

Chapter 66.
Commerce and Business.
Article 1.
Regulation and Inspection.

§ 66-1. County commissioners to appoint inspectors.

The board of county commissioners may appoint for their county or any township thereof inspectors for any article of commerce the inspection of which is not otherwise provided for by law, who shall hold office for the term of five years after their employment. (Rev., ss. 4637, 4669; C.S., s. 5068.)

§ 66-2. Repealed by Session Laws 1973, c. 108, s. 22.

§ 66-3. Bond of inspector; fees.

The said inspector shall enter into bond in the sum of five hundred dollars (\$500.00), payable to the State of North Carolina, conditioned for the faithful performance of the duties of his office, which bond the board shall take; and he shall be entitled to such fees as may be prescribed by the board. (1848, c. 43, s. 3; R.C., c. 60, s. 76; Code, s. 3053; Rev., s. 4671; C.S., s. 5071.)

§ 66-4. Falsely acting as inspector.

If any person, who is not a legal or sworn inspector of lumber or other articles, presume to act as such, he shall forfeit and pay one hundred dollars (\$100.00), and be guilty of a Class 1 misdemeanor. (1824, c. 1254, s. 3; R.C., c. 60, s. 69; Code, s. 3046; Rev., s. 3580; C.S., s. 5072; 1993, c. 539, s. 503; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 66-5. Penalty for sale without inspection.

If any person shall sell any article of forage or provision, of which inspection is required in accordance with this Article, without the same having been inspected as required, he shall, for every offense, forfeit and pay one hundred dollars (\$100.00).

The clear proceeds of penalties provided for in this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1850, c. 74, s. 2; R.C., c. 60, s. 77; Code, s. 3054; Rev., s. 4672; C.S., s. 5073; 1998-215, s. 40.)

§ 66-6. Penalty on master receiving without inspection.

No master or commander of any vessel shall take on board any cask or barrel or other commodity, liable to inspection as aforesaid, without its being inspected and branded as required, under the penalty of two hundred dollars (\$200.00) for each offense.

The clear proceeds of penalties provided for in this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1784, c. 206, s. 6; R.C., c. 60, s. 59; Code, ss. 3036, 3037; Rev., ss. 4657, 4658; C.S., s. 5074; 1998-215, s. 41.)

§ 66-7. Who to pay inspectors' fees; penalty for extortion.

The fees of inspectors shall be paid by the purchaser or exporter of the articles inspected, and if any inspector shall receive any greater fees than are by law allowed, he shall forfeit and pay ten dollars (\$10.00) for every offense to any person suing for the same. (1824, c. 1254, ss. 1, 2; R.C., c. 60, s. 79; Code, s. 3055; Rev., s. 4673; C.S., s. 5075.)

§ 66-8. Repealed by Session Laws 1995, c. 379, s. 18.3.

§ 66-9. Gas and electric light bills to show reading of meter.

1 It shall be the duty of all gas companies and electric light companies selling gas and
2 electricity to the public to show, among other things, on all statements or bills rendered to
3 consumers, the reading of the meter at the end of the preceding month, and the reading of the
4 meter at the end of the current month, and the amount of electricity, in kilowatt hours, and of
5 gas, in feet, consumed for the current month; provided, however, that nothing herein contained
6 shall be construed to prohibit any gas or electric company from adopting any method of and
7 times of reading meters and rendering bills that may be approved by the North Carolina
8 Utilities Commission.

9 Any gas or electric light company failing to render bills or statements, as provided for in
10 this section, shall be subject to a penalty of ten dollars (\$10.00) for each violation of this
11 section or failure to render such statements, recoverable in the district court by any person
12 suing for the same; but this section shall not apply to bills and accounts rendered customers on
13 flat rate contracts. (1915, c. 259; C.S., s. 5082; 1959, c. 987; 1973, c. 108, s. 23.)
14

15 **§ 66-10. Failure of dealers of scrap, salvage, or surplus to keep record of purchases of**
16 **certain items misdemeanor.**

17 (a) Every person, firm, or corporation buying rubber or leather, rubber belts, and
18 belting, as scrap, salvage, or surplus shall keep a register containing a true and accurate record
19 of each purchase, including the description of the article purchased, the name from whom
20 purchased, the amount paid for the article purchased, the date of the purchase, and any and all
21 marks or brands upon the rubber or leather, rubber belts, and belting. This register and the
22 rubber, leather, rubber belts, and belting purchased shall be at all times open to the inspection
23 of the public. A failure to comply with these requirements or the making of a false entry
24 concerning the rubber or leather, rubber belts, or belting shall constitute a Class 1
25 misdemeanor.

26 (b) Every person, firm, or corporation engaged in the business of buying or dealing in
27 scrap, salvage, or surplus, including glass, waste paper, burlap, cloth, cordage, rubber, leather,
28 or belting of every kind, in addition to the above requirements under subsection (a) of this
29 section, shall make and keep a record of the name and address of the person from whom this
30 scrap, salvage, or surplus is purchased and the license number, if any, and if there is no license,
31 a description of the vehicle in which this scrap, salvage, or surplus is delivered. Any person,
32 firm, or corporation which fails to comply with the requirements of this subsection shall be
33 guilty of a Class 3 misdemeanor and upon conviction shall only be fined not in excess of fifty
34 dollars (\$50.00) in the discretion of the court. (1917, c. 46; C.S., s. 5090; 1957, c. 791; 1993, c.
35 295, s. 1, c. 539, s. 504; 1994, Ex. Sess., c. 24, s. 14(c).)
36

37 **§ 66-11. Dealing in regulated metals property; penalties.**

38 (a) Definitions. – As used in this section:

39 (1) "Law enforcement officer" means any duly constituted law enforcement
40 officer of the State or of any municipality or county.

41 (2) "Regulated metals property" means all ferrous and nonferrous metals.

42 (3) "Secondary metals recycler" means any person, firm, or corporation in the
43 State:

44 a. That, from a fixed location or otherwise, is engaged in the business
45 of gathering or obtaining ferrous or nonferrous metals that have
46 served their original economic purpose or is in the business of
47 performing the manufacturing process by which ferrous metals or
48 nonferrous metals are converted into raw material products
49 consisting of prepared grades and having an existing or potential
50 economic value; or

1 b. That has facilities for performing the manufacturing process by
2 which ferrous metals or nonferrous metals are converted into raw
3 material products consisting of prepared grades and having an
4 existing or potential economic value, by methods including, but not
5 limited to, the processing, sorting, cutting, classifying, cleaning,
6 baling, wrapping, shredding, shearing, or changing the physical form
7 or chemical content of the metals, but not including the exclusive use
8 of hand tools.

9 (4) "Fixed location" means any site occupied by a secondary metals recycler as
10 the owner of the site or as a lessee of the site under a lease or other rental
11 agreement providing for occupation of the site by the secondary metals
12 recycler for a total duration of not less than 364 days.

13 (a1) Receipt Required. – A secondary metals recycler shall issue a receipt to the person
14 delivering the regulated metals property for all purchase transactions in which the secondary
15 metals recycler purchases regulated metals property. This receipt shall be signed by the person
16 delivering the materials, and the secondary metals recycler shall be able to provide
17 documentation regarding the employee who completed the transaction.

18 (b) Records Required. –

19 (1) A secondary metals recycler shall maintain a record of all purchase
20 transactions in which the secondary metals recycler purchases regulated
21 metals property.

22 (2) The following information shall be maintained for transactions in which a
23 secondary metals recycler purchases regulated metals property:

24 a. The name and address of the secondary metals recycler.

25 b. The name, initials, or other identification of the individual entering
26 the information.

27 c. The date of the transaction.

28 d. The weight of the regulated metals property purchased.

29 e. The description made in accordance with the custom of the trade of
30 the type of regulated metals property purchased and the physical
31 address where the regulated metals were obtained by the seller, and a
32 statement signed by the seller or the seller's agent certifying that the
33 seller or the seller's agent has the lawful right to sell and dispose of
34 the property.

35 f. The amount of consideration given for the regulated metals property.

36 g. The name and address of the vendor of the regulated metals property
37 and the license plate number of the vehicle used to deliver the
38 regulated metals.

39 h. A photocopy or electronic scan of the drivers license or state or
40 federally issued photo identification card of the person delivering the
41 regulated metals property to the secondary metals recycler. If the
42 secondary metals recycler has a copy of the valid photo identification
43 of the person delivering the regulated metals property on file, the
44 secondary metals recycler must examine the photo identification, but
45 may reference the photo identification that is on file without making
46 a separate photocopy or electronic scan for each subsequent
47 transaction. If the person delivering the regulated metals property
48 does not have a drivers license or a state or federally issued photo
49 identification card, the secondary metals recycler shall not complete
50 the transaction.

- 1 i. A copy of the receipt required under subsection (a1) of this section
2 when all the information required under subsection (a1) of this
3 section is clear and legible or, in the event the copy of the receipt is
4 not clear or not legible, the original receipt.
- 5 j. In transactions involving catalytic converters that are not attached to
6 a vehicle, and central air conditioner evaporator coils or condensers,
7 the person delivering the materials shall place next to that person's
8 signature on the receipt required under subsection (a1) of this
9 section, a clear impression of that person's index finger that is in ink
10 and free of any smearing. A secondary metals recycler may elect to
11 obtain the fingerprint electronically. If the secondary metals recycler
12 has a copy of the fingerprint of the person delivering the nonferrous
13 metal on file, the secondary metals recycler must examine the photo
14 identification but may reference the fingerprint that is on file without
15 making a separate fingerprint for each subsequent transaction.

- 16 (3) A secondary metals recycler shall keep and maintain the information
17 required under this subsection for not less than two years from the date of
18 the purchase of the regulated metals property. Records shall be securely
19 maintained at all times and shall be destroyed in a manner that protects the
20 identity of the owner of the property, the seller of the property, and the
21 purchaser of the property.

22 (c) Inspection of Regulated Metals Property and Records. – During the usual and
23 customary business hours of a secondary metals recycler, a law enforcement officer shall have
24 the right to inspect all of the following:

- 25 (1) Any and all purchased regulated metals property in the possession of the
26 secondary metals recycler.
- 27 (2) Any and all records required to be maintained under subsection (b) of this
28 section.

29 A secondary metals recycler shall make receipts for the purchase of regulated metals property
30 available for pickup each regular workday if requested by the sheriff or chief of police of the
31 county or the chief of police of the municipality in which the secondary metals recycler is
32 located. The sheriff or the chief of police may request these receipts to be electronically
33 transferred directly to the law enforcement agency. Records retained by a law enforcement
34 agency shall be securely retained as required by law and destroyed in a manner that protects the
35 identity of the owner of the property, the seller of the property, and the purchaser of the
36 property.

37 (c1) Records submitted to any public law enforcement agency pursuant to this section
38 are records of criminal investigations or records of criminal intelligence information as defined
39 in G.S. 132-1.4 and are not public records as defined by G.S. 132-1.

- 40 (d) Purchase Limitations. – No secondary metals recycler shall do any of the following:
- 41 (1), (2) Repealed by Session Laws 2009-200, s. 1, effective October 1, 2009, and
42 applicable to purchases and offers of purchase that occur on or after that
43 date.
- 44 (3) Purchase any central air conditioner evaporator coils or condensers, or
45 catalytic converters that are not attached to a vehicle, except that a secondary
46 metals recycler may purchase these items from a company, contractor, or
47 individual that is in the business of installing, replacing, maintaining, or
48 removing these items, provided the secondary metals recycler is prohibited
49 from paying cash or making payment of any kind for any central air
50 conditioner evaporator coil or condenser in whole or in part or a catalytic
51 converter that is not attached to a vehicle. The payment for these metals is to

1 be made by check or money order made out to the company, contractor, or
2 individual. Payment for these metals may also be made using a cash card
3 system that captures the photograph of the person selling these metals if the
4 secondary metals recycler maintains the photograph for 90 days.

5 (4) Purchase other nonferrous metal property not listed in subdivision (5) of this
6 subsection for any cash consideration greater than one hundred dollars
7 (\$100.00) per transaction. The secondary metals recycler may purchase other
8 nonferrous metal property for an amount in excess of one hundred dollars
9 (\$100.00) if the payment is made by check, money order, or a cash card
10 system that captures the photograph of the person selling the nonferrous
11 metal if the secondary metals recycler maintains the photograph for 90 days.

12 (5) Except as provided in subsection (g) of this section, purchase:

- 13 a. Any regulated metal marked with the initials or other identification
14 of a telephone, cable, electric, water, or other public utility, or any
15 brewer.
- 16 b. Any utility access cover.
- 17 c. Any street light pole or fixture.
- 18 d. Any road or bridge guard rail.
- 19 e. Any highway or street sign.
- 20 f. Any water meter cover.
- 21 g. Any metal beer keg, including any made of stainless steel that is
22 clearly marked as being the property of the beer manufacturer.
- 23 h. Any traffic directional or control sign.
- 24 i. Any traffic light signal.
- 25 j. Any regulated metal marked with the name of a government entity.
- 26 k. Any property owned by a railroad and marked and otherwise
27 identified as such.
- 28 l. Any historical marker or any grave marker or burial vase.

29 (d1) Retain Metals for Seven Days Before Selling or Altering. – Any secondary metals
30 recycler owner convicted of a felonious violation of this Chapter, G.S. 14-71, 14-71.1, or 14-72
31 shall hold and retain any regulated metals product, except for iron and steel products, for seven
32 days from the date of purchase before selling, dismantling, defacing, or in any manner altering
33 or disposing of the regulated metals property.

34 (e) Right to Restitution. – The court may order a defendant to make restitution to the
35 secondary metals recycler for any damage or loss caused by the defendant arising out of an
36 offense committed by the defendant.

37 (f) Violations. – Unless the conduct is covered by some other provision of law
38 providing greater punishment, any person knowingly and willfully violating any of the
39 provisions of this section shall be guilty of a Class 1 misdemeanor for a first offense. A second
40 or subsequent violation of this section is a Class I felony.

41 (g) Exemptions. – This section does not apply to:

- 42 (1) Purchases of regulated metals property from a manufacturing, industrial,
43 government, or other commercial vendor that generates or sells regulated
44 metals property in the ordinary course of its business.
- 45 (2) Purchases of regulated metals property that involve only beverage
46 containers.

47 (h) Preemption. – A county or municipality shall not enact any local law, ordinance, or
48 regulation regulating secondary metals recyclers or regulated metals property that conflicts
49 with this section, and this law preempts all existing laws, ordinances, or regulations. (1907, c.
50 464; 1909, c. 855, s. 1; C.S., s. 5091; 1967, c. 792; 1971, c. 1231, s. 1; 1975, c. 182, s. 2; 1993,

1 c. 295, s. 2; c. 539, s. 505; 1994, Ex. Sess., c. 14, s. 40; c. 24, s. 14(c); 2007-301, s. 1;
2 2009-200, s. 1.)

3
4 **§ 66-11.1. Transportation of copper.**

5 It shall be unlawful for any person to transport or have in his possession on highways of
6 this State, in any vehicle other than a vehicle used in the ordinary course of business for the
7 purpose of transporting such copper, an amount of such copper of an aggregate weight of more
8 than 25 pounds, unless such person shall have in his possession

- 9 (1) A bill of sale pertaining to such copper signed by (i) a holder of a sales and
10 use tax registration number from the North Carolina Department of
11 Revenue; or (ii) an authorized wholesaler engaged in the sale of such copper;
12 or (iii) a registered dealer in scrap metals; or (iv) a seller of antiques or
13 objects of art; or
14 (2) In the event the person from whom such copper was purchased was other
15 than one of the above enumerated persons or firms, a certificate of origin
16 signed by the sheriff, or his designated representative, of the county in which
17 the purchase was made.

18 Such bill of sale or certificate of origin shall clearly identify the material to which it applies and
19 show thereon the name and address of the seller, license plate of the vehicle in which such
20 material is delivered to the purchaser, identified by license number, year and state of issue, the
21 name and address of the purchaser, the date of sale, and the type and amount of such copper
22 purchased.

23 Any person violating the provisions of this section shall be deemed guilty of a Class 2
24 misdemeanor. (1975, c. 182, s. 1; 1993, c. 539, s. 506; 1994, Ex. Sess., c. 24, s. 14(c).)

25
26 **§ 66-11.2. Forfeiture of vehicles used to transport unlawfully obtained regulated metals
27 property.**

28 (a) Vehicles which are used or intended for use to convey or transport, or in any manner
29 to facilitate the conveyance or transportation of unlawfully obtained regulated metals property,
30 as defined by this Article, are subject to forfeiture, except that:

- 31 (1) No conveyance shall be forfeited under the provisions of this section by
32 reason of any act or omission, committed or omitted while such conveyance
33 was unlawfully in the possession of a person other than the owner in
34 violation of the criminal laws of the United States, or of any state;
35 (2) No conveyance shall be forfeited unless the violation involved is a felony;
36 (3) A forfeiture of a vehicle encumbered by a bona fide security interest is
37 subject to the interest of the secured party who had no knowledge of or
38 consented to the act or omission;
39 (4) No conveyance shall be forfeited under the provisions of this section unless
40 the owner knew or had reason to believe the vehicle was being used in the
41 commission of any violation that may subject the conveyance to forfeiture
42 under this section.

43 (b) Any vehicle subject to forfeiture under this section may be seized by any law
44 enforcement officer upon process issued by any district or superior court having jurisdiction
45 over the vehicle except that seizure without such process may be made when:

- 46 (1) The seizure is incident to an arrest or a search under a search warrant;
47 (2) The vehicle subject to seizure has been the subject of a prior judgment in
48 favor of the State in a criminal injunction or forfeiture proceeding under this
49 section.

50 (c) Vehicles taken or detained under this section shall not be repleviable, but shall be
51 deemed to be in custody of the law enforcement agency seizing it, which may:

- 1 (1) Place the vehicle under seal; or
- 2 (2) Remove the vehicle to a place designated by it; or
- 3 (3) Request that the North Carolina Department of Justice take custody of the
- 4 vehicle and remove it to an appropriate location for disposition in
- 5 accordance with law.

6 Any vehicle seized by a State, local, or county law enforcement officer shall be held in
7 safekeeping as provided in this subsection until an order of disposition is properly entered by
8 the judge.

9 (d) Whenever a vehicle is forfeited under this section, the law enforcement agency
10 having custody of it may:

- 11 (1) Retain the vehicle for official use; or
- 12 (2) Sell any forfeited vehicle, provided that the proceeds be disposed of for
- 13 payment of all proper expenses of the proceedings for forfeiture and sale,
- 14 including expense of seizure, maintenance of custody, advertising, and court
- 15 costs; or
- 16 (3) Transfer any vehicles which are forfeited under the provisions of this section
- 17 to the North Carolina Department of Justice when, in the discretion of the
- 18 presiding judge and upon application of the North Carolina Department of
- 19 Justice, said vehicle may be of official use to the North Carolina Department
- 20 of Justice;
- 21 (4) Upon determination by the director of any law enforcement agency that a
- 22 vehicle transferred pursuant to the provisions of this section is of no further
- 23 use to said agency for use in official investigations, such vehicle may be sold
- 24 as surplus property in the same manner as other vehicles owned by the law
- 25 enforcement agency, and the proceeds from such sale after deducting the
- 26 cost of sale shall be paid to the treasurer or proper officer authorized to
- 27 receive fines and forfeitures to be used for the school fund of the county in
- 28 the county in which said vehicle was seized; provided, that any vehicle
- 29 transferred to any law enforcement agency under the provisions of this
- 30 section which has been modified to increase speed shall be used in the
- 31 performance of official duties only and not for resale, transfer, or disposition
- 32 other than as junk. (2007-301, s. 3.)