
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 403 Session of
2019

INTRODUCED BY BIZZARRO, KINSEY, BERNSTINE, McNEILL, KORTZ,
SCHWEYER, HILL-EVANS AND DeLUCA, FEBRUARY 6, 2019

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 6, 2019

AN ACT

1 Amending Title 16 (Counties) of the Pennsylvania Consolidated
2 Statutes, providing for electronic device licenses.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Title 16 of the Pennsylvania Consolidated
6 Statutes is amended by adding a part to read:

7 PART IV

8 LICENSES

9 Chapter

10 81. Electronic Device Licenses

11 CHAPTER 81

12 ELECTRONIC DEVICE LICENSES

13 Sec.

14 8101. Definitions.

15 8102. License required.

16 8103. Records of transactions.

17 8104. Retention of electronic devices and availability for
18 inspection.

- 1 8105. Purchases from minors.
- 2 8106. Local ordinances.
- 3 8107. Inspection of licensee.
- 4 8108. Penalty.
- 5 8109. Severability.
- 6 8110. Applicability.
- 7 § 8101. Definitions.

8 The following words and phrases when used in this chapter
9 shall have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Dealer of electronic devices." An individual, partnership,
12 association, corporation or business entity, or any member
13 thereof, that purchases or possesses electronic devices from the
14 general public for resale or an individual who acts as agent for
15 an individual, partnership, association, corporation or business
16 entity for the purchase or possession of electronic devices. The
17 term does not include an individual or entity that purchases or
18 possesses electronic devices on behalf of a charitable
19 organization as that term is defined in section 3 of the act of
20 December 19, 1990 (P.L.1200, No.202), known as the Solicitation
21 of Funds for Charitable Purposes Act.

22 "Electronic device." A device which accomplishes its purpose
23 electronically and any component or accessory of the device.

24 "Transaction." A purchase or consignment of an electronic
25 device by a dealer of electronic devices, other than as an
26 allowance for the trade-in or exchange of the electronic device
27 on the purchase of a new electronic device of the same kind from
28 a dealer primarily engaged in the business of selling new
29 electronic devices.

30 § 8102. License required.

1 (a) Dealer.--A dealer of electronic devices shall obtain a
2 license from the sheriff of the county in which the dealer
3 purchases or possesses the electronic devices.

4 (b) Application form.--The application for a license under
5 this section shall be on a form as prescribed by regulations
6 promulgated by the Attorney General.

7 (c) License fee.--A license fee in an amount not to exceed
8 \$50, as prescribed by the Attorney General, shall be paid
9 annually. The fee shall be paid into the treasury of the county
10 where the license is issued.

11 (d) Duration of license.--A license issued under this
12 chapter shall be valid for one year.

13 (e) Public record.--A license application under this section
14 shall be a public record and be available to the general public
15 for inspection.

16 § 8103. Records of transactions.

17 (a) Recordkeeping.--Dealers of electronic devices shall keep
18 a record of every transaction upon a form approved by the
19 Attorney General. The record shall include, at a minimum:

20 (1) The name, age and address of the seller, which must
21 be verified by the dealer, requiring photographic proof of
22 identity from the seller sufficient to ensure the accuracy of
23 the represented name, age and address of the seller. Each
24 dealer of electronic devices must make a photocopy of the
25 identification and retain the photocopy with the record of
26 purchase or consignment for a period of not less than 180
27 days from date of purchase or consignment.

28 (2) An accurate description of the property purchased,
29 including any serial number or other identifying marks or
30 symbols and the date and time of the transaction.

1 (b) Retention of records.--Records of purchase or
2 consignment shall be retained by a dealer of electronic devices
3 for a period of 180 days from the date of purchase or
4 consignment and shall be available for inspection by any law
5 enforcement official of the Federal Government, the Commonwealth
6 or any of its municipalities.

7 (c) Copy of record to district attorney.--A dealer of
8 electronic devices shall deliver or mail a copy of every
9 transaction, including a photocopy of photographic
10 identification, to the district attorney of the county in which
11 a purchase or consignment of electronic devices is made by the
12 close of the next business day after purchase or consignment.

13 (d) Copy of record to police department in lieu of district
14 attorney.--The district attorney may authorize that the records
15 required under this section be delivered or mailed to the police
16 department of the municipality in which the electronic devices
17 were purchased in lieu of delivery or mailing to the district
18 attorney.

19 § 8104. Retention of electronic devices and availability for
20 inspection.

21 (a) Electronic devices to be retained for five days.--Each
22 electronic device purchased by a dealer of electronic devices
23 shall be retained in unaltered condition for five full working
24 days after a report of its purchase has been filed with the
25 proper district attorney or the district attorney's designee.

26 (b) Electronic devices to be available for inspection.--
27 Electronic devices shall be available for inspection during the
28 retention period required under subsection (a) by law
29 enforcement officials of the Federal Government, the
30 Commonwealth or any of its municipalities in the course of their

1 law enforcement duties. A search warrant shall not be required
2 unless the inspection is made during hours other than those when
3 the dealer of electronic devices is open for business.

4 (c) Notice.--If a law enforcement official has probable
5 cause to believe an electronic device was stolen, the official
6 may give written notice to the dealer of electronic devices.
7 Upon receipt of the written notice, the dealer of electronic
8 devices shall retain the electronic device in unaltered
9 condition for an additional seven days, unless the law
10 enforcement official recalls the notice in writing.

11 (d) Court-ordered retention.--Upon application of the
12 district attorney, a court of proper jurisdiction may order a
13 dealer of electronic devices to retain an electronic device for
14 a reasonable period.

15 (e) Location.--An electronic device required to be retained
16 under subsection (d) shall be retained within the county of
17 purchase at the location where the dealer of electronic devices
18 purchased the electronic device, unless otherwise authorized in
19 writing by the district attorney or a designee.

20 § 8105. Purchases from minors.

21 A dealer of electronic devices shall wait three business days
22 after taking possession of an electronic device before providing
23 payment for the electronic device to a person under 18 years of
24 age.

25 § 8106. Local ordinances.

26 This chapter shall not supersede or preclude the adoption of
27 a municipal ordinance applicable to dealers of electronic
28 devices, if the municipal ordinance meets the minimum
29 requirements of this chapter.

30 § 8107. Inspection of licensee.

1 The acceptance of a license by a dealer of electronic devices
2 implies consent to inspections of the dealer's premises by law
3 enforcement officials and officials authorized to enforce laws,
4 regulations or ordinances related, directly or indirectly, to
5 disposal of electronic devices.

6 § 8108. Penalty.

7 (a) Unlicensed purchases.--The purchase of an electronic
8 device by a dealer of electronic devices who does not hold a
9 valid license under this chapter is a violation of this chapter
10 and a misdemeanor of the third degree.

11 (b) Violations by licensed dealers.--A licensed dealer of
12 electronic devices who violates a provision of this chapter
13 commits a misdemeanor of the third degree and shall, upon
14 conviction, be subject to immediate revocation of an existing
15 license issued under this chapter and be ineligible to apply for
16 a license under this chapter for five years thereafter.

17 § 8109. Severability.

18 The provisions of this chapter are severable. If any
19 provision of this chapter or its application to any person or
20 circumstance is held invalid, the invalidity shall not affect
21 other provisions or applications of this chapter which can be
22 given effect without the invalid provision or application.

23 § 8110. Applicability.

24 (a) Attorney General.--The Attorney General shall promulgate
25 regulations for the implementation and operation of this
26 chapter.

27 (b) Prohibition.--This chapter shall not apply to a person
28 until the regulations under subsection (a) have been
29 promulgated.

30 Section 2. This act shall take effect immediately.