



SENATE BILL 99: Clarify Law on Theft of Catalytic Converters.

2021-2022 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: April 28, 2021
Introduced by: Sens. McInnis, Burgin, Craven	Prepared by: Robert Ryan
Analysis of: Second Edition	Staff Attorney

OVERVIEW: *Senate Bill 99 would make theft of a catalytic converter from a motor vehicle a Class I felony, and modify the laws related to the purchase of catalytic converters.*

CURRENT LAW AND BILL ANALYSIS:

G.S. 14-72.8 provides that larceny of a motor vehicle part is a Class I felony if the cost of replacing the part and repairing the motor vehicle is more than \$1,000.

Section 1 of the bill would modify G.S. 14-72.8 to make the theft of a catalytic converter a Class I felony regardless of the cost of the replacement and repair. Section 1 would also create a presumption that anyone in possession of a catalytic converter that has been removed from a vehicle is in violation of 14-72.8 unless one of the following exceptions apply:

- The person is licensed and registered under North Carolina law to do business as a motor vehicle dealer, motor vehicle repair shop, a salvage yard, or a secondary metals recycler.
- The person is in possession of a catalytic converter from a car registered in that person's name.

Part 3 of Article 45 of Chapter 66 of the General Statutes (G.S. 66-420 – G.S. 431) regulates the sale of ferrous and nonferrous (non-precious) metals.

G.S. 66-421 requires that a secondary metals recycler maintain certain detailed records related to all regulated metals that it purchases.

Section 2 of the bill would modify G.S. 66-421(a) to require that the required records are maintained in electronic format. Section 2 would also require secondary metals recyclers to maintain copies of all documentation that the secondary metals recycler relied on to determine that a seller was authorized to sell a catalytic converter to the secondary metals recycler.

G.S. 66-429 provides that a violation of the laws regulating sales and purchases of metals (including catalytic converters) is a Class 1 misdemeanor for a first offense and a Class I felony for a second or subsequent offense.

Section 3 of the bill would also impose a mandatory \$1,000 fine on any person who knowingly and willfully bought or sold a catalytic converter in violation of the laws contained in Part 3 of Article 45 of Chapter 66 of the General Statutes.

G.S. 66-424 prohibits secondary metals recyclers from purchasing catalytic converters except from certain entities.

Section 4 of the bill would modify G.S. 66-424 to make it conform to the new addition of the presumptions provided in section 1 of the bill. Section 4 would also prohibit anyone other than a secondary metals

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recycler from purchasing a used catalytic converter that is not attached to a vehicle, unless the catalytic converter is being sold in accordance with the provisions of the federal Clean Air Act.

Section 5 of the bill makes conforming changes.

EFFECTIVE DATE: Section 2 of this act becomes effective December 1, 2021, and applies to purchases and transactions made on or after that date. The remainder of this act becomes effective December 1, 2021, and applies to offenses committed on or after that date.

BACKGROUND: A catalytic converter is a motor vehicle part that reduces the pollution that an internal combustion engine emits into the atmosphere.

A secondary metals recycler is defined by G.S. 66-420(8) as a person, firm or corporation engaged in the business of gathering metals that have served their original purpose and breaking down those metals for another purpose.