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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1491 Session of  
2015

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INTRODUCED BY TAYLOR, GREINER, PASHINSKI, GODSHALL, ENGLISH,  
SCHLOSSBERG, THOMAS, W. KELLER, BURNS, DONATUCCI, O'BRIEN,  
JOZWIAK, FARRY, PETRI, COHEN AND WATSON, AUGUST 13, 2015

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, AUGUST 13, 2015

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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, for identification requirements  
8 for sale of scrap materials to scrap processors and recycling  
9 facility operators and for commercial accounts.

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

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

15 Section 2. Definitions.

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

19 \* \* \*

20 "Business day." The term does not include Saturday, Sunday  
21 or a Federal or State legal holiday.

1 \* \* \*

2 "Proof of identity." An unexpired document issued by the  
3 Federal Government, the Commonwealth or any other state  
4 government, the District of Columbia, the Commonwealth of Puerto  
5 Rico or any United States territory that includes all of the  
6 following:

7 (1) The name, age and address of the seller.

8 (2) A photograph of the seller.

9 (3) An expiration date.

10 \* \* \*

11 Section 2. Section 3(a) introductory paragraph and (1), (b)  
12 and (c) of the act are amended and the section is amended by  
13 adding a subsection to read:

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

17 (a) General rule.--A scrap processor and recycling facility  
18 operator shall collect the following information for all  
19 transactions by a seller of restricted material under section 5  
20 and from any other seller [when the purchase of scrap material  
21 from the seller exceeds \$100]:

22 (1) A [photocopy] copy of the [driver's license of the  
23 seller] seller's proof of identity.

24 \* \* \*

25 [(b) Tracking the transaction.--A scrap processor and  
26 recycling facility operator shall, when payment is made in cash,  
27 develop methods of tracking a transaction that obtains the  
28 seller's signature on a receipt for the transaction. The receipt  
29 shall include a certification that the seller is the owner or  
30 authorized seller of the scrap material.]

1 (b.1) Prohibition of cash payment.--A scrap processor and  
2 recycling facility operator may not use cash as a payment method  
3 to the seller.

4 (c) Holding period.--

5 (1) (i) Following notification, either verbally or in  
6 writing, from a law enforcement officer that certain  
7 scrap materials have been reported as stolen, a scrap  
8 processor or recycling facility operator that is in  
9 possession of the scrap material in question shall [hold  
10 that scrap material intact and safe from alteration,  
11 damage or commingling and shall place an identifying tag  
12 or other suitable identification upon the scrap  
13 material.] within 24 hours of notification by the law  
14 enforcement officer or 24 hours of the receipt of the  
15 material, whichever is later, notify the law enforcement  
16 officer that scrap material matching the law enforcement  
17 officer's description is on the premises.

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

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

1           (2.1) A scrap processor and recycling facility operator  
2 shall retain each item purchased in unaltered condition for  
3 14 business days after the date of the transaction.

4           (3) The scrap processor or recycling facility shall hold  
5 the scrap material for a period of time as directed by the  
6 applicable law enforcement agency, up to a maximum of 48  
7 hours after the holding period under paragraph (2.1) has  
8 expired, following notification, unless extended pursuant to  
9 paragraph (5).

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

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

25          (6) A scrap processor or recycling facility operator  
26 that receives material that does not meet the description of  
27 materials being sought by a law enforcement officer may  
28 dispose of that material at its discretion upon completion of  
29 the holding period.

30       \* \* \*

1 Section 3. Section 4(d)(1), (4) and (5) of the act, amended  
2 June 26, 2014 (P.L.799, No.79), are amended to read:

3 Section 4. Commercial accounts.

4 \* \* \*

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

11 (1) A [photocopy] copy of the [driver's license] proof  
12 of identity of the person delivering the scrap materials.

13 \* \* \*

14 (4) Confirmation that the person delivering the scrap  
15 material is authorized to receive a check [or cash] on behalf  
16 of the person or entity providing the scrap material. The  
17 confirmation shall consist of written, signed authorization  
18 from the owner or officer of the commercial enterprise  
19 stating that the person delivering the scrap material is  
20 designated to receive payment for the scrap material.

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

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