

Senate Bill 82

By: Senators Unterman of the 45th, Chance of the 16th and Staton of the 18th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 14 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
2 relating to secondary metals recyclers, so as to change provisions relating to transaction
3 records; to provide for transmission of transaction records to the applicable sheriff's
4 department; to regulate payments to persons selling copper items to secondary metals
5 recyclers; to provide for supervision of secondary metals recyclers by counties, municipal
6 corporations, or consolidated governments; to change provisions relating to the superseding
7 nature of the article; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

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

14 "10-1-351.

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

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

19 (2) The date of the transaction;

20 (3) The weight, quantity, or volume and a detailed description of the type of regulated
21 metal property purchased in a purchase transaction together with a dated and
22 time-stamped photograph of the purchased metal property and the name of the
23 photographer. For purposes of this paragraph, the term 'type of regulated metal property'
24 shall include a ~~general~~ specific physical description, such as wire, tubing, extrusions, ~~or~~
25 castings, automotive part, or farm equipment;

- 26 (4) The amount of consideration given in a purchase transaction for the regulated metal
27 property;
- 28 (5) A signed statement from the person receiving consideration in the purchase
29 transaction ~~stating~~ certifying that he or she is the rightful owner of the regulated metal
30 property or ~~is entitled~~ has the lawful right to sell and dispose of the regulated metal
31 property ~~being sold~~;
- 32 (6) The name and address of the person delivering the regulated metal property to the
33 secondary metals recycler along with a fingerprint and photocopy or electronic scan of
34 the driver's license or state or federally issued photo identification card of the person
35 delivering the regulated metal property to the secondary metals recycler. If the secondary
36 metals recycler has a copy of the valid photo identification or a valid fingerprint of the
37 person delivering the regulated metal property on file, the secondary metals recycler shall
38 examine the photo identification and fingerprint, but may reference such photo
39 identification and fingerprint on file without making a separate photo copy or electronic
40 scan for each subsequent transaction. If the person delivering the regulated metal
41 property does not have a driver's license or a state or federally issued photo identification
42 card or refuses to provide a fingerprint, then the secondary metals recycler shall not
43 complete the transaction;
- 44 (7) The distinctive number from, and type of, the personal identification card of the
45 person delivering the regulated metal property to the secondary metals recycler; ~~and~~
- 46 (8) The vehicle license tag number, state of issue, and the type of vehicle, if available,
47 used to deliver the regulated metal property to the secondary metals recycler. For
48 purposes of this paragraph, the term 'type of vehicle' shall mean an automobile, pickup
49 truck, van, or truck; and
- 50 (9) A detailed written description from the person receiving consideration in the
51 purchase transaction describing the source from which he or she obtained the regulated
52 metal property and the physical address where the metal was obtained by such person.
- 53 (b) A secondary metals recycler shall maintain or cause to be maintained the information
54 required by subsection (a) of this Code section for not less than two years from the date of
55 the purchase transaction.
- 56 (c) On and after July 1, 2009, secondary metals recyclers shall transmit a copy of the
57 information required by subsection (a) of this Code section for each purchase transaction
58 which occurred, within five days of such transaction, to the sheriff's department for the
59 jurisdiction in which the secondary metals recycler is located.
- 60 (d) A secondary metals recycler shall not purchase or receive regulated metal property
61 from minors; provided, however, that such purchase or receipt shall not apply to aluminum
62 beverage or food cans.

63 (e) A secondary metals recycler shall not purchase or receive a city owned or county
 64 owned sewer or water manhole cover."

65 **SECTION 2.**

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

67 "10-1-352.1.

68 No secondary metals recycler shall pay cash for any regulated metal property that is
 69 primarily copper. Payment shall be issued by check only and shall be issued no less than
 70 ten days nor more than 30 days after purchase of such item, except that a check shall be
 71 withheld during any hold period or extended hold period made effective pursuant to Code
 72 Section 10-1-353. Any such check shall be payable only to the person named in paragraph
 73 (6) of subsection (a) of Code Section 10-1-351. Such check shall be transmitted only by
 74 mail or picked up by such person, at his or her option."

75 **SECTION 3.**

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

77 "10-1-358.

78 A county, municipal corporation, or consolidated government may license secondary
 79 metals recyclers, define their powers and privileges by ordinance, impose taxes upon them,
 80 revoke their licenses, and exercise such general supervision as will ensure fair dealing
 81 between secondary metals recyclers and their customers."

82 **SECTION 4.**

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

85 "~~10-1-358.~~ 10-1-359.

86 The General Assembly finds that this article is a matter of state-wide concern. ~~This article~~
 87 ~~supersedes and preempts all rules, regulations, codes, ordinances, and other laws adopted~~
 88 ~~by any county, municipality, consolidated government, or other local governmental agency~~
 89 ~~regarding the sale or purchase of regulated metal property. Laws adopted by any county,~~
 90 municipality, consolidated government, or other local governing authority regarding the
 91 sale or purchase of regulated metal property shall be construed as cumulative to this
 92 article."

93 **SECTION 5.**

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