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:
ARTICLE 3. CRIMES AGAINST PROPERTY.

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

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

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

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

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

(3) The time and date of the transaction;

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

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

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

(1) A signed certificate of ownership of the catalytic converter or any materials derived from a catalytic converter being sold or signed authorization from the
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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
conviction of a first offense thereof, shall be fined not less than one thousand dollars nor more than three thousand dollars.

(h) Nothing in this section is intended to apply to a consumer purchasing a vehicle which contains a catalytic converter, nor is it intended to apply to a consumer who purchases a replacement catalytic converter for a vehicle.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within is disapproved this the Day of , 2008.

[Signature]
Governor