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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2603

05/10/2021

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The bill was read for the first time and referred to the Committee on Commerce Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; establishing requirements for the purchase of catalytic
1.3 converters; providing for penalties; amending Minnesota Statutes 2020, sections
1.4 325E.21, subdivision 6, by adding subdivisions; 609.5316, subdivision 3.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 325E.21, subdivision 6, is amended to read:

1.7 Subd. 6. **Criminal penalty.** (a) A scrap metal dealer, or the agent, employee, or
1.8 representative of the dealer, who intentionally violates a provision of this section, except
1.9 for subdivision 11 or 12, is guilty of a misdemeanor.

1.10 (b) A person who violates subdivision 11 or 12 is guilty of a:

1.11 (1) misdemeanor for possession or purchase of one catalytic converter;

1.12 (2) gross misdemeanor for possession or purchase of two catalytic converters; and

1.13 (3) felony for possession or purchase of three or more catalytic converters.

1.14 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
1.15 committed on or after that date.

1.16 Sec. 2. Minnesota Statutes 2020, section 325E.21, is amended by adding a subdivision to
1.17 read:

1.18 Subd. 11. **Prohibition on possessing catalytic converters; exception.** (a) It is unlawful
1.19 for a person to possess a used catalytic converter that is not attached to a motor vehicle
1.20 except when:

2.1 (1) the converter is marked with the date the converter was removed from the vehicle
 2.2 and the identification number of the vehicle from which the converter was removed or an
 2.3 alternative number to the vehicle identification number; or

2.4 (2) the converter has been EPA certified for reuse as a replacement part.

2.5 (b) If an alternative number to the vehicle identification number is used, it must be under
 2.6 a numbering system that can be immediately linked to the vehicle identification number by
 2.7 law enforcement. The marking of the alternative number may be made in any permanent
 2.8 manner, including but not limited to an engraving or use of permanent ink. The marking
 2.9 must clearly and legibly indicate the date removed and the vehicle identification number
 2.10 or the alternative number and the method by which law enforcement can link the converter
 2.11 to the vehicle identification number.

2.12 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
 2.13 committed on or after that date.

2.14 Sec. 3. Minnesota Statutes 2020, section 325E.21, is amended by adding a subdivision to
 2.15 read:

2.16 Subd. 12. **Prohibition.** It is unlawful for a person who is not a scrap metal dealer to
 2.17 purchase a used catalytic converter that is not EPA certified for reuse as a replacement part
 2.18 except when the catalytic converter is attached to a motor vehicle. A used catalytic converter
 2.19 that is EPA certified for reuse as a replacement part may be sold to a person or business for
 2.20 reuse as a replacement part for a motor vehicle when the requirements of subdivision 11
 2.21 are met.

2.22 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
 2.23 committed on or after that date.

2.24 Sec. 4. Minnesota Statutes 2020, section 325E.21, is amended by adding a subdivision to
 2.25 read:

2.26 Subd. 13. **Purchase of catalytic converters.** (a) It is unlawful for a scrap metal dealer
 2.27 to purchase a used catalytic converter not attached to a motor vehicle unless the converter
 2.28 is marked as required under subdivision 11 and the seller provides a copy of the vehicle's
 2.29 title or registration in order to demonstrate the seller's ownership interest in the property.

2.30 (b) Notwithstanding paragraph (a), a scrap metal dealer may purchase a catalytic converter
 2.31 from a person possessing an old vehicle that is no longer registered and titled without a
 2.32 copy of the registration or title, if the person has an affidavit from the local law enforcement

3.1 agency that the agency has verified the person's ownership prior to the removal of the
3.2 converter from the vehicle.

3.3 (c) A scrap metal dealer who purchases a used catalytic converter not attached to a motor
3.4 vehicle must record the information received under this subdivision and subdivision 11 and
3.5 make the information available upon request to law enforcement and effective beginning
3.6 August 1, 2022, enter the information into an electronic database available to a law
3.7 enforcement agency as approved by the commissioner of public safety.

3.8 (d) A scrap metal dealer is prohibited from processing, selling, or removing a catalytic
3.9 converter from the dealer's premises for at least seven days after the catalytic converter
3.10 acquisition by the scrap metal dealer.

3.11 (e) A payment for a catalytic converter must not be made until at least five days after
3.12 sale to the scrap metal dealer. Payment must be sent by check to the seller's address or a
3.13 bank account in the seller's name.

3.14 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
3.15 committed on or after that date.

3.16 Sec. 5. Minnesota Statutes 2020, section 609.5316, subdivision 3, is amended to read:

3.17 Subd. 3. **Weapons, telephone cloning paraphernalia, automated sales suppression**
3.18 **devices, catalytic converters, and bullet-resistant vests.** Weapons used are contraband
3.19 and must be summarily forfeited to the appropriate agency upon conviction of the weapon's
3.20 owner or possessor for a controlled substance crime; for any offense of this chapter or
3.21 chapter 624, or for a violation of an order for protection under section 518B.01, subdivision
3.22 14. Bullet-resistant vests, as defined in section 609.486, worn or possessed during the
3.23 commission or attempted commission of a crime are contraband and must be summarily
3.24 forfeited to the appropriate agency upon conviction of the owner or possessor for a controlled
3.25 substance crime or for any offense of this chapter. Telephone cloning paraphernalia used
3.26 in a violation of section 609.894, and automated sales suppression devices, phantom-ware,
3.27 and other devices containing an automated sales suppression or phantom-ware device or
3.28 software used in violation of section 289A.63, subdivision 12, are contraband and must be
3.29 summarily forfeited to the appropriate agency upon a conviction. A catalytic converter
3.30 possessed in violation of section 325E.21 is contraband and must be summarily forfeited
3.31 to the appropriate agency upon a conviction.

3.32 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
3.33 committed on or after that date.