

FAQ's 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 (14).

- **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.
- **Are purchasers of vehicles for scrap or parts considered secondary metals recyclers?**
Purchases of vehicles for scrap or parts are regulated under O.C.G.A. § 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.
- **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.

3. 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.

4. 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.

5. 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.

6. 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.

As an individual secondary metal recycler; must he/she maintain a legible record of all purchase transaction 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
- Date of the transaction
- Weight, quantity or volume and a description of the purchased metal (wire, tubing castings, etc.)
- Digital photograph or digital 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
- Type of and distinctive number from the personal ID card of the seller and of the deliverer, if person is different from the seller
- The name and date of birth of the seller and of the deliverer if different from the seller
- Photograph, videotape, or digital recording depicting a recognizable facial image of the seller and the deliverer
- 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.

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.

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.