

# Secondary Metals Recycler Application for Permit to Purchase Nonferrous Metals

County of Application \_\_\_\_\_

Name and Title of Individual filling out Application \_\_\_\_\_

## Business Information

Business Name	Business Telephone Number
Business Physical Address	
Business Mailing Address	
Email Address	Other Contact Number
Business is ( ) Sole Proprietorship ( ) Partnership ( ) Corporation - State of Corporation ( ) LLC	
Name of Managing/On-Site Agent	
Email Address	
Telephone Number	Cell Number
Date of Birth	Driver's License Number

## PERSONAL HISTORY OF PROPRIETOR, PARTNER OR CORPORATE OFFICERS

Name (last, first, middle)		Telephone / Cell			Business Capacity		
Home Address (street, city, state, zip)							
DOB (Mo, Day, Yr.)	City, County, State	Email	Driver License No., State	Race	Sex	Height	Weight

Name (last, first, middle)		Telephone / Cell			Business Capacity		
Home Address (street, city, state, zip)							
DOB (Mo, Day, Yr.)	City, County, State	Email	Driver License No., State	Race	Sex	Height	Weight

Name (last, first, middle)		Telephone / Cell			Business Capacity		
Home Address (street, city, state, zip)							
DOB (Mo, Day, Yr.)	City, County, State	Email	Driver License No., State	Race	Sex	Height	Weight

Number of Business Locations/Fixed Sites within county of application \_\_\_\_\_

List Additional Fixed Sites within County of Application

Business Name	Telephone Number
Business Address (street, city, county)	
Name of Managing/On-Site Agent	
Email Address	
Telephone Number	Cell Number
Date of Birth	Driver's License Number

Business Name	Telephone Number
Business Address (street, city, county)	
Name of Managing/On-Site Agent	
Email Address	
Telephone Number	Cell Number
Date of Birth	Driver's License Number

List Additional Fixed Sites outside of County of Application

Business Name	Telephone Number
Business Address (street, city, county)	

Business Name	Telephone Number
Business Address (street, city, county)	

Does applicant intend to purchase nonferrous metals at a location other than a fixed site?

Yes  No

List all counties in which the applicant intends to purchase nonferrous metals at a location other than a fixed site:

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Does SMR intend to purchase used detached catalytic converters from individuals with this permit?

Yes  No

Does SMR intend to purchase used detached catalytic converters from another secondary metals recycler, new or used motor vehicle dealer, automotive repair service, motor vehicle manufacturer, vehicle demolisher, or distributor of catalytic converter?

Yes  No

Hours of Operation. List the days and times the business is open

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Has the applicant ever been denied a SMR permit or had a permit suspended or revoked in South Carolina?

( ) Yes ( ) No

If so, please state county of denial/revocation/suspension and reason therefore:

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Has applicant ever been denied an SMR permit (or the functional equivalent) or had a permit suspended or revoked in another state?

( ) Yes ( ) No

If so, please list the state and the reason for denial, revocation, or suspension:

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While a partial list of relevant laws are listed below, I understand that it is my responsibility to comply with the law at all times.

I understand the law as it relates to purchases of used, detached catalytic converters and agree to comply with the following:

- (I)(1) A secondary metals recycler shall not purchase or otherwise acquire:
  - (a) an iron or steel manhole cover;
  - (b) an iron or steel drainage grate; or
  - (c) a coil, unless the seller is an exempted entity pursuant to subsection (J)(1)(e) or the seller presents a bill of sale from a company licensed pursuant to Chapter 11, Title 40 indicating that the seller acquired the coil as the result of a unit replacement or repair. The bill of sale is sufficient proof of ownership and serves the same purpose as a permit to transport and sell nonferrous metals. A person who presents a falsified bill of sale is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more three years, or both.
  
- (2) (a) It is unlawful for any individual or entity other than a permitted secondary metals recycler to purchase, or to attempt to purchase, a used, detached catalytic converter or any nonferrous part of a catalytic converter.
  - (b) Except as otherwise provided in item (3)(a)(iii)(aa), (bb), and (cc) for those businesses delineated in item (3)(a)(ii), it is unlawful for any individual or entity to possess, obtain or otherwise acquire, transport, or sell a used, detached catalytic converter or any nonferrous part of a catalytic converter without a permit and without providing the following documentation to law enforcement and/or a permitted secondary metals recycler:
    - (i) the name of the person or company that removed the catalytic converter;
    - (ii) the name of the person for whom the work was completed;
    - (iii) the make and model of the vehicle from which the catalytic converter was removed;

- (iv) the vehicle identification number of the vehicle from which the catalytic converter was removed;
- (v) the part number or other identifying number of the catalytic converter that was removed; and
- (vi) the certificate of title or certificate of registration showing the seller's ownership interest in the vehicle.

(c) It is unlawful for a seller of a used, detached catalytic converter or any nonferrous part of a catalytic converter to provide any false, fraudulent, altered or counterfeit information or documentation as required by this subsection.

(d) An individual or entity who violates any provision of subsection (I)(2), for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both; or for a second offense, is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

(e) Each unlawfully obtained, possessed, or transported used, detached catalytic converter is a separate violation that subjects the individual or entity to a separate charge. Upon conviction, the court may order the individual or entity to pay restitution for the value of the repair and replacement of the catalytic converter or the individual or entity may be held liable as otherwise provided by law. A person in possession of a used, detached catalytic converter without identifying documentation is presumed to be in possession of contraband subject to forfeiture as otherwise provided by law.

(f) For purposes of this section, a used, detached catalytic converter does not include a catalytic converter that has been tested, certified, and labeled for reuse in accordance with applicable U.S. Environmental Protection Agency Clean Air Act regulations, as may from time to time be amended.

(3)(a) It is unlawful for a secondary metals recycler to purchase a used, detached catalytic converter or any nonferrous part of a used catalytic converter unless the secondary metals recycler has a permit from the local sheriff's office, the sale occurs at the secondary metals recycler's fixed site or the sale occurs at the seller's fixed site but only if the seller is a licensed automotive repair service, a licensed demolisher, as defined in Section 56-5-5810, a licensed secondary metals recycler, or a licensed motor vehicle dealer and the purchase is made by a permitted secondary metals recycler who maintains a fixed site within the State, and the following requirements are followed:

- (i) the catalytic converter or nonferrous part was purchased as part of a vehicle; or
- (ii) the catalytic converter or nonferrous part was purchased from a secondary metals recycler, new or used motor vehicle dealer, automotive repair service, motor vehicle manufacturer, vehicle demolisher, or distributor of catalytic converters and a copy of the seller's valid business license is received and maintained by the purchaser at the time of the transaction; or
- (iii) the business selling the catalytic converter or nonferrous part provides a record or receipt showing:
  - (aa) the repair order number, when applicable;
  - (bb) the date of repair or the date on which the catalytic converter was removed from a

vehicle, including the identity of the individual or entity that removed the catalytic converter, when applicable; and

(cc) the vehicle identification number of the vehicle from which the catalytic converter was removed; or

(iv) the individual selling the catalytic converter or nonferrous part provides the secondary metals recycler with the following information for the motor vehicle that the catalytic converter was taken from to include all of the following:

(aa) the name of the person or company that removed the catalytic converter;

(bb) the name of the person for whom the work was completed;

(cc) the make and model of the vehicle from which the catalytic converter was removed;

(dd) the vehicle identification number of the vehicle from which the catalytic converter was removed;

(ee) the part number or other identifying number of the catalytic converter that was removed; and

(ff) the certificate of title or certificate of registration showing the seller's ownership interest in the vehicle.

Nothing in this item prevents an out-of-state secondary metals recycler who maintains a fixed site and who complies with all other provisions of this chapter from obtaining, purchasing, or otherwise acquiring a used, detached catalytic converter or any nonferrous part of a used catalytic converter.

(b) Before each purchase or acquisition of a used, detached catalytic converter, the secondary metals recycler, including an agent, employee, or representative of the secondary metals recycler, must:

(i) verify, with the applicable documentation that the person transferring or selling the used, detached catalytic converter acquired it legally and has the right to transfer or sell it; and

(ii) retain a record of the applicable verification and other information required pursuant to subsection (D)(2) and note in their records any obvious marking on the used, detached catalytic converter such as paint, labels, or engravings that would aid in the identification of the catalytic converter.

(c) A seller of used, detached catalytic converters or any nonferrous metal part of such is subject to the provisions of subsection (C) regarding the permitting of a person or entity to transport and sell nonferrous metals except for an automotive repair service who, in lieu of a permit, may produce a record or receipt showing:

(i) the repair order number, when applicable;

(ii) the date of repair or the date on which the catalytic converter was removed from a vehicle, including the identity of the individual or entity that removed the catalytic converter, when applicable; and

(iii) the vehicle identification number of the vehicle from which the catalytic converter was removed.

- (d) It is unlawful for a secondary metals recycler to fail to collect or retain all required documentation from a seller of a used, detached catalytic converter or any nonferrous part of a catalytic converter as required by this subsection. A secondary metals recycler who obtains all documentation as required by this subsection is exempt from prosecution under this subsection unless they knew or had reason to believe that the documentation provided was false, fraudulent, altered or counterfeit, or knew or had reason to believe that the used, detached catalytic converter or any nonferrous part of a catalytic converter was stolen.
- (e) A licensed secondary metals recycler, who is exempt from the provisions of subsection (I)(2), but who violates a provision of subsection (I)(3):
  - (i) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days;
  - (ii) for a second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than one year, or both; and
  - (iii) for a third or subsequent offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both.
  - (iv) Each unlawfully obtained or possessed used, detached catalytic converter or part of a used catalytic converter is a separate violation and subjects the secondary metals recycler to a separate charge for each. Any unlawfully possessed used, detached catalytic converter is subject to forfeiture as otherwise provided for by law. Upon conviction, the court may order the secondary metals recycler to pay restitution for the value of the repair and replacement of the catalytic converter or the secondary metals recycler may be held liable as otherwise provided for by law.
- (J)(1) Except as provided in item (2), the provisions of this section do not apply to:
  - (a) the purchase or sale of aluminum cans;
  - (b) a transaction between a secondary metals recycler and another secondary metals recycler;
  - (c) a governmental entity;
  - (d) a manufacturing or industrial vendor that generates or sells regulated metals in the ordinary course of its business;
  - (e) a seller who is a holder of a retail license, an authorized wholesaler, an automobile demolisher as defined in Section 56-5-5810(d), a contractor licensed pursuant to Chapter 11, Title 40, a real estate broker or property manager licensed pursuant to Chapter 57, Title 40, a residential home builder licensed pursuant to Chapter 59, Title 40, a demolition contractor, a provider of gas service, electric service, communications service, water service, plumbing service, electrical service, climate conditioning service, appliance repair service, automotive repair service, or electronics repair service; or
  - (f) a seller that is an organization, a corporation, or an association registered with the State as a charitable organization or a nonprofit corporation.
- (2) An exempted entity listed in item (1) is subject to the provisions of subsection (C)(10), subsection (G)(5), and subsection (I).

**A secondary metals recycler shall maintain a record of transactions involving exempted entities listed in item (1) pursuant to subsection (D) and is subject to the penalty provisions of subsection (D)(6). Any item of nonferrous metals acquired from an exempted entity listed in item (1) is subject to a hold notice pursuant to subsection (F).**

S.C. Code Ann. § 16-17-680(C)(1) states that anyone who wants to transport or sell nonferrous metals to a secondary metals recycler must have a permit issued by the Sheriff or meet certain specific exemptions.

S.C. Code Ann. § 16-17-680 (E)(2)(a) provides that it is unlawful to sell nonferrous metals to a secondary metals recycler without this permit and for the secondary metals recycler to purchase such metals without the seller having this permit. The secondary metal recycler must have a permit to purchase such metals.

S.C. Code Ann. § 16-17-680(2)(D)(1)(C) says that the secondary metal recycler must at a minimum maintain a record of all purchase including the date of purchase; the name and address of the seller; a photocopy of the seller's identification; a photocopy of the seller's permit to transport and sell nonferrous metals (unless the seller is exempted by law); the license plate of the seller's vehicle; the seller's photograph; the weight, length, size or other description of the nonferrous metals purchased; and a signed statement from the seller stating that the seller is the rightful owner or is entitled to sell the nonferrous metals being sold. All metals purchased and in the possession of the secondary metal recycler and all required records must be kept open for inspection by law enforcement or local and state government officials during regular business hours for a minimum of two years from the date of purchase.

S.C. Code Ann. § 16-17-680 (D)(3) states that a secondary metal recycler must prominently display a twenty inch by thirty inch sign that states: NO NONFERROUS METALS, INCLUDING COPPER, MAY BE PURCHASED BY A SECONDARY METALS RECYCLER FROM A SELLER UNLESS THE SELLER IS A HOLDER OF A RETAIL LICENSE, AN AUTHORIZED WHOLESALER, A CONTRACTOR LICENSED PURSUANT TO ARTICLE 1, CHAPTER 11, TITLE 40 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, A GAS, ELECTRIC, COMMUNICATIONS, WATER, PLUMBING, ELECTRICAL, OR CLIMATE CONDITIONING SERVICE PROVIDER, OR THE SELLER PRESENTS THE SELLER'S VALID PERMIT TO TRANSPORT AND SELL NONFERROUS METALS ISSUED PURSUANT TO 16-17-680 OF THE SOUTH CAROLINA CODE OF LAWS, 1976.

By signing below, I acknowledge the following under penalty of perjury.

I understand that I must comply with all local, state and federal laws at all times.

I (we) swear and affirm that all statements made on this application are true and correct.

I (we) are informed of and will comply with the requirements of Chapter 16 Title 17 Section 680 of the State of South Carolina Code of Laws, 1976. I (we) further understand that a permit may be denied, suspended or revoked at any time if the local law enforcement agency discovers that the information on this application is inaccurate or I (we) do not comply with the requirements of Chapter 16 Title 17 Section 680 and Chapter 16 Title 11 Section 523 of the State of South Carolina Code of Laws, 1976.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

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**For Official Use Only**

Permit Number: \_\_\_\_\_ County of Issue: \_\_\_\_\_

Date Issued: \_\_\_\_\_ Expiration: \_\_\_\_\_

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