

Subject Catalytic converter purchase requirements and penalties

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Date February 8, 2023

Overview

Catalytic converters are a portion of the exhaust system of motor vehicles. They filter out certain byproducts to reduce harmful emissions and improve a vehicle's efficiency. They contain various precious metals and have been the target of thefts by individuals who cut them from the bottom of a vehicle.

In 2013, the legislature established sections 168A.1501 and 325E.21 which required scrap metal dealers to record certain information about individuals who sold scrap metal, including copper plumbing and catalytic converters. The law also required that the dealers maintain video surveillance and prohibited cash payments.

This bill adds additional requirements that scrap metal dealers must follow when purchasing catalytic converters, including a requirement that any catalytic converter be marked with an identifying number that connects it to the vehicle from which it was taken. The bill establishes criminal penalties for the unauthorized possession or purchase of a catalytic converter and makes conforming changes.

Summary

Section	Description
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1	Purchase or acquisition record required.
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	Makes a conforming change related to permitting only scrap metal dealers to purchase catalytic converters. Amends the information scrap metal dealers must record when purchasing catalytic converters to include an identification number to connect the catalytic converter to the vehicle from which it was removed and the identity of the employee who purchases the catalytic converter.
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Section	Description
2	<p>Retention required.</p> <p>Makes a conforming change adding to the records that must be retained by scrap metal dealers.</p>
3	<p>Registration required.</p> <p>Permits the Department of Public Safety to cancel the registration of any scrap metal dealer convicted of a crime for violating the section of law governing scrap metal dealer operations, including an illegal purchase of a catalytic converter. Prohibits operating as a scrap metal dealer without a valid registration. Permits a scrap metal dealer to reregister five years after a registration is cancelled.</p>
4	<p>Training.</p> <p>Requires that employees of scrap metal dealers who engage in transactions involving the purchase of catalytic converters must be trained and familiar with the requirements governing those transactions.</p>
5	<p>Criminal penalty.</p> <p>Establishes that a scrap metal dealer who intentionally violates the provisions related to the purchase of a catalytic converter is guilty of a misdemeanor. Establishes that a person who violates the prohibitions on possessing or purchasing a catalytic converter is guilty of:</p> <ul style="list-style-type: none">▪ a misdemeanor, if the person possesses one catalytic converter with a value of \$500 or less;▪ a gross misdemeanor if the person possesses two catalytic converters or a single catalytic converter with a value of more than \$500, but not more than \$1,000;▪ a felony with a maximum sentence of five years of imprisonment if the person possesses three catalytic converters or the value of the catalytic converters possessed is more than \$1,000, but not more than \$5,000; or▪ a felony with a maximum sentence of seven years of imprisonment if the person possesses catalytic converters with a value of more than \$5,000.
6	<p>Prohibition on possessing catalytic converters; exception.</p> <p>Prohibits the possession of a used catalytic converter that is not attached to a motor vehicle under certain circumstances.</p>
7	<p>Prohibition.</p> <p>Prohibits a person who is not a registered scrap metal dealer to purchase a used catalytic converter under certain circumstances.</p>

Section	Description
8	<p>Audits.</p> <p>Authorizes the commissioner of public safety to conduct periodic audits of scrap metal dealers to ensure compliance with provisions of law related to catalytic converters.</p>
9	<p>Purchase of catalytic converters.</p> <p>Prohibits scrap metal dealers from purchasing a catalytic converter that is not attached to a motor vehicle unless the catalytic converter contains identifying markings that can be used to connect the catalytic converter to a vehicle. Permits businesses like automobile repair businesses to provide alternative information to establish that the catalytic converter was lawfully removed from a vehicle. Permits individuals to prove ownership with an affidavit from a local law enforcement agency. Requires scrap metal dealers to make certain information available to law enforcement and enter data into an electronic database. Prohibits removing a catalytic converter from the dealer's premises for seven days after acquisition of the catalytic converter and prohibits making payment for a catalytic converter for five days after acquisition.</p>
10	<p>Weapons, telephone cloning paraphernalia, automated sales suppression devices, catalytic converters, and bullet-resistant vests.</p> <p>Establishes that a catalytic converter possessed in violation of state law is contraband and must be summarily forfeited upon a conviction.</p>



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