

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

S

1

SENATE BILL 99

Short Title: Clarify Law on Theft of Catalytic Converters. (Public)

Sponsors: Senators McInnis, Burgin, and Craven (Primary Sponsors).

Referred to: Rules and Operations of the Senate

February 16, 2021

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT, UNLESS THE CONDUCT IS COVERED UNDER ANOTHER PROVISION OF LAW PROVIDING GREATER PUNISHMENT, LARCENY OF A CATALYTIC CONVERTER IS A CLASS I FELONY, TO REQUIRE SECONDARY METALS RECYCLERS TO MAINTAIN AN ELECTRONIC RECORD OF CERTAIN INFORMATION FROM TRANSACTIONS INVOLVING THE SALE OF CATALYTIC CONVERTERS, AND TO INCLUDE A FINE AS PUNISHMENT FOR CERTAIN VIOLATIONS INVOLVING THE PURCHASE OF CATALYTIC CONVERTERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-72.8 reads as rewritten:

"§ 14-72.8. **Felony larceny of motor vehicle parts.**

(a) Offense; Punishment. – Unless the conduct is covered under some other provision of law providing greater punishment, larceny of a motor vehicle part is a Class I felony if (i) the cost of repairing the motor vehicle is one thousand dollars (\$1,000) or ~~more~~ more or (ii) the motor vehicle part is a catalytic converter.

(b) Presumption. – A person in possession of a catalytic converter that has been removed from a motor vehicle is presumed to have obtained the catalytic converter under circumstances constituting a violation of subsection (a) of this section unless the person is any of the following:

(1) An employee or agent of a company that is in the business of installing, replacing, maintaining, or removing catalytic converters, and the employee or agent is in possession of the catalytic converter as part of the person's official duties.

(2) A contractor that is in the business of installing, replacing, maintaining, or removing catalytic converters, and the contractor is in possession of the catalytic converter as part of the person's official duties.

(3) An individual that is in the business of installing, replacing, maintaining, or removing catalytic converters, and the individual is in possession of the catalytic converter as part of the person's official duties.

(4) An individual who removed the catalytic converter from a motor vehicle for purposes of repairing the motor vehicle and (i) is intending to reattach the catalytic converter to the motor vehicle or (ii) is intending to lawfully dispose of the catalytic converter.

(c) Determining Cost. – For purposes of this section, the cost of repairing a motor vehicle means the cost of any replacement part and any additional costs necessary to install the replacement part in the motor vehicle."

SECTION 2. G.S. 66-421(b) reads as rewritten:



* S 9 9 - V - 1 *

1 "(b) Records Required. — A secondary metals recycler shall maintain ~~a~~an electronic
2 record of all purchase transactions in which the secondary metals recycler purchases regulated
3 metals property. The record of each transaction shall contain the following information:

- 4 (1) The name and address of the secondary metals recycler.
- 5 (2) The name, initials, or other identification of the individual entering the
6 information.
- 7 (3) The date of the transaction.
- 8 (4) The weight of the regulated metals property purchased.
- 9 (5) The description made in accordance with the custom of the trade of the type
10 of regulated metals property purchased and the physical address where the
11 regulated metals were obtained by the seller and the date when purchased, and
12 a statement signed by the seller or the seller's agent certifying that the seller
13 or the seller's agent has the lawful right to sell and dispose of the property.
- 14 (6) The amount of consideration given for the regulated metals property.
- 15 (7) The name and address of the vendor of the regulated metals property and the
16 license plate number, make, model, and color of the vehicle used to deliver
17 the regulated metals.
- 18 (8) A photocopy or electronic scan of the unexpired drivers license or state or
19 federally issued photo identification card of the person delivering the
20 regulated metals property to the secondary metals recycler. If the secondary
21 metals recycler has a copy of the valid photo identification of the person
22 delivering the regulated metals property on file, the secondary metals recycler
23 must examine the photo identification and verify that it has not expired, but
24 may reference the photo identification that is on file without making a separate
25 photocopy or electronic scan for each subsequent transaction. If the person
26 delivering the regulated metals property does not have an unexpired drivers
27 license or an unexpired state or federally issued photo identification card, the
28 secondary metals recycler shall not complete the transaction.
- 29 (9) A copy of the receipt required under subsection (a) of this section when all the
30 information required under subsection (a) of this section is clear and legible
31 or, in the event the copy of the receipt is not clear or not legible, the original
32 receipt.
- 33 (10) A video or digital photograph of the seller together with the regulated metals
34 property being delivered by the seller. The video or photograph required by
35 this section shall be of a quality that is sufficient to allow a person of ordinary
36 faculties to identify the person recorded or photographed.
- 37 (11) ~~In transactions involving catalytic converters that are not attached to a vehicle,~~
38 converters, and central air conditioner evaporator coils or condensers, the
39 person delivering the materials shall place next to that person's signature on
40 the receipt required under subsection (a) of this section, a clear impression of
41 that person's index finger that is in ink and free of any smearing. A secondary
42 metals recycler may elect to obtain the fingerprint electronically. If the
43 secondary metals recycler has a copy of the fingerprint of the person
44 delivering the nonferrous metal on file, the secondary metals recycler must
45 examine the photo identification, but may reference the fingerprint that is on
46 file without making a separate fingerprint for each subsequent transaction.
- 47 (12) In transactions involving catalytic converters that are attached to a vehicle, a
48 copy of the title of the vehicle or other proof of ownership. In transactions
49 involving catalytic converters that are not attached to a vehicle, a description
50 as to how the company, contractor, or metals recycler obtained the catalytic
51 converter, including any model, serial, or other identification numbers for the

1 vehicle or other product from which the catalytic converter was removed
2 from."

3 **SECTION 3.** G.S. 66-429(a) reads as rewritten:

4 "(a) Punishment Generally. — Unless the conduct is covered by some other provision of
5 law providing greater punishment, any person knowingly and willfully violating any of the
6 provisions of this Part shall be guilty of a Class 1 misdemeanor for a first offense. A second or
7 subsequent violation of this Part is a Class I felony. In addition to any other punishment imposed
8 for a violation of this Part, any person knowingly and willfully violating any of the provisions of
9 this Part involving the purchase of a catalytic converter shall be punished by a fine of one
10 thousand dollars (\$1,000) for each violation."

11 **SECTION 4.** Section 2 of this act becomes effective December 1, 2021, and applies
12 to purchases on or after that date. The remainder of this act becomes effective December 1, 2021,
13 and applies to offenses committed on or after that date.