

Senate Bill 321

By: Senators Unterman of the 45th, McKoon of the 29th, Stone of the 23rd and Ramsey, Sr. of the 43rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling
2 and other trade practices, so as to provide for the comprehensive revision of provisions
3 regarding secondary metals recyclers; to provide for definitions, procedures, conditions, and
4 limitations relating to the buying and selling of regulated metal property; to provide for
5 powers, duties, and authority of sheriffs and other law enforcement officers; to provide for
6 permits and fees; to provide for a state-wide data base; to provide for criminal offenses and
7 penalties; to amend Code Section 40-3-36 of the Official Code of Georgia Annotated,
8 relating to cancellation of certificate of title for scrap, dismantled, or demolished vehicles,
9 salvage certificate of title, administrative enforcement, and removal of license plates, so as
10 to revise certain provisions relating to the use of a form to transfer title to a motor vehicle to
11 be sold or disposed of as scrap metal or parts; to provide for additional changes to said Code
12 section, relating to the use of a form to transfer title to a motor vehicle to be sold or disposed
13 of as scrap metal or parts, subject to a contingency; to provide for related matters; to provide
14 an effective date and applicability; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 PART I
17 SECTION 1-1.

18 Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other
19 trade practices, is amended by revising Article 14, relating to secondary metals recyclers, to
20 read as follows:

21 "ARTICLE 14

22 10-1-350.

23 As used in this article, the term:

- 24 (1) 'Aluminum property' means aluminum forms designed to shape concrete.
- 25 (2) 'Copper property' means any copper wire, copper tubing, copper pipe, or any item
 26 composed completely of copper.
- 27 ~~(1)~~(3) 'Ferrous metals' means any metals containing significant quantities of iron or steel.
- 28 (4) 'Fixed site' means any site in this state occupied by a secondary metals recycler or as
 29 a lessee of such site under a lease or other rental agreement providing for occupation of
 30 the site by a secondary metals recycler for a total duration of not less than 364 days or as
 31 the owner of such site.
- 32 ~~(2)~~(5) 'Law enforcement officer' means any duly constituted peace officer of the State
 33 of Georgia or of any county, municipality, or political subdivision thereof.
- 34 ~~(3)~~(6) 'Nonferrous metals' means stainless steel beer kegs and metals not containing
 35 significant quantities of iron or steel, including, without limitation, copper, brass,
 36 aluminum, bronze, lead, zinc, nickel, and alloys thereof.
- 37 ~~(4)~~(7) 'Person' means an individual, partnership, corporation, joint venture, trust,
 38 association, and any other legal entity.
- 39 ~~(5)~~(8) 'Personal identification card' means a current and unexpired driver's license or
 40 identification card issued by the Department of Driver Services or a similar card issued
 41 by another state, a military identification card, or an appropriate work authorization
 42 issued by the U.S. Citizenship and Immigration Services of the Department of Homeland
 43 Security, which shall contain the individual's name, address, and photograph.
- 44 ~~(6)~~(9) 'Purchase transaction' means a transaction in which a secondary metals recycler
 45 gives consideration in exchange for regulated metal property.
- 46 ~~(7)~~(10) 'Regulated metal property' means any item composed primarily of any ferrous
 47 metals, nonferrous metals, aluminum property, copper property, or catalytic converter but
 48 shall not include aluminum beverage containers, used beverage containers, or similar
 49 beverage containers.
- 50 ~~(8)~~(11) 'Secondary metals recycler' means any person who is engaged, from a fixed
 51 ~~location site~~ or otherwise, in the business in this state of paying compensation for ferrous
 52 or nonferrous metals that have served their original economic purpose, whether or not
 53 engaged in the business of performing the manufacturing process by which ferrous metals
 54 or nonferrous metals are converted into raw material products consisting of prepared
 55 grades and having an existing or potential economic value.
- 56 10-1-351.
- 57 (a) A secondary metals recycler shall maintain a legible record of all purchase transactions
 58 to which such secondary metals recycler is a party. Such record shall include the following
 59 information:

- 60 (1) The name and address of the secondary metals recycler;
- 61 (2) The date of the transaction;
- 62 (3) The weight, quantity, or volume and a description of the type of regulated metal
63 property purchased in a purchase transaction. For purposes of this paragraph, the term
64 'type of regulated metal property' shall include a general physical description, such as
65 wire, tubing, extrusions, or castings;
- 66 (4) A digital photograph or photographs of the regulated metal property which shows the
67 regulated metal property in a clear, undistorted manner;
- 68 ~~(4)(5)~~ (5) The amount of consideration given in a purchase transaction for the regulated
69 metal property;
- 70 ~~(5)(6)~~ (6) A signed statement from the person receiving consideration in the purchase
71 transaction stating that he or she is the rightful owner of the regulated metal property or
72 is entitled to sell the regulated metal property being sold;
- 73 ~~(6)(7)~~ (7) A photocopy scanned or photocopied copy of a valid personal identification card
74 of the person delivering the regulated metal property to the secondary metals recycler;
- 75 (8) A classifiable thumbprint of the person delivering the regulated metal property to the
76 secondary metals recycler;
- 77 ~~(7)(9)~~ (9) The distinctive number from, and type of, the personal identification card of the
78 person delivering the regulated metal property to the secondary metals recycler; ~~and~~
- 79 ~~(8)(10)~~ (10) The vehicle license tag number, state of issue, and the type of vehicle, if
80 available, used to deliver the regulated metal property to the secondary metals recycler.
81 For purposes of this paragraph, the term 'type of vehicle' shall mean an automobile,
82 pickup truck, van, or truck; and
- 83 (11) A scanned or photocopied copy of the permit issued by the sheriff pursuant to Code
84 Section 10-1-358.
- 85 (b) A secondary metals recycler shall maintain or cause to be maintained the information
86 required by subsection (a) of this Code section for not less than two years from the date of
87 the purchase transaction. In addition, all of the information required by subsection (a) of
88 this Code section, except for the scanned or photocopied copy of the permit specified in
89 paragraph (11) of subsection (a) of this Code section, shall be provided to the sheriff of the
90 county from which the secondary metals recycler has received the permit under Code
91 Section 10-1-358. The sheriff shall place or cause to be placed such information in the data
92 base established under Code Section 10-1-358.
- 93 (c) When the metal being purchased is a motor vehicle, the person offering to sell the
94 motor vehicle to a secondary metals recycler shall either provide the title to such motor
95 vehicle or fully execute a ~~cancellation of certificate of title for scrap vehicles~~ statement on
96 a form as promulgated by the Department of Revenue, Motor Vehicle Division, designated

97 ~~as MV-1SP~~; in accordance with Code Section 40-3-36. The secondary metals recycler
 98 shall forward the title or ~~MV-1SP~~ form to the Department of Revenue within 72 hours of
 99 receipt of the title or form.

100 10-1-352.

101 During the usual and customary business hours of a secondary metals recycler, a law
 102 enforcement officer shall, after properly identifying himself or herself as a law enforcement
 103 officer, have the right to inspect:

104 (1) Any and all ~~purchased~~ regulated metal property in the possession of the secondary
 105 metals recycler; and

106 (2) Any and all records required to be maintained under Code Section 10-1-351.

107 ~~10-1-352.1. 10-1-353.~~

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

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

110 ~~(2) 'Copper property' means any copper wire, copper tubing, copper pipe, or any item
 111 composed completely of copper.~~

112 ~~(b)(a) A secondary metals recycler may pay by check or by~~ shall be prohibited from
 113 paying by cash for any regulated metal property. ~~copper property, catalytic converter, or~~
 114 ~~aluminum property as follows:~~

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

118 ~~(2)(b) Checks~~ A secondary metals recycler shall pay only by check for regulated metal
 119 property. Any such check shall be payable only to the person named who was recorded as
 120 the seller of the regulated metal property delivering the copper property, catalytic
 121 converter, or aluminum property to the secondary metals recycler; provided, however, that
 122 if such person is delivering the copper property, catalytic converter, or aluminum property
 123 on behalf of a governmental entity or a nonprofit or for profit business, the check may be
 124 payable to such business or entity and may also be transmitted to such business or entity
 125 and shall be mailed to such seller only to the address indicated on the personal
 126 identification card of the seller presented at the time of such sale and only after not less
 127 than 14 days immediately following such sale.

128 ~~(c) The provisions of this Code section shall not apply to any transaction between business~~
 129 ~~entities.~~

130 ~~10-1-353.~~ 10-1-354.

131 (a) Whenever a law enforcement officer has reasonable cause to believe that any item of
132 regulated metal property in the possession of a secondary metals recycler has been stolen,
133 the law enforcement officer may issue a hold notice to the secondary metals recycler. The
134 hold notice shall be in writing, shall be delivered to the secondary metals recycler, shall
135 specifically identify those items of regulated metal property that are believed to have been
136 stolen and that are subject to the notice, and shall inform the secondary metals recycler of
137 the information contained in this Code section. Upon receipt of the notice issued in
138 accordance with this Code section, the secondary metals recycler receiving the notice shall
139 not process or remove the items of regulated metal property identified in the notice, or any
140 portion thereof, from the place of business of the secondary metals recycler for 15 calendar
141 days after receipt of the notice by the secondary metals recycler, unless sooner released by
142 a law enforcement officer.

143 (b) No later than the expiration of the 15 day period, a law enforcement officer may issue
144 a second hold notice to the secondary metals recycler, which shall be an extended hold
145 notice. The extended hold notice shall be in writing, shall be delivered to the secondary
146 metals recycler, shall specifically identify those items of regulated metal property that are
147 believed to have been stolen and that are subject to the extended hold notice, and shall
148 inform the secondary metals recycler of the information contained in this Code section.
149 Upon receipt of the extended hold notice issued in accordance with this Code section, the
150 secondary metals recycler receiving the extended hold notice shall not process or remove
151 the items of regulated metal property identified in the notice, or any portion thereof, from
152 the place of business of the secondary metals recycler for 30 calendar days after receipt of
153 the extended hold notice by the secondary metals recycler, unless sooner released by a law
154 enforcement officer.

155 (c) At the expiration of the hold period or, if extended in accordance with this Code
156 section, at the expiration of the extended hold period, the hold is automatically released and
157 the secondary metals recycler may dispose of the regulated metal property unless other
158 disposition has been ordered by a court of competent jurisdiction.

159 ~~10-1-354.~~ 10-1-355.

160 (a) If the secondary metals recycler contests the identification or ownership of the
161 regulated metal property, the party other than the secondary metals recycler claiming
162 ownership of any regulated metal property in the possession of a secondary metals recycler
163 may, provided that a timely report of the theft of the regulated metal property was made
164 to the proper authorities, bring an action in the superior or state court of the county in
165 which the secondary metals recycler is located. The petition for such action shall include

166 a description of the means of identification of the regulated metal property utilized by the
 167 petitioner to determine ownership of the regulated metal property in the possession of the
 168 secondary metals recycler.

169 (b) When a lawful owner recovers stolen regulated metal property from a secondary metals
 170 recycler who has complied with the provisions of this article, and the person who sold the
 171 regulated metal property to the secondary metals recycler is convicted of theft by taking,
 172 theft by conversion, a violation of this article, theft by receiving stolen property, or criminal
 173 damage to property in the first degree, the court shall order the defendant to make full
 174 restitution, including, without limitation, attorneys' fees, court costs, and other expenses
 175 to the secondary metals recycler or lawful owner, as appropriate.

176 (c) When a lawful owner recovers stolen regulated metal property from a secondary metals
 177 recycler who has knowingly and intentionally not complied with the provisions of this
 178 article, and the secondary metals recycler is convicted of theft by taking, theft by
 179 conversion, theft by receiving stolen property, or a violation of this article, the court shall
 180 order the defendant to make full restitution, including, without limitation, attorneys' fees,
 181 court costs, and other expenses to the lawful owner.

182 ~~10-1-355.~~ 10-1-356.

183 This article shall not apply to purchases of regulated metal property from:

- 184 (1) Organizations, corporations, or associations registered with the state as charitable,
 185 philanthropic, religious, fraternal, civic, patriotic, social, or school-sponsored
 186 organizations or associations or from any nonprofit corporations or associations;
 187 (2) A law enforcement officer acting in an official capacity;
 188 (3) A trustee in bankruptcy, executor, administrator, or receiver who has presented proof
 189 of such status to the secondary metals recycler;
 190 (4) Any public official acting under judicial process or authority who has presented proof
 191 of such status to the secondary metals recycler;
 192 (5) A sale on the execution, or by virtue, of any process issued by a court if proof thereof
 193 has been presented to the secondary metals recycler; or
 194 (6) A manufacturing, industrial, or other commercial vendor that generates or sells
 195 regulated metal property in the ordinary course of its business.

196 ~~10-1-356.~~ 10-1-357.

197 It shall be unlawful for:

- 198 (1) A secondary metals recycler to engage in the purchase or sale of regulated metal
 199 property between the hours of ~~9:00~~ 5:00 P.M. and ~~6:00~~ 8:00 A.M.; and

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

203 10-1-358.

204 (a)(1) Each secondary metals recycler shall obtain from the sheriff of each county in
205 which such secondary metals recycler's fixed sites are located a permit to purchase
206 regulated metal property. The sheriff shall issue the permit to the secondary metals
207 recycler if the secondary metals recycler has a fixed site located in the sheriff's county
208 and declares on a form provided by the sheriff that he or she is informed of and will
209 comply with the provisions of this article. The sheriff shall keep a record of all permits
210 issued pursuant to this subsection containing, at a minimum, the date of issuance and the
211 name and address of the permit holder. Such records shall be entered into an electronic
212 data base accessible statewide. Such data base shall be established through coordination
213 with the Georgia Bureau of Investigation and shall be searchable by all law enforcement
214 officers in this state. The sheriff shall be authorized to assess a reasonable permit fee on
215 the issuance of each permit for the purpose of establishing and maintaining the data base.
216 Each permit shall be valid for 12 months.

217 (2) It shall be unlawful to sell regulated metal property in any amount to a secondary
218 metals recycler unless the secondary metals recycler has a valid permit to purchase
219 regulated metal property issued pursuant to this subsection and the seller, if required
220 pursuant to subsection (b) of this Code section, has a valid permit to sell regulated metal
221 property.

222 (b)(1) Any person who sells regulated metal property to any secondary metals recycler
223 more than three times in any calendar month shall obtain a permit to sell regulated metal
224 property from the sheriff of the county in which the person resides or is located. If the
225 person is not a resident or is not located in Georgia, the person shall obtain a permit to
226 sell regulated metal property from the sheriff of the county in which the secondary metals
227 recycler purchasing the regulated metal property is located. The sheriff shall issue the
228 permit only if the person declares on a form provided by the sheriff that the person is
229 informed of and will comply with the provisions of this article. The sheriff shall keep a
230 record of all permits issued pursuant to this subsection containing, at a minimum, the date
231 of issuance; the name and address of the permit holder; a photocopy of the permit holder's
232 personal identification card; the vehicle license tag number, state of issue, and the type
233 of vehicle of the permit holder's motor vehicle, if available; and the permit holder's
234 photograph. Such records shall be entered into an electronic data base accessible
235 statewide. Such data base shall be established through coordination with the Georgia

236 Bureau of Investigation and shall be searchable by all law enforcement officers in this
 237 state. The sheriff shall be authorized to assess a reasonable permit fee on the issuance of
 238 each permit for the purpose of establishing and maintaining the data base. Each permit
 239 shall be valid for 12 months.

240 (2) It shall be unlawful to purchase regulated metal property in any amount for the
 241 purpose of recycling the regulated metal property unless the purchaser is a secondary
 242 metals recycler who has a valid permit to purchase regulated metal property issued
 243 pursuant to subsection (b) of this Code section and the seller has a valid permit, if
 244 required under paragraph (1) of this subsection, to sell regulated metal property.

245 (c) Any person convicted of violating any provision of paragraph (2) of subsection (a) or
 246 paragraph (2) of subsection (b) of this Code section shall guilty of a misdemeanor of a high
 247 and aggravated nature. Each violation shall constitute a separate offense.

248 ~~10-1-357.~~ 10-1-359.

249 (a) Any Except as provided for in subsection (c) of Code Section 10-1-358, any person
 250 selling who buys or sells regulated metal property to a secondary metals recycler in
 251 violation of any provision of this article shall be guilty of a misdemeanor unless the value
 252 of the regulated metals metal property, in its original and undamaged condition, in addition
 253 to any costs which are, or would be, incurred in repairing or in the attempt to recover any
 254 property damaged in the theft or removal of such regulated metal property, is in an
 255 aggregate amount which exceeds \$500.00, in which case such person shall be guilty of a
 256 felony and, upon conviction, shall be punished by a fine of not less than \$500.00 nor more
 257 than \$5,000.00 or by imprisonment for not less than one nor more than five years, or both.

258 (b) Any secondary metals recycler knowingly and intentionally engaging in any practice
 259 which constitutes a violation of this article shall be guilty of a misdemeanor unless the
 260 value of the regulated metals property, in its original and undamaged condition, in addition
 261 to any costs which are, or would be, incurred in repairing or in the attempt to recover any
 262 property damaged in the theft or removal of such regulated metal property, is in an
 263 aggregate amount which exceeds \$500.00, such secondary metals recycler shall be guilty
 264 of a felony and, upon conviction, shall be punished by a fine of not more than \$5,000.00
 265 or by imprisonment for not less than one nor more than five years, or both Any person who
 266 buys or sells regulated metal property in violation of any provision of this article shall be
 267 liable to any person who was the victim of a crime involving such regulated metal property
 268 for the full value of the regulated metal property and any repairs and related expense
 269 necessitated by the crime, plus court costs and reasonable attorney's fees.

270 ~~10-1-358:~~ 10-1-359.1.

271 The General Assembly finds that although this article is a matter of state-wide concern,
 272 local regulation may nonetheless be appropriate in order to enhance further the ability of
 273 law enforcement personnel to perform their duties. ~~This article supersedes and preempts~~
 274 ~~and~~ Consequently, this article shall be supplementary to local regulation and shall not
 275 supersede or preempt any rules, regulations, codes, ordinances, and other laws adopted by
 276 any county, municipality, consolidated government, or other local governmental agency
 277 regarding the sale or purchase of regulated metal property."

278 **SECTION 1-2.**

279 Code Section 40-3-36 of the Official Code of Georgia Annotated, relating to cancellation of
 280 certificate of title for scrap, dismantled, or demolished vehicles, salvage certificate of title,
 281 administrative enforcement, and removal of license plates, is amended by revising
 282 paragraphs (2) and (3) of subsection (a) as follows:

283 "(2) Notwithstanding any other provision of this article to the contrary, if the owner or
 284 authorized agent of the owner has not obtained a title in his or her name for the vehicle
 285 to be transferred, or has lost the title for the vehicle to be transferred, he or she may sign
 286 a statement swearing that, in addition to the foregoing conditions, the vehicle is worth
 287 ~~\$850.00~~ \$500.00 or less and is at least ~~12~~ 20 model years old. The statement described
 288 in this paragraph may be used only to transfer such a vehicle to a secondary metals
 289 recycler under Code Section 10-1-351, a licensed used motor vehicle parts dealer under
 290 Code Section 43-47-7, or a licensed scrap metal processor under Code Section 43-43-1.
 291 The department shall promulgate a form for the statement which shall include, but not be
 292 limited to:

- 293 (A) A statement that the vehicle shall never be titled again; it must be dismantled or
 294 scrapped;
- 295 (B) A description of the vehicle, including the year, make, model, vehicle identification
 296 number, and color;
- 297 (C) The name, address, and driver's license number of the owner;
- 298 (D) A certification that the owner:
- 299 (i) Never obtained a title to the vehicle in his or her name; or
 300 (ii) Was issued a title for the vehicle, but the title was lost or stolen;
- 301 (E) A certification that the vehicle:
- 302 (i) Is worth ~~\$850.00~~ \$500.00 or less;
 303 (ii) Is at least ~~12~~ 20 model years old; and
 304 (iii) Is not subject to any secured interest or lien;

- 305 (F) An acknowledgment that the owner realizes this form will be filed with the
 306 department and that it is a felony, punishable by imprisonment for not fewer than one
 307 nor more than three years or a fine of not less than \$1,000.00 nor more than \$5,000.00,
 308 or both, to knowingly falsify any information on this statement;
- 309 (G) The owner's signature and the date of the transaction;
- 310 (H) The name, address, and National Motor Vehicle Title Information System
 311 identification number of the business acquiring the vehicle;
- 312 (I) A certification by the business that ~~\$850.00~~ \$500.00 or less was paid to acquire the
 313 vehicle; and
- 314 (J) The business agent's signature and date along with a printed name and title if the
 315 agent is signing on behalf of a corporation.
- 316 (3) The secondary metals recycler, used motor vehicle parts dealer, or scrap metal
 317 processor shall mail or otherwise deliver the statement required under paragraph (2) of
 318 this subsection to the department within 72 hours of the completion of the transaction,
 319 requesting that the department cancel the Georgia certificate of title and registration."

320 **PART II**

321 **SECTION 2-1.**

322 Code Section 40-3-36 of the Official Code of Georgia Annotated, as amended by
 323 Section 21(b) of Ga. L. 2011, p. 355, relating to cancellation of certificate of title for scrap,
 324 dismantled, or demolished vehicles, salvage certificate of title, administrative enforcement,
 325 and removal of license plates, is amended by revising paragraphs (2) and (3) of subsection
 326 (a) as follows:

327 "(2) Notwithstanding any other provision of this article to the contrary, if the owner or
 328 authorized agent of the owner has not obtained a title in his or her name for the vehicle
 329 to be transferred, or has lost the title for the vehicle to be transferred, he or she may sign
 330 a statement swearing that, in addition to the foregoing conditions, the vehicle is worth
 331 ~~\$850.00~~ \$500.00 or less and is at least ~~12~~ 20 model years old. The statement described
 332 in this paragraph may be used only to transfer such a vehicle to a licensed used motor
 333 vehicle parts dealer under Code Section 43-47-7 or scrap metal processor under Code
 334 Section 43-43-1. The department shall promulgate a form for the statement which shall
 335 include, but not be limited to:

- 336 (A) A statement that the vehicle shall never be titled again; it must be dismantled or
 337 scrapped;
- 338 (B) A description of the vehicle including the year, make, model, vehicle identification
 339 number, and color;

- 340 (C) The name, address, and driver's license number of the owner;
- 341 (D) A certification that the owner:
- 342 (i) Never obtained a title to the vehicle in his or her name; or
- 343 (ii) Was issued a title for the vehicle, but the title was lost or stolen;
- 344 (E) A certification that the vehicle:
- 345 (i) Is worth ~~\$850.00~~ \$500.00 or less;
- 346 (ii) Is at least ~~12~~ 20 model years old; and
- 347 (iii) Is not subject to any secured interest or lien;
- 348 (F) An acknowledgment that the owner realizes this form will be filed with the
- 349 department and that it is a felony, punishable by imprisonment for not fewer than one
- 350 nor more than three years or a fine of not less than \$1,000.00 nor more than \$5,000.00,
- 351 or both, to knowingly falsify any information on this statement;
- 352 (G) The owner's signature and the date of the transaction;
- 353 (H) The name, address, and National Motor Vehicle Title Information System
- 354 identification number of the business acquiring the vehicle;
- 355 (I) A certification by the business that ~~\$850.00~~ \$500.00 or less was paid to acquire the
- 356 vehicle; and
- 357 (J) The business agent's signature and date along with a printed name and title if the
- 358 agent is signing on behalf of a corporation.
- 359 (3)(A) The secondary metals recycler, used motor vehicle parts dealer, or scrap metal
- 360 processor shall mail or otherwise deliver the statement required under paragraph (2) of
- 361 this subsection to the department within 72 hours of the completion of the transaction,
- 362 requesting that the department cancel the Georgia certificate of title and registration.
- 363 (B) Notwithstanding the requirement to mail or otherwise deliver the statement
- 364 required under paragraph (2) of this subsection to the department, the department shall
- 365 provide a mechanism for the receipt of the information required to be obtained in the
- 366 statement by electronic means, at no cost to the secondary metals recycler, used motor
- 367 vehicle parts dealer, or scrap metal processor, in lieu of the physical delivery of the
- 368 statement, in which case the secondary metals recycler, used motor vehicle parts dealer,
- 369 or scrap metal processor shall maintain the original statement for a period of not less
- 370 than two years.
- 371 (C) Within 48 hours of each day's close of business, the secondary metals recycler,
- 372 used motor vehicle parts dealer, or scrap metal processor who purchases or receives
- 373 motor vehicles for scrap or for parts shall deliver in a format approved by the
- 374 department, either by facsimile or by other electronic means to be made available by
- 375 the department by January 1, 2012, a list of all such vehicles purchased that day for
- 376 scrap or for parts. That list shall contain the following information:

- 377 (i) The name, address, and contact information for the reporting entity;
 378 (ii) The vehicle identification numbers of such vehicles;
 379 (iii) The dates such vehicles were obtained;
 380 (iv) The names of the individuals or entities from whom the vehicles were obtained,
 381 for use by law enforcement personnel and appropriate governmental agencies only;
 382 (v) A statement of whether the vehicles were, or will be, crushed or disposed of, or
 383 offered for sale or other purposes;
 384 (vi) A statement of whether the vehicle is intended for export out of the United
 385 States; and
 386 (vii) The National Motor Vehicle Title Information System identification number of
 387 the business acquiring the vehicle.

388 There shall be no charge to ~~either~~ a secondary metals recycler, used motor vehicle parts
 389 dealer, or scrap metal processor associated with providing this information to the
 390 department.

391 (D) For purposes of this subsection, the term 'motor vehicle' shall not include a vehicle
 392 which has been crushed or flattened by mechanical means such that it is no longer the
 393 motor vehicle as described by the certificate of title, or such that the vehicle
 394 identification number is no longer visible or accessible, in which case the purchasing
 395 or receiving secondary metals recycler, used motor vehicle parts dealer, or scrap metal
 396 processor shall verify that the seller has reported the vehicles in accordance with this
 397 subsection. Such verification may be in the form of a certification from the seller or
 398 contract between the seller and the purchasing or receiving secondary metals recycler,
 399 used motor vehicle parts dealer, or scrap metal processor which clearly identifies the
 400 seller by a government issued photograph identification card, or employer identification
 401 number, and shall be maintained for a period of not less than two years.

402 (E) The information obtained by the department in accordance with this subsection
 403 shall be reported to the National Motor Vehicle Title Information System, in a format
 404 which will satisfy the requirement for reporting this information, in accordance with
 405 rules adopted by the United States Department of Justice in 28 C.F.R. 25.56.

406 (F) The information obtained by the department in accordance with this subsection
 407 shall be made available only to law enforcement agencies, and for purposes of
 408 canceling certificates of title, and shall otherwise be considered to be confidential
 409 business information of the respective reporting entities.

410 (G) All records required under the provisions of this Code section shall be maintained
 411 for a period of two years by the reporting entity and shall include a scanned or
 412 photocopied copy of the seller's or seller's representative's driver's license or state
 413 issued identification card."

414

PART III

415

SECTION 3-1.

416 (a) Except as provided in subsection (b) of this section, this Act shall become effective
417 July 1, 2012, and shall apply to all offenses committed on or after such date.

418 (b) Part II of this Act shall become effective only upon Section 21(b) of Ga. L. 2011,
419 p. 355 becoming effective.

420

SECTION 3-2.

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