STATE OF NEW YORK

8841

IN ASSEMBLY

January 18, 2024

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

AN ACT to amend the vehicle and traffic law and the penal law, in relation to regulating the purchase and sale of 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 article 12-E to read as follows:

ARTICLE 12-E

CATALYTIC CONVERTERS

Section 399-u. Catalytic converters.

§ 399-u. Catalytic converters. 1. For the purposes of this article "catalytic converter" means an exhaust emission control device which modifies exhaust gas from an internal combustion engine by catalyzing a redox reaction.

2. (a) Any person engaged in the business of buying or selling unattached catalytic converters as separate items, not as part of a scrapped or dismantled motor vehicle, shall be registered as either a scrap metal dealer under article six-C of the general business law, a dealer or vehicle dismantler under article sixteen of this chapter or a repair shop licensed under section three hundred ninety-eight-b of this chapter.

(b) Any person who purchases a used, detached catalytic converter shall be registered as either a scrap metal dealer under article six-C of the general business law, a dealer or vehicle dismantler under article sixteen of this chapter or a repair shop licensed under section three hundred ninety-eight-b of this chapter.

3. A scrap metal dealer, as defined in article six-C of the general business law, shall not purchase or otherwise acquire a used, detached catalytic converter or any nonferrous metal part of such converter unless:

(a) The used, detached catalytic converter is purchased at a site licensed by the department through an in-person transaction; and

(b) The scrap metal dealer:

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

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(i) obtains, verifies, and maintains all identification of the seller and the vehicle the catalytic converter was removed from, including year, make, model and vehicle identification number; and

(ii) obtains and maintains a copy of the seller's license or a copy of the documentation and vehicle registration.

4. A used, detached catalytic converter or any part of such converter shall not be shipped, unless the converter or part of such converter is being shipped between licensed entities.

5. A scrap metal dealer shall indicate in the scrap metal dealer's records any obvious markings on the used, detached catalytic converter, including labels, and engravings, that would aid in the identification of such catalytic converter.

6. Only the following persons may possess or sell a used, detached catalytic converter:

(a) a motor vehicle dismantler and recycler required to be licensed by the department;

(b) a licensed scrap metal processing facility or scrap processor;

(c) a motor vehicle dealer licensed by the department;

(d) a licensed motor vehicle repair shop or a mechanic employed at a repair shop in the course of business of such licensed entity;

(e) any other licensed business that may reasonably generate, possess, or sell used, detached catalytic converters; or

(f) an individual who possesses documentation indicating that the catalytic converter in the individual's possession is the result of a replacement of a catalytic converter from a vehicle registered in that individual's name.

7. The provisions of this section shall not be deemed to prohibit a registered vehicle dismantler or other persons engaged in the transfer or disposal of junk and salvage vehicles, or a licensed scrap metal processor, from transporting and selling used, detached catalytic converters for the recovery of the metals or other components thereof.

§ 2. Section 165.55 of the penal law is amended by adding a new subdivision 5 to read as follows:

5. Any person who possesses two or more catalytic converters and who does not possess a required license as set forth in article twelve-E of the vehicle and traffic law shall be presumed to know that such catalytic converters are stolen property.

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

8. The person possesses a used, detached catalytic converter which such person is not otherwise authorized to possess pursuant to article twelve-E of the vehicle and traffic law. Each unlawfully obtained or possessed used, detached catalytic converter shall be a separate violation. Where an individual is convicted under this subdivision any catalytic converter in the possession of such person shall be subject to seizure and forfeiture by law enforcement officers.

§ 4. Section 60.27 of the penal law is amended by adding a new subdivision 15 to read as follows:

15. If the offense of which a person is convicted is defined in subdivision eight of section 165.45 of this chapter the court, in addition to any other sentence, shall order the defendant to pay for the repair and replacement of the catalytic converter.

§ 5. This act shall take effect on the thirtieth day after it shall have become a law.