

New "Copper Theft Law" takes effect Wednesday

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Under the new law, which becomes effective August 17, 2011, any person wishing to transport and sell any non-ferrous metal including copper and catalytic converters to a scrap metal dealer must first obtain a permit to transport and sell the metal from the county sheriff in the county where the seller resides. This permit to transport and sell is free to the public.

There are two types of permits available to the public. The first one is a one-year permit for those persons who intend to transport and sell non-ferrous metals, including copper, over a period of one year. To obtain this one-year permit, a person must go to the sheriff's office in the county where they reside and complete the application provided by the sheriff. The sheriff, upon approval of the application, will issue the applicant a permit which will allow the applicant to transport and sell non-ferrous metals including copper to a recycler.

The second permit is a 48 hour permit that may be obtained by calling the sheriff in the county where they reside. The person making the call will be given a permit number good for transporting and sale of non ferrous metals including copper and catalytic converters for 48 hours. This permit is for those persons who intend to transport and sell these materials no more than twice a year. This permit is free to the public.

You can obtain a short-term permit in Charleston County by calling 843-554-2463 or 843-554-2446. Similar calls can be made in all counties for the 48-hour permits. You must apply for annual permits at the Sheriff's Office.

Non residents of the State of South Carolina may obtain either permit from the sheriff of the county where the scrap metal dealer is located.

Additionally, any person or business intending to purchase copper or catalytic converters must obtain a permit to purchase from the sheriff's office where they do business. There is a \$200 fee for the "permit to the purchase" and is renewable every 2 years. Further, any person or business seeking the permit must be doing business from a fixed location. A recycler may not purchase copper or catalytic converters from a person unless the person presents their permit "to transport and sell" or permit number if it is a 48 hour permit.

As well, the new law provides that it is unlawful to transport in a vehicle or have in a person's possession in a vehicle on the highways of the State non-ferrous metals of an aggregate weight of more than 10 pounds. This restriction does not apply if (1) the vehicle is a vehicle used in the ordinary course of business for the purpose of transporting non-ferrous metals; (2) the person can present a valid permit to transport and sell non ferrous metals; or (3) the person can present a valid bill of sale for the nonferrous metals. If a law enforcement officer determines that one or more of the exceptions applies, or the law enforcement officer determines that the non ferrous metals are not stolen

goods and are in the rightful possession of the person, the law enforcement officer shall not issue a citation for a violation.

A person who violates this provision: (1) for a 1st offense, is guilty of a misdemeanor, and, upon conviction, must be fined not more than \$200 or imprisoned not more than 30 days; (2) for a 2nd offense is guilty of a misdemeanor, and, upon conviction, must be fined not more than \$1,000 or imprisoned not more than three years, or both. For an offense to be considered a 3rd or subsequent offense, only those offenses that occurred within a period of 10 years, including and immediately preceding the date of the last offense, constitute a prior offense. If a person transports non-ferrous metals that the person knows are stolen in a vehicle or has in the person's possession in a vehicle on the highways of this state non ferrous metals that the person knows are stolen, is operating a vehicle used in the ordinary course of business to transport non ferrous metals that the person knows to be stolen, the person is guilty of a felony, and, upon conviction, must be fined in the discretion of the court or imprisoned not more than 10 years or both. The only identification acceptable is a: (1) valid South Carolina driver's license issued by the Department of Motor Vehicles; (3) valid driver's license from another state that contains the licensee's picture on the face of the license; or (4) valid military identification card.

Additionally, the law provides that this section does not apply to the purchase or sale of aluminum cans.

This new law does not apply to a holder of a retail business license, an authorized wholesaler, contractor licensed pursuant to law or a gas, electric, communications, water, plumbing, electrical or climate conditioning service provider.

It is suggested that individuals wishing to sell copper obtain their permit to transport and sell copper prior to the August 17 effective date of the law.