

HOUSE BILL 85

C2

4lr0498

(PRE-FILED)

By: **Delegates M. Washington, Anderson, and Oaks**

Requested: September 12, 2013

Introduced and read first time: January 8, 2014

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Automated Purchasing Machines – Requirements and**
3 **Records**

4 FOR the purpose of requiring an automated purchasing machine (APM) operator to
5 ensure that each automated purchasing machine that the APM operator owns
6 or operates in the State meets certain requirements; requiring an automated
7 purchasing machine to require a seller of certain personal property to provide
8 certain information before the completion of a transaction in which the
9 automated purchasing machine purchases personal property; requiring an
10 automated purchasing machine to verify certain information through certain
11 documentation submitted by a seller; establishing certain record keeping and
12 reporting requirements for an APM operator; requiring an APM operator to
13 keep personal property purchased in the State for a certain period of time;
14 requiring an APM operator to wait a certain period of time after a transaction to
15 disburse payment to a seller; requiring certain payment to be disbursed in a
16 certain form; establishing penalties for a violation of this Act; authorizing the
17 Secretary of Labor, Licensing, and Regulation to adopt certain regulations;
18 providing for the designation of certain primary law enforcement units for a
19 certain purpose; exempting certain automated purchasing machines from the
20 provisions of this Act; defining certain terms; and generally relating to
21 automated purchasing machines.

22 BY adding to

23 Article – Business Regulation

24 Section 19–801 through 19–807 to be under the new subtitle “Subtitle 8.
25 Automated Purchasing Machines”

26 Annotated Code of Maryland

27 (2010 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Business Regulation**

4 **SUBTITLE 8. AUTOMATED PURCHASING MACHINES.**

5 **19–801.**

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) “AUTOMATED PURCHASING MACHINE” MEANS A SELF–SERVICE
9 DEVICE THAT:

10 (1) IS DESIGNED TO DISPENSE MONEY IN EXCHANGE FOR
11 PERSONAL PROPERTY; AND

12 (2) ALSO IS KNOWN AS A REVERSE VENDING MACHINE.

13 (C) “AUTOMATED PURCHASING MACHINE OPERATOR” OR “APM
14 OPERATOR” MEANS A PERSON THAT BUYS OR OFFERS TO BUY PERSONAL
15 PROPERTY BY MEANS OF AN AUTOMATED PURCHASING MACHINE.

16 (D) “ELECTRONIC DEVICE” MEANS A DEVICE CAPABLE OF
17 FACILITATING COMMUNICATION THROUGH VOICE, DATA, TEXT, OR OTHER
18 AUDITORY OR VISUAL FORMAT.

19 (E) “PRIMARY LAW ENFORCEMENT UNIT” MEANS THE DEPARTMENT OF
20 STATE POLICE, A POLICE DEPARTMENT, OR SHERIFF, AS DESIGNATED BY A
21 RESOLUTION OF THE COUNTY OR MUNICIPAL GOVERNING BODY IN THE COUNTY
22 IN WHICH THE AUTOMATED PURCHASING MACHINE IS LOCATED.

23 (F) (1) “RECYCLABLE MATERIALS” MEANS MATERIAL THAT:

24 (I) IF NOT RECYCLED, WOULD BECOME SOLID WASTE FOR
25 DISPOSAL IN A REFUSE DISPOSAL SYSTEM; AND

26 (II) MAY BE COLLECTED, SEPARATED, OR PROCESSED AND
27 RETURNED TO THE MARKETPLACE IN THE FORM OF RAW MATERIALS OR
28 PRODUCTS.

29 (2) “RECYCLABLE MATERIALS” INCLUDES PAPER, GLASS,
30 METALS, PLASTICS, AND CARDBOARD.

1 **(G) “SELLER” MEANS A PERSON WHO SELLS OR OFFERS TO SELL**
2 **PERSONAL PROPERTY TO AN AUTOMATED PURCHASING MACHINE IN EXCHANGE**
3 **FOR PAYMENT.**

4 **19-802.**

5 **THIS SUBTITLE DOES NOT APPLY TO AN AUTOMATED PURCHASING**
6 **MACHINE THAT IS USED EXCLUSIVELY FOR COLLECTING RECYCLABLE**
7 **MATERIALS.**

8 **19-803.**

9 **(A) A COUNTY OR MUNICIPAL GOVERNING BODY IN THE COUNTY IN**
10 **WHICH AN AUTOMATED PURCHASING MACHINE IS LOCATED SHALL DESIGNATE**
11 **BY RESOLUTION THE PRIMARY LAW ENFORCEMENT UNIT TO RECEIVE RECORDS**
12 **IN ACCORDANCE WITH § 19-804(D) OF THIS SUBTITLE.**

13 **(B) IF A MUNICIPAL GOVERNING BODY DESIGNATES A COUNTY POLICE**
14 **DEPARTMENT OR SHERIFF AS THE PRIMARY LAW ENFORCEMENT UNIT UNDER**
15 **THIS SECTION, THE COUNTY MAY DESIGNATE THE DEPARTMENT OF STATE**
16 **POLICE AS THE PRIMARY LAW ENFORCEMENT UNIT.**

17 **19-804.**

18 **(A) AN APM OPERATOR SHALL ENSURE THAT EACH AUTOMATED**
19 **PURCHASING MACHINE THAT THE APM OPERATOR OWNS OR OPERATES IN THE**
20 **STATE MEETS THE REQUIREMENTS OF THIS SECTION.**

21 **(B) (1) BEFORE COMPLETION OF A TRANSACTION IN WHICH AN**
22 **AUTOMATED PURCHASING MACHINE PURCHASES PERSONAL PROPERTY, THE**
23 **AUTOMATED PURCHASING MACHINE SHALL REQUIRE A SELLER TO PROVIDE:**

24 **(I) THE FULL NAME OF THE SELLER;**

25 **(II) THE COMPLETE HOME ADDRESS OF THE SELLER; AND**

26 **(III) THE DATE OF BIRTH OF THE SELLER.**

27 **(2) AN AUTOMATED PURCHASING MACHINE RECEIVING**
28 **PERSONAL PROPERTY FROM A SELLER SHALL VERIFY THE INFORMATION**
29 **PROVIDED BY THE SELLER UNDER PARAGRAPH (1) OF THIS SUBSECTION BY**
30 **REQUIRING THE SELLER TO SUBMIT:**

1 (I) THE SELLER'S GOVERNMENT-ISSUED IDENTIFICATION
2 CARD; OR

3 (II) ANY OTHER FORM OF PERSONAL IDENTIFYING
4 INFORMATION REQUIRED BY THE SECRETARY.

5 (C) (1) ON COMPLETION OF A TRANSACTION IN WHICH AN
6 AUTOMATED PURCHASING MACHINE PURCHASES PERSONAL PROPERTY, THE
7 AUTOMATED PURCHASING MACHINE SHALL MAKE A RECORD OF THE
8 TRANSACTION THAT INCLUDES:

9 (I) THE INFORMATION OBTAINED FROM THE SELLER
10 UNDER SUBSECTION (B)(1) OF THIS SECTION; AND

11 (II) THE DATE, TIME, AND LOCATION OF THE TRANSACTION.

12 (2) IN ADDITION TO THE INFORMATION REQUIRED UNDER
13 PARAGRAPH (1) OF THIS SUBSECTION, IF THE PERSONAL PROPERTY
14 PURCHASED BY AN AUTOMATED PURCHASING MACHINE IS AN ELECTRONIC
15 DEVICE, THE AUTOMATED PURCHASING MACHINE SHALL MAKE A RECORD OF:

16 (I) THE MAKE AND MODEL OF THE ELECTRONIC DEVICE;

17 (II) THE WIRELESS CARRIER THAT PROVIDED WIRELESS
18 COMMUNICATION SERVICE TO THE ELECTRONIC DEVICE, IF APPLICABLE;

19 (III) THE ASSIGNED TELEPHONE NUMBER OR OTHER
20 SUBSCRIBER OR ACCOUNT IDENTIFIER OF THE ELECTRONIC DEVICE KNOWN AT
21 THE TIME OF SALE, IF APPLICABLE; AND

22 (IV) THE SERIAL NUMBER OF THE ELECTRONIC DEVICE.

23 (D) (1) AN APM OPERATOR SHALL SUBMIT A COPY OF THE RECORDS
24 REQUIRED UNDER SUBSECTION (C) OF THIS SECTION TO THE PRIMARY LAW
25 ENFORCEMENT UNIT WITHIN 48 HOURS AFTER A TRANSACTION IN A FORMAT
26 ACCEPTABLE TO THE PRIMARY LAW ENFORCEMENT UNIT.

27 (2) AN APM OPERATOR SHALL KEEP THE RECORDS REQUIRED
28 UNDER SUBSECTION (C) OF THIS SECTION FOR AT LEAST 1 YEAR AFTER THE
29 DATE OF THE TRANSACTION.

1 **(3) A COPY OF A RECORD SUBMITTED UNDER PARAGRAPH (1) OF**
2 **THIS SUBSECTION:**

3 **(I) SHALL BE KEPT CONFIDENTIAL;**

4 **(II) IS NOT A PUBLIC RECORD; AND**

5 **(III) IS NOT SUBJECT TO TITLE 10, SUBTITLE 6 OF THE**
6 **STATE GOVERNMENT ARTICLE.**

7 **(E) AN APM OPERATOR SHALL KEEP ALL PERSONAL PROPERTY**
8 **PURCHASED IN THE STATE FOR AT LEAST 30 DAYS AFTER THE APM OPERATOR**
9 **SUBMITS THE INFORMATION REQUIRED UNDER SUBSECTION (C) OF THIS**
10 **SECTION TO THE PRIMARY LAW ENFORCEMENT UNIT.**

11 **19-805.**

12 **(A) AN APM OPERATOR SHALL WAIT 48 HOURS AFTER THE**
13 **COMPLETION OF A TRANSACTION BEFORE DISBURSING PAYMENT TO A SELLER.**

14 **(B) (1) PAYMENT DISBURSED IN ACCORDANCE WITH SUBSECTION (A)**
15 **OF THIS SECTION SHALL BE IN THE FORM OF A CHECK.**

16 **(2) AN APM OPERATOR SHALL SEND THE CHECK TO THE**
17 **ADDRESS PROVIDED BY THE SELLER UNDER § 19-804(B)(1) OF THIS SUBTITLE.**

18 **19-806.**

19 **(A) A PERSON WHO VIOLATES THIS SUBTITLE IS GUILTY OF A**
20 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**
21 **\$100.**

22 **(B) EACH VIOLATION OF THIS SUBTITLE IS A SEPARATE OFFENSE.**

23 **19-807.**

24 **THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT AND ENFORCE**
25 **THIS SUBTITLE.**

26 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
27 **October 1, 2014.**