

FIRST REGULAR SESSION

SENATE BILL NO. 157

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Read 1st time January 16, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

0549S.02I

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 existing penalty provisions.

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Section A. Sections 407.300 and 407.303, RSMo, are repealed and two new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

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

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

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

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

16 **(2)** The current address, **gender, birth date, and a photograph** of the
17 person from whom the material is obtained[, and];

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

21 **(5) A full description of [each such purchase or trade] the metal,**
22 **including the [quantity by] weight, value, and a photograph thereof; and**

23 **(6) Written documentation provided by the seller as required in**
24 **subsection 3 of this section.**

25 **3. A seller shall provide the purchaser at the time of sale written**
26 **documentation containing the following:**

27 **(1) The name of the entity or individual from whom the seller**
28 **acquired the metal;**

29 **(2) The date the seller acquired the metal;**

30 **(3) The physical address from where the seller acquired the**
31 **metal;**

32 **(4) An affirmation or certification from the seller that he or she**
33 **is the owner of the metal or is the employer, agent, or other person**
34 **authorized to sell the metal on behalf of the owner; and**

35 **(5) An affirmation or certification from the seller that he or she**
36 **has not pleaded guilty or nolo contendere to or been found guilty of**
37 **theft, burglary, or vandalism when the offense involved metal.**

38 **[2.] 4. The records required under this section shall be maintained for a**
39 **minimum of twenty-four months from when such material is obtained and shall**
40 **be available for inspection by any law enforcement officer. Beginning**
41 **September 1, 2014, the records required by this section shall be**
42 **transmitted electronically every day into an automated database which**
43 **may be interfaced by law enforcement agencies.**

44 **[3.] 5. Anyone convicted of violating this section shall be guilty of a class**
45 **A misdemeanor.**

46 **[4.] 6. This section shall not apply to any of the following transactions:**

47 **(1) Any transaction for which the total amount paid for all regulated scrap**
48 **metal purchased or sold does not exceed fifty dollars;**

49 **(2) Any transaction for which the seller, including a farm or farmer, has**
50 **an existing business relationship with the scrap metal dealer and is known to the**
51 **scrap metal dealer making the purchase to be an established business or political**
52 **subdivision that operates a business with a fixed location that can be reasonably**
53 **expected to generate regulated scrap metal and can be reasonably identified as**
54 **such a business; or**

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

407.303. 1. Any scrap metal dealer paying out an amount that is [five]
2 **one** hundred dollars or more shall make such payment in the form of a check or
3 shall pay by any method in which a financial institution makes and retains a
4 record of the transaction.

5 2. This section shall not apply to any transaction for which the seller has
6 an existing business relationship with the scrap metal dealer and is known to the
7 scrap metal dealer making the purchase to be an established business or political
8 subdivision that operates a business with a fixed location that can be reasonably
9 expected to generate regulated scrap metal and can be reasonably identified as
10 such a business.

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Bill

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