

1 State of Arkansas As Engrossed: H3/30/21 H4/7/21 S4/22/21

2 93rd General Assembly

A Bill

3 Regular Session, 2021

HOUSE BILL 1012

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5 By: Representative Rye

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For An Act To Be Entitled

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AN ACT TO AMEND ARKANSAS LAW CONCERNING SCRAP METAL

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DEALERS; TO REQUIRE BUYERS OF USED CATALYTIC

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CONVERTERS TO MAINTAIN RECORDS; AND FOR OTHER

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PURPOSES.

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Subtitle

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TO AMEND ARKANSAS LAW CONCERNING SCRAP

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METAL DEALERS; AND TO REQUIRE BUYERS OF

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USED CATALYTIC CONVERTERS TO MAINTAIN

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RECORDS.

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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 *SECTION 1. Arkansas Code § 17-44-101, concerning definitions used in*
24 *the chapter concerning scrap metal dealers, is amended to add an additional*
25 *subdivision to read as follows:*

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(10) "Catalytic converter" means an exhaust emission control

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device that reduces toxic gases and pollutants from internal combustion

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engines.

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30 *SECTION 2. Arkansas Code § 17-44-102(d)(10)(A), concerning records*
31 *required by scrap metal dealers, is amended to read as follows:*

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(10)(A) A clearly identifiable date-and-time-stamped digital

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photograph of ~~the~~:

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(i) ~~Seller; and~~ The seller;

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(ii) ~~Scrap~~ The scrap metal in the form in which it

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was purchased; and



1 (iii) A catalytic converter, if any.

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3 SECTION 3. Arkansas Code Title 17, Chapter 44, Subchapter 1, is
4 amended to add an additional section to read as follows:

5 17-44-109. Buyer of used catalytic converter.

6 (a)(1) A buyer of a used catalytic converter other than a scrap metal
7 recycler shall file an electronic record of the used catalytic converter
8 purchase.

9 (2) An electronic record under subdivision (a)(1) of this
10 section is not required if:

11 (A) A used catalytic converter is sold as a vehicle repair
12 part in compliance with United States Environmental Protection Agency policy.

13 (B)(i) The used catalytic converter is marked with the
14 date the converter was removed from the vehicle.

15 (ii) The marking may be made in any permanent
16 manner, including but not limited to engraving or use of permanent ink.

17 (iii) The marking must clearly and legibly indicate
18 the date the catalytic converter was removed from the vehicle.

19 (C)(i) The vehicle identification number of the vehicle
20 from which the converter was removed or an alternative number to the vehicle
21 identification number is marked on the catalytic converter.

22 (ii) If an alternative number is used, the
23 alternative number must be under a numbering system that can be immediately
24 linked to the vehicle identification number by law enforcement.

25 (iii) The marking may be made in any permanent
26 manner, including but not limited to engraving or use of permanent ink.

27 (iv) The marking must clearly and legibly indicate
28 the vehicle identification number or the alternative number the catalytic
29 converter was removed from the vehicle.

30 (3) The electronic record shall be entered into the database
31 established under § 17-44-102 within twenty-four (24) hours of a purchase of
32 a used catalytic converter.

33 (4) The electronic record shall contain the following
34 information:

35 (A) The name and home address of the buyer;

36 (B) The name and home address of the seller;

1 (C) The license plate of the seller's vehicle;

2 (D) The seller's driver's license number or number from a
3 different form of government-issued photo identification;

4 (E) The number of used catalytic converters purchased; and

5 (F) A photo of the used catalytic converter or used
6 catalytic converters purchased.

7 (b) The buyer of a used catalytic converter other than a scrap metal
8 recycler:

9 (1) Shall maintain a receipt of the electronic record entry as a
10 record of the purchase of a used catalytic converter; and

11 (2) Is subject to the penalties under § 17-44-102(f)(2)(B) for
12 failure to file an electronic report of the purchase of a used catalytic
13 converter.

14 (c) The records required under this section shall be:

15 (1) Kept for a period of one (1) year;

16 (2) Made available to any law enforcement agency of the State of
17 Arkansas or Arkansas municipality or county; and

18 (3) Available for use in any legal proceeding.

19 (d) The database used to file and store the electronic records under
20 this section shall be the same database established under § 17-44-102 and
21 provide a public portal to enter the electronic record in the database used
22 by scrap metal recyclers.

23 (e)(1) A buyer of a used catalytic converter other than a scrap metal
24 recycler must be registered with the county sheriff.

25 (2) The initial registration fee under this subsection is two
26 hundred fifty dollars (\$250) and may be renewed annually for twenty-five
27 dollars (\$25.00).

28 (3)(A) The registration fee shall be payable to the county
29 sheriff of the county in which the buyer of a used catalytic converter has a
30 fixed physical location.

31 (B) The registration fee shall be used for the county
32 sheriff's general operating expenses.

33 (4) Before a registration is issued under this subsection, a
34 person operating as a buyer of used catalytic converters shall have a fixed
35 physical location with the utilities necessary to operate as a buyer of used
36 catalytic converters.

1 (5) A buyer of used catalytic converters shall have the ability
2 to comply with online reporting as required by this section.

3 (6) Registration under this subsection may be suspended or
4 revoked by a court having jurisdiction if the prosecuting attorney shows in a
5 civil action that the buyer of used catalytic converters has failed to comply
6 with the requirements of this section.

7 (f)(1) A buyer of used catalytic convertors who fails to file a daily
8 electronic record of a catalytic convertor purchase required by this section
9 is subject to the civil penalty under § 17-44-106(a) for the first offense.

10 (2) A second violation of the daily reporting requirement of
11 this section is a Class A misdemeanor.

12 (3) A third or subsequent violation is a Class D felony.

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14 /s/Rye
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