

House Bill 996

By: Representatives LaRiccia of the 169th, Maxwell of the 17th, Battles of the 15th, Harrell of the 106th, Shaw of the 176th, 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 allow cash payments for regulated metal
3 property subject to certain limitations and requirements; to provide for related matters; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 14 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to
8 secondary metals recyclers, is amended by revising paragraph (5) of subsection (a) of Code
9 Section 10-1-353, relating to record of transaction, false statements, and penalty for making
10 false statement, as follows:

11 "(5) The amount of consideration given in a purchase transaction for the regulated metal
12 property and a copy of the check or voucher or documentation evidencing the cash or
13 electronic funds transfer given as consideration for such purchase transaction;"

14 style="text-align:center">**SECTION 2.**

15 Said article is further amended by revising Code Section 10-1-355, relating to conditions and
16 limitations on payments for regulated metal property and exception for transaction between
17 business entities, as follows:

18 "10-1-355.

19 (a) A secondary metals recycler shall pay only by check, electronic funds transfer, cash,
20 or voucher for regulated metal property and shall make any such payment as specifically
21 provided in this Code section.

22 (b) Any check, electronic funds transfer, cash, or voucher shall be payable only to the
23 person recorded as the seller of the regulated metal property to the secondary metals
24 recycler.

25 (c) Any voucher shall be provided to the seller at the time of the purchase transaction or
 26 mailed to the seller at the address indicated on the personal identification card of the seller
 27 presented at the time of such transaction. If the voucher is provided to the seller at the time
 28 of the purchase transaction and not mailed to the seller, the secondary metals recycler shall
 29 not redeem the voucher for three days from the date of the purchase transaction. The
 30 voucher shall include the date of purchase, name of the seller, the amount paid for the
 31 regulated metal property, a detailed description of the regulated metal property purchased,
 32 information as to whether the voucher was mailed or provided at the time of the purchase
 33 transaction, the first date on which the voucher may be redeemed, and the date on which
 34 the voucher expires. The voucher may only be redeemed for cash by the person whose
 35 name appears on the voucher as the seller or by such person's heirs or legal representative.
 36 If a voucher is not redeemed by the person whose name appears on the voucher as the seller
 37 or by such person's heirs or legal representative within six months of the date of the
 38 transaction, the voucher shall expire and the secondary metals recycler shall not be required
 39 to honor the voucher after the expiration date.

40 (d)(1) A secondary metals recycler shall not:

41 (A) Pay to any seller more than \$20.00 in cash for any transaction;

42 (B) Pay cash for more than one transaction to the same seller in the same calendar day;

43 or

44 (C) Pay cash for more than four transactions with the same seller in a calendar month.

45 (2) A secondary metals recycler shall provide to the seller documentation for each
 46 transaction in which cash is paid indicating the amount of cash paid and how many
 47 transactions for which such seller has been paid in cash during the calendar month. The
 48 secondary metals recycler shall retain a copy of such documentation.

49 ~~(d)~~(e) A secondary metals recycler shall be prohibited from: (1) redeeming or cashing any
 50 check or electronic funds transfer paid to a seller for regulated metal property; and (2)
 51 providing or permitting any mechanism on the premises of the secondary metals recycler
 52 for the redemption or cashing of any check or electronic funds transfer.

53 ~~(e)~~(f) The provisions of this Code section shall not apply to any transaction between
 54 business entities."

55 SECTION 3.

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