

GEORGIA SECONDARY METAL RECYCLERS LAW & GUIDEBOOK

For LAW ENFORCEMENT

(Revised July 2015)



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C.S.R.A METAL THEFT TASK FORCE

House Bill 461 (2015), sponsored by Representative Jason Shaw, revises Article 14 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to secondary metal recyclers. The changes to the law made in this bill will become effective July 1, 2015.

This document regarding the laws on the purchase and selling of Regulated Metal Property is provided merely as a resource guide to assist Law Enforcement Officers, Secondary Metals Recyclers and the general public in understanding and staying in compliance with legal requirements. This Guide is not offered as legal advice, nor should it be relied upon as a substitute for the advice of one's own legal counsel or reading of the laws.

Contributors to this document and the information it contains is credited to the following:

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Georgia Sheriff's Association

Georgia Police Chief's Association

Deputy Legislative Counsel General Assembly of Georgia

C.S.R.A. METAL THEFT TASK FORCE MISSION STATEMENT

“The C.S.R.A. Metal Theft Task Force’s is a partnership between Law Enforcement, Recycling Centers, Salvage Yards, Secondary Metal Recyclers and Civilian Businesses with a common goal of reducing and deterring metal theft related crimes in The State of Georgia.”

The C.S.R.A. Metal Theft Task Force was originally organized in the early months of 2008 in response to the increased market prices for Ferrous and Non-Ferrous metals. This demand for Ferrous and Non-Ferrous metals triggered a significant increase in metal related thefts occurring in Georgia and South Carolina. The spike in metal related thefts prompted a meeting with criminal investigators, detectives and other law enforcement officers from 12 different law enforcement agencies surrounding Augusta-Richmond County, GA in an attempt to derive a way to combat metal thefts. These meetings also included area metal recycling and salvage yards.

A plan of action was agreed upon and the partnership between Law Enforcement and Secondary Metal Recycler was initiated. Dissemination of reported Metal Thefts, high visibility by L/E at local metal recycling and salvage yards, combined with the education and knowledge of a Metal Theft Task force and lastly changes in Georgia state laws have proven to be an effective crime fighting tool since 2008.

Since its original formation in 2008, The C.S.R.A. Metal Theft Task Force has grown from 12 to over 100 LEO members today (2015) and numerous metal recycling centers across GA and SC.

O.C.G.A. 10-1-350:

As used in this article, the term:

- (1) 'Aluminum property' means aluminum forms designed to shape concrete.
- (2) 'Burial object' means any product manufactured for or used for identifying or permanently decorating a grave site, including, without limitation, monuments, markers, benches, and vases and any base or foundation on which they rest or are mounted.
- (3) 'Business license' means a business license, an occupational tax certificate, and other document required by a county or municipal corporation and issued by the appropriate agency of such county or municipal corporation to engage in a profession or business.
- (4) 'Coil' means any copper, aluminum, or aluminum-copper condensing coil or evaporation coil including its tubing or rods. The term shall not include coil from a window air-conditioning system, if contained within the system itself, or coil from an automobile condenser.
- (5) 'Copper property' means any copper wire, copper tubing, copper pipe, or any item composed completely of copper.
- (6) 'Deliverer' means any individual who takes or transports the regulated metal property to the secondary metals recycler.
- (7) 'Ferrous metals' means any metals containing significant quantities of iron or steel.
- (8) 'Law enforcement officer' means any duly constituted peace officer of the State of Georgia or of any county, municipality, or political subdivision thereof.
- (9) 'Nonferrous metals' means stainless steel beer kegs and metals not containing significant quantities of iron or steel, including, without limitation, copper, brass, aluminum, bronze, lead, zinc, nickel, and alloys thereof.
- (10) 'Person' means an individual, partnership, corporation, joint venture, trust, association, or any other legal entity.

(Cont'd)

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

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

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

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

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

Code Section Key Points:

-Definitions of verbiage found throughout HB 461.

-Batteries are no longer exempt

****Note****

All revised changes to the listed code sections will be highlighted in **RED** in order to relate difference between the older versions of this Secondary Metal Recycler Reference guide for Law Enforcement.

O.C.G.A. 10-1-351

Verifiable documentation required:

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

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

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

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

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

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

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

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

(Cont'd)

****CATALYTIC CONVERTER ADDITION****

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

(1) Attached to a vehicle; or

(2) Purchased from:

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

(B) A new motor vehicle dealer that provides a copy of a valid business license at the time of the purchase transaction that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied business license is on file with the secondary metals recycler;

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

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

(E) A seller with:

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

(Cont'd)

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

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

Code Section Key Points:

-The purchase of burned copper is prohibited unless the seller has a police or fire report showing the property was a result of an accidental fire. The purchase of burned copper can be sold by a permitted license incinerator.

- The purchase of copper-aluminum air conditioning coils is prohibited unless the seller possesses certain state licensed contractors, or with a receipt that a HVAC unit has been replaced, or from a secondary metals recycler who provides the requisite proof and signed statement . Window air conditioners are exempt.

The purchase of catalytic converters is prohibited unless the seller is as follows:

- If it is attached to a vehicle*
- A new or used motor vehicle dealer*
- Used motor vehicle parts dealer*
- A motor vehicle repairer that provides a copy of a valid business license*
- A manufacturer or distributor of catalytic converters*

***An individual seller who has a receipt or work order indicating that the catalytic converter is the result of a replacement performed by a used motor vehicle dealer, new motor vehicle dealer or motor vehicle repairer, but that he or she MUST ALSO provide a copy of a certificate of title or registration showing ownership of or interest in the vehicle in which the catalytic converter was replaced.*

****Note****

All revised changes to the listed code sections will be highlighted in RED in order to relate difference between the older versions of this Secondary Metal Recycler Reference guide for Law Enforcement.

O.C.G.A. 10-1-352

Requirements for purchase of burial objects:

No secondary metals recycler shall purchase a burial object unless it is purchased from:

- (1) A funeral director licensed **pursuant to** Chapter 18 of Title 43 or by another state who provides a copy of his or her valid license at the time of **the purchase transaction** that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied license is on file with the secondary metals recycler;
- (2) A cemetery owner registered pursuant to Code Section 10-14-4 or with another state who **that** provides a copy **such** valid registration at the time of **the purchase transaction** that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied registration is on file with the secondary metals recycler;
- (3) **A manufacturer or distributor of burial objects that provides a copy of a valid business license at the time of the purchase transaction that is scanned or photocopied by the secondary metals recycler;**
- (4) A seller with verifiable documentation, such as a receipt from or contract with a licensed funeral director, registered cemetery owner, or manufacturer or distributor of burial objects, evidencing that such person is the rightful owner of the burial object; or
- (5) A secondary metals recycler who provides **proof of registration pursuant to Code Section 10-1-359.1 and a signed statement stating that the required information concerning the purchase transaction involving such burial object was provided by such secondary metals recycler to the Georgia Bureau of Investigation pursuant to Code Section 10-1-359.5."**

Code Section Key Points:

-There will be restrictions and documentation required as to who may be able to sell cemetery brass, bronze and other burial objects.

****Note****

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O.C.G.A. 10-1-353

Record of transaction; false statements in required affidavits transactions; penalty for making false statement in execution of affidavit

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

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

(2) The date of the transaction;

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

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

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

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

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

(Cont'd)

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

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

(10) **The name and date of birth of the seller and of the deliverer, if such person is different from the seller;**

(11) A photograph, videotape, or digital recording depicting a recognizable facial image of the seller and **of** the deliverer, if such person is different from the seller, employing technology allowing the image to be retained in electronic storage and in a transferable format;

(12) The vehicle license tag number or vehicle identification number, state of issue, and the **make, model, and color of the vehicle used to deliver the regulated metal property to the secondary metals recycler;**

(13) A scanned or photocopied copy of the verifiable documentation, reports, licenses, **certificates**, and registrations, required pursuant to Code Sections 10-1-351 and 10-1-352.

(b) A secondary metals recycler shall maintain or cause to be maintained the information required by subsection (a) of this Code section for not less than two years from the date of the purchase transaction.

(c) **When the regulated metal property being purchased is a vehicle, the secondary metals recycler shall:**

(1) **If Code Section 40-3-36 is applicable, purchase such vehicle in compliance with such Code section and shall not be required to maintain a record of the purchase transaction as provided in subsection (a) of this Code section or to provide such record to the Georgia Bureau of Investigation pursuant to Code Section 10-1-359.5; or**

(2) **If Code Section 40-3-36 is not applicable, maintain a record of such purchase transaction as provided in subsection (a) of this Code section and provide such record to the Georgia Bureau of Investigation pursuant to Code Section 10-1-359.5.**

(Cont'd)

(d) It shall be a violation of this article to sign the statement required by either paragraph (6) or (7) of subsection (a) of this Code section knowing it to be false, and such violation shall subject the seller to the civil and criminal liability provided in Code Section 10-1-359.2."

Code Section Key Points:

-Requires a signed statement and not a sworn affidavit stating that you are the owner of the property or authorized to sell the regulated metal property

-Batteries are no longer exempt

-A valid identification card of the seller and of the deliver, if different from seller, the type of and distinctive number from the personal identification card of the seller and of the deliver, if different from seller

-The name and date of birth of the seller and of the deliverer, if different from seller

-The vehicle license tag number or vehicle identification number, state of issue, the make, model, and color of the vehicle used to deliver the regulated metal property

-It shall be unlawful to make a false statement in executing the affidavit required when selling a motor vehicle (MV-1SP Cancellation of Title for Scrap Vehicles Form) making of a false statement shall be punishable as an act of false swearing under Code Section 16-10-71 (Addition Felony Charge)

****Note****

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O.C.G.A. 10-1-354

Inspections by law enforcement officers:

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

- (1) Any and all regulated metal property in the possession of the secondary metals recycler; and
- (2) Any and all records required to be maintained under Code Section 10-1-353.

Code Section Key Points:

-Authorizes any Law Enforcement Officer in lieu of their duties, with proper credentials, to have access and inspect all regulated metal property and records of purchase of regulated metal property of the Secondary Metals Recycler.

O.C.G.A. 10-1-355

Conditions and limitations on payments for regulated metal property; exception for transaction between business entities

(a) A secondary metals recycler shall pay only by check, electronic funds transfer, or voucher for regulated metal property.

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

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

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

(e) The provisions of this Code section shall not apply to any transaction between business entities.

This code section explains the following:

-Payment must be made to peddlers by check, electronic funds transfer or provided with a cash voucher. Voucher may be redeemed for cash after 3 days.

-No delivery restrictions, however, vouchers can be mailed if the seller wishes

-Business to business transactions will be exempt, but substantial documentation will be required.

-Checks or electronic funds transfer cannot be cashed on-site.

O.C.G.A. 10-1-356

Hold on regulated metal property believed to be stolen; notice; release of hold:

(a) Whenever a law enforcement officer has reasonable cause to believe that any item of regulated metal property in the possession of a secondary metals recycler has been stolen, the law enforcement officer may issue a hold notice to the secondary metals recycler. The hold notice shall be in writing, shall be delivered to the secondary metals recycler, shall specifically identify those items of regulated metal property that are believed to have been stolen and that are subject to the notice, and shall inform the secondary metals recycler of the information contained in this Code section. Upon receipt of the notice issued in accordance with this Code section, the secondary metals recycler receiving the notice shall not process or remove the items of regulated metal property identified in the notice, or any portion thereof, from the premises of or place of business of the secondary metals recycler for 15 calendar days after receipt of the notice by the secondary metals recycler, unless sooner released by a law enforcement officer.

(b) No later than the expiration of the 15 day period, a law enforcement officer may issue a second hold notice to the secondary metals recycler, which shall be an extended hold notice. The extended hold notice shall be in writing, shall be delivered to the secondary metals recycler, shall specifically identify those items of regulated metal property that are believed to have been stolen and that are subject to the extended hold notice, and shall inform the secondary metals recycler of the information contained in this Code section. Upon receipt of the extended hold notice issued in accordance with this Code section, the secondary metals recycler receiving the extended hold notice shall not process or remove the items of regulated metal property identified in the notice, or any portion thereof, from the premises of or place of business of the secondary metals recycler for 30 calendar days after receipt of the extended hold notice by the secondary metals recycler, unless sooner released by a law enforcement officer.

(c) At the expiration of the hold period or, if extended in accordance with this Code section, at the expiration of the extended hold period, the hold is automatically released and the secondary metals recycler may dispose of the regulated metal property unless other disposition has been ordered by a court of competent jurisdiction.

Code Section Key Points:

-How and when to place a hold on regulated metal property

O.C.G.A. 10-1-357

Contesting identification or ownership of regulated metal property; action to recover property:

(a) If the secondary metals recycler contests the identification or ownership of the regulated metal property, the party other than the secondary metals recycler claiming ownership of any regulated metal property in the possession of a secondary metals recycler may, provided that a timely report of the theft of the regulated metal property was made to the proper authorities, bring an action in the superior or state court of the county in which the secondary metals recycler is located. The petition for such action shall include a description of the means of identification of the regulated metal property utilized by the petitioner to determine ownership of the regulated metal property in the possession of the secondary metals recycler.

(b) When a lawful owner recovers stolen regulated metal property from a secondary metals recycler who has complied with the provisions of this article, and the seller or deliverer is convicted of theft by taking, theft by conversion, a violation of this article, theft by receiving stolen property, or criminal damage to property in the first degree, the court shall order the defendant to make full restitution, including, without limitation, attorneys' fees, court costs, and other expenses to the secondary metals recycler or lawful owner, as appropriate.

Code Section Key Points:

-Covers recovering stolen regulated metal

O.C.G.A. 10-1-358

Purchases of regulated metal property exempted from application of article:

This article shall not apply to purchases of regulated metal property from:

- (1) Organizations, corporations, or associations registered with the state as charitable, philanthropic, religious, fraternal, civic, patriotic, social, or school-sponsored organizations or associations or from any nonprofit corporations or associations;
- (2) A law enforcement officer acting in an official capacity;
- (3) A trustee in bankruptcy, executor, administrator, or receiver who has presented proof of such status to the secondary metals recycler;
- (4) Any public official acting under judicial process or authority who has presented proof of such status to the secondary metals recycler;
- (5) A sale on the execution, or by virtue, of any process issued by a court if proof thereof has been presented to the secondary metals recycler; or
- (6) A manufacturing, industrial, or other commercial vendor that generates or sells regulated metal property in the ordinary course of its business, provided that such vendor is not a secondary metals recycler. **(BUSINESS TO BUSINESS TRANSACTIONS)**

Code Section Key Points:

-Exemptions to the law

O.C.G.A. 10-1-358.1

The provisions of this article shall not apply to a vehicle purchased in compliance with Code Section 40-3-36 by a used motor vehicle dealer or used motor vehicle parts dealer licensed pursuant Chapter 47 of Title 43.

****Note****

All revised changes to the listed code sections will be highlighted in **RED** in order to relate difference between the older versions of this Secondary Metal Recycler Reference guide for Law Enforcement.

O.C.G.A. 10-1-359

Prohibited acts:

It shall be unlawful for:

- (1) A secondary metals recycler to engage in the purchase or sale of regulated metal property between the hours of 7:00 P.M. and 7:00 A.M.; and
- (2) Any person to give a false or personal identification card, vehicle license tag number, or vehicle identification number to a secondary metals recycler as part of a purchase transaction.

Code Section Key Points:

Regulated metal will not be allowed to be purchased between 7:00 P.M. and 7:00 A.M.

-Unlawful to provide a fake ID, false tag (Tag is no reregistered to or improthe delivery vehicle) or false VIN to a secondary metal recycler (scrap yard) at the time of the sale or purchase of regulated metal

O.C.G.A. 10-1-359.1

Registration of secondary metals recycler; electronic database; authority of sheriff; penalty for violation:

(a) It shall be unlawful for any secondary metals recycler to purchase regulated metal property in any amount without being registered pursuant to this Code section. If the secondary metals recycler is a person other than an individual, such person shall register with the sheriff of each county in which the secondary metals recycler maintains a place of business.

If the secondary metals recycler is an individual, he or she shall register with the sheriff of the county in which he or she resides or if such individual is a nonresident of this state, he or she shall register with the sheriff of the county in Georgia where he or she primarily engages or intends to primarily engage in business as a secondary metals recycler. The secondary metals recycler shall declare on a form promulgated by the Secretary of State and provided by the sheriff that such secondary metals recycler is informed of and will comply with the provisions of this article. The forms and information required for such registration shall be promulgated by the Secretary of State. The sheriff shall register the secondary metals recycler and shall keep a record of each registration. Each registration shall be valid for a 12 month period.

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

(c) The sheriff shall be authorized to:

(1) Assess and require payment of a reasonable registration fee prior to registering secondary metals recycler, not to exceed \$200.00;

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

(Cont'd)

(3) Enter into contracts with the governing authority of a county, municipality, or consolidated government for such governing authority to provide for the registration of secondary metals recyclers and the entering into the data base of the records of such registrations by other law enforcement agencies or by staff of the governing authority. Any such contract shall provide for reimbursement to such governing authority for the registrations or entry of the records of such registrations into the data base.

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

Code Section Key Points:

-Each secondary metals recycler shall register with the local Sheriff's office of each county they maintain a place of business (If individual, person registers with the sheriff of the county of person's residence; if non-resident, register with sheriff of the county where "primarily engages or intends to primarily engage in business.") NO MORE UNLICENSED OUT OF TOWN CORE BUYERS OR GYSPSIES

-Registration information will be entered into statewide electronic data base accessible by law enforcement and established through coordination with the Secretary of State

-Registration Form and information regarding compliance with the law, will be developed by the Secretary of State

-Sheriff is authorized to assess reasonable permit fee no greater than \$200.00

-Registration is good for 12 months

-Unlawful to buy regulated metal property without registering

-Unlawful to sell regulated metal property to a non-registered recycler

O.C.G.A. 10-1-359.2

Penalties for violations:

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

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

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

(3) For a third or subsequent offense, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years.

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

Code Section Key Points:

-Penalties

First offense – Misdemeanor

Second offense – Misdemeanor of a high and aggravated nature

Third offense and each future offense – Felony calling for imprisonment between 1-10 years

-Penalty for violation applies to anyone buying or selling

-Anyone who buys or sells in violation shall be civilly liable for full value of metal property, any repair and related expenses, plus court cost and attorney fees

O.C.G.A. 10-1-359.3

Items declared contraband; forfeiture of contraband

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

(1) 'Crime' means:

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

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

(C) A criminal violation of this article.

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

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

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

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

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

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

Code Section Key Points:

******Forfeiture and seizure of materials, vehicles, and tools used in the commission of the metal theft******

O.C.G.A. 10-1-359.4

Comprehensive nature of this article; authority of localities

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

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

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

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

Code Section Key Points:

-Supersede or preemption of local rules: Preemption language is the same as existing law except where political subdivisions enact laws that : Affect land use and zoning related to recyclers impose occupational taxes and regulatory fees dealing with recyclers

O.C.G.A. 10-1-359.5

Required information from secondary metals recyclers; role of Georgia Bureau of Investigation

(a) Each secondary metals recycler shall provide to the Georgia Bureau of Investigation or its designee for each purchase transaction which takes place on or after July 1, 2015, all of the information required by subsection (a) of Code Section 10-1-353, except for the amount of consideration given in a purchase transaction for the regulated metal property specified in paragraph (5) of subsection (a) of such Code section. A secondary metals recycler who maintains on file with the Georgia Bureau of Investigation or its designee a copy of the statement forms such secondary metals recycler requires each seller to sign pursuant to paragraphs (6) and (7) of subsection (a) of Code Section 10-1-353 may satisfy the requirements of such paragraphs by providing to the Georgia Bureau of Investigation or its designee a copy of the individual seller's signature and shall not be required to provide the actual statement signed by each seller, provided the actual statements are maintained by the secondary metals recycler pursuant to subsection (b) of Code Section 10-1-353 and available for inspection pursuant to Code Section 10-1-354. The information required to be provided by the secondary metals recyclers to the Georgia Bureau of Investigation or its designee pursuant to this subsection shall be provided electronically.

(b) The Georgia Bureau of Investigation or its designee shall establish and maintain a data base of all information required to be provided pursuant to subsection (a) of this Code section. Such information shall be considered to be a trade secret and shall be exempt from disclosure under the provisions of Article 4 of Chapter 18 of Title 50; provided, however, that such exemption shall not relieve the secondary metals recycler of the obligation or requirement to provide such information to the Georgia Bureau of Investigation or its designee.

(c) The data base shall be accessible and searchable by:

(1) All law enforcement agencies in this state; and

(2) Employees of electric suppliers, as defined in Code Section 46-3-3, and employees of telecommunications companies, as defined in Code Section 46-5-162, provided that such employees have been certified by the Georgia Peace Officer Standards and Training Council as having successfully completed the course of training required by Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act.'

(d)(1) It shall be unlawful to use the data base established pursuant to subsection (b) of this Code section for any purpose other than the investigation of an alleged crime.

(2) Any person who violates or conspires to violate paragraph (1) of this subsection shall be guilty of a felony and, upon conviction, shall receive the following punishment:

(A) Upon a first conviction, imprisonment for not less than one nor more than five years or a fine of not more than \$5,000.00, or both; or

(B) Upon a second or subsequent conviction, imprisonment for not less than five nor more than ten years or a fine of not more than \$40,000.00, or both.

(e) The Georgia Bureau of Investigation shall promulgate rules and regulations and establish procedures necessary to carry into effect, implement, and enforce the provisions of this Code section and ensure compliance with applicable federal and state laws. Such rules and regulations shall include, but shall not be limited to;

(1) The time, manner, and method of the transmittal of the information by the secondary metals recyclers to the Georgia Bureau of Investigation;

(2) The manner and method by which employees of electric suppliers and telecommunications companies may access and search the data base and any prerequisites thereto; and

(3) The specific information the employees of the electric suppliers and telecommunications companies may access and search within the data base."

Code Section Key Points:

-The GBI which previously established a state-wide data base (1 January 2015) of all secondary recycler records has contracted Leads Online as its designee to received and collect daily transaction records from ALL registered secondary metal recyclers in the state of GA.

-Registered Secondary recycler records will provide all of the listed information as stated in 10-1-353 with exception to the purchase price.

This established database will be searchable by a Law Enforcement Agencies in the State of Georgia.

This established database shall be also be searchable by employees of electric suppliers and telecommunications companies as so long as that employee is in good standing with the Georgia Peace Officer Standards and Training Council (P.O.S.T) and have completed the yearly NCIC/GCIC Security and Integrity course.

-Any LEO or Person who violates and conspires to violate this code section shall:

- Upon a first conviction, imprisonment for not less than one nor more than five years or a fine of not more than \$5,000.00 (FELONY)

-Upon a second or subsequent conviction, imprisonment for not less than five nor more than ten years or a fine of not more than \$40,000.00

SECTION 1-2.

Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to theft, is amended by revising paragraph (9) of subsection (a) of Code Section 16-8-12, relating to penalties for violation of Code Sections 16-8-2 through 16-8-9, as follows:

"(9) Notwithstanding the provisions of paragraph (1) of this subsection, if the property of the theft was regulated metal property, as such term is defined in Code Section 10-1-350, and the sum of the aggregate amount of such property, in its original and undamaged condition, plus any reasonable costs which are or would be incurred in the repair or the attempt to recover any property damaged in the theft or removal of such regulated metal property, exceeds \$500.00, by imprisonment for not less than one nor more than five years, a fine of not more than \$5,000.00, or both."

Code Section Key Points:

-Clarifies sentencing guidelines and penalties for subjects convicted of a state charge in connection to a metal theft.

SECTION 1-3

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

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

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

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

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

(D) A certification that the owner:

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

(E) A certification that the vehicle:

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

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

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

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

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

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

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

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

(B) Notwithstanding the requirement to mail or otherwise deliver the statement required under paragraph (2) of this subsection to the department, the department shall provide a mechanism for the receipt of the information required to be obtained in the statement by electronic means, at no cost to the secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor, in lieu of the physical delivery of the statement, in which case the secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor shall maintain the original statement for a period of not less than two years.

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

- (i) The name, address, and contact information for the reporting entity;
- (ii) The vehicle identification numbers of such vehicles;
- (iii) The dates such vehicles were obtained;
- (iv) The names of the individuals or entities from whom the vehicles were obtained, for use by law enforcement personnel and appropriate governmental agencies only;
- (v) A statement of whether the vehicles were, or will be, crushed or disposed of, or offered for sale or other purposes;
- (vi) A statement of whether the vehicle is intended for export out of the United States; and,

(vii) The National Motor Vehicle Title Information System identification number of the business acquiring the vehicle. There shall be no charge to either a secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor associated with providing this information to the department.

(D) For purposes of this subsection, the term 'motor vehicle' shall not include a vehicle

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

(E) The information obtained by the department in accordance with this subsection shall be reported to the National Motor Vehicle Title Information System, in a format which will satisfy the requirement for reporting this information, in accordance with rules adopted by the United States Department of Justice in 28 C.F.R. 25.56.

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

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

Code Section Key Points:

-Purchases of vehicles for scrap or parts remains regulated under Code Section 40-3 -36

-There will be changes to the procedure for buying scrap motor vehicles, including online verification that the vehicle is not stolen or having an outstanding security interest.

-Cancellation of certificate of title to include verification via on-line method that vehicle is not subject to any secured interest or lien only after an on-line method is established

-Cancellation of certificate of title to include buyer's National Motor Vehicle Title Information System (NMVTIS) identification number

-Sale of motor vehicle and motor vehicle parts has been revised and updated

SECTION 1-4

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

"(j) As used in this Code section, the terms:

(1) 'Scrap metal processor' shall have the same meaning as set forth in Code Section 43-43-1.

(2) 'Secondary metals recycler' shall have the same meaning as set forth in Code Section 10-1-350.

(3) 'Used motor vehicle parts dealer' shall have the same meaning as set forth in Code Section 43-47-2."

SECTION 1-5

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

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

"(c) Except for liens and security interests listed on certificates of title for mobile homes, cranes, or vehicles which weigh more than 10,000 pounds gross vehicle weight, which shall be satisfied only in conformity with subsections (a) and (b) of this Code section, any lien or security interest for a vehicle which is 11 model years old or less shall be considered satisfied and release shall not be required after ten years from the date of issuance of a title on which such lien or security interest is listed. For a vehicle which is 12 model years old and greater, any lien or security interest shall be considered satisfied and a release shall not be required after four years from the date of issuance of a title on which such lien or security interest is listed. None of the provisions of this Code section shall preclude the perfection of a new lien or security agreement, or the perfection of an extension of a lien or security agreement beyond a period of ten years for a vehicle which is 11 model years old or less or beyond a period of more than four years for a vehicle which is 12 model years old or greater, by application for a new certificate of title on which such lien or security agreement is listed. In order to provide for the continuous perfection of a lien or security interest originally entered into for a period of more than ten years for a vehicle which is 11 model years old or less or more than four years for a vehicle which is 12 model years old and greater, other than a mobile home, crane, or vehicle which weighs more than 10,000 pounds gross vehicle weight, an application for a second title on which the lien or security interest is listed must be submitted to the commissioner or the commissioner's duly authorized tag agent before ten years from the date of the original title on which such lien or security interest is listed. Otherwise the lien or security interest shall be perfected as of the date of receipt of the application by the commissioner or the commissioner's duly authorized county tag agent."

Code Section Key Points:

-Defines liens and security release procedures for mobile homes, cranes or vehicles more than 10,000 pounds based on age of vehicle – requires lien holders to release liens with the Department of Revenue, and liens on vehicles 12 years old and older will automatically be removed from records if older than 4 year

-Purchases of trailers are now covered under Code Section 40-3-36. Trailers less than 12 years old, or purchased for more than \$1,700 must have a title, otherwise may be purchased with form MV1-SP (see HB 900)

****Note****

This document regarding the laws on the purchase and selling of Regulated Metal Property is provided merely as a resource guide to assist Law Enforcement Officers, Secondary Metals Recyclers and the general public in understanding and complying with the legal requirements. This Guide is not offered as legal advice, nor should it be relied upon as a substitute for the advice of one's own legal counsel or reading of the laws.



Secondary Metals Recyclers Registration Instructions

Revised June 2015

Pursuant to O.C.G.A. § 10-1-359.1 secondary metals recyclers who **purchase** regulated metal property in any quantity must register with the appropriate sheriff's office(s).

REGISTRATION PROCESS

Annually, the Office of Sheriff is required to register secondary metals recyclers doing business in the county, keep a record of each registration, and enter the registration information into a statewide data base searchable by all law enforcement agencies. The attached form, authorized by the Secretary of State, must be used for the registration process.

- Each sheriff's office must personalize the form in the designated areas. A copy of the form may be obtained from the Georgia Sheriffs' Association.
- No additional changes can be made to the official document.
- Place the form on the sheriff's office website for access by secondary metals recyclers.
- The recycler must submit a completed registration form **in person** to the appropriate sheriff's office(s).
- Obtain a copy of the driver's license or other identification of the person submitting registration documents.
- If the recycler is a qualified alien, secure and verifiable documentation must be attached to the application. A list of verifiable documents is included with these instructions.
- Inform the recycler that the following statutes pertain to secondary metals recyclers: O.C.G.A. § 10-1-350 through O.C.G.A. § 10-3-363, O.C.G.A. § 40-3-36, and O.C.G.A. § 40-3-56. The recycler must be familiar with these statutes. The recycler can visit the *Georgia Recyclers Association* website to review a summary of relevant laws. This information is on the registration form.
- The sheriff's office must complete page 3 of the registration form.

- At registration (and at annual registration), collect a non-refundable registration fee of \$200, which must be remitted to the county governing authority. Per the Association of County Commissioners of Georgia, the county commission should enter into an agreement with the Georgia Sheriffs' Association on an annual basis to remit a \$100 subscription fee of the \$200 to the GSA to defray the cost of the creation and maintenance of the database. (Contact the GSA for a copy.) The county (or the sheriff's office) will submit \$100 (with the name of the recycler) to the Georgia Sheriffs' Association to offset the cost of the mandated statewide metals recycler registry database; the remaining \$100 remains in the county general fund.

Remit \$100 with the name of *the registering business & recycler name or the individual* recycler's name to:

Georgia Sheriffs' Association
Metal Recycler Registry
PO Box 3000
Stockbridge, GA 30281

- Each registration is valid for a twelve month period beginning with the effective date of registration established by the sheriff's office once all registration requirements are met.
- The record of each registration must be entered into an electronic data base accessible statewide. www.ga.metalrecyclersdb.com/RecyclerListPage.aspx . Sheriffs' offices are responsible for populating the registry, utilizing the information from the recycler's registration form. In order to populate the registry, your sheriff's office must identify one staff person who will be responsible for your registry and data entry. This person will serve as the local administrator. Please provide the administrator's contact information to Eagle Advantage Solutions' Cindy Davison at cindy.davison@eagleadvantage.com. She will create and activate the account for your county, and provide instruction on data entry and use of the registry. Once your account is activated, you may begin populating the database. The registry is available for all law enforcement and public access. The registry may also be accessed through the Georgia Sheriffs' Association website, www.georgiasheriffs.org or at the above web address. The log in button is located at the top right corner of the screen.
- The public may view the registry at www.georgiasheriffs.org and select Metals Recycler Registry.

HOW THE APPROPRIATE COUNTY OF REGISTRATION IS DETERMINED

- Business (Corporation or Partnership)

The recycler registering as a business must register with the sheriff in county where the place of operation is maintained. If the recycler maintains a place of operation in more than one county, he/she must register the business in each county.

- Individual (Sole Proprietor)

An individual must register in the county where he/she resides.

- Non-resident of Georgia

A recycler who is not a resident of Georgia must register in the county where he/she primarily engages or intends to operate as a secondary metals recycler.



Secondary Metals Recycler Frequently Asked Questions

Provided By: Georgia Sheriffs' Association

& the C.S.R.A. Metal Theft Task Force

Revised 06/2015

Information in **red** is revisions from HB 461 (2015).

FAQ On Secondary Metals Recycler Registry

1. **Who must register as a secondary metals recycler?**

O.C.G.A. §10-1-359.1 states, any secondary metals recycler who purchases regulated metal property in any amount must register as a secondary metals recycler.

2. **Who is considered a secondary metals recycler?**

A secondary metals recycler is any person who purchases secondary metals property which has served its original purpose. Therefore, this applies to the "metal recyclers" who purchase secondary metals, as well as individuals/businesses who buy old vehicles, 'scrap metal' from individuals & businesses, etc.

'Secondary metals recycler' is any person who is engaged, from a fixed location or otherwise, in the business in this state of paying compensation for regulated metal

property that has served its original economic purpose, whether or not engaged in the business of performing the manufacturing process by which regulated metal property is converted into raw material products consisting of prepared grades and having an existing or potential economic value.
O.C.G.A. § 10-1-350 (13).

3. *If an individual from out-of-state purchases regulated metal, in what county does he register?*

The out-of-state recycler registers in the county where he plans to or is primarily engaging in business as a secondary metal recycler. Remember, the purpose of registration is to identify secondary metals recyclers. Although the individual may be purchasing metals in several counties, once he has registered, he is on the database and viewers will be aware that he is operating in Georgia.

4. *What is regulated metal?*

Ferrous metals are any metals that contain significant quantities of iron or steel to include, but not limited to: mild steel (nuts, bolts, screws); carbon steel (drills, hammer head, chisel); cast iron (machine tool parts, brake drums, gear wheels); stainless steel (medical instruments, pipes, kitchen cutlery); wrought iron (ornamental gates, railings); and **batteries**.

Non-ferrous metals include stainless steel beer kegs and metals not containing significant quantities of iron or steel, including but not limited to: copper, brass, aluminum, bronze, lead, zinc, nickel and alloys. This statute does not include: aluminum beverage containers (soda cans), used beverage containers, or similar beverage containers.

Regulated metals do not include precious metals and gems such as gold. O.C.G.A. § 43-37-2 addresses registration of dealers of precious metals. Your sheriff's office is responsible for their registration IF the business is in the county (providing there is no county police). The precious metal dealer registration process is different and has a different registration form than the form used for secondary metal recyclers.

5. *Where do I obtain the registration form?*

Request the registration form from the Georgia Sheriffs' Association. It is titled FINAL Secondary Metals Registration Form SOS2 06192012. This official document, created by the Secretary of State, may only be revised by their office.

6. *How often does the metals recycler register?*

The recycler must register annually. Each registration is valid for a twelve month period beginning with the effective date of registration established by the sheriffs' office once all registration requirements are met.

Use the initial registration form to “re-register” a recycler for the following year. When a recycler “re-registers” it should be effective on the same day as the initial registration, but a new year. For example, if Joe initially registers on July 10, 2013, his registration is valid from July 10, 2013 – July 9, 2014. When he “re-registers” it should be effective on July 10, 2014 – July 9, 2015, even if he registers prior or after July 10.

7. *What is the registration number on the bottom portion of the registration form?* This number is created by the sheriff’s office for internal use and tracking purposes.

8. *Where are the registration documents maintained?*

All registration documents must be maintained by the sheriff’s office. Do not forward to GSA. Utilize the registration documents to enter the required information in the metals recycler registry.

9. *Can I charge less than \$200 for the registration fee?*

The law authorizes a charge of up to \$200. However, the Georgia Sheriffs’ Association recommends charging the maximum fee to cover the cost for the development and maintenance of the registry by GSA, and administrative costs for the county.

FAQ *on the Secondary Metals Recycler Registry Database*

This database contains information about the recyclers in your county including the registration date. Periodically, the super administrator will receive email reminders and any new information from Eagle Advantage Software pertaining to additions and changes that are made to this application. Information regarding the database:

When a registration date has expired, the recycler will appear in red and will be classified as an "Expired Account" under Account Status. Leave the inactive user in the database and they will be flagged as Expired Account once the current date is one year from the registration date. When viewing the list of all recyclers, you can select the Account Status tab and select to only view active, expired, or all. The ability to print any of the results from your search criteria can be accomplished by the PRINT tab at the top right of the screen.

A week before an account expires; you will receive an automated email informing you of this expiration date so you can inform the recycler to re-register again.

Registering/Modifying/Deleting a Recycler

To register, modify or delete a registration date, the user will need to log in with their username and password. Then follow instructions below.

Registering a Recycler

From the Administration Screen, select “Register Recycler” under the Administration section.

Enter all required information. Note: Required fields are bold.
Select “Register Recycler.”

Modifying a Recycler

From the Home screen, find the recycler to be modified and click the “Details” link next to that recycler.

At the bottom of the page, select “Edit Recycler Info.”
Enter all required information. Note: Required fields are bold.
Select “Update Recycler.”

After this has been completed, you will notice the recycler does not appear in “RED”. This indicates the user is in active mode again.

Deleting a Recycler

The only purpose a user needs to delete a recycler is if that recycler was entered in error, such as duplicate. The super administrator is the only user that has the ability to delete a recycler.

To delete a recycler, go to the Home screen, find the recycler to be deleted and click the Details link next to that recycler.

At the bottom of the page, select “Delete Recycler Info”.
A confirmation message will appear.

Select “OK” to delete the recycler, “Cancel” to cancel.

How to Reset your Password

To reset your password, select “Log In” from the Home screen and then select “Forgot Password”. Enter the email that is associated with your user account. A temporary password will be sent to this email address. The next time you log into the system, you will be prompted to change your password.

FAQ General Frequently Asked Questions

1. **Does this include the individual who buys scrap metal and hauls it to the recycler to sale?**

Yes, according to the statute. Therefore, even a one-time purchase of a regulated metal by an individual requires registration.

2. How do I access the Georgia Secondary Metals Recycler Transaction Database? 10-1-359.5)

Investigators within your sheriff's office should create an account with the vendor, Leads Online, so they may utilize the system to investigate metal theft cases. There is no cost to law enforcement, and no limit to the number of certified officers who can access the database. Go to www.leadsonline.com and click "Register" then complete the form.

3. Are purchasers of vehicles for scrap or parts considered secondary metals recyclers?

Purchases of vehicles for scrap or parts are regulated under Code Section 40-3-36. IF the person buying junk cars has a state used car buyer's license, they do not have to register. Otherwise, the purchaser must register.

4. Are secondary metals recycler businesses required to post or have their registration paperwork on the premises?

No. Remember this is not a license or permit; it is a registration process that collects data that is entered into a database to be used as an investigative tool. If you wish to provide the recycler a copy of the completed/approved registration form, that is the decision of the individual sheriff's office. Law enforcement officers as well as the public have access to the database to view registered metal recyclers.

5. As an individual secondary metal recycler, must he/she maintain a legible record of all purchase transactions as cited in O.C.G.A. 10-1-353?

Yes. The 'recycler' must obtain the following information:

- Name and address of the secondary metals recycler
- The name and date of birth of the seller and of the deliverer if different from the seller
- Date of the transaction
- Weight, quantity or volume and a description of the purchased metal (wire, tubing castings, etc.)
- Photograph or video showing the purchased metal clearly

-Amount paid and a copy of the check or voucher or documentation of electronic funds transfer given for purchase

-A signed ~~sworn affidavit~~ **statement** from the seller stating he is the rightful owner of the metal or is authorized to sell the property

-A scanned or photocopied copy of a valid personal identification card of the seller and or deliverer

-Photograph, videotape, or digital recording depicting a recognizable facial image of the seller and the deliverer

-Type of and distinctive number from the personal ID card of the seller and of the deliverer, if person is different from the seller

-Vehicle license tag number or VIN, state, and type of vehicle, **make, model, and color**, used to deliver the metal to the secondary metal recycler

-Scanned or photocopies of the verifiable documentation, reports, licenses, and registration, required in O.C.G.A. §10-1-351 and §10-1-352.

-Recycler must be registered to purchase secondary metals

-Providing false information subjects the seller to civil and criminal liability.

The above information populates the transaction database that is maintained by the Georgia Bureau of Investigation for metal theft investigations.

6. Who is covered under the business to business transaction exemption?

State law identified a business to business transaction as follows: A manufacturing, industrial or other commercial vendor that generates or sells regulated metal property in the ordinary course of its business, provided that such vendor is not a secondary metals recycler. Example: If a licensed commercial business such as Busby's Heating and Air, is selling A/C coils, then they are exempt.

Metals recyclers must follow these steps before purchasing the regulated metal:

- Obtain a copy of the business license from the business owner selling the A/C coils at the time of purchase; maintain on file.
- An employee of the business arrives to sell the regulated metal must be in uniform and/or a marked business vehicle.

- All payment checks or vouchers must be made out to the business only. The only exception to this is the check or voucher could be made out to the business owner whose name is on the business license.

7. *What documents are needed to purchase or sell A/C coils from individuals?*

An individual must have a State of Georgia Secretary of State issued Contractor's License. An EPA Certification Card or a release letter from the business is NOT acceptable documents to scrap aluminum A/C coils

Contact Information

If you have any questions concerning the operation of the secondary metal recycler database or need to obtain a password, contact Cindy Davison, Eagle Advantage Solutions, 404-754-6033 or email cindy.davison@eagleadvantage.com.

If you have questions regarding the registration process or the registry, contact Tonia Welch, Georgia Sheriffs' Association, 912-222-9099; twelch@georgiasheriffs.org

For questions pertaining to the statutes on purchasing, selling, or investigations of metal theft related crimes, contact Sgt. Kendall Brown, Richmond County Sheriff's Office, 706-821-1020, kbrown@augustaga.gov.

USE OF IDENTIFICATION GUIDE FOR METAL RECYCLER

STATE OF GEORGIA DRIVERS LICENSE AND I.D. CARD (LAMENATED CARDS)



ACCEPTABLE



ACCEPTABLE



UNACCEPTABLE



UNACCEPTABLE

STATE OF GEORGIA "INTERIM" DRIVERS LICENSE AND ID (NON LAMENATED / PAPER**)**



ACCEPTABLE

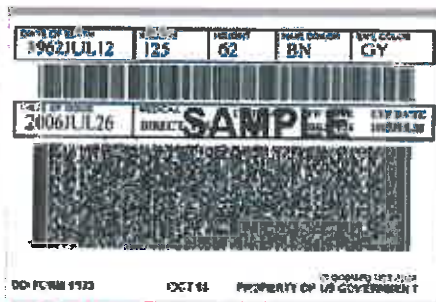


UNACCEPTABLE

OTHER ACCEPTABLE FORMS OF I.D. USED TO RECYCLE METAL



****Current Address must be provided when accepting this card as identification****



****Current Address must be provided when accepting this card as identification****



UNACCEPTABLE FORMS OF I.D. USED TO RECYCLE METAL



MEXICO MATRICULA CONSULAR



**COURDES
PAZ DE JIMENEZ**
Licencia y Traducción de la Secretaría de Relaciones Exteriores
MARAVATIO, MICHAEL
05 ENE 1971

Residencia Permanente:
1549 N KEDVALE AVE
CHICAGO, IL 60651

Fecha de Emisión/Date of Issue: 06 MAR 2002
Fecha de Expiración/Date of Expiration: 06 MAR 2007

Identificación Consular:
CONSULMEX CHICAGO 0001196

INTERNATIONAL DRIVER DOCUMENT
LICENCIA DE CONDUCIR INTERNACIONAL
PERMIS DE CONDUIRE INTERNACIONAL
رخصة القيادة الدولية
TRANSLATION OF FOREIGN DRIVER'S LICENSE



DB 09524-824 **LEONARD JAMES ANDERSON**

Thailand
COUNTRY OF BIRTH: UNITED STATES **BIRTH DATE:**

SEX: M **EYES: BROWN** **HT: 173 CM** **CAT: A,D**

ISSUED: 10/22/2010 EXPIRES: 10/22/2020