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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **1589**

02/25/2021 Authored by Richardson, Becker-Finn, Jordan, Davnie, Moller and others

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

03/04/2021 By motion, recalled and re-referred to the Committee on Commerce Finance and Policy

1.1 A bill for an act

1.2 relating to commerce; regulating the sale of catalytic converters to scrap metal
1.3 dealers; providing for criminal penalties; amending Minnesota Statutes 2020,
1.4 sections 325E.21, subdivision 6, by adding subdivisions; 609.5316, subdivision
1.5 3.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2020, section 325E.21, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 2b. **Purchase of catalytic converters.** (a) It is unlawful for a scrap metal dealer
1.10 to purchase a catalytic converter from any person other than a bona fide automobile repair
1.11 shop, bona fide automobile recycling facility, or other person that can provide evidence of
1.12 legitimate removal to the scrap metal dealer under paragraph (b), in addition to the signed
1.13 statement required by subdivision 1b, paragraph (a), clause (6).

1.14 (b) Evidence of legitimate removal may include:

1.15 (1) photographic evidence that demonstrates the catalytic converter wasn't sawed or
1.16 pried off the applicable automobile;

1.17 (2) photographic evidence showing before and after removal of the catalytic converter,
1.18 together with the vehicle identification number of the applicable automobile; or

1.19 (3) evidence that a replacement catalytic converter was purchased for the applicable
1.20 automobile.

2.1 (c) A scrap metal dealer must make the information under paragraph (b) available for
2.2 examination by a law enforcement agency or a person who has reported theft of a catalytic
2.3 converter.

2.4 (d) A scrap metal dealer is prohibited from processing, selling, or removing a catalytic
2.5 converter from its premises for at least 14 days after its acquisition by the scrap metal dealer.

2.6 (e) A payment for a catalytic converter must not be made until at least five days after
2.7 sale to the scrap metal dealer. Payment must be sent by check to the seller's address or a
2.8 bank account in the seller's name.

2.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.10 Sec. 2. Minnesota Statutes 2020, section 325E.21, subdivision 6, is amended to read:

2.11 Subd. 6. **Criminal penalty.** (a) A scrap metal dealer, or the agent, employee, or
2.12 representative of the dealer, who intentionally violates a provision of this section, is guilty
2.13 of a misdemeanor.

2.14 (b) It is a misdemeanor for a person other than a bona fide automobile repair shop or
2.15 automobile recycling facility to possess a used catalytic converter that is not attached to a
2.16 motor vehicle unless the person can provide evidence of legitimate removal as required
2.17 under subdivision 2b, paragraph (b). A person may, no later than the date and time specified
2.18 in the citation for the person's first court appearance, produce evidence of legitimate removal
2.19 of the catalytic converter. The required evidence of legitimate removal may be sent by mail
2.20 as long as it is received no later than the date and time specified in the citation for the person's
2.21 first court appearance. If a citation is issued, a person must not be convicted of violating
2.22 this paragraph if the court administrator receives the required evidence of legitimate removal
2.23 no later than the date and time specified in the citation for the person's first court appearance.
2.24 If the charge is made other than by citation, no person shall be convicted of violating this
2.25 paragraph if the person presents the required evidence of legitimate removal no later than
2.26 the person's first court appearance after the charge is made.

2.27 (c) A person who violates subdivision 11 is guilty of a misdemeanor.

2.28 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
2.29 committed on or after that date.

3.1 Sec. 3. Minnesota Statutes 2020, section 325E.21, is amended by adding a subdivision to
3.2 read:

3.3 Subd. 11. **Prohibition.** It is unlawful for any person other than a scrap metal dealer to
3.4 purchase a used catalytic converter unless it is attached to a motor vehicle.

3.5 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
3.6 committed on or after that date.

3.7 Sec. 4. Minnesota Statutes 2020, section 609.5316, subdivision 3, is amended to read:

3.8 Subd. 3. **Weapons, telephone cloning paraphernalia, automated sales suppression**
3.9 **devices, catalytic converters, and bullet-resistant vests.** Weapons used are contraband
3.10 and must be summarily forfeited to the appropriate agency upon conviction of the weapon's
3.11 owner or possessor for a controlled substance crime; for any offense of this chapter or
3.12 chapter 624, or for a violation of an order for protection under section 518B.01, subdivision
3.13 14. Bullet-resistant vests, as defined in section 609.486, worn or possessed during the
3.14 commission or attempted commission of a crime are contraband and must be summarily
3.15 forfeited to the appropriate agency upon conviction of the owner or possessor for a controlled
3.16 substance crime or for any offense of this chapter. Telephone cloning paraphernalia used
3.17 in a violation of section 609.894, and automated sales suppression devices, phantom-ware,
3.18 and other devices containing an automated sales suppression or phantom-ware device or
3.19 software used in violation of section 289A.63, subdivision 12, are contraband and must be
3.20 summarily forfeited to the appropriate agency upon a conviction. A catalytic converter
3.21 possessed in violation of section 325E.21, subdivision 6, paragraph (b), is contraband and
3.22 must be summarily forfeited to the appropriate agency upon a conviction.

3.23 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
3.24 committed on or after that date.