



SENATE BILL 267: Restrict Detached Catalytic Purchases.

2023-2024 General Assembly

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| Committee: Senate Rules and Operations of the Senate | Date: March 29, 2023 |
| Introduced by: Sens. McInnis, Craven, Burgin | Prepared by: Kristen L. Harris |
| Analysis of: First Edition | Staff Attorney |

OVERVIEW: *Senate Bill 267 would modify the laws related to the purchase and sale of catalytic converters that are not attached to a motor vehicle and amend the criminal and civil penalties for violations of the laws.*

CURRENT LAW:

- Theft of a catalytic converter is a Class I felony. G.S. 14-72.8
- Possession of a catalytic converter that has been removed from a motor vehicle is a Class I felony unless the person is an individual specifically exempted by statute. G.S. 14-164.1
- Cutting, mutilating, defacing, or otherwise injuring personal or real property for the purpose of obtaining nonferrous metals (including catalytic converters) in any amount may be punishable as a Class 1 misdemeanor to a Class D felony, depending on the amount of monetary or property damage or severity of bodily injury caused. G.S. 14-159.4

BILL ANALYSIS:

Section 1 would define "catalytic converter" as a "motor vehicle exhaust system parts that are used for controlling the exhaust emissions from motor vehicles and that contain a catalyst metal, including materials inside a catalytic converter which contains precious metals."

Section 2 would require a secondary metals recycler purchasing a catalytic converter not attached to a vehicle from a manufacturing, industrial, government, or other commercial vendor to retain a receipt of each purchase.

Section 3 would prohibit anyone other than a secondary metals recycler from soliciting or advertising the sale or purchase of a used catalytic converter not attached to a vehicle.

Section 4 would make clarifying and conforming changes.

Section 5 would modify the punishments for violations of the catalytic converter laws.

- Currently, under G.S. 66-429, a person that knowingly and willfully commits a violation is guilty of a Class 1 misdemeanor for the first offense and guilty of a Class I felony for a second or subsequent violation. If the violation involves the purchase of a catalytic converter, the person is fined \$1,000 for each violation.
- **Section 5** would amend G.S. 66-429 to make a person who knowingly and willingly violates a provision of the law involving the sale or purchase of a catalytic converter guilty of a Class I felony and subject to a \$1,000 fine for each violation. A person that knowing or willfully violates any other provision of the law would be guilty of a Class 1 misdemeanor for the first offense and guilty of a Class I felony for a second or subsequent violation.

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Section 6 would make conforming changes.

Section 7 would make catalytic converters not attached to a vehicle that are unlawfully sold, purchased, or used in a solicitation or advertisement contraband and subject to seizure and forfeiture under G.S. 14-2.3, Forfeiture of gain acquired through criminal activity.

EFFECTIVE DATE: Sections 3, 5, 6, and 7 of this act become effective December 1, 2023, and apply to offenses committed on or after that date. Section 2 of this act becomes effective December 1, 2023, and applies to purchases and transactions on or after that date. The remainder of this act becomes effective December 1, 2023.