

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1077 Session of 2013

INTRODUCED BY ARGALL, KASUNIC, STACK, WAUGH, WHITE, SOLOBAY, RAFFERTY, EICHELBERGER, VULAKOVICH, COSTA, YUDICHAK AND BROWNE, SEPTEMBER 16, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 6, 2014

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 definitions and for restricted materials., FOR <--
8 COMMERCIAL ACCOUNTS AND FOR RESTRICTED MATERIALS; PROVIDING
9 FOR STATEWIDE REGISTRY OF SCRAP PROCESSORS AND RECYCLING
10 FACILITIES AND FOR DUTY TO REGISTER AND FOR CRIMINAL
11 REGISTRY; AND FURTHER PROVIDING FOR PENALTIES.

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

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

17 Section 2. Definitions.

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

21 * * *

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

6 * * *

7 Section 2. Section 5 of the act is amended to read:

8 Section 5. Restricted materials.

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

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

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

17 (3) Commercial metal property.

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

21 (5) Beer kegs.

22 (6) Detached catalytic converters.

23 (7) Railroad materials.

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

25 SECTION 1. SECTION 2 OF THE ACT OF OCTOBER 9, 2008

<--

26 (P.L.1408, NO.113), KNOWN AS THE SCRAP MATERIAL THEFT PREVENTION
27 ACT, IS AMENDED BY ADDING A DEFINITION TO READ:

28 SECTION 2. DEFINITIONS.

29 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
30 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

1 CONTEXT CLEARLY INDICATES OTHERWISE:

2 * * *

3 "RAILROAD MATERIAL." RAILROAD POWER AND SIGNAL EQUIPMENT,
4 ROAD OR RAIL CROSSING SIGNALS, RAILROAD TRACK, RAILROAD SWITCH
5 COMPONENTS, RAILROAD SPIKE, ANGLE/JOINT BAR AS USED IN THE
6 JOINTING OF RAILROAD TRACK, RAILROAD ANCHORS, RAILROAD TIE PLATE
7 OR BOLT USED IN CONSTRUCTING A RAILROAD.

8 * * *

9 SECTION 2. SECTIONS 4(D) AND 5 OF THE ACT ARE AMENDED TO
10 READ:

11 SECTION 4. COMMERCIAL ACCOUNTS.

12 * * *

13 (D) FINANCIAL TRANSACTIONS.--ONCE A COMMERCIAL ACCOUNT HAS
14 BEEN ESTABLISHED, IF A FINANCIAL TRANSACTION OCCURS BETWEEN A
15 SCRAP PROCESSOR OR RECYCLING FACILITY OPERATOR AND A PERSON
16 DELIVERING THE SCRAP MATERIAL, THE SCRAP PROCESSOR OR RECYCLING
17 FACILITY OPERATOR SHALL OBTAIN THE FOLLOWING BEFORE COMPLETING
18 EACH TRANSACTION:

19 (1) A PHOTOCOPY OF THE DRIVER'S LICENSE OF THE PERSON
20 DELIVERING THE SCRAP MATERIALS.

21 (2) THE LICENSE PLATE NUMBER OF THE VEHICLE TRANSPORTING
22 SCRAP MATERIAL.

23 (3) THE TELEPHONE NUMBER OF THE COMMERCIAL ACCOUNT.

24 (4) CONFIRMATION THAT THE PERSON DELIVERING THE SCRAP
25 MATERIAL IS AUTHORIZED TO RECEIVE A CHECK OR CASH ON BEHALF
26 OF THE PERSON OR ENTITY PROVIDING THE SCRAP MATERIAL. THE
27 CONFIRMATION SHALL CONSIST OF WRITTEN, SIGNED AUTHORIZATION
28 FROM THE OWNER OR OFFICER OF THE COMMERCIAL ENTERPRISE
29 STATING THAT THE PERSON DELIVERING THE SCRAP MATERIAL IS
30 DESIGNATED TO RECEIVE PAYMENT FOR THE SCRAP MATERIAL.

1 (5) AN ACKNOWLEDGMENT OF RECEIPT OF CASH PAYMENT, SIGNED
2 BY THE PERSON DELIVERING THE SCRAP MATERIAL AND RECEIVING THE
3 CASH PAYMENT.

4 SECTION 5. RESTRICTED MATERIALS.

5 A SCRAP PROCESSOR AND RECYCLING FACILITY OPERATOR MAY
6 PURCHASE THE FOLLOWING SCRAP MATERIAL ONLY IF THE PURCHASE
7 OCCURS WITH A COMMERCIAL ENTERPRISE:

8 (1) NEW PRODUCTION SCRAP OR NEW MATERIALS THAT ARE A
9 PART OF A MANUFACTURING PROCESS THAT ARE BEING SOLD BY AN
10 INDIVIDUAL, NOT A COMPANY.

11 (2) FULL SIZED, NEW MATERIALS, SUCH AS THOSE USED IN
12 CONSTRUCTION, OR EQUIPMENT AND TOOLS USED BY CONTRACTORS.

13 (3) COMMERCIAL METAL PROPERTY.

14 (4) METALLIC WIRE THAT HAS BEEN BURNED IN WHOLE OR IN
15 PART TO REMOVE INSULATION, UNLESS THE AGGREGATE VALUE IS LESS
16 THAN \$100.

17 (5) BEER KEGS.

18 (6) DETACHED CATALYTIC CONVERTERS.

19 (7) RAILROAD MATERIALS.

20 SECTION 3. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

21 SECTION 6.1. STATEWIDE REGISTRY OF SCRAP PROCESSORS AND
22 RECYCLING FACILITIES.

23 THE PENNSYLVANIA STATE POLICE SHALL ESTABLISH AND MAINTAIN A
24 STATEWIDE REGISTRY OF SCRAP PROCESSORS AND RECYCLING FACILITIES
25 THAT REGISTER WITH THE PENNSYLVANIA STATE POLICE UNDER SECTION
26 6.2. THE REGISTRY SHALL BE POSTED ON THE INTERNET WEBSITE OF THE
27 PENNSYLVANIA STATE POLICE AND SHALL BE ACCESSIBLE TO LAW
28 ENFORCEMENT PERSONNEL.

29 SECTION 6.2. DUTY TO REGISTER.

30 (A) GENERAL RULE.--A SCRAP PROCESSOR AND RECYCLING FACILITY

1 SHALL REGISTER WITH THE PENNSYLVANIA STATE POLICE AS PROVIDED IN
2 THIS SECTION.

3 (B) METHOD OF REGISTRATION.--A PERSON SHALL REGISTER WITH
4 THE PENNSYLVANIA STATE POLICE IN WRITING OR ELECTRONICALLY VIA A
5 SECURE INTERNET CONNECTION ON A FORM PROVIDED BY THE
6 PENNSYLVANIA STATE POLICE. THE APPLICATION SHALL INCLUDE THE
7 FOLLOWING INFORMATION:

8 (1) FOR AN INDIVIDUAL APPLICANT, ALL OF THE FOLLOWING:

9 (I) NAME.

10 (II) DRIVER'S LICENSE NUMBER, A COPY OF AN
11 IDENTIFICATION CARD ISSUED BY THE STATE IN WHICH THE
12 INDIVIDUAL RESIDES OR OTHER FORM OF IDENTIFICATION AS
13 PERMITTED BY THE COMMONWEALTH.

14 (III) BUSINESS NAME, ADDRESS AND TELEPHONE NUMBER.

15 (IV) FEDERAL EMPLOYER IDENTIFICATION NUMBER, IF
16 APPLICABLE.

17 (2) FOR A GENERAL PARTNERSHIP APPLICANT, ALL OF THE
18 FOLLOWING:

19 (I) NAME OF EACH PARTNER.

20 (II) DRIVER'S LICENSE NUMBER OR A COPY OF AN
21 IDENTIFICATION CARD ISSUED BY THE STATE IN WHICH EACH
22 PARTNER RESIDES, OF EACH PARTNER.

23 (III) PARTNERSHIP NAME, ADDRESS AND TELEPHONE
24 NUMBER.

25 (IV) FEDERAL EMPLOYER IDENTIFICATION NUMBER, IF
26 APPLICABLE.

27 (3) FOR A CORPORATION, LIMITED LIABILITY COMPANY OR
28 LIMITED PARTNERSHIP, ALL OF THE FOLLOWING:

29 (I) NAME OF THE REGISTERING OFFICER, MANAGER AND
30 GENERAL PARTNER.

1 (II) BUSINESS NAME, ADDRESS AND TELEPHONE NUMBER.

2 (III) NAME OF EACH DIRECTOR OR EACH INDIVIDUAL

3 HOLDING GREATER THAN A 5% EQUITY INTEREST IN THE ENTITY.

4 (4) FOR AN OUT-OF-STATE CORPORATION, LIMITED LIABILITY
5 COMPANY OR LIMITED PARTNERSHIP, THE NAME AND ADDRESS OF THE
6 ENTITY'S RESIDENT AGENT OR REGISTERED OFFICE PROVIDER WITHIN
7 THIS COMMONWEALTH AND ANY REGISTRATION NUMBER OR LICENSE
8 NUMBER ISSUED TO THE ENTITY BY ITS HOME STATE OR POLITICAL
9 SUBDIVISION OF THE OTHER STATE, IF APPLICABLE.

10 (5) FOR A JOINT VENTURE APPLICANT, THE NAME, ADDRESS AND
11 TELEPHONE NUMBER OF THE JOINT VENTURE, AS WELL AS THE NAME,
12 ADDRESS AND TELEPHONE NUMBER OF EACH PARTY TO THE JOINT
13 VENTURE.

14 (C) REPORTING OF MULTIPLE REGISTRATIONS.--AN ENTITY OWNING
15 MULTIPLE SCRAP PROCESSING AND RECYCLING FACILITIES MUST REGISTER
16 INDIVIDUALLY FOR EACH PHYSICAL ADDRESS OF A SCRAP PROCESSING AND
17 RECYCLING FACILITY.

18 (D) APPLICATION FEES.--

19 (1) EACH COMPLETED REGISTRATION FORM FOR A SCRAP
20 RECYCLER OR RENEWAL OF REGISTRATION SHALL BE ACCOMPANIED BY A
21 FEE OF \$100. AFTER COMPLETION OF THE REGISTRATION AND PAYMENT
22 OF THE FEE, THE PENNSYLVANIA STATE POLICE SHALL ISSUE, WITHIN
23 SEVEN BUSINESS DAYS, THE SCRAP PROCESSING AND RECYCLING
24 FACILITY A REGISTRATION CERTIFICATE IDENTIFYING THE NAME OF
25 THE APPLICANT, SCRAP PROCESSING AND RECYCLING FACILITY NAME
26 AND ADDRESS AND A REGISTRATION NUMBER. THE CERTIFICATE SHALL
27 BE VALID FOR A PERIOD OF TWO YEARS. RENEWALS SHALL BE ON A
28 BIENNIAL BASIS.

29 (2) THE REGISTRATION FEE SHALL BE USED TO ESTABLISH AND
30 MAINTAIN THE DATABASE UNDER SECTION 6.1.

1 (E) PROOF OF REGISTRATION.--A SCRAP PROCESSOR AND RECYCLING
2 FACILITY SHALL INCLUDE ITS REGISTRATION NUMBER IN ALL
3 ADVERTISEMENTS DISTRIBUTED WITHIN THIS COMMONWEALTH, AND SHALL
4 HAVE THE REGISTRATION CERTIFICATE CLEARLY VISIBLE AT ITS PLACE
5 OF BUSINESS.

6 (F) FAILURE TO REGISTER.--A SCRAP PROCESSOR OR RECYCLING
7 FACILITY THAT FAILS TO REGISTER COMMITS A SUMMARY OFFENSE AND
8 SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$1,000.

9 SECTION 4. SECTION 7 OF THE ACT IS AMENDED TO READ:

10 SECTION 7. PENALTIES.

11 [A] (A) SCRAP PROCESSOR AND RECYCLING FACILITY OPERATOR
12 PENALTIES.--EXCEPT AS PROVIDED UNDER SECTION 6.2(F), A SCRAP
13 PROCESSOR AND RECYCLING FACILITY OPERATOR WHO VIOLATES THIS ACT
14 COMMITTS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
15 SENTENCED TO PAY A FINE OF UP TO \$2,500. A SECOND OR SUBSEQUENT
16 VIOLATION SHALL BE CLASSIFIED AS A MISDEMEANOR OF THE THIRD
17 DEGREE.

18 (B) MOTOR VEHICLE PENALTIES.--UPON A CONVICTION OF AN
19 OFFENSE UNDER 18 PA.C.S. § 3921 (RELATING TO THEFT BY UNLAWFUL
20 TAKING OR DISPOSITION) OR 3925 (RELATING TO RECEIVING STOLEN
21 PROPERTY) THAT RELATES TO THE THEFT OF SCRAP MATERIAL OR THE
22 TRANSPORTATION OF STOLEN SCRAP MATERIAL, THE COURT MAY ORDER THE
23 IMPOUNDMENT OF ANY VEHICLE USED IN THE ACT OF THEFT OF SCRAP
24 MATERIAL OR THE TRANSPORTATION OF STOLEN SCRAP MATERIAL. FOR THE
25 FIRST OFFENSE, A VEHICLE MAY BE IMPOUNDED FOR AT LEAST 30 DAYS,
26 BUT NOT MORE THAN 60 DAYS. FOR A SECOND OR SUBSEQUENT OFFENSE
27 INVOLVING THE SAME MOTOR VEHICLE, THE VEHICLE MAY BE IMPOUNDED
28 FOR AT LEAST 60 DAYS AND NOT MORE THAN 180 DAYS. THE PERSON
29 CONVICTED SHALL BE RESPONSIBLE FOR ANY FEES ASSOCIATED WITH OR
30 RELATED TO THE IMPOUNDMENT OF THE VEHICLE.

1 SECTION 5. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.