

1 S.48

2 An act relating to regulating the sale of catalytic converters

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. 9 V.S.A. chapter 82 is amended to read:

5 Chapter 82: Scrap Metal Processors

6 * * *

7 § 3022. PURCHASE OF NONFERROUS SCRAP, METAL ARTICLES,

8 PROPRIETARY ARTICLES, AND RAILROAD SCRAP

9 (a) Catalytic converters.

10 (1) A scrap metal processor shall not purchase more than one used and
11 detached catalytic converter per day from any person, other than a motor
12 vehicle recycler or motor vehicle repair shop.

13 (2) A person, other than a motor vehicle recycler or motor vehicle repair
14 shop, shall not transport simultaneously two or more used and detached
15 catalytic converters unless:

16 (A) each catalytic converter is engraved or otherwise permanently
17 marked with the vehicle identification number of the vehicle from which it was
18 removed; and

19 (B) the person transporting the catalytic converter has in the person's
20 possession documentation demonstrating proof of lawful ownership as
21 specified in subdivision (b)(1) of this section.

1 (b) Documentation required for sale. A scrap metal processor may
2 purchase nonferrous scrap, metal articles, proprietary articles, and railroad
3 scrap only if the scrap metal processor complies with all the following
4 procedures:

5 (1) At the time of sale, the processor:

6 (A) requires the seller to provide a current government-issued
7 photographic identification that indicates the seller's full name, current
8 address, and date of birth, and records in a permanent ledger the identification
9 information of the seller, the time and date of the transaction, the license
10 number of the seller's vehicle, and a description of the items received from the
11 seller; and

12 (B) requests and, ~~if available,~~ collects:

13 (i) third-party documentation from the seller of the items offered
14 ~~for sale, that establishes that the seller lawfully owns the items to be sold,~~ such
15 as a bill of sale, itemized receipt, or letter of authorization, signed by the
16 person from whom the seller purchased the item; or similar evidence

17 (ii) a written affidavit of ownership that establishes states that the
18 seller lawfully owns the items to be sold.

19 (2) After purchasing an item from a person who ~~fails to~~ does not provide
20 documentation a bill of sale, itemized receipt, or letter of authorization signed

1 by the person from whom the seller purchased the item pursuant to subdivision
2 (1)(B)(i) of this subsection, the processor:

3 (A) submits to the Department of Public Safety ~~no~~ not later than the
4 close of the following business day a report that describes the item and the
5 seller's identifying information required in subdivision (1)(A) of this
6 subsection; and

7 (B) holds the item for at least 10 days following purchase.

8 (c) Retention of records. The information collected by a scrap metal
9 processor pursuant to this section shall be retained for at least five years at the
10 processor's normal place of business or other readily accessible and secure
11 location. On request, this information shall be made available to any law
12 enforcement official or authorized security agent of a governmental entity who
13 provides official credentials at the scrap metal processor's business location
14 during regular business hours.

15 § 3023. PENALTIES

16 (a) A ~~scrap metal processor~~ person who violates any provision of this
17 chapter for the first time may be assessed a civil penalty not to exceed
18 \$1,000.00 for each transaction.

19 (b) A ~~scrap metal processor~~ person who violates any provision of this
20 chapter for a second or subsequent time shall be fined not more than
21 \$25,000.00 for each transaction.

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on July 1, 2023.