

The House Committee on Judiciary Non-civil offers the following substitute to SB 321:

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

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 style="text-align:center">**PART I**
17 style="text-align:center">**SECTION 1-1.**

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

21 "10-1-350.

22 As used in this article, the term:

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

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

26 ~~(1)~~(3) 'Ferrous metals' means any metals containing significant quantities of iron or steel.

27 ~~(2)~~(4) 'Law enforcement officer' means any duly constituted peace officer of the State

28 of Georgia or of any county, municipality, or political subdivision thereof.

29 ~~(3)~~(5) 'Nonferrous metals' means stainless steel beer kegs and metals not containing

30 significant quantities of iron or steel, including, without limitation, copper, brass,

31 aluminum, bronze, lead, zinc, nickel, and alloys thereof.

32 ~~(4)~~(6) 'Person' means an individual, partnership, corporation, joint venture, trust,

33 association, and any other legal entity.

34 ~~(5)~~(7) 'Personal identification card' means a current and unexpired driver's license or

35 identification card issued by the Department of Driver Services or a similar card issued

36 by another state, a military identification card, or ~~an appropriate~~ a current work

37 authorization issued by the U.S. Citizenship and Immigration Services of the Department

38 of Homeland Security federal government, which shall contain the individual's name,

39 address, and photograph.

40 ~~(6)~~(8) 'Purchase transaction' means a transaction in which a secondary metals recycler

41 gives consideration in exchange for regulated metal property.

42 ~~(7)~~(9) 'Regulated metal property' means any catalytic converter or any item composed

43 primarily of any ferrous metals, nonferrous metals, aluminum property, or copper

44 property but shall not include aluminum beverage containers, used beverage containers,

45 or similar beverage containers.

46 ~~(8)~~(10) 'Secondary metals recycler' means any person who is regularly engaged, ~~from a~~

47 ~~fixed location or otherwise~~, in the business in this state of paying compensation for

48 ~~ferrous or nonferrous metals~~ regulated metal property that ~~have~~ has served ~~their~~ its

49 original economic purpose, whether or not engaged in the business of performing the

50 manufacturing process by which ~~ferrous metals or nonferrous metals are~~ regulated metal

51 property is converted into raw material products consisting of prepared grades and having

52 an existing or potential economic value."

53 SECTION 1-2.

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

55 "10-1-350.1.

56 (a) As used in this Code section, the term 'coil' means any copper, aluminum, or

57 aluminum-copper condensing coil or evaporation coil. The term shall not include coil from

58 a window air-conditioning system, if contained within the system itself, or coil from an

59 automobile condenser.

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

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

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

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

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

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

78 **SECTION 1-3.**

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

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

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

85 (2) The date of the transaction;

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

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

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

95 ~~(5)~~(6) A signed statement from the person receiving consideration in the purchase
 96 transaction selling the regulated metal property stating that he or she is the rightful owner

97 of the regulated metal property or is entitled to sell the regulated metal property being
 98 sold;

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

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

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

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

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

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

134 shall forward the title or ~~MV-1SP~~ form to the Department of Revenue within 72 hours of
 135 receipt of the title or form."

136 **SECTION 1-4.**

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

139 "10-1-352.

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

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

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

146 **SECTION 1-5.**

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

149 "10-1-352.1.

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

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

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

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

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

165 ~~(2) Checks shall be payable only to the person named who was recorded as delivering~~
 166 ~~the copper property, catalytic converter, or aluminum property to the secondary metals~~
 167 ~~recycler; provided, however, that if such person is delivering the copper property,~~
 168 ~~catalytic converter, or aluminum property on behalf of a governmental entity or a~~

169 ~~nonprofit or for profit business, the check may be payable to such business or entity and~~
 170 ~~may also be transmitted to such business or entity.~~
 171 ~~(c)(b)~~ The provisions of this Code section shall not apply to any transaction between
 172 business entities."

173 SECTION 1-6.

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

176 "10-1-355.

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

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

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

191 SECTION 1-7.

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

194 "10-1-357.

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

203 (b) Any secondary metals recycler knowingly and intentionally engaging in any practice
 204 which constitutes a violation of this article shall be guilty of a misdemeanor unless the
 205 value of the regulated ~~metals~~ metal property, in its original and undamaged condition, in
 206 addition to any costs which are, or would be, incurred in repairing or in the attempt to
 207 recover any property damaged in the theft or removal of such regulated metal property, is
 208 in an aggregate amount which exceeds \$500.00, in which case such secondary metals
 209 recycler shall be guilty of a felony and, upon conviction, shall be punished by a fine of not
 210 more than \$5,000.00 or by imprisonment for not less than one nor more than five years, or
 211 both.

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

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

219 **SECTION 1-8.**

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

221 "10-1-357.1.

222 (a) As used in this Code section, the term:

223 (1) 'Crime' means:

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

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

229 (C) A criminal violation of this article.

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

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

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

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

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

237 (c) Any property subject to forfeiture pursuant to subsection (b) of this Code section shall
 238 be forfeited in accordance with the procedures set forth in Code Section 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 metals 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, or
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 one calendar year and shall be renewed no later than January 1 of each
274 year.

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

277 **SECTION 1-11.**

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

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

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

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

323 SECTION 1-12.

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

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

330 SECTION 1-13.

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

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

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

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

367 PART II

368 SECTION 2-1.

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

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

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

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

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

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

388 (D) A certification that the owner:

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

391 (E) A certification that the vehicle:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

465 **PART III**

466 **SECTION 3-1.**

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

469 (b) Part II of this Act shall become effective only upon Section .1 of Ga. L. 2011, p. 355
470 becoming effective as provided by Section 21(b) of that Act.

471 **SECTION 3-2.**

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