To prevent the theft of catalytic converters and other precious metal car parts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2022

Ms. KLOBUCHAR (for herself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To prevent the theft of catalytic converters and other precious metal car parts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Preventing Auto Recycling Theft Act” or the “PART Act”.

SEC. 2. REQUIREMENTS FOR NEW MOTOR VEHICLE REGULATIONS RELATING TO CATALYTIC CONVERTERS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the
National Highway Traffic Safety Administration (referred to in this section as the “Administrator”) shall—

(1) issue a notice of proposed rulemaking to revise the motor vehicle theft prevention standard contained in section 541.5 of title 49, Code of Federal Regulations (or a successor regulation), to include catalytic converters among the parts specified in subsection (a) of that section;

(2) issue a notice of proposed rulemaking to revise part 543 of title 49, Code of Federal Regulations (or successor regulations), to require that, notwithstanding the granting of a petition under that part, all catalytic converters be marked in accordance with section 541.5 of that title (as revised pursuant to paragraph (1)); and

(3) update other regulations, as necessary, to ensure that, with respect to catalytic converters, the requirements of section 541.5 and part 543 of title 49, Code of Federal Regulations (as revised in accordance with paragraphs (1) and (2), respectively), apply to any vehicle covered by part 565 of that title (or successor regulations).

(b) APPLICATION.—Notwithstanding any provision of chapter 331 of title 49, United States Code, in the case of a vehicle described in section 565.2 of title 49, Code
of Federal Regulations (or a successor regulation), that has not been sold to the first purchaser (as defined in section 33101 of title 49, United States Code), the requirements added to section 541.5 of title 49, Code of Federal Regulations (or a successor regulation), by the Administrator in accordance with paragraph (1) of subsection (a) shall apply to the vehicle beginning on the date that is 180 days after the date on which the Administrator makes the revisions and updates required by that subsection, regardless of the model year of the vehicle or the date on which the vehicle is manufactured.

(e) Marking of Catalytic Converters Notwithstanding an Exemption.—Section 33106 of title 49, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (2), by striking “and” at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) a certification that the catalytic converter will be marked in accordance with sections 33101 through 33104, including associated regulations; and”; and
(2) by adding at the end the following:

“(f) REQUIREMENTS FOR MARKING CATALYTIC CONVERTERS.—The Administrator of the National Highway Traffic Safety Administration shall promulgate regulations requiring catalytic converters on a vehicle line to be marked in accordance with sections 33101 through 33104, including associated regulations.”.

SEC. 3. GRANT PROGRAM FOR VIN STAMPING.

(a) DEFINITIONS.—In this section:

(1) COVERED ACTIVITY.—

(A) IN GENERAL.—The term “covered activity”, with respect to a motor vehicle, means die or pin stamping of the full vehicle identification number on the outside of the catalytic converter in a conspicuous manner.

(B) STAMPING.—For purposes of subparagraph (A), the term “stamping” means stamping—

(i) in a typed (not handwritten) font; and

(ii) covered through the application of a coat of high-visibility, high-heat theft deterrence paint.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means—
(A) a law enforcement agency;
(B) an automobile dealer;
(C) an automobile repair shop and service center; and
(D) a nonprofit organization.

(3) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to provide grants to eligible entities to carry out covered activities (excluding wages) relating to catalytic converters.

(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) REQUIREMENT.—A covered activity carried out with a grant awarded under this section shall be carried out at no cost to the owner of—

(1) the motor vehicle being stamped; or
(2) any motor vehicle otherwise receiving service from an eligible entity.

(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to—
(1) eligible entities operating in areas with the highest need for covered activities, including the areas with the highest rates of catalytic converter theft, as determined by the Secretary; and

(2) eligible entities that are in possession of motor vehicles that are subject to the requirement described in section 2(b).

(f) PROCEDURES FOR MARKING.—In carrying out the grant program under this section, the Secretary shall issue such regulations as are necessary to establish procedures to mark catalytic converters of vehicles most likely to be targeted for theft with unique identification numbers using a combination of die or pin stamping and high-visibility, high-heat theft deterrence paint without damaging the function of the catalytic converter.

(g) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 10 years, the Secretary shall submit to Congress a report on the grant program established under subsection (b) that includes a description of the progress, results, and any findings of the grant program, including—

(1) the total number of catalytic converters marked under the grant program; and
(2)(A) to the extent known, whether any cata-
lytic converters marked under the grant program
were stolen; and

(B) the outcome of any criminal investigation
relating to those thefts.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated to carry out this section
$7,000,000 for each of fiscal years 2023 through 2027.

SEC. 4. REQUIREMENTS FOR PURCHASE OF CATALYTIC
CONVERTERS AND RETENTION OF SELLER
INFORMATION.

(a) INCLUSION OF CATALYTIC CONVERTERS.—Sec-
tion 33101(6) of title 49, United States Code, is amend-
ed—

(1) in subparagraph (K), by striking “and”
after the semicolon at the end;

(2) by redesignating subparagraph (L) as sub-
paragraph (M);

(3) by inserting after subparagraph (K) the fol-
lowing:

“(L) the catalytic converter; and”; and

(4) in subparagraph (M) (as so redesignated),
by striking “subclauses (A)–(K) of this clause” and
inserting “subparagraphs (A) through (L) of this
paragraph”.

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(b) RETENTION OF RECORDS.—Section 33111 of the title 49, United States Code, is amended—

(1) in subsection (a), in the subsection heading, by striking “GENERAL REQUIREMENTS” and inserting “PROHIBITIONS RELATED TO SELLING MOTOR VEHICLE PARTS”;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following:

“(b) RETENTION OF RECORDS.—

“(1) DEFINITION OF PRECIOUS METALS.—In this subsection, the term ‘precious metals’ has the meaning given the term in section 109–27.5101 of title 41, Code of Federal Regulations (or a successor regulation).

“(2) REQUIREMENT.—A seller of motor vehicles or motor vehicle parts that contain precious metals, including a person engaged in the business of salvaging, dismantling, recycling, or repairing motor vehicles or motor vehicle parts that contain precious metals, shall provide to a purchaser on the sale of the motor vehicle or motor vehicle part, as applicable—
“(A) the name, address, telephone number, and a photocopy of a government-issued identification of the seller; and

“(B) the make, model, vehicle identification number, date of purchase, and a description of the motor vehicle or, with respect to a motor vehicle part, a description of the motor vehicle from which the part was removed.

“(3) **Duration of Retention.**—A person shall retain the information described in paragraph (2) for a period of not less than 2 years.”.

(c) **Prohibition on Sale of Partial Catalytic Converters.**—It shall be unlawful to sell or purchase any—

(1) partial or de-canned catalytic converter parts; or

(2) catalytic converter which has had identifying markings removed or otherwise tampered with.

(d) **Regulations.**—The Attorney General shall prescribe regulations to carry out this section and the amendments made by this section, including the enforcement and penalties that apply to a violation of this section and the amendments made by this section.
SEC. 5. CRIMINAL PENALTIES.

(a) THEFT OF CATALYTIC CONVERTERS.—Chapter 31 of title 18, United States Code, is amended—

(1) by adding at the end the following:

“§ 671. Theft of catalytic converters

“(a) DEFINITION.—In this section, the term ‘precious metals’ has the meaning given the term in section 109–27.5101 of title 41, Code of Federal Regulations, or any successor regulation.

“(b) OFFENSE.—It shall be unlawful to steal or knowingly and unlawfully take, carry away, or conceal a catalytic converter from another person’s motor vehicle, or knowingly purchase such a catalytic converter, with the intent to distribute, sell, or dispose of the catalytic converter or any precious metal removed therefrom in interstate or foreign commerce.

“(c) PENALTY.—Any person who violates subsection (b) shall be fined under this title, imprisoned not more than 5 years, or both.”; and

(2) in the table of sections, by adding at the end the following:

“671. Theft of catalytic converters.”.

(b) DEFINITIONS.—Section 2311 of title 18, United States Code, is amended by inserting after “for running on land but not on rails;” the following:
“Precious metals’ has the meaning given the term in section 109–27.5101 of title 41, Code of Federal Regulations, or any successor regulation;”.

(c) TRAFFICKING IN CAR PARTS CONTAINING PRECIOUS METALS.—Section 2321 of title 18, United States Code, is amended by adding at the end the following:

“(d) TRAFFICKING IN MOTOR VEHICLE PARTS CONTAINING PRECIOUS METALS.—

“(1) OFFENSE.—It shall be unlawful to buy, receive, possess, or obtain control of, with intent to sell or otherwise dispose of, a catalytic converter (including a de-canned catalytic converter), knowing that the catalytic converter has been stolen.

“(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned not more than 5 years, or both.”.

(d) CHOP SHOPS.—Section 2322(b) of title 18, United States Code, is amended to read as follows:

“(b) DEFINITION.—For purposes of this section, the term ‘chop shop’ means any building, lot, facility, or other structure or premise where 1 or more persons engage in receiving, concealing, destroying, disassembling, dismantling, reassembling, or storing any motor vehicle or motor vehicle part that has been unlawfully obtained in order to alter, counterfeit, deface, destroy, disguise, falsify, forge,
obliterate, extract any precious metal therefrom, or remove the identity, including the vehicle identification number or derivative thereof, or other identification marking, of the vehicle or vehicle part and to distribute, sell, or dispose of the vehicle or vehicle part, or precious metal extracted from the vehicle or vehicle part, in interstate or foreign commerce.”.