

SB 638  
(veto)

FILED

2008 MAR 31 PM 12: 24

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-EIGHTH LEGISLATURE** STATE (D)  
**REGULAR SESSION, 2008**

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**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**  
**Senate Bill No. 638**

(SENATORS LOVE AND KESSLER, *original sponsors*)

[Passed March 8, 2008; in effect ninety days from passage.]

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OFFICE OF THE CLERK  
SECRETARY OF STATE

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-59, relating to the receipt and transfer of catalytic converters; imposing reporting and record retention requirements for certain purchasers of catalytic converters; providing for the inspection of records and materials by investigators employed by law enforcement; and establishing criminal penalties.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §61-3-59, to read as follows:

**ARTICLE 3. CRIMES AGAINST PROPERTY.**

**§61-3-59. Trading in catalytic converters; certificates, records and reports of purchases; criminal penalties.**

1 (a) Any person who purchases or trades for catalytic  
2 converters or any materials derived from catalytic  
3 converters shall be subject to the provisions of this  
4 section.

5 (b) Any purchaser of catalytic converters or any  
6 materials derived from catalytic converters shall make  
7 and maintain a record of each transaction which shall  
8 contain the following information:

9 (1) Full name, permanent home and business  
10 addresses and telephone number, if available, of the  
11 seller;

12 (2) A description and the motor vehicle license number  
13 of any vehicle, if any, used to transport catalytic  
14 converters or any materials derived from catalytic  
15 converters to the place of purchase;

16 (3) The time and date of the transaction;

17 (4) A complete description of the catalytic converter or  
18 any materials derived from catalytic converters  
19 purchased or traded for; and

20 (5) A statement whether the catalytic converter or any  
21 material derived from a catalytic converter was  
22 purchased, taken as collateral for a loan or taken on  
23 consignment.

24 (c) The person purchasing or trading for a catalytic  
25 converter or any materials derived from a catalytic  
26 converter shall also require and retain from the seller  
27 the following information:

28 (1) A signed certificate of ownership of the catalytic  
29 converter or any materials derived from a catalytic  
30 converter being sold or signed authorization from the

31 owner to sell; and

32 (2) A photocopy of a valid driver's license or  
33 identification card issued by the West Virginia Division  
34 of Motor Vehicles of the person delivering a catalytic  
35 converter or any materials derived from a catalytic  
36 converter, or in lieu thereof, any other identification  
37 card containing a photograph of the seller as issued by  
38 any state or federal agency of the United States:  
39 *Provided*, That, if the buyer has a copy of the seller's  
40 photo identification on file, the buyer may reference the  
41 identification that is on file without making a separate  
42 photocopy for each transaction.

43 (d) Any law-enforcement officer investigating the  
44 theft of catalytic converters or any materials derived  
45 from a catalytic converter shall be permitted to inspect  
46 the purchased catalytic converter or any materials  
47 derived from a catalytic converter that is in the  
48 possession of the buyer or person trading for a catalytic  
49 converter for the purpose of detecting and identifying  
50 stolen property.

51 (e) It is unlawful for any of the aforementioned  
52 persons to purchase any catalytic converter or any  
53 materials derived from a catalytic converter without  
54 obtaining the information set forth in subsections (b)  
55 and (c) of this section. Such information shall be  
56 available for inspection by any law-enforcement officer  
57 to investigate the theft of any catalytic converter or any  
58 materials derived from a catalytic converter and must  
59 be maintained by the purchaser for not less than one  
60 year after the date of the purchase.

61 (f) Nothing in this section applies to scrap purchases  
62 by manufacturing facilities that melt, or otherwise alter  
63 the form of scrap metal and transform it into a new  
64 product or to the purchase or transportation of food and  
65 beverage containers or other nonindustrial materials  
66 having a marginal value per individual unit.

67 (g) Any person who knowingly violates any provision  
68 of this section is guilty of a misdemeanor and, upon

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69 conviction of a first offense thereof, shall be fined not  
70 less than one thousand dollars nor more than three  
71 thousand dollars.

72 (h) Nothing in this section is intended to apply to a  
73 consumer purchasing a vehicle which contains a  
74 catalytic converter, nor is it intended to apply to a  
75 consumer who purchases a replacement catalytic  
76 converter for a vehicle.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*C. Whit*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Carroll E. Helms*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *is disapproved* ..... this  
the *31<sup>st</sup>* Day of *March* ....., 2008.

*[Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 24 2008

Time 3:08 pm