Hall of the House of Representatives

94th General Assembly - Regular Session, 2023 **Amendment Form**

Subtitle of House Bill No. 1365

TO AMEND THE LAW CONCERNING RECORDS MAINTAINED BY SCRAP METAL RECYCLERS; AND TO SPECIFY THE TYPE OF PAYMENT FOR THE PURCHASE OF CATALYTIC CONVERTERS.

Amendment No. 2 to House Bill 1365

Amend House Bill No. 1365 as engrossed H2/14/23 (version: 2/14/2023 10:09:01 AM):

Add Senator J. Payton as a cosponsor of the bill

AND

Page 1, delete lines 11 and 12, and substitute the following: "BY SCRAP METAL RECYCLERS; TO CREATE OFFENSES FOR THEFT OF A CATALYTIC CONVERTER AND UNAUTHORIZED POSSESSION OF A CATALYTIC CONVERTER; AND"

AND

Delete the subtitle in its entirety and substitute:

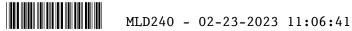
"TO AMEND THE LAW CONCERNING RECORDS MAINTAINED BY SCRAP METAL RECYCLERS; AND TO CREATE OFFENSES FOR THEFT OF A CATALYTIC CONVERTER AND UNAUTHORIZED POSSESSION OF A CATALYTIC CONVERTER."

AND

Page 1, delete line 25, and substitute the following:

"SECTION 1. Arkansas Code Title 5, Chapter 36, Subchapter 1, is amended to add an additional section to read as follows:

- 5-36-126. Theft of a catalytic converter Unauthorized possession of a catalytic converter.
 - (a) As used in this section:
- (1) "Catalytic converter" means an exhaust emission control device that reduces toxic gases and pollutants from internal combustion engines; and



- (2) "Permanently marked" means marked in a permanent manner, including without limitation engraving or permanent ink, that clearly and legibly indicates the:
- (A) Date the catalytic converter was removed from the motor vehicle; and
- (B) Vehicle identification number of the motor vehicle the catalytic converter was removed from.
- (b) A person commits theft of a catalytic converter if he or she commits, aids, or is an accomplice to a commission of theft of property under § 5-36-103(a) and the property is a catalytic converter.
- (c) A person commits unauthorized possession of a catalytic converter if the person:
- (1) Knowingly possesses a catalytic converter that has been removed from a motor vehicle and that is not permanently marked; and
 - (2) Is not:
- (A) The owner of the motor vehicle from which the catalytic converter was removed; or
- (B) Possessing the catalytic converter in the ordinary course of the person's business.
- (d) There is a presumption that a person is possessing the catalytic converter in the ordinary course of the person's business if the person engages in any of the following businesses:
 - (1) An automotive wrecking and salvage yard;
 - (2) A scrap metal recycler;
 - (3) A licensed vehicle dealer or licensed vehicle converter;
 - (4) A licensed salvage vehicle dealer;
 - (5) A licensed vehicle storage facility;
- (6) A garage or shop that is engaged in the business of repairing motor vehicles;
 - (7) A towing company;
 - (8) A used automotive parts recycler;
 - (9) A person who holds a vehicle dealer number;
 - (10) A motor vehicle demolisher;
- who provides services such as mail, freight, or package delivery by air, water, rail, or surface transportation;
- (12) A person located out of state and regulated by another state in the performance of a business activity under subdivisions (d)(1)-(11) of this section; or
- (13) An employee of or independent contractor providing services to a person described in subdivisions (d)(1)-(11) of this section and who possesses the catalytic converter when acting within the course and scope of the person's employment or independent contractor services.
- (e) The presumption established under subsection (d) of this section does not apply to a person who knows that the catalytic converter was unlawfully removed from a motor vehicle or otherwise unlawfully obtained.
 - (f)(1) Theft of a catalytic converter is a Class C felony.
- (2) The court may order a person convicted of theft of a catalytic converter to pay restitution for the value of the repair or replacement of the catalytic converter.
 - (g) Unauthorized possession of a catalytic converter is a:

(1)	Class	С	felony	if	the	person:

(B) In the course of the unauthorized possession of a catalytic converter, the person commits or attempts, conspires, or solicits another person to commit an offense related to a catalytic converter; or

(2) Class D felony if otherwise committed.

Section 2. Arkansas Code § 17-44-101(7), concerning the definition of"

AND

Page 1, delete lines 33 through 36

AND

Page 2, delete lines 1 through 21

AND

Page 3, delete lines 8 through 30

AND

Appropriately renumber the sections of the bill

The Amendment was read	
By: Representative Holcomb	
MLD/MLD - 02-23-2023 11:06:41	
MLD240	Chief Clerk