

Senate Bill 60

By: Senators Hatchett of the 50th, Ginn of the 47th, Albers of the 56th, Robertson of the 29th, Kennedy of the 18th and others

AS PASSED

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 that it shall be illegal for certain
3 persons to purchase, possess, obtain, or sell or attempt to purchase, possess, obtain, or sell
4 used, detached catalytic converters, used utility wire, or used communications copper; to
5 provide for definitions; to regulate and limit the payment allowed by secondary metals
6 recyclers; to require certain registrations; to provide that certain used, detached catalytic
7 converters, used utility wire, and used communications copper and the vehicles transporting
8 them are contraband; to remove an exemption; to provide for penalties; to provide for
9 reporting; to provide for related matters; to provide for effective dates and applicability; to
10 repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

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

17 "10-1-350.

18 As used in this article, the term:

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

20 (2) 'Burial object' means any product manufactured for or used for identifying or
21 permanently decorating a grave site, including, without limitation, monuments, markers,
22 benches, and vases and any base or foundation on which they rest or are mounted.

23 (3) 'Business license' means a business license, an occupational tax certificate, and other
24 document required by a county or municipal corporation and issued by the appropriate
25 agency of such county or municipal corporation to engage in a profession or business.

26 (4) 'Coil' means any copper, aluminum, or aluminum-copper condensing coil or
27 evaporation coil including its tubing or rods. The term shall not include coil from a
28 window air-conditioning system, if contained within the system itself, or coil from an
29 automobile condenser.

30 (5) 'Copper property' means any copper wire, copper tubing, copper pipe, or any item
31 composed completely of copper.

32 (6) 'Copper wire' means any wires, cables, bus bars, or waveguides containing any
33 portion of copper, whether or not coated with insulation.

34 ~~(6)~~(7) 'Deliverer' means any individual who takes or transports the regulated metal
35 property to the secondary metals recycler.

36 ~~(7)~~(8) 'Ferrous metals' means any metals containing significant quantities of iron or steel.

37 ~~(8)~~(9) 'Law enforcement officer' means any duly constituted peace officer of the State
38 of Georgia or of any county, municipality, or political subdivision thereof.

39 ~~(9)~~(10) 'Nonferrous metals' means stainless steel beer kegs and metals not containing
40 significant quantities of iron or steel, including, without limitation, copper, brass,
41 aluminum, bronze, lead, zinc, nickel, and alloys thereof.

42 ~~(10)~~(11) 'Person' means an individual, partnership, corporation, joint venture, trust,
43 association, or any other legal entity.

44 ~~(11)~~(12) 'Personal identification card' means a current and unexpired driver's license or
45 identification card issued by the Department of Driver Services or a similar card issued
46 by another state, a military identification card, or a current work authorization issued by
47 the federal government, which shall contain the individual's name, address, and
48 photograph.

49 ~~(12)~~(13) 'Purchase transaction' means a transaction in which the secondary metals
50 recycler gives consideration in exchange for regulated metal property.

51 (14) 'Registered agent' means an individual who has been listed on a secondary metals
52 recycler registration form at a Georgia sheriff's office as the affiant and completes and
53 executes the registration form in accordance with Code Section 10-1-359.1.

54 ~~(13)~~(15) 'Regulated metal property' means any item composed primarily of any ferrous
55 metals or nonferrous metals and includes aluminum property, copper property, and
56 catalytic converters but shall not include aluminum beverage containers, used beverage
57 containers, or similar beverage containers.

58 ~~(14)~~(16) 'Secondary metals recycler' means any person who is engaged, from a fixed
59 location or otherwise, in the business in this state of paying compensation for regulated
60 metal property that has served its original economic purpose, whether or not engaged in
61 the business of performing the manufacturing process by which regulated metal property
62 is converted into raw material products consisting of prepared grades and having an
63 existing or potential economic value.

64 ~~(15)~~(17) 'Seller' means the rightful owner of the regulated metal property or the
 65 individual authorized by the rightful owner of the regulated metal property to conduct the
 66 purchase transaction.

67 (18) 'Used communications copper' means utility-grade copper that is commonly used
 68 by a lawful provider of telecommunications services for providing telecommunications
 69 services, including, without limitation, utility-grade wires or cables, bus bars, and
 70 waveguides.

71 (19) 'Used utility wire' means any wire or cable containing aluminum or copper, or any
 72 ferrous metals or other nonferrous metals, that is commonly used by a utility that
 73 provides electric or telecommunications service."

74 **SECTION 1-2.**

75 Said article is further amended by revising Code Section 10-1-351, relating to verifiable
 76 documentation required, as follows:

77 "10-1-351.

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

79 (1) A contractor licensed pursuant to Chapter 14 of Title 43 or by another state that
 80 provides a copy of such valid license at the time of the purchase transaction that is
 81 scanned or photocopied by the secondary metals recycler or whose scanned or
 82 photocopied license is on file with the secondary metals recycler;

83 (2) A seller with verifiable documentation, such as a receipt or work order, indicating
 84 that such coil is the result of a replacement of condenser coils or a heating or
 85 air-conditioning system performed by a contractor licensed pursuant to Chapter 14 of
 86 Title 43; or

87 (3) A secondary metals recycler who provides proof of registration pursuant to Code
 88 Section 10-1-359.1 and a signed statement stating that the required information
 89 concerning the purchase transaction involving such coil was provided by such secondary

90 metals recycler to the Georgia Bureau of Investigation pursuant to Code Section
91 10-1-359.5.

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

95 (1) A contractor licensed pursuant to Chapter 14 of Title 43 or by another state that
96 provides a copy of such valid license at the time of the purchase transaction that is
97 scanned or photocopied by the secondary metals recycler or whose scanned or
98 photocopied license is on file with the secondary metals recycler;

99 (2) A seller with a copy of a police report showing that such seller's real property was
100 involved in a fire; or

101 (3) A secondary metals recycler who provides proof of registration pursuant to Code
102 Section 10-1-359.1 and a signed statement stating that the required information
103 concerning the purchase transaction involving such copper wire was provided by such
104 secondary metals recycler to the Georgia Bureau of Investigation pursuant to Code
105 Section 10-1-359.5.

106 (c) No secondary metals recycler shall purchase a catalytic converter unless such catalytic
107 converter is:

108 (1) Attached to a vehicle; or

109 (2) Purchased from:

110 (A) A used motor vehicle dealer or used motor vehicle parts dealer licensed pursuant
111 to Chapter 47 of Title 43 or by another state that provides a copy of such valid license
112 at the time of the purchase transaction that is scanned or photocopied by the secondary
113 metals recycler or whose scanned or photocopied license is on file with the secondary
114 metals recycler;

115 (B) A new motor vehicle dealer that provides a copy of a valid business license at the
116 time of the purchase transaction that is scanned or photocopied by the secondary metals

117 recycler or whose scanned or photocopied business license is on file with the secondary
118 metals recycler;

119 (C) A motor vehicle repairer that provides a copy of a valid business license at the time
120 of the purchase transaction that is scanned or photocopied by the secondary metals
121 recycler or whose scanned or photocopied business license is on file with the secondary
122 metals recycler;

123 (D) A manufacturer or distributor of catalytic converters that provides a copy of a valid
124 business license at the time of the purchase transaction that is scanned or photocopied
125 by the secondary metals recycler or whose scanned or photocopied business license is
126 on file with the secondary metals recycler;

127 (E) A seller with:

128 (i) Verifiable documentation, such as a receipt or work order, indicating that the
129 catalytic converter is the result of a replacement of a catalytic converter performed by
130 a used motor vehicle dealer, new motor vehicle dealer, or motor vehicle repairer.
131 Such documentation shall include a notation as to the make, model, and year of the
132 vehicle in which such catalytic converter was replaced; and

133 (ii) A copy of a certificate of title or registration showing ownership of or interest in
134 the vehicle in which the catalytic converter was replaced; or

135 (F) A secondary metals recycler who provides proof of registration pursuant to Code
136 Section 10-1-359.1 and a signed statement stating that the required information
137 concerning the purchase transaction involving such catalytic converter was provided
138 by such secondary metals recycler to the Georgia Bureau of Investigation pursuant to
139 Code Section 10-1-359.5.

140 (d)(1) As used in this subsection, the term 'used, detached catalytic converter' means
141 motor vehicle exhaust system parts that are used for controlling the exhaust emissions
142 from motor vehicles and that contain a catalyst metal, but shall not include a catalytic

143 converter that has been tested, certified, and labeled for reuse, in accordance with
144 applicable federal Clean Air Act regulations, as may from time to time be amended.

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

150 (3) It shall be unlawful for any person to purchase, possess, transport, or sell a used,
151 detached catalytic converter, or any nonferrous metal parts of a catalytic converter, unless
152 such person is authorized to purchase, possess, transport, or sell catalytic converters
153 pursuant to subsection (c) of this Code section and is in possession of the licenses,
154 registrations, or other documentation required by subsection (c) of this Code section.

155 (4) Each unlawfully possessed or obtained used, detached catalytic converter shall be
156 considered a separate offense."

157 **SECTION 1-3.**

158 Said article is further amended by revising Code Section 10-1-353, relating to record of
159 transaction, false statements, and penalty for making false statement, as follows:

160 "10-1-353.

161 (a) Except as provided in subsection (c) of this Code section, a secondary metals recycler
162 shall maintain a legible record of all purchase transactions. Such record shall include the
163 following information:

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

165 (2) The date of the transaction;

166 (3) The weight, quantity, or volume and a description of the type of regulated metal
167 property purchased in a purchase transaction. For purposes of this paragraph, the term

168 'type of regulated metal property' shall include a general physical description, such as
169 wire, tubing, extrusions, or castings;

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

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

176 (6) A signed statement from the seller stating that such person is the rightful owner of
177 the regulated metal property or has been authorized to sell the regulated metal property
178 being sold;

179 (7) A signed statement from the seller stating that he or she understands that: 'A
180 secondary metals recycler is any person who is engaged, from a fixed location or
181 otherwise, in the business in this state of paying compensation for regulated metal
182 property that has served its original economic purpose, whether or not engaged in the
183 business of performing the manufacturing process by which regulated metal property is
184 converted into raw material products consisting of prepared grades and having an existing
185 or potential economic value. No ferrous metals, nonferrous metals, aluminum property,
186 copper property, or catalytic converters (aluminum beverage containers, used beverage
187 containers, or similar beverage containers are exempt) may be purchased by a secondary
188 metals recycler unless such secondary metals recycler is registered pursuant to Article 14
189 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated';

190 (8) A scanned or photocopied copy of a valid personal identification card of the seller
191 and of the deliverer, if such person is different from the seller;

192 (9) The type of and distinctive number from the personal identification card of the seller
193 and of the deliverer, if such person is different from the seller;

- 194 (10) The name and date of birth of the seller and of the deliverer, if such person is
195 different from the seller;
- 196 (11) A photograph, videotape, or digital recording depicting a recognizable facial image
197 of the seller and of the deliverer, if such person is different from the seller, employing
198 technology allowing the image to be retained in electronic storage and in a transferable
199 format;
- 200 (12) The vehicle license tag number or vehicle identification number, state of issue, and
201 the make, model, and color of the vehicle used to deliver the regulated metal property to
202 the secondary metals recycler; and
- 203 (13) A scanned or photocopied copy of the verifiable documentation, reports, licenses,
204 certificates, and registrations required pursuant to Code Sections 10-1-351 and 10-1-352.
- 205 (b) A secondary metals recycler shall maintain or cause to be maintained the information
206 required by subsection (a) of this Code section for not less than two years from the date of
207 the purchase transaction.
- 208 (c) When the regulated metal property being purchased is a vehicle, the secondary metals
209 recycler shall:
- 210 (1) If Code Section 40-3-36 is applicable, purchase such vehicle in compliance with such
211 Code section and shall not be required to maintain a record of the purchase transaction
212 as provided in subsection (a) of this Code section or to provide such record to the Georgia
213 Bureau of Investigation pursuant to Code Section 10-1-359.5; or
- 214 (2) If Code Section 40-3-36 is not applicable, maintain a record of such purchase
215 transaction as provided in subsection (a) of this Code section and provide such record to
216 the Georgia Bureau of Investigation pursuant to Code Section 10-1-359.5.
- 217 (d) It shall be a violation of this article to sign the statement required by either
218 paragraph (6) or (7) of subsection (a) of this Code section knowing it to be false, and such
219 violation shall subject the seller to the civil and criminal liability provided in Code
220 Section 10-1-359.2."

221 **SECTION 1-4.**

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

225 "10-1-355.

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

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

231 (c) Any voucher shall be provided to the seller at the time of the purchase transaction or
232 mailed to the seller at the address indicated on the personal identification card of the seller
233 presented at the time of such transaction. If the voucher is provided to the seller at the time
234 of the purchase transaction and not mailed to the seller, the secondary metals recycler shall
235 not redeem the voucher for three days from the date of the purchase transaction. The
236 voucher shall include the date of purchase, name of the seller, the amount paid for the
237 regulated metal property, a detailed description of the regulated metal property purchased,
238 information as to whether the voucher was mailed or provided at the time of the purchase
239 transaction, the first date on which the voucher may be redeemed, and the date on which
240 the voucher expires. The voucher may only be redeemed for cash by the person whose
241 name appears on the voucher as the seller or by such person's heirs or legal representative.
242 If a voucher is not redeemed by the person whose name appears on the voucher as the seller
243 or by such person's heirs or legal representative within six months of the date of the
244 transaction, the voucher shall expire and the secondary metals recycler shall not be required
245 to honor the voucher after the expiration date.

246 (d) No secondary metals recycler shall:

247 (1) Pay to any seller more than \$100.00 in cash for any transaction or complete more
 248 than two transactions per seller, per day, per registered secondary metals recycler
 249 location;

250 (2) Pay cash to any seller for used, detached catalytic converters or coils;

251 (3) Pay cash to any seller for used utility wire;

252 (4) Pay cash to any seller for used communications copper;

253 (5) Pay cash to any seller for copper wire; or

254 (6) Pay cash to any seller for a battery.

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

259 ~~(e)~~(f) The provisions of this Code section shall not apply to any transaction, other than a
 260 transaction related to used, detached catalytic converters, between business entities."

261 **SECTION 1-5.**

262 Said article is further amended by revising Code Section 10-1-358, relating to purchases of
 263 regulated metal property exempted from application of article, as follows:

264 "10-1-358.

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

267 (1) Organizations, corporations, or associations registered with the state as charitable,
 268 philanthropic, religious, fraternal, civic, patriotic, social, or school-sponsored
 269 organizations or associations or from any nonprofit corporations or associations;

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

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

- 273 (4) Any public official acting under judicial process or authority who has presented proof
274 of such status to the secondary metals recycler;
- 275 (5) A sale on the execution, or by virtue, of any process issued by a court if proof thereof
276 has been presented to the secondary metals recycler; or
- 277 (6) A manufacturing, industrial, or other commercial vendor that generates ~~or~~ and sells
278 regulated metal property in the ordinary course of its business, provided that such vendor
279 is not a secondary metals recycler."

280 **SECTION 1-6.**

281 Said article is further amended by revising Code Section 10-1-359.1, relating to registration
282 of secondary metals recycler, electronic data base, authority of sheriff, and penalty for
283 violation, as follows:

284 "10-1-359.1.

285 (a) It shall be unlawful for any secondary metals recycler to purchase regulated metal
286 property in any amount without being registered pursuant to this Code section. If the
287 secondary metals recycler is a person other than an individual, such person shall register
288 with the sheriff of each county in which the secondary metals recycler maintains a place
289 of business. If the secondary metals recycler is an individual, he or she shall register with
290 the sheriff of the county in which he or she resides or if such individual is a nonresident of
291 this state, he or she shall register with the sheriff of the county in Georgia where he or she
292 primarily engages or intends to primarily engage in business as a secondary metals
293 recycler. The secondary metals recycler shall declare on a form promulgated by the
294 Secretary of State and provided by the sheriff that such secondary metals recycler is
295 informed of and will comply with the provisions of this article. The forms and information
296 required for such registration shall be promulgated by the Secretary of State. The sheriff
297 shall register the secondary metals recycler and shall keep a record of each registration.

298 Each registration shall be valid for a 12 month period beginning January 1, 2024, and shall
299 be renewed annually by January 1 of each year.

300 (b) The record of each registration shall be entered into an electronic data base accessible
301 ~~statewide~~ state wide. Such data base shall be established through coordination with the
302 Secretary of State and shall be searchable by all law enforcement agencies in this state.

303 (c) The sheriff shall be authorized to:

304 (1) ~~Assess and require payment of a reasonable registration fee prior to registering the~~
305 ~~secondary metals recycler, not to exceed \$200.00~~ for a new registration and an annual
306 registration renewal for a secondary metals recycler;

307 (2) If applicable, require a secondary metals recycler to submit a current and valid
308 business license in the county or municipality that is associated with the address on the
309 registration form prior to approving the registration or registration renewal;

310 (3) Require the registered agent of a secondary metals recycler to submit to a criminal
311 background check and fingerprinting for a new registration with the costs paid by the
312 secondary metals recycler in an amount not to exceed \$75.00;

313 (4) Deny the new registration or registration renewal of a secondary metals recycler if
314 such person's registration has been revoked in another Georgia county, information
315 submitted on the registration form has been determined to be invalid or false, or it is
316 determined by the criminal background check that such person has been convicted of a
317 felony offense under this article more than three times in the previous five years;

318 (5) Revoke the registration of a secondary metals recycler's registered agent if the
319 registered agent has been convicted of a felony offense in the previous five years under
320 this article while serving as a registered agent;

321 (6) Require secondary metals recyclers to provide on the registration form the customer
322 identification number for the current data base contractor maintained by the Georgia
323 Bureau of Investigation;

324 (7) Require a secondary metals recycler to submit a signed and sworn statement that such
325 person has not had such secondary metals recycler's registration or business license
326 revoked during the previous year and that the registered agent has not been convicted of
327 a metal theft offense in the previous year;

328 ~~(2)~~(8) Delegate to personnel in the sheriff's office the registration of secondary metals
329 recyclers and entering into the data base of the records of such registrations; and

330 ~~(3)~~(9) Enter into contracts with the governing authority of a county, municipality, or
331 consolidated government for such governing authority to provide for the registration of
332 secondary metals recyclers and the entering into the data base of the records of such
333 registrations by other law enforcement agencies or by staff of the governing authority.

334 Any such contract shall provide for reimbursement to such governing authority for the
335 registrations or entry of the records of such registrations into the data base.

336 (d) A secondary metals recycler's registered agent shall be ineligible to obtain a new
337 registration or registration renewal if such person is under indictment for a felony offense
338 for violation of this article or has been convicted of a felony offense in the past five years
339 under this article.

340 ~~(d)~~(e) Any secondary metals recycler convicted of violating this Code section shall be
341 guilty of a misdemeanor of a high and aggravated nature."

342 **SECTION 1-7.**

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

345 "10-1-359.2.

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

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

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

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

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

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

363 **SECTION 1-8.**

364 Said article is further amended by revising Code Section 10-1-359.3, relating to forfeiture
 365 and items declared contraband, as follows:

366 "10-1-359.3.

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

368 (1) 'Crime' means:

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

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

374 (C) A criminal violation of this article.

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

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

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

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

381 (2) Any weapon possessed, used, or available for use in any manner to facilitate a crime;
382 and

383 (3) Any used, detached catalytic converter, as such term is defined in subsection (d) of
384 Code Section 10-1-351, possessed in violation of subsection (d) of Code Section
385 10-1-351 and any vehicle used in the transportation of such used, detached catalytic
386 converter, provided that any civil forfeiture proceedings for any vehicle seized pursuant
387 to this subsection, including the reporting requirements set forth in Code Section 9-16-7,
388 shall be stayed during the pendency of criminal proceedings unless otherwise agreed to
389 by the owner or interest holder of such vehicle.

390 (c) Any property subject to forfeiture pursuant to subsection (b) of this Code section shall
391 be forfeited in accordance with the procedures set forth in ~~Code Section 16-13-49~~
392 Chapter 16 of Title 9."

393 **SECTION 1-9.**

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

397 "(a)(1) Each secondary metals recycler shall provide to the Georgia Bureau of
398 Investigation or its designee for each purchase transaction which takes place on or after
399 July 1, 2015, all of the information required by subsection (a) of Code Section 10-1-353,
400 except for the amount of consideration given in a purchase transaction for the regulated

401 metal property specified in paragraph (5) of subsection (a) of such Code section, and a
402 statement as to whether such secondary metals recycler's registration or business license
403 has been revoked, suspended, or canceled in the previous year. A secondary metals
404 recycler who maintains on file with the Georgia Bureau of Investigation or its designee
405 a copy of the statement forms such secondary metals recycler requires each seller to sign
406 pursuant to paragraphs (6) and (7) of subsection (a) of Code Section 10-1-353 may satisfy
407 the requirements of such paragraphs by providing to the Georgia Bureau of Investigation
408 or its designee a copy of the individual seller's signature and shall not be required to
409 provide the actual statement signed by each seller, provided the actual statements are
410 maintained by the secondary metals recycler pursuant to subsection (b) of Code Section
411 10-1-353 and available for inspection pursuant to Code Section 10-1-354. The
412 information required to be provided by the secondary metals recyclers to the Georgia
413 Bureau of Investigation or its designee pursuant to this subsection shall be provided
414 electronically.

415 (2) Each secondary metals recycler shall electronically submit to the Georgia Bureau of
416 Investigation a record of the receipt of each purchase of a used, detached catalytic
417 converter as defined in subsection (d) of Code Section 10-1-351, or any nonferrous metal
418 parts of a catalytic converter, from an industrial account or a secondary metals recycler.

419 Such report shall include:

420 (A) The name and address of the seller;

421 (B) The date, time, and place of the transaction; and

422 (C) The number of used, detached catalytic converters or pounds of catalyst metal
423 purchased."

424

PART II

425

SECTION 2-1.

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

429 "10-1-355.

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

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

435 (c) Any voucher shall be provided to the seller at the time of the purchase transaction or
436 mailed to the seller at the address indicated on the personal identification card of the seller
437 presented at the time of such transaction. If the voucher is provided to the seller at the time
438 of the purchase transaction and not mailed to the seller, the secondary metals recycler shall
439 not redeem the voucher for three days from the date of the purchase transaction. The
440 voucher shall include the date of purchase, name of the seller, the amount paid for the
441 regulated metal property, a detailed description of the regulated metal property purchased,
442 information as to whether the voucher was mailed or provided at the time of the purchase
443 transaction, the first date on which the voucher may be redeemed, and the date on which
444 the voucher expires. The voucher may only be redeemed for cash by the person whose
445 name appears on the voucher as the seller or by such person's heirs or legal representative.
446 If a voucher is not redeemed by the person whose name appears on the voucher as the seller
447 or by such person's heirs or legal representative within six months of the date of the
448 transaction, the voucher shall expire and the secondary metals recycler shall not be required
449 to honor the voucher after the expiration date.

450 ~~(d) No secondary metals recycler shall:~~

451 ~~(1) Pay to any seller more than \$100.00 in cash for any transaction or complete more~~
 452 ~~than two transactions per seller, per day, per registered secondary metals recycler~~
 453 ~~location;~~

454 ~~(2) Pay cash to any seller for used, detached catalytic converters or coils;~~

455 ~~(3) Pay cash to any seller for used utility wire;~~

456 ~~(4) Pay cash to any seller for used communications copper;~~

457 ~~(5) Pay cash to any seller for copper wire; or~~

458 ~~(6) Pay cash to any seller for a battery.~~

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

463 ~~(f)~~(e) The provisions of this Code section shall not apply to any transaction, ~~other than a~~
 464 ~~transaction related to used, detached catalytic converters,~~ between business entities."

465

PART III

466

SECTION 3-1.

467 This part and all of Part I of this Act except Section 1-4 shall become effective on July 1,
 468 2023, and shall apply to all transactions occurring on and after such date. Section 1-4 of this
 469 Act shall become effective on January 1, 2024, and shall apply to all transactions occurring
 470 on and after such date. Part II of this Act shall become effective on January 1, 2026, and
 471 shall apply to all transactions occurring on and after such date, provided that Part II of this
 472 Act shall not affect the prosecution of any crimes for conduct under the previous law while
 473 such law was effective and shall not abate any prosecutions thereunder.

474

SECTION 3-2.

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