



HB 872 – Comprehensive Metal Theft Reform from Rep. Jason Shaw

Payment Options (New provisions are italicized)	<i>Cash is now prohibited from being exchanged for regulated metal. Checks and electronic transfers can be issued immediately upon sale and vouchers redeemable for cash at the recycling facility require a three-day waiting period. Recyclers are now prohibited from cashing checks or electronic transfers.</i> These requirements do not apply to business-to-business transactions.
Records required to be kept by secondary metals recyclers for no less than two years from the date of the transaction (New provisions are italicized)	<ol style="list-style-type: none"> 1. Name & Address of Recycling Company 2. Date of the transaction 3. Weight, quantity, volume and a description of the type of property purchased in a purchase transaction 4. <i>A reasonably clear digital photograph or video of the regulated metal property</i> 5. The amount of money paid to the seller <i>and a copy of the check, voucher or electronic funds transfer documentation</i> 6. A signed and sworn affidavit stating the seller is the rightful owner of the property they are selling 7. <i>A signed and sworn affidavit stating the seller is aware that they can only sell regulated metal to a permitted recycler</i> 8. A scanned or photocopied copy of a valid personal ID 9. <i>A photo or video of the person's face who is delivering or selling the metal</i> 10. Distinctive number of ID card provided by seller 11. License tag number or VIN 12. <i>A copy of documentation for burial objects and coils</i> 13. <i>All records except the amount of money to the seller must be submitted to the GBI</i>
False Statement	It shall be unlawful to make a false statement about 6) or 7) above. This crime is punishable by a \$1,000 and 1-5 years in prison.
Law enforcement (New provisions are italicized)	<ol style="list-style-type: none"> 1. Law enforcement may inspect any and all regulated metal and records retained by a recycler during normal business hours. 2. Law enforcement may issue a 15-day hold on regulated metal property that may be stolen. 3. A second hold notice may be issued before the expiration of the first hold notice for another 30 days. 4. <i>Eliminates language stating a recycler can be responsible for restitution of stolen property if they knowingly violate law enforcement provisions regarding holding. Establishes civil liability in other section of the legislation.</i> 5. <i>Any property used in the commission of a theft can be forfeited and retained by law enforcement.</i> 6. <i>GBI must enter sale records from recyclers into an online database searchable by law enforcement throughout the state</i>
Hours of Operation	Changes hours a recycler must not operate from 9:00pm – 6:00am to 7:00pm – 7:00am
Registration for Recyclers	Recycling businesses or individuals involved in regular recycling business must register with the local Sheriff, who must enter information into a statewide database in coordination with the Secretary of State.
Crime Offenses	First offense of stealing regulated metal is a misdemeanor. Second offense is a misdemeanor of high and aggravated nature. Third offense is a felony, punishable by no less than one nor more than 10 years in prison. If the theft results in \$500 loss or more, then the offense is automatically punishable by no less than one year nor more than 10 years in prison.
Recycling coils	Requires proof of contractor's license or receipt indicating the seller has replaced old coils before being allowed to proceed.
Burned copper wire	No secondary metals recycler shall redeem any copper wire that appears to be burnt or charred on the ends.
Batteries	Exempt from provisions of the law.
Civil Action	Any person who buys or sells metal in violation of any provisions of the articles regarding metal theft is liable in a civil action made by the victim of theft for the full value of the stolen property, the damage done by the theft and attorneys' fees.
Burial Objects	Secondary metals recyclers can only recycle burial objects that are brought from a cemetery owner, funeral director or anyone else who has a receipt indicating the property is their own.
Car Title	Before accepting a car to be recycled, the buyer must confirm that a lien or secured interest is not attached to the vehicle.