

17-1006. LICENSE REQUIRED.

(A) JUNK DEALER OR SCRAP METAL PROCESSOR.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MUST HAVE A JUNK DEALER OR SCRAP METAL PROCESSOR LICENSE WHENEVER THE PERSON DOES BUSINESS AS A JUNK DEALER OR SCRAP METAL PROCESSOR IN THE STATE.

(2) THIS SUBSECTION DOES NOT APPLY TO A SITUATION IN WHICH:

(I) A NONRESIDENT JUNK DEALER OR NONRESIDENT SCRAP METAL PROCESSOR BUYS JUNK OR SCRAP METAL FROM A JUNK DEALER OR SCRAP METAL PROCESSOR LICENSEE WHO IS A RESIDENT OF THE STATE; OR

(II) THE NONRESIDENT JUNK DEALER OR NONRESIDENT SCRAP METAL PROCESSOR TRANSPORTS THAT JUNK OR SCRAP METAL.

(3) IF A NONRESIDENT JUNK DEALER OR NONRESIDENT SCRAP METAL PROCESSOR COMES INTO THE STATE IN A VEHICLE, THE NONRESIDENT JUNK DEALER OR NONRESIDENT SCRAP METAL PROCESSOR MAY NOT TRANSPORT FROM THE STATE IN THAT VEHICLE ANY JUNK OR SCRAP METAL BOUGHT IN THE STATE UNLESS THE NONRESIDENT JUNK DEALER OR NONRESIDENT SCRAP METAL PROCESSOR HOLDS A JUNK DEALER OR SCRAP METAL PROCESSOR LICENSE.

(B) AGENT.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MUST HAVE AN AGENT LICENSE WHENEVER THE PERSON ACTS AS AN AGENT IN THE STATE.

(2) THIS SUBSECTION DOES NOT APPLY TO A SALARIED EMPLOYEE OF A JUNK DEALER OR SCRAP METAL PROCESSOR LICENSEE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 56, § 234(a) and, except as it related to a fixed place of business, (c) and the second clause of the second sentence of § 233(b).

Subsection (b)(2) of this section is revised as a scope provision, rather than as part of the definition of "agent", for clarity.

The Business Regulation Article Review Committee notes, for consideration by the General Assembly, that in subsection (a)(3) of this section the references to coming into the State "in a vehicle" and transporting junk "in that vehicle" are retained. The General Assembly, however, may wish to delete the references to "a vehicle" so as not to needlessly limit the activity sought to be prohibited.