

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1092 Session of 2021

INTRODUCED BY KAUFFMAN, STAMBAUGH, PYLE, JAMES, ZIMMERMAN, WHEELAND AND GILLEN, APRIL 5, 2021

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 24, 2022

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 AND FOR PENALTIES. <--

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

12 Section 1. Section 3(a) and (b) of the act of October 9,
13 2008 (P.L.1408, No.113), known as the Scrap Material Theft
14 Prevention Act, are amended AND THE SECTION IS AMENDED BY ADDING <--
15 SUBSECTIONS to read:

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

19 (a) General rule.--A scrap processor and recycling facility
20 operator shall collect the following information for all
21 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 or where the scrap material bears a
3 name or mark under 54 Pa.C.S. Ch. 15 (relating to reusable
4 marked articles and receptacles):

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

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

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

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

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

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

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 photograph or a copy of the seller's driver's license~~
20 ~~and the seller's signature on a receipt for the transaction. The~~
21 ~~receipt shall include a certification that the seller is the~~
22 ~~owner or authorized seller of the scrap material.~~

23 * * *

24 (A.1) ADDITIONAL REQUIREMENTS FOR CATALYTIC CONVERTERS.--A <--
25 SCRAP PROCESSOR AND RECYCLING FACILITY OPERATOR SHALL COLLECT
26 THE FOLLOWING IN ADDITION TO THE INFORMATION REQUIRED UNDER
27 SUBSECTION (A) IF THE TRANSACTION INCLUDES A CATALYTIC
28 CONVERTER:

29 (1) THE YEAR, MAKE, MODEL AND VEHICLE IDENTIFICATION
30 NUMBER OF THE VEHICLE FROM WHICH THE CATALYTIC CONVERTER WAS

1 REMOVED.

2 (2) A PHOTOGRAPH OF THE CATALYTIC CONVERTER.

3 (3) A PHOTOGRAPH OF THE SELLER.

4 (B) TRACKING THE TRANSACTION.--A SCRAP PROCESSOR AND
5 RECYCLING FACILITY OPERATOR SHALL[, WHEN PAYMENT IS MADE IN
6 CASH,] DEVELOP METHODS OF TRACKING [A TRANSACTION THAT OBTAINS
7 THE SELLER'S SIGNATURE ON A RECEIPT FOR THE TRANSACTION. THE
8 RECEIPT SHALL INCLUDE A CERTIFICATION THAT THE SELLER IS THE
9 OWNER OR AUTHORIZED SELLER OF THE SCRAP MATERIAL.] ANY
10 TRANSACTION THAT REQUIRES THE SCRAP PROCESSOR OR RECYCLING
11 FACILITY OPERATOR TO OBTAIN THE INFORMATION UNDER SUBSECTION
12 (A).

13 * * *

14 (C.1) HOLDING PERIOD FOR TRANSACTIONS INVOLVING A CATALYTIC
15 CONVERTER.--IF A TRANSACTION BETWEEN A SCRAP PROCESSOR AND
16 RECYCLING FACILITY OPERATOR AND A SELLER INCLUDES A CATALYTIC
17 CONVERTER, IN ADDITION TO THE REQUIREMENTS UNDER SUBSECTION (C),
18 THE FOLLOWING SHALL APPLY:

19 (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2), THE SCRAP
20 PROCESSOR OR RECYCLING FACILITY OPERATOR SHALL WITHHOLD
21 PAYMENT TO THE SELLER FOR 48 HOURS.

22 (2) IF A HOLD IS IN PLACE UNDER SUBSECTION (C), THE
23 SCRAP PROCESSOR OR RECYCLING FACILITY SHALL WITHHOLD PAYMENT
24 UNTIL THE HOLD IS LIFTED BY LAW ENFORCEMENT OR A MAGISTERIAL
25 DISTRICT JUDGE UNDER SUBSECTION (C).

26 (3) DURING A HOLDING PERIOD UNDER SUBSECTION (C) OR THIS
27 SUBSECTION, THE SCRAP PROCESSOR OR RECYCLING FACILITY
28 OPERATOR SHALL KEEP THE CATALYTIC CONVERTER INTACT AND SAFE
29 FROM ALTERATION, DAMAGE OR COMMINGLING AND SHALL PLACE AN
30 IDENTIFYING TAG OR OTHER SUITABLE IDENTIFICATION UPON THE

1 SCRAP METAL.

2 * * *

3 (E) PENALTIES.--A SCRAP PROCESSOR OR RECYCLING FACILITY
4 OPERATOR THAT FAILS TO COLLECT THE INFORMATION REQUIRED BY
5 SUBSECTION (A) OR (A.1) IS GUILTY OF A MISDEMEANOR OF THE THIRD
6 DEGREE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF
7 NOT LESS THAN \$5,000.

8 SECTION 2. SECTION 7(A) OF THE ACT IS AMENDED TO READ:

9 SECTION 7. PENALTIES.

10 (A) SCRAP PROCESSOR AND RECYCLING FACILITY OPERATOR
11 PENALTIES.--EXCEPT AS PROVIDED UNDER SECTION 3(E) AND 6.2(G), A
12 SCRAP PROCESSOR AND RECYCLING FACILITY OPERATOR WHO VIOLATES
13 THIS ACT COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION,
14 BE SENTENCED TO PAY A FINE OF UP TO \$2,500. A SECOND OR
15 SUBSEQUENT VIOLATION SHALL BE CLASSIFIED AS A MISDEMEANOR OF THE
16 THIRD DEGREE.

17 * * *

18 Section ~~2~~ 3. This act shall take effect in 60 days.

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