

JAN 21 2022

A BILL FOR AN ACT

RELATING TO CATALYTIC CONVERTERS.

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

1 SECTION 1. The legislature finds that in recent years, the
2 State has seen an increase in the number of catalytic converters
3 being stolen from vehicles and resold for profit. Catalytic
4 converters contain precious metals such as platinum, palladium,
5 and rhodium, making catalytic converters highly sought after by
6 thieves due to their high resale value. Catalytic converters
7 remove toxic elements from the exhaust stream making them
8 essential to vehicles and thus are federally mandated to be
9 installed on a vehicle. A catalytic converter can be stolen in
10 less than sixty seconds and cause extensive damage to a vehicle,
11 leading to hundreds, if not thousands of dollars in repair
12 costs.

13 The purpose of this Act is to:

- 14 (1) Require scrap dealers who deal with catalytic
15 converters to keep records of purchases and sales of
16 catalytic converters, which may aid in the



1 apprehension of those who engage in the theft and sale
2 of catalytic converters; and

3 (2) Establish the offense of theft of catalytic converter
4 as a class C felony.

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

8 "§708- Theft of catalytic converter. (1) A person
9 commits the offense of theft of catalytic converter if the
10 person:

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

13 (b) Violates section 445-233 in regard to a catalytic
14 converter.

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

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

20 SECTION 3. Section 289-1, Hawaii Revised Statutes, is
21 amended as follows:



1 1. By adding one new definition to be appropriately
2 inserted and to read:

3 "Catalytic converter" means a device that is incorporated
4 in a motor vehicle's exhaust system and contains a catalyst for
5 converting pollutant gas emissions into less harmful emissions."

6 2. By amending the definition of "used motor vehicle part
7 or accessory" to read:

8 "Used motor vehicle part or accessory" means a motor
9 vehicle part or motor vehicle accessory which has been the
10 subject of prior sale at retail, either individually or attached
11 to a motor vehicle as a component part or accessory thereof[-],
12 except for a used catalytic converter."

13 SECTION 4. Section 445-231, Hawaii Revised Statutes, is
14 amended by adding a new definition to be appropriately inserted
15 and to read as follows:

16 "Catalytic converter" means a device that is incorporated
17 in a motor vehicle's exhaust system and contains a catalyst for
18 converting pollutant gas emissions into less harmful emissions."

19 SECTION 5. Section 445-233, Hawaii Revised Statutes, is
20 amended as follows:

21 1. By amending subsection (b) to read:



1 "(b) If the scrap presented for purchase is copper, a
2 catalytic converter, a beer keg, or an urn, in whole or in part,
3 the seller shall provide a copy of a receipt that describes,
4 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's being
8 offered to the scrap dealer; and

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

11 2. By amending subsections (d) through (f) to read:

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, catalytic
15 converter, beer keg, or urn, in whole or in part, and shall
16 report the attempted sale to the police.

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



1 (f) The scrap dealer shall also require the seller to
2 verify the seller's identity by presenting a valid photo
3 identification card or license issued by a federal or state
4 government agency authorized to issue valid identification. If
5 the scrap being offered for sale is copper, a catalytic
6 converter, a beer keg, or an urn, in whole or in part, the scrap
7 dealer shall:

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

9 (2) Make a photocopy of the identification card or license
10 of the seller."

11 SECTION 6. Section 445-233.5, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) If the scrap dealer or recycler, as applicable,
14 purchases any copper[~~7~~] or catalytic converter, payment [~~for the~~
15 ~~copper~~] shall be made by check payable to the seller. At the
16 time of sale of the copper[~~7~~] or catalytic converter, the seller
17 shall present to the scrap dealer or recycler a valid photo
18 identification card or license of the seller issued by a federal
19 or state government agency authorized to issue valid
20 identification. The check may be mailed to the address shown on
21 the identification, or the scrap dealer or recycler may arrange



1 for the check to be picked up personally by the seller at the
2 place of business of the scrap dealer or recycler."

3 SECTION 7. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 8. This Act shall take effect upon its approval.

6

INTRODUCED BY: Rosely H. Birk



S.B. NO. 2279

Report Title:

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

Description:

Establishes the offense of catalytic converter as a class C felony. Defines "catalytic converter." Requires scrap dealers to follow the same requirements regarding a written statement for the purchase of a catalytic converter as is required for the purchase of other scrap metal.

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