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:

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

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

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

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

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

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

3. A secondary metals recycler shall not purchase, take possession of, transfer or sell, including, but not limited to for the purposes of recycling or rebuilding, a used catalytic converter from any person, entity or secondary metals recycler unless: (a) such secondary metals 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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pursuant to subdivision seven of this section for such transactions; and (b) the entity that the secondary metals recycler obtains the used catalytic converter from is a holder of a valid used catalytic converter transactions permit or the person or entity can provide the information required in subdivision four of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

9. The owner or owners of a secondary metals recycler who purchases a used catalytic converter without a valid used catalytic converter transactions permit in violation of subdivision three of this section shall be guilty of a:

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

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

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

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

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

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

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

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

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.