

HOUSE BILL 871

C2

4lr2601

By: **Delegate Jackson**

Introduced and read first time: February 2, 2024

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2024

CHAPTER _____

1 AN ACT concerning

2 **Business Regulation – Detached Catalytic Converters – Record-Keeping**
3 **Requirements**

4 FOR the purpose of requiring the records of junk dealers, scrap metal processors, and
5 automotive dismantlers and recyclers to include certain information about the
6 vehicle from which a detached catalytic converter, or part of a detached catalytic
7 converter, was obtained from a person; and generally relating to catalytic converters
8 and record-keeping requirements.

9 BY repealing and reenacting, without amendments,
10 Article – Business Regulation
11 Section 17–1001(a) and (f) and 17–1009(b)(1)
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2023 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Business Regulation
16 Section 17–1009(a) and (b)(2)
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2023 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Transportation
21 Section 15–511(a) and (b)
22 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2020 Replacement Volume and 2023 Supplement)

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

Article – Business Regulation

17–1001.

(a) In this subtitle the following words have the meanings indicated.

(f) (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;

- 1 17. zinc;
- 2 18. platinum;
- 3 19. gold;
- 4 20. rhodium; or
- 5 21. other nonferrous metals; and

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

- 8 1. catalytic converters;
- 9 2. metal bleachers;
- 10 3. hard-drawn copper;
- 11 4. metal beer kegs;
- 12 5. cemetery urns;
- 13 6. grave markers;
- 14 7. propane tanks;
- 15 8. cell tower batteries; and
- 16 9. any other used articles owned by a public utility including:
 - 17 A. guardrails;
 - 18 B. manhole covers;
 - 19 C. metal light poles;
 - 20 D. tree grates;
 - 21 E. water meters; and
 - 22 F. street signs.

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

1 (a) (1) This section applies to all junk dealers and scrap metal processors doing
2 business in the State, including nonresident junk dealers and nonresident scrap metal
3 processors.

4 (2) (I) **[This] SUBJECT TO SUBPARAGRAPH (II) OF THIS**
5 **PARAGRAPH, THIS** section applies to an automotive dismantler and recycler or scrap metal
6 processor licensed under Title 15, Subtitle 5 of the Transportation Article if the automotive
7 dismantler and recycler or scrap metal processor:

8 [(i)] 1. conducts business as a licensed junk dealer or scrap metal
9 processor;

10 [(ii)] 2. acquires vehicle parts that qualify as junk or scrap metal
11 as defined under § 17–1001(f) of this subtitle; or

12 [(iii)] 3. acquires articles that are listed, or made of metals that are
13 listed, in § 17–1001(f) of this subtitle.

14 (II) **SUBSECTION (B)(2) OF THIS SECTION APPLIES TO ANY**
15 **AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP METAL PROCESSOR LICENSED**
16 **UNDER TITLE 15, SUBTITLE 5 OF THE TRANSPORTATION ARTICLE IF ALL OR PART**
17 **OF A DETACHED CATALYTIC CONVERTER IS ACQUIRED BY THE AUTOMOTIVE**
18 **DISMANTLER AND RECYCLER OR SCRAP METAL PROCESSOR FROM A PERSON.**

19 (3) This section does not apply to:

20 (i) **EXCEPT AS PROVIDED IN PARAGRAPH (2)(II) OF THIS**
21 **SUBSECTION,** an automotive dismantler and recycler or scrap metal processor that only
22 acquires whole vehicles for the purpose of dismantling, destroying, or scrapping them for
23 the benefit of their parts or the materials in them; or

24 (ii) a person that buys scrap metal to use as raw material to produce
25 1,000,000 tons of steel or more in the State per calendar year.

26 (4) (i) Except as provided in subparagraph (ii) of this paragraph, this
27 section preempts the right of a county or municipality to regulate the resale of junk or scrap
28 metal.

29 (ii) This section does not limit the power of a county or municipality
30 to license junk dealers and scrap metal processors.

31 (iii) This section supersedes any existing law of a county or
32 municipality that regulates the resale of junk or scrap metal.

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

1 (2) The record shall state:

2 (i) the date and time of purchase;

3 (ii) a description of the junk or scrap metal purchased, including:

4 1. the type and grade of the junk or scrap metal; [and]

5 2. if payment is based on weight, the weight of each type and
6 grade of junk or scrap metal; AND

7 **3. IF THE JUNK OR SCRAP METAL INCLUDES ALL OR**
8 **PART OF A DETACHED CATALYTIC CONVERTER, THE VEHICLE IDENTIFICATION**
9 **NUMBER OF THE VEHICLE FROM WHICH IT WAS OBTAINED;**

10 (iii) the amount paid or other consideration for the junk or scrap
11 metal;

12 (iv) the registration plate number, make, and model of any vehicle
13 used, ~~INCLUDING FOR ANY VEHICLE FROM WHICH ALL OR PART OF A CATALYTIC~~
14 ~~CONVERTER WAS OBTAINED;~~

15 (v) the name and address of the individual from whom the junk or
16 scrap metal is acquired;

17 (vi) the signature of:

18 1. the individual from whom the junk or scrap metal is
19 acquired; and

20 2. the junk dealer, scrap metal processor, or employee who
21 accepted the junk or scrap metal; and

22 (vii) for each individual from whom the junk dealer or scrap metal
23 processor acquires junk or scrap metal:

24 1. the date of birth and driver's license number of the
25 individual; or

26 2. identification information about the individual from a
27 valid State-issued photo ID that provides a physical description of the individual, including
28 the sex, race, any distinguishing features, and approximate age, height, and weight of the
29 individual.

30 **Article – Transportation**

1 15-511.

2 (a) Each automotive dismantler and recycler and each scrap processor shall keep
3 an accurate and complete record of all vehicles acquired in [his] THE PERSON’S business.

4 (b) The records shall contain, for each vehicle acquired:

5 (1) The name and address of the person from whom the vehicle was
6 acquired;

7 (2) The date on which it was acquired;

8 (3) Documentary evidence acceptable to the Administration of ownership
9 of the vehicle; [and]

10 (4) ANY INFORMATION REQUIRED UNDER § 17-1009(B) OF THE
11 BUSINESS REGULATION ARTICLE; AND

12 [(4)] (5) Any other information that the Administration requires.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.