

**LOST**

Senator Harp of the 29th 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.**

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 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 together with a dated and time-stamped  
 28 photograph of the purchased regulated metal property. For purposes of this paragraph,  
 29 the term 'type of regulated metal property' shall include a general physical description,  
 30 such as wire, tubing, extrusions, or castings;

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

53 **SECTION 3.**

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

55 **SECTION 4.**

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

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

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