

## CHAPTER 2023-114

### Committee Substitute for Committee Substitute for Senate Bill No. 306

An act relating to catalytic converters; creating s. 860.142, F.S.; providing a short title; providing definitions; prohibiting a person from knowingly purchasing a detached catalytic converter unless he or she is a registered secondary metals recycler; requiring a registered secondary metals recycler to comply with specified recordkeeping requirements; providing penalties; prohibiting a person from knowingly possessing, purchasing, selling, or installing a stolen, altered, or detached catalytic converter; providing criminal penalties; providing for an inference that a catalytic converter may have been stolen; creating s. 860.147, F.S.; providing definitions; prohibiting a person from knowingly importing, manufacturing, purchasing for a certain purpose, selling, offering for sale, or installing or reinstalling a counterfeit, fake, or nonfunctional catalytic converter; providing criminal penalties; amending s. 538.26, F.S.; prohibiting a secondary metals recycler from processing or removing a detached catalytic converter from the recycler's place of business for a specified number of days; providing exceptions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 860.142, Florida Statutes, is created to read:

860.142 Catalytic Converter Antitheft Act.—

(1) This section may be cited as the “Catalytic Converter Antitheft Act.”

(2) As used in this section, the term:

(a) “Catalytic converter” means an emission control device that is designed to be installed and operate in a motor vehicle to convert toxic gases and pollutants in the motor vehicle’s exhaust system into less toxic substances via chemical reaction.

(b) “Detached catalytic converter” means a catalytic converter that has been removed from a motor vehicle.

(c) “Registered secondary metals recycler” means a secondary metals recycler, as defined in s. 538.18, that is registered with the Department of Revenue as required in s. 538.25.

(d) “Salvage motor vehicle dealer” has the same meaning as provided in s. 320.27(1)(c)5.

(3)(a) A person may not knowingly purchase a detached catalytic converter unless he or she is a registered secondary metals recycler.

(b) A registered secondary metals recycler who purchases a detached catalytic converter must comply with the requirements in ss. 538.19 and 538.26(5).

(c) A registered secondary metals recycler who does not comply with the requirements of paragraph (b) is subject to the penalties in s. 538.23.

(4)(a) A person may not knowingly possess, purchase, sell, or install a:

1. Stolen catalytic converter;
2. Catalytic converter that has been removed from a stolen motor vehicle;
3. New or detached catalytic converter from which the manufacturer's part identification number, aftermarket identification number, or owner-applied number has been removed, altered, or defaced; or
4. Detached catalytic converter without proof of ownership, unless the person is a registered secondary metals recycler, a salvage motor vehicle dealer, or meets the criteria for exemption provided in s. 538.22.

(b) A person who violates paragraph (a) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Proof that a person was in possession of two or more detached catalytic converters, unless satisfactorily explained, gives rise to an inference that the person in possession of the catalytic converters knew or should have known that the catalytic converters may have been stolen or fraudulently obtained.

Section 2. Section 860.147, Florida Statutes, is created to read:

860.147 Import, sale, or installation of counterfeit, fake, or nonfunctional catalytic converters.—

(1) As used in this section, the term:

(a) "Catalytic converter" has the same meaning as provided in s. 860.142(2)(a).

(b) "Counterfeit catalytic converter" means a catalytic converter displaying a mark identical or similar to the genuine mark of a catalytic converter manufacturer or motor vehicle manufacturer without authorization from such manufacturer.

(c) "Fake catalytic converter" means an item, other than a catalytic converter designed in accordance with United States Environmental Protection Agency regulations for a given make, model, and year of motor vehicle as part of a motor vehicle emission control system, including a counterfeit or nonfunctional catalytic converter, which is used to replace a legitimate catalytic converter.

(d) “Nonfunctional catalytic converter” means a replacement catalytic converter that:

1. Was previously recalled or damaged; or

2. Includes a part or object, including, but not limited to, a counterfeit or repaired catalytic converter, installed in a motor vehicle to mislead the owner or operator of such motor vehicle to believe that a functional catalytic converter has been installed.

(2) A person may not knowingly import, manufacture, purchase for the purpose of reselling or installing, sell, offer for sale, or install or reinstall in a motor vehicle a counterfeit, fake, or nonfunctional catalytic converter. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Subsection (6) is added to section 538.26, Florida Statutes, to read:

538.26 Certain acts and practices prohibited.—It is unlawful for a secondary metals recycler to do or allow any of the following acts:

(6) Process or remove from the place of business of a secondary metals recycler a detached catalytic converter the secondary metals recycler has purchased for a period of 10 business days after the date of purchase. This subsection does not apply to the purchase of a detached catalytic converter from another secondary metals recycler, a salvage motor vehicle dealer as defined in s. 320.27(1)(c)5., or a person or an entity specified in s. 538.22.

Section 4. This act shall take effect July 1, 2023.

Approved by the Governor May 24, 2023.

Filed in Office Secretary of State May 24, 2023.