STATE OF NEW YORK

1940--E

R. R. 289

2021-2022 Regular Sessions

IN ASSEMBLY

January 13, 2021

Introduced by M. of A. BUTTENSCHON, GALEF, WILLIAMS, ABINANTI, CONRAD, STIRPE, ABBATE, ZEBROWSKI, SILLITTI, SOLAGES, MAGNARELLI, WOERNER, JACKSON, GUNTHER, JONES, BRAUNSTEIN, GIBBS, SAYEGH, LAVINE, GRIFFIN, CRUZ -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- ordered to a third reading -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the special order of third reading -- again amended on special order of third reading, ordered reprinted, retaining its place on the special 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:

Section 1. Paragraph (a) of subdivision 5 of section 415-a of the vehicle and traffic law, as amended by chapter 180 of the laws of 2006, is amended and a new paragraph (c) is added to read as follows:

(a) Any records required by this section shall apply only to vehicles or parts of vehicles for which a certificate of title has been issued by the commissioner or which would be eligible to have such a certificate of title issued. Every person required to be registered pursuant to this section shall maintain a record of all motor vehicles, trailers, and major component parts thereof, coming into his **or her** possession together with a record of the disposition of any such motor vehicle, trailer or part thereof and the date such motor vehicle, trailer or part thereof

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

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is received and shall maintain proof of ownership for any motor vehicle, trailer or major component part thereof while in his **or her** possession. For the purposes of this article an inflatable restraint system shall be a major component part **and a catalytic converter shall be a major component part**. Such records shall be maintained in a manner and form prescribed by the commissioner. The commissioner may, by regulation, exempt vehicles or major component parts of vehicles from all or a portion of the record keeping requirements based upon the age of the vehicle if the commissioner deems that such record keeping requirements would not further the purposes of the motor vehicle theft prevention program established by section two hundred twenty-three of this chapter. Upon request of an agent of the commissioner or of any police officer and during his **or her** regular and usual business hours, a vehicle dismantler shall produce such records and permit said agent or police officer to examine them and any vehicles or parts of vehicles which are subject to the record keeping requirements of this section and which are on the premises. **In addition, the commissioner shall require every vehicle dismantler to produce, every sixty days, all records regarding the number of catalytic converters they took in within such sixty-day period subject to the record keeping requirements of this section.** Upon request of any agent of the commissioner and during his **or her** regular and usual business hours, a salvage pool, mobile car crusher or itinerant vehicle collector shall produce such records and permit said agent or police officer to examine them and any vehicles or parts of vehicles which are subject to the record keeping requirements of this section and which are on the premises. The failure to produce such records or to permit such inspection on the part of any person required to be registered pursuant to this section as required by this paragraph shall be a class A misdemeanor. **If a vehicle dismantler has gained money or property by failing to produce records of the number of catalytic converters they take in as required by the commissioner pursuant to this paragraph, the court may order such defendant to pay an amount, fixed by the court, not to exceed double the amount of such defendant's gain from the commission of such offense.**

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

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

21. New motor vehicle etching kits. Every new motor vehicle dealer and every qualified dealer shall be required to stock etching kits that are capable of etching a traceable serial number onto the catalytic converter of a new motor vehicle that can be clearly seen and quickly linked back to the vehicle. Such etching kits shall be offered by every new motor vehicle dealer and qualified dealer to any person purchasing a new motor vehicle, at no more than the cost of such etching kit to such dealer.

§ 3. 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 and completed on or before such effective date.