

SENATE BILL 170

C2, R2

1lr0044

(PRE-FILED)

By: **Chair, Finance Committee (By Request – Departmental – Transportation)**

Requested: September 23, 2020

Introduced and read first time: January 13, 2021

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation-Related Property and Copper or Aluminum Items – Duties,**
3 **Prohibited Acts, and Enforcement**

4 FOR the purpose of requiring a junk dealer or scrap metal processor to hold certain copper
5 or aluminum items, and prohibiting the junk dealer or scrap metal processor from
6 bartering, selling, or exchanging the items, during a certain time period; establishing
7 an exception to the requirement to hold, and the prohibition against bartering,
8 selling, or exchanging, certain copper or aluminum items during a certain time
9 period; prohibiting certain persons from willfully altering, disconnecting, tampering
10 with, removing, or otherwise interfering with certain transportation-related
11 property or an intelligent transportation system; establishing certain penalties for
12 the violations against certain transportation-related property or an intelligent
13 transportation system; defining certain terms; and generally relating to duties,
14 prohibited acts, and enforcement related to transportation-related property and
15 copper or aluminum items.

16 BY repealing and reenacting, without amendments,
17 Article – Business Regulation
18 Section 17-1001(e) and (f) and 17-1011(b)(1) and (4)(i), (e), and (g) through (i)
19 Annotated Code of Maryland
20 (2015 Replacement Volume and 2020 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Business Regulation
23 Section 17-1011(d) and (f)
24 Annotated Code of Maryland
25 (2015 Replacement Volume and 2020 Supplement)

26 BY adding to
27 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 21–206.1
Annotated Code of Maryland
(2020 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Business Regulation

17–1001.

(e) (1) “Junk” or “scrap metal” includes:

(i) nonferrous articles made wholly or substantially of:

1. aluminum;
2. babbitt metal;
3. brass;
4. bronze;
5. light copper;
6. heavy copper;
7. lead;
8. low carbon chrome;
9. low carbon manganese;
10. molybdenum;
11. monel metal;
12. pewter;
13. nickel;
14. stainless steel;
15. tin;
16. vanadium;

17. zinc;

18. platinum;

19. gold;

20. rhodium; or

21. other nonferrous metals; and

(ii) the following used articles, made of either ferrous or nonferrous metal:

1. catalytic converters;

2. metal bleachers;

3. hard-drawn copper;

4. metal beer kegs;

5. cemetery urns;

6. grave markers;

7. propane tanks;

8. cell tower batteries; and

9. any other used articles owned by a public utility including:

A. guardrails;

B. manhole covers;

C. metal light poles;

D. tree grates;

E. water meters; and

F. street signs.

(2) “Junk” or “scrap metal” does not include beverage cans or food cans.

(f) (1) “Junk dealer” or “scrap metal processor” means a person who does business buying or selling junk or scrap metal.

(2) “Junk dealer” or “scrap metal processor” does not include a dealer or pawnbroker licensed under Title 12 of this article.

17–1011.

(b) (1) For each purchase of junk or scrap metal in the State, a junk dealer or scrap metal processor shall keep an accurate record in English.

(4) (i) Subject to subparagraph (iv) of this paragraph, the junk dealer or scrap metal processor shall submit a copy of each record required under this paragraph to the primary law enforcement unit in accordance with subparagraphs (ii) and (iii) of this paragraph.

(d) (1) A junk dealer or scrap metal processor may not barter, buy, exchange, or accept from a person any junk or scrap metal unless the junk dealer or scrap metal processor keeps records and makes entries in them in accordance with Part II of this subtitle.

(2) A junk dealer or scrap metal processor may not purchase a catalytic converter from an individual unless the individual, at the time of purchase, provides identification as:

(i) a licensed automotive dismantler and recycler or scrap metal processor; or

(ii) an agent or employee of a licensed commercial enterprise.

(3) A junk dealer or scrap metal processor may not purchase a cemetery urn, grave marker, or any other item listed under § 17–1001(e)(1)(ii) of this subtitle from an individual unless the individual, at the time of purchase, provides appropriate authorization from a relevant business or unit of federal, State, or local government specifically authorizing the individual to conduct the transaction.

(4) FOR AT LEAST 30 DAYS AFTER SUBMITTING A COPY OF A RECORD UNDER SUBSECTION (B)(4) OF THIS SECTION FOR ANY LIGHT COPPER, HEAVY COPPER, OR ALUMINUM ITEM, A JUNK DEALER OR SCRAP METAL PROCESSOR:

(I) SHALL HOLD THE ITEM; AND

(II) MAY NOT BARTER, SELL, OR EXCHANGE THE ITEM.

(e) State or local law enforcement personnel may request information from the records required under subsection (b) of this section pursuant to an investigation of a specific crime involving the materials listed under § 17–1001(e) of this subtitle.

1 (f) (1) The record and reporting requirements of subsection (b) **OF THIS**
2 **SECTION AND THE HOLD REQUIREMENTS OF SUBSECTION (D)(4)** of this section do not
3 apply to an item that is acquired from:

4 (i) a licensed junk dealer or scrap metal processor;

5 (ii) a unit of federal, State, or local government; or

6 (iii) a commercial enterprise with a valid business license that has
7 entered into a written contract with a junk dealer or scrap metal processor who has
8 provided to the primary law enforcement unit:

9 1. the name and business address of the commercial
10 enterprise; and

11 2. the type of junk or scrap metal subject to the contract.

12 (2) (i) Subject to subparagraph (ii) of this paragraph, a contract under
13 paragraph (1)(iii) of this subsection shall be open to inspection by a local law enforcement
14 agency on the premises of the junk dealer or scrap metal processor during business hours.

15 (ii) Notwithstanding any other law, a contract open to inspection by
16 a local law enforcement agency under subparagraph (i) of this paragraph may not be open
17 for public inspection without the consent of the junk dealer or scrap metal processor.

18 (g) (1) If a State or local law enforcement agency has reasonable cause to
19 believe that junk or scrap metal that is in the possession of a junk dealer or scrap metal
20 processor is stolen, the law enforcement agency may issue a written hold notice.

21 (2) The written hold notice shall:

22 (i) identify the items of junk or scrap metal alleged to be stolen and
23 subject to hold;

24 (ii) inform the junk dealer or scrap metal processor of the hold
25 imposed on the items of junk or scrap metal; and

26 (iii) specify the time period for the hold, not to exceed 15 days.

27 (3) On receipt of a written hold notice from a law enforcement agency, a
28 junk dealer or scrap metal processor may not process or remove from the junk dealer's or
29 scrap metal processor's place of business before the end of the hold period any items of junk
30 or scrap metal identified in the hold notice, unless the item is released by the law
31 enforcement agency or by court order.

(h) Local law enforcement personnel of the county where the place of business of the junk dealer or scrap metal processor is located or where the junk or scrap metal was purchased may enforce this section.

(i) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) a fine not exceeding \$500 for a first offense; and

(2) a fine not exceeding \$5,000 or imprisonment not exceeding 1 year or both for a subsequent offense.

Article – Transportation

21-206.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “COMPONENT FOR ELECTRICAL CURRENT TRANSMISSION AND STORAGE” INCLUDES ANY OF THE FOLLOWING IF IT IS PLACED BY THE AUTHORITY OF A PUBLIC BODY OR OFFICIAL:

(I) A BATTERY;

(II) AN ITEM USED FOR SURGE PROTECTION;

(III) A FUSE;

(IV) A CONDUIT;

(V) A CIRCUIT BREAKER;

(VI) A TRANSFORMER;

(VII) A HAND HOLE;

(VIII) A MANHOLE; AND

(IX) CONDUCTOR WIRE.

(3) “INTELLIGENT TRANSPORTATION SYSTEM” INCLUDES ANY OF THE FOLLOWING IF IT IS PLACED BY THE AUTHORITY OF A PUBLIC BODY OR OFFICIAL:

(I) A WIRED OR WIRELESS COMMUNICATIONS DEVICE CONNECTED TO A TRAFFIC CONTROL DEVICE OR A LIGHTING DEVICE;

(II) ANY FIBER-OPTIC COMMUNICATIONS CABLING CONNECTED TO ANY GOVERNMENT-OWNED OR -PLACED TRANSPORTATION-RELATED EQUIPMENT OR DEVICE THROUGH WIRELESS RADIO, BLUETOOTH, WI-FI, OR MICROWAVE SYSTEMS; AND

(III) 1. RADIO CONSOLES;

2. MODEMS;

3. ROUTERS;

4. SWITCHES;

5. ENCODERS;

6. DECODERS;

7. POWER SUPPLIES;

8. TRAFFIC CONTROLLERS;

9. ROAD SENSORS;

10. VARIABLE MESSAGE SIGNS;

11. CAMERAS;

12. ROADSIDE UNITS;

13. HIGHWAY ADVISORY RADIO WEATHER SENSORS;

14. RADIO TOWERS AND SHELTERS;

15. SPEED DETECTORS;

16. REMOTE TRAFFIC MICROWAVE SENSORS;

17. PORTABLE GENERATORS;

1 18. FOG WARNING SYSTEMS;

2 19. BLUETOOTH READERS;

3 20. POWER CONTROLLERS;

4 21. UNINTERRUPTIBLE POWER SUPPLIES; AND

5 22. BATTERIES OR BATTERY BACKUPS.

6 (B) A PERSON WITHOUT LAWFUL AUTHORITY MAY NOT WILLFULLY ALTER,
7 DISCONNECT, TAMPER WITH, REMOVE, OR OTHERWISE INTERFERE WITH A
8 TRANSPORTATION-RELATED COMPONENT FOR ELECTRICAL CURRENT
9 TRANSMISSION AND STORAGE OR AN INTELLIGENT TRANSPORTATION SYSTEM.

10 (C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT
11 TO:

12 (1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 6
13 MONTHS OR A FINE NOT EXCEEDING \$1,500 OR BOTH; AND

14 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT
15 EXCEEDING 18 MONTHS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2021.