
A BILL FOR AN ACT

RELATING TO CATALYTIC CONVERTERS.

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

SECTION 1. Chapter 289, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§289- Statement required; catalytic converter. (a)

Every licensee, when the licensee purchases a catalytic converter within the State, shall obtain a written statement signed by the seller certifying that the seller has the lawful right to sell and dispose of the catalytic converter. This statement shall also contain the:

(1) Seller's name, business or residence address, and occupation;

(2) Description, including serial numbers and other identifying marks, when practical, of every catalytic converter;

(3) Amount paid to the seller;

(4) Date, time, and place of the sale; and



1 (5) License number of any vehicle used to deliver the
2 property to the place of purchase.

3 (b) The seller shall provide a copy of a receipt that
4 describes, with particularity:

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

6 (2) Who issued the receipt;

7 (3) The date of sale of the item prior to the item being
8 offered to the licensee; and

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

11 provided that the seller shall also provide to the licensee a
12 notarized declaration, describing with particularity, the make,
13 model, year, color, vehicle identification number, and license
14 number of the vehicle from which the catalytic converter was
15 removed; provided further that this subsection shall not apply
16 to the purchase of catalytic converters by manufacturing,
17 industrial, or other commercial vendors that generate or sell
18 catalytic converters in the ordinary course of their business,
19 such as licensed scrap dealers, towing companies, or muffler
20 repair shops.



1 (c) If a receipt is not available, the seller shall
2 provide to the licensee a notarized declaration, describing with
3 particularity:

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

5 (2) Who sold or otherwise transferred the item to the
6 seller;

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

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

10 (d) If the seller does not provide a copy of the receipt
11 or the notarized declaration as required by subsections (b) and
12 (c), the licensee shall not purchase the catalytic converter, in
13 whole or in part, and shall report the attempted sale to the
14 police.

15 (e) If the licensee purchases any catalytic converter, in
16 whole or in part, the licensee shall take a photograph or
17 photographs of the catalytic converter offered for sale.

18 (f) The licensee shall require the seller to verify the
19 seller's identity by presenting a valid photo identification
20 card or license issued by a federal or state government agency
21 authorized to issue valid identification. The licensee shall:



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

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

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

17 (h) For purposes of this section, "catalytic converter"
18 means a device that is incorporated in a motor vehicle's exhaust
19 system and contains a catalyst for converting pollutant gas
20 emissions into less harmful emissions."



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

"§708- Theft of catalytic converter. (1) A person commits the offense of theft of catalytic converter if the person obtains, receives, retains, disposes of, or exerts unauthorized control over a catalytic converter through any means described in section 708-830.

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

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

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

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.



Report Title:

Catalytic Converter; Theft; Penal Code; Class C Felony; Used Motor Vehicle Parts; Statement

Description:

Requires licensed used motor vehicle part dealers to obtain a written statement by a seller of a catalytic converter that the seller has the lawful right to sell and dispose of the catalytic converter. Requires certain sellers of a catalytic converter to present a receipt or notarized declaration regarding the catalytic converter in certain circumstances. Prohibits a licensed used motor vehicle part dealer from purchasing a catalytic converter with no receipt or notarized declaration and to report the attempted sale to the police. Establishes the offense of theft of catalytic converter as a class C felony.
(SD1)

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