

1 SB134
2 213551-1
3 By Senator Chesteen
4 RFD: Governmental Affairs
5 First Read: 01-FEB-22

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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 sell, transfer,
10 purchase, or otherwise acquire, a used, detached catalytic
11 converter, or any nonferrous part thereof, unless all of the
12 following apply:

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

15 (2) The sale, transfer, purchase, or acquisition
16 occurs at the fixed business address of a secondary metals
17 recycler that is a party to the transaction. For purposes of
18 this subdivision, the fixed business address of the secondary
19 metals recycler is the address of the business that is
20 registered with the Alabama Criminal Justice Information
21 Center pursuant to Section 13A-8-31.2.

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

24 (4) One or more of the following apply:

25 a. The used, detached catalytic converter or
26 nonferrous part thereof was obtained by the seller thereof as
27 part of a vehicle.

1 b. The catalytic converter or nonferrous part
2 thereof was purchased from a secondary metals recycler, new or
3 used motor vehicle dealer, automotive repair service, motor
4 vehicle manufacturer, vehicle demolisher, or distributor of
5 catalytic converters and a copy of the seller's valid business
6 license is received and maintained by the person at the time
7 of the transaction.

8 c. The seller of the catalytic converter or
9 nonferrous part thereof provides the purchaser with all of the
10 following information for the motor vehicle from which the
11 catalytic converter or part thereof was taken:

12 1. The name of the person that removed the catalytic
13 converter.

14 2. The name of the person for whom the removal was
15 completed.

16 3. The make and model of the vehicle from which the
17 catalytic converter was removed.

18 4. The vehicle identification number of the vehicle
19 from which the catalytic converter was removed.

20 5. The part number or other identifying number of
21 the catalytic converter that was removed.

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

24 7. A copy of the certificate of title or certificate
25 of registration showing the seller's ownership interest in the
26 vehicle.

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

5 a. Verify, with the applicable documentation, that
6 the person transferring or selling the used, detached
7 catalytic converter acquired it legally and has the right to
8 transfer it or sell it.

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

15 (b) It is unlawful for a seller of a used, detached
16 catalytic converter, or any nonferrous part of a catalytic
17 converter, to provide any false, fraudulent, altered, or
18 counterfeit information or documentation as required by this
19 section.

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

24 (d) A person who violates this section is guilty of
25 a Class A misdemeanor on a first violation and a Class C
26 felony on a second or subsequent violation within a 10-year
27 period.

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

6 Section 2. Sections 13A-8-31.1 and 13A-8-37.1, Code
7 of Alabama 1975, are amended to read as follows:

8 "§13A-8-31.1.

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

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

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

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

1 "§13A-8-37.1.

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

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

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

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

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

22 "a. The condenser coils are being sold by a licensed
23 contractor, HVAC contractor, plumber, or electrician and a
24 current and valid license with number is provided at the time
25 of sale and copied or scanned by the secondary metals recycler
26 at the time of sale.

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

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

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

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

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

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

23 Section 3. Although this bill would have as its
24 purpose or effect the requirement of a new or increased
25 expenditure of local funds, the bill is excluded from further
26 requirements and application under Amendment 621, as amended
27 by Amendment 890, now appearing as Section 111.05 of the

1 Official ReCompilation of the Constitution of Alabama of 1901,
2 as amended, because the bill defines a new crime or amends the
3 definition of an existing crime.

4 Section 4. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.