

STATE OF NEW YORK

882--A

2023-2024 Regular Sessions

IN SENATE

January 6, 2023

Introduced by Sen. LIU -- 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 the receipt of catalytic converters by junk dealers and scrap dealers

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

1 Section 1. The general business law is amended by adding a new section
2 62-a to read as follows:

3 § 62-a. Catalytic converters. 1. Except as provided in subdivisions
4 two and three of this section, no junk dealer, junk yard owner or opera-
5 tor, or scrap metal processor or scrap metal processing facility as
6 described in article six-C of this chapter may receive a catalytic
7 converter of a motor vehicle that is not attached to such motor vehicle
8 unless such processor, dealer, owner, operator processor or facility, at
9 the time of receipt:

10 a. records the place and date of the transaction, a description of the
11 catalytic converter, including item type and identification number, if
12 any, and the amount paid for the catalytic converter;

13 b. records a description of the seller and the seller's name, resi-
14 dence address and motor vehicle operator's license or identity card
15 number or, if the seller is a business, the name, address and telephone
16 number of the business;

17 c. records the number plate of the motor vehicle used to transport the
18 catalytic converter to the licensee;

19 d. obtains from the seller a statement (i) that the seller is the
20 owner of such catalytic converter, or (ii) identifying the name of the
21 person from whom the seller obtained the catalytic converter, as shown
22 on a signed transfer document; and

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

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1 e. takes a clear photograph or video of the seller, the motor vehicle
2 operator's license or identity card of the seller and the catalytic
3 converter.

4 2. No junk dealer, junk yard owner or operator, or scrap metal proces-
5 sor or scrap metal processing facility as described in article six-C of
6 this chapter may receive a catalytic converter of a motor vehicle that
7 is not attached to such motor vehicle from a motor vehicle recycler
8 unless:

9 a. such catalytic converter has a stock number affixed to or written
10 on such converter by such recycler; and

11 b. at the time of receipt, such processor, dealer, owner or operator
12 (i) receives a written statement on such recycler's letterhead that
13 includes the stock number of the catalytic converter and the vehicle
14 identification number of the motor vehicle from which such catalytic
15 converter was detached, provided a single written statement may be used
16 for a transaction involving more than one catalytic converter, and (ii)
17 takes a clear photograph or video of the employee of such recycler who
18 is transferring the catalytic converter and such employee's motor vehi-
19 cle operator's license or identity card.

20 3. No junk dealer, junk yard owner or operator, or scrap metal proces-
21 sor or scrap metal processing facility as described in article six-C of
22 this chapter may receive a catalytic converter of a motor vehicle that
23 is not attached to such motor vehicle from a motor vehicle repair shop
24 unless:

25 a. such catalytic converter was removed from a motor vehicle that was
26 served by such shop;

27 b. such catalytic converter has a stock number affixed to or written
28 on such converter by such shop; and

29 c. at the time of receipt, such processor, dealer, owner or operator
30 (i) receives a written statement on such shop's letterhead that includes
31 the stock number affixed to or written on such converter, information on
32 the motor vehicle from which such catalytic converter was detached,
33 including the vehicle identification number and registration number, if
34 applicable, of the motor vehicle and a receipt for the services
35 performed on such motor vehicle, provided a single written statement may
36 be used for a transaction involving more than one catalytic converter,
37 and (ii) takes a clear photograph or video of the employee of such shop
38 who is transferring the catalytic converter and such employee's motor
39 vehicle operator's license or identity card.

40 4. A person selling a catalytic converter pursuant to subdivision one
41 of this section may sell only one catalytic converter to a junk dealer,
42 junk yard owner or operator, or scrap metal processor or scrap metal
43 processing facility as described in article six-C of this chapter per
44 day.

45 5. A junk dealer, junk yard owner or operator, or scrap metal process-
46 or or scrap metal processing facility as described in article six-C of
47 this chapter may only pay a seller of a catalytic converter by check. If
48 the seller is a motor vehicle recycler or motor vehicle repair shop,
49 such check shall be payable to the motor vehicle recycler or motor vehi-
50 cle repair shop. If the seller is not a motor vehicle recycler or motor
51 vehicle repair shop, such processor, dealer, owner or operator shall
52 either:

53 a. send the check to the address provided by the seller pursuant to
54 paragraph b of subdivision one of this section; or

55 b. hold the check at such processor's, dealer's, owner's or operator's
56 place of business or facility for collection by the seller not earlier

1 than the third business day after the date of the purchase of such cata-
2 lytic converter by such processor, dealer, owner or operator.

3 6. A junk dealer, junk yard owner or operator, or scrap metal process-
4 or or scrap metal processing facility as described in article six-C of
5 this chapter may only sell a catalytic converter that such processor,
6 dealer, owner or operator received in compliance with the provisions of
7 subdivision one of this section, and may sell such catalytic converters
8 without any limitation on the number that may be sold per day.

9 7. Each junk dealer, junk yard owner or operator, or scrap metal
10 processor or scrap metal processing facility as described in article
11 six-C of this chapter shall submit to the division of state police, on a
12 monthly basis or more frequently as determined by the superintendent of
13 state police upon consideration of the volume and nature of the busi-
14 ness, a sworn statement of such processor's, dealer's, owner's, opera-
15 tor's or facility's catalytic converter transactions, (i) describing the
16 property received, (ii) setting forth the nature and terms of each tran-
17 saction, and (iii) identifying the name and address of the motor vehicle
18 recycler or motor vehicle repair shop from which the property was
19 received, or identifying the name and residence address and providing a
20 description of the person from whom the property was received. Such
21 statement shall be in an electronic format prescribed by the superinten-
22 dent of state police. The superintendent of state police may grant an
23 exemption from the requirement of submitting such statement in electron-
24 ic format for good cause shown. The superintendent of state police shall
25 include information submitted pursuant to this section in any database
26 that stores information relating to transactions by junk dealers, junk
27 yard owners or operators, or scrap metal processors or scrap metal proc-
28 essing facilities.

29 8. The commissioner of motor vehicles shall adopt regulations concern-
30 ing the creation and retention of documents and other records required
31 by subdivision one of this section. Such documents and records shall be
32 open for inspection by law enforcement officials upon request during
33 normal business hours.

34 § 2. This act shall take effect on the first of January next succeed-
35 ing the date upon which it shall have become a law.