§1113. Catalytic converters

This section governs the sale, purchase, removal, transport and disposal of catalytic converters that have been removed from motor vehicles. The exemptions provided in section 1102 do not apply to the provisions of this section. [PL 2021, c. 660, §4 (NEW).]

1. Removal from a motor vehicle. This subsection governs the removal of a catalytic converter from a motor vehicle.

A. Except as provided in subsections 2, 3 and 4, a recycler may not remove a catalytic converter from a motor vehicle if the catalytic converter does not have the vehicle identification number of the vehicle engraved on the catalytic converter in accordance with section 952, subsection 1-B, paragraph C unless the recycler, immediately upon removal, engraves or marks the catalytic converter in a location that is clearly visible, and in a manner that is permanent and legible, with:

(1) The vehicle identification number of the motor vehicle; or

(2) The recycler's license number and a stock number from a stock number system used by the recycler.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]

B. Except as provided in subsections 2 and 3, a person who is not a recycler may not remove a catalytic converter from a motor vehicle if the catalytic converter does not have the vehicle identification number of the motor vehicle engraved on the catalytic converter in accordance with section 952, subsection 1-B, paragraph C unless the person, immediately upon removal, marks the catalytic converter in a location that is clearly visible, and in a manner that is permanent and legible, with the vehicle identification number of the motor vehicle.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).] [PL 2021, c. 660, §4 (NEW).]

2. Damage or missing vehicle identification number upon removal. If a person is not able to identify the vehicle identification number of the motor vehicle the catalytic converter is attached to or the catalytic converter is too damaged to mark in a manner that is permanent and legible, the person may remove the catalytic converter from the motor vehicle only if the person follows the process established by the Secretary of State under subsection 14.
[PL 2021, c. 660, §4 (NEW).]

3. Motor vehicle repair and maintenance. If a person engaged in the repair or maintenance of a motor vehicle must temporarily remove the catalytic converter from the motor vehicle in order to complete the repair or maintenance, that person is not required to mark the catalytic converter in accordance with subsection 1. This subsection does not exempt a person from the marking requirements in subsection 1 if the person attaches the catalytic converter to a different motor vehicle than the motor vehicle undergoing repair or maintenance or sells, trades or transfers the catalytic converter to another person.
[PL 2021, c. 660, §4 (NEW).]

4. Marking or recording in the event of final disposal or deconstruction. If a recycler is removing a catalytic converter from a motor vehicle for the purpose of final disposal or deconstruction under subsection 8, the recycler is not required to mark the catalytic converter in accordance with subsection 1. A recycler removing a catalytic converter from a motor vehicle for the purpose of final disposal shall:

A. Mark the catalytic converter with the recycler's license number in a location that is clearly visible and in a manner that is permanent and legible; and [PL 2021, c. 660, §4 (NEW).]

B. Maintain a record of the catalytic converter the recycler removed from a motor vehicle and the manner in which it was disposed. [PL 2021, c. 660, §4 (NEW).]

[PL 2021, c. 660, §4 (NEW).]

5. Prohibition on purchase or sale. This subsection governs the purchase and sale of a catalytic converter that has been removed from a motor vehicle.

A. A person who is not a recycler may not operate a business that deals in the purchase or sale of catalytic converters that have been removed from motor vehicles or the deconstruction or disposal of catalytic converters that have been removed from motor vehicles.

A person who violates this paragraph commits a Class E crime. [PL 2023, c. 634, §22 (AMD).]

B. A person who is not a recycler may not purchase a catalytic converter that has been removed from a motor vehicle.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]

C. A person who is not a recycler may sell a catalytic converter only if the catalytic converter has been properly marked in accordance with subsection 1 or 14 or section 952, subsection 1-B, paragraph C.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]

[PL 2023, c. 634, §22 (AMD).]

6. Purchase or sale by recyclers. The following provisions govern the purchase, sale or acquisition by a recycler of a catalytic converter that has been removed from a motor vehicle.

A. A recycler may not purchase, sell or acquire a catalytic converter unless it has been engraved or marked in accordance with subsection 1 or 14 or section 952, subsection 1-B, paragraph C.

A person who violates this paragraph commits a Class D crime. [PL 2021, c. 660, §4 (NEW).]

B. A recycler may not sell a catalytic converter to a person other than a recycler.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]

C. A recycler may not purchase or acquire a catalytic converter unless the recycler, within 10 days of the purchase or acquisition, submits a report of the transaction to a property and recovery tracking system administered by a regional law enforcement support organization designated by the Secretary of State that includes:

(1) The name and address of the recycler who purchased or acquired the catalytic converter;

(2) The date and time of the purchase or acquisition;

(3) The name, address, date of birth, telephone number and unique identifying number from a valid form of identification of the person who conveyed the catalytic converter to the recycler;

(4) The vehicle identification number or recycler's license number and stock number from a stock number system used by the recycler marked on the catalytic converter at the time of the purchase or acquisition; and

(5) The purchase price, if any, of the catalytic converter.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]

[PL 2021, c. 660, §4 (NEW).]

7. Records of purchases made by recyclers. This subsection governs the record-keeping requirements for a recycler that purchases a catalytic converter that has been removed from a motor vehicle.

A. Except as provided in paragraph C, a recycler shall maintain an accurate and legible record of each catalytic converter purchase transaction.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]

B. A recycler shall provide payment to a seller only in the form of a credit card, as defined in Title 9-A, section 1-301, subsection 16, a debit card, as defined in Title 10, section 1271, subsection 3, or a check. If payment is made by check, the recycler shall maintain a record of the payee, check number and name of the financial institution upon which the check is drawn.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]

C. A recycler is not required to maintain individual records for a series of catalytic converter purchase transactions made pursuant to a written contract or bill of sale. [PL 2021, c. 660, §4 (NEW).]

D. The record of each catalytic converter purchase transaction required under paragraph A must be on a form prescribed by the Commissioner of Public Safety and contain the following information:

(1) The name and address of the seller. The recycler shall require the seller to provide proof of identification with a driver's license, military identification card, passport or other form of government-issued photographic identification. The recycler shall photocopy the form of photographic identification presented and record the distinct identifying number of that photographic identification. If the proof of identification contains a photograph that is faded, out of date or otherwise indiscernible, the recycler shall photograph the seller. A recycler shall keep these proof of identification records in a secure, nonpublic location and, unless otherwise permitted by law, may not publish, reproduce, distribute or disclose these records for any other purpose than that described in paragraph E, subparagraph (2). Information required under this subparagraph may be maintained for repeat sellers in a relational database that allows the recycler to record the information one time and relate future purchase records to that information;

(2) The date of the catalytic converter purchase transaction;

(3) A general description of the catalytic converter purchased, which must be made in accordance with the custom of the trade;

(4) The weight, quantity or volume of the catalytic converters purchased, which must be recorded in accordance with the custom of the trade;

(5) The consideration paid;

(6) A signed statement that the seller is the owner or is otherwise authorized to sell the catalytic converter on a form provided by the buyer that conspicuously bears the warning that making a false statement is a Class D crime under Title 17-A, section 453; and

(7) The make, model number and state of issue of the license plate of the vehicle being used to deliver the catalytic converter.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]

E. A recycler shall maintain records under this subsection, which must be:

(1) Retained for a period of 5 years; and

(2) Made available to any law enforcement officer of the State or of any municipality or county.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).] [PL 2021, c. 660, §4 (NEW).]

8. Final disposal and deconstruction. This subsection governs the final disposal or deconstruction of a catalytic converter.

A. A person other than a recycler may not finally dispose of or deconstruct a catalytic converter that has been removed from a motor vehicle or remove the contents of a catalytic converter that has been removed from a motor vehicle.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]

B. A recycler may not finally dispose of or deconstruct a catalytic converter that has been removed from a motor vehicle or remove the contents of a catalytic converter that has been removed from a motor vehicle unless:

(1) The recycler has complied with the requirements of subsection 6, paragraph C; and

(2) The catalytic converter has been engraved or marked in accordance with subsection 1 or 14 or section 952, subsection 1-B, paragraph C.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]

For the purposes of this section, "final disposal" or "finally dispose of" means the disposal or deconstruction of a catalytic converter in a manner that ensures the catalytic converter will not be sold or reused as a catalytic converter following the disposal or deconstruction.
[PL 2021, c. 660, §4 (NEW).]

9. Transportation. The following provisions govern the transportation of a catalytic converter that has been removed from a motor vehicle.

A. A person may not transport a catalytic converter that has been removed from a motor vehicle that the person has reason to know has not been engraved or marked in accordance with subsection 1 or 14 or section 952, subsection 1-B, paragraph C.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]

B. A recycler may not transport a catalytic converter that has been removed from a motor vehicle if the recycler has reason to know that the catalytic converter is not properly identified on a manifest required under this paragraph.

(1) For any catalytic converter that is not engraved or marked with a vehicle identification number and is being transported by a recycler, the recycler shall possess a manifest that includes the relevant stock number, the name of the recycler that marked the catalytic converter with the stock number from a stock number system used by the recycler, the vehicle identification number of the motor vehicle from which the catalytic converter was removed and the license number of the recycler transporting the catalytic converter.

(2) For any catalytic converter marked for final disposal under subsection 4 and being transported by a recycler, the recycler shall possess a manifest that includes the name of the recycler that marked the catalytic converter, the license number of the recycler transporting the catalytic converter, the total number of catalytic converters being transported for final disposal and the name and address of the person receiving the catalytic converters marked for final disposal.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]
[PL 2021, c. 660, §4 (NEW).]

10. Misrepresentation. A person may not mark a catalytic converter with a vehicle identification number that the person has reason to know is not the vehicle identification number of the motor vehicle from which the catalytic converter was removed.

A person who violates this subsection commits a Class E crime.

[PL 2021, c. 660, §4 (NEW).]

11. Unlawful possession. A person may not knowingly possess a catalytic converter that has been removed from a motor vehicle unless:

A. The catalytic converter has been properly marked in accordance with subsection 1 or 14 or section 952, subsection 1-B, paragraph C; or [PL 2021, c. 660, §4 (NEW).]

B. The person has requested a new identification number and is awaiting a determination from the Secretary of State under subsection 14. [PL 2021, c. 660, §4 (NEW).]

A person who violates this subsection commits a Class D crime.
[PL 2021, c. 660, §4 (NEW).]

12. Defacing of markings. A person may not deface or remove from a catalytic converter the markings required under subsection 1 or 14 or section 952, subsection 1-B, paragraph C.

A person who violates this subsection commits a Class D crime.
[PL 2021, c. 660, §4 (NEW).]

13. Aggravated possession or defacing of markings. A person who violates subsection 11 or 12 and at the time of the violation has a prior conviction for violating subsection 11 or 12 that is less than 5 years old commits a Class C crime.
[PL 2021, c. 660, §4 (NEW).]

14. State-issued identification number. If a person is in possession of a catalytic converter that has been removed from a motor vehicle and the person has determined that the vehicle identification number of the motor vehicle from which the catalytic converter is removed cannot be identified or that the catalytic converter is too damaged to mark in a manner that is permanent and legible, the person shall, as soon as possible, submit a request for the Secretary of State to assign an identification number to the catalytic converter. A person submitting a request for the Secretary of State to assign an identification number to a catalytic converter must provide appropriate documentation of that person's ownership of the catalytic converter and any other appropriate information required by the Secretary of State by rule.

Upon receipt of a request that fulfills the requirements of this subsection, the Secretary of State shall assign a temporary request identification number and issue documentation to the requestor that certifies the person has complied with this subsection for a temporary period of up to 30 days. The person shall keep the documentation with the catalytic converter about which the request was made at all times. Prior to the expiration of the temporary request certification, the Secretary of State shall make a determination as to whether the requestor is the lawful owner of the catalytic converter and, if the Secretary of State determines the person is the lawful owner, shall issue an identification number to the catalytic converter. Upon issuing an identification number the Secretary of State shall mark or label the catalytic converter or record the identification number in a manner specified by the Secretary of State. The Secretary of State may not require the requestor to transport the catalytic converter in order for the Secretary of State to mark the catalytic converter.

No later than January 1, 2023 the Secretary of State shall adopt rules necessary to implement this subsection. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Rules adopted by the Secretary of State under this subsection must include but are not limited to:

A. The manner by which a person may submit a request under this subsection; [PL 2021, c. 660, §4 (NEW).]

B. A list of the appropriate forms of documentation sufficient to prove ownership of a catalytic converter under this subsection; [PL 2021, c. 660, §4 (NEW).]

C. Any other information or documentation the Secretary of State determines appropriate for a requestor to provide under this subsection; and [PL 2021, c. 660, §4 (NEW).]

D. The manner in which the Secretary of State must mark, label or record a new identification number issued to a catalytic converter under this subsection. [PL 2021, c. 660, §4 (NEW).]

[PL 2021, c. 660, §4 (NEW).]

15. Seizure and forfeiture. Any catalytic converter possessed in violation of this section is contraband and is subject to forfeiture to the State in accordance with this subsection.

A. Whenever a law enforcement officer seizes a catalytic converter for violation of this section, the law enforcement officer shall within a reasonable time frame file a libel with a judge that includes the following:

(1) A description sufficient to identify the catalytic converter;

(2) A description sufficient to identify the location from which the catalytic converter was seized;

(3) The identity, if available, of the person in possession of the catalytic converter at the time of seizure;

(4) A statement of the violation that caused the seizure; and

(5) A request for a decree of forfeiture of the catalytic converter. [PL 2021, c. 660, §4 (NEW).]

B. Upon receipt of a libel filed under this subsection the judge shall fix a time and place for a hearing and shall issue notice to all relevant parties to appear at the time and place indicated in the notice and to show cause for why the catalytic converter should not be declared forfeited. The judge shall provide a true and attested copy of the libel to the person from whom the catalytic converter was seized and to the lawful owner of the catalytic converter, if different from the person from whom the catalytic converter was seized and if that person can be reasonably located and identified. At least 10 days prior to the hearing, the judge shall also ensure that notice is posted in at least 2 public and conspicuous places determined by the judge to be adequate to provide notice to any additional interested parties. [PL 2021, c. 660, §4 (NEW).]

C. In lieu of forfeiture proceedings, a catalytic converter seized under this subsection may be transferred in writing to the State by the owner. If ownership of the catalytic converter is transferred to the State, a receipt for the catalytic converter must be given to the former owner by the law enforcement officer who seized the catalytic converter. [PL 2021, c. 660, §4 (NEW).]

D. The Secretary of State shall mark a catalytic converter forfeited to the State under this subsection in a manner determined appropriate by the Secretary of State. After marking a catalytic converter forfeited under this subsection, the Secretary of State may dispose of the catalytic converter in a manner considered appropriate by the Secretary of State, including, but not limited to, selling the catalytic converter to a recycler. Any proceeds from the sale of a catalytic converter under this subsection must be placed in the Motor Vehicle Services Fund established under section 159. [PL 2021, c. 660, §4 (NEW).]

[PL 2021, c. 660, §4 (NEW).]

SECTION HISTORY

PL 2021, c. 660, §4 (NEW). PL 2023, c. 634, §22 (AMD).

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