1 A bill to be entitled 2 An act relating to catalytic converters; creating s. 3 860.142, F.S.; providing a short title; providing 4 definitions; prohibiting a person from knowingly 5 purchasing a detached catalytic converter unless he or 6 she is a registered secondary metals recycler; 7 requiring a registered secondary metals recycler to 8 comply with specified recordkeeping requirements; 9 providing penalties; prohibiting a person from knowingly possessing, purchasing, selling, or 10 11 installing a stolen, altered, or detached catalytic converter; providing penalties; providing for an 12 13 inference that a catalytic converter may have been stolen or fraudulently obtained; creating s. 860.147, 14 F.S.; providing definitions; prohibiting a person from 15 16 importing, manufacturing, purchasing for a specified 17 purpose, selling, or installing a counterfeit, fake, 18 or nonfunctional catalytic converter; providing 19 penalties; amending s. 538.26, F.S.; prohibiting a secondary metals recycler from processing or removing 20 21 a detached catalytic converter from the recycler's 22 place of business for a specified period; providing 23 exceptions; providing an effective date. 24 25 Be It Enacted by the Legislature of the State of Florida:

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2.6 27 Section 1. Section 860.142, Florida Statutes, is created 28 to read: 29 860.142 Catalytic Converter Antitheft Act.-This section may be cited as the "Catalytic Converter 30 (1) 31 Antitheft Act." 32 (2) As used in this section, the term: "Catalytic converter" means an emission control device 33 (a) 34 that is designed to be installed and operate in a motor vehicle to convert toxic gases and pollutants in the motor vehicle's 35 36 exhaust system into less toxic substances via chemical reaction. 37 "Detached catalytic converter" means a catalytic (b) converter that has been removed from a motor vehicle. 38 39 (c) "Registered secondary metals recycler" means a secondary metals recycler, as defined in s. 538.18, who is 40 41 registered with the Department of Revenue as required in s. 42 538.25. 43 (d) "Salvage motor vehicle dealer" has the same meaning as in s. 320.27(1)(c)5. 44 45 (3) (a) A person may not knowingly purchase a detached 46 catalytic converter unless he or she is a registered secondary 47 metals recycler. 48 (b) A registered secondary metals recycler who purchases a 49 detached catalytic converter must comply with the requirements 50 in ss. 538.19 and 538.26(5).

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51	(c) A registered secondary metals recycler who does not
52	comply with the requirements of paragraph (b) is subject to the
53	penalties in s. 538.23.
54	(4)(a) A person may not knowingly possess, purchase, sell,
55	or install:
56	1. A stolen catalytic converter;
57	2. A catalytic converter that has been removed from a
58	stolen motor vehicle;
59	3. A new or detached catalytic converter from which the
60	manufacturer's part identification number, aftermarket
61	identification number, or owner-applied number has been removed,
62	altered, or defaced; or
63	4. A detached catalytic converter without proof of
64	ownership, unless the person is a registered secondary metals
65	recycler or a salvage motor vehicle dealer or meets the criteria
66	for exemption provided in s. 538.22.
67	(b) A person who violates paragraph (a) commits a felony
68	of the third degree, punishable as provided in s. 775.082, s.
69	<u>775.083, or s. 775.084.</u>
70	(c) Proof that a person was in possession of two or more
71	detached catalytic converters, unless satisfactorily explained,
72	gives rise to an inference that the person in possession of the
73	catalytic converters knew or should have known that the
74	<u>catalytic converters may have been stolen or fraudulently</u>
75	obtained.

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76	Section 2. Section 860.147, Florida Statutes, is created
77	to read:
78	860.147 Import, sale, or installation of counterfeit,
79	fake, or nonfunctional catalytic converters
80	(1) As used in this section, the term:
81	(a) "Catalytic converter" has the same meaning as provided
82	<u>in s. 860.142(2).</u>
83	(b) "Counterfeit catalytic converter" means a catalytic
84	converter displaying a mark identical or similar to the genuine
85	mark of a catalytic converter manufacturer or motor vehicle
86	manufacturer without authorization from such manufacturer.
87	(c) "Fake catalytic converter" means an item, other than a
88	catalytic converter designed in accordance with United States
89	Environmental Protection Agency regulations for a given make,
90	model, and year of motor vehicle as part of a motor vehicle
91	emission control system, including a counterfeit or
92	nonfunctional catalytic converter, which is used to replace a
93	legitimate catalytic converter.
94	(d) "Nonfunctional catalytic converter" means a
95	replacement catalytic converter that:
96	1. Was previously recalled or damaged; or
97	2. Includes a part or object, including, but not limited
98	to, a counterfeit or repaired catalytic converter, installed in
99	a motor vehicle to mislead the owner or operator of such motor
100	vehicle to believe that a functional catalytic converter has

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101	been installed.
102	(2) A person may not knowingly import, manufacture,
103	purchase for the purpose of reselling or installing, sell, offer
104	for sale, or install or reinstall in a motor vehicle a
105	counterfeit, fake, or nonfunctional catalytic converter. A
106	person who violates this subsection commits a felony of the
107	second degree, punishable as provided in s. 775.082, s. 775.083,
108	<u>or s. 775.084.</u>
109	Section 3. Subsection (6) is added to section 538.26,
110	Florida Statutes, to read:
111	538.26 Certain acts and practices prohibited.—It is
112	unlawful for a secondary metals recycler to do or allow any of
113	the following acts:
114	(6) Process or remove from the place of business of a
115	secondary metals recycler a detached catalytic converter that
116	the secondary metals recycler has purchased within 10 business
117	days after the date of purchase. This subsection does not apply
118	to the purchase of a detached catalytic converter from another
119	secondary metals recycler, a salvage motor vehicle dealer as
120	defined in s. 320.27(1)(c)5., or a person or entity listed in s.
121	538.22.
122	Section 4. This act shall take effect July 1, 2023.

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