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WEST VIRGINIA LEGISLATURE

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

ENROLLED

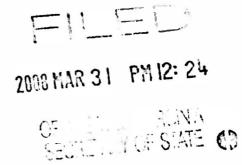
COMMITTEE SUBSTITUTE

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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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:

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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
 - 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

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- (2) A photocopy of a valid driver's license or identification card issued by the West Virginia Division of Motor Vehicles of the person delivering a catalytic converter or any materials derived from a catalytic converter, or in lieu thereof, any other identification card containing a photograph of the seller as issued by any state or federal agency of the United States: *Provided*, That, if the buyer has a copy of the seller's photo identification on file, the buyer may reference the identification that is on file without making a separate photocopy for each transaction.
- 43 (d) Any law-enforcement officer investigating the 44 theft of catalytic converters or any materials derived from a catalytic converter shall be permitted to inspect 45 46 the purchased catalytic converter or any materials 47 derived from a catalytic converter that is in the possession of the buyer or person trading for a catalytic 48 converter for the purpose of detecting and identifying 49 50 stolen property.
 - (e) It is unlawful for any of the aforementioned persons to purchase any catalytic converter or any materials derived from a catalytic converter without obtaining the information set forth in subsections (b) and (c) of this section. Such information shall be available for inspection by any law-enforcement officer to investigate the theft of any catalytic converter or any materials derived from a catalytic converter and must be maintained by the purchaser for not less than one 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.

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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.
Chairman Senate Committee
Chairman House Committee
Originated in the Senate.
In effect ninety days from passage. Clerk of the Senate
Clerk of the House of Delegates Of Roy Mullin President of the Senate Speaker House of Delegates
The within 1s disappanel this the 3/8 Day of Mark 2008.

PRESENTED TO THE GOVERNOR

MAR **2 4** 2008

Time

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