

By Senator Boyd

20-00311A-23

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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; requiring certain records regarding a  
5       transaction involving a detached catalytic converter  
6       to be maintained for a specified period; authorizing  
7       inspection of such records by a law enforcement  
8       officer or agency representative; requiring a person  
9       who sells or installs a detached catalytic converter  
10      to disclose that the catalytic converter has been  
11      detached; requiring certain information regarding a  
12      transaction to be provided to certain persons upon  
13      request; providing application of specified statutory  
14      provisions; providing for an inference that a  
15      catalytic converter may have been stolen; providing  
16      prohibitions regarding the possession, purchase, sale,  
17      or installation of a stolen, detached, or altered  
18      catalytic converter; providing prohibitions regarding  
19      the importing, manufacturing, purchase, sale, or  
20      installation or reinstallation of a counterfeit, fake,  
21      or junk-filled catalytic converter; providing criminal  
22      penalties; providing criminal penalties for failure to  
23      maintain certain records, prepare certain documents,  
24      provide certain records upon request, or make certain  
25      disclosures; providing an effective date.

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27   Be It Enacted by the Legislature of the State of Florida:

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29       Section 1. Section 860.142, Florida Statutes, is created to

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30 read:

31 860.142 Catalytic Converter Antitheft Act.-

32 (1) SHORT TITLE.-This section may be cited as the  
33 "Catalytic Converter Antitheft Act."

34 (2) DEFINITIONS.-As used in this section, the term:

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

39 (b) "Counterfeit catalytic converter" means a catalytic  
40 converter displaying a mark identical or similar to the genuine  
41 mark of a catalytic converter manufacturer or motor vehicle  
42 manufacturer without authorization from such manufacturer.

43 (c) "Detached catalytic converter" means a catalytic  
44 converter that has been removed or detached from a motor  
45 vehicle.

46 (d) "Fake catalytic converter" means an item, other than a  
47 catalytic converter designed in accordance with United States  
48 Environmental Protection Agency regulations for a given make,  
49 model, and year of motor vehicle as part of a motor vehicle  
50 emission control system, including a counterfeit or  
51 nonfunctional catalytic converter, which is used to replace a  
52 legitimate, functional catalytic converter.

53 (e) "Junk-filled catalytic converter" means a catalytic  
54 converter the composition of which includes a metal or chemical  
55 that does not function in the same manner or to the same extent  
56 as a metal or chemical in a legitimate catalytic converter to  
57 protect motor vehicle occupants and others from toxic gases and  
58 pollutants produced by the motor vehicle.

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59 (f) "Nonfunctional catalytic converter" means a replacement  
60 catalytic converter that:

61 1. Was previously recalled or damaged; or

62 2. Includes a part or object, including, but not limited  
63 to, a counterfeit or repaired catalytic converter, installed in  
64 a motor vehicle to mislead the owner or operator of such motor  
65 vehicle to believe that a functional catalytic converter has  
66 been installed.

67 (g) "Registered secondary metals recycler" means a  
68 secondary metals recycler, as defined in s. 538.18, that is  
69 registered with the Department of Revenue as required in s.  
70 538.25.

71 (h) "Salvage motor vehicle dealer" has the same meaning as  
72 provided in s. 320.27(1)(c)5.

73 (3) PURCHASE, SALE, OR INSTALLATION OF CATALYTIC  
74 CONVERTERS; RECORDS.—

75 (a) A person engaged in the purchase, sale, or installation  
76 of a detached catalytic converter shall maintain a manual or  
77 electronic record of the purchase, sale, or installation. The  
78 record must include the first and last name, the address, and a  
79 copy of the driver license or other government-issued means of  
80 identification of the person from whom the detached catalytic  
81 converter was purchased and, if the detached catalytic converter  
82 is installed, the vehicle identification number of the motor  
83 vehicle in which the catalytic converter is installed. Such  
84 record must be maintained for 3 years after the transaction and  
85 may be inspected during normal business hours by a law  
86 enforcement officer or other authorized representative of the  
87 agency charged with administering this section. A person who

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88 sells or installs a detached catalytic converter must disclose  
89 to the purchaser or consumer that the catalytic converter has  
90 been detached from a motor vehicle. Upon request, information  
91 contained in a record or document pertaining to a specific  
92 transaction must be provided to an insurer, purchaser, consumer,  
93 or law enforcement officer.

94 (b) A catalytic converter is a major component part of a  
95 motor vehicle as provided in s. 319.30(1)(j)1. The requirements  
96 of s. 319.30 apply to the purchase, possession, or sale of a  
97 catalytic converter by a salvage motor vehicle dealer.

98 (4) INFERENCE.—Proof that a person was in possession of two  
99 or more detached catalytic converters, unless satisfactorily  
100 explained, gives rise to an inference that the person in  
101 possession of the catalytic converters knew or should have known  
102 that the catalytic converters may have been stolen or  
103 fraudulently obtained.

104 (5) PROHIBITIONS; PENALTIES.—

105 (a) A person may not:

106 1. Knowingly possess, purchase, sell, or install a stolen  
107 catalytic converter; a new or detached catalytic converter of  
108 which the manufacturer's part identification number, aftermarket  
109 identification number, or owner-applied number has been removed,  
110 altered, or defaced; or a catalytic converter removed from a  
111 stolen motor vehicle;

112 2. Knowingly purchase a detached catalytic converter  
113 without being a registered secondary metals recycler; or

114 3. Possess, sell, or offer for sale a detached catalytic  
115 converter without proof of ownership or proof that the person  
116 meets the criteria for exemption provided in s. 538.22.

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A person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person may not knowingly import, manufacture, purchase, sell, offer for sale, or install or reinstall in a motor vehicle a counterfeit, fake, or junk-filled catalytic converter. A person who violates this paragraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person or business entity that fails to maintain complete and accurate records, to prepare complete and accurate documents, to provide a record or information contained in a record upon request, or to properly disclose that a catalytic converter is a counterfeit, detached, fake, or junk-filled catalytic converter:

1. Upon a first offense, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Upon a second or subsequent offense, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. This act shall take effect July 1, 2023.