

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 267

Short Title: Restrict Detached Catalytic Purchases. (Public)

Sponsors: Senators McInnis, Craven, and Burgin (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 13, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS GOVERNING THE PURCHASE AND SALE OF
3 CATALYTIC CONVERTERS THAT ARE NOT ATTACHED TO A MOTOR VEHICLE.
4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 66-420 reads as rewritten:

6 "§ 66-420. Definitions.

7 The following definitions apply in this Part:

8 (1) Cash card system. – A system of payment that provides payment in cash or in
9 a form other than cash and that when providing payment in the form of cash
10 (i) captures a photograph of the seller at the time payment is received and (ii)
11 uses an automated cash dispenser, including, but not limited to, an automated
12 teller machine.

13 (1a) Catalytic converter. – Motor vehicle exhaust system parts that are used for
14 controlling the exhaust emissions from motor vehicles and that contain a
15 catalyst metal, including the materials inside a catalytic converter which
16 contains precious metals.

17 (1b) Copper. – Nonferrous metals, including, but not limited to, copper wire,
18 copper clad steel wire, copper pipe, copper bars, copper sheeting, copper
19 tubing and pipe fittings, and insulated copper wire. The term shall not include
20 brass alloys, bronze alloys, lead, nickel, zinc, or items not containing a
21 significant quantity of copper.

22"

23 SECTION 2. G.S. 66-421(b) reads as rewritten:

24 "(b) Records Required. – A secondary metals recycler shall maintain an electronic record
25 of all purchase transactions in which the secondary metals recycler purchases regulated metals
26 property. The record of each transaction shall contain the following information:

27 ...

28 (12) In transactions involving catalytic converters that are not attached to a vehicle,
29 a secondary metals recycler purchasing the catalytic converters from a
30 manufacturing, industrial, government, or other commercial vendor that
31 generates and sells such converters shall make and retain a copy of the receipt
32 of each purchase, including the name and address of the seller, the date, time,
33 and place of the transaction, and the number of used, detached catalytic
34 converters or pounds of catalyst metal purchased."

35 SECTION 3. G.S. 66-424 reads as rewritten:

36 "§ 66-424. Prohibited activities and transactions.



1 ...

2 (d) It shall be unlawful for any person that is not a secondary metals recycler to purchase
3 do any of the following:

4 (1) Purchase a used catalytic converter not attached to a vehicle.

5 (2) Solicit or advertise for the sale or purchase of a used catalytic converter not
6 attached to a vehicle.

7 (e) ~~The provisions of this section do not apply to a used and detached catalytic converter~~
8 ~~that has been tested, certified, and labeled, or otherwise approved for reuse, and being bought or~~
9 ~~sold for purposes of reuse, in accordance with the federal Clean Air Act (42 U.S.C. § 7401 et~~
10 ~~seq.) and regulations under the Clean Air Act, as they may, from time to time, be amended."~~

11 **SECTION 4.** G.S. 66-427 reads as rewritten:

12 "**§ 66-427. Exemptions.**

13 This Part does not apply to any of the following:

14 (1) ~~Purchases~~ Except for catalytic converters that are not attached to a vehicle,
15 purchases of regulated metals property from a manufacturing, industrial,
16 government, or other commercial vendor that generates or and sells regulated
17 metals property in the ordinary course of its business.

18 (2) Purchases of regulated metals property that involve only beverage containers,
19 except that G.S. 66-423 shall apply in that case.

20 (3) Used and detached catalytic converters that have been tested, certified, and
21 labeled, or otherwise approved for reuse, and being bought or sold for
22 purposes of reuse, in accordance with the federal Clean Air Act (42 U.S.C. §
23 7401 et seq.) and regulations under the Clean Air Act, as they may, from time
24 to time, be amended."

25 **SECTION 5.** G.S. 66-429(a) reads as rewritten:

26 "(a) Punishment Generally. – Unless the conduct is covered by some other provision of
27 law providing greater punishment, ~~any~~ the following penalties apply for a violation of the
28 provisions of this Part:

29 (1) Any person knowingly and willingly violating any of the provisions of this
30 Part involving the sale or purchase of a catalytic converter shall be guilty of a
31 Class I felony, which shall include a fine of one thousand dollars (\$1,000) for
32 each violation. Each sale or purchase punishable under this subdivision shall
33 constitute a separate offense.

34 (2) Any person knowingly and willfully violating any of the provisions of this
35 Part not otherwise covered under subdivision (1) of this subsection shall be
36 guilty of a Class 1 misdemeanor for a first offense. A second or subsequent
37 violation of this Part is a Class I felony. ~~In addition to any other punishment~~
38 imposed for a violation of this Part, any person knowingly and willfully
39 violating any of the provisions of this Part involving the purchase of a catalytic
40 converter shall be punished by a fine of one thousand dollars (\$1,000) for each
41 violation."

42 **SECTION 6.** G.S. 66-430 reads as rewritten:

43 "**§ 66-430. Restitution.**

44 The court may order a defendant to make restitution to the secondary metals recycler or
45 property owner, as appropriate, for any damage or loss caused by the defendant and arising out
46 of a violation of G.S. 14-71, G.S. 14-71.1, G.S. 14-72, G.S. 14-159.4, G.S. 66-424(a)(3),
47 G.S. 66-424(a)(3a), ~~or G.S. 66-424(a)(4)~~ G.S. 66-424(a)(4), or G.S. 66-424(d)(2) committed by
48 the defendant."

49 **SECTION 7.** Article 45 of Chapter 66 of the General Statutes is amended by adding
50 a new section to read:

1 **"§ 66-432. Forfeiture of catalytic converters sold, purchased, solicited, or advertised in**
2 **violation of this Part.**

3 Catalytic converters not attached to a vehicle that are sold or purchased in violation of this
4 Part, or that are used in a solicitation or advertisement in violation of this Part, are contraband
5 and subject to the seizure and forfeiture provisions of G.S. 14-2.3."

6 **SECTION 8.** Sections 3, 5, 6, and 7 of this act become effective December 1, 2023,
7 and apply to offenses committed on or after that date. Section 2 of this act becomes effective
8 December 1, 2023, and applies to purchases and transactions on or after that date. The remainder
9 of this act becomes effective December 1, 2023.