

SENATE COMMITTEE OF REFERENCE REPORT

February 8, 2022

Chair of Committee

Date

Committee on Transportation & Energy.

After consideration on the merits, the Committee recommends the following:

SB22-009 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 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
4 portion, (1.3)(a)(I), (1.3)(a)(III), (1.3)(b), (1.5), (2), (4), (8) introductory
5 portion, (8)(b.5), (8)(d), (9)(c), (10)(a)(I), (10)(a)(III), and (10)(b);
6 **amend as it 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,
11 every owner, keeper, or proprietor of a junk shop, junk store, salvage
12 yard, or junk cart or other vehicle and every collector of or dealer in junk,
13 salvage, or other secondhand property shall keep a book or register
14 detailing all transactions involving commodity metals OR CATALYTIC
15 CONVERTERS.
16 (b) The owner, keeper, proprietor, collector, or dealer shall record
17 the identification of a seller of commodity metals OR CATALYTIC
18 CONVERTERS in the book or register and the method by which the seller
19 verified ~~his or her~~ THE SELLER'S identity. The seller shall verify ~~his or her~~
20 THE SELLER'S identity by one of the following:
21 (c) The owner, keeper, proprietor, collector, or dealer shall require
22 the seller of a commodity metal OR CATALYTIC CONVERTER to provide for
23 the book or register:
24 (I) A signed affidavit, sworn and affirmed under penalty of law,
25 that the seller is the owner of the commodity metal OR CATALYTIC
26 CONVERTER or is otherwise entitled to sell the commodity metal OR
27 CATALYTIC CONVERTER. The owner, keeper, proprietor, collector, or
28 dealer shall provide the affidavit form to the seller.

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

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

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

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

10 (1.3) (a) A purchaser of commodity metals OR CATALYTIC
11 CONVERTERS shall:

12 (I) Sign up with the scrap theft alert system maintained by the
13 Institute of Scrap Recycling Industries, Incorporated, or its successor
14 organization, to receive alerts regarding thefts of commodity metals OR
15 CATALYTIC CONVERTERS in the purchaser's geographic area;

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

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

25 (1.5) (a) An owner, keeper, proprietor, collector, or dealer is
26 permitted to pay a seller in cash for any commodity ~~metals~~ METAL OR
27 CATALYTIC CONVERTER transaction of three hundred dollars or less.

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

33 (2) Except as otherwise provided in subsection (3) of this section,
34 the owner, keeper, proprietor, collector, or dealer of any commodity metal
35 OR CATALYTIC CONVERTER shall make a digital photographic record,
36 video record, or other record that identifies the seller and the commodity
37 metal OR CATALYTIC CONVERTER that the seller is selling. The digital
38 photographic record, video record, or other record format shall be
39 retained for one hundred eighty days, and the owner shall permit a law
40 enforcement officer to make inspections of the record.

41 (4) The information entered in the book or register, as provided
42 in subsection (1) of this section, need not be kept for a period longer than
43 three years after the date of purchase of the commodity metal OR

1 CATALYTIC CONVERTER.

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

7 (a) A class 2 misdemeanor if the value of the commodity metal OR
8 CATALYTIC CONVERTER involved is less than five hundred dollars; or
9 (b) A class 1 misdemeanor if the value of the commodity metal OR
10 CATALYTIC CONVERTER involved is five hundred dollars or more.

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

13 (b.3) "CATALYTIC CONVERTER" MEANS A POST-COMBUSTION
14 DEVICE THAT:

15 (I) OXIDIZES HYDROCARBONS AND CARBON MONOXIDE GASES OR
16 REDUCES OXIDES OF NITROGEN; AND
17 (II) IS DESIGNED OR INTENDED FOR USE AS PART OF AN EMISSION
18 CONTROL SYSTEM.

19 (b.5) "Commodity metal" means copper; a copper alloy, **including**
20 **SUCH AS** bronze or brass; or aluminum. "Commodity metal" does not
21 include precious metals, such as gold, silver, or platinum.

22 (d) "Dealer" means any person, business, or entity that buys, sells,
23 or distributes, for the purpose of recycling, any commodity metal OR
24 CATALYTIC CONVERTER on a wholesale basis.

25 (9) (c) ~~The task force shall hold its first meeting no later than July~~
26 ~~1, 2011. At the first meeting, the task force shall discuss the best way to~~
27 ~~distribute and use information related to theft of scrap metals, including~~
28 ~~whether and how to promote use by law enforcement agencies of the~~
29 ~~scrap theft alert system maintained by the institute of scrap recycling~~
30 ~~industries, incorporated, or its successor organization. Thereafter, the task~~
31 ~~force shall~~ meet on a regular basis, convening at least every October, to
32 discuss issues related to theft of commodity metals OR CATALYTIC
33 CONVERTERS, including sharing relevant information on theft of scrap
34 metal, identifying ways in which Colorado's laws regulating commodity
35 ~~metals~~ METAL AND CATALYTIC CONVERTER purchases can be improved to
36 reduce theft, and reviewing any performance problems or communication
37 issues. The task force is specifically directed to consider:

38 (I) Possible policies or practices to aid in tracking or apprehending
39 stolen commodity metals OR CATALYTIC CONVERTERS prior to the point
40 of sale in order to assist law enforcement personnel in theft prevention
41 and recovery of stolen materials;

42 (II) Recommendations regarding when and how a commodity
43 ~~metals~~ METAL OR CATALYTIC CONVERTER purchaser should be required

1 to apprise local law enforcement authorities if a purchased commodity
2 metal OR CATALYTIC CONVERTER is a potential match of a commodity
3 metal OR CATALYTIC CONVERTER reported stolen in the scrap theft alert
4 system; and
5 (III) The creation and attributes of a civil penalty process for
6 egregious and repeat violators of the record-keeping requirements of this
7 section.
8 (10) (a) The general assembly hereby finds, determines, and
9 declares that:
10 (I) Thefts of commodity metals AND CATALYTIC CONVERTERS
11 jeopardize the safety and welfare of the public, financially burden
12 taxpayers and industry, and exhaust law enforcement resources;
13 (III) The regulation of commodity metal OR CATALYTIC
14 CONVERTER purchases is a matter of statewide concern.
15 (b) In order to continue the ability of the state to identify causes
16 of commodity metal AND CATALYTIC CONVERTER theft and provide
17 realistic solutions to the theft problem, the general assembly encourages
18 law enforcement authorities in the state to join the scrap theft alert system
19 maintained by the Institute of Scrap Recycling Industries, Incorporated,
20 or its successor organization, and to report thefts of commodity metals
21 AND CATALYTIC CONVERTERS occurring within their jurisdictions to this
22 system. The general assembly also encourages commercial stakeholders
23 affected by commodity ~~metals~~ METAL AND CATALYTIC CONVERTER theft
24 to sign up for and participate in the scrap theft alert system."

25 Strike pages 3 and 4.

26 Page 5, strike lines 1 through 9.

27 Renumber succeeding bill sections accordingly.

28 Page 6, strike lines 4 through 8 and substitute "**required.** ANY PERSON
29 THAT ACQUIRES FIVE OR MORE VEHICLES WITHIN ANY TWELVE-MONTH
30 PERIOD FOR THE PURPOSE OF DISMANTLING, WRECKING, SHREDDING,
31 COMPACTING, CRUSHING, OR OTHERWISE DESTROYING VEHICLES FOR
32 RECLAIMABLE PARTS OR SCRAP METALS, INCLUDING CATALYTIC
33 CONVERTERS, SHALL REPORT ALL SUCH VEHICLES TO THE NATIONAL
34 MOTOR VEHICLE TITLE INFORMATION SYSTEM WITHIN FIVE DAYS AFTER
35 ACQUIRING THE VEHICLES TO ENSURE THAT THE VEHICLES ARE NOT
36 STOLEN."

37 Page 1, lines 102 through 104, strike "**ESTABLISHING PROCEDURES FOR**
38 **THE EVALUATION AND CERTIFICATION OF AFTERMARKET CATALYTIC**

1 CONVERTERS AND".

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