

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation & Energy.

SB22-009 be amended as follows:

1 Amend printed bill, page 2, strike lines 2 through 12 and substitute:

2 "SECTION 1. In Colorado Revised Statutes, 18-13-111, **amend**
3 (1)(a), (1)(b) introductory portion, (1)(c), (1)(d), (1.3)(a) introductory portion,
4 (1.3)(a)(I), (1.3)(a)(III), (1.3)(b), (1.5), (2), (4), (8) introductory portion,
5 (8)(b.5), (8)(d), (9)(c), (10)(a)(I), (10)(a)(III), and (10)(b); **amend as it**
6 **exists until March 1, 2022**, (5); and **add** (8)(b.3) as follows:

7 **18-13-111. Purchases of commodity metals or catalytic**
8 **converters - violations - commodity metals theft task force - creation -**
9 **composition - reports - legislative declaration - definitions - repeal.**

10 (1) (a) Except as otherwise provided in subsection (3) of this section, every
11 owner, keeper, or proprietor of a junk shop, junk store, salvage yard, or junk
12 cart or other vehicle and every collector of or dealer in junk, salvage, or other
13 secondhand property shall keep a book or register detailing all transactions
14 involving commodity metals OR CATALYTIC CONVERTERS.

15 (b) The owner, keeper, proprietor, collector, or dealer shall record the
16 identification of a seller of commodity metals OR CATALYTIC CONVERTERS in the
17 book or register and the method by which the seller verified ~~his or her~~ THE
18 SELLER'S identity. The seller shall verify ~~his or her~~ THE SELLER'S identity by one
19 of the following:

20 (c) The owner, keeper, proprietor, collector, or dealer shall require the
21 seller of a commodity metal OR CATALYTIC CONVERTER to provide for the book
22 or register:

23 (I) A signed affidavit, sworn and affirmed under penalty of law, that the
24 seller is the owner of the commodity metal OR CATALYTIC CONVERTER or is
25 otherwise entitled to sell the commodity metal OR CATALYTIC CONVERTER. The
26 owner, keeper, proprietor, collector, or dealer shall provide the affidavit form
27 to the seller.

28 (II) The license plate number and description of the vehicle or
29 conveyance, if any, in which the commodity metal OR CATALYTIC CONVERTER
30 was delivered.

31 (d) The owner, keeper, proprietor, collector, or dealer shall include the
32 following in the book or register:

33 (I) The date and place of each purchase of the commodity metal OR
34 CATALYTIC CONVERTER; and

35 (II) The description and quantity of the commodity metal OR
36 CATALYTIC CONVERTER purchased.

37 (1.3) (a) A purchaser of commodity metals OR CATALYTIC
38 CONVERTERS shall:

39 (I) Sign up with the scrap theft alert system maintained by the Institute

1 of Scrap Recycling Industries, Incorporated, or its successor organization, to
2 receive alerts regarding thefts of commodity metals OR CATALYTIC CONVERTERS
3 in the purchaser's geographic area;

4 (III) Use the alerts to identify potentially stolen commodity metals OR
5 CATALYTIC CONVERTERS, including training the purchaser's employees to use
6 the alerts during the purchaser's daily operations.

7 (b) A purchaser of commodity metals OR CATALYTIC CONVERTERS shall
8 maintain for ninety days copies of any theft alerts received and downloaded
9 pursuant to ~~paragraph (a) of this subsection (1.3)~~ SUBSECTION (1.3)(a) OF THIS
10 SECTION. A purchaser shall also maintain documentation that the purchaser
11 educates employees about, and provides to employees, scrap theft alerts.

12 (1.5) (a) An owner, keeper, proprietor, collector, or dealer is permitted
13 to pay a seller in cash for any commodity ~~metals~~ METAL OR CATALYTIC
14 CONVERTER transaction of three hundred dollars or less.

15 (b) If the transaction costs more than three hundred dollars, the owner,
16 keeper, proprietor, collector, or dealer shall pay the seller of a commodity metal
17 OR CATALYTIC CONVERTER by check unless the seller is paid by means of any
18 process in which a picture of the seller is taken when the money is paid.

19 (2) Except as otherwise provided in subsection (3) of this section, the
20 owner, keeper, proprietor, collector, or dealer of any commodity metal OR
21 CATALYTIC CONVERTER shall make a digital photographic record, video record,
22 or other record that identifies the seller and the commodity metal OR CATALYTIC
23 CONVERTER that the seller is selling. The digital photographic record, video
24 record, or other record format shall be retained for one hundred eighty days,
25 and the owner shall permit a law enforcement officer to make inspections of the
26 record.

27 (4) The information entered in the book or register, as provided in
28 subsection (1) of this section, need not be kept for a period longer than three
29 years after the date of purchase of the commodity metal OR CATALYTIC
30 CONVERTER.

31 (5) A person who violates subsection (1) of this section by failing to
32 keep a book or register, any person who knowingly gives false information with
33 respect to the information required to be maintained in the book or register
34 provided for in subsection (1) of this section, and any person who violates
35 subsection (1.3), (1.5), or (2) of this section commits:

36 (a) A class 2 misdemeanor if the value of the commodity metal OR
37 CATALYTIC CONVERTER involved is less than five hundred dollars; or

38 (b) A class 1 misdemeanor if the value of the commodity metal OR
39 CATALYTIC CONVERTER involved is five hundred dollars or more.

40 (8) ~~For the purposes of~~ AS USED IN this section, unless the context
41 otherwise requires:

42 (b.3) "CATALYTIC CONVERTER" MEANS A POST-COMBUSTION DEVICE

1 THAT:

2 (I) OXIDIZES HYDROCARBONS AND CARBON MONOXIDE GASES OR

3 REDUCES OXIDES OF NITROGEN; AND

4 (II) IS DESIGNED OR INTENDED FOR USE AS PART OF AN EMISSION

5 CONTROL SYSTEM.

6 (b.5) "Commodity metal" means copper; a copper alloy, ~~including~~ SUCH

7 AS bronze or brass; or aluminum. "Commodity metal" does not include precious

8 metals, such as gold, silver, or platinum.

9 (d) "Dealer" means any person, business, or entity that buys, sells, or

10 distributes, for the purpose of recycling, any commodity metal OR CATALYTIC

11 CONVERTER on a wholesale basis.

12 (9) (c) ~~The task force shall hold its first meeting no later than July 1,~~

13 ~~2011. At the first meeting, the task force shall discuss the best way to distribute~~

14 ~~and use information related to theft of scrap metals, including whether and how~~

15 ~~to promote use by law enforcement agencies of the scrap theft alert system~~

16 ~~maintained by the institute of scrap recycling industries, incorporated, or its~~

17 ~~successor organization. Thereafter, the task force shall meet on a regular basis,~~

18 ~~convening at least every October, to discuss issues related to theft of commodity~~

19 ~~metals OR CATALYTIC CONVERTERS, including sharing relevant information on~~

20 ~~theft of scrap metal, identifying ways in which Colorado's laws regulating~~

21 ~~commodity metals METAL AND CATALYTIC CONVERTER purchases can be~~

22 ~~improved to reduce theft, and reviewing any performance problems or~~

23 ~~communication issues. The task force is specifically directed to consider:~~

24 (I) Possible policies or practices to aid in tracking or apprehending

25 stolen commodity metals OR CATALYTIC CONVERTERS prior to the point of sale

26 in order to assist law enforcement personnel in theft prevention and recovery of

27 stolen materials;

28 (II) Recommendations regarding when and how a commodity ~~metals~~

29 METAL OR CATALYTIC CONVERTER purchaser should be required to apprise

30 local law enforcement authorities if a purchased commodity metal OR

31 CATALYTIC CONVERTER is a potential match of a commodity metal OR

32 CATALYTIC CONVERTER reported stolen in the scrap theft alert system; and

33 (III) The creation and attributes of a civil penalty process for egregious

34 and repeat violators of the record-keeping requirements of this section.

35 (10) (a) The general assembly hereby finds, determines, and declares

36 that:

37 (I) Thefts of commodity metals AND CATALYTIC CONVERTERS

38 jeopardize the safety and welfare of the public, financially burden taxpayers and

39 industry, and exhaust law enforcement resources;

40 (III) The regulation of commodity metal OR CATALYTIC CONVERTER

41 purchases is a matter of statewide concern.

42 (b) In order to continue the ability of the state to identify causes of

1 commodity metal AND CATALYTIC CONVERTER theft and provide realistic
2 solutions to the theft problem, the general assembly encourages law enforcement
3 authorities in the state to join the scrap theft alert system maintained by the
4 Institute of Scrap Recycling Industries, Incorporated, or its successor
5 organization, and to report thefts of commodity metals AND CATALYTIC
6 CONVERTERS occurring within their jurisdictions to this system. The general
7 assembly also encourages commercial stakeholders affected by commodity
8 ~~metals~~ METAL AND CATALYTIC CONVERTER theft to sign up for and participate
9 in the scrap theft alert system."

10 Strike pages 3 and 4.

11 Page 5, strike lines 1 through 9.

12 Renumber succeeding bill sections accordingly.

13 Page 6, strike lines 4 through 8 and substitute "**required**. ANY PERSON THAT
14 ACQUIRES FIVE OR MORE VEHICLES WITHIN ANY TWELVE-MONTH PERIOD FOR
15 THE PURPOSE OF DISMANTLING, WRECKING, SHREDDING, COMPACTING,
16 CRUSHING, OR OTHERWISE DESTROYING VEHICLES FOR RECLAIMABLE PARTS
17 OR SCRAP METALS, INCLUDING CATALYTIC CONVERTERS, SHALL REPORT ALL
18 SUCH VEHICLES TO THE NATIONAL MOTOR VEHICLE TITLE INFORMATION
19 SYSTEM WITHIN FIVE DAYS AFTER ACQUIRING THE VEHICLES TO ENSURE THAT
20 THE VEHICLES ARE NOT STOLEN."

21 Page 1, lines 102 through 104, strike "**ESTABLISHING PROCEDURES FOR THE**
22 **EVALUATION AND CERTIFICATION OF AFTERMARKET CATALYTIC**
23 **CONVERTERS AND**".

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