

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Hawkins offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 860.142, Florida Statutes, is created
 8 to read:

9 860.142 Catalytic Converter Antitheft Act.--

10 (1) This section may be cited as the "Catalytic Converter
 11 Antitheft Act."

12 (2) As used in this section, the term:

13 (a) "Catalytic converter" means an emission control device
 14 that is designed to be installed and operate in a motor vehicle
 15 to convert toxic gases and pollutants in the motor vehicle's
 16 exhaust system into less toxic substances via chemical reaction.

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17 (b) "Detached catalytic converter" means a catalytic
18 converter that has been removed from a motor vehicle.

19 (c) "Registered secondary metals recycler" means a
20 secondary metals recycler, as defined in s. 538.18, that is
21 registered with the Department of Revenue as required in s.
22 538.25.

23 (d) "Salvage motor vehicle dealer" has the same meaning as
24 provided in s. 320.27(1)(c)5.

25 (3)(a) A person may not knowingly purchase a detached
26 catalytic converter unless he or she is a registered secondary
27 metals recycler.

28 (b) A registered secondary metals recycler who purchases a
29 detached catalytic converter must comply with the requirements
30 in ss. 538.19 and 538.26(5).

31 (c) A registered secondary metals recycler who does not
32 comply with the requirements of paragraph (b) is subject to the
33 penalties in s. 538.23.

34 (4)(a) A person may not knowingly possess, purchase, sell,
35 or install a:

36 1. Stolen catalytic converter;

37 2. Catalytic converter that has been removed from a stolen
38 motor vehicle;

39 3. New or detached catalytic converter from which the
40 manufacturer's part identification number, aftermarket

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41 identification number, or owner-applied number has been removed,
42 altered, or defaced; or

43 4. Detached catalytic converter without proof of
44 ownership, unless the person is a registered secondary metals
45 recycler, a salvage motor vehicle dealer, or meets the criteria
46 for exemption provided in s. 538.22.

47 (b) A person who violates paragraph (a) commits a felony
48 of the third degree, punishable as provided in s. 775.082, s.
49 775.083, or s. 775.084.

50 (c) Proof that a person was in possession of two or more
51 detached catalytic converters, unless satisfactorily explained,
52 gives rise to an inference that the person in possession of the
53 catalytic converters knew or should have known that the
54 catalytic converters may have been stolen or fraudulently
55 obtained.

56 Section 2. Section 860.147, Florida Statutes, is created
57 to read:

58 860.147 Import, sale, or installation of counterfeit,
59 fake, or nonfunctional catalytic converters.--

60 (1) As used in this section, the term:

61 (a) "Catalytic converter" has the same meaning as provided
62 in s. 860.142(2)(a).

63 (b) "Counterfeit catalytic converter" means a catalytic
64 converter displaying a mark identical or similar to the genuine
65 mark of a catalytic converter manufacturer or motor vehicle

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66 manufacturer without authorization from such manufacturer.

67 (c) "Fake catalytic converter" means an item, other than a
68 catalytic converter designed in accordance with United States
69 Environmental Protection Agency regulations for a given make,
70 model, and year of motor vehicle as part of a motor vehicle
71 emission control system, including a counterfeit or
72 nonfunctional catalytic converter, which is used to replace a
73 legitimate catalytic converter.

74 (d) "Nonfunctional catalytic converter" means a
75 replacement catalytic converter that:

- 76 1. Was previously recalled or damaged; or
77 2. Includes a part or object, including, but not limited
78 to, a counterfeit or repaired catalytic converter, installed in
79 a motor vehicle to mislead the owner or operator of such motor
80 vehicle to believe that a functional catalytic converter has
81 been installed.

82 (2) A person may not knowingly import, manufacture,
83 purchase for the purpose of reselling or installing, sell, offer
84 for sale, or install or reinstall in a motor vehicle a
85 counterfeit, fake, or nonfunctional catalytic converter. A
86 person who violates this subsection commits a felony of the
87 second degree, punishable as provided in s. 775.082, s. 775.083,
88 or s. 775.084.

89 Section 3. Subsection (6) is added to section 538.26,
90 Florida Statutes, to read:

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91 538.26 Certain acts and practices prohibited.—It is
92 unlawful for a secondary metals recycler to do or allow any of
93 the following acts:

94 (6) Process or remove from the place of business of a
95 secondary metal recycler a detached catalytic converter the
96 secondary metals recycler has purchased for a period of 10
97 business days after the date of purchase. This subsection does
98 not apply to the purchase of a detached catalytic converter from
99 another secondary metals recycler, a salvage motor vehicle
100 dealer as defined in s. 320.27(1)(c)5., or a person or entity in
101 s. 538.22.

102 Section 4. This act shall take effect July 1, 2023.

104 -----
105 **T I T L E A M E N D M E N T**

106 Remove everything before the enacting clause and insert:
107 An act relating to catalytic converters; creating s.
108 860.142, F.S.; providing a short title; providing
109 definitions; prohibiting a person from purchasing a
110 detached catalytic converter unless he or she is a
111 registered secondary metals recycler; requiring a
112 registered secondary metals recycler to comply with
113 specified recordkeeping requirements; providing
114 penalties; prohibiting a person from possessing,
115 purchasing, selling, or installing a stolen, altered,

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116 | or detached catalytic converter; providing penalties;
117 | providing for an inference that a catalytic converter
118 | may have been stolen; creating s. 860.147, F.S.;
119 | providing definitions; prohibiting the import,
120 | manufacture, specified purchase, sale, or installation
121 | of a counterfeit, fake, or nonfunctional catalytic
122 | converter; providing penalties; amending s. 538.26,
123 | F.S.; prohibiting a secondary metals recycler from
124 | processing or removing a detached catalytic converter
125 | from the recycler's place of business for a specified
126 | period; providing exceptions; providing an effective
127 | date.