

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1034 & 802
94TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, February 28, 2008, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

4360S.08C

AN ACT

To repeal section 407.300, RSMo, and to enact in lieu thereof five new sections relating to scrap metal, with penalty provisions.

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

Section A. Section 407.300, RSMo, is repealed and five new sections enacted in lieu thereof, to be known as sections 407.300, 407.301, 407.302, 407.303, and 570.055, to read as follows:

407.300. 1. Every **purchaser or** collector of, or dealer in, junk, **scrap metal**, or any secondhand property shall keep a register [which shall contain the name and address of the person from whom] **containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any copper or aluminum wire [or], cable [is purchased], pipe, tubing, bar, ingot, rod, fitting, fastener, or material used for farming purposes as "farming" is defined in section 350.010, RSMo, whatever may be the condition or length of such [copper wire or cable] metal. The record shall contain the following data: A copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the material is obtained, which shall contain a current address of the person from whom the material is obtained; [the residence or place of business and driver's license number of such person;] and the date, time, and place of and a full description of each such purchase or trade including the quantity 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.

18 thereof[; and shall permit any peace officer to inspect the register at any
19 reasonable time].

20 **2. The records required under this section shall be maintained**
21 **for a minimum of twenty-four months from when such material is**
22 **obtained and shall be available for inspection by any law enforcement**
23 **officer.**

24 **3. Anyone convicted of violating this section shall be [fined not less than**
25 **twenty-five dollars nor more than five hundred dollars, or imprisoned for not less**
26 **than thirty days nor more than six months, or both] guilty of a class A**
27 **misdemeanor.**

28 **4. This section shall not apply to any of the following**
29 **transactions:**

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

32 **(2) Any transaction for which the seller has an existing business**
33 **relationship with the scrap metal dealer and is known to the scrap**
34 **metal dealer making the purchase to be an established business or**
35 **political subdivision that operates a business with a fixed location that**
36 **can be reasonably expected to generate regulated scrap metal and can**
37 **be reasonably identified as such a business; or**

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

407.301. 1. No scrap metal dealer shall knowingly purchase or
2 **possess a metal beer keg, whether damaged or undamaged, or any**
3 **reasonably recognizable part thereof, on any premises that the dealer**
4 **uses to buy, sell, store, shred, melt, cut, or otherwise alter scrap metal**
5 **except when the purchase is from the brewer or its authorized**
6 **representative. For purposes of this section, "keg" shall have the same**
7 **meaning as in section 311.082, RSMo.**

8 **2. Anyone who is found guilty of, or pleads guilty to, violating**
9 **this section shall be guilty of a class A misdemeanor punishable only by**
10 **fine. Nothing in this section shall be construed to preclude a person**
11 **violating this section from also being prosecuted for any applicable**
12 **criminal offense.**

407.302. 1. No scrap yard shall purchase any manhole cover or

2 covers, whether broken or unbroken, from anyone other than a person
3 authorized in writing by the utility or other entity from which the
4 manhole cover or covers originated to sell cast iron manhole covers.

5 2. Anyone who is found guilty of, or pleads guilty to, of violating
6 this section shall be fined not less than twenty-five dollars nor more
7 than five hundred dollars, or imprisoned for not less than thirty days
8 nor more than six months, or both.

407.303. 1. Any scrap metal dealer paying out an amount that is
2 fifty dollars or more shall make such payment in the form of a check.

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

570.055. Any person who steals or appropriates, without consent
2 of the owner, any wire or plumbing material containing any amount of
3 ferrous or non-ferrous metal shall be guilty of a class D felony.

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