

Amendment - 2nd Reading-yellow - Requested by: Greg Oblander - (H) Committee of the Whole

- 2023

68th Legislature 2023

Drafter: Rachel Weiss, 406-444-5367

HB0255.001.002

1 HOUSE BILL NO. 255
2 INTRODUCED BY G. OBLANDER, D. ZOLNIKOV, N. DURAM, B. LER, L. BREWSTER, K. ZOLNIKOV, B.
3 MITCHELL, S. KERNS, K. SEEKINS-CROWE, M. STROMSWOLD, R. MINER, N. NICOL, L. DEMING, G.
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6 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE THEFT OF
7 CATALYTIC CONVERTERS; PROVIDING RESTRICTIONS ON THE SALE OF CATALYTIC CONVERTERS;
8 PROVIDING FOR A CRIME OF ILLEGAL TRANSPORTATION OF CATALYTIC CONVERTERS; REVISING
9 RECORDKEEPING REQUIREMENTS FOR SALES OF CATALYTIC CONVERTERS; AMENDING SECTIONS
10 30-22-101 AND 30-22-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 NEW SECTION. Section 1. Sale of catalytic converters. (1) A seller who is not a licensed salvage
15 metal dealer may not sell more than one catalytic converter to a salvage metal dealer a day.

16 (2) A Unless the transaction or exchange is with another salvage metal dealer, a salvage metal
17 dealer may not:

18 (a) provide any consideration to a seller of a catalytic converter until 72 hours after the most recent
19 transaction between the salvage metal dealer and the seller; and

20 (b) pay more than \$30 in cash, stored value device, or electronic fund transfer for any transaction
21 that includes a catalytic converter. Additional consideration contracted for may must be paid by check.

22
23 NEW SECTION. Section 2. Illegal transportation of catalytic converters. (1) A Except for a
24 person transporting vehicles or materials in conformance with the junk vehicle program provided for in Title 75,
25 chapter 10, part 5, a person commits the offense of illegal transportation of catalytic converters if the person
26 purposely or knowingly transports more than one catalytic converter that is not connected to a vehicle exhaust
27 system and the person lacks a nonferrous metal acquisition record as provided in 30-22-102.

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1 (2) A person convicted of illegal transportation of catalytic converters shall be fined an amount not
2 to exceed \$5,000 or be imprisoned for a term not to exceed 1 year, or both.

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4 **Section 3.** Section 30-22-101, MCA, is amended to read:

5 **"30-22-101. Definitions.** As used in this part, unless the context requires otherwise, the following
6 definitions apply:

7 (1) "Nonferrous metal" means metal and metal alloys not containing significant quantities of iron or
8 steel, including but not limited to:

9 (a) copper;

10 (b) brass;

11 (c) aluminum, other than aluminum cans;

12 (d) bronze;

13 (e) lead;

14 (f) zinc;

15 (g) nickel;

16 (h) stainless steel, including stainless steel beer kegs; and

17 (i) precious metals, including catalytic converters and their component parts and materials.

18 (2) "Person" means an individual, partnership, corporation, joint venture, trust, association, or any
19 other legal entity.

20 (3) "Salvage metal dealer" means a person who is engaged in the business of paying, trading,
21 recycling, or bartering for or collecting nonferrous metals that have served their original economic purpose,
22 whether or not the person is engaged in the business of performing the manufacturing process by which ferrous
23 metals or nonferrous metals are converted into raw material products consisting of prepared grades and having
24 an existing or potential economic value.

25 (4) "Seller" means a person who sells or delivers nonferrous metal or otherwise makes nonferrous
26 metal available to a salvage metal dealer."

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