

SECOND REGULAR SESSION

HOUSE BILL NO. 1392

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HIGDON (Sponsor), RIZZO, HOUGH, FITZWATER,
SCHNEIDER AND DIEHL (Co-sponsors).

5153L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 407, RSMo, by adding thereto two new sections relating to the purchase of commodity metals.

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

Section A. Chapter 407, RSMo, is amended by adding thereto two new sections, to be known as sections 407.293 and 407.294, to read as follows:

407.293. 1. As used in this section and section 407.294, "commodity metal" means a metal containing brass, copper, copper alloy, aluminum, stainless steel, or magnesium or another metal traded on the commodity markets that sell for fifty cents per pound or greater. "Commodity metal" does not include precious metals such as gold, silver, or platinum.

2. A purchaser of commodity metals shall:

(1) Sign up with the scrap theft alert system maintained by the Institute of Scrap Recycling Industries, Inc., or its successor organization, to receive alerts regarding thefts of commodity metals in the purchaser's geographic area;

(2) Download and maintain the scrap metal theft alerts generated by the scrap theft alert system;

(3) Use the alerts to identify potentially stolen commodity metals, including training the purchaser's employees to use the alerts during the purchaser's daily operations.

3. A purchaser of commodity metals shall maintain for ninety days copies of any theft alerts received and downloaded under subsection 1 of this section. A purchaser shall

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.

16 also maintain documentation that the purchaser educates employees about, and provides
17 to employees, scrap theft alerts.

2 **407.294. 1. There is hereby created the "Commodity Metals Theft Task Force",
hereafter known as "task force".**

3 **2. The task force consists of the following ten persons or their designees:**

4 **(1) The chief of the Missouri highway patrol;**

5 **(2) A sheriff appointed by a Missouri Sheriffs' Association;**

6 **(3) A municipal police chief appointed by the Missouri Association of Chiefs of
7 Police;**

8 **(4) A contractor that uses commodity metals in construction;**

9 **(5) A representative of a national trade association or other organization that
10 represents commodity metals recyclers, such as the Institute of Scrap Recycling Industries,
11 Inc., or its successor organization or another entity representing comparable interests;**

12 **(6) A scrap metal dealer located in Missouri who is a member of the Institute of
13 Scrap Recycling Industries, Inc., or its successor organization;**

14 **(7) A representative of the Missouri municipal league or its successor entity;**

15 **(8) A representative of the County Commissioners Association of Missouri;**

16 **(9) A representative of a public utility that uses commodity metals; and**

17 **(10) A representative of a railroad company that operates in Missouri.**

18 **3. The task force shall hold its first meeting no later than January 1, 2013. At the
19 first meeting, the task force shall discuss the best way to distribute and use information
20 related to theft of scrap metals, including whether and how to promote use by law
21 enforcement agencies of the scrap theft alert system maintained by the Institute of Scrap
22 Recycling Industries, Inc., or its successor organization. Thereafter, the task force shall
23 meet on a regular basis, convening at least every October, to discuss issues related to theft
24 of commodity metals, including sharing relevant information on theft of scrap metal,
25 identifying ways in which Missouri laws regulating commodity metals purchases can be
26 improved to reduce theft, and reviewing any performance problems or communication
27 issues. The task force is specifically directed to consider:**

28 **(1) Possible policies or practices to aid in tracking or apprehending stolen
29 commodity metals prior to the point of sale in order to assist law enforcement personnel
30 in theft prevention and recovery of stolen materials;**

31 **(2) Recommendations regarding when and how a commodity metals purchaser
32 should be required to apprise local law enforcement authorities if a purchased commodity
33 metal is a potential match of a commodity metal reported stolen in the scrap theft alert
34 system; and**

35 **(3) The creation and attributes of a civil penalty process for egregious and repeat**
36 **violators of the recordkeeping requirements of this section.**

37 **4. A member of the task force, as designated by the task force, shall report annually**
38 **to the judiciary committees of the house of representatives and the senate or any successor**
39 **committees regarding the task force's meetings, findings, and recommendations.**

40 **5. Members of the task force shall not be compensated for, or reimbursed for**
41 **expenses incurred in, attending meetings of the task force.**

42 **6. This section shall expire July 1, 2017.**

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