

1 TO THE HONORABLE SENATE:

2 The Committee on Transportation to which was referred Senate Bill No. 48
3 entitled “An act relating to regulating the sale of catalytic converters”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

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

8 Chapter 82: Scrap Metal Processors

9 * * *

10 § 3022. PURCHASE OF NONFERROUS SCRAP, METAL ARTICLES,
11 PROPRIETARY ARTICLES, AND RAILROAD SCRAP

12 (a) Catalytic converters.

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

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

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

1 (B) the person transporting the catalytic converter has in their
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. EFFECTIVE DATE

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

6

7 (Committee vote: _____)

8

9

Senator _____

10

FOR THE COMMITTEE