

SECONDARY METALS COMPLIANCE GUIDE:

***A Guide for Recyclers, Law Enforcement, Prosecutors,
Utilities, and others to better understand the proper and
lawful Purchase of Regulated Metal Property in Georgia***



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**GEORGIA HB 1756 (1992 Session)
GEORGIA SB 203 (2007 Session)
GEORGIA SB 82 (2009 Session)**

DISCLAIMER: This document regarding the laws on the purchase of Regulated Metal Property is provided as a resource to assist secondary metals recyclers and other stakeholders 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.

CONTENTS

Topic	Page
Background/History	1
Terms Defined	2
Applicability	3
Exemptions	3
Recordkeeping Requirements	4
Recycling of Automobiles (End of Life Vehicles)	5
Payment Restrictions – Copper, Catalytic Converters and Aluminum Forms	5
Hours of Business	6
Law Enforcement Officers Rights and Responsibilities	6
Hold Notice	6
Identification of Metals (Question of Ownership)	7
Restitution	7
Illegal Acts and Penalties	8
Theft of Ornamentation or Memorial to the Dead	8

Background/History

From at least 1967 through 1992, Georgia laws have included provisions requiring “each dealer in junk or metals” to hold, segregated, in its original form, shape, or condition, all purchases of copper wire and cable, for a period of five business days, excluding Saturdays, Sundays, and legal holidays. Records were required to be kept, which included the name, address, driver’s license number or tag number of the person selling the copper. Additionally, the records must include the name and address of the person or other entity from whom the copper was acquired by the person who sold the copper to the “dealer.” (Ga. L. 1967, p. 603, §§ 1, 2; Ga. L. 1970, p. 693, § 1.) (O.C.G.A. § 10-1-350)

Clearly, the law did not accomplish its purpose to reduce theft and aid in the recovery of stolen copper. The law was unenforceable. The requirements were unmanageable for a scrap metal processor, as well as law enforcement. Nonetheless, it was the law and the members of the scrap processing and recycling industry were subject to the law, and could be prosecuted for violations. Thefts continued with scrap processors often the victim of these types of theft. Other victims - utilities and railroads - wanted the existing law expanded to include all nonferrous metals, not just copper wire and cable.

In the fall of 1991, utilities, railroads, and law enforcement agencies joined forces and formed a “Metals Theft Task Force” which drafted expanded legislation to require a five day holding period for all nonferrous metals. Because of working relationships developed over several years, this group contacted the Georgia Association of Recycling Industries (GARI) for its input.

GARI joined with the “Metals Theft Task Force”, and based on mutual goals to reduce theft, aid in the recovery of stolen metals, and aid in the apprehension and conviction of those responsible for the theft, legislation was jointly drafted and HB 1756 was passed in the 1992 session of the Georgia General Assembly.

The General Assembly, as well as utilities and other businesses, scrap processors, and law enforcement, all recognized that the so-called “tag and hold” provisions of the previous statute did not, and would not, result in a reduction in theft or an increase in the apprehension of scrap thieves. As a result, there is no longer a blanket “holding” period for all purchases of a certain description, yet recyclers can be required to hold specific items if requested (through a formal, written procedure). Recyclers must keep certain legible records, take valid identification, and signatures from sellers of nonferrous metals (excluding aluminum cans and industrial accounts).

In 2007, as the problem of scrap metal theft once again was on the rise, due to unprecedented increases in commodity prices, the “Metals Theft Task Force” came together to review existing statutes and make suggestions to strengthen these laws. SB 203 was passed, adding several updates and improvements to the 1992 statutes, which are included in this Secondary Metals Compliance Guide.

In 2009, the General Assembly passed SB 82 primarily focused on strengthening the laws and adding new restrictions on the form and timing of payment for purchases of copper items and aluminum forms for shaping concrete. This legislation was an effort to further deter metals theft and in the case of metals theft, increase the likelihood of identification of the thief if he sold the metals to a recycler.

The legislation is a responsible approach to help deal with theft of metals. This legislation, by itself, will not end theft, but cooperative approaches and shared responsibility, as fostered by this legislation, can lead to reduced thefts from utilities, industries, and recyclers, and result in more convictions of those responsible for the thefts.

The Metals Theft Task Force will continue to work to encourage cooperation between the recycling industry, law enforcement, and the industrial customers of the recycling industry, such as electric utilities and railroads. The coalition is seeing great results when working together and communicating. For example, alerting recyclers of thefts has aided in the arrest and conviction of many criminals throughout Georgia, and the recovery of large quantities of stolen copper wire.



Terms Defined

For purposes of the Georgia laws governing the purchase of certain regulated metals by recyclers, the following terms mean the definition provided below:

1. **Aluminum Property** – aluminum forms designed to shape concrete
2. **Copper Property** – any copper wire, copper tubing, copper pipe, or any item composed completely of copper – Note: Recyclers are encouraged to include insulated copper in this definition.
3. **Ferrous Metals** – contain significant quantities of iron or steel
4. **Law Enforcement Officer** – a peace officer of the State, a county or a city
5. **Nonferrous Metals** – metals not containing significant quantities of iron or steel. Includes: stainless steel beer kegs, stainless steel, copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys
6. **Person** – an individual, partnership, corporation, joint venture, trust, association or other legitimate entity)
7. **Personal Identification Card** – an identification card that meets all of the following:
 - A- Contains name, address, and photograph,
 - B- Current and unexpired, AND
 - C- Driver's license or identification card issued by the Georgia Department of Driver Services or a similar card issued by another state, military identification card, or work authorization issued by U.S. Citizenship and Immigration Services of the Department of Homeland Security (NOT a passport). No other forms or types of identification are valid.
8. **Purchase Transaction** – transaction where Secondary Metals Recycler pays money or gives something of value in exchange for Regulated Metal Property
9. **Regulated Metal Property** – item primarily composed of any Nonferrous Metals, but **EXCLUDES** aluminum beverage containers, used beverage containers (or similar items)
10. **Secondary Metals Recycler** –
Any person engaged in buying ferrous or nonferrous metals that have served their original economic purpose, **at a fixed location or otherwise (this includes a person located in a residence buying metals, or buying from a truck, parked on public or private property)** . It does not matter whether or not they convert the metals into raw materials.

See O.C.G.A. § 10-1-350 and § 10-1-352.1 for definitions



Applicability

Georgia law regulates anyone meeting the definition of a **SECONDARY METALS RECYCLER**, which is anyone engaged in the business of paying compensation for ferrous or nonferrous metals that have served their original economic purpose, whether or not they operate from a “fixed location” (**again, this includes a person located in a residence buying metals, or buying from a truck, parked on public or private property**).

Purchases governed by the law’s restrictions and recordkeeping requirements are purchases of **REGULATED METAL PROPERTY**, defined as items composed “primarily of any nonferrous metals,” but not including aluminum cans or similar beverage containers. For these purposes, **NONFERROUS METALS** means metals not containing significant quantities of iron or steel, and does include stainless steel and nickel alloys. (see above – Definitions)

Not all purchases of Regulated Metal Property are covered by these laws because there are *exemptions for certain types of sellers*. *Purchases from a manufacturing, industrial, or other commercial vendor that generates or sells regulated metal property in the ordinary course of its business, are exempt from the provisions of the law.* (See below – Exemptions)

There are restrictions on cash and check payments for purchases of certain copper and aluminum property, including catalytic converters and aluminum forms designed to shape concrete. For purchases of copper, catalytic converters and aluminum forms, payment must be made by check or have a minimum 24-hour delay in cash payments. Checks are payable only to the person named who was recorded as delivering the metals, or if the delivery is on behalf of an entity, checks are payable to the entity and may be mailed. (See below – Payment Restrictions)

NOTE: 2007 revisions clarified that “stainless steel beer kegs” are specifically included as “nonferrous metals”.

The Georgia laws regulating the sale or purchase of Regulated Metal Property supersede and preempt all county and city rules, ordinances, etc. on the subject. (O.C.G.A. § 10-1-358)

See O.C.G.A. § 10-1-350 et seq.

Exemptions

Purchases of Regulated Metal Property (nonferrous metals except aluminum cans) from the following are exempt:

- Manufacturing, industrial, or other commercial vendor that generates or sells nonferrous metals in the ordinary course of its business
- Non-profit groups
- Law enforcement officers acting in their official capacity
- Bankruptcy trustee, executor administrator or receiver
- Public official acting under judicial process or authority
- Sale on the execution of any process issued by a court

NOTE: Identification and proper paper work should be available and documented in your records to establish and support these exemptions.

See O.C.G.A. § 10-1-355 for exemptions



Recordkeeping Requirements

A legible record must be maintained of all applicable purchases of Regulated Metal Property (see above – Applicability and Definitions).

The record must include:

- A **photocopy or scan** of a valid government-issued **Personal Identification Card** of the person *delivering* the metal, which contains the individual's name, address and photograph (driver's license, military ID, or work permit from Homeland Security)
 - Passports are no longer allowed
 - No other forms or types of identification are valid
- The complete **date** of the transaction.
- The **weight, quantity, or volume and a description of the type** of Regulated Metal Property purchased.
 - "Type" means a general physical description, such as wire, tubing, extrusions, castings, etc.
 - An adequate entry might look like:
150 lbs. #2 copper wire or 150 lbs. copper wire & tubing – mixed (Compared to an inadequate entry that omits the type: 150 lbs. #2 copper)
- The **amount of money paid** for the metal.
- Vehicle **license tag** number and state of issue of the vehicle used to deliver the metal **and the type of vehicle**. (Examples: pickup truck; Tag number: Georgia ABC123 or Dump body truck; Tag number: South Carolina 321CBA)
 - Type of vehicle means **automobile, pickup truck, van, or truck**.
 - It is still permissible to purchase nonferrous metals from a person who is not in a motor vehicle.
- The **person receiving payment** for the metal must **sign the purchase ticket** (record). The ticket must include a **statement**, above the signature, stating that the person signing is the **rightful owner** of the metal **or is entitled to sell** the metal.
 - **Suggested language:** "I am the rightful owner of the material described above, or am entitled by the rightful owner to sell the material described above."
- Name and address of the recycler.
- For End of Life Vehicles: keep a copy of the title or MV-1SP that is sent to the Motor Vehicle Division (see below – Recycling of Automobiles).
- The recycler must maintain the required records for at least **two years**.

See O.C.G.A. § 10-1-350 and § 10-1-351 for record keeping requirements



Recycling of Automobiles (End of Life Vehicles)

When purchasing a motor vehicle as scrap, a recycler must obtain from the seller *at the time of the purchase* either of the following:

- (A) Vehicle title or
- (B) Executed MV-1SP (a cancellation of certificate of title for scrap vehicle form).

TIME: Recyclers are required to submit the title or MV-1SP form **within 72 hours of receipt** to the Motor Vehicle Division of the Department of Revenue. The form lists current directions and the address to mail the form. Falsification of the MV-1SP form is a felony.

The MV-1SP form entitled “Application to Cancel Certificate of Title for Scrap/Derelict Vehicles” is available through the Motor Vehicle Division on the Internet at:

http://motor.etax.dor.ga.gov/forms/pdf/motor/MV_Application_to_Cancel_Cert_of_Title_for_ScrapDerelict_Veh_MV1SP.pdf

COPIES: The recycler must keep a copy of the title or MV-1SP and give a copy of the MV-1SP to the seller. (It is recommended to keep these copies for a minimum of 2 years like the other purchase records).

See O.C.G.A. § 10-1-351(c) and MV-1SP form

Payment Restrictions

Payment restrictions now exist on the purchase of **COPPER PROPERTY** (copper wire, copper tubing, copper pipe or any item composed completely of copper), **ALUMINUM PROPERTY** (*only* aluminum forms designed to shape concrete) and **catalytic converters**. Payment for Copper Property, Aluminum Property and catalytic converters must be made under the following constraints:

- **CASH:** Cash payments are **forbidden during the first 24 hours** after purchase of these items. Cash payments are allowed after the initial 24-hour waiting period.
- **CHECK:** Payments by **check** are allowed **at any time** and shall be made payable only to the person providing his Personal Identification Card, and is the same person named in the “Recordkeeping Requirements”, above (see above - Record Requirements): or
 - **Entities:** If the person delivers the property on behalf of a governmental entity, nonprofit, or for-profit business, then the recycler may make the check payable to such entity or business. The recycler may send the check to such business or entity.

NOTE: Business-to-business transactions are exempt from the payment by check provision for purchases of Copper Property, Catalytic Converters and Aluminum Forms.

See O.C.G.A. § 10-1-352.1 for payment for
copper, catalytic converters and aluminum forms



Hours of Business

The purchase or sale of nonferrous metals by a recycler is prohibited between the hours of 9:00 P.M. and 6:00 A.M. It is illegal to purchase or sell Regulated Metal Property outside of these hours. Other normal business activities (processing, receipt and unloading of trucks, etc.) are allowed at any hour, but no transactions may actually take place during prohibited hours.

See O.C.G.A. § 10-1-356(1) for unlawful hours of operation

Law Enforcement Officers' Rights and Responsibilities

During normal business hours, a law enforcement officer, with proper identification, has the right to inspect: (1) any Regulated Metal Property in the possession of the recycler and (2) any records required to be maintained on purchases of Regulated Metal Property (see above - Recordkeeping Requirements and Definitions).

The following is a list of Compliance Guide topics that recyclers may need to know or review when Law Enforcement Officer comes to inspect the inventory or records:

- Hold Notice
- Identification of Metals
- Restitution
- Exemptions
- Hours of Business
- Payment Restrictions
- Illegal Acts – Penalties
- Theft of Ornamentation or Memorial to the Dead (e.g., cemetery grave name plaques, etc.)

NOTE: In 2007, members of the coalition extensively discussed and ultimately unanimously agreed to grant inspection rights to utility security personnel in addition to law enforcement officers. While this was not included in the law, every major recycler in the State signed a policy statement indicating that they would allow such security personnel to inspect records and metals at their facilities.

See O.C.G.A. § 10-1-352 for inspection rights

“Hold Notice”

If a Law Enforcement Officer has “reasonable cause to believe” that any item of Regulated Metal Property (nonferrous metal excluding aluminum beverage cans) in a recycler’s possession has been stolen, the officer may issue a written “hold notice,” specifically identifying the item(s) believed to have been stolen. Only those items specifically identified in the written “hold notice” are covered by the hold notice.

Upon receipt of the written “hold notice,” the recycler must hold such item(s) on the premises, and not process the item(s), for a period of 15 calendar days, unless the hold is released sooner than 15 days (or extended) by a Law Enforcement Officer. Those items specifically identified in the written “hold notice” should not be mixed with any



other items and kept separate during the time that the “hold notice” is in effect.

During the initial 15-day hold period, a Law Enforcement Officer may issue and deliver to the recycler a written **extension** of the hold notice specifically identifying the item(s) covered by the extended hold notice. After receipt of the extended hold notice, the recycler may not remove from the premises or process the covered item(s) for a period of 30 days from the date of receipt of the extended hold notice. The extended hold can be released sooner than 30 days.

At the expiration of the hold period, the hold is automatically released and the recycler may dispose of the covered items, unless the courts have ordered otherwise.

See O.C.G.A. § 10-1-353 for “hold notice” provisions

Identification of Metals

What happens when and if ownership is questioned? If a person claims that he or she owns nonferrous metal which is in the possession of a recycler, and the recycler also claims ownership, the person can file a civil lawsuit to recover the metal in a Superior or State court located in the county where the recycler is located. To be qualified to file a lawsuit, the person must have previously filed a timely report of the theft to the proper authorities. The petition must include a description of how that person is able to identify the metal as their property. This legal process should help prevent a case of someone walking in, claiming that something is theirs, and walking out with the metal, as is reported to have happened.

NOTE: This, of course, applies equally to metal stolen from a recycler. Chances of recovery are enhanced by the victim's ability to identify their material.

See O.C.G.A. § 10-1-354 for provisions on identification requirements and rights to petition the court for determination of ownership.

Restitution

If stolen metal is recovered by a rightful owner from a recycler who had followed the provisions of the law and maintained accurate records of the questioned transaction, restitution is possible if the person who sold the stolen material to the recycler is convicted. If the thief is arrested and convicted, the court must order full restitution be made to the recycler by the person convicted (including attorneys' fees, court costs and other expenses).

Furthermore, there are identical restitution provisions if a recycler is the defendant: If a secondary metals recycler “has knowingly and intentionally not complied with” the laws regarding the purchase of Regulated Metal Property laws and is convicted of theft or a violation of any related laws, the court must order full restitution to the lawful owner. *This adds additional teeth to the law in dealing with unscrupulous purchasers of scrap metal.*

NOTE: Although restitution may be ordered by the court, it is unlikely that one would recover the full value of such metals and expenses because it is difficult and costly to recover assets from a convicted thief.

See O.C.G.A. § 10-1-354(b) and (c) for restitution requirements



Illegal Acts and Penalties

It is illegal for a person selling Regulated Metal Property to present a false or altered Personal Identification Card or vehicle tag number to a recycler. It is also illegal for a person selling regulated metals to falsely sign a statement that he is the owner, or is authorized to sell regulated metal property. Note that it is illegal for a recycler to fail to obtain the required information, such as a valid Personal Identification Card or vehicle tag number, or to fail to keep the required records for purchases of Regulated Metal Property for at least 2 years from the date of the purchase.

The determination of a misdemeanor or a felony depends on the value of the Regulated Metal Property sold or purchased, and the valuation method has changed and is different from that method used in the past. For purposes of valuing the Regulated Metal Property, the \$500 threshold is based on the **aggregate amount of “the value of the regulated metals property, in its original and undamaged condition” PLUS “any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft or removal of such regulated metal property.”** This significant change to the method of valuation was enacted in 2007 and expanded the \$500 threshold so that it no longer is based solely on the value of the purchase transaction at scrap value.

Formula for valuation: Misdemeanor UNLESS value in original/undamaged condition PLUS costs of repair/recovery of property damaged in theft IS GREATER THAN \$500 = FELONY

Any person selling metals to a recycler, who is in violation of any provision of the Regulated Metal Property laws, is guilty of a **misdemeanor** if the transaction or transactions in the aggregate are valued **less than \$500**. However, if the sum of the value based on the original condition and the costs of repairs exceeds \$500, then the violation is a felony. Felony convictions carry a punishment between one and five years imprisonment and/or a fine not to exceed \$5,000.

A recycler, who knowingly and intentionally violates the provisions of the Regulated Metal Property laws is guilty of a misdemeanor, but the violations are subject to the same valuation provisions described above to increase the violation(s) to a felony. If the value of the Regulated Metal Property in its original and undamaged condition in addition to the costs of repairs or recovery of any property damaged during the theft or removal of such property, is in an aggregate amount exceeding \$500, the violation is a felony punishable as provided above.

NOTE: The 2007 legislation replaced the previous method of establishing felony violations by recyclers upon showing a “pattern” of violations and exceeding the \$500 felony threshold by adding up multiple violations.

See O.C.G.A. § 10-1-356(2) for false statements and identification.
See O.C.G.A. § 10-1-357 and § 16-8-12(a)(9) for penalties.

Theft of Ornamentation or Memorial to the Dead

The theft of any “memorial to the dead or any ornamentation, flower, tree, or shrub placed on, adjacent to or within any enclosure of a memorial to the dead” is punishable by imprisonment for not less than one nor more than three years. This makes the theft of even one cemetery vase, urn, or plaque a felony.

See O.C.G.A. § 16-8-12 (a)(4)



Quick Guide on Secondary Metals Recycling

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Quick Guide on Secondary Metals Recycling

The Georgia commercial code regulating Secondary Metals Recyclers sets forth legal definitions and regulations pertaining to purchasing certain regulated metals for scrap (O.C.G.A. § 10-1-350 through § 10-1-358). The Georgia criminal code also contains applicable laws regarding theft of regulated metals, illegal purchases by secondary metals recyclers and punishment of criminals (O.C.G.A. § 16-8-12). Please refer to the Code or the Compliance Guide if you need further clarification.

Important Terms you will see defined:

Ferrous Metals Personal Identification Card Regulated Metal Property Nonferrous Metals Purchase Transaction
Secondary Metals Recycler

Applicability

1. **Applicable to ALL Secondary Metals Recyclers** – meaning anyone who buys (gives compensation of any kind) **from any location** (fixed or from a car or truck) for ferrous or non-ferrous metals, **whether or not they process the metal**.
2. **Record Keeping Requirements:** apply when secondary metals recycler purchases **REGULATED METAL PROPERTY**, which means any item composed primarily of any nonferrous metals, but not aluminum beverage containers. **NONFERROUS METALS** are those not containing significant quantities of iron or steel, but including stainless steel beer kegs, copper, brass, aluminum, bronze, zinc, nickel and their alloys.
3. **Payment Restrictions:** apply when secondary metals recycler purchases copper wire, pipe or tubing (or other items composed completely of copper), catalytic converters and aluminum forms designed to shape concrete.

Required Record Keeping

Secondary metal recyclers must **always maintain legible records** for PURCHASE TRANSACTIONS of Regulated Metal Property: *O.C.G.A. § 10-1-351*

1. Name and address of secondary recycler
2. Date of transaction
3. Weight, quantity, or volume and a description of the type
 - a. ***“type of regulated metal property”*** means a general physical description, i.e., wire, tubing, extrusions, castings
4. List the **amount of money or other thing of value** given in a purchase
5. **Statement of ownership and/or authority to sell the metal property** being presented for sale must contain **signature of the seller**.
6. **Photocopy or scan of the PERSONAL IDENTIFICATION CARD (unexpired government issued ID card containing the name, address and photo of the person selling the Regulated Metal Property.** (Driver's license, military ID or work permit from Homeland Security. NO Passports)



7. Delivery vehicle information:
 1. License tag number,
 2. **State** where tag was issued, and
 3. Type of **vehicle**, such as *automobile, pickup truck, van or truck*.
8. Maintain transaction information for a *minimum of two years*
9. **END OF LIFE VEHICLES**: copy of vehicle title or MV-1SP (maintain copy and send original to MVD)

Payment Restrictions

The purchase of copper, catalytic converters and aluminum concrete forms used to form concrete now have payment restrictions to **individuals**, but not to businesses, government or nonprofit organizations. *O.C.G.A. § 10-1-352.1*.

1. Cash payments are forbidden within 24 hours. Checks may be issued at the time of the transaction.
2. Payments must be made to the individual unless it is on behalf of a government, nonprofit or for profit business.

Procedures for Inspection by Law Enforcement: O.C.G.A. § 10-1-352

1. During **regular and customary business hours**
2. Proper **identification required** of the law enforcement officer
3. **May inspect**: **Any and all** purchased Regulated Metal Property in possession of the
4. Secondary Metal Recycler, and **Any and all records required** under the Code (*see Required Record Keeping*)
5. **NOTE**: The recycling industry encourages all recyclers to also allow inspection by **utilities security personnel**.

Procedures if Law Enforcement Suspects Stolen Metal Property:

Hold Notice (*Law enforcement may issue a hold notice on suspicious materials.*)
O.C.G.A. § 10-1-353

1. **Initial Hold Notice**:
 - A. **Written hold notice** will be delivered to recycler stating the officer's belief that specifically identified items **are stolen**
 - B. Recycler will be **instructed not to process or remove** the items identified in whole or in part for a period of **fifteen (15) calendar days after receipt** of the notice—**unless** sooner released by law enforcement
2. **Second Hold Notice (Extension)**:
 - A. **Prior to the expiration of the fifteen (15) day hold period**, law enforcement **may issue** a second written notice to extend the hold.
 - B. The items subject to the **hold must be specifically identified** by law enforcement as the stolen items.
 - C. The second notice will **extend** the hold period **to thirty (30) additional days after receipt of the extended hold notice** —**unless** sooner released by law enforcement.



3. *Expiration of Hold Period:*

- A. At the expiration of hold period(s) the **hold is automatically released** and the recycler may dispose of regulated materials, **unless courts have ordered otherwise**.

Ownership Questioned O.C.G.A. § 10-1-354

1. *Contesting Ownership of Metal; Action to Recover Property*

If a recycler has purchased Regulated Metal Property and someone else claims ownership to the metals, there is a process for determining ownership if the recycler does not agree. The party **other than the recycler claiming ownership** to property in the possession of recycler **may file a petition** (a lawsuit) in superior or state court of the county where the recycler is located. The party can only file a petition claiming ownership if he made a timely *report of theft of the items to the proper authority (e.g., police)*. The petition **must describe the means of identification** he used to determine his ownership of the Regulated Metal Property in the possession of the recycler.

Recovery of Materials

If the rightful owner recovers the stolen property from a recycler and the recycler *complied* with the all the recordkeeping and payment regulations described above, the recycler may receive restitution. The recycler may receive restitution from the convicted thief if:

- A. the person who sold the metal to the recycler is convicted of a theft crime or criminal damage to property in the first degree.
- B. The recycler complied with all the recordkeeping and payment regulations.

If these conditions are met, the court must **order full restitution by the convicted defendant** including, without limitation, attorneys' fees, court costs, and other expenses to the recycler in addition to any other penalties.

If the **recycler** intentionally **did not comply** with the recordkeeping and payment legal requirements described above, the recycler may be forced to pay restitution to the rightful owner (in addition to any other penalties). If the recycler knowingly did not comply with the regulations and is convicted of a theft crime or violation of the requirements, then the court must order the convicted recycler to make restitution to the lawful owner. Restitution includes attorneys' fees, court costs and other expenses to the lawful owner.

Exemptions: Purchases of Regulated Metal Property Exempt from the Law: O.C.G.A. § 10-1-355

Purchase transactions from the following organizations or in the following situations are exempt from the recordkeeping and payment restrictions described in this Guide:

1. Organizations, corporations or associations registered as charitable, philanthropic, religious, fraternal, civic, patriotic, social or school-sponsored organizations or associations from any nonprofit corporation or association;
2. Law enforcement officer acting in an official capacity;
3. Trustee in bankruptcy, executor, administrator, or receiver who has presented proof of status;



4. Public official acting under judicial process or authority who has presented proof of status;
5. Sale on the execution, or by virtue of, a **court order** – if proof has been presented; or
6. **Manufacturing, industrial or other commercial** vendor that generates or sells regulated metal property in the **ordinary course of its business, i.e., typical industrial accounts**.

Unlawful Acts:

O.C.G.A. § 10-1-356

Unlawful for recycler to:

1. Purchase or sell Regulated Metal Property between 9:00 P.M. and 6:00 AM (see definition on page 1) (See exemptions)

Unlawful for anyone to:

2. Give false statement of ownership,
3. Give false or altered identification
4. Give altered or false tag number and receive money or other consideration from recycler in return for regulated metal

Penalties and Violations

O.C.G.A. § 10-1-357 and § 16-1-12

1. Illegal sales of Regulated Metal Property to recyclers in violation of any of the recordkeeping and payment legal requirements referenced in this Quick Guide shall be **punishable either as a misdemeanor or a felony**.
 - a. **Felony if:** the **value of the property**, in its original form, undamaged, **in addition to any costs** which are, or would be, **incurred in repair** or in the attempt to recover any property damaged in theft or removal of such Regulated Metal Property is in an **aggregate** amount **which exceeds \$500**.
 - i. **Felony Punishment:** monetary fine up to \$5,000 and/or imprisonment from 1-5 years
 - b. **Misdemeanor if:** the value of the above does not exceed \$500.
2. **Any secondary metal recycler who knowingly and intentionally** engages in any practice which **violates the recordkeeping and payment legal requirements** referenced in this Quick Guide **shall be found guilty** of a misdemeanor or felony, based upon the same valuation method discussed above for illegal sales.



GA Power / EMC Reward

Copper Theft is a Felony in Georgia if Damages Exceed \$500

- Exchange of stolen copper is illegal when either person knows, or has reason to believe, it is stolen.
- It is illegal to give false statements and receive money from a recycler in exchange for metal.
- Exchange of metals between the hours of 9 PM and 6 AM is illegal.

Indications of Cable Stripping

- Empty jacket sheathing from stripped cable.
- Empty cable reels at remote sites.
- Black smoke from melting cable jackets.
- 55-gallon barrels used to melt sheathing.
- Trespassing or vandalism of utility property.

How Can Metal Dealers Help?

- Transaction records, e.g. a description of persons selling metals, (name, address, driver's license and tag number), and physical description of metals purchased
- Cable inventory with unique identifiers
- Camera footage

\$500 Reward

For information leading to the arrest and conviction of persons involved in the theft of copper wire from electric utility systems in Georgia.

What Can You Do?

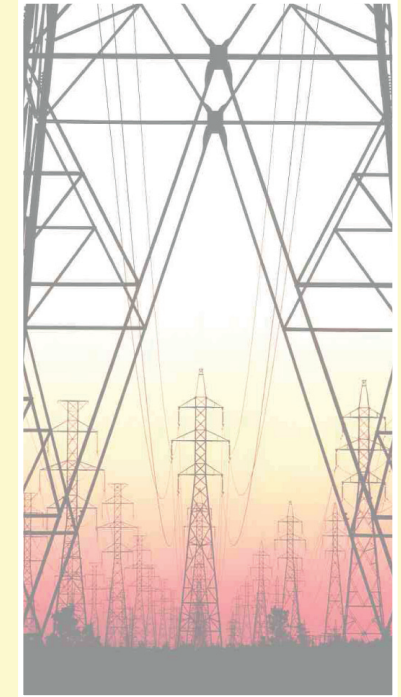
If you see a theft in progress,
Call 911

If you have any information - physical description, tag number, vehicle description that can help identify these thieves:

Please Call our Toll-Free
Security Hotline

1-877-SECUR17
(1-877-732-8717)

Utility Wire and Cable Theft



A Guide for
Law Enforcement
Fire Department
Scrap Metal Dealers



STOP COPPER THEFT

by increasing your awareness and reporting theft and/or exchange of stolen material.

The Copper Theft Problem

Copper wire thefts continue to rise at an alarming rate

2007 299

2008 806

Georgia Utilities Copper Thefts

The Issue

- A crime that jeopardizes public safety and can lead to severe injury or death.
- Compromises the electrical network and can cause outages that are disruptive for customers and costly to businesses.
- Translates into replacement and repair costs to utilities for the damages left by thieves.

Damage Cost Due To Copper Theft

2007 \$493,993

2008 \$1,122,763

Information About Copper Theft

- Copper wire and cable are stolen from utility poles and equipment, substations, and storage yards.
- Copper conductor is coiled or cut into short lengths (2 - 6 ft) with a saw, bolt cutters, or ax.
- Copper thieves prefer raw copper because of its value and ease to resell and conceal.
- Plastic sheathing and the outer skin are usually removed from cable to yield raw copper.



Electric Utility Materials

Georgia's electric utilities do not give, sell, or discard wire or cable scraps. Materials are recycled under contract with select vendors. Anyone in possession of these recyclable materials must have a valid ID and work order.



Common Types of Copper Cable and Wire

Conductor material may be bare wire or jacketed cable varying in size and type.

What Can Law Enforcement Do?

If you encounter a possible copper wire or cable theft/crime scene, please take the following actions:

- Secure the crime scene.
- Preserve all evidence
- Identify any witnesses of the crime.
- Take pictures.
- Be aware of federal & state laws on cable theft (ref. O.C.G.A § 16-7-22.Criminal Damage to Property in the first degree).
- Review local ordinances for metal dealers and recycle centers.
- Contact the toll free hotline.

1-877-SECUR17
(1-877-732-8717)

Georgia's Electric Utilities Can Help

- Identify the theft location, approximate weight and value of the stolen material.
- Validate the identification of company employees and contractors.
- Provide expert testimony to support prosecution.

Electric utilities of Georgia will fully support the prosecution of those involved in copper theft or intentional transaction of stolen copper from system facilities.



AT&T Reward



June 2009

RE: AT&T Copper Cable Reward Program

Copper cable theft is a crime that can have devastating consequences in our communities. Any loss of communication can paralyze critical public health and emergency services and even threaten our national security. In addition, repairs can cost up to millions of dollars.

Due to the recent high volume of copper telephone cable theft, AT&T is offering reimbursement for costs and a reward for information leading to the arrest and conviction of suspect(s) involved in these thefts.

The reimbursement and reward will be paid as follows:

- Recyclers and Salvage/Scrap Dealers will be reimbursed, up to \$3,000, for direct costs incurred in developing viable leads that will lead to the arrest and conviction of suspect(s) involved in copper cable thefts. This reimbursement is intended to cover direct costs incurred in buying suspected stolen telephone cable and obtaining substantial and credible evidence to lead to an arrest and conviction. Documentation of the costs is required for reimbursement. No money will be paid if no arrest is made.
- Copper cable recovered must be identified by AT&T Asset Protection as belonging to AT&T. Information on the exterior of most copper telephone cable can be used to accomplish identification.
- Rewards for private citizens, recyclers, and salvage/scrap dealers will be distributed after a conviction(s), as set forth above, and are at the discretion of AT&T.
- For details, or to report an incident, please contact AT&T's Client Services Group at 800-807-4205.

The following page contains information to assist you in identifying AT&T copper cable.

IDENTIFICATION OF TELEPHONE COPPER CABLE

Copper telephone cable comes in several varieties ranging in size from aerial or buried service wire, which typically contains two or three pairs (four or six individual wires,) to larger diameter cables containing thousands of pairs. In all cases, the individual wires are of a smaller gauge and are multicolored. Additionally, cellular sites are experiencing losses of buss bars, which are large, copper grounding bars located on the huts and the towers at the cellular sites. Please refer to the examples below:

