

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 791 Session of 2023

INTRODUCED BY ISAACSON, KAUFFMAN, NEILSON, SCHLOSSBERG, T. DAVIS, BURGOS, CEPEDA-FREYTIZ, DEASY, DELLOSO, GALLAGHER, GIRAL, GUENST, HILL-EVANS, HOHENSTEIN, KINKEAD, KINSEY, MADDEN, PARKER, SAMUELSON, SANCHEZ, TOMLINSON, VITALI, WARREN, BOYLE, GILLEN, MALAGARI, GREEN AND McNEILL, APRIL 3, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 27, 2023

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; AND IMPOSING PENALTIES. <--

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

12 Section 1. Sections 3 and 7 of the act of October 9, 2008 <--
13 (P.L.1408, No.113), known as the Scrap Material Theft Prevention
14 Act, are amended by adding subsections to read:

15 SECTION 1. SECTIONS 3(A) AND (B) AND 7(A) OF THE ACT OF <--
16 OCTOBER 9, 2008 (P.L.1408, NO.113), KNOWN AS THE SCRAP MATERIAL
17 THEFT PREVENTION ACT, ARE AMENDED AND THE SECTIONS ARE AMENDED
18 BY ADDING SUBSECTIONS TO READ:

19 Section 3. Identification requirements for sale of scrap

1 materials to scrap processors and recycling facility
2 operators.

3 * * *

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4 (A) GENERAL RULE.--A SCRAP PROCESSOR AND RECYCLING FACILITY <--
5 OPERATOR SHALL COLLECT THE FOLLOWING INFORMATION FOR ALL
6 TRANSACTIONS BY A SELLER OF RESTRICTED MATERIAL UNDER SECTION 5
7 AND FROM ANY OTHER SELLER WHEN THE PURCHASE OF SCRAP MATERIAL
8 FROM THE SELLER EXCEEDS \$100 OR THE SCRAP MATERIAL BEARS A NAME
9 OR MARK UNDER 54 PA.C.S. CH. 15 (RELATING TO REUSABLE MARKED
10 ARTICLES AND RECEPTACLES):

11 (1) A PHOTOCOPY OF THE DRIVER'S LICENSE OF THE SELLER.

12 (2) THE SELLER'S AND BUYER'S SIGNATURE FOR EACH
13 TRANSACTION.

14 (3) THE LICENSE PLATE NUMBER OF THE MOTOR VEHICLE THE
15 SELLER OPERATES AT THE TIME OF THE TRANSACTION.

16 (4) WRITTEN PERMISSION OF THE SELLER'S PARENT OR LEGAL
17 GUARDIAN, IF THE SELLER IS UNDER 18 YEARS OF AGE.

18 (5) THE DATE AND TIME OF THE TRANSACTION.

19 (6) A DESCRIPTION OF THE SCRAP MATERIAL INCLUDED IN THE
20 TRANSACTION, INCLUDING THE WEIGHT OF THE SCRAP MATERIAL AND
21 THE AMOUNT PAID TO THE SELLER.

22 (a.1) Additional requirements for catalytic converters.--A
23 scrap processor and recycling facility operator shall collect
24 the following in addition to the information required under
25 subsection (a) if the transaction includes a catalytic
26 converter:

27 (1) The year, make, model and vehicle identification
28 number of the vehicle from which the catalytic converter was
29 removed.

30 (2) A photograph of the catalytic converter.

1 (3) A photograph of the seller.

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

11 * * *

12 (c.1) Holding period for transactions involving a catalytic
13 converter.--If a transaction between a scrap processor and
14 recycling facility operator and a seller includes a catalytic
15 converter, in addition to the requirements under subsection (c),
16 the following shall apply:

17 (1) Except as provided under paragraph (2), the scrap
18 processor or recycling facility operator shall withhold
19 payment to the seller for 48 hours.

20 (2) If a hold is in place under subsection (c), the
21 scrap processor or recycling facility operator shall withhold
22 payment until the hold is lifted by law enforcement or a
23 magisterial district judge under subsection (c).

24 (3) During a holding period under subsection (c) or this
25 subsection, the scrap processor or recycling facility
26 operator shall keep the catalytic converter intact and safe
27 from alteration, damage or commingling and shall place an
28 identifying tag or other suitable identification upon the
29 scrap metal.

30 * * *

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

6 Section 7. Penalties.

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

14 * * *

15 (c) Catalytic converter penalties.--A person who
16 intentionally possesses a detached catalytic converter that is
17 not affiliated with a commercial account with proper
18 justification commits a misdemeanor of the third degree.

19 Section 2. This act shall take effect in 60 days.