

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4
5 By: Representative Rye
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As Engrossed: H3/30/21 H4/7/21

A Bill

HOUSE BILL 1012

For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS LAW CONCERNING SCRAP METAL
9 DEALERS; TO REQUIRE BUYERS OF USED CATALYTIC
10 CONVERTERS TO MAINTAIN RECORDS; AND FOR OTHER
11 PURPOSES.

Subtitle

15 TO AMEND ARKANSAS LAW CONCERNING SCRAP
16 METAL DEALERS; AND TO REQUIRE BUYERS OF
17 USED CATALYTIC CONVERTERS TO MAINTAIN
18 RECORDS.

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

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:

26 (10) "Catalytic converter" means an exhaust emission control
27 device that reduces toxic gases and pollutants from internal combustion
28 engines.

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:

32 (10)(A) A clearly identifiable date-and-time-stamped digital
33 photograph of ~~the~~:

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

35 (ii) ~~Scrap~~ The scrap metal in the form in which it
36 was purchased; and



1 (iii) A catalytic converter, if any.

2
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) The electronic record shall be entered into the database
10 established under § 17-44-102 within twenty-four (24) hours of a purchase of
11 a used catalytic converter.

12 (3) The electronic record shall contain the following
13 information:

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

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

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

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

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

20 (F) A photo of the used catalytic converter or used
21 catalytic converters purchased.

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

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

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

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

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

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

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

34 (d) The database used to file and store the electronic records under
35 this section shall be the same database established under § 17-44-102 and
36 provide a public portal to enter the electronic record in the database used

1 by scrap metal recyclers.

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

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

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

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

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

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

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

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

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

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

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29 /s/Rye
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