

STATE OF NEW YORK

8629

IN ASSEMBLY

January 10, 2022

Introduced by M. of A. BARNWELL -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to restrictions and penalties for certain transactions involving used catalytic converters

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

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 415-d to read as follows:

3 § 415-d. Regulation of used catalytic converters. 1. As used in this
4 section:

5 (a) "Used catalytic converter" means a catalytic converter or other
6 equipment or feature constituting an operational element of a motor
7 vehicle's air pollution control system or mechanism required by federal
8 or state law or by any rules or regulations promulgated pursuant there-
9 to, as amended that was previously installed in a vehicle and which has
10 been removed from such vehicle in whole or in part including the non-
11 ferrous metal components from a used catalytic converter.

12 (b) "Secondary metals recycler" means a vehicle dismantler, salvage
13 pool, mobile car crusher, itinerant vehicle collector or scrap processor
14 as such terms are defined in section four hundred fifteen-a of this
15 article.

16 (c) "Used catalytic converter transactions permit" means a permit
17 issued by the commissioner which permits the holder of such permit to
18 carry out transactions including, but not limited to possessing, sell-
19 ing, or purchasing used catalytic converters.

20 2. No person, entity or secondary metals recycler shall purchase,
21 sell, take possession of or transfer a used catalytic converter except
22 as provided in this section.

23 3. A secondary metals recycler shall not purchase, take possession of,
24 transfer or sell, including, but not limited to for the purposes of
25 recycling or rebuilding, a used catalytic converter from any person,
26 entity or secondary metals recycler unless: (a) such secondary metals
27 recycler obtains a used catalytic converter transactions permit issued

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

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1 pursuant to subdivision seven of this section for such transactions; and
2 (b) the entity that the secondary metals recycler obtains the used cata-
3 lytic converter from is a holder of a valid used catalytic converter
4 transactions permit or the person or entity can provide the information
5 required in subdivision four of this section.

6 4. A person or entity shall not sell or transfer a used catalytic
7 converter to a secondary metals recycler unless such person or entity
8 whose name a certificate of title or other ownership document has been
9 issued for the vehicle from which the used catalytic converter was
10 removed provides such certificate or title to the secondary metals recy-
11 cler and a document with the following information:

12 (a) name of the person or entity that removed the used catalytic
13 converter;

14 (b) contact information of the person or entity that removed the used
15 catalytic converter, if available;

16 (c) the make and model of the vehicle from which the used catalytic
17 converter was removed;

18 (d) the vehicle identification number of the vehicle from which the
19 used catalytic converter was removed; and

20 (e) the part number or other identifying number of the used catalytic
21 converter that was removed.

22 5. Each sale, purchase or transfer of a used catalytic converter shall
23 occur at the secondary metals recycler's place of business.

24 6. Any documentation created during the sale, purchase or transfer of
25 a used catalytic converter including, but not limited to a receipt and
26 the documentation required in subdivision four of this section shall be
27 retained by a secondary metals recycler for a period of one year from
28 the date of such sale, purchase or transfer. A fine of five thousand
29 dollars may be incurred for each violation of this subdivision.

30 7. An application for a catalytic converter transactions permit shall
31 be made to the commissioner on a form and for a fee prescribed by him or
32 her which shall contain the name and address of the applicant and the
33 names and addresses of all persons having a financial interest in the
34 secondary metals recycler. Such used catalytic converter transactions
35 permit shall be renewed annually for a fee prescribed by the commission-
36 er.

37 8. A person or the owner or owners of an entity or secondary metals
38 recycler who is in possession of a used catalytic converter in violation
39 of subdivisions three and four of this section shall be guilty of a:

40 (a) class A misdemeanor and shall be fined not more than two thousand
41 five hundred dollars for the first offense per each used catalytic
42 converter in his or her possession;

43 (b) class A misdemeanor and shall be fined not more than five thousand
44 dollars for the second offense per each used catalytic converter in his
45 or her possession; and

46 (c) class E felony and shall be fined not more than fifteen thousand
47 dollars for the third offense and any offense thereafter per each used
48 catalytic converter in his or her possession.

49 9. The owner or owners of a secondary metals recycler who purchases a
50 used catalytic converter without a valid used catalytic converter trans-
51 actions permit in violation of subdivision three of this section shall
52 be guilty of a:

53 (a) class A misdemeanor and shall be fined not more than ten thousand
54 dollars for the first offense per each used catalytic converter
55 purchased;

1 (b) class A misdemeanor and shall be fined not more than twenty-five
2 thousand dollars for the second offense per each used catalytic convert-
3 er purchased; and

4 (c) class E felony and shall be fined not more than fifty thousand
5 dollars for the third offense and any offense thereafter per each used
6 catalytic converter purchased.

7 10. The owner or owners of a secondary metals recycler who purchases a
8 used catalytic converter without being provided the required documenta-
9 tion in violation of subdivision four of this section shall be guilty of
10 a:

11 (a) class A misdemeanor and shall be fined not more than ten thousand
12 dollars for the first offense per each used catalytic converter
13 purchased;

14 (b) class A misdemeanor and shall be fined not more than twenty-five
15 thousand dollars for the second offense per each used catalytic convert-
16 er purchased; and

17 (c) class E felony and shall be fined not more than fifty thousand
18 dollars for the third offense and any offense thereafter per each used
19 catalytic converter purchased.

20 11. The commissioner shall prescribe such rules and regulations as he
21 or she shall deem necessary to carry out the provisions of this section.

22 § 2. This act shall take effect on the one hundred eightieth day after
23 it shall have become a law. Effective immediately, the addition, amend-
24 ment and/or repeal of any rule or regulation necessary for the implemen-
25 tation of this act on its effective date are authorized to be made on or
26 before such date.