STATE OF NEW YORK

1940

2021-2022 Regular Sessions

IN ASSEMBLY

January 13, 2021

Introduced by 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:

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

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

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

Theft of a catalytic converter in the third degree is a class B misdemeanor.

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

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

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

2. He or she commits the offense of theft of a catalytic converter in the third degree and he or she has been previously convicted within the

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

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last five years of having violated the provisions of section 165.12 of this article.

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

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

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

Theft of a catalytic converter in the first degree is a class E felony.

§ 2. Section 165.45 of the penal law is amended by adding a new subdivision 8 to read as follows:

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

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

15. Restrictions regarding catalytic converters. (a) No vehicle dismantler, salvage pool, mobile car crusher, itinerant vehicle collector or scrap processor shall purchase, sell, take possession of or recycle a used catalytic converter except as provided in this subdivision.

(b) As used in this subdivision:

(i) "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; and

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

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

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

(e) (i) Each vehicle dismantler, salvage pool, mobile car crusher, itinerant vehicle collector or scrap processor who purchases or takes possession of, including for purposes of recycling or rebuilding, a used catalytic converter shall record the purchase of the catalytic converter indicating the date of purchase, the name of seller, the seller's address or, in the case that the seller is an individual, the seller's residence address by street, number, city, village or town, the seller's driver's license number or information from a government issued photographic identification card, if any, or by such description as will reasonably locate the seller, or, if the seller was a repair shop, the repair shop's license number. Such record shall be preserved by the

vehicle dismantler, salvage pool, mobile car crusher, itinerant vehicle collector or scrap processor for a period of three years. Such records shall be available for inspection by the police department of the state or of the municipality in which the vehicle dismantler, salvage pool, mobile car crusher, itinerant vehicle collector or scrap processor is located.

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

(f) Any vehicle dismantler, salvage pool, mobile car crusher, itinerant vehicle collector or scrap processor that violates this subdivision shall:

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

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

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

§ 4. 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 and directed to be made and completed on or before such effective date.