

STAFF REVIEW FORM

Reg. No.: 830 KAR 1:010 Reviewing Staff: JESSICA ZEH

Agency: Public Protection Cabinet - Department of Professional Licensing Date: 07/11/18

       New   x   Amended        Emergency        Amended After Comments

Does this regulation relate to fees? Yes   x   No       

**Brief Summary and Proposed Changes:**

This amendment reduces the application fee from \$100 to \$75 to accurately reflect the actual administrative costs of processing an application.

Was an emergency filed with this ordinary? Yes        No   x  

If yes, is the emergency identical to the ordinary regulation? Yes        No       

If no, explain the differences.

Does the proposed regulation conform to statutory authority? Yes   x   No       

(Explain how regulation does or does not conform and provide any additional information that would assist the Subcommittee or the LRC in its referral of this regulation to a committee.)

KRS 433.902 (4) authorizes the Department of Professional Licensing to promulgate administrative regulations regarding the applications for certificates of registration for secondary metals recyclers.

**Provide recommendations for statute or regulation amendments, repeal of existing statutes or regulations, implementation of new statutes or regulations: (List KRS Chapters now in effect and bills from the last session relating to the subject matter of this regulation.)**

KRS 433.902 currently relates to this regulation and there was not a bill last session relating to this regulation.

**Brief summary of Regulatory Impact Analysis:**

This amendment adds a procedure for renewal of registration for secondary metals recyclers and reduces the application fee to more accurately reflect the administrative costs of processing an application.

Was tiering applied? (Indicate agency's response) Yes        No   x  

Is the fiscal note on state or local government (including cities, counties, fire departments, and school districts) attached? Yes   x   No       

**Brief Summary of the Agency's Responses:**

The amended regulation will result in a small decrease in revenue for the Department of Professional Licensing. No other state or local government agency will be affected.

Does this regulation require a federal mandate comparison? Yes        No   x  

If yes, is federal mandate comparison attached? Yes        No

1 (2) Renewal applications shall include the applicant's registration number and any changes to  
2 information previously submitted to the Department.

3 Section 2. Registration.

4 (1) If an application is approved, the Department shall issue a certificate to the applicant~~(3)~~  
5 ~~Pursuant to KRS 433.902(1)(f), Form SMR-2, Registry for Secondary Metals Recyclers, shall be~~  
6 ~~issued if the application is approved].~~

7 (2) Registrations shall be valid for one (1) year from the date of issuance.

8 Section ~~3~~2. Incorporation by Reference.

9 (1) ~~[The following material is incorporated by reference:~~

10 ~~—(a)] Form SMR-1, "Application for Registration as a Secondary Metals Recycler", June 2018,~~  
11 ~~[12/2012]is incorporated by reference[; and~~

12 ~~—(b) "Form SMR-2, Registry for Secondary Metal Recyclers", 12/2012].~~

13 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law,  
14 at the Department of Professional Licensing ~~[Office of Occupations and Professions]~~, 911  
15 Leaward Drive, Frankfort, Kentucky 40602, Monday through Friday, 8:00 a.m. to 4:30 p.m. (39  
16 Ky.R. 1089; 1408; eff. 2-1-2013.)

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation amendment shall, if requested, be held on July 24, 2018, at the hour of 10:00 AM, at the Department of Professional Licensing, 911 Leawood Drive, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing at least five (5) business days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by five (5) business days prior to the hearing, the hearing may be cancelled.

The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation amendment. A transcript of the public hearing will not be made unless a written request for a transcript is made five (5) business days prior to the hearing. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation amendment. Written comments shall be accepted until close of business, July 31, 2018. Send written notification of intent to attend the public hearing, and/or written comments on the proposed administrative regulation amendment to:

David C. Trimble, General Counsel, Department of Professional Licensing, 911 Leawood Drive, Frankfort, KY 40601; (502) 782-8823; [DavidC.Trimble@ky.gov](mailto:DavidC.Trimble@ky.gov)

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in questions (3) will have to take to comply with this administrative regulation or amendment: Applicants will have to check a box on the updated form indicating whether they are an initial applicant or a renewal, as well as pay the newly reduced fee.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the identities identified in question (3): Entities identified in question (3) will incur no new costs to comply with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Entities identified in question (3) will have a clearer and easier initial application and renewal process as a result of compliance.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no cost to initially implement this regulation.

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There is no additional funding necessary to implement this amendment to the administrative regulation. The Department already receives and processes secondary metals recycler applications and will continue to do so with existing staff.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change, if it is an amendment: No increases in fees or funding will be necessary to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees. This amendment reduces fees to applicants to ensure that fees established are reasonable and equal to the actual administrative costs of processing an application for a certificate of registration.

(9) TIERING: Is tiering applied? (Explain why or why not.) No. This amendment applies equally to all persons or entities who apply for a secondary metals recycling certificate of registration.

## SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

The "Application for Registration as a Secondary Metals Recycler", Form SMR-1, June, 2018, is the 3-page certificate of registration application form that Secondary Metals Recyclers are required to file before engaging in secondary metals recycling. KRS 433.902 requires each secondary metals recycler to complete an application for a certificate of registration on a form determined by the Department of Professional Licensing of the Public Protection Cabinet. All pages were amended to update the name of the Department of Professional Licensing. Page 1 was amended to remove superfluous instructions, and to include check boxes for applicants to indicate whether the application is an initial or renewal application. Page 2 was amended to add a box for "other" potential ownership structures not included on the form. Page 3 was amended to reflect the reduced application fee of seventy-five (\$75) dollars and to clarify the applicability of the fee to each location owned by an applicant.



# DEPARTMENT OF PROFESSIONAL LICENSING REGISTRY FOR SECONDARY METALS RECYCLERS

P.O. Box 1360, Frankfort, Kentucky 40602 ~ 911 Leawood Drive, Frankfort, Kentucky 40601  
(502) 564-3296 ~ <http://dop.ky.gov>

## APPLICATION FOR REGISTRATION AS A SECONDARY METALS RECYCLER

### SECTION III: BUSINESS STRUCTURE & MEMBERSHIP

Please check the option that best describes your business.

Corporation  Limited Liability Company  Partnership  Individual  Other

If the business is a corporation, provide the registered agent's contact information:

Registered Agent's Name

Registered Agent's Phone Number

Street Address (Physical location only. P.O. Boxes will not be accepted)

City

County

State

Zip Code

If the secondary metals recycler is owned by a corporation, limited liability corporation, limited liability 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. Attach additional sheets if necessary.

Name	Address	Position

### SECTION IV: APPLICANT AND BUSINESS MEMBERSHIP CONDUCT

Please review questions 1 and 2 carefully before answering. Please answer the questions in regard to the applicant and every individual listed in response to Section III.

- Has the applicant, or anyone named in response to Section III in the above, been convicted of, or entered a plea of guilty, an Alford plea or a plea of nolo contendere to, a felony involving theft, larceny, dealing in stolen property, receiving stolen property, burglary, embezzlement, or obtaining property by false pretenses, any felony drug offense, or knowingly and intentionally violating the laws of the Commonwealth relating to registration as a secondary metals recycler?  
 Yes  No
- Has there been any denial of an application for, suspension or revocation of, or refusal to renew, the registration of licensure of the applicant or any person named in the response to Section III above?  
 Yes  No

If you answer yes to any of the questions above, please explain the circumstances fully on a continuation sheet.



DEPARTMENT OF PROFESSIONAL LICENSING  
 OFFICE OF OCCUPATIONS AND PROFESSIONS  
 REGISTRY FOR SECONDARY METALS RECYCLERS

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APPLICATION FOR REGISTRATION AS A  
 SECONDARY METALS RECYCLER

INSTRUCTIONS

1. This application must be typed or printed legibly and completed in its entirety.
2. This application and all supporting material must be submitted with the application fee of (\$100.00). This fee is non-refundable. All fees must be paid by check or money order made payable to the Kentucky State Treasurer. DO NOT SEND CASH.
3. Refer to KRS 433.900 through KRS 433.906 and 830 KAR 1:010.
4. This completed application may be submitted to the Office of Occupations and Professions either by mail to P.O. Box 1360, Frankfort, KY 40602 or by delivery to 911 Leawood Drive, Frankfort, Kentucky 40601.

SECTION I: APPLICANT INFORMATION

Please type or print clearly.

a. Please fill out completely.

Initial

Renewal

Registration #

Name of Business or Employer

Date of Incorporation

Business Address (If different from address listed above. P.O. Boxes will not be accepted)

City

County

State

Zip Code

Work Phone Number

Fax Number

Cell Phone Number

Last Name

First Name

Middle I.

Street Address (Physical location only. P.O. Boxes will not be accepted)

City

County

State

Zip Code

Email Address

Date of Birth

b. Please list any additional business locations. Attach additional sheets if necessary.

Business Address (If different from address listed above. P.O. Boxes will not be accepted)

City

County

State

Zip Code

Work Phone Number

Fax Number

Cell Phone Number



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APPLICATION FOR REGISTRATION AS A  
SECONDARY METALS RECYCLER

SECTION IV: APPLICANT AND BUSINESS MEMBERSHIP CONDUCT

Please review questions 1 and 2 carefully before answering. Please answer the questions in regard to the applicant and every individual listed in response to Section III.

1. Has the applicant, or anyone named in response to Section III in the above, been convicted of, or entered a plea of guilty, an Alford plea or a plea of nolo contendere to, a felony involving theft, larceny, dealing in stolen property, receiving stolen property, burglary, embezzlement, or obtaining property by false pretenses, any felony drug offense, or knowingly and intentionally violating the laws of the Commonwealth relating to registration as a secondary metals recycler?  
 Yes  No
2. Has there been any denial of an application for, suspension or revocation of, or refusal to renew, the registration of licensure of the applicant or any person named in the response to Section III above?  
 Yes  No

If you answer yes to any of the questions above, please explain the circumstances fully on a continuation sheet, marked Exhibit A.

CERTIFICATION

- a.) I certify that the contents of this application for registration as a secondary metals recycler as submitted to the Kentucky Office of Occupations and Professions is true and correct in its entirety. In addition, I hereby pledge to follow all laws, administrative regulations, and standards set forth under Kentucky Revised Statutes Chapter 13 A.
- b.) I certify that applicant shall maintain at its place of business, an e-mail address, facsimile, or other equipment of similar function on which notifications of stolen restricted metals, ferrous metals, and nonferrous metals may be expeditiously received from law enforcements officials or electronic metal theft notification systems. I certify further that the equipment shall be operable at all times during the applicant's customary business hours. The applicant will notify the Office of Occupations and Professions of the Public Protection Cabinet within two (2) days of any change to the contact information used for the purposes of these notifications.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date