

CHAPTER 418

CRIMINAL LAW AND PROCEDURE

SENATE BILL 22-009

BY SENATOR(S) Ginal and Hisey, Liston, Bridges, Buckner, Coram, Danielson, Fields, Gardner, Hansen, Hinrichsen, Holbert, Jaquez Lewis, Kolker, Lee, Moreno, Pettersen, Priola, Rankin, Simpson, Smallwood, Story, Winter, Zenzinger, Fenberg; also REPRESENTATIVE(S) Bird and Benavidez, Bockenfeld, Bacon, Bennett, Boesenecker, Caraveo, Cutter, Duran, Gray, Herod, Lindsay, Lontine, McCluskie, Michaelson Jenet, Mullica, Ortiz, Pico, Roberts, Snyder, Titone, Valdez D., Daugherty.

AN ACT

CONCERNING CATALYTIC CONVERTERS, AND, IN CONNECTION THEREWITH, ENACTING MEASURES TO ADDRESS THE THEFT OF CATALYTIC CONVERTERS.

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

SECTION 1. In Colorado Revised Statutes, 18-13-111, **amend** (1)(a), (1)(b) introductory portion, (1)(b)(II), (1)(b)(IV), (1)(b)(VI), (1)(c), (1)(d), (1.3)(a) introductory portion, (1.3)(a)(I), (1.3)(a)(III), (1.3)(b), (1.5), (2), (4), (8) introductory portion, (8)(b.5), (8)(d), (9)(c), (10)(a)(I), (10)(a)(III), and (10)(b); **amend as it exists until March 1, 2022**, (5); and **add** (8)(f) and (11) as follows:

18-13-111. Purchases of commodity metals or detached catalytic converters - violations - commodity metals theft task force - creation - composition - reports - legislative declaration - definitions - repeal. (1) (a) Except as otherwise provided in subsection (3) of this section, every owner, keeper, or proprietor of a junk shop, junk store, salvage yard, or junk cart or other vehicle and every collector of or dealer in junk, salvage, or other secondhand property shall keep a book or register detailing all transactions involving commodity metals OR DETACHED CATALYTIC CONVERTERS.

(b) The owner, keeper, proprietor, collector, or dealer shall record the identification of a seller of commodity metals OR DETACHED CATALYTIC CONVERTERS in the book or register and the method by which the seller verified ~~his or her~~ THE SELLER'S identity. The seller shall verify ~~his or her~~ THE SELLER'S identity by one of the following:

(II) ~~An~~ A VALID identification card issued in accordance with section 42-2-302;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

~~C.R.S.;~~

(IV) A VALID military identification card;

(VI) ~~An~~ A VALID alien registration card.

(c) The owner, keeper, proprietor, collector, or dealer shall require the seller of a commodity metal OR DETACHED CATALYTIC CONVERTER to provide for the book or register:

(I) A signed affidavit, sworn and affirmed under penalty of law, that the seller is the owner of the commodity metal OR DETACHED CATALYTIC CONVERTER or is otherwise entitled to sell the commodity metal OR DETACHED CATALYTIC CONVERTER. The owner, keeper, proprietor, collector, or dealer shall provide the affidavit form to the seller.

(II) The license plate number and description of the vehicle or conveyance, if any, in which the commodity metal OR DETACHED CATALYTIC CONVERTER was delivered.

(d) The owner, keeper, proprietor, collector, or dealer shall include the following in the book or register:

(I) The date and place of each purchase of the commodity metal OR DETACHED CATALYTIC CONVERTER; and

(II) The description and quantity of the commodity metal OR DETACHED CATALYTIC CONVERTER purchased.

(1.3) (a) A purchaser of commodity metals OR DETACHED CATALYTIC CONVERTERS shall:

(I) Sign up with the scrap theft alert system maintained by the Institute of Scrap Recycling Industries, Incorporated, or its successor organization, to receive alerts regarding thefts of commodity metals OR DETACHED CATALYTIC CONVERTERS in the purchaser's geographic area;

(III) Use the alerts to identify potentially stolen commodity metals OR DETACHED CATALYTIC CONVERTERS, including training the purchaser's employees to use the alerts during the purchaser's daily operations.

(b) A purchaser of commodity metals OR DETACHED CATALYTIC CONVERTERS shall maintain for ninety days copies of any theft alerts received and downloaded pursuant to ~~paragraph (a) of this subsection (1.3)~~ SUBSECTION (1.3)(a) OF THIS SECTION. A purchaser shall also maintain documentation that the purchaser educates employees about, and provides to employees, scrap theft alerts.

(1.5) (a) An owner, keeper, proprietor, collector, or dealer is permitted to pay a seller in cash for any commodity ~~metals~~ METAL OR DETACHED CATALYTIC CONVERTER transaction of three hundred dollars or less.

(b) If the transaction costs more than three hundred dollars, the owner, keeper,

proprietor, collector, or dealer shall pay the seller of a commodity metal OR DETACHED CATALYTIC CONVERTER by check unless the seller is paid by means of any process in which a picture of the seller is taken when the money is paid.

(2) Except as otherwise provided in subsection (3) of this section, the owner, keeper, proprietor, collector, or dealer of any commodity metal OR DETACHED CATALYTIC CONVERTER shall make a digital photographic record, video record, or other record that identifies the seller and the commodity metal OR DETACHED CATALYTIC CONVERTER that the seller is selling. The digital photographic record, video record, or other record format shall be retained for one hundred eighty days, and the owner shall permit a law enforcement officer to make inspections of the record.

(4) The information entered in the book or register, as provided in subsection (1) of this section, need not be kept for a period longer than three years after the date of purchase of the commodity metal OR DETACHED CATALYTIC CONVERTER.

(5) A person who violates subsection (1) of this section by failing to keep a book or register, any person who knowingly gives false information with respect to the information required to be maintained in the book or register provided for in subsection (1) of this section, and any person who violates subsection (1.3), (1.5), or (2) of this section commits:

(a) A class 2 misdemeanor if the value of the commodity metal OR DETACHED CATALYTIC CONVERTER involved is less than five hundred dollars; or

(b) A class 1 misdemeanor if the value of the commodity metal OR DETACHED CATALYTIC CONVERTER involved is five hundred dollars or more.

(8) ~~For the purposes of~~ AS USED IN this section, unless the context otherwise requires:

(b.5) "Commodity metal" means copper; a copper alloy, ~~including~~ SUCH AS bronze or brass; or aluminum. "Commodity metal" does not include precious metals, such as gold, silver, or platinum.

(d) "Dealer" means any person, business, or entity that buys, sells, or distributes, for the purpose of recycling, PROCESSING, OR SMELTING, any commodity metal OR DETACHED CATALYTIC CONVERTER on a wholesale basis. FOR THE PURPOSES OF THIS SUBSECTION (8)(d), A TRANSACTION BETWEEN A DEALER AND A MOTOR VEHICLE DEALER IS NOT A WHOLESALE SALE.

(f) "DETACHED CATALYTIC CONVERTER" MEANS A POST-COMBUSTION DEVICE THAT:

(I) OXIDIZES HYDROCARBONS AND CARBON MONOXIDE GASES OR REDUCES OXIDES OF NITROGEN;

(II) IS DESIGNED OR INTENDED FOR USE AS PART OF AN EMISSION CONTROL SYSTEM; AND

(III) WAS PREVIOUSLY INSTALLED ON A MOTOR VEHICLE AND SUBSEQUENTLY REMOVED.

(9) (c) The task force shall ~~hold its first meeting no later than July 1, 2011. At the first meeting, the task force shall discuss the best way to distribute and use information related to theft of scrap metals, including whether and how to promote use by law enforcement agencies of the scrap theft alert system maintained by the institute of scrap recycling industries, incorporated, or its successor organization. Thereafter, the task force shall meet on a regular basis, convening at least every October, to discuss issues related to theft of commodity metals OR DETACHED CATALYTIC CONVERTERS, including sharing relevant information on theft of scrap metal, identifying ways in which Colorado's laws regulating commodity metals METAL AND DETACHED CATALYTIC CONVERTER purchases can be improved to reduce theft, and reviewing any performance problems or communication issues. The task force is specifically directed to consider:~~

(I) Possible policies or practices to aid in tracking or apprehending stolen commodity metals OR DETACHED CATALYTIC CONVERTERS prior to the point of sale in order to assist law enforcement personnel in theft prevention and recovery of stolen materials;

(II) Recommendations regarding when and how a commodity ~~metals~~ METAL OR DETACHED CATALYTIC CONVERTER purchaser should be required to apprise local law enforcement authorities if a purchased commodity metal OR DETACHED CATALYTIC CONVERTER is a potential match of a commodity metal OR DETACHED CATALYTIC CONVERTER reported stolen in the scrap theft alert system; and

(III) The creation and attributes of a civil penalty process for egregious and repeat violators of the record-keeping requirements of this section.

(10) (a) The general assembly hereby finds, determines, and declares that:

(I) Thefts of commodity metals AND DETACHED CATALYTIC CONVERTERS jeopardize the safety and welfare of the public, financially burden taxpayers and industry, and exhaust law enforcement resources;

(III) The regulation of commodity metal OR DETACHED CATALYTIC CONVERTER purchases is a matter of statewide concern.

(b) In order to continue the ability of the state to identify causes of commodity metal AND DETACHED CATALYTIC CONVERTER theft and provide realistic solutions to the theft problem, the general assembly encourages law enforcement authorities in the state to join the scrap theft alert system maintained by the Institute of Scrap Recycling Industries, Incorporated, or its successor organization, and to report thefts of commodity metals AND DETACHED CATALYTIC CONVERTERS occurring within their jurisdictions to this system. The general assembly also encourages commercial stakeholders affected by commodity ~~metals~~ METAL AND DETACHED CATALYTIC CONVERTER theft to sign up for and participate in the scrap theft alert system.

(11) THIS SECTION DOES NOT APPLY TO DETACHED CATALYTIC CONVERTERS ACQUIRED AS PART OF A WHOLE MOTOR VEHICLE TRANSACTION IN WHICH AN AUTO

PARTS RECYCLER, AS DEFINED IN SECTION 42-4-2201 (1), REPORTS THE MOTOR VEHICLE ACQUISITION INTO THE NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM, AS DESCRIBED IN 49 U.S.C. SEC. 30504.

SECTION 2. In Colorado Revised Statutes, 18-4-420, **amend** (5)(b)(XV) and (5)(b)(XVI); and **add** (5)(b)(XVII) as follows:

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

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

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

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

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

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 7, 2022