STATE OF NEW YORK

3008--A

2023-2024 Regular Sessions

IN SENATE

January 26, 2023

Introduced by Sens. RHOADS, BORRELLO, OBERACKER -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to certain requirements regarding catalytic converter transactions

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

Section 1. The general business law is amended by adding a new section 392-k to read as follows:

§ 392-k. Requirements regarding purchases of catalytic converters. 1. For purposes of this section, "catalytic converter" shall mean an exhaust emission control device which modifies exhaust gas from an internal combustion engine by catalyzing a redox reaction.

2. In addition to any requirements of this chapter, an individual attempting to sell a catalytic converter to a purchaser shall provide to such purchaser the following information:

(a) the year, make, model and vehicle identification number for the vehicle from which the catalytic converter was removed; and

(b) a copy of the certificate of title or other documentation indicating that the seller has an ownership interest in the vehicle described in paragraph (a) of this subdivision, or where the seller is the owner of a garage or repair shop and the catalytic converter was removed in connection with a motor vehicle repair, the name and address of the vehicle's owner and copies of all related invoices.

3. A purchaser shall not purchase a catalytic converter from a seller who does not comply with the requirements of subdivision two of this section.

4. A purchaser shall not purchase a catalytic converter unless such purchaser determines that such catalytic converter is consistent with the manufacturer's specifications for a catalytic converter from the

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

LBD06156-04-3

vehicle which the seller provided information as required by paragraph (a) of subdivision two of this section.

5. A purchaser shall keep an accurate electronic record of each purchase of a catalytic converter made in the course of the purchaser's business. Such record shall be in English and shall include any additional information required by this chapter.

6. A purchaser shall preserve each record required pursuant to subdivision five of this section until the fifth anniversary date that such record was made. Such records shall be available for inspection not later than seventy-two hours after the date of purchase.

7. On request, a purchaser shall permit representatives of any local police department or the state police to inspect all records required to be kept pursuant to this section.

8. (a) No person shall sell to a private party, or to a dealer, a used or refurbished catalytic converter without providing the purchaser the information and documentation required by subdivision two of this section.

(b) No dealer shall purchase and/or offer for sale in the state, a used or refurbished catalytic converter for which it does not possess the information required by subdivision two of this section.

9. Any person, firm, corporation or association who violates the provisions of this section shall be subject to a civil penalty of not more than five thousand dollars for each such violation.

10. A violation of this section shall be a class A misdemeanor.

§ 2. This act shall take effect immediately.