

1 State of Arkansas As Engrossed: H2/14/23 H2/27/23

2 94th General Assembly

# A Bill

3 Regular Session, 2023

HOUSE BILL 1365

4

5 By: Representatives Holcomb, Barker, Beaty Jr., M. Berry, Cozart, Eubanks, L. Fite, Fortner, J.

6 Mayberry, McClure, Richmond, Rye, Unger, Vaught, Watson, D. Whitaker, Wooten

7 By: Senators Gilmore, J. Payton

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## For An Act To Be Entitled

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AN ACT TO AMEND THE LAW CONCERNING RECORDS MAINTAINED

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BY SCRAP METAL RECYCLERS; TO CREATE OFFENSES FOR

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THEFT OF A CATALYTIC CONVERTER AND UNAUTHORIZED

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POSSESSION OF A CATALYTIC CONVERTER; AND FOR OTHER

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PURPOSES.

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## Subtitle

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TO AMEND THE LAW CONCERNING RECORDS

19

MAINTAINED BY SCRAP METAL RECYCLERS; AND

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TO CREATE OFFENSES FOR THEFT OF A

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CATALYTIC CONVERTER AND UNAUTHORIZED

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POSSESSION OF A CATALYTIC CONVERTER.

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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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27 SECTION 1. Arkansas Code Title 5, Chapter 36, Subchapter 1, is amended  
28 to add an additional section to read as follows:

29 5-36-126. Theft of a catalytic converter – Unauthorized possession of  
30 a catalytic converter.

31 (a) As used in this section:

32 (1) "Catalytic converter" means an exhaust emission control  
33 device that reduces toxic gases and pollutants from internal combustion  
34 engines; and

35 (2) "Permanently marked" means marked in a permanent manner,  
36 including without limitation engraving or permanent ink, that clearly and



1 legibly indicates the:

2 (A) Date the catalytic converter was removed from the  
3 motor vehicle; and

4 (B) Vehicle identification number of the motor vehicle the  
5 catalytic converter was removed from.

6 (b) A person commits theft of a catalytic converter if he or she  
7 commits, aids, or is an accomplice to a commission of theft of property under  
8 § 5-36-103(a) and the property is a catalytic converter.

9 (c) A person commits unauthorized possession of a catalytic converter  
10 if the person:

11 (1) Knowingly possesses a catalytic converter that has been  
12 removed from a motor vehicle and that is not permanently marked; and

13 (2) Is not:

14 (A) The owner of the motor vehicle from which the  
15 catalytic converter was removed; or

16 (B) Possessing the catalytic converter in the ordinary  
17 course of the person's business.

18 (d) There is a presumption that a person is possessing the catalytic  
19 converter in the ordinary course of the person's business if the person  
20 engages in any of the following businesses:

21 (1) An automotive wrecking and salvage yard;

22 (2) A scrap metal recycler;

23 (3) A licensed vehicle dealer or licensed vehicle converter;

24 (4) A licensed salvage vehicle dealer;

25 (5) A licensed vehicle storage facility;

26 (6) A garage or shop that is engaged in the business of  
27 repairing motor vehicles;

28 (7) A towing company;

29 (8) A used automotive parts recycler;

30 (9) A person who holds a vehicle dealer number;

31 (10) A motor vehicle demolisher;

32 (11) A for-hire carrier, including without limitation a person  
33 who provides services such as mail, freight, or package delivery by air,  
34 water, rail, or surface transportation;

35 (12) A person located out of state and regulated by another  
36 state in the performance of a business activity under subdivisions (d)(1)-

1 (11) of this section; or

2 (13) An employee of or independent contractor providing services  
 3 to a person described in subdivisions (d)(1)-(11) of this section and who  
 4 possesses the catalytic converter when acting within the course and scope of  
 5 the person's employment or independent contractor services.

6 (e) The presumption established under subsection (d) of this section  
 7 does not apply to a person who knows that the catalytic converter was  
 8 unlawfully removed from a motor vehicle or otherwise unlawfully obtained.

9 (f)(1) Theft of a catalytic converter is a Class C felony.

10 (2) The court may order a person convicted of theft of a  
 11 catalytic converter to pay restitution for the value of the repair or  
 12 replacement of the catalytic converter.

13 (g) Unauthorized possession of a catalytic converter is a:

14 (1) Class C felony if the person:

15 (A) Has a prior conviction for unauthorized possession of  
 16 a catalytic converter; or

17 (B) In the course of the unauthorized possession of a  
 18 catalytic converter, the person commits or attempts, conspires, or solicits  
 19 another person to commit an offense related to a catalytic converter; or

20 (2) Class D felony if otherwise committed.

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 22 Section 2. Arkansas Code § 17-44-101(7), concerning the definition of  
 23 scrap metal, is amended to read as follows:

24 (7)(A) "Scrap metal" means bits and pieces of metal parts that:

25 (i) may May be combined together with bolts or  
 26 soldering; and

27 (ii) can Can be recycled when worn or superfluous.

28 (B) "Scrap metal" includes detached catalytic converters;

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 30 SECTION 3. Arkansas Code § 17-44-109(a)(1), concerning a buyer of used  
 31 catalytic converters, is amended to read as follows:

32 (a)(1) A buyer of a used catalytic converter ~~other than a scrap metal~~  
 33 ~~recycler~~ shall file an electronic record of the used catalytic converter  
 34 purchase.

35  
 36 SECTION 4. Arkansas Code § 17-44-109(b), concerning a buyer of used

1 catalytic converters, is amended to read as follows:

2 (b) The buyer of a used catalytic converter ~~other than a scrap metal~~  
3 ~~recycler~~:

4 (1) Shall maintain a receipt of the electronic record entry as a  
5 record of the purchase of a used catalytic converter; and

6 (2) Is subject to the penalties under § 17-44-102(f)(2)(B) for  
7 failure to file an electronic report of the purchase of a used catalytic  
8 converter.

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10 SECTION 5. Arkansas Code § 17-44-109(e)(1), concerning a buyer of used  
11 catalytic converters, is amended to read as follows:

12 (e)(1) A buyer of a used catalytic converter ~~other than a scrap metal~~  
13 ~~recycler must~~ shall be registered with the county sheriff.

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15 /s/Holcomb

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