

FIRST REGULAR SESSION

SENATE BILL NO. 466

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time February 28, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1661S.011

AN ACT

To repeal section 407.485, RSMo, and to enact in lieu thereof one new section relating to donated goods receptacles.

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

Section A. Section 407.485, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 407.485, to read as follows:

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 items for profit
4 unless the donation receptacle prominently displays a statement in bold letters
5 at least two inches high and two inches wide stating: "DONATIONS ARE NOT
6 FOR CHARITABLE ORGANIZATIONS AND WILL BE RESOLD FOR PROFIT".

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

16 3. It shall be an unfair business practice in violation of section 407.020
17 for a for-profit entity or natural person to collect donations of unwanted
18 household items via a public receptacle and resell the donated items, where such
19 for-profit entity is paid a flat fee, not contingent upon the proceeds generated by
20 the sale of the collected goods, and one hundred percent of the proceeds from the

21 sale of the items are given directly to the not-for-profit, unless the donation
22 receptacle prominently displays a statement in bold letters at least two inches
23 high and two inches wide stating: "THIS DONATION RECEPTACLE IS
24 OPERATED BY THE FOR-PROFIT ENTITY: (name of the for-profit/individual)
25 ON BEHALF of (name of the nonprofit beneficiary organization's name)".

26 4. The term "bold letters" as used in subsections 1, 2, and 3 of this section
27 shall mean a primary color on a white background so as to be clearly visible to
28 the public.

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

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

40 **7. All donation receptacles described in this section shall**
41 **conspicuously display the name, address, and telephone number of the**
42 **owner and operator of the receptacle. For any receptacles covered in**
43 **this section, the owner or operator of the receptacle shall maintain**
44 **permission from the property owner or agent of the owner of the**
45 **property where the receptacle is located. Such permission shall be in**
46 **writing and clearly identify the owner of the receptacle and property**
47 **owner or his or her agent in addition to the nature of the collections**
48 **and where proceeds will be accrued. Failure to secure such permission**
49 **shall constitute an unfair business practice in addition to any other**
50 **statutory conditions. Without permission the property owner or his or**
51 **her agent may remove the receptacle and any charges incurred in such**
52 **removal shall be the responsibility of the owner of the**
53 **receptacle. Unless the receptacle owner pays such charges within**
54 **thirty calendar days said owner shall relinquish any right to the**
55 **receptacle.**

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