

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

**SENATE BILL NO. 157**  
**AND**  
**SENATE BILL NO. 102**  
97TH GENERAL ASSEMBLY

2013

0549S.12T

---

---

**AN ACT**

To repeal sections 407.300, 407.302, 407.303, and 407.485, RSMo, and to enact in lieu thereof five new sections relating to the disposition of personal property, 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  
2 repealed and five new sections enacted in lieu thereof, to be known as sections  
3 407.292, 407.300, 407.302, 407.303, and 407.485, to read as follows:

**407.292. 1. As used in this section, the following words and terms**  
2 **have the following meanings, unless the context clearly indicates**  
3 **otherwise:**

4 (1) "Business combination", the same meaning as such term is  
5 defined in section 351.459;

6 (2) "Buyer of gold, silver, or platinum" or "buyer", an individual,  
7 partnership, association, corporation, or business entity, who or which  
8 purchases gold, silver, or platinum from the general public for resale  
9 or refining, or an individual who acts as agent for the individual,  
10 partnership, association, corporation, or business entity for the  
11 purchases. The term does not include financial institutions licensed  
12 under federal or state banking laws, the purchaser of gold, silver, or  
13 platinum who purchases from a seller seeking a trade-in or allowance,

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

14 and the purchaser of gold, silver, or platinum for his or her own use or  
15 ownership and not for resale or refining;

16 (3) "Gold", items containing or being of gold including, but not  
17 limited to, jewelry. The term does not include coins, ingots, or bullion  
18 or articles containing less than five percent gold by weight;

19 (4) "Platinum", items containing or being of platinum, but shall  
20 only include jewelry. The term does not include coins, ingots, bullion,  
21 or catalytic converters or articles containing less than five percent  
22 platinum by weight;

23 (5) "Silver", items containing or being of silver including, but not  
24 limited to, jewelry. The term does not include coins, ingots, bullion, or  
25 photographic film or articles containing less than five percent silver by  
26 weight;

27 (6) "Weighing device", shall only include a device that is  
28 inspected and approved by the weight and measures program within  
29 the department of agriculture.

30 2. The buyer shall completely, accurately, and legibly record and  
31 photograph every transaction on a form provided by and prepared by  
32 the buyer. The record of every transaction shall include the following:

33 (1) A copy of the driver's license or photo identification issued  
34 by the state or by the United States government or agency thereof to  
35 the person from whom the material is obtained;

36 (2) The name, current address, birth date, sex, and a photograph  
37 of the person from whom the material is obtained, if not included or  
38 are different from the identification required in subdivision (1) of this  
39 subsection;

40 (3) The seller shall be required to sign the form on which is  
41 recorded the information required by this section;

42 (4) An accurate description of the property purchased;

43 (5) The time and date of the transaction shall be recorded at the  
44 time of the transaction. Records of transactions shall be maintained by  
45 the buyer in gold, silver, or platinum for a period of one year and shall  
46 be available for inspection by any law enforcement official of the  
47 federal government, state, municipality, or county. No buyer shall  
48 accept any premelted gold, silver, or platinum, unless it is part of the  
49 design of an item of jewelry. Each item of gold, silver, or platinum  
50 purchased by a buyer in gold, silver, or platinum shall be retained in

51 an unaltered condition for five full working days. It shall be the  
52 buyer's duty to inform law enforcement if the buyer has any reason to  
53 believe an item purchased may have been obtained illegally by a seller.

54 3. Records of buyer transactions may be made available, upon  
55 request, to law enforcement officials, governmental entities, and any  
56 other concerned entities or persons.

57 4. When a purchase is made from a minor, the written authority  
58 of the parent, guardian, or person in loco parentis authorizing the sale  
59 shall be attached and maintained with the record of transaction  
60 described in subsection 2 of this section.

61 5. (1) When a weighing device is used to purchase gold, silver,  
62 or platinum, there shall be posted, on a conspicuous sign located close  
63 to the weighing device, a statement of prices for the gold, silver, or  
64 platinum being purchased as a result of the weight determination.

65 (2) The statement of prices shall include, but not be limited to,  
66 the following in terms of the price per troy ounce:

67 (a) The price for twenty-four karat, eighteen karat, fourteen  
68 karat, and ten karat gold;

69 (b) The price for pure silver and sterling silver;

70 (c) The price for platinum.

71 (3) When the weight determination is expressed in metric units,  
72 a conversion chart to troy ounces shall be prominently displayed so as  
73 to facilitate price comparison. The metric equivalent of a troy ounce  
74 is 31.10348 grams.

75 6. A weighing device used in the purchase of gold, silver, or  
76 platinum shall be positioned in such a manner that its indications may  
77 be accurately read and the weighing operation observed from a  
78 position which may be reasonably assumed by the buyer and the seller.  
79 A verbal statement of the result of the weighing shall be made by the  
80 person operating the device and recorded on the buyer's record of  
81 transaction.

82 7. The purchase of an item of gold, silver, or platinum by a buyer  
83 in gold, silver, or platinum not in accordance with this section, shall  
84 constitute a violation of this section and the buyer may be subject to a  
85 fine not to exceed one thousand dollars.

86 8. This section shall not apply to a pawnbroker, as defined in  
87 section 367.011, or a scrap metal dealer, as provided in sections 407.300

88 to 407.305.

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; or

12 (4) **Catalytic converter.**

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

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

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

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

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

29 [3.] 4. Anyone convicted of violating this section shall be guilty of a class  
30 [A] **B** 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  
33 metal purchased or sold does not exceed fifty dollars, **unless the scrap metal**  
34 **is a catalytic converter;**

35 (2) Any transaction for which the seller, including a farm or farmer, has

36 an existing business relationship with the scrap metal dealer and is known to the  
37 scrap metal dealer making the purchase to be an established business or political  
38 subdivision that operates a business with a fixed location that can be reasonably  
39 expected to generate regulated scrap metal and can be reasonably identified as  
40 such a business; or

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

407.302. 1. No scrap yard shall purchase any metal that can be identified  
2 as belonging to a public or private cemetery, [or to a] political subdivision [or],  
3 **telecommunications provider, cable provider, wireless service or other**  
4 **communications-related provider**, electrical cooperative, **water utility**,  
5 municipal utility, or [a] utility regulated under chapter 386 or 393, including  
6 bleachers, guardrails, signs, street and traffic lights or signals, and manhole  
7 cover or covers, whether broken or unbroken, from anyone other than the  
8 cemetery or monument owner, political subdivision, **telecommunications**  
9 **provider, cable provider, wireless service or other communications-**  
10 **related provider**, electrical cooperative [or], **water utility, municipal**  
11 **utility, utility regulated under chapter 386 or 393**, or manufacturer of the  
12 metal or item described in this section unless such person is authorized in writing  
13 by the cemetery or monument owner, political subdivision, [or]  
14 **telecommunications provider, cable provider, wireless service or other**  
15 **communications-related provider**, electrical cooperative, **water utility**,  
16 **municipal utility, utility regulated under chapter 386 or 393**, or  
17 manufacturer to sell the metal.

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

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

10 **transaction in the register maintained in accordance with this chapter.**

11 **2. Any scrap metal dealer that purchases scrap metal from a**  
12 **seller and pays in the form of cash is required to obtain a copy of the**  
13 **seller's driver's license or nondriver's license if the metal is copper or**  
14 **a catalytic converter.** This section shall not apply to any transaction for which  
15 the seller has an existing business relationship with the scrap metal dealer and  
16 is known to the scrap metal dealer making the purchase to be an established  
17 business or political subdivision that operates a business with a fixed location  
18 that can be reasonably expected to generate regulated scrap metal and can be  
19 reasonably identified as such a business.

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

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

407.485. 1. It shall be an unfair business practice in violation of section  
2 407.020 for a for-profit entity or natural person to collect [donations of] unwanted  
3 household items via a public receptacle and resell the [donated] deposited items  
4 for profit unless the [donation] **deposited item** receptacle prominently displays  
5 a statement in bold letters at least two inches high and two inches wide stating:  
6 "[DONATIONS] **DEPOSITED ITEMS ARE NOT FOR CHARITABLE**  
7 **ORGANIZATIONS AND WILL BE RESOLD FOR PROFIT. DEPOSITED**  
8 **ITEMS ARE NOT TAX DEDUCTIBLE**".

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

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

28           4. **It shall be an unfair business practice in violation of section**  
29 **407.020 for a not-for-profit entity to collect donations of unwanted**  
30 **household items via a public receptacle and resell the donated items**  
31 **unless the donation receptacle prominently displays a statement in bold**  
32 **letters at least two inches high and two inches wide stating: "THIS**  
33 **RECEPTACLE IS OWNED AND OPERATED BY THE NOT-FOR-PROFIT**  
34 **ENTITY: (name of the not-for-profit/charity) AND (% of proceeds**  
35 **donated to the not-for-profit) % OF THE PROCEEDS FROM THE SALE**  
36 **OF ANY DONATIONS SHALL BE USED FOR THE CHARITABLE**  
37 **MISSION OF (charity name/charitable cause)".**

38           [4.] 5. The term "bold letters" as used in subsections 1, 2, and 3 of this  
39 section shall mean a primary color on a white background so as to be clearly  
40 visible to the public.

41           [5.] 6. Nothing in this section shall apply to paper, glass, or aluminum  
42 products that are donated for the purpose of being recycled in the manufacture  
43 of other products.

44           [6.] 7. Any entity which, on or before June 1, 2009, has distributed one  
45 hundred or more separate public receptacles within the state of Missouri to which  
46 the provisions of subsection 2 or 3 of this section would apply shall be deemed in  
47 compliance with the signage requirements imposed by this section for the first six  
48 months after August 28, 2009, provided such entity has made or is making good  
49 faith efforts to bring all signage in compliance with the provisions of this section  
50 and all such signage is in complete compliance no later than six months after  
51 August 28, 2009.

52           8. **All receptacles described in this section shall conspicuously**  
53 **display the name, address, and telephone number of the owner and**

54 operator of the receptacle. The owner or operator of the receptacle  
55 shall maintain permission to place the receptacle on the property from  
56 the property owner or his or her agent where the receptacle is  
57 located. Such permission shall be in writing and clearly identify the  
58 owner of the receptacle and property owner or his or her agent in  
59 addition to the nature of the collections and where proceeds will be  
60 accrued. Failure to secure such permission shall constitute an unfair  
61 business practice in addition to any other statutory conditions. Unless  
62 otherwise agreed upon in writing, the property owner or his or her  
63 agent may remove the receptacle. Any charges incurred in such  
64 removal shall be the responsibility of the owner of the  
65 receptacle. Unless the receptacle owner pays such charges within  
66 thirty calendar days of the sending of a written certified letter from the  
67 property owner stating his or her intent to remove the receptacle, the  
68 receptacle owner shall relinquish any right to the receptacle. If the  
69 receptacle does not conspicuously display the name, address, and  
70 telephone number of the owner and operator of the receptacle, the  
71 receptacle shall be considered abandoned property and may be  
72 destroyed or permanently possessed by the property owner or their  
73 agent.

74 9. Any owner and operator of a receptacle that does not display  
75 the address of the owner and operator, but does display the website of  
76 the owner and operator, shall make the address easily accessible on  
77 such website for the property owner to send the letter specified in  
78 subsection 8 of this section. The provisions of this subsection shall  
79 expire on September 1, 2014.