

JAN 27 2021

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# A BILL FOR AN ACT

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RELATING TO CATALYTIC CONVERTERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1       SECTION 1. Chapter 708, Hawaii Revised Statutes, is  
2 amended by adding a new section to part IV to be appropriately  
3 designated and to read as follows:

4       "§708-       Theft of catalytic converter.   (1) A person  
5 commits the offense of theft of catalytic converter if the  
6 person:

7       (a) Obtains a catalytic converter through any means  
8 described in section 708-830; or

9       (b) Violates section 445-233 in regard to a scrap  
10 catalytic converter.

11       (2) For the purposes of this section, "catalytic  
12 converter" means a device that is incorporated in a motor  
13 vehicle's exhaust system and contains a catalyst for converting  
14 pollutant gas emissions into less harmful emissions.

15       (3) Theft of catalytic converter is a class C felony."



1       SECTION 2.   Section 445-231, Hawaii Revised Statutes, is  
2 amended by adding three new definitions to be appropriately  
3 inserted and to read as follows:

4       "Catalytic converter" means a device that is incorporated  
5 in a motor vehicle's exhaust system and contains one or more  
6 catalytic metals for converting pollutant gas emissions into  
7 less harmful emissions.

8       "Catalytic metals" includes palladium, platinum, and  
9 rhodium.

10       "Scrap catalytic converter" means a catalytic converter  
11 from which some or all of the catalyst metals have been  
12 removed."

13       SECTION 3.   Section 445-233, Hawaii Revised Statutes, is  
14 amended to read as follows:

15       "**§445-233   Statement required.** (a) Every scrap dealer,  
16 when the dealer purchases scrap within the State, shall obtain a  
17 written statement signed by the seller certifying that the  
18 seller has the lawful right to sell and dispose of the scrap.  
19 This statement shall also contain the seller's name; the  
20 seller's business or residence address; the seller's occupation;  
21 a description, including serial numbers and other identifying



1 marks, when practical, of every scrap; the amount received by  
2 the seller; the date, time, and place of the sale; and the  
3 license number of any vehicle used to deliver the property to  
4 the place of purchase.

5 (b) If the scrap presented for purchase is copper, a beer  
6 keg, ~~[or]~~ an urn, or a scrap catalytic converter, in whole or in  
7 part, or any catalytic metals that have been removed from a  
8 catalytic converter, the seller shall provide a copy of a  
9 receipt that describes, with particularity:

10 (1) The exact item that is being offered for sale;

11 (2) Who issued the receipt;

12 (3) The date of sale of the item prior to the item's being  
13 offered to the scrap dealer; and

14 (4) The price, if any, of the item when obtained by the  
15 seller~~[.]~~;

16 provided that, if the scrap presented for purchase is scrap  
17 catalytic converter or any catalytic metals that have been  
18 removed from a catalytic converter, the seller shall also  
19 provide to the scrap dealer a notarized declaration, describing,  
20 with particularity, the make, model, year, color, vehicle



1 identification number, and license number of the vehicle from  
2 which the catalytic converter or catalytic metals were removed.

3 (c) If a receipt is not available, the seller shall  
4 provide to the scrap dealer a notarized declaration, describing  
5 with particularity:

6 (1) The exact item that is being offered for sale;

7 (2) Who sold or otherwise transferred the item to the  
8 seller;

9 (3) The date of sale of the item; and

10 (4) The price, if any, of the item when obtained by the  
11 seller.

12 (d) If the seller does not provide a copy of the receipt  
13 or the notarized declaration as required by subsections (b) and  
14 (c), the scrap dealer shall not purchase the copper, beer keg,  
15 ~~[or]~~ urn, or scrap catalytic converter, in whole or in part, or  
16 catalytic metals, and shall report the attempted sale to the  
17 police.

18 (e) If the scrap dealer purchases any copper, beer keg, or  
19 urn, in whole or in part, the scrap dealer shall take a  
20 photograph or photographs of ~~[all of the copper, beer keg, or~~  
21 ~~urn,~~ items offered for sale.



1        (f) If the scrap dealer purchases any scrap catalytic  
2 converter or any catalytic metals that were removed from a  
3 catalytic converter, the scrap dealer shall take a photograph or  
4 photographs of the vehicle from which the catalytic converter or  
5 catalytic metals were removed; provided that the photograph or  
6 photographs shall be taken at the time of sale of the scrap  
7 catalytic converter or catalytic metals.

8        (g) No private seller shall sell to a scrap dealer more  
9 than one scrap catalytic converter per day; provided that a  
10 seller that is a business entity, including but not limited to a  
11 licensed recycling company or towing company, may sell up to  
12 five scrap catalytic converters per day.

13        [~~f~~] (h) The scrap dealer shall also require the seller  
14 to verify the seller's identity by presenting a valid photo  
15 identification card or license issued by a federal or state  
16 government agency authorized to issue valid identification. If  
17 the scrap being offered for sale is copper, a beer keg, or an  
18 urn, in whole or in part, the scrap dealer shall:

19            (1) Take a photograph of the seller; or

20            (2) Make a photocopy of the identification card or license  
21            of the seller.



1        [~~(g)~~] (i) The scrap dealer shall keep at the dealer's  
2 place of business the signed written statement, the receipt or  
3 notarized declaration required by subsections (b) and (c), the  
4 photographs required by ~~[subsection]~~ subsections (e) [~~7~~] and (f),  
5 and the photocopy of the identification card or license and  
6 photograph of the seller required by subsection [~~(f)~~], (h), if  
7 applicable, from the seller for a period of two years after the  
8 date of purchase and the statement, the receipt or notarized  
9 declaration required by subsections (b) and (c), the photographs  
10 required by ~~[subsection]~~ subsections (e) [~~7~~] and (f), and the  
11 photocopy and photograph required by subsection [~~(f)~~], (h), if  
12 applicable, may be examined at any time by the treasurer, the  
13 chief of police, the attorney general, the prosecuting attorney,  
14 or their designees.

15        [~~(h)~~] (j) Public utilities, as defined in section 269-1,  
16 shall be exempt from the requirements of subsections (b) and  
17 (c). When the seller is a public utility, the scrap dealer  
18 shall not be required to obtain the statement required by  
19 subsection (a), and the scrap dealer shall not be prohibited by  
20 subsection (d) from purchasing the copper from the public  
21 utility."



1       SECTION 4. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4       SECTION 5. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6       SECTION 6. This Act shall take effect upon its approval.

7  
INTRODUCED BY: Kurt Ferrell



# S.B. NO. 1282

**Report Title:**

Catalytic Converter; Theft; Penal Code; Class C Felony; Scrap Dealers; Statement

**Description:**

Establishes the offense of theft of catalytic converter as a class C felony. Defines "catalytic converter," "catalytic metals," and "scrap catalytic converter." Requires sellers of scrap catalytic converter and catalytic metals to provide receipts and notarized declarations to the scrap dealer. Prohibits scrap dealers from purchasing scrap catalytic converters and catalytic metals without the seller providing a receipts and notarized declaration. Requires scrap dealers to report to the police certain attempted sells of catalytic converters or catalytic metals.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

