

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

AMENDMENTS TO HOUSE AMENDMENTS, IN SENATE, JUNE 10, 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, for commercial accounts and for
8 restricted materials; providing for Statewide registry of
9 scrap processors and recycling facilities and for duty to
10 register and for criminal registry; and further providing for
11 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 * * *

22 "Railroad material." Railroad power and signal equipment,

1 road or rail crossing signals, railroad track, railroad switch
2 components, railroad spike, angle/joint bar as used in the
3 jointing of railroad track, railroad anchors, railroad tie plate
4 or bolt used in constructing a railroad.

5 * * *

6 Section 2. Sections 4(d) and 5 of the act are amended to
7 read:

8 Section 4. Commercial accounts.

9 * * *

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

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

18 (2) The license plate number of the vehicle transporting
19 scrap material.

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

21 (4) Confirmation that the person delivering the scrap
22 material is authorized to receive a check or cash on behalf
23 of the person or entity providing the scrap material. The
24 confirmation shall consist of written, signed authorization
25 from the owner or officer of the commercial enterprise
26 stating that the person delivering the scrap material is
27 designated to receive payment for the scrap material.

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

1 Section 5. Restricted materials.

2 A scrap processor and recycling facility operator may
3 purchase the following scrap material only if the purchase
4 occurs with a commercial enterprise:

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

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

10 (3) Commercial metal property.

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

14 (5) Beer kegs.

15 (6) Detached catalytic converters.

16 (7) Railroad materials.

17 Section 3. The act is amended by adding sections to read:

18 Section 6.1. Statewide registry of scrap processors and
19 recycling facilities.

20 The Pennsylvania State Police shall establish and maintain a
21 Statewide registry of scrap processors and recycling facilities
22 that register with the Pennsylvania State Police under section <--
23 6.2. The registry INFORMATION shall be posted on the PUBLICLY <--
24 ACCESSIBLE Internet website of the Pennsylvania State Police and <--
25 shall be accessible to law enforcement personnel.

26 Section 6.2. Duty to register.

27 (a) General rule.--A scrap processor and recycling facility
28 shall register with the Pennsylvania State Police as provided in
29 this section.

30 (b) Method of registration REGISTRATION.--A person shall <--

1 ~~register with the Pennsylvania State Police in writing or~~ <--
2 ~~electronically via a secure Internet connection on a form~~
3 ~~provided by the Pennsylvania State Police. The application shall~~

4 ~~include~~ UNDER SUBSECTION (E). THE REGISTRANT MUST PROVIDE the <--
5 following information:

6 (1) For an individual applicant, all of the following:

7 (i) Name.

8 (ii) Driver's license number, OR a copy of an <--

9 identification card issued by the state in which the

10 individual resides or other form of identification as <--

11 permitted by the Commonwealth.

12 (iii) Business name, address and telephone number.

13 (iv) Federal employer identification number, if
14 applicable.

15 (2) For a general partnership applicant, all of the
16 following:

17 (i) Name of each partner.

18 (ii) Driver's license number or a copy of an
19 identification card issued by the state in which each
20 partner resides, of each partner.

21 (iii) Partnership name, address and telephone
22 number.

23 (iv) Federal employer identification number, if
24 applicable.

25 (3) For a corporation, limited liability company or
26 limited partnership, all of the following:

27 (i) Name of the registering officer, manager and
28 general partner.

29 (ii) Business name, address and telephone number.

30 (iii) Name of each director or each individual

1 holding greater than a 5% equity interest in the entity.

2 (4) For an out-of-State corporation, limited liability
3 company or limited partnership, the name and address of the
4 entity's resident agent or registered office provider within
5 this Commonwealth and any registration number or license
6 number issued to the entity by its home state or political
7 subdivision of the other state, if applicable.

8 (5) For a joint venture applicant, the name, address and <--
9 telephone number of the joint venture, as well as the name,
10 address and telephone number of each party to the joint
11 venture.

12 (c) Reporting of multiple registrations.--An entity owning
13 multiple scrap processing and recycling facilities must register
14 individually for each physical address of a scrap processing and
15 recycling facility.

16 (d) Application REGISTRATION fees.-- <--

17 (1) Each completed registration form for a scrap
18 recycler or renewal of registration shall be accompanied by a
19 fee of \$100. After completion of the registration and payment
20 of the fee, the Pennsylvania State Police shall issue, within
21 ~~seven~~ 14 business days, the scrap processing and recycling <--
22 facility a WRITTEN NOTICE OF registration certificate <--
23 identifying the name of the applicant, scrap processing and
24 recycling facility name and address and a registration
25 number. The ~~certificate~~ NOTICE shall be valid for a period of <--
26 two years. Renewals shall be on a biennial basis.

27 (2) The registration fee shall be used to establish and
28 maintain ~~the~~ A database under ~~section 6.1~~ THIS ACT. BEFORE <--
29 JULY 1, 2016, MONEY COLLECTED UNDER PARAGRAPH (1) SHALL
30 AUGMENT THE MONEY APPROPRIATED TO THE PENNSYLVANIA STATE

1 POLICE TO BE USED TO CREATE AN ELECTRONIC DATABASE OF
2 REGISTRATIONS. THE PENNSYLVANIA STATE POLICE SHALL TRANSMIT A
3 NOTICE WHEN THE ELECTRONIC DATABASE IS OPERATIONAL TO THE
4 LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION IN THE
5 PENNSYLVANIA BULLETIN. AFTER JUNE 30, 2016, MONEY COLLECTED
6 UNDER PARAGRAPH (1) SHALL BE DEPOSITED IN THE GENERAL FUND.

7 (E) METHOD OF REGISTRATION.--

8 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), REGISTRATION
9 MUST BE IN WRITING ON A FORM PRESCRIBED BY THE PENNSYLVANIA
10 STATE POLICE.

11 (2) AFTER PUBLICATION OF THE NOTICE UNDER SUBSECTION (D)
12 (2), THE PENNSYLVANIA STATE POLICE MAY REQUIRE REGISTRATION:

13 (I) IN WRITING ON A FORM PRESCRIBED BY THE
14 PENNSYLVANIA STATE POLICE; OR

15 (II) ELECTRONICALLY.

16 ~~(e)~~ (F) Proof of registration.--A scrap processor and <--
17 recycling facility shall include its registration number in all
18 advertisements distributed within this Commonwealth, and shall
19 have the NOTICE OF registration ~~certificate~~ clearly visible at <--
20 its place of business.

21 ~~(f)~~ (G) Failure to register.--A scrap processor or recycling <--
22 facility that fails to register commits a summary offense and
23 shall, upon conviction, be sentenced to pay a fine of \$1,000.

24 Section 4. Section 7 of the act is amended to read:

25 Section 7. Penalties.

26 [A] (a) Scrap processor and recycling facility operator
27 penalties.--Except as provided under section ~~6.2(f)~~ 6.2(G), a <--
28 scrap processor and recycling facility operator who violates
29 this act commits a summary offense and shall, upon conviction,
30 be sentenced to pay a fine of up to \$2,500. A second or

1 subsequent violation shall be classified as a misdemeanor of the
2 third degree.

3 (b) Motor vehicle penalties.--Upon a conviction of an
4 offense under 18 Pa.C.S. § 3921 (relating to theft by unlawful
5 taking or disposition) or 3925 (relating to receiving stolen
6 property) that relates to the theft of scrap material or the
7 transportation of stolen scrap material, the court may order the
8 impoundment of any vehicle used in the act of theft of scrap
9 material or the transportation of stolen scrap material. For the
10 first offense, a vehicle may be impounded for at least 30 days,
11 but not more than 60 days. For a second or subsequent offense
12 involving the same motor vehicle, the vehicle may be impounded
13 for at least 60 days and not more than 180 days. The person
14 convicted shall be responsible for any fees associated with or
15 related to the impoundment of the vehicle.

16 Section 5. This act shall take effect in 60 days.