

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 157
AND
SENATE BILL NO. 102
97TH GENERAL ASSEMBLY

0549H.11C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 407.300, 407.302, 407.303, and 407.485, RSMo, and to enact in lieu thereof four new sections relating to scrap metal, with penalty provisions.

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

Section A. Sections 407.300, 407.302, 407.303, and 407.485, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 407.300, 407.302, 407.303,
3 and 407.485, to read as follows:

407.300. 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any
2 secondhand property shall keep a register containing a written or electronic record for each
3 purchase or trade in which each type of metal subject to the provisions of this section is obtained
4 for value. There shall be a separate record for each transaction involving any:
5 (1) Copper, brass, or bronze;
6 (2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener; [or]
7 (3) Material containing copper or aluminum that is knowingly used for farming purposes
8 as farming is defined in section 350.010; whatever may be the condition or length of such metal;
9 (4) **Manhole cover;**
10 (5) **Catalytic converter; or**

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.

11 **(6) Any wire owned by and marked with the initials or other identification of a**
12 **telecommunications provider, cable provider, internet service provider, electric utility,**
13 **water utility, sewer utility, or other public utility.**

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

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

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

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

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

24 **(5)** A full description of [each such purchase or trade] **the metal**, including the [quantity
25 by] weight [thereof] **and purchase price.**

26 [2.] **3.** The records required under this section shall be maintained for a minimum of
27 twenty-four months from when such material is obtained and shall be available for inspection
28 by any law enforcement officer.

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.

407.302. 1. No scrap yard shall purchase any metal that can be identified as belonging
2 to a public or private cemetery, [or to a] political subdivision [or] , **telecommunications**
3 **provider, cable provider**, electrical cooperative, **water utility**, municipal utility, or [a] utility
4 regulated under chapter 386 or 393, including bleachers, guardrails, signs, street and traffic lights
5 or signals, and manhole cover or covers, whether broken or unbroken, from anyone other than

6 the cemetery or monument owner, political subdivision, **telecommunications provider, cable**
7 **provider**, electrical cooperative, **water utility, municipal utility**, [or] utility **regulated under**
8 **chapter 386 or 393**, or manufacturer of the metal or item described in this section unless such
9 person is authorized in writing by the cemetery or monument owner, political subdivision,
10 **telecommunications provider, cable provider**, electrical cooperative, **water utility, municipal**
11 **utility**, [or] utility **regulated under chapter 386 or 393**, or manufacturer to sell the metal.

12 2. Anyone convicted of violating this section shall be guilty of a class B misdemeanor.

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 get a copy of the seller's driver's license if the metal is copper**
11 **or a catalytic converter.** This section shall not apply to any transaction for which the seller has
12 an existing business relationship with the scrap metal dealer and is known to the scrap metal
13 dealer making the purchase to be an established business or political subdivision that operates
14 a business with a fixed location that can be reasonably expected to generate regulated scrap metal
15 and can be reasonably identified as such a business.

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

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

407.485. 1. It shall be an unfair business practice in violation of section 407.020 for a
2 for-profit entity or natural person to collect [donations of] unwanted household items via a public
3 [receptacle] **recycling bin** and resell the [donated] items for profit unless the [donation
4 receptacle] **recycling bin** prominently displays a statement in bold letters at least two inches high
5 [and two inches wide] stating: ["DONATIONS ARE NOT FOR CHARITABLE
6 ORGANIZATIONS AND WILL BE RESOLD FOR PROFIT"] **"This recycling bin is owned**
7 **and operated by a for-profit company. Deposited items are not tax deductible".**

8 **For the purposes of this section, a commercial fundraiser shall be classified as a for-profit**
9 **entity.**

10 2. [It shall be an unfair business practice in violation of section 407.020 for a for-profit
11 entity or natural person to collect donations of unwanted household items via a public receptacle
12 and resell the donated items where some or all of the proceeds from the sale are directly given
13 to a not-for-profit entity unless the donation receptacle prominently displays a statement in bold
14 letters at least two inches high and two inches wide stating: "DONATIONS TO THE FOR-
15 PROFIT COMPANY: (name of the company) ARE SOLD FOR PROFIT AND (% of proceeds
16 donated to the not-for-profit) % OF ALL PROCEEDS ARE DONATED TO (name of the
17 nonprofit beneficiary organization's name)."

18 3. It shall be an unfair business practice in violation of section 407.020 for a for-profit
19 entity or natural person to collect donations of unwanted household items via a public receptacle
20 and resell the donated items, where such for-profit entity is paid a flat fee, not contingent upon
21 the proceeds generated by the sale of the collected goods, and one hundred percent of the
22 proceeds from the sale of the items are given directly to the not-for-profit, unless the donation
23 receptacle prominently displays a statement in bold letters at least two inches high and two
24 inches wide stating: "THIS DONATION RECEPTACLE IS OPERATED BY THE FOR-
25 PROFIT ENTITY: (name of the for-profit/individual) ON BEHALF of (name of the nonprofit
26 beneficiary organization's name)".] **It shall be an unfair business practice in violation of**
27 **section 407.020 for a non-profit entity to collect unwanted household items via a public**
28 **recycling bin unless the recycling bin prominently displays a statement in bold letters at**
29 **least two inches high stating: "This recycling bin is owned and operated by a non-profit**
30 **organization. Deposited items are tax deductible and will benefit (description of the**
31 **charitable cause that will benefit)."**

32 [4.] **3.** The term "bold letters" as used in subsections 1[,] and 2[, and 3] of this section
33 shall mean [a primary color] **printed text** on a [white] **contrasting** background so as to be
34 clearly visible to the public **within three feet from the recycling bin.**

35 [5. Nothing in this section shall apply to paper, glass, or aluminum products that are
36 donated for the purpose of being recycled in the manufacture of other products.

37 6. Any entity which, on or before June 1, 2009, has distributed one hundred or more
38 separate public receptacles within the state of Missouri to which the provisions of subsection 2
39 or 3 of this section would apply shall be deemed in compliance with the signage requirements
40 imposed by this section for the first six months after August 28, 2009, provided such entity has
41 made or is making good faith efforts to bring all signage in compliance with the provisions of
42 this section and all such signage is in complete compliance no later than six months after August

43 28, 2009.] **4. Nothing in this section shall apply to a recycling program operated by or**
44 **under contract with a unit of federal, state, or local government.**

45 **5. It shall be an unfair business practice in violation of section 407.020 for an entity**
46 **to collect unwanted household items via a public recycling bin unless the recycling bin**
47 **prominently displays the name, address, and telephone number, and the internet web**
48 **address of the owner and operator of the recycling bin. The owner or operator of the**
49 **recycling bin shall maintain permission from the property owner, agent of the owner of the**
50 **property, tenant or lessee of the property, or a representative of the tenant or lessee of the**
51 **property where the recycling bin is located. Such permission shall be in writing and clearly**
52 **identify the owner of the recycling bin and the property owner, agent of the owner of the**
53 **property, tenant or lessee of the property, or a representative of the tenant or lessee of the**
54 **property.**

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