

HOUSE BILL NO. 2574

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MAYHEW.

4135H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 407.300 and 570.030, RSMo, and to enact in lieu thereof two new sections relating to catalytic converters, with penalty provisions.

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

Section A. Sections 407.300 and 570.030, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 407.300 and 570.030, to read as follows:

407.300. 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any
2 secondhand property [~~who obtains items for resale or profit~~] shall keep a register containing a
3 written or electronic record for each purchase or [~~trade-in which~~] **trade-in of** each type of
4 material subject to the provisions of this section [~~is~~] obtained for value. There shall be a
5 separate record for each transaction involving any:

6 (1) Copper, brass, or bronze;
7 (2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;
8 (3) Material containing copper or aluminum that is knowingly used for farming
9 purposes as farming is defined in section 350.010; whatever may be the condition or length of
10 such metal;

11 (4) [~~Detached~~] Catalytic converter; or

12 (5) Motor vehicle, heavy equipment, or tractor battery.

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

14 (1) A copy of the driver's license, or **other** photo identification issued by the state or
15 by the United States government or agency thereof, of the person from whom the material is
16 obtained;

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.

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

20 (3) The date, time, and place of the transaction;

21 (4) The license plate number of the vehicle used by the seller during the transaction;
22 ~~and]~~

23 (5) A full description of the material, including the weight and purchase price; **and**

24 **(6) If the purchase or trade-in includes a catalytic converter:**

25 **(a) Either proof the seller is a bona fide automobile repair shop or an affidavit**
26 **that attests the catalytic converter was acquired lawfully; and**

27 **(b) The make, model, year, and vehicle identification number of the vehicle from**
28 **which the catalytic converter originated.**

29 3. **(1)** The records required under this section shall be maintained **in order of**
30 **transaction date** for a minimum of ~~[thirty-six months]~~ **four years** from when such material
31 is obtained and shall be available for inspection by any law enforcement officer.

32 **(2) The department of public safety shall create and make available on the**
33 **department website a standardized form for recording the records required under this**
34 **section.**

35 **(3) At least monthly, a purchaser or collector of, or dealer in, junk, scrap metal,**
36 **or any secondhand property shall submit to a local law enforcement agency with**
37 **jurisdiction over the purchaser's, collector's, or dealer's primary place of business the**
38 **records required under this section on the department of public safety's form, with**
39 **copies of the purchaser's, collector's, or dealer's other records, if any, attached. The**
40 **submission may be in either a paper or electronic format. A law enforcement agency**
41 **may prescribe the format of forms submitted electronically.**

42 4. No transaction that includes a ~~[detached]~~ catalytic converter shall occur at any
43 location other than the ~~[fixed]~~ **primary** place of business of the purchaser or collector of, or
44 dealer in, junk, scrap metal, or any secondhand property. No ~~[detached]~~ catalytic converter
45 shall be altered, modified, disassembled, or destroyed until it has been in the purchaser's,
46 collector's, or dealer's possession for five business days.

47 5. Anyone ~~[licensed under section 301.218 who knowingly purchases a stolen~~
48 ~~detached catalytic converter shall be subject to the following penalties:~~

49 ~~(1) For a first violation, a fine in the amount of five thousand dollars;~~

50 ~~(2) For a second violation, a fine in the amount of ten thousand dollars; and~~

51 ~~(3) For a third violation, revocation of the]~~ **convicted of violating this section shall**
52 **be guilty of a class B misdemeanor and shall be subject to having any license for a**
53 **business described under section 301.218 revoked.**

54 6. This section shall not apply to ~~[either of]~~ the following transactions:

55 (1) **Any transaction for which the total amount paid for all regulated material**
56 **purchased or sold does not exceed fifty dollars, unless the material is a catalytic**
57 **converter;**

58 (2) Any transaction for which the seller, **including a farm or farmer**, has an existing
59 business relationship with the scrap metal dealer and is known to the scrap metal dealer
60 making the purchase to be an established business or political subdivision that operates a
61 business with a fixed location that can be reasonably expected to generate regulated scrap
62 metal and can be reasonably identified as such a business, ~~[and for which the seller is paid by~~
63 ~~check or by electronic funds transfer, or the seller produces an acceptable identification,~~
64 ~~which shall be a copy of the driver's license or photo identification issued by the state or by~~
65 ~~the United States government or agency thereof, and a copy is retained by the purchaser]~~
66 **unless the material is a catalytic converter; or**

67 ~~[(2)]~~ (3) Any transaction for which the type of metal subject to subsection 1 of this
68 section is a minor part of a larger item, except for ~~[heating and cooling equipment or]~~
69 equipment used in the generation and transmission of electrical power or telecommunications,
70 **unless the material is a catalytic converter.**

570.030. 1. A person commits the offense of stealing if he or she:

2 (1) Appropriates property or services of another with the purpose to deprive him or
3 her thereof, either without his or her consent or by means of deceit or coercion;

4 (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the
5 purpose to deprive him or her thereof, either without his or her consent or by means of deceit
6 or coercion; or

7 (3) For the purpose of depriving the owner of a lawful interest therein, receives,
8 retains or disposes of property of another ~~[knowing]~~ **and knows** that it has been stolen, ~~[or~~
9 ~~believing]~~ **believes** that it has been stolen, **or reasonably should suspect that it has been**
10 **stolen.**

11 2. The offense of stealing is a class A felony if the property appropriated consists of
12 any of the following containing any amount of anhydrous ammonia: a tank truck, tank trailer,
13 rail tank car, bulk storage tank, field nurse, field tank or field applicator.

14 3. The offense of stealing is a class B felony if:

15 (1) The property appropriated or attempted to be appropriated consists of any amount
16 of anhydrous ammonia or liquid nitrogen;

17 (2) The property consists of any animal considered livestock as the term livestock is
18 defined in section 144.010, or any captive wildlife held under permit issued by the
19 conservation commission, and the value of the animal or animals appropriated exceeds three
20 thousand dollars and that person has previously been found guilty of appropriating any animal

21 considered livestock or captive wildlife held under permit issued by the conservation
22 commission. Notwithstanding any provision of law to the contrary, such person shall serve a
23 minimum prison term of not less than eighty percent of his or her sentence before he or she is
24 eligible for probation, parole, conditional release, or other early release by the department of
25 corrections;

26 (3) A person appropriates property consisting of a motor vehicle, watercraft, or
27 aircraft, and that person has previously been found guilty of two stealing-related offenses
28 committed on two separate occasions where such offenses occurred within ten years of the
29 date of occurrence of the present offense;

30 (4) The property appropriated or attempted to be appropriated consists of any animal
31 considered livestock as the term is defined in section 144.010 if the value of the livestock
32 exceeds ten thousand dollars; or

33 (5) The property appropriated or attempted to be appropriated is owned by or in the
34 custody of a financial institution and the property is taken or attempted to be taken physically
35 from an individual person to deprive the owner or custodian of the property.

36 4. The offense of stealing is a class C felony if the value of the property or services
37 appropriated is twenty-five thousand dollars or more.

38 5. The offense of stealing is a class D felony if:

39 (1) The value of the property or services appropriated is seven hundred fifty dollars or
40 more;

41 (2) The offender physically takes the property appropriated from the person of the
42 victim; or

43 (3) The property appropriated consists of:

44 (a) Any motor vehicle, watercraft or aircraft;

45 (b) Any will or unrecorded deed affecting real property;

46 (c) Any credit device, debit device or letter of credit;

47 (d) Any firearms;

48 (e) Any explosive weapon as defined in section 571.010;

49 (f) Any United States national flag designed, intended and used for display on
50 buildings or stationary flagstaffs in the open;

51 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
52 legislature of the state of Missouri;

53 (h) Any pleading, notice, judgment or any other record or entry of any court of this
54 state, any other state or of the United States;

55 (i) Any book of registration or list of voters required by chapter 115;

56 (j) Any animal considered livestock as that term is defined in section 144.010;

57 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or
58 more;

59 (l) Any captive wildlife held under permit issued by the conservation commission;

60 (m) Any controlled substance as defined by section 195.010;

61 (n) Ammonium nitrate;

62 (o) Any wire, electrical transformer, or metallic wire associated with transmitting
63 telecommunications, video, internet, or voice over internet protocol service, or any other
64 device or pipe that is associated with conducting electricity or transporting natural gas or
65 other combustible fuels; or

66 (p) Any material appropriated with the intent to use such material to manufacture,
67 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of
68 their analogues.

69 6. The offense of stealing is a class E felony if:

70 (1) The property appropriated is an animal; **or**

71 (2) ~~[The property is a catalytic converter; or~~

72 ~~(3)]~~ A person has previously been found guilty of three stealing-related offenses
73 committed on three separate occasions where such offenses occurred within ten years of the
74 date of occurrence of the present offense.

75 **7. The offense of stealing is a class A misdemeanor if the property appropriated**
76 **is a catalytic converter. However, if the person appropriates property consisting of a**
77 **catalytic converter and that person has previously been found guilty of a stealing-related**
78 **offense committed within ten years of the date of the present offense or if the person**
79 **appropriates property consisting of two or more catalytic converters regardless of**
80 **whether appropriated from multiple owners, the offense shall be a class E felony.**

81 **8.** The offense of stealing is a class D misdemeanor if the property is not of a type
82 listed in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less
83 than one hundred fifty dollars, and the person has no previous findings of guilt for a stealing-
84 related offense.

85 ~~[8:]~~ **9.** The offense of stealing is a class A misdemeanor if no other penalty is
86 specified in this section.

87 ~~[9:]~~ **10.** If a violation of this section is subject to enhanced punishment based on prior
88 findings of guilt, such findings of guilt shall be pleaded and proven in the same manner as
89 required by section 558.021.

90 ~~[10:]~~ **11.** The appropriation of any property or services of a type listed in subsection 2,
91 3, 5, or 6 of this section or of a value of seven hundred fifty dollars or more may be
92 considered a separate felony and may be charged in separate counts.

93 ~~[11.]~~ **12.** The value of property or services appropriated pursuant to one scheme or
94 course of conduct, whether from the same or several owners and whether at the same or
95 different times, constitutes a single criminal episode and may be aggregated in determining
96 the grade of the offense, except as set forth in subsection 10 of this section.

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