

METAL THEFT LAWS UPDATE



ANTITRUST ALLEY-OOP

This checklist states ISRI policy to ensure compliance with antitrust laws and regulations during ISRI sponsored events—including meetings, roundtables, seminars, and social gatherings. The Federal antitrust laws prohibit combinations in restraint of trade that occur whenever competitors within a field of business exchange information that has the purpose or effect of fixing, raising, maintaining, or stabilizing prices (or otherwise limiting competition). Should such a conspiracy in restraint of trade be found to occur at an ISRI sponsored event, ISRI, its directors, its officers, and its participating members would be held liable for substantial damages (including treble damages). Thus, at ISRI sponsored events, members are urged to meet the following requirements:

- Do not, in fact or appearance, discuss or exchange present or future price-related information, including 1:
- Individual company prices, price differentials, markups, discounts, credit terms, marketing strategies, etc.;
- Individual company data on costs, production, capacity, inventories, sales, etc.;
- Transportation rates (particularly contract rates) for individual shipments:
- Company bids on contracts for particular materials, company procedures for responding to bid, etc.; and
- Matters relating to actual or potential individual suppliers or customers that might have the effect of excluding them from any market or influencing the business conduct of firms toward them.
- 2. In the event that any such improper discussion or exchange occurs at an ISRI sponsored event, ISRI and its participating members may be held personally liable for substantial damages if the association does not actively and aggressively police its ranks on this issue. ISRI thus requires all members to be sensitive to the risks of potential antitrust abuses where ISRI sponsored events are concerned. If you believe that illegal activities may be occurring, please advise ISRI Counsel or an ISRI staff member immediately.

- Observe the direction of meeting chairmen, ISRI staff members, and Counsel at ISRI sponsored events to assure antitrust policy compliance.
- 4. Remember that the conduct of each member at an ISRI event involves ISRI and its members and, if improper, implicates them. Therefore, each member has a responsibility to the Association, other members, and themselves. To eliminate potential problems, all ISRI sponsored events are held pursuant to an approved agenda which must be adhered to.

ISRI sponsored events have always been valuable to its members and they will continue to be so. Your awareness of the need to observe ISRI's antitrust policies is the best way to assure the continuing success of ISRI and its programs.

Although one can discuss historical pricing information, such as that published in the Wall Street Journal, American Metal Market, or other whelely included publication available to all interested members of the industry (as well as possible entrants to the market), all other discussion of price related information should be discouraged, even historical pricing. This is because price fraing conspiracione are typically proven by circumstantial evidence and the possibility is strong that a particular statement may be misinterpreted at a meeting or poorly remembered by a fellow member, who may then relate his "best recollection" to a jury.



MOMMA'S TOURNAMENT RULES!

FULL COURT PRESS:

to keep other people from getting you and your outfit into antitrust trouble (read on...)

- WHO'S THROWING THE PARTY? When you were 15, your momma wouldn't let you go to a party unless the right group sponsored it (like a church or school, or somebody's parents). You couldn't just say "Momma, a few couples are getting together in the woods." Same deal here; your momma was right. Don't go to any meetings unless there is a clear and proper sponsor and it is the right kind of officially recognized body that is properly constituted, broadly-based, and wellrun. Otherwise, you may get in more trouble than you can handle.
- "WHAT'S UP?" Your momma wanted to know "what kind of party is it?" She was right; there is a difference between drinking and skating, and she wanted to know what was going on. Same deal here. What is going on? If they don't send you a written agenda in advance, you really shouldn't go.(It is not an "agenda" if all it says is "(1)old business, (2) new business, (3)other," or anything like that.)
- 3. CHAPERONES. When you were 15, your momma wouldn't let you go unless a chaperone was going. A lawyer is kind of like a chaperone; they tend to spot any developing troublemakers and throw them out of the party. If no lawyer is going to be there to chaperone, it is a sign the party might get too wild, and maybe you shouldn't go.
- 4. STAY OUT OF THE BUSHES. Your momma knew that if you left the party, you were more likely to get in trouble. She was right. Don't go to "rump sessions" before, during or after meetings; the natural human temptation is to talk business there, and your business is best discussed openly in the proper forum. It is okay to have lunch with a friend or two, but don't let it turn into a "rump session" (hard to define, but we all know it when we see it; so see it before it is too late).
- 5. NO SELECT GROUPS. Remember how it hurt your feelings when some people got invited to the party but you didn't? Same deal here. If they don't invite the whole class, don't go. Especially don't go if they call it something stupid like "let's get the big three together." That kind of talk will just get you in trouble; don't go.
- 6. DON'T GET TAKEN IN BY SWEET WORDS. Your momma told you they would talk sweet to you; don't get taken in. She was right. It would be simple if you could spot antitrust trouble just by seeing an evil-looking guy in a cloak and slik hat and a waxed mustache who whispered "Pst! Let's conspire!" They don't do that. People sometimes unknowingly fall let's conspire! They don't do that. People sometimes unknowingly fall is get on the same wave length," or "let's sort it out before the meeting."

or "let's get our story straight." If they whisper to you like that, they are the Devil. Don't be templed. Don't go. It can only get you in trouble. Your "story" is open and honorable and firmly-based on correct data, and your story is already "straight". The only time you need to be on the "same wavelength" as anybody else is when you both tune in to the religious channel on your separate radious.

- 7. DON'T LET THEM SPIKE THE PUNCH. Your momma suspected that some boy might try to spike the punch, and she told the chaperone to keep a lookout. She was right, same deal here. Watch out that no narrow interest tries to rig the meeting or the system unfairly in favor of its company or its narrow interest; like a spiked punch at a Junior high party, it can only lead to trouble. (Also, don't let anybody do the minutes on company stationery: it makes it look like their company was in charge, which is probably unfair.)
- 8. APPEARANCES COUNT. Your momma knew that if you slipped off to the woods from the party, people would assume the worst, even if you only held hands. She was right. Pay attention to how things might look to somebody else. Some people always assume the worst, and start a bunch of gossip. Don't be grist for the gossip. Make sure you behave and look like you are behaving. For instance, don't sit in the corner

- whispering with your competitors, even about football or movies. (At this point in your life, it won't be a gossip who will spread the scandal; it will be some lawyer trying to make you look bad to a jury, so he can personally make a lot of money. Strike a blow for liberty; behave and look like you behave and keep all the lawyers poor.)
- IF THE PARTY TURNS WILD, LEAVE. Your momma told you to leave if it
 got wild. She was right. If the other people at your meeting start talking
 about or doing bad stuff, get up and walkout. (It may be unpleasant
 then, but it beats going to jail or getting sued.)
- 10. CALL YOUR MOMMA IF YOU'RE NOT SURE. Your momma gave you a dime for a quarter or a nickel, depending on how old you are) to call her if you needed advice or help. She was right; same deal here. If you can't get your momma, call your lawyer.

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CONDUCT ON THE COURT

1.0 PREAMBLE

The Institute of Scrap Recycling Industries (ISRI) represents both small and large scrap recycling businesses worldwide. ISRI members (Members) are critical partners in the manufacturing chain, unparalleled collaborators in the initiative towards sustainability, and economic drivers for local communities and the global economy. ISRI's goal is to maintain an ethical, safe, professional, and environmentally responsible climate to assure continued public and business confidence in the scrap recycling industry. Therefore, ISRI recommends that members adopt this Code of Conduct (Code) to guide and govern their operations. The standards set forth in the Code are not new, but rather, they reflect the commitment to professionalism and community service to which ISRI Members have long adhered, and they serve as a renewed promise that ISRI Members will continue to embody these ideals as their leadership role in local and global commerce continues to grow. Ultimately, this Code is designed to assist Members in acting responsibly, ethically, and in a manner that fosters the highest level of professionalism in the provision of recycling services.

2.0 MEMBER VALUES

2.1 To Our Customers

We value open, honest, and fair transactions, conducted by trained and knowledgeable staff who will ensure integrity, accuracy, and safety at our facilities.

2.2 To Our Employees

We value a safe and healthy workplace, and equal opportunity for employment, development, and advancement for all employees.

2.3 To Government and Law Enforcement

We value working with local, state, and federal law enforcement to ensure the safe and secure operation of our facilities, and to continuing to lead the effort to identify, report, and prevent materials theft.

2.4 To Our Communities

We value our role as critical partners in finding sustainable economic and environmental solutions, to operating as good corporate citizens, and to supporting the social welfare and economic development of the communities in which we live and work.

3.0 BUSINESS CONDUCT

3.1 Business Practices

Members are committed to conducting business honestly, ensuring that their weighing and buying practices are fair and accurate, and ensuring that materials shipped conform to agreed-upon contract specifications. In addition, Members are encouraged to consider further measures to continually assess and improve their business practices, such as by participating in ISRI-sponsored programs or attending other business training and certification programs.

3.2 Safet

Members are committed to providing a safe and healthy workplace for their employees and the public. In addition, Members are encouraged to consider further measures to continually assess and improve safety practices in their workplace, such as by participating in ISRI's Scrap Safety Blueprint Action Plan or similar safety training and certification programs.

3.3 Materials Theft

Members are committed to cooperating with local, state, and federal law enforcement to identify, report, and prevent materials theft. In addition, Members are encouraged to consider further measures to train employees on how to identify suspicious transactions, how to respond when stolen or suspicious materials are offered for sale, and how to utilize metals theft notification programs, such as ISRI's Metals Theft Alert System and similar local or regional materials theft notification programs.

3.4 Compliance with Applicable Laws

Members are committed to complying with all local, state, and federals laws and regulations applicable to their businesses and facilities. In addition, Members are encouraged to consider further measures to continually assess and improve their practices to ensure compliance with applicable laws and regulations, such as by participating in ISRI-sponsored programs or similar programs addressing laws and regulations relating to the scrap recycling industry.

3.5 Further Measures

In addition to these standards, Members are encouraged to consider further measures to manage quality, environmental, and health and safety issues in their operations, such as by adopting ISRI's Recycling Industry Operating Standard (RIOS) or similar ISO standards and certification programs.



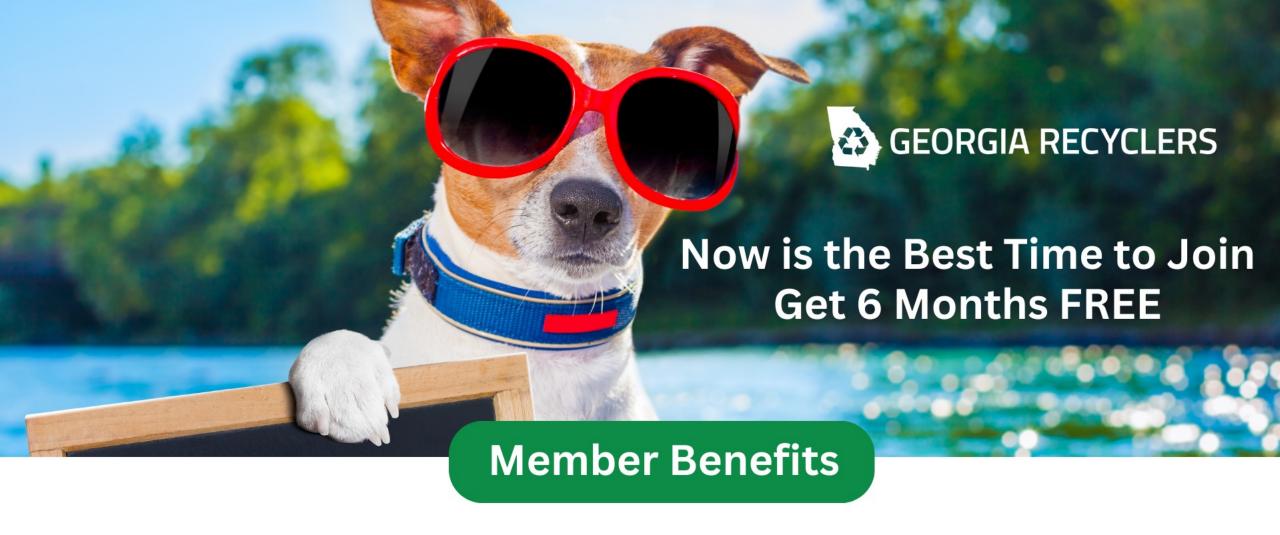


Hear from the lobbyist for the Georgia Recyclers Association, Brian Hudson, Managing Principal of The Hudson Group, as well as members of the GRA Legislative Committee.

The changes that take effect on July 1 and January 1 will be discussed in detail.

Governor Kemp signed Senate Bill 60, which will significantly impact how Georgia Recyclers do business.

It is important that all Georgia recyclers learn about these changes to comply with Georgia law.



- ✓ Year-Round Advocacy Representation
- ✓ Weekly Legislative Report (during the session)
- ✓ Newsletters

- ✓ Networking Opportunities
- Educational Opportunities
- ✓ Annual Meeting and Networking Event

GRA 2023

Georgia Recyclers Association Conference







NOVEMBER 7, 2023 3:00 - 7:00 PM SAVANNAH, GA THE CHARLES H. MORRIS CENTER



3:00 PM:

Annual Meeting

5:00 PM:

Cocktail Reception & Heavy Appetizers











Senate Bill 60

Sponsored by
Senator Bo Hatchett
and Rep. Lauren
McDonald

- Signed by Governor Kemp on April 26, 2023
- Strengthens law on catalytic converter theft;
- Allows recyclers to pay a limited amount of cash with exceptions;
- Updates registration requirements with the sheriff's office for Secondary Metals Recyclers





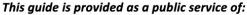


The Secondary Metals Recyclers Compliance Guide is the source of the information in this PowerPoint. Concluding the presentation, we will have resources to the documents discussed.

Georgia Secondary Metals Recyclers Compliance Guide:

A Guide for Secondary Metals Recyclers, Law Enforcement,
Prosecutors, Utilities, and others to better understand the proper and
lawful purchase of Regulated Metal Property in the State of Georgia –
effective July 1, 2023.







FOR MORE INFORMATION, VISIT:

GARECYCLERS.ORG

This Compliance Guide is designed as a resource to help Secondary Metals Recyclers understand and comply with the Regulated Metals Recycling Law but it is not offered as legal advice nor meant to serve a substitute for the advice of legal counsel. Secondary Metal Recyclers are encouraged to read the Regulated Metals Recycling Law or consult with legal counsel regarding the law if they have any questions.

All text highlighted in red throughout the document indicates a change made during the 2023 Legislative Session from SB 60.

Copper Wire means any wires, cable, bus bars, or waveguides containing any portion of copper, whether or not coated with insulation.

Deliverer means any individual who takes or transports the Regulated Metal Property to the Secondary Metals Recycler.

Ferrous Metals means any metals containing significant quantities of iron or steel.

Law Enforcement Officer means any duly constituted peace officer of the State or of any county, municipality or political subdivision of the State.

Nonferrous Metals means any metals not containing significant quantities of iron or steel and includes stainless steel beer kegs, other <u>stainless steel</u> items, copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys.

Person means an individual, partnership, corporation, joint venture, trust, association or any other legal entity.

Personal Identification Card means any current and unexpired (i) driver's license or identification card issued by the Georgia Department of Driver Services or any similar card issued by another state, (ii) a military identification card or (iii) a current work authorization issued by the federal government, which contains the individuals name, address, and photograph. No other forms of identification are acceptable.

Purchase Transaction means any transaction in which a Secondary Metals Recycler pays money or gives something of value in exchange for Regulated Metal Property.

Registered Agent means an individual who has been listed on a Secondary Metals Recycler registration form at a Georgia sheriff's office as the affiant and completes and executes the registration form in accordance with Code Section 10-1-359.1.

Regulated Metal Property means any item primarily composed of Ferrous Metals or Nonferrous Metals; and includes Aluminum Property, Copper Property, and catalytic converters, but shall not include aluminum beverage containers and used beverage containers (or similar items).

Secondary Metals Recycler means any Person who is engaged in this state, whether from a fixed location or otherwise, in the business of paying compensation for (buying) Regulated Metal Property, whether or not engaged in the business of performing the manufacturing process of converting the Regulated Metal Property into raw material products.

Seller means the rightful owner of the Regulated Metal Property| or the individual authorized by the rightful owner of the Regulated Metal Property to conduct the Purchase Transaction.

Used communications copper means utility-grade copper that is commonly used by a lawful provider of telecommunications services for providing telecommunications services, including, without limitation, utility-grade wires or cables, bus bars, and waveguides.





SB 60 updates Georgia code with new definitions

- Copper Wire: any wires, cable, bus bars, or waveguides containing any portion of copper, whether or not coated with insulation.
- Registered Agent: an individual who has been listed on a Secondary Metals Recycler registration form at a Georgia sheriff's office as the affiant and completes and executes the registration form.
- Used communications copper: utility-grade copper that is commonly used by a lawful provider of telecommunications services for providing telecommunications services, including, without limitation, utility-grade wires or cables, bus bars, and waveguides
- Used utility wire: means any wire or cable containing aluminum or copper, or any ferrous metals or other nonferrous metals, that is commonly used by a utility that provides electric or telecommunications service.
- **Used, Detached Catalytic Converter:** motor vehicle exhaust system parts that are used for controlling the exhaust emissions from motor vehicles and that contains a catalyst metal, but shall not include a catalytic converter that has been tested, certified, and labeled for reuse, in accordance with applicable federal Clean Air Act regulations. (O.C.G.A. §10-1-351(d))



New Registration Requirements

Secondary Metals Recyclers must:

- Submit payment of \$200 for registration;
- Submit a current and valid business license (if required by locals);
- Submit to a criminal background check and fingerprinting for all NEW registrations;
- A recycler will be ineligible to obtain a new registration if they are under indictment or convicted of a felony offense under the secondary metal recycler statute

The Sheriff may deny or revoke new registration or renewal if:

- Registration has been revoked in a different county;
- Information provided is false or inaccurate;
- Registered Agent is convicted of a metal theft offense in the past 5 years



County Sheriff's Office
Secondary Metals Recycler Registration Form
Pursuant to O.C.G.A. § 10-1-359.1, secondary metals recyclers who purchase regulated metal property in any quantity must register with the appropriate Sheriff's office or offices.
To Determine the County of Registration
LEGAL ENTITY (e.g. Business, Corporation, or Partnership) You must register with the Sheriff in each county where you maintain a place of business. If you maintain a place of business in more than one county, you must file a separate registration form for each business location. INDIVIDUAL/SOLE PROPRIETOR (Georgia Resident) You must register in the county where you reside. INDIVIDUAL/SOLE PROPRIETOR (Non-Resident of Georgia) You must register in the county where you primarily engage or intend to engage in business as a secondary metals recycler.
The Registration Process
Obtain a copy of the Secondary Metals Recycler Registration form online at or by visiting the County Sheriff's Office.
 Complete and submit the registration form in person to the appropriate Sheriff's office or offices. Application for registration must include:
□ Non-Refundable Registration Fee. Submit payment of \$200 with the registration form. Payment must be made in the form of a check or money order payable to the County Sheriff's Office. Checks returned for insufficient funds are subject to a \$30 service charge pursuant to O.C.G.A. § 16-9-20. □ Identification
☐ Background Check. You will be fingerprinted either by the Sheriff's office or directed to a GAPS fingerprinting location and charged a fingerprinting fee not to exceed \$75. APPLICABLE TO NEW APPLICANTS OR REGISTERED AGENTS FOR SECONDARY METALS RECYCLERS WHOSE REGISTRATION IS EXPIRED OR LAPSED. NOT APPLICABLE TO RENEWALS.
☐ Current and Valid Business License. Attach copy if you are a Legal Entity (e.g. Business, Corporation, or Partnershi ☐ GBI/LEADS Online Customer Identification Number
☐ Citizenship / Qualified Alien Status. If you are a qualified alien, your Secure and Verifiable documentation must be attached to the application.
Read the instructions carefully and be familiar with the laws governing Secondary Metals Recyclers in the State of Georgia. Visit our website for information: https://www.garecyclers.org/
Registration
*Registrations issued between 07/01/23 and 12/31/23 will expire on 12/31/2024. Registrations issued on or after 01/01/2024 and for each year thereafter will expire on 12/31 of the same year they are issued. Failure to register is a misdemeanor of high and aggravated nature. O.C.G.A. 10-1-359.1(e).
Questions?
Contact at your local sheriff's office at
This is an official form and can only be altered by the Sheriff in order to add information specific to his/her county

July, 2023



July, 2023

	County Sheriff's Office	
Secondary Metals Recycler Registration		
	ing as a NEW Registered Agent for the first time in this county –OR- I am applying as the Re Metals Recycler whose registration is expired as of July 1, 2023 or following any term then	
operate in this county.	the Registered Agent for a Secondary Metals Recycler that has an existing, valid registratio. I am applying to renew annual registration. NOTE: If your registration is expired or lapse h time you seek to renew thereafter, you must apply as a NEW applicant).	
Are you applying as t Corporation, or Part	the Registered Agent of a Secondary Metals Recycler that is a Legal Entity (e.g. Busin tnership)?	ess,
□ YES – You must r	register with the Sheriff in each county where you maintain a place of business.	
□ NO – Indicate bel	low if you are a Georgia resident:	
☐ YES, I am	a Georgia Resident. You must register with the Sheriff of the county where your business is le	ocated.
□ NO. 1		
	not a Georgia Resident. You must register with the Sheriff in the county where you primarily ngage in business as a secondary metals recycler.	engage
	ngage in business as a secondary metals recycler.	
Full Name of Regist	tered Agent: (Please print) First Middle	Last
Full Name of Regist	ngage in business as a secondary metals recycler.	
Full Name of Regist	tered Agent: (Please print) First Middle e Customer ID#: y (e.g. Business, Corporation, or Partnership): Not Applicable Provide street address; include apartment number if applicable. (P.O. Box not acceptable; must be a physical partnership) in the provide street address; include apartment number if applicable.	Last
or intend to en	tered Agent: (Please print) First Middle e Customer ID#: y (e.g. Business, Corporation, or Partnership):	Last
or intend to en	tered Agent: (Please print) First Middle e Customer ID#: y (e.g. Business, Corporation, or Partnership): Not Applicable Provide street address; include apartment number if applicable. (P.O. Box not acceptable; must be a physical address in Georgia where the Registered Agent can be located in-person)	Last

Cash Payment Program for Secondary Metals Recyclers

Beginning January 1, 2024, Secondary Metals Recyclers will be able to pay \$100.00 cash to any seller for two transactions per seller, per day, per registered Secondary Metals Recycler location.

Recyclers are prohibited from paying cash for the following:

- Used, detached catalytic converters
- Air conditioning coils
- Used utility wire
- Used communications copper
- Copper wire
- Batteries



Catalytic Converter Theft Addressed in SB 60

This new law will prohibit anyone from advertising or solicit that they purchase used, detached catalytic converters unless they are a registered secondary metals recycler.

The bill would also make it unlawful to possess or transport used, detached catalytic converters unless the person is authorized to be in possession and has the proper license, registration, or other documentation required.





Catalytic Converters – What and Why

Defined as "motor vehicle exhaust system parts that are used for controlling the exhaust emissions from motor vehicles and that contain a catalyst metal..."

Catalytic converters break down toxic car exhaust into water, nitrogen, and carbon dioxide

Beginning with the 1975 model year, cars in the United States were required to have catalytic converters

"Catalyst Metals" in catalytic converters are the Platinum Group Metals (PGM) Platinum, Palladium, and Rhodium





General Concepts for Legislation

Additional Reporting Requirements
Business to Business Transaction Reporting

Limit who can purchase Catalytic Converters (SMRs ONLY)
Always the case in GA, but not clearly stated

Limit who can sell Catalytic Converters
Clearly limited by 2015 amendments

Limit who can possess used detached Catalytic Converters SB 60 in 2023

Limit who can solicit/advertise to purchase Catalytic Converters SB 60 in 2023

Illegal possession = contraband, subject to seizure and forfeiture SB 60 in 2023





Unchanged – Catalytic Converters

§10-1-351, O.C.G.A

Maintains same limitation on sellers

LICENSED used motor vehicle dealer

LICENSED used motor vehicle parts dealer

LICENSED new motor vehicle parts dealer

LICENSED motor vehicle repairer

LICENSED manufacturer or distributor of catalytic converters

REGISTERED Secondary Metals Recycler, OR

Seller with VERIFIABLE DOCUMENTATION that the converter is the result of a replacement, including make, model, year of vehicle AND proof of ownership of the vehicle



NEW – 2023 SB 60 for Catalytic Converters

- §10-1-351, O.C.G.A
 - (d)(1) defines "used detached catalytic converter" with limited* exclusion.
 - (d)(2) clearly limits Purchaser or one who Solicits, or Advertises for the purchase of a used, detached catalytic converter to ONLY a registered Secondary Metals Recycler (SMR) that is "IN FULL COMPLIANCE" with ALL requirements of this law.
 - (d)(3) makes it unlawful for any person to purchase, possess, transport, or sell a used, detached catalytic converter unless 1) they are an entity authorized by the law in the unchanged subsection (c) [previous slide] and 2) is in possession of the required licenses, registrations or other documentation required.
 - (d)(4) makes EACH unlawfully possessed or obtained converter a SEPARATE OFFENSE [this is also added at §10-1-359.2, O.C.G.A, related to punishment for offenses.]



NEW – 2023 SB 60 for Catalytic Converters

- §10-1-359.3, O.C.G.A
 - (b)(3) makes any converter possessed in violation, AND any vehicle used to transport those converters, contraband.
 - NOTE Forfeiture of such vehicles seized, shall be stayed during the pendency of criminal proceedings unless otherwise agreed to by the owner or interest holder of such vehicle.
- §10-1-355, O.C.G.A
 - Allows for limited cash payments for regulated metals property EXCEPT Catalytic converters – from individuals OR businesses
- §10-1-358, O.C.G.A
 - Excludes Catalytic Converters from any exemptions from this Article (including B2B)



NEW – 2023 SB 60 for Catalytic Converters

- §10-1-359.5 (a)(2), O.C.G.A (Reporting)
 - Requires the reporting of purchases of Catalytic Converters or "nonferrous parts of a catalytic converter" [this would include substrate] from an "industrial account" [a manufacturing, industrial, or other commercial vendor] or another SMR, to the GBI (or their designated contractor)
 - Required to report to LEADS Online
 - The report of these purchases would provide:
 - Name and address of the seller
 - Date, time, and place of the transaction
 - The number of converters purchased, or pounds of catalyst metal [substrate] purchased



Summary

- Several new tools for Law Enforcement to combat Catalytic Converter Theft go into effect July 1, 2023
 - Crime to possess used, detached, catalytic converters except by limited persons WITH specific documentation
 - Crime to purchase, or solicit or advertise for purchase of catalytic converters EXCEPT by fully compliant, registered SMR
 - Each illegally possessed converter is a separate offense, and are contraband (along with the vehicle used to transport) and are subject to seizure and forfeiture
 - No exemptions for Catalytic Converter purchases and B2B subject to specific reporting requirements

Georgia is once again, the leader in developing and passing cutting edge legislation on Catalytic Converter Theft.



Q & A