
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 399 Session of
2023

INTRODUCED BY KAUFFMAN, JOZWIAK, ZIMMERMAN AND GILLEN,
MARCH 14, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 14, 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.

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 a subsection 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 the scrap material bears a name
3 or mark under 54 Pa.C.S. Ch. 15 (relating to reusable marked
4 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
18 cash,] develop methods of tracking [a transaction that obtains
19 the seller's signature on a receipt for the transaction. The
20 receipt shall include a certification that the seller is the
21 owner or authorized seller of the scrap material.] any
22 transaction that requires the scrap processor or recycling
23 facility operator to obtain the information under subsection
24 (a).

25 * * *

26 (e) Penalties.--A scrap processor or recycling facility
27 operator that fails to collect the information required by
28 subsection (a) is guilty of a misdemeanor of the third degree
29 and shall, upon conviction, be sentenced to pay a fine of not
30 less than \$5,000.

1 Section 2. Section 7(a) of the act is amended to read:

2 Section 7. Penalties.

3 (a) Scrap processor and recycling facility operator
4 penalties.--Except as provided under section 3(e) and 6.2(g), a
5 scrap processor and recycling facility operator who violates
6 this act commits a summary offense and shall, upon conviction,
7 be sentenced to pay a fine of up to \$2,500. A second or
8 subsequent violation shall be classified as a misdemeanor of the
9 third degree.

10 * * *

11 Section 3. This act shall take effect in 60 days.