

House Bill 872 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Shaw of the 176th, Smith of the 131st, Brockway of the 101st, Ramsey of the 72nd, Watson of the 163rd, and others

A BILL TO BE ENTITLED
AN ACT

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

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **PART I**
16 **SECTION 1-1.**

17 Article 14 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to
18 secondary metals recyclers, is amended by revising Code Section 10-1-350, relating to
19 definitions, as follows:

20 "10-1-350.

21 As used in this article, the term:

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

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

25 ~~(1)~~(3) 'Ferrous metals' means any metals containing significant quantities of iron or steel.

26 ~~(2)~~(4) 'Law enforcement officer' means any duly constituted peace officer of the State
27 of Georgia or of any county, municipality, or political subdivision thereof.

28 ~~(3)~~(5) 'Nonferrous metals' means stainless steel beer kegs and metals not containing
29 significant quantities of iron or steel, including, without limitation, copper, brass,
30 aluminum, bronze, lead, zinc, nickel, and alloys thereof.

31 ~~(4)~~(6) 'Person' means an individual, partnership, corporation, joint venture, trust,
32 association, and any other legal entity.

33 ~~(5)~~(7) 'Personal identification card' means a current and unexpired driver's license or
34 identification card issued by the Department of Driver Services or a similar card issued
35 by another state, a military identification card, or ~~an appropriate~~ a current work
36 authorization issued by the ~~U.S. Citizenship and Immigration Services of the Department~~
37 ~~of Homeland Security~~ federal government, which shall contain the individual's name,
38 address, and photograph.

39 ~~(6)~~(8) 'Purchase transaction' means a transaction in which a secondary metals recycler
40 gives consideration in exchange for regulated metal property.

41 ~~(7)~~(9) 'Regulated metal property' means any catalytic converter or any item composed
42 primarily of any ferrous metals, nonferrous metals, aluminum property, or copper
43 property but shall not include aluminum beverage containers, used beverage containers,
44 or similar beverage containers.

45 ~~(8)~~(10) 'Secondary metals recycler' means any person who is regularly engaged, ~~from a~~
46 ~~fixed location or otherwise~~, in the business in this state of paying compensation for
47 ~~ferrous or nonferrous metals~~ regulated metal property that ~~have~~ has served ~~their~~ its
48 original economic purpose, whether or not engaged in the business of performing the
49 manufacturing process by which ~~ferrous metals or nonferrous metals~~ are regulated metal
50 property is converted into raw material products consisting of prepared grades and having
51 an existing or potential economic value."

52 SECTION 1-2.

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

54 "10-1-350.1.

55 (a) As used in this Code section, the term 'coil' means any copper, aluminum, or
56 aluminum-copper condensing coil or evaporation coil. The term shall not include coil from
57 a window air-conditioning system, if contained within the system itself, or coil from an
58 automobile condenser.

59 (b) No secondary metals recycler shall purchase any coil unless it is purchased from:

60 (1) A contractor licensed pursuant to Chapter 14 of Title 43 who provides a copy of his
61 or her valid license at the time of sale that is scanned or photocopied by the secondary

62 metals recycler or whose scanned or photocopied license is on file with the secondary
 63 metals recycler; or

64 (2) A person with verifiable documentation, such as a receipt or work order, indicating
 65 that the coils are the result of a replacement of condenser coils or a heating or
 66 air-conditioning system performed by a contractor licensed pursuant to Chapter 14 of
 67 Title 43.

68 (c) No secondary metals recycler shall purchase any copper wire which appears to have
 69 been exposed to heat, charred, or burned in an attempt to remove insulation surrounding
 70 it unless it is purchased from:

71 (1) A contractor licensed pursuant to Chapter 14 of Title 43 who provides a copy of his
 72 or her valid license at the time of sale that is scanned or photocopied by the secondary
 73 metals recycler or whose scanned or photocopied license is on file with the secondary
 74 metals recycler; or

75 (2) A person with a certified copy of a police report showing that such person's real
 76 property was involved in a fire."

77 **SECTION 1-3.**

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

80 "(a) A secondary metals recycler shall maintain a legible record of all purchase
 81 transactions to which such secondary metals recycler is a party. Such record shall include
 82 the following information:

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

84 (2) The date of the transaction;

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

89 (4) A digital photograph or photographs or a digital video image or images of the
 90 regulated metal property which shows the regulated metal property in a reasonably clear
 91 manner;

92 ~~(4)(5)~~ (5) The amount of consideration given in a purchase transaction for the regulated
 93 metal property;

94 ~~(5)(6)~~ (6) A signed statement from the person receiving consideration in the purchase
 95 transaction selling the regulated metal property stating that he or she is the rightful owner
 96 of the regulated metal property or is entitled to sell the regulated metal property being
 97 sold;

98 (7) A signed statement from the person selling the regulated metal property stating that
 99 he or she understands that: 'A secondary metals recycler is any person who is engaged in
 100 the business in this state of paying compensation for ferrous or nonferrous metals that
 101 have served their original economic purpose, whether or not engaged in the business of
 102 performing the manufacturing process by which ferrous metals or nonferrous metals are
 103 converted into raw material products consisting of prepared grades and having an existing
 104 or potential economic value. No ferrous metals, nonferrous metals, aluminum property,
 105 copper property, or catalytic converters (aluminum beverage containers, used beverage
 106 containers, or similar beverage containers are exempt), may be sold to a secondary metals
 107 recycler unless such secondary metals recycler has registered pursuant to Article 14 of
 108 Chapter 1 of Title 10 of the Official Code of Georgia Annotated';

109 ~~(6)~~(8) A photocopy scanned or photocopied copy of a valid personal identification card
 110 of the person ~~delivering~~ selling the regulated metal property to the secondary metals
 111 recycler;

112 ~~(7)~~(9) A scanned or photocopied copy of a valid ~~The distinctive number from, and type~~
 113 ~~of, the~~ personal identification card of the person delivering the regulated metal property
 114 to the secondary metals recycler; and

115 ~~(8)~~(10) The vehicle license tag number or vehicle identification number, state of issue,
 116 and the type of vehicle, if available, used to deliver the regulated metal property to the
 117 secondary metals recycler. For purposes of this paragraph, the term 'type of vehicle' shall
 118 mean an automobile, pickup truck, van, or truck.

119 (b) A secondary metals recycler shall maintain or cause to be maintained the information
 120 required by subsection (a) of this Code section for not less than two years from the date of
 121 the purchase transaction. In addition, all of the information required by subsection (a) of
 122 this Code section, except for the amount of consideration given in a purchase transaction
 123 for the regulated metal property specified in paragraph (5) of subsection (a) of this Code
 124 section, shall be provided to the sheriff of the county from which the secondary metals
 125 recycler has registered under Code Section 10-1-359. The sheriff shall place or cause to
 126 be placed such information in a state-wide electronic data base that shall be accessible and
 127 searchable by all law enforcement officers in this state.

128 (c) When the metal being purchased is a motor vehicle, the person offering to sell the
 129 motor vehicle to a secondary metals recycler shall either provide the title to such motor
 130 vehicle or fully execute a ~~cancellation of certificate of title for scrap vehicles~~ statement on
 131 a form as promulgated by the Department of Revenue, Motor Vehicle Division, designated
 132 ~~as MV-1SP~~; in accordance with Code Section 40-3-36. The secondary metals recycler
 133 shall forward the title ~~or MV-1SP~~ form to the Department of Revenue within 72 hours of
 134 receipt of the title or form."

135 **SECTION 1-4.**

136 Said article is further amended by revising Code Section 10-1-352, relating to inspections by
 137 enforcement officers, as follows:

138 "10-1-352.

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

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

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

145 **SECTION 1-5.**

146 Said article is further amended by revising Code Section 10-1-352.1, relating to payment by
 147 recyclers for copper property, catalytic converters, or aluminum property, as follows:

148 "10-1-352.1.

149 (a) A secondary metals recycler shall pay only by check or electronic funds transfer for
 150 regulated metal property. Any such check or electronic funds transfer shall be payable only
 151 to the person who was recorded as the seller of the regulated metal property to the
 152 secondary metals recycler. A secondary metals recycler, or any affiliate thereof, shall be
 153 prohibited from the redemption or cashing of such check and shall be guilty of a
 154 misdemeanor and subject to a fine of not less than \$1,000.00. As used in this Code section,
 155 the terms:

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

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

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

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

164 (2) ~~Checks shall be payable only to the person named who was recorded as delivering~~
 165 ~~the copper property, catalytic converter, or aluminum property to the secondary metals~~
 166 ~~recycler; provided, however, that if such person is delivering the copper property,~~
 167 ~~catalytic converter, or aluminum property on behalf of a governmental entity or a~~
 168 ~~nonprofit or for profit business, the check may be payable to such business or entity and~~
 169 ~~may also be transmitted to such business or entity.~~

170 ~~(e)~~(b) The provisions of this Code section shall not apply to any transaction between
 171 business entities."

172 **SECTION 1-6.**

173 Said article is further amended by revising Code Section 10-1-355, relating to purchases of
 174 regulated metal property exempted from application of Article 7, as follows:

175 "10-1-355.

176 (a) This article shall not apply to purchases of regulated metal property from:

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

189 (b) This article shall not apply to the purchase of any battery."

190 **SECTION 1-7.**

191 Said article is further amended by revising Code Section 10-1-357, relating to penalties for
 192 violations, to read as follows:

193 "10-1-357.

194 (a) Any person selling regulated metal property to a secondary metals recycler in violation
 195 of any provision of this article shall be guilty of a misdemeanor unless the value of the
 196 regulated ~~metals~~ metal property, in its original and undamaged condition, in addition to any
 197 costs which are, or would be, incurred in repairing or in the attempt to recover any property
 198 damaged in the theft or removal of such regulated metal property, is in an aggregate
 199 amount which exceeds \$500.00, in which case such person shall be guilty of a felony and,
 200 upon conviction, shall be punished by a fine of not more than \$5,000.00 or by
 201 imprisonment for not less than one nor more than five years, or both.

202 (b) Any secondary metals recycler knowingly and intentionally engaging in any practice
 203 which constitutes a violation of this article shall be guilty of a misdemeanor unless the
 204 value of the regulated ~~metals~~ metal property, in its original and undamaged condition, in

205 addition to any costs which are, or would be, incurred in repairing or in the attempt to
 206 recover any property damaged in the theft or removal of such regulated metal property, is
 207 in an aggregate amount which exceeds \$500.00, in which case such secondary metals
 208 recycler shall be guilty of a felony and, upon conviction, shall be punished by a fine of not
 209 more than \$5,000.00 or by imprisonment for not less than one nor more than five years, or
 210 both.

211 (c) Any person who buys or sells regulated metal property in violation of any provision
 212 of this article shall be liable in a civil action to any person who was the victim of a crime
 213 involving such regulated metal property for the full value of the regulated metal property
 214 and any repairs and related expense necessitated by the crime, plus court costs and
 215 reasonable attorney's fees.

216 (d) The penalties of this Code section apply to this article, except as provided for in Code
 217 Sections 10-1-352.1 and 10-1-359."

218 **SECTION 1-8.**

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

220 "10-1-357.1.

221 (a) As used in this subsection, the term:

222 (1) 'Crime' means:

223 (A) Theft by taking in violation of Code Section 16-8-2, theft by conversion in
 224 violation of Code Section 16-8-4, or theft by receiving stolen property in violation of
 225 Code Section 16-8-7 if the subject of the theft was regulated metal property;

226 (B) Criminal damage to property in the first degree in violation of paragraph (2) of
 227 subsection (a) of Code Section 16-7-22; or

228 (C) A criminal violation of this article.

229 (2) 'Proceeds' shall have the same meanings as set forth in Code Section 16-13-49.

230 (3) 'Property' shall have the same meaning as set forth in Code Section 16-13-49.

231 (b) The following are declared to be contraband, and no person shall have a property right
 232 in them:

233 (1) Any property which is, directly or indirectly, used or intended for use in any manner
 234 to facilitate a crime and any proceeds derived or realized therefrom; and

235 (2) Any weapon possessed, used, or available for use in any manner to facilitate a crime.

236 (c) Any property subject to forfeiture pursuant to subsection (b) of this subsection Code
 237 section shall be forfeited in accordance with the procedures set forth Code Section
 238 16-13-49."

239 **SECTION 1-9.**

240 Said article is further amended by revising Code Section 10-1-358, relating to the
 241 superseding nature of Article 7, as follows:

242 "10-1-358.

243 (a) The General Assembly finds that this article is a matter of state-wide concern. This
 244 article supersedes and preempts all rules, regulations, codes, ordinances, and other laws
 245 adopted by any county, municipality, consolidated government, or other local
 246 governmental agency regarding the sale or purchase of regulated metal property except as
 247 allowed in this Code section.

248 (b) Political subdivisions of this state may enact rules, regulations, codes, ordinances, and
 249 other laws:

250 (1) Affecting the land use and zoning relating to secondary metal recyclers; and

251 (2) Issuing occupational tax certificates to secondary metals recyclers, imposing
 252 occupational taxes, imposing regulatory fees as allowed in Code Section 48-13-9,
 253 revoking their occupational tax certificates."

254 **SECTION 1-10.**

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

256 "10-1-359.

257 (a) It shall be unlawful for any secondary metals recycler to purchase regulated metal
 258 property in any amount without such proper registration to purchase regulated metal
 259 property pursuant to this Code section.

260 (b) Each secondary metals recycler shall register with the sheriff of each county in which
 261 such secondary metals recycler's business is located in order to purchase regulated metal
 262 property. The sheriff shall register the secondary metals recycler if the secondary metals
 263 recycler has a business located in the sheriff's county and declares on a form provided by
 264 the sheriff that he or she is informed of and will comply with the provisions of this article.
 265 The forms and information for such registration shall be promulgated by the Secretary of
 266 State. The sheriff shall keep a record of each registration pursuant to this subsection
 267 containing, at a minimum, the date of such registration and the name and address of the
 268 registrant. Such records shall be entered into an electronic data base accessible statewide.
 269 Such data base shall be established through coordination with the Secretary of State and
 270 shall be searchable by all law enforcement officers in this state. The sheriff shall be
 271 authorized to assess a reasonable registration fee not to exceed \$200.00 annually upon each
 272 registration for the purpose of establishing and maintaining the data base. Each registration
 273 shall be valid for a calendar year and shall be renewed no later than January 1 of each year.

274 (c) Any person convicted of violating this Code section shall be guilty of a misdemeanor
 275 of a high and aggravated nature. Each violation shall constitute a separate offense."

276 **SECTION 1-11.**

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

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

- 291 (A) A statement that the vehicle shall never be titled again; it must be dismantled or
 292 scrapped;
- 293 (B) A description of the vehicle including the year, make, model, vehicle identification
 294 number, and color;
- 295 (C) The name, address, and driver's license number of the owner;
- 296 (D) A certification that the owner:
- 297 (i) Never obtained a title to the vehicle in his or her name; or
 298 (ii) Was issued a title for the vehicle, but the title was lost or stolen;
- 299 (E) A certification that the vehicle:
- 300 (i) Is worth \$850.00 or less;
 301 (ii) Is at least 12 model years old; and
 302 (iii) Is not subject to any secured interest or lien;
- 303 (F) An acknowledgment that the owner realizes this form will be filed with the
 304 department and that it is a felony, punishable by imprisonment for not fewer than one
 305 nor more than three years or a fine of not less than \$1,000.00 nor more than \$5,000.00,
 306 or both, to knowingly falsify any information on this statement;
- 307 (G) The owner's signature and the date of the transaction;
- 308 (H) The name, address, and National Motor Vehicle Title Information System
 309 identification number of the business acquiring the vehicle;

310 (I) A certification by the business that \$850.00 or less was paid to acquire the vehicle;
 311 ~~and~~
 312 (J) A certification that the business has verified by an on-line method determined by
 313 the commissioner that the vehicle is not currently subject to any secured interest or lien;
 314 provided, however, that such certification shall not be required until such an on-line
 315 method has been established and is available; and
 316 ~~(J)(K)~~ (K) The business agent's signature and date along with a printed name and title if the
 317 agent is signing on behalf of a corporation.
 318 (3) The secondary metals recycler, used motor vehicle parts dealer, or scrap metal
 319 processor shall mail or otherwise deliver the statement required under paragraph (2) of
 320 this subsection to the department within 72 hours of the completion of the transaction,
 321 requesting that the department cancel the Georgia certificate of title and registration."

322 SECTION 1-12.

323 Said Code section is further amended by adding a new subsection to read as follows:

324 "(j) The provisions of this Code section shall apply to a trailer or semitrailer except that,
 325 if the owner or authorized agent of the owner has not obtained a title in his or her name for
 326 the trailer or semitrailer to be transferred, or has lost the title for the vehicle to be
 327 transferred, he or she may sign a statement swearing that, in addition to the foregoing
 328 conditions, the vehicle is worth \$1,700.00 or less and is at least 12 model years old."

329 SECTION 1-13.

330 Code Section 40-3-56 of the Official Code of Georgia Annotated, relating to satisfaction of
 331 security interests and liens, is amended by revising paragraph (1) of subsection (a) and
 332 subsection (c) as follows:

333 "(a)(1) If any security interest or lien listed on a certificate of title is satisfied, the holder
 334 thereof shall, within ten days ~~after demand~~, execute a release in the form the
 335 commissioner prescribes and mail or deliver the release to the commissioner and the
 336 owner, provided that as an alternative to a handwritten signature, the commissioner may
 337 authorize use of a digital signature as long as appropriate security measures are
 338 implemented which assure security and verification of the digital signature process, in
 339 accordance with regulations promulgated by the commissioner. For the purposes of the
 340 release of a security interest or lien the 'holder' of the lien or security interest is the parent
 341 bank or other lending institution and any branch or office of the parent institution may
 342 execute such release."

343 "(c) Except for liens and security interests listed on certificates of title for mobile homes,
 344 cranes, or vehicles which weigh more than 10,000 pounds gross vehicle weight, which

345 shall be satisfied only in conformity with subsections (a) and (b) of this Code section, any
 346 lien or security interest for a vehicle which is 11 model years old or less shall be considered
 347 satisfied and release shall not be required after ten years from the date of issuance of a title
 348 on which such lien or security interest is listed. For a vehicle which is 12 model years old
 349 and greater, any lien or security interest shall be considered satisfied and a release shall not
 350 be required after four years from the date of issuance of a title on which such lien or
 351 security interest is listed. None of the provisions of this Code section shall preclude the
 352 perfection of a new lien or security agreement, or the perfection of an extension of a lien
 353 or security agreement beyond a period of ten years for a vehicle which is 11 model years
 354 old or less or beyond a period of more than four years for a vehicle which is 12 model years
 355 old or greater, by application for a new certificate of title on which such lien or security
 356 agreement is listed. In order to provide for the continuous perfection of a lien or security
 357 interest originally entered into for a period of more than ten years for a vehicle which is 11
 358 model years old or less or more than four years for a vehicle which is 12 model years old
 359 and greater, other than a mobile home, crane, or vehicle which weighs more than 10,000
 360 pounds gross vehicle weight, an application for a second title on which the lien or security
 361 interest is listed must be submitted to the commissioner or the commissioner's duly
 362 authorized tag agent before ten years from the date of the original title on which such lien
 363 or security interest is listed. Otherwise the lien or security interest shall be perfected as of
 364 the date of receipt of the application by the commissioner or the commissioner's duly
 365 authorized county tag agent."

366 PART II

367 SECTION 2-1.

368 Code Section 40-3-36 of the Official Code of Georgia Annotated, as amended by Section
 369 21(b) of Ga. L. 2011, p. 355, relating to cancellation of certificate of title for scrap,
 370 dismantled, or demolished vehicles, salvage certificate of title, administrative enforcement,
 371 and removal of license plates, is amended by revising paragraphs (2) and (3) of subsection
 372 (a) as follows:

373 "(2) Notwithstanding any other provision of this article to the contrary, if the owner or
 374 authorized agent of the owner has not obtained a title in his or her name for the vehicle
 375 to be transferred, or has lost the title for the vehicle to be transferred, he or she may sign
 376 a statement swearing that, in addition to the foregoing conditions, the vehicle is worth
 377 \$850.00 or less and is at least 12 model years old. The statement described in this
 378 paragraph may be used only to transfer such a vehicle to a licensed used motor vehicle
 379 parts dealer under Code Section 43-47-7 or scrap metal processor under Code Section

380 43-43-1. The department shall promulgate a form for the statement which shall include,
 381 but not be limited to:

382 (A) A statement that the vehicle shall never be titled again; it must be dismantled or
 383 scrapped;

384 (B) A description of the vehicle including the year, make, model, vehicle identification
 385 number, and color;

386 (C) The name, address, and driver's license number of the owner;

387 (D) A certification that the owner:

388 (i) Never obtained a title to the vehicle in his or her name; or
 389 (ii) Was issued a title for the vehicle, but the title was lost or stolen;

390 (E) A certification that the vehicle:

391 (i) Is worth \$850.00 or less;
 392 (ii) Is at least 12 model years old; and
 393 (iii) Is not subject to any secured interest or lien;

394 (F) An acknowledgment that the owner realizes this form will be filed with the
 395 department and that it is a felony, punishable by imprisonment for not fewer than one
 396 nor more than three years or a fine of not less than \$1,000.00 nor more than \$5,000.00,
 397 or both, to knowingly falsify any information on this statement;

398 (G) The owner's signature and the date of the transaction;

399 (H) The name, address, and National Motor Vehicle Title Information System
 400 identification number of the business acquiring the vehicle;

401 (I) A certification by the business that \$850.00 or less was paid to acquire the vehicle;
 402 ~~and~~

403 (J) A certification that the business has verified by an on-line method determined by
 404 the commissioner that the vehicle is not currently subject to any secured interest or lien;
 405 provided, however, that such certification shall not be required until such an on-line
 406 method has been established and is available; and

407 (K) The business agent's signature and date along with a printed name and title if the
 408 agent is signing on behalf of a corporation.

409 (3)(A) The secondary metals recycler, used motor vehicle parts dealer, or scrap metal
 410 processor shall mail or otherwise deliver the statement required under paragraph (2) of
 411 this subsection to the department within 72 hours of the completion of the transaction,
 412 requesting that the department cancel the Georgia certificate of title and registration.

413 (B) Notwithstanding the requirement to mail or otherwise deliver the statement
 414 required under paragraph (2) of this subsection to the department, the department shall
 415 provide a mechanism for the receipt of the information required to be obtained in the
 416 statement by electronic means, at no cost to the secondary metals recycler, used motor

417 vehicle parts dealer, or scrap metal processor, in lieu of the physical delivery of the
 418 statement, in which case the secondary metals recycler, used motor vehicle parts dealer,
 419 or scrap metal processor shall maintain the original statement for a period of not less
 420 than two years.

421 (C) Within 48 hours of each day's close of business, the secondary metals recycler,
 422 used motor vehicle parts dealer, or scrap metal processor who purchases or receives
 423 motor vehicles for scrap or for parts shall deliver in a format approved by the
 424 department, either by facsimile or by other electronic means to be made available by
 425 the department by January 1, 2012, a list of all such vehicles purchased that day for
 426 scrap or for parts. That list shall contain the following information:

- 427 (i) The name, address, and contact information for the reporting entity;
- 428 (ii) The vehicle identification numbers of such vehicles;
- 429 (iii) The dates such vehicles were obtained;
- 430 (iv) The names of the individuals or entities from whom the vehicles were obtained,
 431 for use by law enforcement personnel and appropriate governmental agencies only;
- 432 (v) A statement of whether the vehicles were, or will be, crushed or disposed of, or
 433 offered for sale or other purposes;
- 434 (vi) A statement of whether the vehicle is intended for export out of the United
 435 States; and
- 436 (vii) The National Motor Vehicle Title Information System identification number of
 437 the business acquiring the vehicle.

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

441 (D) For purposes of this subsection, the term 'motor vehicle' shall not include a vehicle
 442 which has been crushed or flattened by mechanical means such that it is no longer the
 443 motor vehicle as described by the certificate of title, or such that the vehicle
 444 identification number is no longer visible or accessible, in which case the purchasing
 445 or receiving secondary metals recycler, used motor vehicle parts dealer, or scrap metal
 446 processor shall verify that the seller has reported the vehicles in accordance with this
 447 subsection. Such verification may be in the form of a certification from the seller or
 448 contract between the seller and the purchasing or receiving secondary metals recycler,
 449 used motor vehicle parts dealer, or scrap metal processor which clearly identifies the
 450 seller by a government issued photograph identification card, or employer identification
 451 number, and shall be maintained for a period of not less than two years.

452 (E) The information obtained by the department in accordance with this subsection
 453 shall be reported to the National Motor Vehicle Title Information System, in a format

454 which will satisfy the requirement for reporting this information, in accordance with
455 rules adopted by the United States Department of Justice in 28 C.F.R. 25.56.

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

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

464 **PART III**

465 **SECTION 3-1.**

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

468 (b) Part II of this Act shall become effective only when funds are specifically appropriated
469 for purposes of such part in a General Appropriations Act making specific reference to this
470 Act and shall become effective when funds so appropriated become available for
471 expenditure.

472 **SECTION 3-2.**

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