

HOUSE BILL NO. 118

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES D.JOHNSON, McCabe, Wright

Introduced: 3/17/23

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the sale and possession of used detached catalytic converters; and**
2 **establishing the crime of possession, sale, or purchase of a used detached catalytic**
3 **converter."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 08.60 is amended by adding a new section to read:

6 **Sec. 08.60.215. Purchase of catalytic converters.** (a) Before purchasing a
7 used detached catalytic converter, a scrap metal dealer shall register with the
8 Department of Public Safety on a form provided by the department. The form must
9 require that the scrap metal dealer provide the physical address of the scrap metal
10 dealer's place of business.

11 (b) A scrap metal dealer may not purchase or otherwise acquire a used
12 detached catalytic converter or any nonferrous metal part of a catalytic converter
13 unless the used detached catalytic converter or the nonferrous metal part of a catalytic
14 converter is purchased at the place of business of the scrap metal dealer during an in-

1 person transaction.

2 (c) Notwithstanding AS 08.60.200(a), regardless of the amount of the
3 transaction, a scrap metal dealer purchasing a used detached catalytic converter or any
4 nonferrous metal part of a catalytic converter shall maintain an accurate paper or
5 electronic record that contains the information identified in AS 08.60.200(b), a signed
6 statement under AS 08.60.210, and any obvious markings on the used detached
7 catalytic converter, including paint, labels, and engravings that would aid in the
8 identification of the catalytic converter.

9 * **Sec. 2.** AS 08.60.220 is amended to read:

10 **Sec. 08.60.220. Inspection availability.** A dealer shall make the records
11 required by AS 08.60.200, [AND] 08.60.210, and 08.60.215(c) available for
12 inspection by a law enforcement officer during the dealer's regular hours of business
13 or at reasonable times if the dealer does not keep regular hours of business.

14 * **Sec. 3.** AS 08.60.230 is amended to read:

15 **Sec. 08.60.230. Retention of records.** A dealer shall maintain the records of a
16 transaction required by AS 08.60.200, [AND] 08.60.210, and 08.60.215(c) for five
17 years after the date of the transaction.

18 * **Sec. 4.** AS 08.60.250 is amended to read:

19 **Sec. 08.60.250. Criminal penalties.** A dealer who knowingly fails to comply
20 with AS 08.60.200 - 08.60.215 [AS 08.60.200 OR 08.60.210] or a person who
21 knowingly makes a false entry for a record required under AS 08.60.200, [OR]
22 08.60.210, or 08.60.215(c) is guilty of a class A misdemeanor. In this section,
23 "knowingly" has the meaning given in AS 11.81.900.

24 * **Sec. 5.** AS 11.76 is amended by adding a new section to read:

25 **Sec. 11.76.160. Possession, sale, or purchase of a used detached catalytic**
26 **converter.** (a) A person commits the crime of possession, sale, or purchase of a used
27 detached catalytic converter if the person knowingly

28 (1) possesses or sells a used detached catalytic converter; or

29 (2) purchases a used detached catalytic converter or any nonferrous
30 metal part of a catalytic converter and the person is not a scrap metal dealer.

31 (b) The provisions of (a)(1) of this section do not apply to a person who is

engaged in the business of possessing or selling used detached catalytic converters, has previously registered with the Department of Public Safety on a form provided by the department, and is

- (1) a motor vehicle dismantler or recycler;
- (2) a scrap metal dealer;
- (3) a motor vehicle dealer;
- (4) a mechanic or automotive repair facility; or
- (5) any other licensed business that may reasonably possess or sell used detached catalytic converters.

(c) This section does not apply to

(1) a used detached catalytic converter that has been tested, certified, and labeled, or otherwise approved for reuse, and that is being sold or purchased for purposes of reuse in accordance with 42 U.S.C. 7401 - 7671q (Clean Air Act) and federal regulations adopted under 42 U.S.C. 7401 - 7671q (Clean Air Act);

(2) a used detached catalytic converter in the possession of an individual who possesses documentation indicating that the individual possesses the catalytic converter as the result of a replacement of a catalytic converter from a vehicle registered in that individual's name;

(3) a used detached catalytic converter temporarily in the possession of an individual if the catalytic converter was detached from a vehicle registered in the individual's name that is being dismantled for parts or scrap metal and the individual sells or conveys the catalytic converter to a scrap metal dealer, motor vehicle dismantler, or recycler; or

(4) a mechanic, auto body technician, or the registered owner of a vehicle who temporarily detaches a catalytic converter from a vehicle while repairing, modifying, or performing maintenance on the vehicle.

(d) A detached catalytic converter possessed, sold, or purchased in violation of this section shall be forfeited to the state upon conviction.

(e) In this section,

(1) "detached catalytic converter" means a catalytic converter that is intended for use with an internal combustion engine and that is not attached to the

1 exhaust system of an internal combustion engine;

2 (2) "motor vehicle dealer" has the meaning given in AS 08.66.350;

3 (3) "scrap metal dealer" has the meaning given in AS 08.60.290.

4 (f) Possession, sale, or purchase of a used detached catalytic converter is a
5 class B misdemeanor.

6 * **Sec. 6.** AS 44.41.020 is amended by adding a new subsection to read:

7 (k) The Department of Public Safety shall maintain a central registry of
8 persons engaged in the business of purchasing used detached catalytic converters and
9 shall adopt regulations to implement AS 08.60.215 and AS 11.76.160.

10 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 APPLICABILITY. (a) AS 08.60.215, enacted by sec. 1 of this Act, applies to used
13 detached catalytic converters purchased on or after the effective date of this Act.

14 (b) AS 08.60.250, as amended by sec. 4 of this Act, and AS 11.76.160, enacted by
15 sec. 5 of this Act, apply to offenses committed on or after the effective date of this Act.