

Expedited Bill No. 18-14  
Concerning: Secondhand Personal  
Property – Automated Purchasing  
Machines  
Revised: 04/30/2014 Draft No. 3  
Introduced: March 18, 2014  
Enacted: May 6, 2014  
Executive: May 19, 2014  
Effective: May 19, 2014  
Sunset Date: None  
Ch. 13, Laws of Mont. Co. 2014

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President Rice and Councilmembers, Branson, Floreen, Riemer, Council Vice  
President Leventhal and Councilmembers Navarro and Elrich

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**AN EXPEDITED ACT to:**

- (1) prohibit the use of automated purchasing machines for the purchase of personal property;
- (2) define certain terms;
- (3) provide certain exceptions; and
- (4) generally amend the secondhand personal property law.

By amending

Montgomery County Code  
Chapter 44A, Secondhand Personal Property  
Sections 44A-1, 44A-16 and 44A-17

And adding

Section 44A-18

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec 1. Sections 44A-1, 44A-16 and 44A-17 are amended and Section**  
2           **44A-18 is added as follows:**

3           **44A-1. Definitions.**

4           When used in this chapter:

5           Automated Purchasing Machine means a self-service device that:

- 6                   (1) is designed to dispense payment in exchange for personal
- 7                               property; and
- 8                   (2) is also known as a reverse vending machine.

9   \*    \*    \*

10           Recyclable materials means recyclable solid waste as defined in Section 48-  
11           46.

12   \*    \*    \*

13           **44A-16. Automated Purchasing Machines.**

14           (a) General Prohibition. Except as otherwise provided in this Section, a  
15                   person must not purchase or offer to purchase any personal property  
16                   by means of an automated purchasing machine.

17           (b) Exception for recyclable materials. This Section does not prohibit the  
18                   use of an automated purchasing machine exclusively [[for collecting]]  
19                   to collect recyclable materials [[pursuant to]] under a government-  
20                   operated or -approved recycling program.

21           **44A-17. Regulations; restitution.**

22           The Executive must adopt reasonable regulations under method (3) to  
23           implement and administer this Chapter which may authorize the County to obtain  
24           restitution on behalf of an injured party.

25           **[44A-17.] 44A-18. Penalties.**

26           (a) Any person who violates this Chapter is subject to punishment for a  
27                   class A violation. Each day that a violation continues is a separate  
28                   offense.

29 (b) The Director of the Office of Consumer Protection may file an action  
30 in any court with jurisdiction to enjoin any violation of this Chapter or  
31 to enforce any order or decision issued under this Chapter.

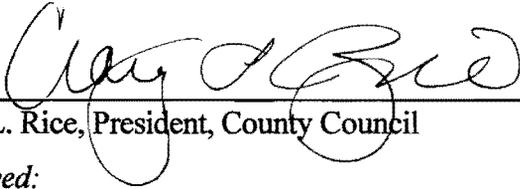
32 [44A-18. Reserved.]

33 **Sec. 2. Expedited Effective Date.**

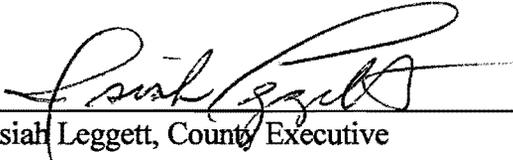
34 The Council declares that this legislation is necessary for the immediate  
35 protection of the public interest. This Act takes effect on the date on which it  
36 becomes law.

37

38 *Approved:*

39  5/6/14  
\_\_\_\_\_  
Craig L. Rice, President, County Council Date

40 *Approved:*

41  May 19, 2014  
\_\_\_\_\_  
Isiah Leggett, County Executive Date

42 *This is a correct copy of Council action.*

43  May 20, 2014  
\_\_\_\_\_  
Linda M. Lauer, Clerk of the Council Date