

HOUSE No. 4722

The Commonwealth of Massachusetts

PRESENTED BY:

Steven S. Howitt

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the theft of vehicle catalytic converters.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>4/7/2022</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>4/8/2022</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>4/11/2022</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>4/11/2022</i>
<i>Kelly W. Pease</i>	<i>4th Hampden</i>	<i>4/11/2022</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>4/11/2022</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>4/11/2022</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>	<i>4/12/2022</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>4/12/2022</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>4/12/2022</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>4/12/2022</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>4/13/2022</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>4/13/2022</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>4/13/2022</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>4/14/2022</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>4/14/2022</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>4/16/2022</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>4/19/2022</i>

Mathew J. Muratore
Bradley H. Jones, Jr.

1st Plymouth
20th Middlesex

4/19/2022
4/19/2022

HOUSE No. 4722

By Mr. Howitt of Seekonk, a petition (subject to Joint Rule 12) of Steven S. Howitt and others relative to the theft of vehicle catalytic converters. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the theft of vehicle catalytic converters.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 266 of the General Laws, as appearing in the 2020 Official Edition,
2 is hereby amended by inserting at the end thereof the following new section:-

3 Section 148 Larceny by Stealing Parts of a Vehicle; Definitions; Punishment

4 Section 1. Definitions

5 For the purposes of this section, a “Catalytic Converter” shall be defined as an
6 automobile exhaust-system component containing a catalyst that causes conversion of harmful
7 gases (such as carbon monoxide and uncombusted hydrocarbons) into mostly harmless products
8 (such as water and carbon dioxide)

9 Section 2. Records to be kept

10 Every person involved in the purchasing, selling, bartering or dealing in old metals shall
11 record all transactions for which a license is required under this bill. The licensee shall, upon

12 request, send any records created pursuant to this section to the chief of police of their respective
13 city or town.

14 The record created pursuant to this section shall include the following:

15 (1) Date of transaction for the old or used metals;

16 (2) Name, address, telephone number, and signature of the person from whom the
17 old or used metals were purchased or received;

18 (3) A photocopy or digital image of the person's photo identification;

19 (4) License plate number and vehicle identification number (VIN) of the vehicle used to
20 transport the old or used metals to the licensee, whenever applicable;

21 (5) A description of the old or used metals;

22 (6) A photograph of the old or used metals;

23 (7) Photocopies or digital images of the bill of sale or other legal document
24 demonstrating ownership by the seller or offeror; and

25 (8) Price paid by the licensee for the old or used metals.

26 Nothing in this section shall be regarded as necessitating additional recordkeeping for
27 junked autos or automobile parts in excess of what is already required by law or this section.

28 The licensee shall retain records established pursuant to this section for a period of two
29 years from the date of the transaction. This clause shall not be construed to relieve any licensee
30 of any record retention requirements imposed by law.

31 This section shall not apply to the purchase of old metals from a person who is licensed
32 to engage in the business of purchasing, selling, bartering, or dealing in junk, old metals, or
33 secondhand articles and who has previously recorded the contents of the load in accordance with
34 this section and provides a written statement affirming such record at the time of the transaction.

35 Section 3. Acquisition of Certain Automobile Parts

36 No person or entity licensed as a junk and second-hand dealer, motor vehicle repair
37 business, or storage of dismantled, junked, or abandoned vehicles may purchase, accept, or
38 acquire a catalytic converter from another person or entity unless the seller or offeror presents
39 proof of identification in addition to a bill of sale or other legal document demonstrating
40 ownership of said catalytic converter. The licensee must preserve photocopies or digital images
41 of the aforementioned documentation.

42 Additionally, any person or entity licensed as a junk and second-hand dealer, a motor
43 vehicle repair business, or a storage facility for dismantled, junked, or abandoned vehicles is
44 required to keep records of all transactions listed in this section. The licensee shall make
45 available to the chief of police or his or her designee any records developed according to this
46 section upon request. The following shall be included in the records prepared pursuant to this
47 section:

48 (1) Date of transaction;

49 (2) Name, address, telephone number, and signature of the person from whom the
50 catalytic converter was purchased or received;

51 (3) A photocopy or digital image of the person's photo identification;

52 (4) License plate number and vehicle identification number (VIN) of the vehicle used to
53 transport the catalytic converter to the licensee, whenever applicable;

54 (5) A description of the catalytic converter;

55 (6) A photograph of the catalytic converter;

56 (7) Photocopies or digital images of the bill of sale or other legal document
57 demonstrating ownership by the seller or offeror; and

58 (8) Price paid by the licensee for the catalytic converter.

59 Records established pursuant to this section shall be maintained for three years from the
60 date of acquisition of the property.

61 Any person or entity licensed as a junk and used vehicle dealer, a motor vehicle repair
62 business, or a storage facility for dismantled, junked, or abandoned automobiles shall retain the
63 catalytic converter received for a period of ten days. Throughout the holding period, the catalytic
64 converter shall be kept separate and distinct from other property and shall not be deformed or
65 treated in any way that might damage or affect its identity.

66 All persons or entities involved in the sale and purchasing of a catalytic converter must
67 use a company check as a method of payment.

68 Violations of this section shall be punished by a fine of not less than one hundred dollars
69 nor more than five hundred dollars, or by imprisonment for not less than one day nor more than
70 thirty days, and/or by requiring restitution in the amount of twenty-five hundred dollars for
71 property damage or personal injury, and/or by requiring voluntary community service for not

72 more than ten days for any one offense. Each day that a violation of this Code or any such
73 ordinance or resolution continues is a separate crime.

74 This section shall not apply to licensees' acquisitions or purchases of whole motor
75 vehicles.

76 No scrap metal business may enter into a transaction to purchase or receive private metal
77 property from any person who is not a commercial enterprise or owner of the vehicle from which
78 the catalytic converter was removed. No scrap metal business may enter into a transaction with
79 an owner of a vehicle from which a catalytic converter was removed unless the owner provides
80 the year, make, model, and vehicle identification number for the vehicle from which it was
81 removed.

82 All persons or entities licensed as a junk and second-hand dealer, motor vehicle repair
83 business, or storage of dismantled, junked, or abandoned vehicles must, in the sale of a catalytic
84 converter, use a company check to purchase the vehicle part.

85 Section 4. Punishment

86 The respective city's or town's police department shall enforce the provisions of this
87 section. If an alleged violation occurs, the police department shall issue a citation that will
88 require the license holder to appear for a show cause hearing before their municipal licensing
89 board. If, after a hearing, the board finds a violation has occurred, the board shall impose a civil
90 fine of three hundred dollars for the first offense, five hundred and fifty dollars for the second
91 offense, and seven hundred dollars for any subsequent offense. In addition to the fine imposed
92 for this offense, the individual will face a one-hundred-dollar fine for each additional catalytic
93 converter sold. Additionally, the board may suspend or revoke the license for any violations of

94 the conditions or restrictions imposed upon the issuance of such license, or any rules and
95 regulations governing the conduct of any such licensee, established by the respective municipal
96 licensing board, or by the state; in addition, such license may be revoked at any time for causes
97 other than those specified above, including violation of the Massachusetts General Laws. If a
98 license holder maintains the license for thirty-six consecutive months without a violation, any
99 new violation will be treated as a first offense.

100 SECTION 2. This act shall take effect upon its passage.