

# CALIFORNIA

## Junk Dealers and Recyclers

Cal. Bus. & Prof. Code, Div. 8, Ch. 9, Art. 3. Junk  
§ 21600 to § 21610

## Vehicle Code Catalytic Converter Requirements:

Div. 1. Words and Phrases Defined; § 220, § 221  
Div. 4, Ch. 3. Alteration or Removal of Numbers, § 10753  
Div. 4, Ch. 4. Theft and Injury of Vehicles, §10852.5  
Div. 5, Ch. 3 Automobile Dismantlers, §11500  
Div. 12, Ch. 1, § 24020 (dealer marking requirement)

## Weighmaster Licensing as applies to Recyclers:

Cal. Bus. & Prof. Code, Div. 5, Ch. 7. Weighmasters  
§ 12703.1 and § 12704

## Law Enforcement Reports of Metal Theft

Cal. Penal Code, Part 4, Title 1, Ch. 2, Art. 6, § 11199.5  
Reports of Metal Theft

# California Metal Scrap Statute

*This document is provided as background information for ISRI members. It does not constitute legal advice. Scrap recyclers should consult their attorneys/legal advisors regarding the application of the law and regulations to each company's individual circumstances. Other laws governing precious metals, secondhand materials, vehicles, and the like may apply.*

*Current as of October 27, 2023*

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*Please Note: Amendments by 2023 California [AB 641](#) (catalytic converters – auto dismantlers), [AB 1519](#) (catalytic converter altering penalties), [SB 55](#) (catalytic converter payment restrictions & dealer marking requirement), and [SB 816](#) (weighmaster licensing extension) are effective January 1, 2024, and are included and noted in this summary.*

**Materials Covered and Other Definitions** (edited for clarity and conciseness)

"Junk" means any and all secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys, including any and all secondhand and used furniture, pallets, or other personal property, other than livestock, or parts or portions thereof.

"Scrap metals and alloys" includes, but is not limited to, materials and equipment commonly used in construction, agricultural operations and electrical power generation, railroad equipment, oil well rigs, nonferrous materials, stainless steel, and nickel which are offered for sale to any junk dealer or recycler. Scrap Metal does not include scrap iron, household generated waste, or aluminum beverage containers.

"Nonferrous Material" means copper, copper alloys, stainless steel, or aluminum, but does not include CRV beverage containers;

"Prohibited Material" includes:

- Any reasonably recognizable, disassembled, or inoperative fire hydrant or fire department connection, including reasonably recognizable brass fittings and parts;

- Any manhole cover or lid or reasonably recognizable part of such; or
- Any backflow device or connection to that device or reasonably recognizable part of that device, that was owned or previously owned by an agency.

"Bulk Merchandise Pallets" means plastic or wood containers, carriers, or holders used by a manufacturer or distributor for bulk transport of merchandise to wholesale or retail outlets.

"Indicia of ownership" means words, symbols, or registered trademarks printed, stamped, etched, attached, or otherwise displayed on the exterior surface of the merchandise pallet that reasonably identifies the owner.

Under [VEH Div. 4, Ch. 4](#), § 10852.5, "Used catalytic converter" means a catalytic converter that has been previously installed on a vehicle and has been detached. It does not include a reconditioned or refurbished catalytic converter being sold at retail.

Under [VEH Div. 4, Ch. 4](#), § 10852.5, "Permanently marked" means prominently engraved, etched, welded, metal stamped, acid marked, or otherwise permanently displayed using a similarly reliable method of imparting a lasting mark on the exterior case of the catalytic converter.

"Recycler" means any processor, recycling center, or noncertified recycler who buys or sells Scrap Metal that constitutes Junk.

"Junk Dealer" includes any person engaged in the business of buying, selling and dealing in junk, any person purchasing, gathering, collecting, soliciting or traveling about procuring junk, and any person operating, carrying on, conducting or maintaining a junk yard or place where junk is gathered together and stored or kept for shipment, sale or transfer.

"Core Recycler" means a person or business, including a Recycler or Junk Dealer, that buys used individual catalytic converters, transmissions, or other parts previously removed from a vehicle. A person or business that buys a vehicle that may contain these parts is not a Core Recycler.

"Commercial Enterprise" means any of the following:

- An automobile dismantler licensed pursuant to [VEH Div. 5, Ch. 3](#);
- A Core Recycler that maintains a fixed place of business for the purpose of obtaining catalytic converters;
- A motor vehicle manufacturer, dealer, or lessor-retailer licensed pursuant to [VEH Div. 5](#);
- An automotive repair dealer licensed pursuant to [BPC Div. 3, Ch. 20.3](#);
- Any other licensed business that may reasonably generate, possess, or sell used catalytic converters.

"Designated Surcharge-Free Cash Access Network" means a location designated, in a contract between a junk dealer or recycler and a card issuer, as a location where a general use prepaid card holder can withdraw cash without paying a surcharge.

"General Use Prepaid Card" has the same meaning as "prepaid account" in [12 CFR § 1005.2](#) as it read on April 1, 2019, except that it does not include a card for which any of the following fees are charged by the card issuer to the card user:

- A fee or surcharge to make a purchase with the card.
- A fee or surcharge to make a balance inquiry.
- A fee or surcharge to withdraw funds at a designated surcharge-free cash access network location.
- A fee or surcharge to lodge a dispute regarding the balance of funds on the card.
- A fee or surcharge for account inactivity.

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### Exemptions

Exempts:

- Secondhand furniture merchants;
- Pawnbrokers;
- Secondhand car dealers or merchants in connection with automobile and motor vehicle sales agencies but not conducted in conjunction with a junk yard;
- Persons selling new automobile tires or batteries or other equipment taking in part payment used articles of the same and thereafter selling or disposing of them;
- Secondhand oil well supply and equipment dealers not conducting or carrying on their business in connection with a junk yard;
- Secondhand clothing merchants and ragpickers.

Except as otherwise provided, the law does not apply to:

- Any person who buys or sells Junk acquired in the conduct of any business other than that of a Dealer or Recycler.
- Purchases of scrap metal by a Dealer or Recycler when the payment is by check issued to the company represented as being the owner of the scrap, except as provided in Purchase Restrictions - Prohibited Materials (§ 21609.1 of the law);
- Scrap metal purchased or received from another Dealer or Recycler who has recorded, reported, and held the material as required. The purchase or receipt is also exempt from further holding or reporting provided that the selling party gives the buyer written assurance of this fact. The seller shall be held responsible for any failure to report or hold.

The Payment Restrictions on Nonferrous Materials and CRV Containers do not apply if, during any 3 month period, the Dealer or Recycler completes 5 or more separate transactions per month, on 5 or more separate days per month, with the Seller. To continue to be exempt the Seller shall continue to complete 5 or more separate transactions per month with the Dealer or Recycler.

The Payment and Additional Recordkeeping provisions for purchases of Nonferrous Materials do not apply to:

- Nonferrous Material that is not valued at more than \$20 in a single transaction if the majority of the transaction is for beverage containers as defined in the Public Resources Code Division 12.1;

- Coin dealers; or
- Automobile dismantlers as defined in Vehicle Code § 220.

The Payment and Additional Recordkeeping provisions for purchases of CRV Containers do not apply to CRV containers having a value of \$100 or less in a single transaction or to jurisdictions that do not offer curbside pickup of materials that include CRV Containers.

The provisions relating to catalytic converters apply to Core Recyclers and do not apply to a subsequent purchaser of a catalytic converter who is not a Core Recycler. The Weighmaster Licensing provision exempts licensed pawnbrokers and secondhand dealers when the pawnbroker or secondhand dealer weighs property that it acquires and reports the acquisition according to its respective statute.

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### *Recordkeeping*

Junk Dealers and Recyclers are required to keep a written record of all sales and purchases made with the following information; the Office of the Attorney General provides a Record of Junk Sale or Purchase form PDF for download at <http://oag.ca.gov/recycle>

- The place and date of each sale or purchase;
- For purchases, information from one of the following methods of identification:
  - The Seller's name and a valid driver's license number and state of issue;
  - The Seller's name and a California or U.S.-issued identification card number;
  - The Seller's name, ID number, and country of issue from a passport and the address from another item of identification that bears the Seller's name; or
  - The Seller's name and ID number from a Matricula Consular and the address from another item of identification that bears the Seller's name.
- For sales, the name and address of each person to whom metal is sold.
- The vehicle license number including the state of issue of any motor vehicle used in transporting metal to or from the Junk Dealer's or Recycler's business.
- A description of the items purchased or sold, including the item type and quantity, and identification number, if visible.
- For purchases, a statement indicating either:
  - That the Seller is the owner of the metal; or
  - The name of the person the metal was obtained from, as shown on a signed transfer document.

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### *Additional Recordkeeping and Payment Restrictions - Nonferrous Materials*

For non-exempt purchases of Nonferrous Materials, a Dealer or Recycler must also record the following before providing payment:

- A clear photograph or video of the Seller;
- A copy of the method(s) of identification provided above
  - If the Seller prefers payment by check or general use prepaid card delivered to an address different from that on the ID other than a P.O. Box, the Dealer or Recycler must also record a copy of a gas or electric utility bill addressed to the Seller at that address with a payment due date no more than 2 months prior to the date of sale.

- A clear photo or video of the nonferrous metal being purchased;
- A thumbprint in hardcopy or electronic format.

Unless exempt, payment for a purchase of Nonferrous Materials must be made by either:

- Cash, general use prepaid card, or check collected by the Seller from the Dealer or Recycler on or after the 3rd business day following the purchase;
- If the buyer offers, and the Seller agrees, to have payment made by prepaid card, the card may be provided to the Seller at the time of sale, but funds shall not be available until the 3rd business day after the date of sale;
  - The Dealer or Recycler shall pay any one-time initial issuance fee;
  - The prepaid card used shall allow for reasonably convenient access to a surcharge-free cash access network location, and the Dealer or Recycler shall inform the Seller of the location of such;
  - Nothing in this section shall prevent or regulate the fees or surcharges charged by a bank or credit union that is not party to the contract that requires payment to be made by a general use prepaid card; or
- Check mailed to the Seller at the address on the ID given for the purchase record.
- If the Seller prefers payment by check or general use prepaid card with payment mailed to an address different from that on the identification other than a P.O. Box, the Dealer or Recycler must also record a copy of a gas or electric utility bill addressed to the Seller at that address with a payment due date no more than 2 months prior to the date of sale.

These additional requirements do not apply if the Dealer or Recycler has on file or receives on the date of sale the following:

- The name, physical business address, and business telephone number of the Seller's business;
- The business license number or tax identification number or the Seller's business;
- A copy of the valid driver's license of the person delivering the Nonferrous Material on behalf of the Seller to the Dealer or Recycler.

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### Additional Recordkeeping and Payment Restrictions - CRV Containers

For California Redemption Value (CRV) containers, a Dealer or Recycler must also record the valid address from and make a copy of one of the following before providing payment:

- The Seller's valid driver's license;
- A state or federal government-issued photo ID card; or
- Other valid identification containing the Seller's address, such as utility bills in the Seller's name.

Unless exempt, payment for a purchase of CRV containers must be made by either:

- Check or electronic transfer from the Dealer or Recycler to the Seller; or
- A Recycler, if authorized by Public Resources Code Division 12.1, may provide payment through a voucher that is immediately redeemable for cash.

These additional requirements do not apply if the Dealer or Recycler has on file or receives on the date of sale the following:

- The name, physical business address, and business telephone number of the Seller's business;
- The business license number or tax identification number or the Seller's business;
- A copy of the valid driver's license or a state or federal government-issued ID card with a photograph and address of the person delivering the CRV Containers on behalf of the Seller to the Dealer or Recycler.

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#### *Additional Recordkeeping - Beer Kegs*

Dealers or Recyclers may only purchase or receive refillable stainless steel or aluminum alloy beer kegs marked with an indicia of ownership from the indicated owner unless the Seller or Transferor provides one of the following, which the Dealer or Recycler must copy and add to the transaction record:

- A receipt from the indicated owner verifying the Seller's current ownership; or
- A document indicating the Seller is authorized by the owner to sell the kegs.

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#### *Purchase Restrictions - Prohibited Material*

For purchases of Prohibited Materials, Dealers or Recyclers must obtain written certification on the letterhead of the agency that owned or previously owned the material. The certification must:

- Describe the material;
- Certify that the agency has sold the material or is offering it for sale, salvage, or recycling; and
- Authorize and identify the person possessing the certification to negotiate the sale.

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#### *Purchase and Payment Restrictions - Bulk Merchandise Containers*

A Bulk Merchandise Pallet marked with an indicia of ownership may only be purchased from

- The indicated owner; or
- A Seller who is not the indicated owner if the Seller provides one of the following that are maintained by the Dealer or Recycler as part of the written record of transaction:
  - A receipt from the indicated owner verifying the Seller's current ownership; or
  - A document indicating that the seller is authorized by the indicated owner to sell the merchandise pallets.

For a single *purchase* transaction involving 5 or more marked Bulk Merchandise Pallets where the Seller is not the indicated owner, payment must be by check mailed to the address shown on the Seller's photo ID or by cash or check collected by the Seller on or after the 3rd business day following the date of the transaction.

A Dealer or Recycler may acquire good faith possession of Merchandise Pallets based on the representations of the Seller that the indicated owner cannot be located or has failed to retrieve the pallets on a timely basis. If the indicated owner can be located, the Dealer or Recycler shall give notice of good faith possession to the indicated owner with the following information, sent by

mail or email to the indicated owner at their physical or email address, if known. The Seller shall retain a copy of the notice for at least two years.

- The date of the good faith possession;
- The name and contact information of the Dealer or Recycler that acquired the Pallets;
- The location where the Pallets are held;
- The number of Pallets acquired;
- The date on or after which the Pallets will be deemed relinquished to the Dealer or Recycler.

If the indicated owner demands a return within 35 calendar days after being notified of the acquisition, the Dealer or Recycler may require payment of reasonable storage fees. After 35 calendar days, the owner shall be deemed to have relinquished possession, at which time the Dealer or Recycler may sell the Pallets or charge reasonable storage fees if the indicated owner demands a return and the Pallets are still in the Dealer or Recycler's possession.

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### *Retention*

Written records must be retained for at least 2 years "after making the final entry of any purchase or sale". For the Additional Recordkeeping - CRV Containers provision, the Dealer or Recycler must retain either the photograph and address from the specified identification or a copy of the identification.

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### *Inspection*

Other than for materials with special inspection rules outlined below, Dealers and Recyclers shall allow periodic inspection during normal business hours of any junk or scrap metal property and any sale or purchase records by:

- An officer holding a warrant authorizing a search for personal property;
- A person appointed by a county sheriff or city head of police; or
- An officer holding a court order directing the examination of records or property.

Inspection or seizure of a thumbprint shall only be performed by a peace officer acting within the authority of a criminal search warrant signed by a magistrate and served on the junk dealer or recycler by the peace officer. Probable cause for the issuance of that warrant shall be based upon a theft specifically involving the transaction for which the thumbprint was given.

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### *Reporting*

Reports shall be transmitted electronically beginning 12 months after the Department of Justice and local law enforcement agencies develop a standard format to be used statewide to transmit the report. Until that time, each secondhand dealer may either continue to report using existing forms and procedures or may begin electronically reporting.

Every Recycler shall report the information required in the Recordkeeping provision to the chief of police or sheriff as provided in [Bus. & Prof. Code § 21628](#). This shall occur daily, or on the first working day after purchase of the property, on forms or through an electronic reporting system

approved or provided by the Department of Justice. The Office of the Attorney General provides a Record of Junk Sale or Purchase form PDF for download at <http://oag.ca.gov/recycle>

A Dealer or Recycler who unknowingly takes possession of Prohibited Material in a load of nonprohibited materials without the required certification must notify the appropriate law enforcement agency by the end of the next business day after discovering the prohibited material. The report must be by electronic mail, fax, or a letter delivered in person or by certified mail to provide the written confirmation necessary to prevent a Dealer or Recycler being charged with a civil or criminal penalty for possession of the material.

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*Vehicle Code - Catalytic Converter Requirements (italicized text added by SB 641 & SB 55)*

### **Catalytic Converters Purchase Restriction**

Under [Vehicle Code Div. 4, Ch. 4, § 10852.5](#), no person shall purchase a used catalytic converter, including for the purpose of dismantling, recycling, or smelting, except from:

- A Commercial Enterprise;
- An individual possessing documentation that they are the lawful owner of the used catalytic converter, including, but not limited to, a certificate of title or registration that identifies the individual as the legal or registered owner of the vehicle from which the catalytic converter was detached, and that includes a vehicle identification number that matches the vehicle identification number permanently marked on the catalytic converter.

### **Catalytic Converters Possession / Definition of Automobile Dismantler**

Under [Vehicle Code Div. 1, § 220](#), an “automobile dismantler” includes a person who keeps or maintains on real property owned by the person or has under their possession or control, 9 or more catalytic converters that have been cut from a motor vehicle using a sharp implement. Excludes:

- A person otherwise exempt under [§ 221](#); or
- A Junk Dealer, a Recycler, a Commercial Enterprise, or a Core Recycler.

Such a person must abide by the requirements of [Div. 5, Ch. 3. Automobile Dismantlers](#) and all other requirements for automobile dismantlers.

### **Catalytic Converters Marking Requirement**

Under [Vehicle Code Div. 12, Ch. 1, § 24020](#), no dealer or person holding a retail seller’s permit shall sell a new or used vehicle equipped with a catalytic converter unless the converter has been permanently marked with the VIN of the vehicle to which it is attached. “Permanently marked” means prominently engraved, etched, welded, metal stamped, acid marked, or otherwise permanently imprinted using a similarly reliable method of imparting a lasting mark on the exterior case of the catalytic converter.

Does not apply to:

- A collector motor vehicle;
- A vehicle sold in any of the following circumstances:

- *By a licensed automobile dismantler after being reported for dismantling pursuant to Vehicle Code § 11520.*
- *By or through a salvage pool after obtaining a salvage certificate pursuant to Vehicle Code § 11515, a nonrepairable vehicle certificate pursuant to § 11515.2, a certificate of title for a vehicle described in subdivision (f) of either section, or a similar ownership document issued by another state.*
- *By or through a salvage disposal auction, engaged primarily in the business of selling total loss salvage vehicles on behalf of insurance companies and that has more than 8 business locations in California, sells total loss salvage vehicles.*
- *By or through a wholesale motor vehicle auction where the dealer conducting the auction does not take ownership and the vehicle is sold to a nonretail buyer for resale.*
- *A vehicle where the buyer declines the seller's offer to permanently mark the catalytic converter and the dealer discloses the catalytic converter permanent marking as a body part marking in accordance with Civil Code § 2981 and 2982.2.*
- *A vehicle purchased from a dealer licensed in California who is also licensed in another state and does not have a warranty servicing facility in California (this exemption subsection is repealed effective January 1, 2025).*
- *A motorcycle, as defined in Vehicle Code § 400.*

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### Recordkeeping - Catalytic Converters

A Core Recycler who accepts a catalytic converter for recycling must maintain a written record with the following:

- The Place and Date of each sale or purchase of a catalytic converter made in the conduct of business as a Core Recycler;
- The Seller's name;
- The Seller's valid driver's license number and state of issue, or California issued identification number;
- The state of issue of a motor vehicle used in transporting the catalytic converter;
- If the Seller is a Commercial Enterprise, the name, physical business address, business telephone number, and the business license number or tax identification number of the commercial enterprise;
- A description of the catalytic converters purchased or sold, including item type and quantity, and identification number, if any, and the year, make, model, and vehicle identification number of the vehicle from which the catalytic converter was removed;
- Amount paid for the catalytic converter;
- Either:
  - A statement that the Seller is the owner, or
  - The name of the person from whom the Seller obtained the catalytic converter, including the business, if applicable, as shown on a signed transfer document.
- If applicable, a copy of the title of the vehicle from which the catalytic converter was removed that shows the vehicle identification number matches the number permanently marked on the catalytic converter.

A Core Recycler accepting a catalytic converter from a Commercial Enterprise who holds a written agreement with a business that sells catalytic converters for recycling purposes is required to collect only the following for a transaction:

- The name of the Seller or agent acting on the Seller's behalf;
- The Seller's physical business address and business telephone number;
- The Seller's business license number or tax identification number;
- The Date of the transaction;
- The number of catalytic converters received;
- The amount paid for the catalytic converters;
- A copy of the written agreement;

A Core Recycler selling or shipping used catalytic converters to other Recyclers or smelters shall retain the following information from the sale:

- The name and address of each person to whom the catalytic converter is sold or disposed to;
- The quantity of catalytic converters being sold or shipped;
- The amount paid for the catalytic converters sold;
- The Date of the transaction.

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#### *Additional Recordkeeping and Payment Restrictions- Catalytic Converters*

Before providing payment for a catalytic converter, a Core Recycler must also obtain:

- A clear photo or video of the Seller at the time of sale;
- A copy of the Seller or Seller's agent's valid driver's license or government-issued identification card containing the Seller's photograph and address.
  - If the Seller prefers payment by check delivered to an address different from that on the ID other than a P.O. Box, the Core Recycler must also record a copy of a gas or electric utility bill addressed to the Seller at that address with a payment due date no more than 2 months prior to the date of sale.
- A clear photo or video of the catalytic converter being sold, that, if applicable, captures the permanent marking of the vehicle identification number;
- A written statement indicating how the Seller obtained the catalytic converter.
- The Seller is a person described in [VEH Div. 4, Ch. 4](#), § 10852.5 (Vehicle Code - Catalytic Converter Requirements provision)

*(italicized text added by SB 55)* Payment for catalytic converters must be by check, *credit card*, or any other traceable form of payment other than cash by one of the following:

- For an individual, by check:
  - mailed to the Seller at the address provided in the transaction record, or
  - collected from the Core Recycler on the 3rd business day;
- For a *Commercial Enterprise*:
  - By check mailed to the Seller's business address;
  - Immediate payment by debit card or credit card.

The Additional Recordkeeping and Payment Restrictions do not apply to a Core Recycler that buys used catalytic converters, transmissions, or other parts removed from a vehicle if the Core Recycler and the Seller have a written agreement for the transaction, provided that the written agreement includes a log or other regularly updated record of all catalytic converters received pursuant to the agreement that describes each catalytic converter with sufficient particularity, including any identification numbers or markings, so that each of those catalytic converters in the core recycler's inventory can reasonably be matched to its description in the agreement.

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#### *Retention - Catalytic Converters*

Records must be retained for not less than 2 years

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#### *Inspection - Catalytic Converters*

Core Recyclers shall make records available for inspection by local law enforcement upon demand.

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#### *Hold*

90 day hold on property in the possession of a Dealer or Recycler upon receipt of a written notice from a peace officer with probable cause to believe that the property is stolen. The written notice must describe the item(s) to be held and the case number. Property subject to a hold must be produced at all reasonable times and places or may be delivered to any peace officer upon request of any peace officer who is a member of the same agency as the issuing officer. A hold is issued in lieu of an officer seizing the property suspected stolen.

The Dealer or Recycler may not release or dispose of the property during the hold except pursuant to a court order or upon receipt of a written authorization signed by a peace officer who is a member of the same agency as the issuing officer. If the agency has no knowledge of the property on hold being reported as stolen, the property shall be released "in a timely fashion" by a written notice to the Dealer or Recycler. If the agency has knowledge the property has been reported stolen, they shall notify the person of the name and address of the Dealer or Recycler and authorize the property's release to that person; the agency shall release the hold once 60 days have elapsed after the person is notified. If a person seeks to recover property subject to a hold, the Dealer or Recycler shall advise the person of the name and badge number of the issuing officer and the name of their agency; if the property is not held pursuant to a criminal prosecution the hold shall be released.

Prohibited Material received without a certification and reported to law enforcement must be set aside and not sold pending a determination by the law enforcement agency.

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#### *Theft Alert Notifications*

A Junk Dealer or Recycler shall request to receive theft alert notifications regarding the theft of commodity metals, including, but not limited to, ferrous metal, copper, brass, aluminum, nickel, stainless steel, and alloys, in the junk dealer's or recycler's geographic region from the theft alert system maintained by ISRI or its successor.

Under [Cal. Penal Code](#) Part 4, Title 1, Ch. 2, Art. 6, § 11199.5, local law enforcement are encouraged to report thefts of commodity metals that have occurred within their jurisdiction to the theft alert system to ensure that users receive timely and thorough information regarding metal thefts. ISRI or its successor shall not sell subscribers' information received pursuant to this section to third parties.

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### *Weighmaster Licensing*

In addition to the standard requirements for weighmasters ([Cal. Bus. & Prof. Code](#) Div. 5, Ch. 7, §12700-12737), a Junk Dealer or Recycler applying for or renewing a weighmaster's license with the Department of Food and Agriculture must also submit:

- A copy of the applicant's current business license;
- A statement that the applicant has filed an application for a stormwater permit or is not required to obtain one;
- A statement that the applicant either has the equipment necessary to comply with the photographic and thumbprinting requirements for Nonferrous Metals or will not be purchasing or selling Nonferrous Metals;
- A statement that the applicant has requested to receive theft alert notifications, unless ISRI or its successor requires payment for use of the system; and
- The name or names of any deputy weighmasters.

The Department will investigate the application within 90 days for a new license or 1 calendar year for a renewal. If the information is determined to be inaccurate the Department will send a notice to the Dealer or Recycler. The Dealer or Recycler will have 14 days to provide accurate information or their license will be revoked. A Dealer or Recycler whose license is revoked is entitled to a hearing.

A weighmaster who is or is performing services on behalf of a Dealer or Recycler must pay the standard annual license fees as well as an additional:

- \$500 for each location if operating from fixed locations;
- \$500 if operating at other than a fixed location.

These additional requirements will sunset on January 1, 2028 unless removed or extended (*SB 816 extended from 2024*).

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### *Penalties (italicized text added by AB 641, AB 1519, and SB 55)*

A Dealer or Recycler that violates the Recordkeeping, Retention or Inspection provisions commits a misdemeanor punishable by:

- 1st offense: at least \$1,000 fine and/or at least 30 days imprisonment in county jail;
- 2nd offense: at least \$2,000 fine and/or at least 30 days imprisonment in county jail. A court **may** order the defendant to stop engaging as a Dealer or Recycler for at most 30 days.
- 3rd or subsequent: at least \$4,000 fine and/or at least 6 months imprisonment in county jail. A court **shall** order the defendant to stop engaging as a Dealer or Recycler for at least 1 year.

Any unauthorized disclosure of personal information collected from a Seller by a Dealer or Recycler is prohibited and punishable by a civil fine of up to \$5,000.

A defendant convicted of theft of property that has been placed on hold shall be ordered to pay the Dealer or Recycler for reasonable costs for storage of the property and pay the victim for both the value of the property stolen and any reasonable collateral damage caused by the theft.

A person who makes a false or fictitious statement regarding information required for catalytic converters or violates requirements for catalytic converters commits a misdemeanor. A knowing and willful violation is punishable by:

- 1st offense: \$1,000 fine;
- 2nd offense: at least \$2,000 fine. A court **may** order the defendant to cease engaging as a Core Recycler for at most 30 days.
- 3rd or subsequent: at least \$4,000 fine. A court **shall** order the defendant to cease engaging as a Core Recycler for at least 1 year.

*Under Vehicle Code § 10753, any person who removes, alters, or obfuscates any VIN or other unique marking that has been added to a catalytic converter is guilty of a misdemeanor, and any person who knowingly possesses 3 or more catalytic converters that have the VIN or other unique marking removed, altered, or obfuscated is guilty of a misdemeanor. Does not apply to:*

- *Any person removing, altering or obfuscating a marking in order to apply a new VIN or other unique marking because the catalytic converter is being installed on a different vehicle; or*
- *Any person that is disassembling, smelting, or otherwise permanently destroying a catalytic converter lawfully in their possession.*

*Under Vehicle Code § 11500, a person who violates the requirements for an automobile dismantler due to possessing 9 or more catalytic converters that have been cut from a vehicle pursuant to [Vehicle Code § 220](#) is guilty of:*

- *1<sup>st</sup> violation: an infraction punishable by a fine not more than \$100.*
- *2<sup>nd</sup> separate violation: misdemeanor punishable by a fine not less than \$250.*
- *3<sup>rd</sup> separate violation: misdemeanor punishable by a fine not less than \$500.*
- *4<sup>th</sup> or subsequent violation: fine not less than \$1,000.*

*Under [Vehicle Code Div. 12, Ch. 1](#), § 24020, a dealer or person holding a retail seller's permit who violates the Catalytic Converters Marking Requirement is guilty of an infraction punishable pursuant to Vehicle Code § 42001.*

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### Preemption

Preempts city and/or county ordinances involving Nonferrous Material unless the ordinance is passed by a 2/3rds vote and can be demonstrated by clear and convincing evidence to be both necessary and addressing a unique problem within and specific to the jurisdiction that is not effectively addressed by the state law.

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### References and Recent Amendments

- Junk Dealers and Recyclers: [Cal. Bus. & Prof. Code, Div. 8, Ch. 9, Art. 3](#). Junk; § 21600 to § 21610
- Vehicle Code Catalytic Converter Requirements: [Cal Vehicle Code](#)
  - [Div. 1](#). Words and Phrases Defined
    - [§ 220](#). (“Automobile dismantler” catalytic converter requirement)
    - [§ 221](#). (“Automobile dismantler” exclusions)
  - [Division 4](#). Special Antitheft Laws
    - [Ch. 3. Alteration or Removal of Numbers](#), § 10753 (altering markings)
    - [Ch. 4. Theft and Injury of Vehicles](#), §10852.5
  - [Div. 5, Ch. 3. Automobile Dismantlers](#), § 11500
  - [Vehicle Code Div. 12, Ch. 1](#), § 24020 (dealer marking requirement)
- Weighmaster Licensing as applies to Recyclers: [Cal. Bus. & Prof. Code Div. 5, Ch. 7](#). Weighmasters; § 12703.1 and § 12704
- Law Enforcement Reports of Metal Theft: [Cal. Penal Code, Part 4, Title 1, Ch. 2, Art. 6, § 11199.5](#). Reports of Metal Theft
- [Office of the Attorney General - Junk & Recycle Dealers](#); includes a downloadable Record of Junk Sale or Purchase form PDF

### Recent Amendments

- [2013 California SB 485](#) (effective January 1, 2014)
- [2014 California AB 2312](#) (effective January 1, 2015)
- [2015 California AB 236](#) (effective January 1, 2016)
- [2018 California AB 2676](#)
- [2019 California SB 143](#) (effective September 5, 2019)
- [2022 California AB 1740](#) (effective January 1, 2023)
- [2022 California AB 1760](#) (effective January 1, 2023)
- [2022 California SB 1087](#) (effective January 1, 2023)
- [2023 California AB 641](#) (effective January 1, 2024)
- [2023 California AB 1519](#) (effective January 1, 2024)
- [2023 California SB 55](#) (effective January 1, 2024)
- [2023 California SB 816](#) (effective January 1, 2024)

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