

Senate Bill 40

By: Senators Hatchett of the 50th, Gooch of the 51st, Anavitarte of the 31st and Robertson of the 29th

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 applicability of the definition of
3 the term "used, detached catalytic converters" to said article; to remove the exception for
4 used, detached catalytic converters from the application of said article; to provide for certain
5 registration requirements for secondary metals recyclers; to provide for the use of certain
6 registration fees; to provide for records and reporting; to make conforming changes; to
7 provide for related matters; to provide for an effective date and applicability; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 14 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to
12 secondary metals recyclers, is amended by revising Code Section 10-1-350, relating to
13 definitions, by adding a new paragraph to read as follows:

14 "(18.1) 'Used, detached catalytic converter' means motor vehicle exhaust system parts
15 that are used for controlling the exhaust emissions from motor vehicles and that contain
16 a catalyst metal, but shall not include a catalytic converter that has been tested, certified,

17 and labeled for reuse, in accordance with applicable federal Clean Air Act regulations,
18 as may from time to time be amended."

19 **SECTION 2.**

20 Said article is further amended in Code Section 10-1-351, relating to verifiable
21 documentation required and unlawful activities pertaining to used, detached catalytic
22 converters, by revising subsection (d) as follows:

23 ~~"(d)(1) As used in this subsection, the term 'used, detached catalytic converter' means~~
24 ~~motor vehicle exhaust system parts that are used for controlling the exhaust emissions~~
25 ~~from motor vehicles and that contain a catalyst metal, but shall not include a catalytic~~
26 ~~converter that has been tested, certified, and labeled for reuse, in accordance with~~
27 ~~applicable federal Clean Air Act regulations, as may from time to time be amended.~~

28 (2) It shall be unlawful for any person to purchase or to solicit or advertise for the
29 purchase of a used, detached catalytic converter, or any nonferrous metal parts of a
30 catalytic converter, unless such person is a registered secondary metals recycler in
31 accordance with Code Section 10-1-359.1 and in full compliance with all requirements
32 prescribed by this article.

33 (2) It shall be unlawful for any person to purchase, possess, transport, or sell a used,
34 detached catalytic converter, or any nonferrous metal parts of a catalytic converter, unless
35 such person is authorized to purchase, possess, transport, or sell catalytic converters
36 pursuant to subsection (c) of this Code section and is in possession of the licenses,
37 registrations, or other documentation required by subsection (c) of this Code section.

38 (3) Each unlawfully possessed or obtained used, detached catalytic converter shall be
39 considered a separate offense."

40 **SECTION 3.**

41 Said article is further amended in Code Section 10-1-358, relating to purchases of regulated
42 metal property exempted from application of article, as follows:

43 "10-1-358.

44 This article shall not apply to purchases of regulated metal property, ~~other than used,~~
45 ~~detached catalytic converters,~~ from:

46 (1) Organizations, corporations, or associations registered with the state as charitable,
47 philanthropic, religious, fraternal, civic, patriotic, social, or ~~school-sponsored~~ school
48 sponsored organizations or associations or from any nonprofit corporations or
49 associations;

50 (2) A law enforcement officer acting in an official capacity;

51 (3) A trustee in bankruptcy, executor, administrator, or receiver who has presented proof
52 of such status to the secondary metals recycler;

53 (4) Any public official acting under judicial process or authority who has presented proof
54 of such status to the secondary metals recycler;

55 (5) A sale on the execution, or by virtue, of any process issued by a court if proof thereof
56 has been presented to the secondary metals recycler; or

57 (6) A manufacturing, industrial, or other commercial vendor that generates and sells
58 regulated metal property in the ordinary course of its business, provided that such vendor
59 is not a secondary metals recycler."

60 **SECTION 4.**

61 Said article is further amended by revising subsection (c) of Code Section 10-1-359.1,
62 relating to registration of secondary metals recycler, electronic data base, authority of sheriff,
63 and penalty for violation, as follows:

64 "(c) The sheriff shall be authorized to:

- 65 (1) Assess and require payment of \$200.00 for a new registration and an annual
66 registration renewal for a secondary metals recycler;
- 67 (2) If applicable in the jurisdiction where such secondary metals recycler is located,
68 require a the secondary metals recycler to submit a current and valid business license in
69 the county or municipality that is associated with the address on the registration form
70 prior to approving the registration or registration renewal;
- 71 (3) Require the registered agent of a secondary metals recycler to submit to a criminal
72 background check and fingerprinting for a new registration with the costs paid by the
73 secondary metals recycler in an amount not to exceed \$75.00;
- 74 (4) Deny the new registration or registration renewal of a secondary metals recycler if
75 such person's registration has been revoked in another Georgia county, information
76 submitted on the registration form has been determined to be invalid or false, or it is
77 determined by the criminal background check that such person has been convicted of a
78 felony offense under this article ~~more than three times~~ in the previous five years;
- 79 (5) Revoke the registration of a secondary metals recycler's registered agent if the
80 registered agent has been convicted of a felony offense in the previous five years under
81 this article while serving as a registered agent;
- 82 (6) Require secondary metals recyclers to provide on the registration form the customer
83 identification number for the current data base contractor maintained by the Georgia
84 Bureau of Investigation;
- 85 (7) Require a secondary metals recycler to submit a signed and sworn statement that such
86 person has not had such secondary metals recycler's registration or business license
87 revoked during the previous year and that the registered agent has not been convicted of
88 a ~~metal theft~~ felony offense ~~in the previous year~~ under this article while serving as a
89 registered agent in the previous five years;
- 90 (8) Delegate to personnel in the sheriff's office the registration of secondary metals
91 recyclers and entering into the data base of the records of such registrations; and

92 (9) Remit to the Georgia Sheriffs' Association \$100.00 of each \$200.00 registration fee
 93 and remit to the general fund of the county treasury the remaining \$100.00 of each
 94 registration fee ~~Enter into contracts with the governing authority of a county,~~
 95 ~~municipality, or consolidated government for such governing authority to provide for the~~
 96 registration of secondary metals recyclers and the entering into the ~~data base~~ Georgia
 97 Sheriffs' Association Secondary Metals Recycler Registry of the records of such
 98 registrations for use by other law enforcement agencies, ~~or by~~ staff of the governing
 99 authority, or the public. ~~Any such contract shall provide for reimbursement to such~~
 100 ~~governing authority for the registrations or entry of the records of such registrations into~~
 101 ~~the data base."~~

102 SECTION 5.

103 Said article is further amended by revising Code Section 10-1-359.2, relating to penalties for
 104 violations, as follows:

105 "10-1-359.2.

106 (a) Except as provided for in subsection (e) of Code Section 10-1-359.1, any person who
 107 buys or sells regulated metal property in violation of any provision of this article:

108 (1) For a first offense, shall be guilty of a misdemeanor;

109 (2) For a second offense, shall be guilty of a misdemeanor of a high and aggravated
 110 nature; and

111 (3) For a third or subsequent offense or when such regulated metal property is unlawfully
 112 obtained and results in property damage exceeding the aggregate amount of \$1,500.00,
 113 shall be guilty of a felony and, upon conviction thereof, shall be punished by
 114 imprisonment for not less than one nor more than ten years.

115 Each unlawfully possessed or obtained used, detached catalytic converter, ~~as such term is~~
 116 ~~defined in subsection (d) of Code Section 10-1-351~~, shall be considered a separate offense
 117 under this Code section.

118 (b) Any person who buys or sells regulated metal property in violation of any provision
 119 of this article shall be liable in a civil action to any person who was the victim of a crime
 120 involving such regulated metal property for the full value of the regulated metal property,
 121 any repairs and related expenses incurred as a result of such crime, litigation expenses, and
 122 reasonable attorneys' fees."

123 **SECTION 6.**

124 Said article is further amended by revising paragraph (3) of subsection (b) of Code
 125 Section 10-1-359.3, relating to forfeiture and items declared contraband, as follows:

126 "(3) Any used, detached catalytic converter, ~~as such term is defined in subsection (d) of~~
 127 ~~Code Section 10-1-351~~, possessed in violation of subsection (d) of Code Section
 128 10-1-351 and any vehicle used in the transportation of such used, detached catalytic
 129 converter, provided that any civil forfeiture proceedings for any vehicle seized pursuant
 130 to this subsection, including the reporting requirements set forth in Code Section 9-16-7,
 131 shall be stayed during the pendency of criminal proceedings unless otherwise agreed to
 132 by the owner or interest holder of such vehicle."

133 **SECTION 7.**

134 Said article is further amended by revising paragraph (2) of subsection (a) of Code
 135 Section 10-1-359.5, relating to required information from secondary metals recyclers and
 136 role of Georgia Bureau of Investigation, as follows:

137 "(2) Notwithstanding any provision of Code Section 10-1-358 to the contrary, each Each
 138 secondary metals recycler shall maintain, or cause to be maintained, a record, and shall
 139 electronically submit to the Georgia Bureau of Investigation a such record, of the receipt
 140 of each purchase of a used, detached catalytic converter ~~as defined in subsection (d) of~~
 141 ~~Code Section 10-1-351~~, or any nonferrous metal parts of a catalytic converter, from ~~an~~
 142 industrial account a manufacturing, industrial, or other commercial vendor that generates

143 and sells used, detached catalytic converters, or any nonferrous metal parts of a catalytic
144 converter, in the ordinary course of its business or a secondary metals recycler. Such
145 report shall include:
146 (A) The name and address of the seller;
147 (B) The date, time, and place of the transaction; and
148 (C) The number of used, detached catalytic converters or pounds of catalyst metal
149 purchased."

150 **SECTION 8.**

151 This Act shall become effective on July 1, 2025, and shall apply to all transactions occurring
152 on and after such date.

153 **SECTION 9.**

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