

Stricken language would be deleted from and underlined language would be added to present law.
Act 1083 of the Regular Session

State of Arkansas *As Engrossed: H3/30/21 H4/7/21 S4/22/21*
93rd General Assembly **A Bill**
Regular Session, 2021

HOUSE BILL 1012

By: Representative Rye

For An Act To Be Entitled

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

Subtitle

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

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

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

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

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

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

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

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



(iii) A catalytic converter, if any.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Available for use in any legal proceeding.

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

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

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

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

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

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

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

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

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

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

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

/s/Rye

APPROVED: 4/30/21