

STATE OF NEW YORK

11160

IN ASSEMBLY

December 4, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Buttenschon)
-- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to criminalizing the theft of a catalytic converter; and to amend the vehicle and traffic law, in relation to imposing restrictions on the purchase, sale and possession of catalytic converters by vehicle dismantlers, salvage pools, mobile car crushers, itinerant vehicle collectors and scrap processors

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

1 Section 1. The penal law is amended by adding three new sections
2 165.12, 165.13 and 165.14 to read as follows:

3 § 165.12 Theft of a catalytic converter in the third degree.

4 A person is guilty of theft of a catalytic converter in the third
5 degree when he or she removes or intentionally destroys or defaces all
6 or any part of a catalytic converter from an abandoned vehicle, as
7 defined in subdivision one of section one thousand two hundred twenty-
8 four of the vehicle and traffic law, except that it is a defense to such
9 charge that such person was authorized to do so pursuant to law or by
10 permission of the owner.

11 Theft of a catalytic converter in the third degree is a class B misde-
12 meanor.

13 § 165.13 Theft of a catalytic converter in the second degree.

14 A person is guilty of theft of a catalytic converter in the second
15 degree when:

16 1. He or she removes or intentionally destroys or defaces all or any
17 part of a catalytic converter from a vehicle, other than an abandoned
18 vehicle, as defined in subdivision one of section one thousand two
19 hundred twenty-four of the vehicle and traffic law, without the permis-
20 sion of the owner; or

21 2. He or she commits the offense of theft of a catalytic converter in
22 the third degree and he or she has been previously convicted within the
23 last five years of having violated the provisions of section 165.12 of
24 this article.

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

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1 Theft of a catalytic converter in the second degree is a class A
2 misdemeanor.

3 § 165.14 Theft of a catalytic converter in the first degree.

4 A person is guilty of theft of a catalytic converter in the first
5 degree when he or she commits the offense of theft of a catalytic
6 converter in the second degree and he or she has been previously
7 convicted within the last five years of having violated the provisions
8 of section 165.13 of this article.

9 Theft of a catalytic converter in the first degree is a class E felo-
10 ny.

11 § 2. Section 165.45 of the penal law is amended by adding a new subdi-
12 vision 8 to read as follows:

13 8. The property consists of all or part of a catalytic converter.

14 § 3. Subdivision 15 of section 415-a of the vehicle and traffic law is
15 renumbered subdivision 16 and a new subdivision 15 is added to read as
16 follows:

17 15. Restrictions regarding catalytic converters. (a) No vehicle
18 dismantler, salvage pool, mobile car crusher, itinerant vehicle collec-
19 tor or scrap processor shall purchase, sell, take possession of or recy-
20 cle a used catalytic converter except as provided in this subdivision.

21 (b) As used in this subdivision:

22 (i) "catalytic converter" means a catalytic converter or other equip-
23 ment or feature constituting an operational element of a motor vehicle's
24 air pollution control system or mechanism required by federal or state
25 law or by any rules or regulations promulgated pursuant thereto, as
26 amended; and

27 (ii) "used catalytic converter" means a catalytic converter that was
28 previously installed in a vehicle and which has been removed from such
29 vehicle in whole or in part.

30 (c) No vehicle dismantler, salvage pool, mobile car crusher, itinerant
31 vehicle collector or scrap processor shall purchase or take possession
32 of, including for purposes of recycling or rebuilding, a used catalytic
33 converter from any person or entity other than a dealer registered
34 pursuant to section four hundred fifteen of this article, an insurance
35 company, a governmental agency, a person in whose name a certificate of
36 title or other ownership document has been issued for the vehicle from
37 which the catalytic converter was removed, a repair shop or a person
38 registered or certified or issued an identification number pursuant to
39 this section.

40 (d) No vehicle dismantler, salvage pool, mobile car crusher, itinerant
41 vehicle collector or scrap processor shall sell a used catalytic
42 converter that was acquired from any person or entity under circum-
43 stances other than as described in paragraph (c) of this subdivision.

44 (e) (i) Each vehicle dismantler, salvage pool, mobile car crusher,
45 itinerant vehicle collector or scrap processor who purchases or takes
46 possession of, including for purposes of recycling or rebuilding, a used
47 catalytic converter shall record the purchase of the catalytic converter
48 indicating the date of purchase, the name of seller, the seller's
49 address or, in the case that the seller is an individual, the seller's
50 residence address by street, number, city, village or town, the seller's
51 driver's license number or information from a government issued photo-
52 graphic identification card, if any, or by such description as will
53 reasonably locate the seller, or, if the seller was a repair shop, the
54 repair shop's license number. Such record shall be preserved by the
55 vehicle dismantler, salvage pool, mobile car crusher, itinerant vehicle
56 collector or scrap processor for a period of three years. Such records

1 shall be available for inspection by the police department of the state
2 or of the municipality in which the vehicle dismantler, salvage pool,
3 mobile car crusher, itinerant vehicle collector or scrap processor is
4 located.

5 (ii) Each vehicle dismantler, salvage pool, mobile car crusher, itin-
6 erant vehicle collector or scrap processor shall cause the record
7 described in subparagraph (i) of this paragraph to be signed by the
8 seller or his agent. It shall be unlawful for any seller or agent to
9 refuse to furnish such information or to furnish incorrect or incomplete
10 information. The vehicle dismantler, salvage pool, mobile car crusher,
11 itinerant vehicle collector or scrap processor shall make and retain a
12 copy of the government issued photographic identification card used to
13 verify the identity of the person from whom the catalytic converter was
14 purchased or obtained and shall retain this copy in a separate book,
15 register or electronic archive for two years from the date of purchase.
16 Such records shall be available for inspection by the police department
17 of the state or of the municipality in which the vehicle dismantler,
18 salvage pool, mobile car crusher, itinerant vehicle collector or scrap
19 processor is located.

20 (f) Any vehicle dismantler, salvage pool, mobile car crusher, itiner-
21 ant vehicle collector or scrap processor that violates this subdivision
22 shall:

23 (i) be guilty of a class A misdemeanor; and

24 (ii) be subject to a fine of not less than one hundred dollars per
25 violation.

26 (g) Any vehicle dismantler, salvage pool, mobile car crusher, itiner-
27 ant vehicle collector or scrap processor that violates this subdivision
28 more than five times within a thirty-six-month period shall be subject
29 to having its license revoked.

30 § 4. This act shall take effect on the one hundred eightieth day after
31 it shall have become a law. Effective immediately, the addition, amend-
32 ment and/or repeal of any rule or regulation necessary for the implemen-
33 tation of this act on its effective date are authorized and directed to
34 be made and completed on or before such effective date.