

An act to add Section 21610.1 to the Business and Professions Code, and to add Sections 10851.7 and 24020 to the Vehicle Code, relating to vehicles.

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 21610.1 is added to the Business and Professions Code, to read:

21610.1. (a) Notwithstanding Section 21610 or any other law, a core recycler, as defined in Section 21610, shall not purchase or otherwise accept any catalytic converter unless both of the following are true:

(1) The catalytic converter has been engraved, etched, or otherwise permanently marked with the vehicle identification number from which it was removed.

(2) The catalytic converter is recorded on a regularly updated log of all catalytic converters purchased or otherwise accepted by the core recycler that is maintained for a period of no less than two years, is made available to any law enforcement officer upon demand, and contains, without limitation, all of the following information:

(A) A description of the catalytic converter, including the vehicle identification number engraved on the catalytic converter.

(B) The full name, date of birth, and identification number of the seller, as verified by the core recycler.

(b) A violation of this section is punishable by imprisonment in the county jail not exceeding one year and by a fine, as follows:

(1) For a first conviction, a fine of one thousand dollars (\$1,000).

(2) For a second conviction, a fine of two thousand dollars (\$2,000).

(3) For a third or subsequent conviction, a fine of four thousand dollars (\$4,000).

SEC. 2. Section 10851.7 is added to the Vehicle Code, to read:

10851.7. (a) A person shall not buy, sell, receive, or possess a catalytic converter that has been obtained in any manner constituting theft.

(b) (1) A person shall not remove, alter, or obfuscate any vehicle identification number or other unique marking that has been added to a catalytic converter.

(2) This subdivision does not apply to either of the following:

(A) A person who is removing, altering, or obfuscating a vehicle identification number or other unique marking in order to apply a new vehicle identification number or unique marking because the catalytic converter is being lawfully installed on a different vehicle.

(B) A person that is disassembling, smelting, or otherwise permanently destroying a catalytic converter lawfully in their possession.

(c) In establishing probable cause for an arrest pursuant to subdivision (a), a peace officer does not need to have actual knowledge that the catalytic converter is stolen. Probable cause may be established based on specific facts, including, without limitation, any of the following, that in the particular circumstance lead the officer to reasonably believe that the catalytic converter is stolen:

(1) The catalytic converter has been cut or otherwise shows marks or damage consistent with illicit removal.

(2) The person in possession of the catalytic converter concurrently possesses tools commonly used in the illicit removal of catalytic converters.

(3) The catalytic converter has markings that associate it with a particular vehicle or with a particular make or model of vehicle not associated with the person in possession of the catalytic converter.



(4) The person is not able to reasonably account for the origin of the catalytic converter, or makes inconsistent, misleading, or demonstrably false statements regarding their possession of the catalytic converter.

(5) The person is in possession of, or has sold or attempted to sell, multiple catalytic converters outside of the scope of a legitimate business enterprise.

(6) The defendant has prior arrests or convictions that demonstrate knowledge of catalytic converter theft.

(d) In any prosecution of a violation of subdivision (a), the state does not need to present a victim or prove that the catalytic converter was actually stolen. Proof of the offense may be satisfied through the presentation of circumstantial evidence, satisfactory to the finder of fact, that the nature of the catalytic converter is consistent with one that has been stolen, including, without limitation, any of the factors described in paragraphs (1) through (4), inclusive, of subdivision (c).

(e) A violation of this section is punishable as follows:

(1) A violation of subdivision (a) where the value of the catalytic converter exceeds nine hundred fifty dollars (\$950) is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.

(2) A violation of subdivision (a) where the value of the catalytic converter does not exceed nine hundred fifty dollars (\$950), or a violation of subdivision (b) is punishable by imprisonment in the county jail not exceeding one year.

(3) In addition to the punishments prescribed in paragraphs (1) and (2), the court shall impose a fine as follows:

(A) For a first conviction, a fine of one thousand dollars (\$1,000).

(B) For a second conviction, a fine of two thousand dollars (\$2,000).

(C) For a third or subsequent conviction, a fine of four thousand dollars (\$4,000).

SEC. 3. Section 24020 is added to the Vehicle Code, to read:

24020. (a) No dealer or person holding a retail seller's permit shall sell a new or used vehicle equipped with a catalytic converter unless the catalytic converter has been engraved, etched, or otherwise permanently marked with the vehicle identification number (VIN) of the vehicle to which it is attached.

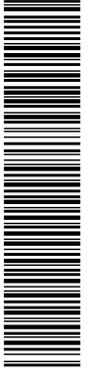
(b) A violation of this section is punishable by imprisonment in the county jail not exceeding one year and by a fine, as follows:

(1) For a first conviction, a fine of one thousand dollars (\$1,000).

(2) For a second conviction, a fine of two thousand dollars (\$2,000).

(3) For a third or subsequent conviction, a fine of four thousand dollars (\$4,000).

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____.
General Subject: Vehicles: catalytic converters.

(1) Existing law licenses and regulates motor vehicle dealers and retail sellers. Existing law prohibits a motor vehicle dealer or retail seller from selling any motor vehicle that is not in compliance with the requirements enumerated in the Vehicle Code.

This bill would prohibit a dealer or retail seller from selling a motor vehicle equipped with a catalytic converter unless the catalytic converter has been engraved, etched, or otherwise permanently marked with the vehicle identification number of the vehicle to which it is attached.

This bill would also prohibit any person, except as exempted, from removing, altering, or obfuscating the vehicle identification number engraved, etched, or otherwise marked on a catalytic converter.

A violation of these provisions would be punishable as a misdemeanor.

(2) Existing law prohibits the buying or receiving of stolen property, as specified. Existing law prohibits the removal from a vehicle of any part without the consent of the owner.

This bill would prohibit the purchase, sale, receipt, or possession of a stolen catalytic converter, as specified. The bill would specify that a peace officer need not have actual knowledge that the catalytic converter is stolen to establish probable cause for arrest, and that in a prosecution of the section, circumstantial evidence may be used to prove the stolen nature of the catalytic converter.

A violation of this prohibition would be punishable as either a felony or a misdemeanor, as specified.

(3) Existing law requires a core recycler that accepts, ships, or sells used catalytic converters to maintain specified information regarding the purchase and sale of the catalytic converters. Existing law requires a core recycler to provide this information for inspection by local law enforcement upon demand. A violation of these provisions is punishable as a misdemeanor.

This bill would prohibit a core recycler from purchasing or otherwise receiving any catalytic converter that is not engraved, etched, or otherwise permanently marked with the vehicle identification number of the vehicle that it was removed from. This bill would also require a core recycler to maintain a log that includes a description of all catalytic converters purchased or received, as specified. The bill would make a violation of these provisions punishable as a misdemeanor, as specified.

(4) By creating new criminal offenses, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.



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This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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