

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

1 SB134

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4 ENROLLED, An Act,

5 Relating to crimes and offenses; to add Section
6 13A-8-37.3 to the Code of Alabama 1975, and to amend Sections
7 13A-8-31.1 and 13A-8-37.1, Code of Alabama 1975, to provide
8 requirements for the purchase, possession, and sale of certain
9 catalytic converters; to provide criminal penalties for a
10 violation; and in connection therewith would have as its
11 purpose or effect the requirement of a new or increased
12 expenditure of local funds within the meaning of Amendment 621
13 of the Constitution of Alabama of 1901, now appearing as
14 Section 111.05 of the Official Recompilation of the
15 Constitution of Alabama of 1901, as amended.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

19 §13A-8-37.3.

20 (a) It is unlawful for any person to purchase, or
21 otherwise acquire, a used, detached catalytic converter, or
22 any nonferrous part thereof, unless all of the following
23 apply:

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

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

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

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

18 a. The person is a registered secondary metals
19 recycler, licensed new or used motor vehicle dealer, licensed
20 automotive repair service, motor vehicle manufacturer,
21 licensed automotive dismantler and parts recycler, or licensed
22 distributor of catalytic converters, and a copy of the
23 seller's valid business license is received and maintained by
24 the person at the time of the transaction.

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

4 1. The name of the person that removed the catalytic
5 converter.

6 2. The name of the person for whom the removal was
7 completed.

8 3. The make and model of the vehicle from which the
9 catalytic converter was removed.

10 4. The vehicle identification number of the vehicle
11 from which the catalytic converter was removed.

12 5. The part number or other identifying number of
13 the catalytic converter that was removed.

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

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

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

23 a. Verify, by obtaining the applicable
24 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.

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

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

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

13 "§13A-8-31.1.

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

23 "(b) It shall be unlawful for a secondary metals
24 recycler to purchase metal property from a person younger than
25 18 years of age.

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

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

8 "§13A-8-37.1.

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

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

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

20 "(3) Copper wire that has been burned to remove the
21 insulation, unless verifiable documentation is provided that
22 the source of the copper wire was in a building destroyed by
23 fire.

24 "(4) A copper, aluminum, or aluminum-copper
25 condensing or evaporating coil, including its tubing or rods,

1 from a heating or air conditioning unit, excluding scrap from
2 window air conditioning units and automobile condenser coils,
3 unless any one of the following criteria are satisfied:

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

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

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

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

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

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

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

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

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB134

Senate 10-FEB-22

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 02-MAR-22

By: Senator Chesteen