

From: [Daryl Terrell](#)
To: [CouncilMeeting Comments](#)
Subject: Submission Of Remarks and Related Documents As Part Of The Public Record
Date: Wednesday, April 24, 2024 9:05:28 PM
Attachments: [We sent you safe versions of your files.msg](#)
[AB 641\(FONG\) CATALYTIC CONVERTER THEFT.pdf](#)
[APPROVAL OF 1ST READING OF PROPOSED UNLAWFUL POSSESSION OF CATALYTIC CONVERTER ORD. PALM DESERT CC SUBMITTED REMARKS ITEM 14.A LOCKED 4-25-24.pdf](#)

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Good evening,

I would like to request the submission into the public record the following attached documents: Chapter AB 641(Fong) and my written remarks to the Honorable City Council.

Sincerely

Daryl Terrell

Assembly Bill No. 641

CHAPTER 537

An act to amend Sections 220, 221, and 11500 of the Vehicle Code, relating to vehicles.

[Approved by Governor October 8, 2023. Filed with Secretary of State October 8, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 641, Vince Fong. Automobile dismantlers: catalytic converters.

Existing law defines an “automobile dismantler” as a person who is engaged in the business of buying, selling, or dealing in vehicles that are required to be registered under the Vehicle Code, for the purpose of dismantling the vehicles, who buys or sells the integral parts and component materials of those vehicles, or deals in used motor vehicle parts, as specified. The definition of “automobile dismantler” also includes a person who keeps or maintains on property owned by the person, or under their possession or control, 2 or more unregistered motor vehicles no longer intended for, or in condition for, legal use on the highways, as specified. Existing law makes it a crime for a person to act as an automobile dismantler without having an established place of business, meeting specified requirements, and having a current, valid license or temporary permit issued by the Department of Motor Vehicles.

This bill would revise the definition of an automobile dismantler to include a person who keeps or maintains on property owned by the person, or under their possession or control, for any of the above-described purposes 9 or more used catalytic converters that have been cut from a motor vehicle using a sharp implement. The bill would make a first violation of acting as an automobile dismantler due to possessing 9 or more catalytic converters as described above punishable as an infraction, and subsequent violations punishable as a misdemeanor, as specified. By expanding the definition of an automobile dismantler, the bill would expand the scope of an existing crime, thereby imposing a state-mandated local program. The bill would exclude from the revised definition of an automobile dismantler a junk dealer, recycler, commercial enterprise, or core recycler, as specified, that has 9 or more of these used catalytic converters.

Existing law excludes from the definition of an “automobile dismantler” the owner or operator of any premises on which 2 or more unregistered and inoperable vehicles are held or stored, if the vehicles are used for restoration or replacement parts or otherwise, in conjunction with specified businesses, including the operation and maintenance of any fleet of motor vehicles used for the transportation of persons or property.

This bill would also exclude from the definition of an “automobile dismantler” a person who possesses 9 or more catalytic converters that are used in the same manner as the unregistered and inoperable vehicles.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 220 of the Vehicle Code is amended to read:

220. (a) An “automobile dismantler” is a person not otherwise expressly excluded by Section 221 who is engaged in the business of buying, selling, or dealing in vehicles of a type required to be registered under this code, including nonrepairable vehicles, for the purpose of dismantling the vehicles, who buys or sells the integral parts and component materials thereof, in whole or in part, or deals in used motor vehicle parts. This section does not apply to the occasional and incidental dismantling of vehicles by dealers who have secured dealer plates from the department for the current year whose principal business is buying and selling new and used vehicles, or by owners who desire to dismantle not more than three personal vehicles within any 12-month period.

(b) Notwithstanding subdivision (a), “automobile dismantler” includes a person not otherwise expressly excluded by Section 221 who keeps or maintains on real property owned by the person, or under their possession or control, either of the following vehicles or catalytic converters, whether for the purpose of resale of used parts, for the purpose of reclaiming for use some or all of the materials, whether metal, glass, fabric, or otherwise, or to dispose of them, or for any other purpose:

(1) Two or more unregistered motor vehicles no longer intended for, or in condition for, legal use on the highways.

(2) Nine or more used catalytic converters that have been cut from a motor vehicle using a sharp implement.

(c) (1) Notwithstanding paragraph (2) of subdivision (b), a “junk dealer,” as defined in Section 21601 of the Business and Professions Code, a “recycler,” as defined in Section 21605 of the Business and Professions Code, or a “commercial enterprise” or “core recycler,” as defined in Section 21610 of the Business and Professions Code, is not an automobile dismantler even if it possesses nine or more used catalytic converters that have been cut from a motor vehicle using a sharp implement.

(2) This subdivision does not apply to a “commercial enterprise” described in subparagraph (A) of paragraph (2) of subdivision (a) of Section 21610 of the Business and Professions Code.

SEC. 2. Section 221 of the Vehicle Code is amended to read:

221. (a) The term “automobile dismantler” does not include any of the following:

(1) The owner or operator of any premises on which two or more unregistered and inoperable vehicles are held or stored, or a person who possesses nine or more catalytic converters, if the vehicles or catalytic converters are used for restoration or replacement parts or otherwise, in conjunction with any of the following:

(A) Any business of a licensed dealer, manufacturer, or transporter.

(B) The operation and maintenance of any fleet of motor vehicles used for the transportation of persons or property.

(C) Any agricultural, farming, mining, or ranching business that does not sell parts of the vehicles, except for either of the following purposes:

(i) For use in repairs performed by that business.

(ii) For use by a licensed dismantler or an entity described in paragraph (3).

(D) Any motor vehicle repair business registered with the Bureau of Automotive Repair, or those exempt from registration under the Business and Professions Code or applicable regulations, that does not sell parts of the vehicles, except for either of the following purposes:

(i) For use in repairs performed by that business.

(ii) For use by a licensed dismantler or an entity described in paragraph (3).

(2) A person engaged in the restoration of vehicles of the type described in Section 5004 or in the restoration of other vehicles having historic or classic significance.

(3) The owner of a steel mill, scrap metal processing facility, or similar establishment purchasing vehicles of a type subject to registration, not for the purpose of selling the vehicles, in whole or in part, but exclusively for the purpose of reducing the vehicles to their component materials, if either the facility obtains, on a form approved or provided by the department, a certification by the person from whom the vehicles are obtained that each of the vehicles has been cleared for dismantling pursuant to Section 5500 or 11520, or the facility complies with Section 9564.

(4) Any person who acquires used parts or components for resale from vehicles which have been previously cleared for dismantling pursuant to Section 5500 or 11520.

Nothing in this paragraph permits a dismantler to acquire or sell used parts or components during the time the dismantler license is under suspension.

(b) Any vehicle acquired for the purpose specified in paragraph (3) of subdivision (a) from other than a licensed dismantler, or from other than an independent hauler who obtained the vehicle, or parts thereof from a licensed dismantler, shall be accompanied by either a receipt issued by the department evidencing proof of clearance for dismantling under Section 5500, or a copy of the ordinance or order issued by a local authority for the abatement of the vehicle pursuant to Section 22660. The steel mill, scrap metal processing facility, or similar establishment acquiring the vehicle shall attach the form

evidencing clearance or abatement to the certification required pursuant to this section.

All forms specified in paragraph (3) of subdivision (a) and in this subdivision shall be available for inspection by a peace officer during business hours.

SEC. 3. Section 11500 of the Vehicle Code is amended to read:

11500. (a) (1) It shall be unlawful for any person to act as an automobile dismantler without first having an established place of business that meets the requirements set forth in Section 11514 and without first having procured a license or temporary permit issued by the department, or when such license or temporary permit has been canceled, suspended, revoked, invalidated, expired, or the terms and conditions of an agreement effected pursuant to Section 11509.1 have not been fulfilled. A violation of this subdivision is a misdemeanor, and is subject to the penalties described in paragraph (2).

(2) Notwithstanding Section 42002, a person convicted of a first violation of subdivision (a) for any reason other than described in paragraph (3) shall be punished by a fine of not less than two hundred fifty dollars (\$250). A person convicted of a second separate violation of subdivision (a) for this reason shall be punished by a fine of not less than five hundred dollars (\$500). A person convicted of a third or subsequent violation of subdivision (a) for this reason shall be punished by a fine of not less than one thousand dollars (\$1,000).

(3) A person who violates subdivision (a) due to possessing nine or more catalytic converters that have been cut from a vehicle pursuant to Section 220 is, for a first violation, guilty of an infraction punishable by a fine of not more than one hundred dollars (\$100). A person convicted of a second separate violation of subdivision (a) for this reason is guilty of a misdemeanor punishable by a fine of not less than two hundred fifty dollars (\$250). A person convicted of a third separate violation of subdivision (a) for this reason is guilty of a misdemeanor punishable by a fine of not less than five hundred dollars (\$500). A person convicted of a fourth or subsequent violation of subdivision (a) for this reason shall be punished by a fine of not less than one thousand dollars (\$1,000).

(b) (1) A building or place used for the purpose of automobile dismantling in violation of subdivision (a) is a public nuisance subject to being enjoined, abated, and prevented, and for which damages may be recovered by any public body or officer.

(2) As used in this section, "public body" means any state agency, county, city, district, or any other political subdivision of the state.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime

within the meaning of Section 6 of Article XIII B of the California Constitution.

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**PROPOSED CATALYTIC CONVERTER UNLAWFUL POSSESSION ORDINANCE/PALM
DESERT CC/SUBMITTED REMARKS/ITEM 14.A/LOCKED/4-25-24**

GOOD EVENING, HONORABLE MAYOR, AND CITY COUNCIL. MY NAME IS DARYL TERRELL. I'M WRITING TO YOU AS A CITY OF MORENO VALLEY PLANNING COMMISSIONER, BUT A MORENO VALLEY RESIDENT. I WANT TO THANK YOU FOR YOUR CONSIDERATION OF A PROPOSED CATALYTIC CONVERTER THEFT ORDINANCE.

WHILE IT IS A CRIME TO STEAL A CATALYTIC CONVERTER, THE CRIME CANNOT BE ENFORCED UNLESS OUR DEPUTIES IS ABLE TO LOCATE THE OWNER OR VICTIM, WHICH IS NEARLY IMPOSSIBLE DUE TO THE LACK OF IDENTIFYING MARKERS TO LINK A STOLEN CATALYTIC CONVERTER TO THE VICTIM.

CURRENTLY, IN YOUR CITY, AN INDIVIDUAL, WHO IS DETAINED BY YOUR DEPUTIES, DOES NOT NEED TO SHOW PROOF OF OWNERSHIP EVEN WHEN THERE IS CLEAR AND VISIBLE EVIDENCE THAT THE DETAINEE IS IN POSSESSION OF AN ILLEGALLY DISMANTLED CATALYTIC CONVERTER.

CONSEQUENTLY, UNLESS CAUGHT IN THE ACT, THE OBVIOUS THIEF MUST BE RELEASED BECAUSE THERE IS NO IDENTIFIABLE VICTIM AS REQUIRED BY OUR THEFT LAWS.

WHILE THERE HAS BEEN RECENT LEGISLATIVE EFFORTS TO CURE OUR CURRENT EPIDEMIC OF CATALYTIC CONVERTER THEFT, IT'S NOT GOOD ENOUGH. WHEN AB 641 WAS SIGNED INTO LAW, IT SIMPLY EXPANDED THE

DEFINITION OF AN AUTOMOBILE DISMANTLER, SO THAT IF SOMEONE WAS FOUND TO BE IN POSSESSION OF 9 OR MORE DISMANTLED CATALYTIC CONVERTERS WITHOUT THE PROPER OPERATING LICENSE, THEY COULD BE CHARGED WITH OPERATING AS A DISMANTLER WITHOUT A LICENSE, A LICENSE VIOLATION WHICH IS NOT COMMONLY PROSECUTED.

IN ESSENCE, STATE LAW, AB 641 CREATED A LICENSURE AND PENALTY SCHEME ONLY FOR THOSE DEEMED AUTOMOBILE DISMANTLERS, WHO FAIL TO OPERATE THEIR BUSINESSES IN ACCORDANCE WITH STATE LAW. HAVING TOO MANY CONVERTERS WILL MAKE SOMEONE A "DISMANTLER" SUBJECT TO THE STATUTE, BUT THAT IS ALL. THE STATUTE DOES NOT PENALIZE THE MERE POSSESSION OF A DETACHED CONVERTER.

THIS PROPOSED ORDINANCE BEFORE YOU WILL MAKE IT A CRIME TO BE IN POSSESSION OF ONE OR MORE UNLAWFULLY DISMANTLED CATALYTIC CONVERTERS. IT'S STRONGER AND MORE RELEVANT THAN THE AB 641. IT WILL APPLY TO INDIVIDUALS AND CONDUCT NOT COVERED BY STATE LAW, AB 641. NAMELY, IT WILL APPLY TO ALL INDIVIDUALS, NOT MERELY A LIMITED CLASS OF "AUTOMOBILE DISMANTLERS." IT WILL BE TRIGGERED BY UNLAWFUL POSSESSION OF EVEN A SINGLE CATALYTIC CONVERTER; AB 641 IS NOT TRIGGERED UNTIL AT LEAST NINE CONVERTERS ARE POSSESSED.

UNLIKE STATE LAW, AB 641, THE PROPOSED ORDINANCE WOULD ALLOW YOUR DEPUTIES TO ENFORCE THEFT CRIMES REGARDLESS OF WHETHER A THIEF IS IN POSSESSION OF 1 OR 9 UNLAWFULLY DISMANTLED CATALYTIC

CONVERTERS. IN OTHER WORDS, THE FIRST 8 VICTIMS WILL NO LONGER BE IGNORED.

BY ADOPTING THE PROPOSED "ONE AND YOU ARE DONE" ORDINANCE, IT WOULD ENSURE EVERY VICTIM RECEIVES JUSTICE AND IS ONE STEP CLOSER TO ENSURING EACH OF OUR CITIES WITHIN THE COUNTY ARE ON THE SAME PAGE IN HOLDING THESE THIEVES ACCOUNTABLE.