

## **NSVRP Six Policy Points and Some Related Potential Statutory Draft Language**

### Definitions

“Detached catalytic converter” means a catalytic converter that was previously installed on a motor vehicle and subsequently removed unless the detached catalytic converter is a used original equipment manufacturer catalytic converter being sold as a motor vehicle repair part in compliance with United States Environmental Protection agency policy and meets the requirements of Section 2.

"Proof of identification" means a driver's license, identification card, or other identification document issued for identification purposes by any state, federal, or foreign government if the document includes the person's photograph, full name, birth date, address, and signature.

### SIX POINTS

#### **1. Identify with certainty the person selling a detached Catalytic Converter;**

Upon purchasing a detached catalytic converter, the purchaser shall identify the seller by:

- A. Making a photocopy or electronic scan of the seller’s proof of identification and taking a photograph of the person that clearly shows the person’s face or obtaining a fingerprint and,
- B. Recording the license plate number and description of the vehicle used by the person when delivering the detached catalytic converter, including the vehicle make and model, and any identifying marks on the vehicle, such as a business name, decals, or markings, if applicable;

#### **2. Identify with certainty the vehicle from which the Catalytic Converter was removed;**

- A. It is unlawful for any person to possess a detached catalytic converter that is not attached to a motor vehicle except when:
  - (i) the detached catalytic converter has been marked with the date the detached catalytic converter was removed from the vehicle; and
  - (ii) the detached catalytic converter has been marked with the vehicle identification number of the vehicle from which the detached catalytic converter was removed; or
  - (iii) the detached catalytic converter has been marked with an alternative number to the vehicle identification number that can be immediately linked to the vehicle identification number by law enforcement at any time. The marking of the alternative number may be made in any permanent manner, including but not limited to an engraving or use of permanent ink. The marking must clearly and legibly indicate the date removed and the vehicle identification number or the alternative number and the method by which law enforcement can link the converter to the vehicle identification number.

B. It is unlawful to purchase a detached catalytic converter unless it is marked as required under Paragraph A and the seller provides a copy of the vehicle's title or registration in order to demonstrate the seller's ownership interest over the vehicle from which the detached catalytic converter was removed by comparing the information on the seller's proof of identification with the proof of ownership. In cases when a detached catalytic converter was removed from a vehicle that no longer has an associated title and is no longer registered in any state, the seller must provide the purchaser with an affidavit from the local law enforcement agency that establishes that the agency has verified the seller's ownership of the vehicle from which the detached catalytic converter was removed. Such report must include the vehicle identification number. These requirements apply except when:

- (i) The seller of detached catalytic converters is a licensed business engaged in vehicle dismantling, vehicle demolishing, scrap metal recycling, automotive repair services, new or used motor vehicle dealer, motor vehicle manufacturing, or distributing catalytic converters.
  - a. A seller that meets the requirements of (B)(i) must provide the purchaser of detached catalytic converters with a pre-printed invoice that includes:
    - i. the identity of the seller's business and a written or electronic signature of the seller
    - ii. the identity of the purchaser and a written or electronic signature of the purchaser
    - iii. an itemized list of each detached catalytic converter being sold that includes the detached catalytic converter's vehicle identification number or a stock number that can be immediately linked to the vehicle identification number by law enforcement at any time.
    - iv. the date of the transaction

C. It is unlawful to remove, obliterate, or alter a marking applied to a catalytic converter for the purpose of identification, including manufacture, aftermarket and owner applied markings.

### **3. Require a traceable payment and prohibit cash transactions;**

- A. A purchaser of a detached catalytic converter may not pay a seller until at least five days after the sale.
- B. A purchaser of a detached catalytic converter must pay the seller of a used catalytic converter by check and payment for the detached catalytic converter must be sent to the seller's address as listed on the seller's proof of identification or wire to an account in the seller's name or business name.

### **4. Require records of Catalytic Converter transactions be maintained and made accessible to Law Enforcement upon request;**

- A. The purchaser of a detached catalytic converter must create a permanent record written in English using an electronic record program at the time of purchase or acquisition. The purchaser of a detached catalytic converter must include the following information within the permanent electronic record:

- (1) a complete and accurate account or description of the detached catalytic converter including any markings such as the vehicle identification number, serial number, and date of removal; and
- (2) the model, and vehicle identification number as obtained from the title, registration or law enforcement report provided by the seller.
- (3) the date, time, and place of the receipt of the detached catalytic converter purchased or acquired and a unique transaction identifier;
- (4) a photocopy or electronic scan of the seller's proof of identification including the identification number;
- (5) a copy of the title or registration document provided by the seller.
- (6) the amount paid and the number of the check or electronic transfer used to purchase the detached catalytic converter;
- (7) the license plate number and description of the vehicle used by the person when delivering the detached catalytic converter, including the vehicle make and model, and any identifying marks on the vehicle, such as a business name, decals, or markings, if applicable;
- (8) a copy of the receipt, which must include at least the following information: the name and address of the purchaser and seller, the date and time the detached catalytic converter was received, an accurate description of converter, including any identification numbers, and the amount paid for the detached catalytic converter.
- (9) the identity of the employee processing the transaction.

B. The aforementioned records must be entered into an electronic database approved by and available to a law enforcement agency to access remotely. Records shall be entered within 24 hours of a transaction.

C. A purchaser is prohibited from selling, dismantling, or removing a catalytic converter from the dealer's premises for at least seven days after the catalytic converter acquisition.

D. Entities engaged in the purchase of detached catalytic converters shall ensure employees engaged in these transactions are trained and familiar with the requirements of this act.

## **5. The penalty for not meeting the above requirements needs to be a sufficient deterrent.**

Violation for possessing a detached catalytic converter not marked as required by paragraph 2A, or a detached catalytic converter in violation of paragraph 2C, shall be based on either the number of detached converters in possession or value of the detached converters.

- 1 misdemeanor,
- 2-3 gross misdemeanor,
- 4-10 felony,
- 10-100 felony,
- 100 or more major felony.

Any other violations of this Act shall be a misdemeanor for the first offense and a gross misdemeanor for subsequent offenses in a 12 month period.

This act does not prohibit a person from being charged with, convicted of, or sentenced for any violation of law arising out of the same criminal transaction that violates this act.

*(Jurisdictions vary considerably regarding sentencing provisions. The above illustrates a penalty may be easier to enforce based on the number of converters, rather than value and that the penalty should be more severe based upon the number in possession.)*

**6. The Environmental Protection Agency (or an equivalent official entity with appropriate jurisdiction) governs what specific Catalytic Converters can be sold in that market. If requirements 1 – 4 above are satisfied, theft is not considered an issue.**

- A. A U.S. Environmental Protection Agency (EPA) compliant used catalytic converter may be sold as a vehicle repair part so long as its sale and installation are not in conflict with state and federal regulatory requirements and comply with Section 2.