

House Bill 379

By: Representatives Yearta of the 152nd, Corbett of the 174th, Cannon of the 172nd, Jasperse of the 11th, and Franklin of the 160th

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; to provide for a definition; to provide for penalties; to
5 provide for related matters; to provide for an effective date and applicability; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

12 "(16) 'Used, detached catalytic converter' means motor vehicle exhaust system parts that
13 are used for controlling the exhaust emissions from motor vehicles and that contain a
14 catalyst metal, but shall not include a catalytic converter that has been tested, certified,
15 and labeled for reuse pursuant to the federal Clean Air Act, 42 U.S.C. Section 7401,
16 et seq."

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17 **SECTION 2.**

18 Said article is further amended by adding a new subsection to Code Section 10-1-351,
19 relating to verifiable documentation required, to read as follows:

20 "(d)(1) It shall be unlawful for any person to purchase or to solicit the sale or purchase
21 of a used, detached catalytic converter, or any nonferrous metals of a catalytic converter,
22 unless such person is a secondary metals recycler registered in accordance with Code
23 Section 10-1-359.1 and compliant with all other requirements prescribed by this article.

24 (2) It shall be unlawful for any person to buy, possess, transport, or sell a used, detached
25 catalytic converter, or any nonferrous metals of a catalytic converter, unless such person
26 is authorized to buy, possess, transport, or sell catalytic converters pursuant to
27 subsection (c) of this Code section and is in possession of the licenses, registrations, or
28 other documentation required by subsection (c) of this Code section.

29 (3) Each used, detached catalytic converter obtained in violation of this subsection shall
30 constitute a separate offense."

31 **SECTION 3.**

32 Said article is further amended in Code Section 10-1-355, relating to conditions and
33 limitations on payments for regulated metal property and exception for transaction between
34 business entities, by revising subsection (e) as follows:

35 "(e) The provisions of this Code section shall not apply to any transaction between
36 business entities other than transactions involving catalytic converters or used, detached
37 catalytic converters."

38 **SECTION 4.**

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

41 "10-1-358.

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

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

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

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

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

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

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

57 **SECTION 5.**

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

60 "10-1-359.2.

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

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

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

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

68 (b) Each used, detached catalytic converter obtained in violation of subsection (d) of Code
69 Section 10-1-351 shall constitute a separate offense under this Code section.

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

75 **SECTION 6.**

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

78 "10-1-359.3.

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

80 (1) 'Crime' means:

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

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

86 (C) A criminal violation of this article.

87 (2) 'Proceeds' shall have the same meaning as set forth in Code Section ~~16-13-49~~ 9-16-2.

88 (3) 'Property' shall have the same meaning as set forth in Code Section ~~16-13-49~~ 9-16-2.

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

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

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

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

97 **SECTION 7.**

98 This Act shall become effective on July 1, 2023, and shall apply to all transactions occurring
99 on and after such date.

100 **SECTION 8.**

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