

### **433.900 Definitions for KRS 433.900 to 433.906.**

As used in KRS 433.900 to 433.906, unless the context otherwise requires:

- (1) "Applicant" means a secondary metals recycler seeking an application for a certificate of registration with the Department of Professional Licensing of the Public Protection Cabinet, as provided in KRS 433.902. If the secondary metals recycler is owned by a corporation, limited liability company, partnership, limited partnership, incorporated association, or any other entity organized for the purpose of engaging in business as a secondary metals recycler, "applicant" means the officers of these entities;
- (2) "Ferrous metals" means any metal containing significant quantities of iron or steel;
- (3) "Nonferrous metals" means metal not containing significant quantities of iron, including but not limited to copper, brass, aluminum, bronze, lead, zinc, nickel, and alloys thereof;
- (4) "Name-based background check" means a statewide search of the centralized criminal history record information system by the Department of Kentucky State Police, utilizing the name, date of birth, and Social Security number of the applicant;
- (5) "Restricted metals" means any of the following metal items:
  - (a) Manhole covers;
  - (b) Electric light poles or other utility poles;
  - (c) Guardrails;
  - (d) Street signs, traffic signs, or traffic signals;
  - (e) Whole road tiles;
  - (f) Funeral markers or funeral vases;
  - (g) Railroad equipment, including but not limited to a tie plate, signal house, control box, switch plate, e-clip, or rail tie junction;
  - (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;
  - (i) Stainless steel beer kegs;
  - (j) A catalytic converter or any nonferrous part of a catalytic converter unless purchased as part of a vehicle; or
  - (k) Storm drain covers; and
- (6) (a) "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.
- (b) "Secondary metals recycler" shall not include a municipal solid waste department or any entity which has been issued a municipal solid waste transporter license by the Kentucky Transportation Cabinet and which gathers or obtains ferrous or nonferrous metals in a vehicle registered in Kentucky to transport solid waste.

**Effective:** April 11, 2017

**History:** Amended 2017 Ky. Acts ch. 178, sec. 35, effective April 11, 2017. -- Amended 2013 Ky. Acts ch. 106, sec. 12, effective June 25, 2013. -- Created 2012 Ky. Acts ch. 91, sec. 1, effective July 12, 2012.