

House Bill 859

By: Representatives Gasaway of the 28<sup>th</sup>, LaRiccia of the 169<sup>th</sup>, Powell of the 32<sup>nd</sup>, Tarvin of the 2<sup>nd</sup>, Stephens of the 165<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 14 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,  
2 relating to secondary metals recyclers, so as to allow cash payments for regulated metal  
3 property subject to certain limitations and requirements; to provide for related matters; to  
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

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

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

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

18 "10-1-355.

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

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

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

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

42 (A) Pay to any seller more than \$200.00 in cash for any transaction;

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

44 or

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

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

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

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

56 **SECTION 3.**

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