

FIRST REGULAR SESSION

# HOUSE BILL NO. 729

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES RIZZO (Sponsor),  
TORPEY, WEBB AND CIERPIOT (Co-sponsors).

1781L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 407.300 and 407.303, RSMo, and to enact in lieu thereof two new sections relating to scrap metal, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 407.300 and 407.303, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 407.300 and 407.303, to read as follows:

407.300. 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any:

(1) Copper, brass, or bronze;

(2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener; [or]

(3) Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in section 350.010; whatever may be the condition or length of such metal;

**or**

**(4) Catalytic converter.**

**2.** The record **required by this section** shall contain the following data:

(1) A copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the material is obtained[, which shall contain a] ;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15           (2) **The current address, gender, birth date, and a photograph** of the person from  
16 whom the material is obtained[, and] **if not included or is different from the identification**  
17 **required in subdivision (1) of this subsection;**

18           (3) The date, time, and place of [and] **the transaction;**

19           (4) **The license plate number of the vehicle used by the seller during the**  
20 **transaction;**

21           (5) A full description of [each such purchase or trade] **the metal**, including the [quantity  
22 by] weight, **purchase price, and a photograph** thereof **if the metal is copper or a catalytic**  
23 **converter.**

24           [2.] **3.** The records required under this section shall be maintained for a minimum of  
25 twenty-four months from when such material is obtained and shall be available for inspection  
26 by any law enforcement officer. **Beginning January 1, 2014, the records required by this**  
27 **section shall be transmitted into an automated database which may be interfaced by law**  
28 **enforcement agencies upon request.**

29           [3.] **4.** Anyone convicted of violating this section shall be guilty of a class [A] **B**  
30 **misdemeanor.**

31           [4.] **5.** This section shall not apply to any of the following transactions:

32           (1) Any transaction for which the total amount paid for all regulated scrap metal  
33 purchased or sold does not exceed fifty dollars, **unless the scrap metal is a catalytic converter;**

34           (2) Any transaction for which the seller, including a farm or farmer, has an existing  
35 business relationship with the scrap metal dealer and is known to the scrap metal dealer making  
36 the purchase to be an established business or political subdivision that operates a business with  
37 a fixed location that can be reasonably expected to generate regulated scrap metal and can be  
38 reasonably identified as such a business; or

39           (3) Any transaction for which the type of metal subject to subsection 1 of this section is  
40 a minor part of a larger item, except for equipment used in the generation and transmission of  
41 electrical power or telecommunications.

          407.303. 1. Any scrap metal dealer paying out an amount that is five hundred dollars  
2 or more shall make such payment [in the form of a check or shall pay by any method in which  
3 a financial institution makes and retains a record of the transaction] **by issuing a prenumbered**  
4 **check drawn on a regular bank account in the name of the licensed scrap metal dealer and**  
5 **with such check made payable to the person documented as the seller in accordance with**  
6 **this section or by using a system for automated cash or electronic payment distribution**  
7 **which photographs or videotapes the payment recipient and identifies the payment with**  
8 **a distinct transaction in the register maintained in accordance with this chapter.**

9           **2. Any scrap metal dealer that purchases scrap metal from a seller and pays in the**  
10 **form of cash is required to photograph the seller.** This section shall not apply to any  
11 transaction for which the seller has an existing business relationship with the scrap metal dealer  
12 and is known to the scrap metal dealer making the purchase to be an established business or  
13 political subdivision that operates a business with a fixed location that can be reasonably  
14 expected to generate regulated scrap metal and can be reasonably identified as such a business.

15           **3. Any person who knowingly and willfully violates the provisions of sections**  
16 **407.300 to 407.303 shall be guilty of a class B misdemeanor and a fine of up to five hundred**  
17 **dollars for the first offense, a class A misdemeanor and a fine of up to one thousand dollars**  
18 **for the second offense, a class D felony and a fine of up to one thousand five hundred**  
19 **dollars for the third offense, and for every subsequent offense thereafter, the person shall**  
20 **be guilty of a class D felony, a fine of up to five thousand dollars, and the revocation of any**  
21 **and all business licenses that are held with the state.**

22           **4. Any person in violation of sections 407.300 to 407.303 by selling stolen scrap**  
23 **metal shall be responsible for consequential damages related to obtaining the scrap metal.**

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