

Hall of the House of Representatives
94th General Assembly - Regular Session, 2023
Amendment Form

Subtitle of House Bill No. 1365

TO AMEND THE LAW CONCERNING RECORDS MAINTAINED BY SCRAP METAL RECYCLERS; AND
TO SPECIFY THE TYPE OF PAYMENT FOR THE PURCHASE OF CATALYTIC CONVERTERS.

Amendment No. 2 to House Bill 1365

Amend House Bill No. 1365 as engrossed H2/14/23 (version: 2/14/2023 10:09:01 AM):

Add Senator J. Payton as a cosponsor of the bill

AND

Page 1, delete lines 11 and 12, and substitute the following:
"BY SCRAP METAL RECYCLERS; TO CREATE OFFENSES FOR THEFT OF A CATALYTIC
CONVERTER AND UNAUTHORIZED POSSESSION OF A CATALYTIC CONVERTER; AND"

AND

Delete the subtitle in its entirety and substitute:

"TO AMEND THE LAW CONCERNING RECORDS
MAINTAINED BY SCRAP METAL RECYCLERS; AND
TO CREATE OFFENSES FOR THEFT OF A
CATALYTIC CONVERTER AND UNAUTHORIZED
POSSESSION OF A CATALYTIC CONVERTER."

AND

Page 1, delete line 25, and substitute the following:

"SECTION 1. Arkansas Code Title 5, Chapter 36, Subchapter 1, is
amended to add an additional section to read as follows:

5-36-126. Theft of a catalytic converter – Unauthorized possession of
a catalytic converter.

(a) As used in this section:

(1) "Catalytic converter" means an exhaust emission control
device that reduces toxic gases and pollutants from internal combustion
engines; and



(2) "Permanently marked" means marked in a permanent manner, including without limitation engraving or permanent ink, that clearly and legibly indicates the:

(A) Date the catalytic converter was removed from the motor vehicle; and

(B) Vehicle identification number of the motor vehicle the catalytic converter was removed from.

(b) A person commits theft of a catalytic converter if he or she commits, aids, or is an accomplice to a commission of theft of property under § 5-36-103(a) and the property is a catalytic converter.

(c) A person commits unauthorized possession of a catalytic converter if the person:

(1) Knowingly possesses a catalytic converter that has been removed from a motor vehicle and that is not permanently marked; and

(2) Is not:

(A) The owner of the motor vehicle from which the catalytic converter was removed; or

(B) Possessing the catalytic converter in the ordinary course of the person's business.

(d) There is a presumption that a person is possessing the catalytic converter in the ordinary course of the person's business if the person engages in any of the following businesses:

(1) An automotive wrecking and salvage yard;

(2) A scrap metal recycler;

(3) A licensed vehicle dealer or licensed vehicle converter;

(4) A licensed salvage vehicle dealer;

(5) A licensed vehicle storage facility;

(6) A garage or shop that is engaged in the business of repairing motor vehicles;

(7) A towing company;

(8) A used automotive parts recycler;

(9) A person who holds a vehicle dealer number;

(10) A motor vehicle demolisher;

(11) A for-hire carrier, including without limitation a person who provides services such as mail, freight, or package delivery by air, water, rail, or surface transportation;

(12) A person located out of state and regulated by another state in the performance of a business activity under subdivisions (d)(1)-(11) of this section; or

(13) An employee of or independent contractor providing services to a person described in subdivisions (d)(1)-(11) of this section and who possesses the catalytic converter when acting within the course and scope of the person's employment or independent contractor services.

(e) The presumption established under subsection (d) of this section does not apply to a person who knows that the catalytic converter was unlawfully removed from a motor vehicle or otherwise unlawfully obtained.

(f)(1) Theft of a catalytic converter is a Class C felony.

(2) The court may order a person convicted of theft of a catalytic converter to pay restitution for the value of the repair or replacement of the catalytic converter.

(g) Unauthorized possession of a catalytic converter is a:

(1) Class C felony if the person:
(A) Has a prior conviction for unauthorized possession of a catalytic converter; or
(B) In the course of the unauthorized possession of a catalytic converter, the person commits or attempts, conspires, or solicits another person to commit an offense related to a catalytic converter; or
(2) Class D felony if otherwise committed.

Section 2. Arkansas Code § 17-44-101(7), concerning the definition of"

AND

Page 1, delete lines 33 through 36

AND

Page 2, delete lines 1 through 21

AND

Page 3, delete lines 8 through 30

AND

Appropriately renumber the sections of the bill

The Amendment was read _____
By: Representative Holcomb
MLD/MLD - 02-23-2023 11:06:41
MLD240

Chief Clerk