

The House Committee on Judiciary Non-civil offers the following substitute to HB 177:

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 provide for the regulation of theft of regulated metal property;  
4 to change definitions; to change provisions relating to transaction records; to provide for  
5 availability of records of law enforcement; to regulate payments to persons selling copper  
6 or catalytic converters to secondary metals recyclers; 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 paragraph (5) of Code Section 10-1-350,  
12 relating to definitions, as follows:

13 "(5) 'Personal identification card' means a current and unexpired driver's license or  
14 identification card issued by the Department of Driver Services or a similar card issued  
15 by another state, a military identification card, a passport, or an appropriate work  
16 authorization issued by the U.S. Citizenship and Immigration Services of the Department  
17 of Homeland Security, which shall contain the individual's name, address, and  
18 photograph."

19 **SECTION 2.**

20 Said article is further amended by revising Code Section 10-1-351, relating to record of  
21 transactions, as follows:

22 "10-1-351.

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

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

27 (2) The date of the transaction;

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

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

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

37 (6) ~~The name and address~~ A copy of a valid personal identification card of the person  
38 delivering the regulated metal property to the secondary metals recycler;

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

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

45 (9) A dated time-stamped photograph of the purchased metal property.

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

49 (c) The records required by this Code section shall be open to the inspection of any duly  
50 authorized law enforcement officer during the ordinary hours of business."

51 **SECTION 3.**

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

53 "10-1-352.1.

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

56 (b) A secondary metals recycler may pay cash for any copper property or catalytic  
57 converter only if the amount of the consideration of such item or items is \$25.00 or less.

58 Payment for any copper property or catalytic converter exceeding the value of \$25.00 shall  
59 be issued by check. Such check shall be payable only to the person named in paragraph  
60 (6) of subsection (a) of Code Section 10-1-351 and shall be transmitted to such person  
61 providing identification as required in paragraph (6) of subsection (a) of Code Section  
62 10-1-351; provided, however, that if such person is delivering the copper property or  
63 catalytic converter on behalf of a governmental entity or a nonprofit or for profit business,  
64 the check may be payable to such business or entity and may also be transmitted to such  
65 business or entity.

66 **SECTION 4.**

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

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

77 **SECTION 5.**

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