

By the Committee on Criminal Justice; and Senators Boyd and Hooper

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1 A bill to be entitled
2 An act relating to catalytic converters; amending s.
3 538.26, F.S.; prohibiting a secondary metals recycler
4 from processing or removing a catalytic converter from
5 the recycler's place of business for a specified
6 period; providing an exception; creating s. 860.142,
7 F.S.; providing a short title; providing definitions;
8 requiring certain records regarding a transaction
9 involving a detached catalytic converter to be
10 maintained for a specified period; authorizing
11 inspection of such records by a law enforcement
12 officer or agency representative; requiring a person
13 who sells or installs a detached catalytic converter
14 to disclose that the catalytic converter has been
15 detached; requiring certain information regarding a
16 transaction to be provided to certain persons upon
17 request; providing application of specified statutory
18 provisions; providing for an inference that a
19 catalytic converter may have been stolen; providing
20 prohibitions regarding the possession, purchase, sale,
21 or installation of a stolen, detached, or altered
22 catalytic converter; providing prohibitions regarding
23 the importing, manufacturing, purchase, sale, or
24 installation or reinstallation of a counterfeit, fake,
25 or junk-filled catalytic converter; providing criminal
26 penalties; providing criminal penalties for failure to
27 maintain certain records, prepare certain documents,
28 provide certain records upon request, or make certain
29 disclosures; providing an effective date.

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

Section 1. Subsection (6) is added to section 538.26, Florida Statutes, to read:

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

(6) Process or remove from the place of business of a secondary metals recycler a catalytic converter the secondary metals recycler has purchased for a period of 10 business days after the date of purchase. This subsection does not apply to a purchase from a salvage motor vehicle dealer as defined in s. 320.27(1)(c).

Section 2. Section 860.142, Florida Statutes, is created to read:

860.142 Catalytic Converter Antitheft Act.—

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

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

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

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

(c) "Detached catalytic converter" means a catalytic

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59 converter that has been removed or detached from a motor
60 vehicle.

61 (d) "Fake catalytic converter" means an item, other than a
62 catalytic converter designed in accordance with United States
63 Environmental Protection Agency regulations for a given make,
64 model, and year of motor vehicle as part of a motor vehicle
65 emission control system, including a counterfeit or
66 nonfunctional catalytic converter, which is used to replace a
67 legitimate, functional catalytic converter.

68 (e) "Junk-filled catalytic converter" means a catalytic
69 converter the composition of which includes a metal or chemical
70 that does not function in the same manner or to the same extent
71 as a metal or chemical in a legitimate catalytic converter to
72 protect motor vehicle occupants and others from toxic gases and
73 pollutants produced by the motor vehicle.

74 (f) "Nonfunctional catalytic converter" means a replacement
75 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 (g) "Registered secondary metals recycler" means a
83 secondary metals recycler, as defined in s. 538.18, that is
84 registered with the Department of Revenue as required in s.
85 538.25.

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

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88 (3) PURCHASE, SALE, OR INSTALLATION OF CATALYTIC
89 CONVERTERS; RECORDS.—

90 (a) A person engaged in the purchase, sale, or installation
91 of a detached catalytic converter shall maintain a manual or
92 electronic record of the purchase, sale, or installation. The
93 record must include the first and last name, the address, and a
94 copy of the driver license or other government-issued means of
95 identification of the person from whom the detached catalytic
96 converter was purchased and, if the detached catalytic converter
97 is installed, the vehicle identification number of the motor
98 vehicle in which the catalytic converter is installed. Such
99 record must be maintained for 3 years after the transaction and
100 may be inspected during normal business hours by a law
101 enforcement officer or other authorized representative of the
102 agency charged with administering this section. A person who
103 sells or installs a detached catalytic converter must disclose
104 to the purchaser or consumer that the catalytic converter has
105 been detached from a motor vehicle. Upon request, information
106 contained in a record or document pertaining to a specific
107 transaction must be provided to an insurer, purchaser, consumer,
108 or law enforcement officer.

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

113 (4) INFERENCE.—Proof that a person was in possession of two
114 or more detached catalytic converters, unless satisfactorily
115 explained, gives rise to an inference that the person in
116 possession of the catalytic converters knew or should have known

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117 that the catalytic converters may have been stolen or
118 fraudulently obtained.

119 (5) PROHIBITIONS; PENALTIES.—

120 (a) A person may not:

121 1. Knowingly possess, purchase, sell, or install a stolen
122 catalytic converter; a new or detached catalytic converter of
123 which the manufacturer's part identification number, aftermarket
124 identification number, or owner-applied number has been removed,
125 altered, or defaced; or a catalytic converter removed from a
126 stolen motor vehicle;

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

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

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

136 (b) A person may not knowingly import, manufacture,
137 purchase, sell, offer for sale, or install or reinstall in a
138 motor vehicle a counterfeit, fake, or junk-filled catalytic
139 converter. A person who violates this paragraph commits a felony
140 of the second degree, punishable as provided in s. 775.082, s.
141 775.083, or s. 775.084.

142 (c) A person or business entity that fails to maintain
143 complete and accurate records, to prepare complete and accurate
144 documents, to provide a record or information contained in a
145 record upon request, or to properly disclose that a catalytic

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146 converter is a counterfeit, detached, fake, or junk-filled
147 catalytic converter:

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

150 2. Upon a second or subsequent offense, commits a felony of
151 the third degree, punishable as provided in s. 775.082, s.
152 775.083, or s. 775.084.

153 Section 3. This act shall take effect July 1, 2023.