

The Senate Regulated Industries and Utilities Committee offered the following substitute to SB 82:

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 accessibility for review of transaction records to law enforcement  
4 personnel; to prohibit the sale or purchase of certain metals; to provide for criminal penalties  
5 for certain unlawful conduct; to regulate payments to persons selling copper items to  
6 secondary metals recyclers; to provide jurisdiction for municipal courts to try and dispose  
7 of certain cases; to provide for related matters; to repeal conflicting laws; and for other  
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**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 on a form~~  
16 prescribed by the state revenue commissioner which shall require the following  
17 information:  
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19 (1) The name and address of the secondary metals recycler;

20 (2) The date of the transaction;

21 (3) The weight, quantity, or volume and a description of the type of regulated metal  
22 property purchased, utilizing the specifications of the Institute of Scrap Recycling  
23 Industries Circular as the standard as such specifications existed on the effective date of  
24 this paragraph, in a purchase transaction together with a dated and time-stamped  
25 photograph of the purchased metal property and the name of the photographer. For  
26 purposes of this paragraph, the term 'type of regulated metal property' shall include a

27 general physical description, such as wire, tubing, extrusions, ~~or~~ castings, automotive  
 28 part, or farm equipment;

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

31 (5) A signed statement from the person receiving consideration in the purchase  
 32 transaction ~~stating certifying under oath~~ that he or she is the rightful owner of the  
 33 regulated metal property or ~~is entitled~~ has the lawful right to sell and dispose of the  
 34 regulated metal property being sold; and describing the source from which he or she  
 35 obtained the metal and the physical address where the metal was obtained by such person.

36 Falsification of the statement required by this Code section shall be a violation of Code  
 37 Section 16-10-71 and upon conviction shall be punishable pursuant to such Code section.

38 (6) The name and address of the person delivering the regulated metal property to the  
 39 secondary metals recycler along with a photocopy or electronic scan of the driver's  
 40 license or state or federally issued photo identification card of the person delivering the  
 41 regulated metal property to the secondary metals recycler. If the secondary metals  
 42 recycler has a copy of the valid photo identification of the person delivering the regulated  
 43 metal property on file, the secondary metals recycler shall examine the photo  
 44 identification, but may reference such photo identification on file without making a  
 45 separate photo copy or electronic scan for each subsequent transaction. If the person  
 46 delivering the regulated metal property does not have a driver's license or a state or  
 47 federally issued photo identification card, then the secondary metals recycler shall not  
 48 complete the transaction;

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

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

55 (9) Such other information as the state revenue commissioner may require.

56 (b) A secondary metals recycler shall maintain or cause to be maintained the information  
 57 and records required by subsection (a) of this Code section for not less than two years from  
 58 the date of the purchase transaction and shall make such information and records readily  
 59 accessible for review by law enforcement personnel upon request.

60 (c)(1) Unless accompanied by a signed statement certifying under oath that the seller is  
 61 the owner of the metal or is an employee, agent, or other person authorized to sell the  
 62 scrap metal on behalf of the owner, it shall be a violation to knowingly sell or attempt

63 to sell to a secondary metals recycler or for a secondary metals recycler to knowingly  
 64 purchase or attempt to purchase the following types of metal:

65 (A) Metal bearing a visible identifying mark of an electric, telephone, cable, water,  
 66 railroad, other public utility, or government entity;

67 (B) Utility access covers;

68 (C) Street light poles and fixtures;

69 (D) Road and bridge guard rails;

70 (E) Highway or street signs;

71 (F) Water meter covers;

72 (G) Traffic directional and control signs;

73 (H) Traffic light signals; and

74 (I) Historical markers, or grave markers and vases.

75 (2) A person convicted of a first offense of a violation of this subsection shall be guilty  
 76 of a misdemeanor. Any person who violates this subsection for the second or any  
 77 subsequent offense shall be guilty of a felony and, upon conviction thereof, shall be  
 78 punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one  
 79 nor more than five years, or both.

80 (d) Falsification of the statement required by subsection (c) of this Code section shall be  
 81 a violation of Code Section 16-10-71."

## 82 **SECTION 2.**

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

84 "10-1-352.1.

85 (a) For purposes of this Code section, the term 'copper property' means any copper wire,  
 86 copper tubing, copper pipe, or any item composed completely of copper.

87 (b) A secondary metals recycler may pay cash for any copper property only if the amount  
 88 of the consideration of such item or items is \$100.00 or less. Payment for any copper  
 89 property exceeding the value of \$100.00 shall be issued by check. Such check shall be  
 90 payable only to the person named in paragraph (6) of subsection (a) of Code Section  
 91 10-1-351 and shall be transmitted to such person providing identification as required in  
 92 paragraph (6) of subsection (a) of Code Section 10-1-351; provided, however, that if such  
 93 person is delivering the copper property on behalf of a governmental entity or a nonprofit  
 94 or for profit business, the check may be payable to such business or entity and may also be  
 95 transmitted to such business or entity."

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### SECTION 3.

Said article is further amended by revising Code Section 10-1-356, relating to prohibited acts, as follows:

"10-1-356.

(a) It shall be unlawful for:

(1) A secondary metals recycler to engage in the purchase or sale of regulated metal property between the hours of 9:00 P.M. and 6:00 A.M.; and

(2) Any person to give a false statement of ownership or to give a false or altered identification or vehicle tag number and receive money or other consideration from a secondary metals recycler in return for regulated metal property.

(b) Any person who violates paragraph (1) of subsection (a) of this Code section shall be guilty of a misdemeanor.

(c) Any person who violates paragraph (2) of subsection (a) of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both."

### SECTION 4.

Said article is further amended by revising Code Section 10-1-357, relating to penalties for violations of the article, as follows:

"10-1-357.

(a) Any person selling regulated metal property to a secondary metals recycler in violation of any provision of this article shall be guilty of a misdemeanor unless the value of the regulated metals property, in its original and undamaged condition, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft or removal of such regulated metal property, is in an aggregate amount which exceeds \$500.00, in which case such person shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than \$5,000.00 or by imprisonment for not less than one nor more than five years, or both.

(b) Any secondary metals recycler knowingly and intentionally engaging in any practice which constitutes a violation of this article shall be guilty of a misdemeanor unless the value of the regulated metals property, in its original and undamaged condition, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft or removal of such regulated metal property, is in an aggregate amount which exceeds \$500.00, such secondary metals recycler shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than \$5,000.00 or by imprisonment for not less than one nor more than five years, or both.

131 (c) Municipal courts are granted jurisdiction to try and dispose of cases in which a person  
132 is charged with any misdemeanor violation of this article."

133 **SECTION 5.**

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