

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0649.01 Michael Dohr x4347

HOUSE BILL 22-1217

HOUSE SPONSORSHIP

Benavidez and Bockenfeld,

SENATE SPONSORSHIP

Ginal,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO PREVENT CATALYTIC CONVERTER THEFT,**
102 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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>.)

The bill requires a person who sells, transfers, buys, or receives a catalytic converter or its parts for the purpose of recycling, processing, or smelting the catalytic converter or its parts to keep a record of the sale, transfer, purchase, or receipt including:

- The name and contact information for the person to whom the catalytic converter or its parts were sold or transferred

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.

HOUSE
Amended 2nd Reading
March 23, 2022

- to or bought or received from;
- The date of the transaction;
- The quantities of the transaction; and
- The vehicle identification number of the car that the catalytic converter was removed from or any identification number associated with the catalytic converter.

The person is required to keep the record for a year from the date of the sale or transfer and shall allow law enforcement, the commodity metals theft prevention task force, or the department of public health and environment to review the records upon request.

The bill creates the catalytic converter identification and theft prevention grant program to award grants to eligible recipients for public awareness campaigns regarding catalytic converter theft, catalytic converter theft prevention parts, assistance to victims of catalytic converter theft, and catalytic converter identification and tracking efforts.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-13-111, add
 3 (8) introductory portion, (8)(a.5), (11), and (12) as follows:

4 **18-13-111. Purchases of commodity metals - violations -**
 5 **commodity metals theft task force - creation - composition - reports**
 6 **- legislative declaration - definitions - repeal.** (8) ~~For the purposes of~~

7 AS USED IN this section, unless the context otherwise requires:

8 (a.5) "APPLICABLE FACILITY" MEANS DEALERS, OWNERS, KEEPERS,
 9 OR PROPRIETORS OF A JUNK SHOP, JUNK STORE, SALVAGE YARD, OR OTHER
 10 SECONDHAND PROPERTY.

11 (11) (a) THE COLORADO STATE PATROL SHALL DEVELOP AN
 12 ASSESSMENT REPORT FOR APPLICABLE FACILITIES TO IDENTIFY THE LEVEL
 13 OF CONFORMANCE WITH THE PROVISIONS OF SUBSECTIONS (1) TO (4) OF
 14 THIS SECTION.

15 (b) ON OR BEFORE JULY 1, 2023, AND EACH JULY 1 THEREAFTER,
 16 THE COLORADO STATE PATROL SHALL DISTRIBUTE AND MAKE AVAILABLE
 17 AN ASSESSMENT REPORT FOR ALL APPLICABLE FACILITIES. THE

1 ASSESSMENT REPORT MUST ENCOURAGE VOLUNTARY COMPLIANCE AND
2 PROVIDE EDUCATION TO APPLICABLE FACILITIES ON THE REQUIREMENTS
3 OF THIS SECTION. IF AN APPLICABLE FACILITY DOES NOT COMPLY WITH THE
4 ASSESSMENT REPORTING REQUIREMENTS DESCRIBED IN THIS SECTION, THE
5 COLORADO STATE PATROL MAY PROMPT A LAW ENFORCEMENT
6 INSPECTION. THE ASSESSMENT REPORT MUST INCLUDE, AT A MINIMUM:

7 (I) APPLICABLE FACILITY INFORMATION, SUCH AS THE TYPE OF
8 FACILITY, NAME, PHYSICAL ADDRESS, MAILING ADDRESS, BUSINESS
9 CONTACT NAME, AND CONTACT INFORMATION;

10 (II) PURCHASES OF COMMODITY METALS INFORMATION, TO
11 INCLUDE THE TYPE OF BOOK OR REGISTER USED, FORMS OF SELLER
12 IDENTITY VERIFICATION, SELLER DOCUMENTATION USED IN THE BOOK OR
13 REGISTER, WHETHER THE BOOK OR REGISTER PROVIDES FOR THE DATE AND
14 PLACE OF PURCHASE, DESCRIPTION AND QUANTITY AND AVAILABILITY OR
15 ACTUAL INSPECTION BY A PEACE OFFICER; AND

16 (III) APPLICABLE FACILITY RECORDING OF COMMODITY METAL
17 TRANSACTIONS, TO INCLUDE THE TYPE OF METAL COMMODITY
18 TRANSACTION, USE OF AND EMPLOYEE TRAINING ON THE SCRAP THEFT
19 ALERT SYSTEM, MAINTENANCE OF SCRAP THEFT ALERTS, PAYMENT FORMS
20 TO SELLER, AND FORM OF RECORDS KEPT, INCLUDING DIGITAL,
21 PHOTOGRAPHIC, VIDEO, OR OTHER RECORDS;

22 (c) ON OR BEFORE AUGUST 1, 2023, AND EACH AUGUST 1
23 THEREAFTER, EVERY APPLICABLE FACILITY SHALL COMPLETE AND SUBMIT
24 THE ASSESSMENT REPORT TO THE COLORADO STATE PATROL.

25 (d) ON OR BEFORE DECEMBER 1, 2023, AND EACH DECEMBER 1
26 THEREAFTER, THE COLORADO STATE PATROL SHALL PROVIDE A SUMMARY
27 OF THE ASSESSMENT REPORTS TO THE TASK FORCE AND THE TASK FORCE

1 SHALL CONSIDER THE REPORT AT A MEETING REQUIRED BY SUBSECTION
2 (9)(c) OF THIS SECTION.

3 (12) (a) THE COLORADO STATE PATROL SHALL DEVELOP AN
4 INSPECTION FORM FOR USE BY STATE, COUNTY, AND LOCAL AUTHORITIES
5 TO USE WHEN INSPECTING APPLICABLE FACILITIES TO PROVIDE STATEWIDE
6 DOCUMENTATION, CONSISTENT WITH THE PROVISIONS IN SUBSECTIONS (1)
7 TO (4) OF THIS SECTION. THE INSPECTION FORM MUST INCLUDE ELEMENTS
8 CONTAINED IN THE ASSESSMENT REPORT, BUT MAY FURTHER PROVIDE
9 INFORMATION TO BE USED IN CRIMINAL INVESTIGATIONS.

10 (b) THE COLORADO STATE PATROL SHALL PROVIDE STANDARDIZED
11 TRAINING FOR USE BY LAW ENFORCEMENT AGENCIES IN CONDUCTING
12 INSPECTIONS. THIS TRAINING MAY BE IN PERSON, VIA VIDEO, OR USING A
13 WRITTEN MANUAL.

14 (c) UPON COMPLETION OF A LAW ENFORCEMENT INSPECTION, THE
15 LAW ENFORCEMENT AGENCY SHALL SUBMIT A COPY OF THE INSPECTION
16 FORM TO THE COLORADO STATE PATROL WITHIN TWO WEEKS AFTER
17 COMPLETING THE INSPECTION.

18 (d) THE COLORADO STATE PATROL SHALL PROVIDE A SUMMARY
19 REPORT OF ALL STATEWIDE INSPECTIONS TO THE TASK FORCE AND THE
20 TASK FORCE SHALL CONSIDER THE REPORT AT A MEETING REQUIRED BY
21 SUBSECTION (9)(c) OF THIS SECTION.

22 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-230 as
23 follows:

24 **24-33.5-230. Catalytic converter identification and theft**
25 **prevention grant program - repeal.** (1) THERE IS CREATED IN THE
26 COLORADO STATE PATROL, WITHIN THE AUTHORITY THAT ADDRESSES
27 AUTOMOBILE THEFT PREVENTION, THE CATALYTIC CONVERTER

1 IDENTIFICATION AND THEFT PREVENTION GRANT PROGRAM TO AWARD
2 GRANTS TO RECIPIENTS FOR PUBLIC AWARENESS CAMPAIGNS REGARDING
3 CATALYTIC CONVERTER THEFT, CATALYTIC CONVERTER THEFT
4 PREVENTION PARTS, ASSISTANCE TO VICTIMS OF CATALYTIC CONVERTER
5 THEFT, AND CATALYTIC CONVERTER IDENTIFICATION AND TRACKING
6 EFFORTS. THE STATE PATROL SHALL ADMINISTER THE PROGRAM.

7 (2) THE STATE PATROL SHALL ADOPT RULES FOR THE PROGRAM. AT
8 A MINIMUM, THE RULES MUST SPECIFY THE FOLLOWING:

9 (a) THE APPLICATION PROCESS, INCLUDING APPLICATION
10 REQUIREMENTS AND DEADLINES;

11 (b) CRITERIA FOR SELECTING GRANT RECIPIENTS AND
12 DETERMINING THE AMOUNT OF THE GRANT;

13 (c) DEADLINES FOR AWARDING GRANTS; ■

14 (d) REPORTING REQUIREMENTS AND DEADLINES FOR GRANT
15 RECIPIENTS; AND

16 (3) IN ORDER TO RECEIVE A GRANT, AN APPLICANT MUST SUBMIT
17 A GRANT APPLICATION TO THE DEPARTMENT. AN APPLICANT MAY INCLUDE
18 BUT IS NOT LIMITED TO AUTO REPAIR BUSINESSES, AUTOMOBILE DEALERS,
19 ASSOCIATIONS FOCUSED ON THEFT PREVENTION, EMERGENCY REPAIR
20 SERVICES, LAW ENFORCEMENT AGENCIES, AND LOCAL GOVERNMENTS. AT
21 A MINIMUM, THE APPLICATION MUST DESCRIBE WHAT WILL BE FUNDED
22 WITH A GRANT AWARD; HOW THE FUNDING WILL HELP REDUCE CATALYTIC
23 CONVERTER THEFT, IF APPLICABLE; AND INCLUDE ANY OTHER
24 INFORMATION REQUIRED BY DEPARTMENT RULES.

25 (4) (a) THE DEPARTMENT SHALL REVIEW THE GRANT APPLICATIONS
26 AND AWARD GRANTS IN ACCORDANCE WITH DEPARTMENT RULES AND THE
27 REQUIREMENTS OF THIS SECTION. THE DEPARTMENT MAY AWARD GRANTS

1 ON A ONE-TIME BASIS OR MAY AWARD MULTI-YEAR GRANTS.

2 (b) THE DEPARTMENT MAY REQUIRE A GRANT RECIPIENT TO
3 INCLUDE PROJECT-SPECIFIC INFORMATION IN ITS REPORT MADE PURSUANT
4 TO SUBSECTION (5)(a) OF THIS SECTION.

5 (c) TO ENSURE FULL BENEFITS AND ACCESS, THE DEPARTMENT
6 SHALL MAKE GRANTS ON A CRITERIA-BASED APPORTIONMENT BASIS TO
7 TARGETED INITIATIVES, INCLUDING TWENTY PERCENT TO VICTIMS,
8 TWENTY PERCENT TO PREVENTION, TWENTY-FIVE PERCENT TO BUSINESS
9 IMPACTS, TWENTY-FIVE PERCENT TO ENFORCEMENT AND THE REMAINING
10 TEN PERCENT FOR ADMINISTRATIVE COSTS. THESE APPORTIONMENTS MAY
11 BE SUBJECT TO MODIFICATION BASED ON THE LIMITED NUMBER OF
12 APPLICANTS OR QUALIFIED OR APPROVED APPLICATIONS IN SPECIFIC
13 INITIATIVES.

14 (5) (a) A GRANT RECIPIENT SHALL SUBMIT A REPORT TO THE
15 DEPARTMENT IN ACCORDANCE WITH THE DEADLINES SET BY THE
16 DEPARTMENT. THE REPORT MUST INCLUDE:

- 17 (I) A DESCRIPTION OF HOW THE GRANT FUNDING WAS USED;
- 18 (II) ANY OUTCOMES ACHIEVED BY THE GRANT FUNDING; AND
- 19 (III) OTHER METRICS REQUIRED BY DEPARTMENT RULE.

20 (b) ON OR BEFORE JUNE 30, 2023, AND ON OR BEFORE JUNE 30 OF
21 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT ON
22 THE PROGRAM TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE
23 OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES. THE REPORT
24 MUST INCLUDE A SUMMARY OF THE INFORMATION REPORTED BY GRANT
25 RECIPIENTS PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION AND
26 INFORMATION REGARDING WHETHER THE PROGRAM IS MEETING THE GOALS
27 DESCRIBED IN THIS SECTION.

1 (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

2 **SECTION 3. Appropriation.** For the 2022-23 state fiscal year,
3 \$300,000 is appropriated to the department of public safety for use by the
4 Colorado state patrol. This appropriation is from the general fund. To
5 implement this act, the division may use this appropriation for the
6 automobile theft prevention authority.

7 **SECTION 4. Appropriation.** (1) For the 2022-23 state fiscal
8 year, \$105,871 is appropriated to the department of public safety for use
9 by the executive director's office. This appropriation is from the highway
10 users tax fund created in section 43-4-201 (1)(a), C.R.S., and appropriated
11 pursuant to section 43-4-201 (3)(a)(I)(C), C.R.S. To implement this act,
12 the division may use this appropriation for the purchase of information
13 technology services.

14 (2) For the 2022-23 state fiscal year, \$105,871 is appropriated to
15 the office of the governor for use by the office of information technology.
16 This appropriation is from reappropriated funds received from the
17 department of public safety under subsection (1) of this section. To
18 implement this act, the office may use this appropriation to provide
19 information technology services for the department of public safety.

20 **SECTION 5. Effective date.** This act takes effect upon passage
21 except that section 1 of this act only takes effect if Senate Bill 22-009
22 takes effect and becomes law. If section 1 of this act takes effect it is
23 effective upon the effective date of this section or the effective date of
24 Senate Bill 22-009 whichever is later.

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