

CHAPTER 221
SB 188-FN - FINAL VERSION

02/09/2023 0424s
03/09/2023 0650s
8Jun2023... 1839h

2023 SESSION

23-1049
09/10

SENATE BILL ***188-FN***

AN ACT relative to catalytic converters.

SPONSORS: Sen. Fenton, Dist 10; Sen. Ricciardi, Dist 9; Sen. Watters, Dist 4; Sen. Prentiss, Dist 5; Rep. Sykes, Graf. 14

COMMITTEE: Transportation

ANALYSIS

This bill places a variety of record keeping requirements on catalytic converter and scrap metal dealers, and requires their cooperation with enforcement in the event of a theft.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 221
SB 188-FN - FINAL VERSION

02/09/2023 0424s
03/09/2023 0650s
8Jun2023... 1839h

23-1049
09/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to catalytic converters.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 221:1 New Section; Sale of Catalytic Converters. Amend RSA 322 by inserting after section 15 the
2 following new section:

3 322:16 Sale of Catalytic Converters.

4 I. For the purposes of this section:

5 (a) "Automobile" means an automobile or other type of vehicle required to be equipped with a
6 catalytic converter under RSA 266:59-b.

7 (b) "Automobile parts" means the different pieces of a car, which are manufactured
8 separately and used to build or repair cars.

9 (c) "Catalytic converter" means an automobile exhaust system component that causes
10 conversion of harmful gases including but not limited to, carbon monoxide and uncombusted
11 hydrocarbons into mostly harmless products including, but not limited to, water and carbon dioxide.

12 II. Any person licensed to purchase, sell, barter, or deal in old metals under this chapter shall,
13 upon request by the chief of police of the city or town where the licensee is licensed send a record
14 containing the following information to law enforcement:

15 (a) The date of a transaction for old or used metals;

16 (b) The name, address, telephone number and signature of the person from whom the old or
17 used metals were purchased or received;

18 (c) A photocopy or digital image of the person's photo identification;

19 (d) The license plate number and vehicle identification number of the vehicle used to
20 transport the old or used metals to the licensee, whenever applicable;

21 (e) A description of the old or used metals;

22 (f) A photograph of the old or used metals;

23 (g) Photocopies or digital images of the bill of sale or other legal documents demonstrating
24 ownership by the seller or offeror; and

25 (h) The price paid by the licensee for the old or used metals.

26 III. Nothing in this section shall require additional record keeping for junked autos or automobile
27 parts in excess of what is required by law.

28 IV. The licensee shall retain records established pursuant to this section for a period of 2 years
29 from the date of the transaction. This paragraph shall not relieve a licensee of any other record retention
30 requirements imposed by law.

CHAPTER 221
SB 188-FN - FINAL VERSION
- Page 2 -

1 V. This section shall not apply to the purchase of old metals from a person who is licensed to
2 engage in the business of purchasing, selling, bartering, or dealing in junk, old metals, or second-hand
3 articles under RSA 322, and who has previously created a record in accordance with this section and
4 provides a written statement affirming such record at the time of the transaction.

5 VI. No person or entity licensed as a junk dealer, a second-hand dealer, motor vehicle repair
6 shop, an automobile graveyard, or a junkyard under this chapter shall purchase, accept, or acquire a
7 catalytic converter from another person or entity unless the seller or offeror presents proof of identification
8 in addition to a bill of sale or other legal document demonstrating ownership of the catalytic converter.
9 The licensee shall preserve photocopies or digital images of the documentation.

10 VII. Any person or entity licensed pursuant to this chapter as a junk dealer, a second-hand
11 dealer, a motor vehicle repair shop, or a storage facility for dismantled, junked, or abandoned vehicles
12 shall keep records of all transactions listed in this section. The licensee shall make available to the chief
13 of police or the chief's designee any records created upon request by the chief or the chief's designee.
14 The following shall be included in the records prepared pursuant to this section:

- 15 (a) The date of a transaction for the catalytic converter;
- 16 (b) The name, address, telephone number, and signature of the person from whom the
17 catalytic converter was purchased or received;
- 18 (c) A photocopy or digital image of the person's photo identification;
- 19 (d) The license plate number and vehicle identification number of the vehicle used to
20 transport the old or used metals to the licensee, whenever applicable;
- 21 (e) A description of the catalytic converter;
- 22 (f) A photograph of the catalytic converter;
- 23 (g) Photocopies or digital images of the bill of sale or other legal documents demonstrating
24 ownership by the seller or offeror; and
- 25 (h) The price paid by the licensee for the catalytic converter.

26 VIII. Any person or entity licensed pursuant to this chapter shall retain the catalytic converter
27 received for a period of 10 days. Throughout the holding period, the catalytic converter shall be kept
28 separate and distinct from other property and shall not be deformed or treated in any way that might
29 damage or affect its identity.

30 IX. All persons or entities involved in the sale and purchasing of a catalytic converter shall use a
31 company check as a method of payment.

32 X. Violations of this section shall be guilty of a misdemeanor pursuant to RSA 322:13.

33 XI. This section shall not apply to licensees' acquisitions or purchases of whole motor vehicles.

34 XII. No scrap metal business may enter into a transaction to purchase or receive private metal
35 property from any person who is not a commercial enterprise or owner of the vehicle from which the
36 catalytic converter was removed. No scrap metal business may enter into a transaction with an owner of
37 a vehicle from which a catalytic converter was removed unless the owner provides the year, make, model,
38 and vehicle identification number for the vehicle from which it was removed.

CHAPTER 221
SB 188-FN - FINAL VERSION
- Page 3 -

1 XIII. Licensed vehicle salvage yards shall be exempt from the provisions of this section if they
2 take in a full and complete car and not pieces, or parts of a car related to the sale of a catalytic converter.

3 221:2 Drivers' Licenses; Prohibitions. Amend RSA 263:12, X to read as follows:

4 X. Knowingly scan, record, retain, or store, in any electronic form or format, personal information,
5 as defined in RSA 260:14, obtained from any license, unless authorized by the department. Nothing in
6 this paragraph shall prohibit a person from transferring, in non-electronic form or format, personal
7 information contained on the face of a license to another person, provided that the consent of the license
8 holder is obtained if the transfer is not to a law enforcement agency. Notwithstanding any other provision
9 of law, any person selling alcohol or tobacco who uses due diligence in checking identification to prevent
10 unauthorized sales and purchases of alcohol and tobacco shall not be held responsible for the
11 acceptance of fraudulent identification. Where due diligence is exercised on the part of the seller, the
12 unauthorized purchaser shall be liable for any penalty or fine resulting from the unauthorized sale. This
13 paragraph shall not prohibit the scanning, recording, retaining, or storing of such information in electronic
14 form collected with the license holder's consent as part of a sale of merchandise to a pawnbroker, *scrap*
15 *metal dealer*, or other secondhand dealer, and submission of such information to law enforcement
16 databases for the sole purpose of identifying sellers of stolen merchandise. The pawnbroker, *scrap metal*
17 *dealer*, or secondhand dealer shall not retain the scanned information in electronic form transmitted to a
18 law enforcement database, unless required by local regulation, and shall not furnish the information to
19 anyone except a law enforcement officer. The pawnbroker, *scrap metal dealer*, or secondhand dealer
20 may maintain in a log or other document the name and address of the person whose license was scanned
21 along with a description of the items the individual sold, pawned, or purchased, and shall allow such log or
22 document to be examined by a law enforcement official upon request.

23 221:3 Effective Date. This act shall take effect upon its passage.

Approved: August 04, 2023
Effective Date: August 04, 2023

