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SECRETARY OF STATE

Scrap Metal Dealers

§ 97-17-71. Receiving stolen property; definitions; scrap metal dealers and other purchasers to keep records of purchases of metal property; content of records; metal property to be held separate and identifiable from other purchases for not less than three (3) business days from date of purchase; inspection by law enforcement personnel; hold notice; recovery of metal property by rightful owner; restitution to dealer by unlawful seller; false statement of ownership; cash transactions for purchase of scrap metal prohibited; failure to maintain appropriate records; interstate transportation of metal property; purchase and possession of metal beer kegs and/or metal syrup tanks generally used by soft drink industry prohibited except in limited circumstances; sales and purchases of bronze memorials prohibited except in limited circumstances; purchase of utility access covers or metal property identified as belonging to political subdivision except in limited circumstances; purchases of metal property from minors prohibited; limitation on hours of purchase; penalties.

(1) For the purposes of this section, the following terms shall have the meanings ascribed in this section:

- (a) "Railroad materials" means any materials, equipment and parts used in the construction, operation, protection and maintenance of a railroad.
- (b) "Copper materials" means any copper wire, bars, rods or tubing, including copper wire or cable or coaxial cable of the type used by public utilities, common carriers or communication services providers, whether wireless or wire line, copper air conditioner evaporator coil or condenser, aluminum copper radiators not attached to a motor vehicle, or any combination of these.
- (c) "Aluminum materials" means any aluminum cable, bars, rods or tubing of the type used to construct utility, communication or broadcasting towers, aluminum utility wire and aluminum irrigation pipes or tubing. "Aluminum materials" does not include aluminum cans that have served their original economic purpose.
- (d) "Dealer-to-dealer transaction(s)" means any transaction of regulated metals, regardless of compensation, between registered scrap metal dealers.

(e) “Law enforcement officer” means any person appointed or employed full time by the state or any political subdivision thereof, or by the state military department as provided in Section 33-1- 33, who is duly sworn and vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime, the apprehension of criminals and the enforcement of the criminal traffic laws of this state or the ordinances of any political subdivision thereof.

(f) “Metal property” means materials as defined in this section as railroad track materials, copper materials and aluminum materials and electrical, communications or utility brass, metal covers for service access and entrances to sewers and storm drains, metal bridge pilings, irrigation wiring and other metal property attached to or part of center pivots, grain bins, stainless steel sinks, catalytic converters not attached to a motor vehicle and metal beer kegs. Metal property does not include ferrous materials not listed in this section.

(g) “Person” means an individual, partnership, corporation, joint venture, trust, limited liability company, association or any other legal or commercial entity.

(h) “Personal identification card” means any government issued photographic identification card.

(i) “Photograph” or “photographically” means a still photographic image, including images captured in digital format, that are of such quality that the persons and objects depicted are clearly identifiable.

(j) “Purchase transaction” means a transaction in which metal property is acquired whether the person acquiring the metal property gives consideration for the metal property or not. For purposes of this act, the words “purchase” and “purchased” mean a purchase transaction.

(k) “Purchaser” means a person who acquires metal property, whether the person gives consideration for the metal property or not.

(l) “Record” or “records” means a paper, electronic or other method of storing information.

(m) "Registered business entity" means a business entity created by statute, registered and in good standing with its state of incorporation or formation, and having a federal Employer Identification Number (EIN). This term does not include any sole proprietorship, fictitious business name, or nonstatutory general partnership.

(n) “Scrap metal” means any metal property that is acquired by a scrap metal dealer in a purchase transaction.

(o) “Scrap metal dealer” means any person who is engaged, from a fixed location or otherwise, acquiring by purchase transaction, metal property that has served

its original economic purpose, whether or not the person is engaged in the business of performing the manufacturing process by which metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value. Any person who falls under this definition must register as a scrap metal dealer pursuant to this act and its rules.

(2) Every scrap metal dealer or other purchaser shall keep an accurate and legible record in which he shall enter the following information for each purchase transaction:

(a) The name, address and age of the person from whom the metal property is purchased as obtained from the seller's personal identification card;

(i) If a person other than the seller delivers the metal property to the purchaser, the purchaser shall enter the name, address, and age of the person who delivers the metal property, as obtained from the personal identification card of the person delivering the metal property. If the person delivering the metal property is the employee of the scrap metal dealer acting in his official capacity and at the direction of the scrap metal dealer, the purchaser is not required to enter the name, address, and age of the person who delivers the metal property.

(ii) If the seller is a registered business entity, and a person other than the seller delivers the metal property to the purchaser, in addition to the information required by this paragraph (a), the purchaser shall enter the name, principal business address, state of incorporation or formation of the entity, the federal Employer Identification Number (EIN) of the entity, and the name and telephone number of a contact person for the seller;

(b) The date and place of each acquisition of the metal property;

(c) The weight, quantity or volume and a general physical description of the type of metal property, such as wire, tubing, extrusions or casting, acquired in a purchase transaction;

(d) The amount of consideration given in a purchase transaction for the metal property. If no consideration is given, a record of the origin of the regulation metal;

(e) The vehicle license tag number, state of issue and the make and type of the vehicle used to deliver the metal property to the purchaser;

(f) A signed statement from the person receiving consideration in the purchase transaction stating that he or she is the rightful owner of the metal property or is entitled to sell the metal property being sold. Signed statements as required by this section may be collected and recorded on paper, by photographic copy, or other alternative formats as set forth in the rules promulgated by the Secretary of State;

(g) A scanned copy or a photocopy of the personal identification card of the person receiving consideration, or delivering the metal property in the purchase transaction; and

(h) A photograph, videotape or similar likeness of the person receiving consideration or any person other than the seller who delivers the metal property to the purchaser in which the person's facial features are clearly visible and in which the metal property the person is selling or delivering is clearly visible.

Such records shall be maintained by the scrap metal dealer or purchaser for not less than two (2) years from the date of the purchase transaction, and such records shall be made available to any law enforcement officer or Secretary of State examiner during usual and customary business hours.

(3) The purchaser shall photographically capture the metal property as it exists when it is acquired by the purchaser. The time and date shall be digitally recorded on the photograph, and the identity of the person taking the photograph shall be recorded. The purchaser shall permit any law enforcement officer or Secretary of State examiner to make an inspection of the metal property, if the metal property is still in the purchaser's possession, and of all photographs of the metal property. Any photograph of metal property taken and maintained pursuant to this subsection shall be admissible in any civil or criminal proceeding.

(4) During the usual and customary business hours of a scrap metal dealer, a law enforcement officer or the Secretary of State examiner, after proper identification as a law enforcement officer or the Secretary of State examiner, shall have the right to inspect all purchased metal property and all records pertaining to the purchase of regulated metals in the possession of the scrap metal dealer or purchaser.

(5) (a) Whenever a law enforcement officer has reasonable cause to believe that any item of metal property in the possession of a scrap metal dealer has been stolen, a law enforcement officer who has an affidavit from the alleged rightful owner of the property identifying the property with specificity, including any identifying markings, may issue and deliver a written hold notice to the scrap metal dealer. The hold notice shall specifically identify those items of metal property that are believed to have been stolen and that are subject to the hold notice. Upon receipt of the notice, the scrap metal dealer may not process or remove the metal property identified in the notice from the place of business of the scrap metal dealer for fifteen (15) calendar days after receipt of the notice, unless sooner released by a law enforcement officer.

(b) No later than the expiration of the fifteen-day period, a law enforcement officer, after receiving additional substantive evidence beyond the initial affidavit, may issue and deliver a second written hold notice, which shall be an extended hold notice. The extended hold notice shall specifically identify those items of metal property that are believed to have been stolen and that are subject to the

extended hold notice. Upon receipt of the extended hold notice, the scrap metal dealer may not process or remove the items of metal property identified in the notice from the place of business of the scrap metal dealer for fifteen (15) calendar days after receipt of the extended hold notice, unless sooner released by a law enforcement officer.

(c) At the expiration of the hold period or, if extended in accordance with this subsection, at the expiration of the extended hold period, the hold is automatically released, then the scrap metal dealer may dispose of the metal property unless other disposition has been ordered by a court of competent jurisdiction.

(d) If the scrap metal dealer contests the identification or ownership of the metal property, the party other than the scrap metal dealer claiming ownership of any metal property in the possession of a scrap metal dealer, provided that a timely report of the theft of the metal property was made to the proper authorities, may bring a civil action in the circuit court of the county in which the scrap metal dealer or purchaser is located. The petition for the action shall include the means of identification of the metal property utilized by the petitioner to determine ownership of the metal property in the possession of the scrap metal dealer.

(e) When a lawful owner recovers stolen metal property from a scrap metal dealer who has complied with this section, and the person who sold the metal property to the scrap metal dealer is convicted of a violation of this section, or theft by receiving stolen property under Section 97-17-70, the court shall order the convicted person to make full restitution to the scrap metal dealer, including, without limitation, attorney's fees, court costs and other expenses.

(6) For dealer-to-dealer transactions, records required to be kept include:

(a) Name and address of selling dealer;

(b) Date and place of each acquisition of the metal property;

(c) The weight, quantity, or volume and a general description of the type of metal property; and

(d) The amount or type of consideration given for the metal property by the purchasing dealer.

Such records shall be maintained by the scrap metal dealer for not less than two (2) years from the date of the purchase transaction, and such records shall be made available to any law enforcement officer or Secretary of State examiner during usual and customary business hours.

(7) It shall be unlawful for any person to give a false statement of ownership or to give a false or altered identification or vehicle tag number and receive money or other consideration from a scrap metal dealer or other purchaser in return for metal property.

(8) A scrap metal dealer or other purchaser shall not enter into any cash transactions in payment for the purchase of metal property. Payment shall be made by check issued to the seller of the metal property or by electronic funds transfer.

(9) If a person acquiring metal property fails to maintain the records or to hold such materials as requested by a law enforcement officer under this act, such failure shall be prima facie evidence that the person receiving the metal property received it knowing it to be stolen in violation of Section 97- 17-70.

(10) It shall be unlawful for any person to transport or cause to be transported for himself or another from any point within this state to any point outside this state any metal property, unless the person or entity first reports to the sheriff of the county from which he departs this state transporting such materials the same information that a purchaser in this state would be required to obtain and keep in a record as set forth in subsection (2) of this section. In such a case the sheriff receiving the report shall keep the information in records maintained in his office as a public record available for inspection by any person at all reasonable times. This section shall not apply to a public utility, as that term is defined in Section 77-3-3, engaged in carrying on utility operations; to a railroad, as that term is defined in Section 77-9-5; to a communication service provider, whether wireless or wire line; to a scrap metal dealer; or to a person identified in subsection (6) as being exempt from the provisions of this section.

(11) It shall be unlawful for a scrap metal dealer or other purchaser to knowingly purchase or possess a metal beer keg, or a metal syrup tank generally used by the soft drink industry, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut or otherwise alter scrap metal. However, it shall not be unlawful to purchase or possess a metal syrup tank generally used by the soft drink industry if the scrap metal dealer or other purchaser obtains a bill of sale at the time of purchase from a seller if the seller is a manufacturer of such tanks, a soft drink company or a soft drink distributor.

(12) It shall be unlawful to sell to a scrap metal dealer any bronze vase and/or marker, memorial, statue, plaque, or other bronze object used at a cemetery or other location where deceased persons are interred or memorialized, or for any such dealer to purchase those objects, unless the source of the bronze is known and notice is provided to the municipal or county law enforcement agency where the dealer is located. The notice shall identify all names, letters, dates and symbols on the bronze and a photograph of the bronze shall be attached thereto. Written permission from the cemetery and the appropriate law enforcement agency must be received before any type of bronze described in this subsection may be purchased, processed, sold or melted.

(13) (a) It shall be unlawful for any scrap metal dealer to purchase any manhole cover and other similar types of utility access covers, including storm drain covers, or any metal property clearly identified as belonging to a political subdivision of the state or a municipality, unless that metal property is purchased from the political subdivision, the municipal utility or the manufacturer of the metal. Any purchaser who purchases metal

property in bulk shall be allowed twenty-four (24) hours to determine if any metal property prohibited by this subsection is included in a bulk purchase. If such prohibited metal property is included in a bulk purchase, the purchaser shall notify law enforcement no later than twenty-four (24) hours after the purchase.

(b) It shall be unlawful for a person to sell, or any scrap metal dealer to purchase, any copper telecommunication wire in any form or any metal property clearly identified as belonging to a telecommunications company, unless that metal property is purchased from (i) an electrician or contractor to whom either a license has been issued by a municipality or county in this state or a current certificate of responsibility has been issued by the State Board of Public Contractors; or (ii) a person who holds a demolition permit issued by a municipality or county in this state. It shall be unlawful for a person to sell, or a scrap metal dealer to purchase, copper telecommunication wire that has been burned to remove the insulation, unless the seller provides certification, on a form as issued by the Secretary of State and signed by a firefighter who is currently in compliance with the certification requirements of the Mississippi Fire Personnel Minimum Standards and Certification Board or a certified law enforcement officer, that the source of the copper telecommunication wire was from a building destroyed by fire.

(14) It shall be unlawful for a scrap metal dealer or other purchaser to purchase metal property from a person younger than eighteen (18) years of age.

(15) Metal property may not be purchased, acquired or collected between the hours of 9:00 p.m. and 6:00 a.m.

(16) Except as provided in this subsection, any person willfully or knowingly violating the provisions of this act shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) per offense, unless the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, including replacement costs of the metal property, are in aggregate an amount which exceeds One Thousand Dollars (\$1,000.00) but less than Five Thousand Dollars (\$5,000.00), in which case the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not to exceed five (5) years, fined not more than Ten Thousand Dollars (\$10,000.00), or both. Any person found guilty of stealing metal property or receiving metal property, knowing it to be stolen in violation of Section 97-17-70, shall be ordered to make full restitution to the victim, including, without limitation, restitution for property damage that resulted from the theft of the property.

(17) If the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, including replacement costs of the metal property, are in aggregate an amount which exceeds Five Thousand Dollars (\$5,000.00) but less than Twenty-five Thousand Dollars

(\$25,000.00), the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not less than one (1) year, but not to exceed ten (10) years, fined not more than Fifteen Thousand Dollars (\$15,000.00), or both.

(18) If the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, including replacement costs of the metal property, are in aggregate an amount which exceeds Twenty-five Thousand Dollars (\$25,000.00), the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not less than three (3) years, but not to exceed twenty (20) years, fined not more than Twenty Thousand Dollars (\$20,000.00), or both.

(19) This section shall not be construed to repeal other criminal laws. Whenever conduct proscribed by any provision of this section is also proscribed by any other provision of law, the provision which carries the more serious penalty shall be applied.

(20) This section shall apply to all businesses regulated under this section without regard to the location within the State of Mississippi.

(21) This act shall take precedence over any and all local ordinances governing purchase transactions of metal property. If any municipal or county ordinance, rule or regulation conflicts with the provision of this act, the provision of this act shall preempt the municipal or county ordinance, rule or regulation.

(22) This section shall be fully applicable to the requirements for the purchase of sale and detached catalytic converters provided in Section 97-17-71.3, Mississippi Code of 1972.

§ 97-17-71.1. Registration by scrap metal dealers with office of Secretary of State required; penalties for violations; enforcement.

(1) (a) From and after August 7, 2008, it shall be unlawful for any scrap metal dealer or any person who purchases scrap metal, deals in scrap metal, or otherwise engages in the scrap metal business to fail to register with the Secretary of State. All registrations under this section shall expire two (2) years from the date of the registration or the renewal thereof.

(b) The Secretary of State may promulgate and adopt such rules and regulations as are reasonably necessary to carry out the provisions of this section and establish such registration and renewal fees as are adequate to cover the administrative costs associated with the registration program.

(c) The Secretary of State may deny, suspend, revoke or refuse to renew any registration following notice to the applicant or registrant in accordance with the promulgated rules and an opportunity for a hearing for any failure to comply with this section, or for other good cause.

(2) A violation of this section is a misdemeanor punishable by a fine of not less than Five Hundred Dollars (\$500.00) but not to exceed One Thousand Dollars (\$1,000.00) for the first offense. Any person who shall be guilty of any subsequent violations of this section requiring registration shall be guilty of a felony offense and shall be imprisoned in the custody of the Department of Corrections for a term not to exceed three (3) years, fined not more than Five Thousand Dollars (\$5,000.00), or both.

(3) (a) To register or renew registration, the registrant must declare, under penalty of perjury, whether such registrant has ever been convicted of any felony offense, or any misdemeanor offense involving fraud, dishonesty, or deceit within five (5) years preceding the date of application. If the registrant is a business entity, the registrant shall make the same declarations on behalf of every owner of the business who participates in the operation or management of the business.

(b) (i) An applicant who has been convicted of an offense as described in paragraph (a) of this subsection may be prohibited from registering under this section for five (5) years from the date of conviction.

(ii) Any false statement submitted to the Secretary of State for the purpose of unlawfully registering under this section shall be punished as perjury in the manner provided in Section 97- 9-61, and a person so convicted shall be disqualified for life from registering as a scrap metal dealer under this section.

(4) The Secretary of State shall immediately report any suspected criminal violation accompanied by all relevant records to the Office of Attorney General and the appropriate district attorney for further proceedings.

(5) It is unlawful for a person to make or cause to be made, in a record or statement that is used or obtained in an examination, action, proceeding, or filed under this chapter, a statement that, at the time and in light of the circumstances under which it is made, is false or misleading in a material respect, or, in connection with the statement, to omit to state a material fact necessary to make the statement made, in light of the circumstances under which it was made, not false or misleading.

(6) The Secretary of State shall have the authority to:

(a) Conduct and carry out criminal background history verification of the information provided by the applicant or registrant and to require the submission of information and forms from the applicant or registrant in order to accomplish the registration duties imposed by this section;

(b) Require or permit a person to testify, file a statement, or produce a record, under oath or otherwise, as to all the facts and circumstances concerning a matter to be investigated or about which an action or proceeding is to be instituted;

(c) Issue a cease and desist order, with a prior hearing, against the scrap metal dealer or other purchaser alleged to be in violation of this section, directing the

person or persons to cease and desist from further illegal activity. When an immediate cease and desist order is issued, the Secretary of State shall hold an administrative hearing on the alleged violations within fifteen (15) business days;

(d) (i) Issue an order against any scrap metal dealer or other purchaser for any violation of this section, imposing an administrative penalty up to a maximum of One Thousand Dollars (\$1,000.00) for each offense. Each violation shall be considered a separate offense in a single proceeding or a series of related proceedings. Any administrative penalty, plus reimbursement for all costs and expenses incurred in the investigation of the violation and any administrative proceedings, shall be paid to the Secretary of State;

(ii) For the purpose of determining the amount or extent of a sanction, if any, to be imposed under paragraph (c)(i) of this subsection, the Secretary of State shall consider, among other factors, the frequency, persistence and willfulness of the conduct constituting a violation of this section or any rule or order hereunder; the number of persons adversely affected by the conduct; and the resources of the person committing the violation;

(e) Bring an action in chancery court to enjoin the acts or practices complained of to enforce compliance with this section or any rule promulgated or order entered hereunder. Upon a proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. In addition, upon a proper showing by the Secretary of State, the court may enter an order of rescission or restitution directed to any person who has engaged in any act constituting a violation of any provision of this section or any rule or order hereunder, or the court may impose a civil penalty up to a maximum of One Thousand Dollars (\$1,000.00) for each offense, provided that each violation shall be considered as a separate offense in a single proceeding or a series of related proceedings. The court may not require the Secretary of State to post a bond.

(7) Any person aggrieved by a final order of the Secretary of State may obtain a review of the order in the Chancery Court of the First Judicial District of Hinds County, Mississippi, by filing in the court, within thirty (30) days after the entry of the order, a written petition praying that the order be modified or set aside, in whole or in part. A copy of the petition shall be forthwith served upon the Secretary of State and thereupon the Secretary of State shall certify and file in court a copy of the filing and evidence upon which the order was entered. When these have been filed, the court has exclusive jurisdiction to affirm, modify, enforce or set aside the order, in whole or in part.

§ 97-17-71.2. Scrap metal dealers prohibited from paying cash or making payment of any kind at time of transaction for air conditioner evaporator coil or condenser; scrap metal dealers permitted to purchase air conditioner evaporator coil or condenser only from certain contractors or

companies; payment for scrap metal to be made by check or money order and mailed to business address of company for whom metal being sold; penalties for violations.

- (1) It is an offense for a scrap metal dealer to pay cash to a person who presents an air conditioner evaporator coil or condenser, in whole or in part, for sale as scrap.
- (2) Scrap metal described in subsection (1) may only be sold for scrap by an authorized agent, representative or employee of one (1) of the following:
 - (a) A licensed HVAC contractor who acquired the evaporator coil or condenser in the performance as a contractor as defined in Section 31-3-1;
 - (b) A company meeting all local or municipal requirements to obtain a permit from that jurisdiction to repair, replace and install HVAC units containing copper evaporator coils or condensers;
 - (c) Where the jurisdiction does not require a permit to repair, replace and install HVAC units containing copper evaporator coils or condensers, by a company holding a privilege license indicating the business as that of an HVAC installer or repairer; or
 - (d) A company holding a privilege license indicating the business as that of an HVAC installer or repairer.
- (3) The person offering an air conditioner evaporator coil or condenser for sale as scrap on behalf of a company listed in subsection (2) shall have in the person's possession documentation that the company for whom it is being sold is a company described in subsection (2), and that the person selling the evaporator coil or condenser is an authorized agent, representative or employee of that company.
- (4) Payment for scrap metal described in subsection (1) must be made by check or money order, and the name of the company or the individual meeting the requirements of subsection (2) of this section must be the payee of the check.
- (5)
 - (a) A violation of this section is a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) per offense.
 - (b) Nothing in this section shall be construed to preclude a person violating this section from also being prosecuted for any other applicable criminal offense.
- (6) Any purchase of any air conditioner evaporator coil or condenser, as described in this section, in whole or in part, is subject to the record keeping requirements by this section.

§97-17-71.3. Catalytic Converters.

- (1) It is unlawful for any person to purchase or otherwise acquire, a used, detached catalytic converter, or any nonferrous part thereof, unless all of the following apply:
- (a) The purchaser is registered as a scrap metal dealer under Section 97-17-71;
 - (b) The sale, transfer, purchase or acquisition occurs at the fixed business address of a scrap metal dealer that is a party to the transaction. For purposes of this subsection, the fixed business address of the scrap metal dealer is the address of the business that is registered pursuant to Section 97-17-71;
 - (c) The purchaser has maintained all the information required under Section 97-17-71;
 - (d) One or more of the following apply:
 - (i) The used, detached catalytic converter or nonferrous part thereof was obtained by the seller thereof as part of a vehicle.
 - (ii) The catalytic converter or nonferrous part thereof was purchased in a dealer-to-dealer transaction or from any of the following bona fide entities: a new or used motor vehicle dealer, an automotive repair service, a motor vehicle manufacturer, a vehicle demolisher or a distributor of catalytic converters; or
 - (iii) The seller of the catalytic converter or nonferrous part thereof provides the purchaser with all of the following information for the motor vehicle from which the catalytic converter or part thereof was taken;
 - 1. The name of the person who removed the catalytic converter;
 - 2. The name of the person for whom the removal was completed;
 - 3. The make and model of the vehicle from which the catalytic converter was removed;
 - 4. The vehicle identification number of the vehicle from which the catalytic converter was removed; and
 - 5. A copy of the driver's license or nondriver identification card of the seller of the catalytic converter;
 - (e) Before each purchase or acquisition of a used, detached catalytic converter of part thereof, the scrap metal dealer, including an agent, employee, or representative thereof, shall retain the necessary records and information to comply with this act.
- (2) 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 section.

(3) Each catalytic converter that is purchased, possessed, obtained, transported or otherwise acquired in violation of this section is a separate violation of this section.

(4) A person who violates this section is guilty of a misdemeanor or a felony for subsequent violations as specifically prescribed under Sections 97-17-71 and 97-17-71.1, Mississippi Code of 1972.

(5) 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.