

1 S.48

2 An act relating to regulating the sale of catalytic converters

3 The House proposes to the Senate to amend the bill by striking out all after
4 the enacting clause and inserting in lieu thereof the following:

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

6 CHAPTER 82. SCRAP METAL PROCESSORS

7 * * *

8 § 3022. PURCHASE OF NONFERROUS SCRAP, METAL ARTICLES,
9 PROPRIETARY ARTICLES, AND RAILROAD SCRAP

10 (a) Catalytic converters.

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

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

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

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

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

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

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

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

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

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

1 (2) After purchasing an item from a person who ~~fails to~~ does not provide
2 ~~documentation~~ a bill of sale, itemized receipt, or letter of authorization signed
3 by the person from whom the seller purchased the item pursuant to subdivision
4 (1)(B)(i) of this subsection, the processor:

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

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

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

17 § 3023. PENALTIES

18 (a) A ~~scrap metal processor~~ person who violates any provision of this
19 chapter for the first time may be assessed a civil penalty not to exceed
20 \$1,000.00 for each transaction.

1 (b) A ~~scrap metal processor~~ person who violates any provision of this
2 chapter for a second or subsequent time shall be fined not more than
3 \$25,000.00 for each transaction.

4 Sec. 2. 24 V.S.A. § 2242 is amended to read:

5 § 2242. REQUIREMENT FOR OPERATION OR MAINTENANCE

6 (a) A person shall not operate, establish, or maintain a salvage yard unless
7 ~~he or she~~ the person:

8 (1) holds a certificate of approval for the location of the salvage yard;

9 and

10 (2) holds a certificate of registration issued by the Secretary to operate,
11 establish, or maintain a salvage yard.

12 (b) The issuance of a certificate of registration under subsection (a) of this
13 section shall not relieve a salvage yard from the obligation to comply with
14 existing State and federal environmental laws and to obtain all permits required
15 under State or federal environmental law.

16 (c) The Secretary may require a person to obtain a salvage yard certificate
17 of registration under this section upon a determination, based on available
18 information, that the person has taken action to circumvent the requirements of
19 this subchapter.

20 (d) Prior to issuing a certificate of registration, the Secretary shall obtain
21 written acknowledgment that the person seeking the certificate is aware of, and

1 will comply with, the requirements for buying, selling, transporting, and
2 keeping records concerning nonferrous scrap, metal articles, proprietary
3 articles, and railroad scrap pursuant to 9 V.S.A. chapter 82.

4 Sec. 3. 24 V.S.A. § 2244 is added to read:

5 § 2244. PERIODIC INSPECTIONS

6 (a) The Secretary shall conduct an unannounced inspection of the physical
7 operation, record-keeping practices, and regulatory compliance practices of
8 salvage yards to ensure compliance with applicable provisions of this
9 subchapter.

10 (b) As part of the inspection program, the Secretary shall annually inspect
11 at least one facility to ensure compliance with 9 V.S.A. chapter 82.

12 Sec. 4. ADOPTION OF FORMS; PUBLIC OUTREACH

13 (a) The Department of Public Safety shall adopt and make available on its
14 public website sample forms for an affidavit or other proof of ownership, for
15 collection and retention of records, and for other record-keeping purposes that
16 persons may use to comply with the requirements for buying, selling,
17 transporting, and keeping records concerning nonferrous scrap, metal articles,
18 proprietary articles, and railroad scrap pursuant to 9 V.S.A. chapter 82.

19 (b) The Department of Public Safety and the Agency of Natural Resources
20 shall coordinate to design and implement a public outreach campaign to
21 educate sellers of scrap metal and proprietary articles, including catalytic

1 converters; scrap metal processors; and law enforcement on the requirements
2 for buying, selling, transporting, and keeping records concerning nonferrous
3 scrap, metal articles, proprietary articles, and railroad scrap pursuant to
4 9 V.S.A. chapter 82 and other relevant provisions of law.

5 Sec. 5. 20 V.S.A. § 2355 is amended to read:

6 § 2355. COUNCIL POWERS AND DUTIES

7 * * *

8 (b)(1) The Council shall conduct and administer training schools and offer
9 courses of instruction for law enforcement officers and other criminal justice
10 personnel. The Council shall offer courses of instruction for law enforcement
11 officers in different areas of the State and shall strive to offer nonovernight
12 courses whenever possible.

13 (2) The Council may also offer the basic officer's course for preservice
14 students and educational outreach courses for the public, including firearms
15 safety and use of force.

16 (3) Following the conclusion of each session of the General Assembly,
17 the Council shall prepare and make available to law enforcement agencies
18 throughout the State and constables exercising law enforcement authority
19 pursuant to 24 V.S.A. § 1936 materials or training concerning new or amended
20 State law that affects law enforcement activities, including changes to civil,

1 criminal, and administrative violations, procedures, penalties, and
2 enforcement.

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4 Sec. 6. EFFECTIVE DATE

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