

West Columbia Police Department

Chief Dennis K. Tyndall

200 N. 12th Street

West Columbia, SC 29169

Date of Application _____

NOTICE: No person, corporation or partnership who buys precious metal from the general public whether in bulk or in manufactured form, with an intent to obtain a monetary profit for himself or for the principal shall operate in the State of South Carolina, unless he first obtains a permit to engage in the business of purchasing precious metals from a local law enforcement agency and operates only from a permanent place of business. No dealer shall operate upon public property nor from a vehicle, flea market, hotel room or similar temporary location. Applications should be typewritten or clearly printed in ink. All questions must be answered. If space provided is insufficient, attach sheets of the same size to this application and number answers to correspond to questions.

NAME AND ADDRESS OF APPLICANT

1.

Business Name	Telephone Number
Business Address (street, city, county)	
Business is () Proprietorship () Partnership () Corporation - State of Corporation	

PERSONAL HISTORY OF PROPRIETOR, PARTNER OR CORPORATE OFFICERS

2.

Name (last, first, middle)		Telephone No.		Business Capacity			
Home Address (street, city, state, zip)							
DOB (Mo, Day, Yr.)	City, County, State	Social Security No.	Driver License No., State	Race	Sex	Height	Weight

Name (last, first, middle)		Telephone No.		Business Capacity			
Home Address (street, city, state, zip)							
DOB (Mo, Day, Yr.)	City, County, State	Social Security No.	Driver License No., State	Race	Sex	Height	Weight

Name (last, first, middle)		Telephone No.		Business Capacity			
Home Address (street, city, state, zip)							
DOB (Mo, Day, Yr.)	City, County, State	Social Security No.	Driver License No., State	Race	Sex	Height	Weight

3. Name and address of the person, firm, or corporation for whose account the Business will be carried on, if any. If applicant is acting as an agent for the principal, list the name and address of the principal for whom the applicant's business will be carried.

Business Name	Telephone Number
Business Address (street, city, county)	
Business is () Proprietorship () Partnership () Corporation - State of Corporation	

Name (last, first, middle)		Telephone No.		Business Capacity			
Home Address (street, city, state, zip)							
DOB (Mo, Day, Yr.)	City, County, State	Social Security No.	Driver License No., State	Race	Sex	Height	Weight

4. List the permanent places of business and other places in the State of South Carolina where it is proposed to carry on the applicant's business.

Business Name	Telephone Number
Business Address (street, city, county)	
Business is <input type="checkbox"/> Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation - State of Corporation	

Business Name	Telephone Number
Business Address (street, city, county)	
Business is <input type="checkbox"/> Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation - State of Corporation	

5. List the place or places of business where the applicant has carried on the business of purchasing precious metals within one year preceding the date of this application.

Business Name	Telephone Number
Business Address (street, city, county)	
Business is <input type="checkbox"/> Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation - State of Corporation	

Business Name	Telephone Number
Business Address (street, city, county)	
Business is <input type="checkbox"/> Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation - State of Corporation	

6. State the nature, character and quality of the precious metals to be purchased in the business.
 Note: Precious metal means any article made in whole or in part of gold, silver or platinum.

7. Personal History of Persons Managing, Supervising or Conducting Applicant's Business

Name (last, first, middle)		Telephone No.		Business Capacity			
Home Address (street, city, state, zip)							
DOB (Mo, Day, Yr.)	City, County, State	Social Security No.	Driver License No., State	Race	Sex	Height	Weight

Name (last, first, middle)		Telephone No.		Business Capacity			
Home Address (street, city, state, zip)							
DOB (Mo, Day, Yr.)	City, County, State	Social Security No.	Driver License No., State	Race	Sex	Height	Weight

Name (last, first, middle)		Telephone No.		Business Capacity			
Home Address (street, city, state, zip)							
DOB (Mo, Day, Yr.)	City, County, State	Social Security No.	Driver License No., State	Race	Sex	Height	Weight

Name (last, first, middle)		Telephone No.		Business Capacity			
Home Address (street, city, state, zip)							
DOB (Mo, Day, Yr.)	City, County, State	Social Security No.	Driver License No., State	Race	Sex	Height	Weight

NOTICE: Other reasonable information as to the identity of the persons managing, supervising or conducting the applicant's business may be required by local law enforcement agencies in order to fulfill the purpose of Chapter 54 Title 40 of the State of South Carolina Code of Laws, 1976.

8. I (we) swear and affirm that all statements made on this application are true and correct and I (we) further understand that a permit may be denied, suspended or revoked at any time if the local law enforcement agency discovers that the information on this application is inaccurate or I (we) do not comply with the requirements of Chapter 54 Title 40 of the State of South Carolina Code of Laws, 1976.

Sworn and subscribed before me, this the ____ Day of _____ Yr _____.

Notary Public
My Commission Expires:

CHAPTER 54
DEALERS IN PRECIOUS METALS

Section 40-54-20

- Obtain a permit to engage in purchasing precious metals; operating only from a permanent place of business;
- Form of the permit will be prescribed by SLED and all applicants for a permit under this chapter, a person, firm or corporation, will file a written sworn applicant; signed by applicant, partners if a partnership or president of corporation;
- Permanent places of business and other places in South Carolina where applicant's business is proposed to carry on within one year preceding the date of the application;
- Reasonable information on persons managing, supervising or conducting the business;
- Permit will be denied or issued within thirty (30) days from the date of application;
- Permit valid for one year from the issued date; annual fee of fifty (\$50) dollars
- If dealer is intending to operate more than one location, separate permits will be issued for each place, however, only one annual fee shall be collected;
- This permit is in addition to other business license;
- Permit may be denied, suspended or revoked at any time if information on application is found to be incorrect, or dealer or applicant does not comply with requirements of this act;
- Permit holder must notify SLED within ten (10) days of any substantive changes in persons managing, supervising or conducting the business or in the places permit holder does business.

Section 40-54-30

- Permit is to be posted conspicuously at all places of business named.

Section 40-54-40

- Dealer to keep records of purchases of precious metal or precious or semiprecious stone or gems made from the general public. Records must include bulk or manufactured form, date of purchase, amount of money or other property exchanged for the metal, stone, or gems, name, sex, race, age, address and driver's license number of person selling or buying. Descriptions are to include size, weight, patterns, engraving, or any unusual identification marks.
- Seller must have either a driver's license or other positive identification for transaction to take place.
- Records must be kept for three (3) years and available for inspection.

Section 40-54-50

- No purchases from a minor unless accompanied by his parent or guardian with appropriate identification.
- All precious metals will be held for a period of seven (7) days from the purchase date.
- All goods are to be open to inspection by any law enforcement agency.

Section 40-54-60

- Possession of equipment to be used or being used for melting, crushing or altering of precious metals is unlawful unless possessed by a dealer with a valid permit as provided in Section 40-54-20.

Section 40-54-70

- A dealer purchasing precious metal with knowledge that the metal has been stolen will be liable to the lawful owner in an amount triple the fair market value, computed at the time of the theft and liable for any reasonable attorney's fees.

Section 40-54-80

- Violations of this chapter will be a misdemeanor.
 - First offense - fine of no more than Five Hundred Dollars (500.00) or imprisonment of not more than ninety (90) days or both.
 - Second offense - fine of no more than Two Thousand Dollars (2,000.00) or imprisonment of not more than one year or both.
 - Third or subsequent offenses - fine of no more than Five Thousand Dollars (5,000.00) or imprisonment of not more than three years or both.
- Dealers convicted of a second offense will be ineligible for a permit to conduct business in precious metals for at least two (2) years and if convicted of a third or more offense will not be eligible for a permit for at least five (5) years.

Section 40-54-100 This chapter will not apply to the following specific transactions:

- Between dealers when the selling dealer has already complied with the seven (7) day holding period;
- Between coin dealers and coin collectors;
- Purchasing manufacturing items bought directly from the manufacturer or authorized representatives;
- Purchase of bulk precious metals directly from the commodity exchanges, banks, dealers or licensed brokers.

CHAPTER 54.

DEALERS IN PRECIOUS METALS

SECTION 40-54-10. Definitions.

As used in this chapter:

- (1) "Dealer" means any person, corporation, or partnership who buys precious metal or precious or semiprecious stones or gems from the general public, whether in bulk or in manufactured form, with an intent to obtain a monetary profit for himself or for a principal.
- (2) "Precious metal" means any article made in whole or in part of gold, silver, or platinum.
- (3) "Precious or semiprecious stone or gem" means any stone or gem that is rare or costly or any stone or gem that is of lower value than those classified as precious.
- (4) "Local law enforcement agency" means the chief of police for businesses located within the corporate limits of a municipality and the county law enforcement agency for businesses located outside the corporate limits of a municipality.
- (5) "Permanent place of business" means a fixed premises either owned by the dealer or leased by him. One year's lease is a presumption of permanency.
- (6) "Places proposed to do business" means the counties or municipalities in which the dealer intends to purchase precious metals or precious or semiprecious stones or gems or both precious metals and precious or semiprecious stones or gems.
- (7) "Purchase" means the acquisition of precious metal or precious or semiprecious stones or gems or both precious metal and precious or semiprecious stones or gems for a consideration of cash, goods, or other precious metals or precious or semiprecious stones or gems or both precious metals and precious or semiprecious stones or gems. Trade-ins are covered by the provisions of this chapter unless the item traded was purchased directly from the dealer allowing the trade.

SECTION 40-54-20. Permit required; form; contents of application; investigation; issuance; term; fee; denial, suspension or revocation.

No dealer as defined herein shall operate in the State of South Carolina unless he first obtains a permit to engage in the business of purchasing precious metals from the local law enforcement agency and operates only from a permanent place of business. No dealer shall operate upon public property nor from a vehicle, flea market, hotel room or similar temporary location.

The form of the permit to engage in the business of purchasing precious metals shall be prescribed by the State Law Enforcement Division and all applicants for a permit under this chapter, whether a person, firm or corporation, shall file a written sworn application signed by the applicant if an individual, by all the partners if a partnership, and by the president if a corporation, with the local law enforcement agency showing:

- (a) The names of the persons managing, supervising or conducting the applicant's business in any places proposed to carry on business; the addresses of such persons; the driver's license number of such persons; the capacity in which such persons will act, that is, whether as proprietor, agent or otherwise; the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, the state of incorporation.
- (b) The permanent places of business and other places in the State of South Carolina where it is proposed to carry on the applicant's business and the places where the applicant has carried on the business of purchasing precious metals within one year preceding the date of such application.
- (c) Such other reasonable information as to the identity of the persons managing, supervising or conducting the applicant's business as the local law enforcement agency may deem proper to fulfill the purposes of this chapter.
- (d) A statement of the nature, character and quality of the precious metals to be purchased in the business.

Upon receipt of such application for a permit, the local law enforcement agency shall cause an investigation of such person's business and personal background to be made. Such investigation shall be limited to information pertinent to the purpose of this chapter. If, as a result of the investigation, the background is found to be unsatisfactory, the permit shall be denied. The permit shall be denied or issued within thirty days from the date of application. Upon the issuance of the permit, the local law enforcement agency shall notify the State Law Enforcement Division of the locations where the permit holder proposes to carry on his business. The permit issued under this chapter shall be valid for a period of one year from the date issued and the annual fee shall be fifty dollars to provide for the administrative costs. If the dealer intends to operate from more than one location within the State, then separate permits shall be issued for each place of business; provided, however, only one annual fee shall be collected. The permits under this chapter shall be in addition to and not in lieu of other business licenses.

A permit may be denied, suspended or revoked at any time if the local law enforcement agency discovers that the information on the application is inaccurate or the dealer or applicant does not comply with the requirements of this act. The permit holder shall notify, within ten days, the local law enforcement agency if any substantive changes occur in the permanent place of business in the persons managing, supervising or conducting the applicant's business, or in the places the permit holder intends to do business.

SECTION 40-54-30. Permit to be posted.

A permit issued under this chapter shall be posted conspicuously at all places of business named therein.

SECTION 40-54-40. Dealer to keep records of certain purchases; identification of seller required; seller's identity not to be publicized.

Every dealer shall keep a book in which must be written at the time of any purchase of precious metal or precious or semiprecious stones or gems made from the general public, whether in bulk or manufactured form, the date of purchase, amount of money or other property exchanged for the metal, stones, or gems; the name, sex, race, age, address, and driver's license number of the person selling the items, articles, or things bought, and the number and nature and brand name of the items, articles, or things. Descriptions must include size, weight, patterns, or engraving or any unusual identification marks. If the seller does not have a driver's license, some other positive identification bearing his photograph and an identifying number may be substituted. If the seller cannot produce a driver's license or other positive identification, the dealer may not buy any merchandise from him. Every dealer shall, at the time of purchase, obtain the signature of the seller as part of the recording of the transaction.

The record book must be kept for three years and at all reasonable times must be open to the inspection of any judicial or law enforcement officials or their designees.

The local law enforcement agency may not reveal a seller's identity supplied under this section except to other law enforcement agencies and prosecuting officials or pursuant to the valid order of a court or in the course of any criminal investigation or prosecution.

SECTION 40-54-50. Purchases from minors; retention period of precious metals purchased; goods subject to inspection.

(A) No dealer may purchase any precious metal from a minor unless accompanied by his parent or guardian with appropriate identification.

(B) All precious metals purchased by a dealer shall be held by the dealer at his permanent place of business or at another suitable location in the State of South Carolina without being resold, melted or altered in any manner, for a period of seven days from the purchase date. All goods required to be held under this section shall at all reasonable times be open to inspection by any law enforcement agency.

SECTION 40-54-60. Permit required for possession of certain equipment.

Possession of equipment which has been used, or is being used for the melting, crushing or altering of the precious metals is unlawful unless possessed by a dealer with a valid permit as provided in Section 40-54-20.

SECTION 40-54-70. Civil liability of dealer to owner for knowingly purchasing stolen metal; reimbursement to dealer by owner under certain conditions.

Any dealer buying precious metal with knowledge that the metal has been stolen shall be liable to the lawful owner of such metal in an amount triple the fair market value of the stolen items, computed at the time of the theft, and shall be liable for a reasonable attorney's fee as the court in its discretion may award. This shall be a civil remedy and in addition to any other remedies provided by the law. Provided, any dealer, having purchased precious metal in compliance with the provisions of this chapter, such metal subsequently being shown to have been stolen by a member of the immediate family of the rightful owner, may demand reimbursement from the owner equal to the amount paid for the metal before returning the metal to the owner.

SECTION 40-54-80. Penalties.

Any dealer violating the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction, for a first offense, shall be fined not more than five hundred dollars or imprisoned not more than ninety days, or both. A second offense conviction shall be punishable by a fine of not more than two thousand dollars or imprisonment not more than one year, or both. A third or subsequent offense conviction shall be punishable by a fine of not more than five thousand dollars or imprisonment not more than three years, or both. A dealer convicted of a second offense shall be ineligible for a permit to conduct business in precious metals in this State for at least two years and a dealer convicted of a third or subsequent offense shall not be eligible for a permit for a least five years.

SECTION 40-54-90. Chapter preempts local ordinances regulating business of purchasing precious metals.

The provisions of this chapter shall regulate the business of purchasing precious metals in this State and shall preempt any ordinances passed by political subdivisions purporting to regulate such business.

SECTION 40-54-100. Exempt transactions.

This chapter shall not apply to the following specific transactions:

- (1) a transaction between dealers of precious metals where the selling dealer has already complied with the seven day holding period, nor shall they apply to transactions between coin dealers and coin collectors occurring at regularly scheduled numismatic conventions.
- (2) the purchase of manufactured items bought directly from the manufacturer or his authorized representatives.
- (3) the purchase of bulk precious metals brought directly from the commodity exchanges, banks, dealers or licensed brokers.

Disclaimer

This statutory database is current through the 2004 Regular Session of the South Carolina General Assembly. Changes to the statutes enacted by the 2005 General Assembly, which will convene in January 2005, will be incorporated as soon as possible. Some changes enacted by the 2005 General Assembly may take immediate effect. The State of South Carolina and the South Carolina Legislative Council make no warranty as to the accuracy of the data, and users rely on the data entirely at their own risk.

operate any bingo session at the same time the organization operates such a session.

Sec. 7-6-41 Penalty.

Any person who operates or conducts bingo games in violation of this article shall be guilty of a misdemeanor, regardless of whether or not he holds a bingo permit. Each session conducted in violation of this article shall constitute a separate offense. (Ord. of 6/7/83)

ARTICLE D

Gold, Silver and Precious Metals Dealers

Sec. 7-6-42 Definitions.

For the purposes of this article, the following definitions shall apply:

(a) Dealer means any person who holds himself out to the public as a purchaser of precious metals, or who in the courses of operation of a licensed business engages in the purchase of silver, gold or precious metals.

(b) Precious metals means any article made, in whole or part, of gold, silver or platinum, which article has been used or sold by a retailer. The term precious metals shall not include any coin or any gold or silver ingot or bar.

(c) Wholesale precious metals are articles made in whole or in part of silver, gold or platinum that have not been previously used, traded or sold by a retailer and that are being purchased by a dealer from a manufacturer or from a wholesaler or distributor of newly manufactured precious metals. (Ord. of 3/9/81)

Sec. 7-6-43 License and place of operation.

No dealer as defined herein shall operate in the city except from a permanent shop or place of business, with a valid business license. No dealer shall operate upon public property nor from a vehicle, flea market, hotel room or similar temporary location. (Ord. of 3/9/81)

Sec. 7-6-44 Daily report to police; positive identification of sellers; photographs of purchases and retention of records for purchase of precious metals.

(a) Every dealer shall mail daily reports on forms supplied by the police department to the chief of police of the city, within twenty-four hours from the time of purchase,

giving the name and address of the seller, the price paid for each item, the date of purchase, a description of each article purchased, the manufacturer (where known), any identifying marks on each article and the seller's driver's license number or the number on any other governmental identification card bearing a photograph of the seller.

(b) The dealer shall also record descriptions of the seller and the property purchased as required in this section in a bound book with consecutively numbered pages which shall be retained for three years.

(c) The dealer in such goods shall also take a photograph of each group of purchased precious metals using an instant photography process when the total value of the purchase exceeds fifty dollars (\$50.00), which photographs shall be forwarded to the chief of police of the city with the daily report required in this section.

(d) Any records required to be kept or maintained by this section shall at all times be open to the inspection of the chief of police or an officer duly authorized by him to inspect the same.

(e) The police department shall not reveal a seller's identity supplied under this section, except to other law enforcement agencies and prosecuting officials, or pursuant to the valid order of a court, or in the course of any criminal prosecution. (Ord. of 3/9/81)

Sec. 7-6-45 Purchase of gold or silver from minors prohibited.

No dealer shall purchase gold or silver from a person under eighteen (18) years of age. (Ord. of 3/9/81)

Sec. 7-6-46 Goods to be held for ten (10) days before resale.

All precious metals purchased by a dealer must be held in the city in the possession of the dealer, before being resold, melted or altered in any manner, for a period of ten (10) days. The location of these goods and the identification of the person in possession of these goods must be filed with the chief of police of the city within twenty-four (24) hours from the time of the purchase, if such goods are held or stored at a location other than the point of sale. All goods required to be held under this section shall at all times be open to the inspection of the chief of police or an officer duly authorized by him to inspect the same. (Ord. of 3/9/81)

Sec. 7-6-47 Purchase of coins.

Any purchaser of coins made up in whole or in part of gold or silver, where the total purchase exceeds the sum of fifty dollars (\$50.00), shall comply with Section 7-6-44(a), (b) and (d). (Ord. 3/9/81)

Sec. 7-6-48 Exemptions.

The provisions of this article shall not apply to purchases of wholesale precious metals, nor shall it apply to a transaction between dealers of precious metals, where the selling dealer has already complied with the terms of this article, including the ten-day holding period. (Ord. of 3/9/81)

State of South Carolina
Dealers In Precious Metals Permit

This is to certify that

Has been issued a permit in the State of South Carolina to engage in the
business of purchasing precious metals at

in accordance with the provisions of Chapter 54 Title 40 of the South
Carolina Code of Laws, 1976.

EXPIRES

ISSUED BY

SAMPLE