

Senate Bill 82

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

AS PASSED

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 a definition; to change provisions relating to transaction records; to regulate
5 payments to persons selling certain property to secondary metals recyclers; to revise
6 provisions relating to theft of regulated metal property; to provide for related matters; to
7 repeal 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 paragraph (6) of subsection (a) of Code Section
21 10-1-351, relating to record of transactions, and adding a new subsection (c) to read as
22 follows:

23 "~~(6) The name and address~~ A photocopy of a valid personal identification card of the
24 person delivering the regulated metal property to the secondary metals recycler;"

25 "(c) When the metal being purchased is a motor vehicle, the person offering to sell the
26 motor vehicle to a secondary metals recycler shall either provide the title to such motor

27 vehicle or fully execute a cancellation of certificate of title for scrap vehicles form as
 28 promulgated by the Department of Revenue, Motor Vehicle Division, designated as
 29 MV-1SP, in accordance with Code Section 40-3-36. The secondary metals recycler shall
 30 forward the title or MV-1SP form to the Department of Revenue within 72 hours of receipt
 31 of the title or form."

32 SECTION 3.

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

34 "10-1-352.1.

35 (a) As used in this Code section, the terms:

36 (1) 'Aluminum property' means aluminum forms designed to shape concrete.

37 (2) 'Copper property' means any copper wire, copper tubing, copper pipe, or any item
 38 composed completely of copper.

39 (b) A secondary metals recycler may pay by check or by cash for any copper property,
 40 catalytic converter, or aluminum property as follows:

41 (1) Cash payments shall occur no earlier than 24 hours after the copper property,
 42 catalytic converter, or aluminum property is provided to the secondary metals recycler;
 43 and

44 (2) Checks shall be payable only to the person named who was recorded as delivering
 45 the copper property, catalytic converter, or aluminum property to the secondary metals
 46 recycler; provided, however, that if such person is delivering the copper property,
 47 catalytic converter, or aluminum property on behalf of a governmental entity or a
 48 nonprofit or for profit business, the check may be payable to such business or entity and
 49 may also be transmitted to such business or entity.

50 (c) The provisions of this Code section shall not apply to any transaction between business
 51 entities."

52 SECTION 4.

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

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

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

63 **SECTION 5.**

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