

1 SB134
2 217263-3
3 By Senator Chesteen
4 RFD: Governmental Affairs
5 First Read: 01-FEB-22

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to crimes and offenses; to add Section
12 13A-8-37.3 to the Code of Alabama 1975, and to amend Sections
13 13A-8-31.1 and 13A-8-37.1, Code of Alabama 1975, to provide
14 requirements for the purchase, possession, and sale of certain
15 catalytic converters; to provide criminal penalties for a
16 violation; and in connection therewith would have as its
17 purpose or effect the requirement of a new or increased
18 expenditure of local funds within the meaning of Amendment 621
19 of the Constitution of Alabama of 1901, now appearing as
20 Section 111.05 of the Official ReCompilation of the
21 Constitution of Alabama of 1901, as amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

25 §13A-8-37.3.

26 (a) It is unlawful for any person to purchase, or
27 otherwise acquire, a used, detached catalytic converter, or

1 any nonferrous part thereof, unless all of the following
2 apply:

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

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

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

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

22 a. The person is a registered secondary metals
23 recycler, licensed new or used motor vehicle dealer, licensed
24 automotive repair service, motor vehicle manufacturer,
25 licensed automotive dismantler and parts recycler, or licensed
26 distributor of catalytic converters, and a copy of the

1 seller's valid business license is received and maintained by
2 the person at the time of the transaction.

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

6 1. The name of the person that removed the catalytic
7 converter.

8 2. The name of the person for whom the removal was
9 completed.

10 3. The make and model of the vehicle from which the
11 catalytic converter was removed.

12 4. The vehicle identification number of the vehicle
13 from which the catalytic converter was removed.

14 5. The part number or other identifying number of
15 the catalytic converter that was removed.

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

18 7. A copy of the certificate of title or certificate
19 of registration showing the seller's ownership interest in the
20 vehicle.

21 (2) Before each purchase or acquisition of a used,
22 detached catalytic converter or part thereof, the secondary
23 metals recycler, including an agent, employee, or
24 representative thereof, shall do both of the following:

25 a. Verify, by obtaining the applicable
26 documentation, that the person transferring or selling the

1 used, detached catalytic converter acquired it legally and has
2 the right to transfer it or sell it.

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

9 (c) Each catalytic converter that is purchased,
10 possessed, obtained, sold, transported, or otherwise acquired
11 in violation of this section is a separate violation of this
12 section.

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

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

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

25 Section 2. (a) It is unlawful for a possessor or
26 seller of a used, detached catalytic converter, or any
27 nonferrous part of a catalytic converter, to provide any

1 false, fraudulent, altered, or counterfeit information or
2 documentation as required by Section 13A-8-37.3, Code of
3 Alabama 1975.

4 (d) A person who commits a violation of this section
5 is guilty of a Class A misdemeanor. On a second or subsequent
6 violation within a 10-year period, the person is guilty of a
7 Class C felony.

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

10 "§13A-8-31.1.

11 "(a) A secondary metals recycler may not enter into
12 any cash transactions in excess of fifty dollars (\$50) for
13 copper, copper/aluminum air conditioning coils, or catalytic
14 ~~convertors~~ converters, or any items described in subdivision
15 (a) (2) or (a) (10) of Section 13A-8-37, or any cash transaction
16 in excess of five hundred dollars (\$500) for all other metals
17 in payment for the purchase of metal property. Payment by
18 check may be made payable only to the person whose information
19 was recorded pursuant to Section 13A-8-31.

20 "(b) It shall be unlawful for a secondary metals
21 recycler to purchase metal property from a person younger than
22 18 years of age.

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

25 "(d) Any person who intentionally violates the
26 requirements of this section shall be guilty of a Class B
27 misdemeanor for a first offense, a Class A misdemeanor for a

1 second offense, and a Class C felony for a third or subsequent
2 offense within a 10-year period.

3 "§13A-8-37.1.

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

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

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

15 "(3) Copper wire that has been burned to remove the
16 insulation, unless verifiable documentation is provided that
17 the source of the copper wire was in a building destroyed by
18 fire.

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

24 "a. The condenser coils are being sold by a licensed
25 contractor, HVAC contractor, plumber, or electrician and a
26 current and valid license with number is provided at the time

1 of sale and copied or scanned by the secondary metals recycler
2 at the time of sale.

3 "b. The condenser coils are being sold by a person
4 with verifiable documentation, such as a receipt or work
5 order, indicating that the condenser coils are the result of a
6 replacement of an air conditioner unit or condenser coils
7 performed by a licensed contractor.

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

11 "(6) Grave markers, vases, memorials, statues,
12 plaques, or other bronze objects used at a cemetery or other
13 location where deceased persons are interred or memorialized
14 or any other metal historic markers or monuments or the
15 attached support or post to either, unless the seller is a
16 company that deals in the manufacture or sale of the
17 aforementioned products.

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

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

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

25 Section 4. Although this bill would have as its
26 purpose or effect the requirement of a new or increased
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, as amended
2 by Amendment 890, now appearing as Section 111.05 of the
3 Official Recompilation of the Constitution of Alabama of 1901,
4 as amended, because the bill defines a new crime or amends the
5 definition of an existing crime.

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

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Senate

Read for the first time and referred to the Senate
committee on Governmental Affairs..... 01-FEB-22

Read for the second time and placed on the calen-
dar with 1 substitute and..... 08-FEB-22

Read for the third time and passed as amended 10-FEB-22

Yeas 27
Nays 0

Patrick Harris,
Secretary.