

1 A bill to be entitled

2 An act relating to catalytic converters; creating s.
3 860.142, F.S.; providing a short title; providing
4 definitions; requiring certain records regarding a
5 transaction involving a detached catalytic converter
6 to be maintained for a specified period; authorizing
7 inspection of such records by a law enforcement
8 officer or agency representative; requiring a person
9 who sells or installs a detached catalytic converter
10 to disclose that the catalytic converter has been
11 detached; requiring certain information regarding a
12 transaction to be provided to certain persons upon
13 request; providing application of specified statutory
14 provisions; providing for inference that a catalytic
15 converter may have been stolen; providing prohibitions
16 regarding the possession, purchase, sale, or
17 installation of a detached, stolen, or altered
18 catalytic converter; providing prohibitions regarding
19 the importing, manufacturing, purchase, sale, or
20 installation of a counterfeit, fake, or junk-filled
21 catalytic converter; providing penalties; providing
22 penalties for failure to maintain certain records,
23 prepare certain documents, provide certain records
24 upon request, or make certain disclosures; providing
25 an effective date.

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Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 860.142, Florida Statutes, is created to read:

860.142 Catalytic Converter Antitheft Act.—

(1) SHORT TITLE.—This section may be cited as the "Catalytic Converter Antitheft Act."

(2) DEFINITIONS.—As used in this section, the term:

(a) "Catalytic converter" means an emission control device that is designed to be installed and operate in a motor vehicle to convert toxic gases and pollutants in the motor vehicle's exhaust system into less toxic substances via chemical reaction.

(b) "Counterfeit catalytic converter" means a catalytic converter displaying a mark identical or similar to the genuine mark of a catalytic converter manufacturer or motor vehicle manufacturer without authorization from such manufacturer.

(c) "Detached catalytic converter" means a catalytic converter that has been removed or detached from a motor vehicle.

(d) "Fake catalytic converter" means an item, other than a catalytic converter designed in accordance with United States Environmental Protection Agency regulations for a given make, model, and year of motor vehicle as part of a motor vehicle emission control system, including a counterfeit or

51 nonfunctional catalytic converter, which is used to replace a
52 legitimate catalytic converter.

53 (e) "Junk-filled catalytic converter" means a catalytic
54 converter the composition of which includes a metal or chemical
55 that does not function in the same manner or to the same extent
56 as a metal or chemical in a legitimate catalytic converter to
57 protect motor vehicle occupants and others from toxic gases and
58 pollutants produced by the motor vehicle.

59 (f) "Nonfunctional catalytic converter" means a
60 replacement catalytic converter that:

61 1. Was previously recalled or damaged; or
62 2. Includes a part or object, including, but not limited
63 to, a counterfeit or repaired catalytic converter, installed in
64 a motor vehicle to mislead the owner or operator of such motor
65 vehicle to believe that a functional catalytic converter has
66 been installed.

67 (g) "Registered secondary metals recycler" means a
68 secondary metals recycler, as defined in s. 538.18, that is
69 registered with the Department of Revenue as required in s.
70 538.25.

71 (h) "Salvage motor vehicle dealer" has the same meaning as
72 provided in s. 320.27(1)(c)5.

73 (3) PURCHASE, SALE, OR INSTALLATION OF CATALYTIC
74 CONVERTERS; RECORDS.—

75 (a) A person engaged in the purchase, sale, or

76 installation of a detached catalytic converter shall maintain a
77 manual or electronic record of the purchase, sale, or
78 installation. The record must include the first and last name,
79 the address, and a copy of the driver license or other
80 government-issued means of identification of the person from
81 whom the detached catalytic converter was purchased and, if the
82 detached catalytic converter is installed, the vehicle
83 identification number of the motor vehicle in which the
84 catalytic converter is installed. Such record must be maintained
85 for 3 years after the transaction and may be inspected during
86 normal business hours by a law enforcement officer or other
87 authorized representative of the agency charged with
88 administration of this section. A person who sells or installs a
89 detached catalytic converter must disclose to the purchaser or
90 consumer that the catalytic converter has been detached from a
91 motor vehicle. Upon request, information contained in a record
92 or document pertaining to a specific transaction must be
93 provided to an insurer, purchaser, consumer, or law enforcement
94 officer.

95 (b) A catalytic converter is a major component part of a
96 motor vehicle as provided in s. 319.30(1)(j)1. The requirements
97 of s. 319.30 apply to the purchase, possession, or sale of a
98 catalytic converter by a salvage motor vehicle dealer.

99 (4) INFERENCE.—Proof that a person was in possession of
100 two or more detached catalytic converters, unless satisfactorily

101 explained, gives rise to an inference that the person in
102 possession of the catalytic converters knew or should have known
103 that the catalytic converters may have been stolen or
104 fraudulently obtained.

105 (5) PROHIBITIONS; PENALTIES.—

106 (a) A person may not:

107 1. Knowingly possess, purchase, sell, or install a stolen
108 catalytic converter; a new or detached catalytic converter of
109 which the manufacturer's part identification number, aftermarket
110 identification number, or owner-applied number has been removed,
111 altered, or defaced; or a catalytic converter removed from a
112 stolen motor vehicle;

113 2. Knowingly purchase a detached catalytic converter
114 without being a registered secondary metals recycler; or

115 3. Possess, sell, or offer for sale a detached catalytic
116 converter without proof of ownership or proof that the person
117 meets the criteria for exemption provided in s. 538.22.

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119 A person who violates this paragraph commits a felony of the
120 third degree, punishable as provided in s. 775.082, s. 775.083,
121 or s. 775.084.

122 (b) A person may not knowingly import, manufacture,
123 purchase, sell, offer for sale, or install or reinstall in a
124 motor vehicle a counterfeit, fake, or junk-filled catalytic
125 converter. A person who violates this paragraph commits a felony

126 of the second degree, punishable as provided in s. 775.082, s.
127 775.083, or s. 775.084.

128 (c) A person or business entity that fails to maintain
129 complete and accurate records, to prepare complete and accurate
130 documents, to provide a record or information contained in a
131 record upon request, or to properly disclose that a catalytic
132 converter is a counterfeit, detached, fake, or junk-filled
133 catalytic converter:

134 1. Upon a first offense, commits a misdemeanor of the
135 first degree, punishable as provided in s. 775.082 or s.
136 775.083.

137 2. Upon a second or subsequent offense, commits a felony
138 of the third degree, punishable as provided in s. 775.082, s.
139 775.083, or s. 775.084.

140 Section 2. This act shall take effect July 1, 2023.