

House File 2387

H-8287

1 Amend House File 2387 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <Section 1. Section 714.1, subsection 4, Code 2022, is  
5 amended to read as follows:

6 4. Exercises control over stolen property, knowing such  
7 property to have been stolen, or having reasonable cause to  
8 believe that such property has been stolen, unless the person's  
9 purpose is to promptly restore it to the owner or to deliver it  
10 to an appropriate public officer. The fact that the person is  
11 found in possession of property which has been stolen from two  
12 or more persons on separate occasions, or that the person is a  
13 dealer or other person familiar with the value of such property  
14 and has acquired it for a consideration which is far below its  
15 reasonable value, or that the person violated section 714.27A  
16 in a transaction involving the property, shall be evidence  
17 from which the court or jury may infer that the person knew or  
18 believed that the property had been stolen.

19 Sec. 2. Section 714.27, subsection 1, paragraph a, Code  
20 2022, is amended to read as follows:

21 a. "*Scrap metal*" means any metal suitable for reprocessing.  
22 "*Scrap metal*" does not include a motor vehicle, ~~but does include~~  
23 or a catalytic converter detached from a motor vehicle.

24 Sec. 3. Section 714.27, subsection 5, paragraph a, Code  
25 2022, is amended to read as follows:

26 a. Transactions in which the total sale price is fifty  
27 dollars or less, ~~except transactions for the sale of catalytic~~  
28 ~~converters.~~

29 Sec. 4. Section 714.27, subsection 5, paragraph b, Code  
30 2022, is amended by striking the paragraph.

31 Sec. 5. NEW SECTION. 714.27A Used catalytic converter  
32 transactions — reporting — penalties.

33 1. For purposes of this section:

34 a. "*Business transaction*" means an exchange of consideration  
35 for a catalytic converter between a scrap metal dealer, as

1 defined in section 714.27, and another scrap metal dealer,  
2 an authorized vehicle recycler licensed under chapter 321H  
3 operating a business at a fixed location, a motor vehicle  
4 dealer licensed under chapter 322 operating a business at a  
5 fixed location, a towable recreational vehicle dealer licensed  
6 under chapter 322C operating a business at a fixed location, a  
7 mechanic or an automotive repair facility operating a business  
8 at a fixed location, or a person operating a similar business  
9 at a fixed location in another state.

10 *b. "Catalytic converter"* means a catalytic converter that  
11 was previously installed in a motor vehicle and subsequently  
12 removed.

13 2. *a.* A person shall not sell a catalytic converter in  
14 this state unless the person provides to the purchaser, at or  
15 before the time of sale, the person's name, address, and place  
16 of business, if any, and presents to the purchaser a valid  
17 driver's license or nonoperator's identification card, military  
18 identification card, passport, or other government-issued photo  
19 identification.

20 *b.* For a business transaction in which the person selling  
21 the catalytic converter operates a business at a fixed location  
22 in this state, the person shall provide to the purchaser a  
23 copy of the person's valid sales tax permit issued pursuant to  
24 chapter 423. For a business transaction in which the person  
25 selling the catalytic converter operates a business at a fixed  
26 location in another state and is authorized to conduct a  
27 business transaction in this state, the person shall provide  
28 to the purchaser a copy of the person's valid sales tax permit  
29 issued pursuant to chapter 423, if the person has such a  
30 permit, or a copy of the person's valid business license or  
31 permit from the other state. If a person is unable to provide  
32 the documentation required in this paragraph, the person shall  
33 instead comply with paragraph *"c"*.

34 *c.* For transactions other than business transactions, the  
35 person selling the catalytic converter shall provide to the

1 purchaser an original receipt or invoice for a replacement  
2 catalytic converter purchased fewer than thirty days before the  
3 person sells the replaced catalytic converter, or a junking  
4 certificate for a vehicle that was issued fewer than thirty  
5 days before the person sells the catalytic converter.

6 (1) The receipt, invoice, or junking certificate presented  
7 by the person to the purchaser must be unmarked by a purchaser  
8 pursuant to subsection 3.

9 (2) This paragraph does not apply to a transaction if the  
10 person presents proof, unmarked pursuant to subsection 3, to  
11 the purchaser that the sale is approved by the sheriff of the  
12 county in which the vehicle from which the catalytic converter  
13 was removed is registered.

14 3. a. A person shall not purchase a catalytic converter  
15 from a seller without demanding and receiving the information  
16 required by subsection 2.

17 b. A person who purchases a catalytic converter shall mark  
18 the receipt, invoice, junking certificate, or proof of sheriff  
19 approval presented under subsection 2 to indicate the catalytic  
20 converter has been sold. The person shall take a photograph  
21 of the catalytic converter that clearly identifies the item as  
22 a catalytic converter.

23 c. A person who purchases a catalytic converter shall have a  
24 residence or fixed business address within this state.

25 4. A person who purchases a catalytic converter shall keep  
26 a confidential register or log of each transaction, including a  
27 copy of the information required by subsections 2, 3, and 5.  
28 All records and information kept pursuant to this subsection  
29 shall be retained for at least two years, and shall be provided  
30 to a law enforcement agency or other officer or employee  
31 designated by a county or city to enforce this section upon  
32 request during normal business hours when the law enforcement  
33 agency or designated officer or employee of a county or city  
34 has reasonable grounds to request such information as part  
35 of an investigation. A law enforcement agency or designated

1 officer or employee of a county or city shall preserve the  
2 confidentiality of the information provided under this  
3 subsection and shall not disclose it to a third party, except  
4 as may be necessary in enforcement of this section or the  
5 prosecution of a criminal violation.

6 5. A transaction under this section shall be made by check  
7 or electronic funds transfer.

8 6. A person, including a person who conducts a business  
9 transaction on behalf of another person, who violates this  
10 section shall be subject to a civil penalty as follows:

11 a. For an initial violation, one thousand dollars.

12 b. For a second violation within two years, five thousand  
13 dollars.

14 c. For a third or subsequent violation within two years, ten  
15 thousand dollars.

16 7. Proof that a person, including a person who conducted  
17 a business transaction on behalf of another person, violated  
18 subsection 2 or 3 shall be evidence from which the court or  
19 jury may infer any of the following:

20 a. The person aided and abetted the underlying theft of the  
21 catalytic converter involved in the transaction from a vehicle,  
22 under section 703.1.

23 b. The person had knowledge that a public offense has been  
24 committed and that a certain person committed it, for purposes  
25 of proving the person acted as an accessory after the fact  
26 under section 703.3.

27 Sec. 6. Section 805.8C, Code 2022, is amended by adding the  
28 following new subsection:

29 NEW SUBSECTION. 10A. *Used catalytic converter transaction*  
30 *violations.* For violations of section 714.27A, the scheduled  
31 fine is one thousand dollars for a first violation, five  
32 thousand dollars for a second violation within two years,  
33 and ten thousand dollars for a third or subsequent violation  
34 within two years. The scheduled fine under this subsection  
35 is a civil penalty which shall be deposited into the general

1 fund of the county or city if imposed by a designated officer  
2 or employee of a county or city, or deposited in the general  
3 fund of the state if imposed by a state agency, and the crime  
4 services surcharge under section 911.1 shall not be added to  
5 the penalty.>

6 2. Title page, lines 1 and 2, by striking <sales of  
7 catalytic converters to scrap metal dealers,> and inserting  
8 <used catalytic converter transactions, providing penalties,>

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WESTRICH of Wapello