

WITHDRAWN

Senators Harp of the 29th, Rogers of the 21st, Stoner of the 6th and Staton of the 18th offered the following amendment:

1 *Amend the Senate Regulated Industries and Utilities Committee substitute to SB 82 (LC 36*
 2 *1387ERS) by replacing lines 1 through 82 with the following:* To amend Titles 10 and 16 of
 3 the Official Code of Georgia Annotated, relating to commerce and trade and crimes and
 4 offenses, respectively, so as to provide for regulated metal property; to provide transaction
 5 records requirements; to require certain statements under oath; to provide definitions; to
 6 regulate payments for regulated metal property; to provide for criminal penalties; to provide
 7 for an effective date and applicability; to repeal conflicting laws; and for other purposes.

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

SECTION 1.

9
 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 valid driver's license or identification card
 14 issued by the Department of Driver Services or a similar card issued by another state, a
 15 military identification card, a passport, or an appropriate work authorization issued by the
 16 U.S. Citizenship and Immigration Services of the Department of Homeland Security."

SECTION 2.

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

20 "10-1-351.

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

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

25 (2) The date of the transaction;

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

- 30 (4) The amount of consideration given in a purchase transaction for the regulated metal
 31 property;
- 32 (5) A signed statement from the person receiving consideration in the purchase
 33 transaction ~~stating~~ certifying under oath that he or she is the rightful owner of the
 34 regulated metal property or is entitled to sell the regulated metal property being sold.
 35 Such oath shall be as follows: 'I am the rightful owner of or am entitled to sell the
 36 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 and the address
 39 and photograph of such person if not included on the personal identification card;
- 40 (7) The distinctive number from, and type of, the personal identification card of the
 41 person delivering the regulated metal property to the secondary metals recycler; and
- 42 (8) The vehicle license tag number, state of issue, and the type of vehicle, if available,
 43 used to deliver the regulated metal property to the secondary metals recycler. For
 44 purposes of this paragraph, the term 'type of vehicle' shall mean an automobile, pickup
 45 truck, van, or truck.
- 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) Any person who knowingly and willfully makes a false statement in the statement
 50 required by paragraph (5) of subsection (a) of this Code section shall be subject to the
 51 provisions of Code Section 16-10-71."

52 **SECTION 3.**

53 *By replacing lines 96 through 132 with the following:*

54 **SECTION 4.**

55 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 56 amended by revising paragraph (9) of subsection (a) of Code Section 16-8-12, relating to
 57 penalties for violation of Code Sections 16-8-2 through 16-8-9, as follows:

58 "(9) Notwithstanding the provisions of paragraph (1) of this subsection, if the property
 59 of the theft was ferrous metals or regulated metal property, as such terms are defined in
 60 Code Section 10-1-350, and the sum of the aggregate amount of such property, in its
 61 original and undamaged condition, plus any costs which are or would be incurred in the
 62 repair or the attempt to recover any property damaged in the theft or removal of such

63 regulated metal property, exceeds \$500.00, by imprisonment for not less than one nor
64 more than five years, a fine of not more than \$5,000.00, or both."