damage or commingling
26 and shall place an identifying tag or other suitable
27 identification upon the scrap material.

28 (ii) A law enforcement officer making a verbal
29 request shall provide the scrap processor or recycling
30 facility operator, upon request, with the officer's name,

1 badge number and department contact telephone number so
2 that the scrap processor or recycling facility operator
3 may call back to confirm the identity of the law
4 enforcement officer.

5 * * *

6 (d) Maintenance of records.--The information required by
7 this section shall be maintained by the scrap processor or
8 recycling facility operator and the Office of Attorney General
9 for a minimum of two years from the date of the transaction.

10 Section 4. Commercial accounts.

11 * * *

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

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

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

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

23 (4) Confirmation that the person delivering the scrap
24 material is authorized to receive a [check or cash] payment
25 on behalf of the person or entity providing the scrap
26 material.

27 (e) Database.--The information in this section, including
28 the transaction data and the information on record for the
29 commercial account, shall also be included in the database kept
30 by the Office of Attorney General under section 3(a.1).

1 (f) Access.--A record kept or created under this section
2 shall not constitute a public record subject to public access
3 under the act of February 14, 2008 (P.L.6, No.3), known as the
4 Right-to-Know Law.

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