

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0124.01 Richard Sweetman x4333

SENATE BILL 22-009

SENATE SPONSORSHIP

Ginal and Hisey, Liston

HOUSE SPONSORSHIP

Bird and Benavidez, Bockenfeld

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING CATALYTIC CONVERTERS, AND, IN CONNECTION
102 THEREWITH, ESTABLISHING PROCEDURES FOR THE EVALUATION
103 AND CERTIFICATION OF AFTERMARKET CATALYTIC
104 CONVERTERS AND ENACTING MEASURES TO ADDRESS THE THEFT
105 OF CATALYTIC CONVERTERS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Section 1 of the bill requires the air quality control commission in the department of public health and environment to promulgate rules

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

establishing:

- Evaluation procedures for aftermarket catalytic converters; and
- Procedures for the division of administration in the department of public health and environment (division) to use to certify aftermarket catalytic converters for installation and sale.

Section 2 states that on and after October 31, 2022, it is unlawful to install, sell, offer for sale, or advertise any used, recycled, or salvaged catalytic converter unless the catalytic converter is an aftermarket catalytic converter that has been certified for installation and sale by the division.

For the purposes of regulating purchases of commodity metals and the commodities metals theft task force, **section 3** amends the definition of "commodity metal" to include rhodium, palladium, or platinum-clad components of a catalytic converter. For the purposes of the existing criminal statute prohibiting the operation of motor vehicle chop shops, **section 4** adds catalytic converters to the definition of "major component motor vehicle part". **Section 5** requires each auto parts recycler to consult the national motor vehicle title information system for each catalytic converter that the auto parts recycler acquires from the recycling of a motor vehicle in order to determine whether the catalytic converter is stolen.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add 25-7-143** as
3 follows:

4 **25-7-143. Evaluation procedures for aftermarket catalytic**
5 **converters - rules - definitions.** (1) AS USED IN THIS SECTION, UNLESS
6 THE CONTEXT OTHERWISE REQUIRES:

7 (a) "AFTERMARKET CATALYTIC CONVERTER" MEANS:

8 (I) A CATALYTIC CONVERTER THAT:

9 (A) IS CONSTRUCTED OF ALL NEW MATERIALS; AND

10 (B) IS NOT AN ORIGINAL EQUIPMENT CATALYTIC CONVERTER; OR

11 (II) A CATALYTIC CONVERTER THAT INCLUDES ANY NEW MATERIAL

12 OR CONSTRUCTION THAT IS NOT EQUIVALENT TO THE MATERIALS OR

1 CONSTRUCTION OF THE ORIGINAL EQUIPMENT CATALYTIC CONVERTER.

2 (b) "MANUFACTURER" MEANS A MANUFACTURER OF
3 AFTERMARKET CATALYTIC CONVERTERS.

4 (2) ON OR BEFORE OCTOBER 1, 2022, THE COMMISSION SHALL
5 PROMULGATE RULES REGARDING AFTERMARKET CATALYTIC CONVERTERS,
6 INCLUDING:

7 (a) RULES ESTABLISHING EVALUATION PROCEDURES FOR
8 AFTERMARKET CATALYTIC CONVERTERS, WHICH EVALUATION
9 PROCEDURES MUST ESTABLISH CRITERIA THAT THE COMMISSION WILL USE
10 TO EVALUATE WHETHER AFTERMARKET CATALYTIC CONVERTERS QUALIFY
11 FOR EXEMPTION FROM SECTION 42-4-243 (1). THE RULES MUST INCLUDE
12 RULES CONCERNING:

13 (I) TESTING OF VEHICLES AND SELECTION OF TEST VEHICLES THAT
14 INCLUDE ONBOARD DIAGNOSTIC SYSTEMS AND TEST VEHICLES THAT DO
15 NOT INCLUDE ONBOARD DIAGNOSTIC SYSTEMS;

16 (II) TESTING OF VEHICLES WITH MULTIPLE CATALYSTS OF THE
17 SAME DESIGN;

18 (III) AGING OF CATALYTIC CONVERTERS FOR TESTING;

19 (IV) EMISSION PERFORMANCE TESTING;

20 (V) DEMONSTRATION OF ONBOARD DIAGNOSTIC SYSTEM
21 COMPATIBILITY;

22 (VI) CONFIRMATORY TESTING;

23 (VII) LABEL REQUIREMENTS;

24 (VIII) WARRANTY REQUIREMENTS;

25 (IX) A REQUIREMENT THAT A MANUFACTURER PROVIDE A WRITTEN
26 STATEMENT THAT ITS AFTERMARKET CATALYTIC CONVERTERS WILL NOT,
27 IN THEIR OPERATION, FUNCTION, OR MALFUNCTION, RESULT IN ANY

1 UNSAFE CONDITION ENDANGERING THE MOTOR VEHICLE, ITS OCCUPANTS,
2 OR PERSONS OR PROPERTY IN CLOSE PROXIMITY TO THE MOTOR VEHICLE;

3 (X) A REQUIREMENT THAT EACH MANUFACTURER DEVELOP AND
4 SUBMIT FOR THE DIVISION'S REVIEW A VEHICLE APPLICATION CATALOG
5 THAT SPECIFIES, FOR EACH VEHICLE MODEL, THE MANUFACTURER'S
6 AFTERMARKET CATALYTIC CONVERTER, IF ANY, THAT IS APPROVED FOR
7 USE IN COLORADO; AND

8 (XI) QUALITY CONTROL PROCEDURES.

9 (b) RULES ESTABLISHING PROCEDURES FOR THE DIVISION TO
10 CERTIFY MANUFACTURERS' AFTERMARKET CATALYTIC CONVERTERS FOR
11 INSTALLATION AND SALE BASED ON THE TEST PERFORMANCE OF SAMPLE
12 AFTERMARKET CATALYTIC CONVERTERS.

13 **SECTION 2.** In Colorado Revised Statutes, **add** 42-4-243 as
14 follows:

15 **42-4-243. Aftermarket catalytic converters - installation and**
16 **sale prohibited - exemption.** (1) EXCEPT AS DESCRIBED IN SUBSECTION
17 (2) OF THIS SECTION, ON AND AFTER OCTOBER 31, 2022, IT IS UNLAWFUL
18 FOR A PERSON TO INSTALL, SELL, OFFER FOR SALE, OR ADVERTISE ANY
19 USED, RECYCLED, OR SALVAGED CATALYTIC CONVERTER.

20 (2) A PERSON MAY INSTALL, SELL, OFFER FOR SALE, OR ADVERTISE
21 AN AFTERMARKET CATALYTIC CONVERTER, AS DEFINED IN SECTION
22 25-7-143 (1)(a), IF THE AFTERMARKET CATALYTIC CONVERTER HAS BEEN
23 CERTIFIED FOR INSTALLATION AND SALE BY THE DIVISION OF
24 ADMINISTRATION IN THE DEPARTMENT OF PUBLIC HEALTH AND
25 ENVIRONMENT PURSUANT TO SECTION 25-7-143.

26 **SECTION 3.** In Colorado Revised Statutes, 18-13-111, **amend**
27 (8)(b.5) as follows:

1 **18-13-111. Purchases of commodity metals - violations -**
2 **commodity metals theft task force - creation - composition - reports**
3 **- legislative declaration - definitions - repeal.** (8) For the purposes of
4 this section, unless the context otherwise requires:

5 (b.5) "Commodity metal" means copper; a copper alloy, including
6 bronze or brass; ~~or~~ aluminum; OR RHODIUM, PALLADIUM, OR
7 PLATINUM-CLAD COMPONENTS OF A CATALYTIC CONVERTER. "Commodity
8 metal" does not include BULK OR MONETARY precious metals such as
9 gold, silver, or platinum.

10 **SECTION 4.** In Colorado Revised Statutes, 18-4-420, **amend**
11 (5)(b)(XV) and (5)(b)(XVI); and **add** (5)(b)(XVII) as follows:

12 **18-4-420. Chop shop activity - ownership or operation of a**
13 **chop shop - altered or removed identification number - penalties -**
14 **definitions.** (5) As used in this section, unless the context otherwise
15 requires:

16 (b) "Major component motor vehicle part" means any of the
17 following parts of a motor vehicle:

18 (XV) A wheel or tire; ~~or~~

19 (XVI) ~~Any other part of a motor vehicle that is comparable in~~
20 ~~design or function to any of the parts that have been listed, or that have~~
21 ~~been labeled with a unique traceable identification number, by the~~
22 ~~manufacturer of the motor vehicle or part.~~ A CATALYTIC CONVERTER; OR

23 (XVII) ANY OTHER PART OF A MOTOR VEHICLE THAT IS
24 COMPARABLE IN DESIGN OR FUNCTION TO ANY OF THE PARTS THAT HAVE
25 BEEN LISTED, OR THAT HAVE BEEN LABELED WITH A UNIQUE TRACEABLE
26 IDENTIFICATION NUMBER, BY THE MANUFACTURER OF THE MOTOR VEHICLE
27 OR PART.

1 **SECTION 5.** In Colorado Revised Statutes, **add** 42-4-2205 as
2 follows:

3 **42-4-2205. Catalytic converters - checks for stolen materials**
4 **required.** FOR EACH CATALYTIC CONVERTER THAT AN AUTO PARTS
5 RECYCLER ACQUIRES FROM THE RECYCLING OF A MOTOR VEHICLE, THE
6 AUTO PARTS RECYCLER SHALL CONSULT THE NATIONAL MOTOR VEHICLE
7 TITLE INFORMATION SYSTEM TO DETERMINE WHETHER THE CATALYTIC
8 CONVERTER IS STOLEN.

9 **SECTION 6. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety.