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3 SENATE GOVERNMENTAL AFFAIRS COMMITTEE SUBSTITUTE FOR SB134  
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8 SYNOPSIS: Under existing law, a secondary metals  
9 recycler is prohibited from entering into cash  
10 transactions in excess of \$50 for the purchase of a  
11 catalytic converter.

12 Also under existing law, a secondary metals  
13 recycler is prohibited from purchasing certain  
14 metal property, including a catalytic converter,  
15 unless the seller of the catalytic converter  
16 provides a signed statement stating that he or she  
17 is the rightful owner of the property or has been  
18 authorized to sell the property.

19 This bill would provide certain requirements  
20 for the purchase, possession, and sale of certain  
21 used, detached catalytic converters, and would  
22 provide criminal penalties for a violation.

23 Amendment 621 of the Constitution of Alabama  
24 of 1901, now appearing as Section 111.05 of the  
25 Official Recompilation of the Constitution of  
26 Alabama of 1901, as amended, prohibits a general  
27 law whose purpose or effect would be to require a

1 new or increased expenditure of local funds from  
2 becoming effective with regard to a local  
3 governmental entity without enactment by a 2/3 vote  
4 unless: it comes within one of a number of  
5 specified exceptions; it is approved by the  
6 affected entity; or the Legislature appropriates  
7 funds, or provides a local source of revenue, to  
8 the entity for the purpose.

9 The purpose or effect of this bill would be  
10 to require a new or increased expenditure of local  
11 funds within the meaning of the amendment. However,  
12 the bill does not require approval of a local  
13 governmental entity or enactment by a 2/3 vote to  
14 become effective because it comes within one of the  
15 specified exceptions contained in the amendment.

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT

20  
21 Relating to crimes and offenses; to add Section  
22 13A-8-37.3 to the Code of Alabama 1975, and to amend Sections  
23 13A-8-31.1 and 13A-8-37.1, Code of Alabama 1975, to provide  
24 requirements for the purchase, possession, and sale of certain  
25 catalytic converters; to provide criminal penalties for a  
26 violation; and in connection therewith would have as its  
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds within the meaning of Amendment 621  
2 of the Constitution of Alabama of 1901, now appearing as  
3 Section 111.05 of the Official ReCompilation of the  
4 Constitution of Alabama of 1901, as amended.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 13A-8-37.3 is added to the Code  
7 of Alabama 1975, to read as follows:

8 §13A-8-37.3.

9 (a) It is unlawful for any person to purchase, or  
10 otherwise acquire, a used, detached catalytic converter, or  
11 any nonferrous part thereof, unless all of the following  
12 apply:

13 (1) The person is registered as a secondary metals  
14 recycler under Section 13A-8-31.2.

15 (2) The sale or purchase occurs at the fixed  
16 business address of a secondary metals recycler that is a  
17 party to the transaction. For purposes of this subdivision,  
18 "fixed business address" of the secondary metals recycler  
19 means the address of the business that is registered with the  
20 Alabama Criminal Justice Information Center pursuant to  
21 Section 13A-8-31.2; provided, however, the term may also  
22 include the licensed address of a secondary metals recycler,  
23 new or used motor vehicle dealer, automotive repair service,  
24 motor vehicle manufacturer, licensed automotive dismantler and  
25 parts recycler, or distributor of catalytic converters, who  
26 sells or purchases the used, detached catalytic converter.

1           (3) The person has maintained all of the information  
2 required under Section 13A-8-31 regarding the transaction.

3           (b) (1) It is unlawful for a person to sell or  
4 possess a used, detached catalytic converter unless either of  
5 the following:

6           a. The person is a registered secondary metals  
7 recycler, licensed new or used motor vehicle dealer, licensed  
8 automotive repair service, motor vehicle manufacturer,  
9 licensed automotive dismantler and parts recycler, or licensed  
10 distributor of catalytic converters, and a copy of the  
11 seller's valid business license is received and maintained by  
12 the person at the time of the transaction.

13           b. The person provides the purchaser with all of the  
14 following information for the motor vehicle from which the  
15 catalytic converter or part thereof was taken:

16           1. The name of the person that removed the catalytic  
17 converter.

18           2. The name of the person for whom the removal was  
19 completed.

20           3. The make and model of the vehicle from which the  
21 catalytic converter was removed.

22           4. The vehicle identification number of the vehicle  
23 from which the catalytic converter was removed.

24           5. The part number or other identifying number of  
25 the catalytic converter that was removed.

26           6. A copy of the driver's license or nondriver  
27 identification card of the seller of the catalytic converter.

1           7. A copy of the certificate of title or certificate  
2 of registration showing the seller's ownership interest in the  
3 vehicle.

4           (2) Before each purchase or acquisition of a used,  
5 detached catalytic converter or part thereof, the secondary  
6 metals recycler, including an agent, employee, or  
7 representative thereof, shall do both of the following:

8           a. Verify, by obtaining the applicable  
9 documentation, that the person transferring or selling the  
10 used, detached catalytic converter acquired it legally and has  
11 the right to transfer it or sell it.

12           b. Retain a record of the applicable verification  
13 and other information required under Section 13A-8-31, and  
14 note in the business records of the secondary metals recycler  
15 any obvious markings on the used, detached catalytic  
16 converter, such as paint, labels, or engravings, that would  
17 aid in the identification of the catalytic converter.

18           (c) Each catalytic converter that is purchased,  
19 possessed, obtained, sold, transported, or otherwise acquired  
20 in violation of this section is a separate violation of this  
21 section.

22           (d) A person who violates this section is guilty of  
23 a Class A misdemeanor on a first violation. On a second or  
24 subsequent violation within a 10-year period, the person is  
25 guilty of a Class C felony.

1 (e) A used, detached catalytic converter possessed  
2 in violation of this section is contraband, subject to seizure  
3 and forfeiture as provided pursuant to Section 20-2-93.

4 (f) For purposes of this section, a used, detached  
5 catalytic converter does not include a catalytic converter  
6 that has been tested, certified, and labeled for reuse in  
7 accordance with applicable U.S. Environmental Protection  
8 Agency Clean Air Act regulations.

9 Section 2. (a) It is unlawful for a possessor or  
10 seller of a used, detached catalytic converter, or any  
11 nonferrous part of a catalytic converter, to provide any  
12 false, fraudulent, altered, or counterfeit information or  
13 documentation as required by Section 13A-8-37.3, Code of  
14 Alabama 1975.

15 (d) A person who commits a violation of this section  
16 is guilty of a Class A misdemeanor. On a second or subsequent  
17 violation within a 10-year period, the person is guilty of a  
18 Class C felony.

19 Section 3. Sections 13A-8-31.1 and 13A-8-37.1, Code  
20 of Alabama 1975, are amended to read as follows:

21 "§13A-8-31.1.

22 "(a) A secondary metals recycler may not enter into  
23 any cash transactions in excess of fifty dollars (\$50) for  
24 copper, copper/aluminum air conditioning coils, or catalytic  
25 ~~convertors~~ converters, or any items described in subdivision  
26 (a) (2) or (a) (10) of Section 13A-8-37, or any cash transaction  
27 in excess of five hundred dollars (\$500) for all other metals

1 in payment for the purchase of metal property. Payment by  
2 check may be made payable only to the person whose information  
3 was recorded pursuant to Section 13A-8-31.

4 "(b) It shall be unlawful for a secondary metals  
5 recycler to purchase metal property from a person younger than  
6 18 years of age.

7 "(c) Metal property may not be purchased between the  
8 hours of 9:00 P.M. and 6:00 A.M.

9 "(d) Any person who intentionally violates the  
10 requirements of this section shall be guilty of a Class B  
11 misdemeanor for a first offense, a Class A misdemeanor for a  
12 second offense, and a Class C felony for a third or subsequent  
13 offense within a 10-year period.

14 "§13A-8-37.1.

15 "(a) It is unlawful for a secondary metals recycler  
16 to purchase the following property unless a copy of verifiable  
17 documentation in addition to the signed statement required by  
18 subdivision (a) (6) of Section 13A-8-31 is provided to the  
19 secondary metals recycler that the seller is the owner of the  
20 property:

21 "(1) Catalytic ~~convertors~~ converters that are not  
22 part of an entire motor vehicle.

23 "(2) Metal property of a telephone company, an  
24 electric company, a cable company, a water company, another  
25 utility, or a railroad marked or otherwise identified as such.

26 "(3) Copper wire that has been burned to remove the  
27 insulation, unless verifiable documentation is provided that

1 the source of the copper wire was in a building destroyed by  
2 fire.

3 "(4) A copper, aluminum, or aluminum-copper  
4 condensing or evaporating coil, including its tubing or rods,  
5 from a heating or air conditioning unit, excluding scrap from  
6 window air conditioning units and automobile condenser coils,  
7 unless any one of the following criteria are satisfied:

8 "a. The condenser coils are being sold by a licensed  
9 contractor, HVAC contractor, plumber, or electrician and a  
10 current and valid license with number is provided at the time  
11 of sale and copied or scanned by the secondary metals recycler  
12 at the time of sale.

13 "b. The condenser coils are being sold by a person  
14 with verifiable documentation, such as a receipt or work  
15 order, indicating that the condenser coils are the result of a  
16 replacement of an air conditioner unit or condenser coils  
17 performed by a licensed contractor.

18 "(5) Utility access covers, manhole covers, or storm  
19 drain covers, unless the seller is a company that deals in the  
20 manufacture or sale of the aforementioned products.

21 "(6) Grave markers, vases, memorials, statues,  
22 plaques, or other bronze objects used at a cemetery or other  
23 location where deceased persons are interred or memorialized  
24 or any other metal historic markers or monuments or the  
25 attached support or post to either, unless the seller is a  
26 company that deals in the manufacture or sale of the  
27 aforementioned products.



1           "(7) Any metal property that has been brightly  
2 painted or marked to deter theft of the property.

3           "(8) Ventilation fans or similar fans designed to  
4 supply fresh air to workers in confined spaces, such as  
5 underground mines or other similar circumstances.

6           "(b) Any person in violation of this section shall  
7 be guilty of a Class B felony."

8           Section 4. Although this bill would have as its  
9 purpose or effect the requirement of a new or increased  
10 expenditure of local funds, the bill is excluded from further  
11 requirements and application under Amendment 621, as amended  
12 by Amendment 890, now appearing as Section 111.05 of the  
13 Official Recompilation of the Constitution of Alabama of 1901,  
14 as amended, because the bill defines a new crime or amends the  
15 definition of an existing crime.

16           Section 5. This act shall become effective on the  
17 first day of the third month following its passage and  
18 approval by the Governor, or its otherwise becoming law.