

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
**HOUSE BILL NO. 69**

101ST GENERAL ASSEMBLY

0079S.09C

ADRIANE D. CROUSE, Secretary

**AN ACT**

To repeal sections 407.292, 407.300, and 570.030, RSMo, and to enact in lieu thereof four new sections relating to certain metals, with penalty provisions.

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

Section A. Sections 407.292, 407.300, and 570.030, RSMo,  
2 are repealed and four new sections enacted in lieu thereof, to  
3 be known as sections 407.292, 407.297, 407.300, and 570.030, to  
4 read as follows:

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

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

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

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

16 purchaser of gold, silver, or platinum for his or her own  
17 use or ownership and not for resale or refining;

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

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

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

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

33 2. The buyer shall completely, accurately, and legibly  
34 record and photograph every transaction on a form provided  
35 by and prepared by the buyer. The record of every  
36 transaction shall include the following:

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

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

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

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

48           (5) The time and date of the transaction shall be  
49 recorded at the time of the transaction.

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

63           3. Records of buyer transactions [may] **shall** be made  
64 available, upon request, to law enforcement officials,  
65 governmental entities, and any other concerned entities or  
66 persons **at the location where the transaction occurred. The**  
67 **buyer shall not keep law enforcement officials, governmental**  
68 **entities, or any other concerned entities or persons from**  
69 **accessing such records during the buyer's normal business**  
70 **hours.**

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

76           5. (1) When a weighing device is used to purchase  
77 gold, silver, or platinum, there shall be posted, on a  
78 conspicuous sign located close to the weighing device, a

79 statement of prices for the gold, silver, or platinum being  
80 purchased as a result of the weight determination.

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

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

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

87 (c) The price for platinum.

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

92 6. A weighing device used in the purchase of gold,  
93 silver, or platinum shall be positioned in such a manner  
94 that its indications may be accurately read and the weighing  
95 operation observed from a position which may be reasonably  
96 assumed by the buyer and the seller. A verbal statement of  
97 the result of the weighing shall be made by the person  
98 operating the device and recorded on the buyer's record of  
99 transaction.

100 7. The purchase of an item of gold, silver, or  
101 platinum by a buyer in gold, silver, or platinum not in  
102 accordance with this section shall constitute a violation of  
103 this section and the buyer may be subject to a fine not to  
104 exceed one thousand dollars.

105 8. This section shall not apply to a pawnbroker, as  
106 defined in section 367.011, or a scrap metal dealer, as  
107 provided in sections 407.300 to 407.305.

**407.297. 1. Notwithstanding any other provision of  
2 law to the contrary, no person shall engage in the business  
3 of a copper property peddler in a city not within a county**

4 without first obtaining a license from the city and  
5 complying with the provisions of this section.

6 2. For the purposes of this section, the following  
7 terms shall mean:

8 (1) "Copper property", any insulated copper wire,  
9 copper tubing, copper guttering and downspouts, or any item  
10 composed completely of copper;

11 (2) "Copper property peddler", any person who sells or  
12 attempts to sell copper property and who is not either a  
13 licensed or certified tradesperson or does not hold a  
14 business license issued by the city.

15 3. The city shall determine the license fee. The  
16 license shall expire June thirtieth of each year. Each  
17 license shall bear a separate number, the name and address  
18 of the licensee, and telephone number of the licensee. The  
19 license shall be available only to the person in whose name  
20 it is issued and shall not be used by any person other than  
21 the original licensee. Any licensee who shall permit his or  
22 her license to be used by any other person, and any other  
23 person who shall use a license granted to another person,  
24 shall each be deemed guilty of a violation of this section.

25 4. Application for a license under this section shall  
26 be made in writing to the city and shall state the name,  
27 age, description, and address of the applicant. The  
28 application shall include a sworn statement setting forth  
29 each and every conviction of the applicant for violations of  
30 federal, state, or municipal laws, statutes, or ordinances.  
31 In addition, the applicant shall, at his or her expense,  
32 obtain a complete copy of the applicant's criminal record as  
33 indicated by the records of a law enforcement agency and  
34 submit such record as part of the application. No license  
35 shall be granted to any person who has been convicted of

36 burglary, robbery, stealing, theft, or possession or  
37 receiving stolen goods in the last twenty-four months prior  
38 to the date of the application.

39 5. The city shall have the power and authority to  
40 revoke any license under this section for any willful  
41 violation of this section by a copper property peddler,  
42 provided the licensee has been notified in writing at his or  
43 her place of business of the violations complained of and  
44 shall have been afforded a reasonable opportunity to have a  
45 hearing.

46 6. The provisions of this section shall only be  
47 effective when the city is actively issuing licenses to  
48 copper property peddlers.

407.300. 1. Every purchaser or collector of, or  
2 dealer in, junk, scrap metal, or any secondhand property **who**  
3 **obtains items for resale or profit** shall keep a register  
4 containing a written or electronic record for each purchase  
5 or trade in which each type of material subject to the  
6 provisions of this section is obtained for value. There  
7 shall be a separate record for each transaction involving  
8 any:

- 9 (1) Copper, brass, or bronze;
- 10 (2) Aluminum wire, cable, pipe, tubing, bar, ingot,  
11 rod, fitting, or fastener;
- 12 (3) Material containing copper or aluminum that is  
13 knowingly used for farming purposes as farming is defined in  
14 section 350.010; whatever may be the condition or length of  
15 such metal;
- 16 (4) **Detached** catalytic converter; or
- 17 (5) Motor vehicle, heavy equipment, or tractor battery.

18 2. The record required by this section shall contain  
19 the following data:

20 (1) A copy of the driver's license or photo  
21 identification issued by the state or by the United States  
22 government or agency thereof **[to] of** the person from whom  
23 the material is obtained;

24 (2) The current address, gender, birth date, and a  
25 **color** photograph of the person from whom the material is  
26 obtained if not included or are different from the  
27 identification required in subdivision (1) of this  
28 subsection;

29 (3) The date, time, and place of the transaction;

30 (4) The license plate number of the vehicle used by  
31 the seller during the transaction; **and**

32 (5) A full description of the material, including the  
33 weight and purchase price.

34 3. The records required under this section shall be  
35 maintained for a minimum of **[twenty-four] thirty-six** months  
36 from when such material is obtained and shall be available  
37 for inspection by any law enforcement officer.

38 4. **[Anyone convicted of violating this section shall**  
39 **be guilty of a class B misdemeanor.] No transaction that**  
40 **includes a detached catalytic converter shall occur at any**  
41 **location other than the fixed place of business of the**  
42 **purchaser or collector of, or dealer in, junk, scrap metal,**  
43 **or any secondhand property. No detached catalytic converter**  
44 **shall be altered, modified, disassembled, or destroyed until**  
45 **it has been in the purchaser's, collector's, or dealer's**  
46 **possession for five business days.**

47 5. **Anyone licensed under section 301.218 who knowingly**  
48 **purchases a stolen detached catalytic converter shall be**  
49 **subject to the following penalties:**

50 (1) **For a first violation, a fine in the amount of**  
51 **five thousand dollars;**

52           (2) For a second violation, a fine in the amount of  
53 ten thousand dollars; and

54           (3) For a third violation, revocation of the license  
55 for a business described under section 301.218.

56           6. This section shall not apply to [any] **either** of the  
57 following transactions:

58           (1) [Any transaction for which the total amount paid  
59 for all regulated material purchased or sold does not exceed  
60 fifty dollars, unless the material is a catalytic converter;

61           (2)] Any transaction for which the seller[, including  
62 a farm or farmer,] has an existing business relationship  
63 with the scrap metal dealer and is known to the scrap metal  
64 dealer making the purchase to be an established business or  
65 political subdivision that operates a business with a fixed  
66 location that can be reasonably expected to generate  
67 regulated scrap metal and can be reasonably identified as  
68 such a business, **and for which the seller is paid by check  
69 or by electronic funds transfer, or the seller produces an  
70 acceptable identification, which shall be a copy of the  
71 driver's license or photo identification issued by the state  
72 or by the United States government or agency thereof, and a  
73 copy is retained by the purchaser; or**

74           [(3)] (2) Any transaction for which the type of metal  
75 subject to subsection 1 of this section is a minor part of a  
76 larger item, except for **heating and cooling equipment or  
77 equipment used in the generation and transmission of  
78 electrical power or telecommunications.**

          570.030. 1. A person commits the offense of stealing  
2 if he or she:

3           (1) Appropriates property or services of another with  
4 the purpose to deprive him or her thereof, either without  
5 his or her consent or by means of deceit or coercion;



6           (2) Attempts to appropriate anhydrous ammonia or  
7 liquid nitrogen of another with the purpose to deprive him  
8 or her thereof, either without his or her consent or by  
9 means of deceit or coercion; or

10           (3) For the purpose of depriving the owner of a lawful  
11 interest therein, receives, retains or disposes of property  
12 of another knowing that it has been stolen, or believing  
13 that it has been stolen.

14           2. The offense of stealing is a class A felony if the  
15 property appropriated consists of any of the following  
16 containing any amount of anhydrous ammonia: a tank truck,  
17 tank trailer, rail tank car, bulk storage tank, field nurse,  
18 field tank or field applicator.

19           3. The offense of stealing is a class B felony if:

20           (1) The property appropriated or attempted to be  
21 appropriated consists of any amount of anhydrous ammonia or  
22 liquid nitrogen;

23           (2) The property consists of any animal considered  
24 livestock as the term livestock is defined in section  
25 144.010, or any captive wildlife held under permit issued by  
26 the conservation commission, and the value of the animal or  
27 animals appropriated exceeds three thousand dollars and that  
28 person has previously been found guilty of appropriating any  
29 animal considered livestock or captive wildlife held under  
30 permit issued by the conservation commission.

31 Notwithstanding any provision of law to the contrary, such  
32 person shall serve a minimum prison term of not less than  
33 eighty percent of his or her sentence before he or she is  
34 eligible for probation, parole, conditional release, or  
35 other early release by the department of corrections;

36           (3) A person appropriates property consisting of a  
37 motor vehicle, watercraft, or aircraft, and that person has

38 previously been found guilty of two stealing-related  
39 offenses committed on two separate occasions where such  
40 offenses occurred within ten years of the date of occurrence  
41 of the present offense;

42 (4) The property appropriated or attempted to be  
43 appropriated consists of any animal considered livestock as  
44 the term is defined in section 144.010 if the value of the  
45 livestock exceeds ten thousand dollars; or

46 (5) The property appropriated or attempted to be  
47 appropriated is owned by or in the custody of a financial  
48 institution and the property is taken or attempted to be  
49 taken physically from an individual person to deprive the  
50 owner or custodian of the property.

51 4. The offense of stealing is a class C felony if the  
52 value of the property or services appropriated is twenty-  
53 five thousand dollars or more.

54 5. The offense of stealing is a class D felony if:

55 (1) The value of the property or services appropriated  
56 is seven hundred fifty dollars or more;

57 (2) The offender physically takes the property  
58 appropriated from the person of the victim; or

59 (3) The property appropriated consists of:

60 (a) Any motor vehicle, watercraft or aircraft;

61 (b) Any will or unrecorded deed affecting real  
62 property;

63 (c) Any credit device, debit device or letter of  
64 credit;

65 (d) Any firearms;

66 (e) Any explosive weapon as defined in section 571.010;

67 (f) Any United States national flag designed, intended  
68 and used for display on buildings or stationary flagstaffs  
69 in the open;

70 (g) Any original copy of an act, bill or resolution,  
71 introduced or acted upon by the legislature of the state of  
72 Missouri;

73 (h) Any pleading, notice, judgment or any other record  
74 or entry of any court of this state, any other state or of  
75 the United States;

76 (i) Any book of registration or list of voters  
77 required by chapter 115;

78 (j) Any animal considered livestock as that term is  
79 defined in section 144.010;

80 (k) Any live fish raised for commercial sale with a  
81 value of seventy-five dollars or more;

82 (l) Any captive wildlife held under permit issued by  
83 the conservation commission;

84 (m) Any controlled substance as defined by section  
85 195.010;

86 (n) Ammonium nitrate;

87 (o) Any wire, electrical transformer, or metallic wire  
88 associated with transmitting telecommunications, video,  
89 internet, or voice over internet protocol service, or any  
90 other device or pipe that is associated with conducting  
91 electricity or transporting natural gas or other combustible  
92 fuels; or

93 (p) Any material appropriated with the intent to use  
94 such material to manufacture, compound, produce, prepare,  
95 test or analyze amphetamine or methamphetamine or any of  
96 their analogues.

97 6. The offense of stealing is a class E felony if:

98 (1) The property appropriated is an animal; [or]

99 (2) **The property is a catalytic converter; or**

100 (3) A person has previously been found guilty of three  
101 stealing-related offenses committed on three separate

102 occasions where such offenses occurred within ten years of  
103 the date of occurrence of the present offense.

104         7. The offense of stealing is a class D misdemeanor if  
105 the property is not of a type listed in subsection 2, 3, 5,  
106 or 6 of this section, the property appropriated has a value  
107 of less than one hundred fifty dollars, and the person has  
108 no previous findings of guilt for a stealing-related offense.

109         8. The offense of stealing is a class A misdemeanor if  
110 no other penalty is specified in this section.

111         9. If a violation of this section is subject to  
112 enhanced punishment based on prior findings of guilt, such  
113 findings of guilt shall be pleaded and proven in the same  
114 manner as required by section 558.021.

115         10. The appropriation of any property or services of a  
116 type listed in subsection 2, 3, 5, or 6 of this section or  
117 of a value of seven hundred fifty dollars or more may be  
118 considered a separate felony and may be charged in separate  
119 counts.

120         11. The value of property or services appropriated  
121 pursuant to one scheme or course of conduct, whether from  
122 the same or several owners and whether at the same or  
123 different times, constitutes a single criminal episode and  
124 may be aggregated in determining the grade of the offense,  
125 except as set forth in subsection 10 of this section.

✓