

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

HOUSE BILL NO. 255

INTRODUCED BY G. OBLANDER, D. ZOLNIKOV, N. DURAM, B. LER, L. BREWSTER, K. ZOLNIKOV, B. MITCHELL, S. KERNS, K. SEEKINS-CROWE, M. STROMSWOLD, R. MINER, N. NICOL, L. DEMING, G. NIKOLAKAKOS, T. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE THEFT OF CATALYTIC CONVERTERS; PROVIDING RESTRICTIONS ON THE SALE OF CATALYTIC CONVERTERS; PROVIDING FOR A CRIME OF ILLEGAL TRANSPORTATION OF CATALYTIC CONVERTERS; REVISING RECORDKEEPING REQUIREMENTS FOR SALES OF CATALYTIC CONVERTERS; AMENDING SECTIONS 30-22-101 AND 30-22-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

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

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

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

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

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

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

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

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

(a) copper;

(b) brass;

(c) aluminum, other than aluminum cans;

(d) bronze;

(e) lead;

(f) zinc;

(g) nickel;

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

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

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

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

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

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Section 4. Section 30-22-102, MCA, is amended to read:

"30-22-102. Recordkeeping. (1) A salvage metal dealer shall:

(a) maintain a nonferrous metal acquisition record for nonferrous metal transactions that include a catalytic converter or that exceed \$50;

(b) retain a nonferrous metal acquisition record for a period of not less than 2 years from the date of the transaction; and

(c) make nonferrous metal acquisition records available to any peace officer on demand.

(2) The nonferrous metal acquisition record required under subsection (1) must contain:

(a) the time and date of the transaction and the name of the person conducting the transaction on behalf of the salvage metal dealer;

(b) a general description, using scrap specifications recognized by the institute of scrap recycling industries, inc., of the property acquired, including the type and amount and, if readily discernible, any identifiable marks on the property;

(c) the amount of consideration given for the nonferrous metal;

(d) a photocopy or scanned copy of a current, valid driver's license, passport, or state identification card of the seller, ~~except that the identification copies required under this subsection (2)(d) do not apply if a check for payment is provided to a seller or transferor;~~

(e) a signature of the seller or transferor; ~~and~~

(f) a description of any motor vehicle and its license number used in the delivery of the nonferrous metal; and

(g) if the transaction includes a catalytic converter, documentation showing the catalytic converter was removed from a vehicle registered to the seller."

NEW SECTION. Section 5. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 30, chapter 22, part 1, and the provisions of Title 30, chapter 22, part 1, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 45, chapter 6, part 3, and the provisions of Title 45, chapter 6, part 3, apply to [section 2].

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2 NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval.

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AMENDED