
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1072 Session of
2015

INTRODUCED BY TAYLOR, BOYLE, THOMAS, GREINER, ACOSTA, WATSON,
KINSEY, BOBACK, O'BRIEN, COHEN, BARBIN, MULLERY, BROWNLEE,
SCHLOSSBERG, PASHINSKI, MAHONEY, W. KELLER, DeLUCA AND WHITE,
JUNE 1, 2015

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JUNE 1, 2015

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
21 the operator or processor to purchase, deal or engage in the

1 scrap metal business are registered with the Office of
2 Attorney General.

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

6 (b) Time periods.--

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

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

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

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

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

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

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

28 (d) Declaration.--The application for registration or
29 renewal under this section must include a declaration by the
30 applicant for registration or renewal that the applicant has not

1 been convicted of an offense listed in subsection (e) that
2 related to scrap metal. An applicant who knowingly or willfully
3 makes a false statement in the declaration shall be subject to
4 prosecution for perjury under 18 Pa.C.S. § 4902 (relating to
5 perjury).

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

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

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

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

17 Section 2. Section 3(a), (b), (c)(1) and (d) of the act are
18 amended and the section is amended by adding subsections to
19 read:

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

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

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

30 (2) The seller's and buyer's signature for each

1 transaction.

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

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

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

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

11 (a.1) Database.--

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

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

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

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

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

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

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

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

16 (c) Holding period.--

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

27 (ii) A law enforcement officer making a verbal
28 request shall provide the scrap processor or recycling
29 facility operator, upon request, with the officer's name,
30 badge number and department contact telephone number so

1 that the scrap processor or recycling facility operator
2 may call back to confirm the identity of the law
3 enforcement officer.

4 * * *

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

9 Section 3. Section 4(d) of the act, amended June 26, 2014
10 (P.L.799, No.79), is amended and the section is amended by
11 adding subsections to read:

12 Section 4. Commercial accounts.

13 * * *

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

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

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

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

25 (4) Confirmation that the person delivering the scrap
26 material is authorized to receive a [check or cash] payment
27 on behalf of the person or entity providing the scrap
28 material. The confirmation shall consist of written, signed
29 authorization from the owner or officer of the commercial
30 enterprise stating that the person delivering the scrap

1 material is designated to receive payment for the scrap
2 material.

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

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

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

14 Section 4. This act shall take effect in 60 days.