

CHAPTER 184
FORMERLY
SENATE BILL NO. 144
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PAWNBROKERS, SECONDHAND DEALERS AND SCRAP METAL PROCESSORS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 24, §2301 of the Delaware Code by adding the following subsection after subsection (1) as follows:

“(2) “Consumer” means any person or buyer who purchases a retail product, as defined in §2301(5), other than for further purposes of resale or processing.”

Section 2. Amend Title 24, §2301 of the Delaware Code by renumbering subsection (2) under this section to subsection (3).

Section 3. Amend Title 24, §2301 of the Delaware Code by deleting subsection “(3) ‘Flea markets’” of this subsection in its entirety.

Section 4. Amend Title 24, §2301 of the Delaware Code by adding the following subsection (5) after subsection (4) as follows:

“(5) “Retail” means the sale or purchase for final consumption in contrast to a sale for further sale or processing, or a sale to the final consumer, rather than a sale to a retailer or one who intends to resell.”

Section 5. Amend Title 24, §2301(6) of the Delaware Code as it relates to secondhand dealers by adding a new subsection h. to state as follows:

“h. The retail sale or purchase of goods, notwithstanding any and all articles under §2302(b), and/or produce or other food products to a consumer, by a person, company, corporation, member or members of a partnership or firm from a location that the person, company, corporation, member or members or a partnership or firm, owns or leases.”

Section 6. Amend Title 24, §2301 of the Delaware Code by renumbering subsections (5) and (6) of this section as subsections (6) and (7) respectively.

Section 7. Amend Title 24 §2302(b) by adding the following paragraph after subsection (6) to state as follows:

“Such record shall include, at a minimum, the following information:

- (a) the date and time of purchase;
- (b) the type and grade of scrap metal;
- (c) if payment is based on weight, the weight of each type and grade of scrap metal;
- (d) the amount or other consideration for the scrap metal;
- (e) the registration plate number, make and model of the vehicle used in the delivery of scrap metal;
- (f) the name and address of the individual from whom the scrap metal is acquired;
- (g) the signature of:
 - i. the individual from whom the scrap metal is acquired; and,
 - ii. the scrap metal processor; and
- (h) for each individual from whom the scrap metal processor acquires scrap metal:
 - i. the date of birth and driver’s license; or,
 - ii. Identification information about the individual from a valid State-issued photo identification card that provides a physical description of the individual, including the sex, race, distinguishing features, and approximate age, height and weight of the individual.”

Section 8. Amend §2304(a), Title 24 of the Delaware Code by adding the following sentence at the end of subsection (a):

“Scrap metal processors must hold platinum, gold and silver articles for 18 days.”

Section 9. Amend §2304(b), Title 24 of the Delaware Code by deleting the phrase “, silver, gold,” before the phrase “or brass articles” and after the phrase “weekends, all copper”.

Approved August 17, 2011