

Secondary Metals Recyclers Frequently Asked Questions

1. When did the law go into effect?

The statutes went into effect on July 12, 2012 and the regulations went into effect on February 1, 2013.

2. What is the process for registering?

You will need to request a background check from the Kentucky State Police (KSP) and then submit an application for registration with the appropriate fee to the Office of Occupations and Professions.

3. What is the fee for the application?

The fee is a \$100.00 and checks should be made payable to the Kentucky State Treasurer.

4. How long does it take to obtain a background check from the KSP?

A background check could take ten (10) days to two (2) weeks before we receive it.

5. How long is my background check good for?

The KSP will issue a copy of your last background check performed within the past six (6) months. However, the Office of Occupations and Professions will require your background check to have been completed within 45 days of the receipt of your application.

6. Should the background check come directly from the KSP or can I send a copy with my application?

The KSP will send your background check directly to our office for review with your application. The Office of Occupations and Professions will not accept background checks mailed directly from the individual.

7. Who do I contact for a background check?

Kentucky State Police
Criminal Identification and Records Branch
Criminal Dissemination Section
1266 Louisville Road
Frankfort, KY 40601
(502) 782-9781
Website: <http://kentuckystatepolice.org>

8. Will there be a background check form specifically for the Secondary Metals Recyclers?

Yes. The KSP have a form specifically for the Secondary Metals Recyclers on their website.

9. If the registration is in a company name, do all employees of that company have to register and obtain a background check?

No. Only the owners of the company will have to submit an application for registration and obtain a background check.

10. Who are secondary metals recyclers?

According to KRS 433.900 Section 6 (a)(1-3) & (b) “Secondary metals recycler” means:

1. Any person who is engaged in the business of gathering or obtaining ferrous or nonferrous metals that have served their original economic purpose or is in the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential monetary value.
2. Any person who has facilities for performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential monetary value, other than by the exclusive use of hand tools, by methods including but not limited to processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form or chemical content thereof; or
3. Any recycler, dealer in junk or metals, dealer in secondhand articles, vendor of bottles or rags, or collector of or dealer in articles found in ashes, garbage, or other refuse, whether a dealer, collector, or vendor operates an established place of business or an itinerant business.

11. Do I have to create a daily log and send it to the Kentucky State Police on a daily basis?

According to the law you will need to report daily to the sheriff and police as is described in KRS 433.904 Section (2)(a)(b) shown below:

- (2) At the close of each business day, a secondary metals recycler shall make a report describing any purchases of restricted metals as defined in KRS 433.900, in digital format, in writing, or by other electronic means to:

(a) The sheriff of the county in which the purchase transaction was made by a secondary metals recycler and the sheriff of the county where the secondary metals recycler is located; and

(b) The police department of the city, county, charter county government, urban-county government, consolidated local government, or unified local government in which the purchase transaction was made and the police department of the city, county, charter county government, urban-county government, consolidated local government, or unified local government in which the secondary metals recycler is located.

The information required by this subsection shall remain confidential, and this information shall include the following disclosure: "This information is for the designated recipient only and may contain privileged, proprietary, or otherwise private information. If you are not the intended recipient of this information, you are hereby notified that any use, distribution, copying, or disclosure of this communication is strictly prohibited. If you have received this information in error, please notify the sender and purge the communication immediately."

12. Define which copper wire is restricted.

According to KRS 433.900 (h):

Condensing or evaporating coils made from copper, aluminum, or aluminum-copper, including the tubing or rods from a heating or air conditioning unit that is not from a window air conditioning unit or automobile air conditioning unit;

13. What constitutes a bill of sale?

A bill of sale is a legal document made by a ‘seller’ to a purchaser, reporting that on a specific date, at a specific locality, and for a particular sum of money or other ‘value received’, the seller sold to the purchaser a specific item of personal, or parcel of real, property of which they had lawful possession. It is a written instrument which evidences the transfer of title to personal property from the vendor, seller, to the vendee, buyer.

14. Can we still accept cash for non-restricted metals?

According to KRS 433.904 cash transactions are prohibited for restricted metals. There is no information on non-restricted metals as written in the current statutes.

15. If I buy from an individual who is employed by a company/business, whose information do I take for the daily log which is required?

You would obtain the individual’s information.

16. Do the “fly by night” fixed businesses of silver and gold fall under the new law?

According to KRS 433.900 (6)(a) regarding the definition of secondary metals recycler the applicant is, “any person who is engaged in the business of gathering or obtaining

ferrous or nonferrous metals that have served their original economic purpose or is in the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential monetary value”

17. When do I renew my registration?

Your registration is due on an annual basis with the Office of Occupations and Professions and will be based on the date your registration was issued.

18. What is the role of the Office of Occupations and Professions?

Secondary metals recyclers shall obtain a certificate of registration from the Office of Occupations and Professions. Qualified persons for registration with the Secondary Metals Recyclers will be required to submit an application, pay an application fee of \$100.00, and be subject to renewal of his/her registration each year with the office.

19. What is the role of the Attorney General’s Office?

The Attorney General shall have concurrent jurisdiction with the Commonwealth attorneys and county attorneys in the investigation and prosecution of offenses under KRS 433.890 to 433.896 and Sections 1 to 4 and Section 5 of this Act.

20. What is the role of the Kentucky State Police?

Each applicant shall provide written authorization to the Department of Kentucky State Police to perform a name-based background check and release the results to the Office of Occupations and Professions.

21. What is the role of the local sheriff and local police?

According to KRS 433.904, businesses registered with the Office of Occupations and Professions:

“Will be required at the close of each business day, a secondary metals recycler shall make a report describing any purchases of restricted metals as defined in KRS 433.900, in digital format, in writing, or by other electronic means to:

- (a) The sheriff of the county in which the purchase transaction was made by a secondary metals recycler and the sheriff of the county where the secondary metals recycler is located; and
- (b) The police department of the city, county, charter county government, urban-county government, consolidated local government, or unified local government in which the purchase transaction was made and the police department of the city, county, charter county government, urban-county government, consolidated local government, or unified local government in which the secondary metals recycler is located.

The information required by this subsection shall remain confidential, and this information shall include the following disclosure: "This information is for the designated recipient only and may contain privileged, proprietary, or otherwise private information. If you are not the intended recipient of this information, you are hereby notified that any use, distribution, copying, or disclosure of this communication is strictly prohibited. If you have received this information in error, please notify the sender and purge the communication immediately."