

117TH CONGRESS
2D SESSION

S. 5024

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preventing Auto Recy-
5 cling Theft Act” or the “PART Act”.

6 **SEC. 2. REQUIREMENTS FOR NEW MOTOR VEHICLE REGU-**
7 **LATIONS RELATING TO CATALYTIC CON-**
8 **VERTERS.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of enactment of this Act, the Administrator of the

1 National Highway Traffic Safety Administration (referred
2 to in this section as the “Administrator”) shall—

3 (1) issue a notice of proposed rulemaking to re-
4 vise the motor vehicle theft prevention standard con-
5 tained in section 541.5 of title 49, Code of Federal
6 Regulations (or a successor regulation), to include
7 catalytic converters among the parts specified in
8 subsection (a) of that section;

9 (2) issue a notice of proposed rulemaking to re-
10 vise part 543 of title 49, Code of Federal Regula-
11 tions (or successor regulations), to require that, not-
12 withstanding the granting of a petition under that
13 part, all catalytic converters be marked in accord-
14 ance with section 541.5 of that title (as revised pur-
15 suant to paragraph (1)); and

16 (3) update other regulations, as necessary, to
17 ensure that, with respect to catalytic converters, the
18 requirements of section 541.5 and part 543 of title
19 49, Code of Federal Regulations (as revised in ac-
20 cordance with paragraphs (1) and (2), respectively),
21 apply to any vehicle covered by part 565 of that title
22 (or successor regulations).

23 (b) APPLICATION.—Notwithstanding any provision of
24 chapter 331 of title 49, United States Code, in the case
25 of a vehicle described in section 565.2 of title 49, Code

1 of Federal Regulations (or a successor regulation), that
 2 has not been sold to the first purchaser (as defined in sec-
 3 tion 33101 of title 49, United States Code), the require-
 4 ments added to section 541.5 of title 49, Code of Federal
 5 Regulations (or a successor regulation), by the Adminis-
 6 trator in accordance with paragraph (1) of subsection (a)
 7 shall apply to the vehicle beginning on the date that is
 8 180 days after the date on which the Administrator makes
 9 the revisions and updates required by that subsection, re-
 10 gardless of the model year of the vehicle or the date on
 11 which the vehicle is manufactured.

12 (c) MARKING OF CATALYTIC CONVERTERS NOT-
 13 WITHSTANDING AN EXEMPTION.—Section 33106 of title
 14 49, United States Code, is amended—

15 (1) in subsection (c)—

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

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

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

22 “(3) a certification that the catalytic converter
 23 will be marked in accordance with sections 33101
 24 through 33104, including associated regulations;
 25 and”; and

1 (2) by adding at the end the following:

2 “(f) REQUIREMENTS FOR MARKING CATALYTIC CON-
 3 VERTERS.—The Administrator of the National Highway
 4 Traffic Safety Administration shall promulgate regula-
 5 tions requiring catalytic converters on a vehicle line to be
 6 marked in accordance with sections 33101 through 33104,
 7 including associated regulations.”.

8 **SEC. 3. GRANT PROGRAM FOR VIN STAMPING.**

9 (a) DEFINITIONS.—In this section:

10 (1) COVERED ACTIVITY.—

11 (A) IN GENERAL.—The term “covered ac-
 12 tivity”, with respect to a motor vehicle, means
 13 die or pin stamping of the full vehicle identifica-
 14 tion number on the outside of the catalytic con-
 15 verter in a conspicuous manner.

16 (B) STAMPING.—For purposes of subpara-
 17 graph (A), the term “stamping” means stamp-
 18 ing—

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

20 and

21 (ii) covered through the application of
 22 a coat of high-visibility, high-heat theft de-
 23 terrence paint.

24 (2) ELIGIBLE ENTITY.—The term “eligible enti-
 25 ty” means—

1 (A) a law enforcement agency;

2 (B) an automobile dealer;

3 (C) an automobile repair shop and service
4 center; and

5 (D) a nonprofit organization.

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

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

13 (c) APPLICATION.—To be eligible to receive a grant
14 under this section, an eligible entity shall submit to the
15 Secretary an application at such time, in such manner,
16 and containing such information as the Secretary may re-
17 quire.

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

21 (1) the motor vehicle being stamped; or

22 (2) any motor vehicle otherwise receiving serv-
23 ice from an eligible entity.

24 (e) PRIORITY.—In awarding grants under this sec-
25 tion, the Secretary shall give priority to—

1 (1) eligible entities operating in areas with the
2 highest need for covered activities, including the
3 areas with the highest rates of catalytic converter
4 theft, as determined by the Secretary; and

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

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

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

22 (1) the total number of catalytic converters
23 marked under the grant program; and

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

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

6 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
 7 authorized to be appropriated to carry out this section
 8 \$7,000,000 for each of fiscal years 2023 through 2027.

9 **SEC. 4. REQUIREMENTS FOR PURCHASE OF CATALYTIC**
 10 **CONVERTERS AND RETENTION OF SELLER**
 11 **INFORMATION.**

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

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

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

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

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

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

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

3 (1) in subsection (a), in the subsection heading,
4 by striking “GENERAL REQUIREMENTS” and insert-
5 ing “PROHIBITIONS RELATED TO SELLING MOTOR
6 VEHICLE PARTS”;

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

9 (3) by inserting after subsection (a) the fol-
10 lowing:

11 “(b) RETENTION OF RECORDS.—

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

17 “(2) REQUIREMENT.—A seller of motor vehicles
18 or motor vehicle parts that contain precious metals,
19 including a person engaged in the business of sal-
20 vaging, dismantling, recycling, or repairing motor
21 vehicles or motor vehicle parts that contain precious
22 metals, shall provide to a purchaser on the sale of
23 the motor vehicle or motor vehicle part, as applica-
24 ble—

1 “(A) the name, address, telephone number,
2 and a photocopy of a government-issued identi-
3 fication of the seller; and

4 “(B) the make, model, vehicle identifica-
5 tion number, date of purchase, and a descrip-
6 tion of the motor vehicle or, with respect to a
7 motor vehicle part, a description of the motor
8 vehicle from which the part was removed.

9 “(3) DURATION OF RETENTION.—A person
10 shall retain the information described in paragraph
11 (2) for a period of not less than 2 years.”.

12 (c) PROHIBITION ON SALE OF PARTIAL CATALYTIC
13 CONVERTERS.—It shall be unlawful to sell or purchase
14 any—

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

17 (2) catalytic converter which has had identi-
18 fying markings removed or otherwise tampered with.

19 (d) REGULATIONS.—The Attorney General shall pre-
20 scribe regulations to carry out this section and the amend-
21 ments made by this section, including the enforcement and
22 penalties that apply to a violation of this section and the
23 amendments made by this section.

1 **SEC. 5. CRIMINAL PENALTIES.**

2 (a) THEFT OF CATALYTIC CONVERTERS.—Chapter
3 31 of title 18, United States Code, is amended—

4 (1) by adding at the end the following:

5 **“§ 671. Theft of catalytic converters**

6 “(a) DEFINITION.—In this section, the term ‘pre-
7 cious metals’ has the meaning given the term in section
8 109–27.5101 of title 41, Code of Federal Regulations, or
9 any successor regulation.

10 “(b) OFFENSE.—It shall be unlawful to steal or
11 knowingly and unlawfully take, carry away, or conceal a
12 catalytic converter from another person’s motor vehicle,
13 or knowingly purchase such a catalytic converter, with the
14 intent to distribute, sell, or dispose of the catalytic con-
15 verter or any precious metal removed therefrom in inter-
16 state or foreign commerce.

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

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

“671. Theft of catalytic converters.”.

22 (b) DEFINITIONS.—Section 2311 of title 18, United
23 States Code, is amended by inserting after “for running
24 on land but not on rails;” the following:

1 “‘Precious metals’ has the meaning given the term
2 in section 109–27.5101 of title 41, Code of Federal Regu-
3 lations, or any successor regulation;”.

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

7 “(d) TRAFFICKING IN MOTOR VEHICLE PARTS CON-
8 TAINING PRECIOUS METALS.—

9 “(1) OFFENSE.—It shall be unlawful to buy, re-
10 ceive, possess, or obtain control of, with intent to sell
11 or otherwise dispose of, a catalytic converter (includ-
12 ing a de-canned catalytic converter), knowing that
13 the catalytic converter has been stolen.

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

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

19 “(b) DEFINITION.—For purposes of this section, the
20 term ‘chop shop’ means any building, lot, facility, or other
21 structure or premise where 1 or more persons engage in
22 receiving, concealing, destroying, disassembling, disman-
23 tling, reassembling, or storing any motor vehicle or motor
24 vehicle part that has been unlawfully obtained in order to
25 alter, counterfeit, deface, destroy, disguise, falsify, forge,

1 obliterate, extract any precious metal therefrom, or re-
2 move the identity, including the vehicle identification num-
3 ber or derivative thereof, or other identification marking,
4 of the vehicle or vehicle part and to distribute, sell, or dis-
5 pose of the vehicle or vehicle part, or precious metal ex-
6 tracted from the vehicle or vehicle part, in interstate or
7 foreign commerce.”.

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