

House Bill 177

By: Representatives Williams of the 178<sup>th</sup>, Ramsey of the 72<sup>nd</sup>, Smith of the 168<sup>th</sup>, Meadows of the 5<sup>th</sup>, England of the 108<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 14 of Chapter 1 of Title 10 and Code Section 16-8-12 of the Official Code  
2 of Georgia Annotated, relating to secondary metals recyclers and penalties for certain theft  
3 crimes, respectively, so as to change provisions relating to transaction records; to provide for  
4 transmission of transaction records to the applicable sheriff's department; to regulate  
5 payments to persons selling copper items to secondary metals recyclers; to change provisions  
6 relating to the superseding nature of the article; to provide for related matters; to repeal  
7 conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Article 14 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to  
11 secondary metals recyclers, is amended by revising Code Section 10-1-351, relating to record  
12 of transactions, as follows:

13 "10-1-351.

14 (a) A secondary metals recycler shall maintain a legible record of all purchase transactions  
15 to which such secondary metals recycler is a party. Such record shall include the following  
16 information:

17 (1) The name and address of the secondary metals recycler;

18 (2) The date of the transaction;

19 (3) The weight, quantity, or volume and a description of the type of regulated metal  
20 property purchased in a purchase transaction. For purposes of this paragraph, the term  
21 'type of regulated metal property' shall include a general physical description, such as  
22 wire, tubing, extrusions, or castings;

23 (4) The amount of consideration given in a purchase transaction for the regulated metal  
24 property;

25 (5) A signed statement from the person receiving consideration in the purchase  
 26 transaction stating that he or she is the rightful owner of the regulated metal property or  
 27 is entitled to sell the regulated metal property being sold;

28 (6) ~~The name and address~~ A copy of a valid driver's license or other state or federal  
 29 government issued identification card containing the name, address, and photograph of  
 30 the person delivering the regulated metal property to the secondary metals recycler;

31 (7) The distinctive number from, and type of, the personal identification card of the  
 32 person delivering the regulated metal property to the secondary metals recycler; ~~and~~

33 (8) The vehicle license tag number, state of issue, and the type of vehicle, if available,  
 34 used to deliver the regulated metal property to the secondary metals recycler. For  
 35 purposes of this paragraph, the term 'type of vehicle' shall mean an automobile, pickup  
 36 truck, van, or truck; and

37 (9) A detailed written description from the person receiving consideration in the  
 38 purchase transaction describing the source from which he or she obtained the regulated  
 39 metal property.

40 (b) A secondary metals recycler shall maintain or cause to be maintained the information  
 41 required by subsection (a) of this Code section for not less than two years from the date of  
 42 the purchase transaction.

43 (c) On and after July 1, 2009, secondary metals recyclers shall transmit a copy of the  
 44 information required by subsection (a) of this Code section for each purchase transaction  
 45 which occurred, within five days of such transaction, to the sheriff's department for the  
 46 jurisdiction in which the secondary metals recycler is located."

## 47 SECTION 2.

48 Said article is further amended by adding a new Code section to read as follows:

49 "10-1-352.1.

50 A secondary metals recycler may pay cash for any regulated metal property only if the  
 51 amount of the consideration of such item or items is \$50.00 or less. Payment for any  
 52 regulated metal property exceeding the value of \$50.00 shall be issued by check. Such  
 53 check shall be payable only to the person named in paragraph (6) of subsection (a) of Code  
 54 Section 10-1-351 and shall be transmitted to such person providing identification as  
 55 required in paragraph (6) of subsection (a) of Code Section 10-1-351."

## 56 SECTION 3.

57 Said article is further amended by revising Code Section 10-1-358, relating to the  
 58 superseding nature of the article, to read as follows:

59 "10-1-358.

60 ~~The General Assembly finds that this article is a matter of state-wide concern. This article~~  
61 ~~supersedes and preempts all rules, regulations, codes, ordinances, and other laws adopted~~  
62 ~~by any county, municipality, consolidated government, or other local governmental agency~~  
63 ~~regarding the sale or purchase of regulated metal property. Any county, municipality,~~  
64 ~~consolidated government, or other local governing authority may adopt ordinances or~~  
65 ~~resolutions not in conflict with this article regarding the sale or purchase of regulated metal~~  
66 ~~property and such ordinances or resolutions shall be cumulative to this article.~~"

67 **SECTION 4.**

68 Code Section 16-8-12 of the Official Code of Georgia Annotated, relating to penalties for  
69 violation of Code Sections 16-8-2 through 16-8-9, is amended by revising paragraph (9) of  
70 subsection (a) as follows:

71 "(9) Notwithstanding the provisions of paragraph (1) of this subsection, if the property  
72 of the theft was ferrous metals or regulated metal property, as such terms are defined in  
73 Code Section 10-1-350, and the sum of the aggregate amount of such property, in its  
74 original and undamaged condition, plus any costs which are or would be incurred in the  
75 repair or the attempt to recover any property damaged in the theft or removal of such  
76 regulated metal property, exceeds \$500.00, by imprisonment for not less than one nor  
77 more than five years, a fine of not more than \$5,000.00, or both."

78 **SECTION 5.**

79 All laws and parts of laws in conflict with this Act are repealed.