

SECOND REGULAR SESSION

# SENATE BILL NO. 946

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WIELAND.

Read 1st time January 28, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3656S.011

## AN ACT

To repeal section 407.292, RSMo, and to enact in lieu thereof one new section relating to buyers of precious metals, with penalty provisions.

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

Section A. Section 407.292, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.292, to read as follows:

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

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

(2) "Buyer of gold, silver, or platinum" or "buyer", an individual, partnership, association, corporation, or business entity, who or which purchases gold, silver, or platinum from the general public for resale or refining, or an individual who acts as agent for the individual, partnership, association, corporation, or business entity for the purchases. The term does not include financial institutions licensed under federal or state banking laws, the purchaser of gold, silver, or platinum who purchases from a seller seeking a trade-in or allowance, and the purchaser of gold, silver, or platinum for his or her own use or ownership and not for resale or refining;

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

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

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

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

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

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

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

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

35 (3) **The fingerprints of the person from whom the material is**  
36 **obtained;**

37 (4) The seller shall be required to sign the form on which is recorded the  
38 information required by this section;

39 [(4)] (5) An accurate description **and photograph** of the property  
40 purchased;

41 [(5)] (6) The time and date of the transaction shall be recorded at the  
42 time of the transaction.

43 Records of transactions shall be maintained by the buyer in gold, silver, or  
44 platinum for a period of [one year] **ten years** and shall be available for  
45 inspection by any law enforcement official of the federal government, state,  
46 municipality, or county. No buyer shall accept any premelted gold, silver, or  
47 platinum, unless it is part of the design of an item of jewelry. Each item of gold,  
48 silver, or platinum purchased by a buyer in gold, silver, or platinum shall be  
49 retained in an unaltered condition for [five] **ninety** full [working] days **that the**  
50 **buyer is open to the public.** It shall be the buyer's duty to inform law  
51 enforcement if the buyer has any reason to believe an item purchased may have  
52 been obtained illegally by a seller.

53 3. Records of buyer transactions [may] **shall** be made available, upon  
54 request, to law enforcement officials, governmental entities, and any other  
55 concerned entities or persons **at the location where the transaction**

56 **occurred. All buyers shall also transmit, on a monthly basis, all records**  
57 **to all law enforcement entities that operate within the county in which**  
58 **the buyer is located and the Missouri state highway patrol.**

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

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

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

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

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

72 (c) The price for platinum.

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

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

82 7. **No seller of gold, silver, or platinum shall be eligible to sell**  
83 **such gold, silver, or platinum to a buyer if such seller has ever been**  
84 **previously convicted of the offense of burglary under chapter 569, or**  
85 **the offenses of robbery or stealing under chapter 570.**

86 8. The purchase of an item of gold, silver, or platinum by a buyer in gold,  
87 silver, or platinum not in accordance with this section shall constitute a violation  
88 of this section and the buyer may be subject to a fine not [to exceed] **less than**  
89 **one thousand dollars. If a buyer violates the provisions of this section**  
90 **more than twice, such buyer shall no longer be eligible to operate as a**  
91 **buyer.**

92 [8.] 9. This section shall not apply to a [pawnbroker, as defined in section  
93 367.011, or a] scrap metal dealer, as provided in sections 407.300 to 407.305.

94 10. The department of public safety shall create a database that  
95 a buyer of gold, silver, or platinum, including a pawnbroker, as defined  
96 in section 367.011, shall upload information to within twenty-four hours  
97 of purchasing gold, silver, or platinum. The information uploaded shall  
98 include a photo of the item purchased and information about the seller  
99 set forth in subdivisions (1) to (6) of subsection 2 of this  
100 section. Members of the public shall be able to access the database to  
101 view pictures of items purchased by a buyer. The personally  
102 identifiable information of the seller and the buyer shall be redacted  
103 from the publicly accessible portion of the database and shall only be  
104 viewable by law enforcement agencies and the buyer.

105 11. A fee shall be applied to each transaction for the purchase of  
106 gold, silver, or platinum, which a buyer shall remit to the department  
107 of public safety to fund the creation and administration of the database  
108 created pursuant to subsection 10 of this section. The department shall  
109 set the fee at a level not to exceed the costs of creating and  
110 administering the database.

111 12. The department of public safety shall promulgate rules for  
112 the creation and administration of the database pursuant to subsection  
113 10 of this section and to determine the fee set forth in subsection 11 of  
114 this section. Any rule or portion of a rule, as that term is defined in  
115 section 536.010 that is created under the authority delegated in this  
116 section shall become effective only if it complies with and is subject to  
117 all of the provisions of chapter 536 and, if applicable, section  
118 536.028. This section and chapter 536 are nonseverable and if any of  
119 the powers vested with the general assembly pursuant to chapter 536  
120 to review, to delay the effective date, or to disapprove and annul a rule  
121 are subsequently held unconstitutional, then the grant of rulemaking  
122 authority and any rule proposed or adopted after August 28, 2020, shall  
123 be invalid and void.

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