

STATE OF NEW YORK

7271--A

Cal. No. 1058

2021-2022 Regular Sessions

IN SENATE

July 2, 2021

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the vehicle and traffic law, in relation to the maintenance of records of catalytic converters

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (a) of subdivision 5 of section 415-a of the
2 vehicle and traffic law, as amended by chapter 180 of the laws of 2006,
3 is amended and a new paragraph (c) is added to read as follows:
4 (a) Any records required by this section shall apply only to vehicles
5 or parts of vehicles for which a certificate of title has been issued by
6 the commissioner or which would be eligible to have such a certificate
7 of title issued. Every person required to be registered pursuant to this
8 section shall maintain a record of all motor vehicles, trailers, and
9 major component parts thereof, coming into his or her possession together
10 with a record of the disposition of any such motor vehicle, trailer
11 or part thereof and the date such motor vehicle, trailer or part thereof
12 is received and shall maintain proof of ownership for any motor vehicle,
13 trailer or major component part thereof while in his or her possession.
14 For the purposes of this article an inflatable restraint system shall be
15 a major component part and a catalytic converter shall be a major compo-
16 nent part. Such records shall be maintained in a manner and form
17 prescribed by the commissioner. The commissioner may, by regulation,
18 exempt vehicles or major component parts of vehicles from all or a
19 portion of the record keeping requirements based upon the age of the
20 vehicle if the commissioner deems that such record keeping requirements
21 would not further the purposes of the motor vehicle theft prevention

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 program established by section two hundred twenty-three of this chapter.
2 The commissioner shall require that every vehicle dismantler produce all
3 records regarding how many catalytic converters they are taking in,
4 subject to the record keeping requirements of this section, every sixty
5 days. A person found to have failed to produce such records every sixty
6 days shall be guilty of a violation and liable for a fine of not more
7 than one thousand dollars. A person found to have failed to produce
8 such records every sixty days a second time within a two-year period
9 shall be subject to a criminal fine of not more than five thousand
10 dollars. If a defendant has gained money or property by not producing
11 records of catalytic converters every sixty days pursuant to this para-
12 graph and upon conviction thereof, the court, in lieu of imposing the
13 fine authorized for the offense pursuant to this paragraph, may sentence
14 such defendant to pay an amount, fixed by the court, not to exceed
15 double the amount of such defendant's gain from the commission of the
16 offense. Upon request of an agent of the commissioner or of any police
17 officer and during his or her regular and usual business hours, a vehi-
18 cle dismantler shall produce such records and permit said agent or
19 police officer to examine them and any vehicles or parts of vehicles
20 which are subject to the record keeping requirements of this section and
21 which are on the premises. Upon request of any agent of the commissioner
22 and during his or her regular and usual business hours, a salvage pool,
23 mobile car crusher or itinerant vehicle collector shall produce such
24 records and permit said agent or police officer to examine them and any
25 vehicles or parts of vehicles which are subject to the record keeping
26 requirements of this section and which are on the premises. The failure
27 to produce such records or to permit such inspection on the part of any
28 person required to be registered pursuant to this section as required by
29 this paragraph shall be a class A misdemeanor.

30 (c) For the purposes of this article, the term "catalytic converter"
31 shall mean a device installed in the exhaust system of an internal
32 combustion engine that utilizes catalytic action to oxidize hydrocarbon
33 and carbon monoxide emissions to carbon dioxide and water.

34 § 2. Section 415 of the vehicle and traffic law is amended by adding a
35 new subdivision 21 to read as follows:

36 21. New motor vehicle etching kits. Every new motor vehicle dealer and
37 every qualified dealer shall be required to stock etching kits that are
38 capable of etching a traceable serial number onto the catalytic convert-
39 er of a new motor vehicle that can be clearly seen and quickly linked
40 back to the vehicle. Such etching kits shall be offered by every new
41 motor vehicle dealer and qualified dealer to any person purchasing a new
42 motor vehicle, as defined in paragraph h of subdivision one of this
43 section.

44 § 3. This act shall take effect on the one hundred eightieth day after
45 it shall have become a law. Effective immediately, the addition, amend-
46 ment and/or repeal of any rule or regulation necessary for the implemen-
47 tation of this act on its effective date are authorized to be made and
48 completed on or before such effective date.