

SENATE BILL NO. 1439

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

5842S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 301.218, 407.300, and 570.030, RSMo, and to enact in lieu thereof four new sections relating to detached catalytic converters, with penalty provisions.

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

Section A. Sections 301.218, 407.300, and 570.030, RSMo,
2 are repealed and four new sections enacted in lieu thereof, to
3 be known as sections 301.218, 407.300, 570.030, and 570.031, to
4 read as follows:

301.218. 1. No person shall, except as an incident to
2 the sale, repair, rebuilding or servicing of vehicles by a
3 licensed franchised motor vehicle dealer, carry on or
4 conduct the following business unless licensed to do so by
5 the department of revenue under sections 301.217 to 301.229:

6 (1) Selling used parts of or used accessories for
7 vehicles as a used parts dealer, as defined in section
8 301.010;

9 (2) Salvaging, wrecking, or dismantling vehicles for
10 resale of the parts thereof as a salvage dealer **[or] and**
11 dismantler, as defined in section 301.010, **or otherwise**
12 **engaging in the buying or selling of catalytic converters or**
13 **the component parts of catalytic converters;**

14 (3) Rebuilding and repairing four or more wrecked or
15 dismantled vehicles in a calendar year as a rebuilder or
16 body shop, as defined in section 301.010;

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

17 (4) Processing scrapped vehicles or vehicle parts as a
18 scrap processor, as defined in section 301.010.

19 2. Sales at a salvage pool or a salvage disposal sale
20 shall be open only to and made to persons actually engaged
21 in and holding a current license under sections 301.217 to
22 301.221 and 301.550 to 301.573 or any person from another
23 state or jurisdiction who is legally allowed in his or her
24 state of domicile to purchase for resale, rebuild,
25 dismantle, crush, or scrap either motor vehicles or salvage
26 vehicles, and to persons who reside in a foreign country
27 that are purchasing salvage vehicles for export outside of
28 the United States. Operators of salvage pools or salvage
29 disposal sales shall keep a record, for three years, of
30 sales of salvage vehicles with the purchasers' name and
31 address, and the year, make, and vehicle identification
32 number for each vehicle. These records shall be open for
33 inspection as provided in section 301.225. Such records
34 shall be submitted to the department on a quarterly basis.

35 3. The operator of a salvage pool or salvage disposal
36 sale, or subsequent purchaser, who sells a nonrepairable
37 motor vehicle or a salvage motor vehicle to a person who is
38 not a resident of the United States at a salvage pool or a
39 salvage disposal sale shall:

40 (1) Stamp on the face of the title so as not to
41 obscure any name, date, or mileage statement on the title
42 the words "FOR EXPORT ONLY" in capital letters that are
43 black; and

44 (2) Stamp in each unused reassignment space on the
45 back of the title the words "FOR EXPORT ONLY" and print the
46 number of the dealer's salvage vehicle license, name of the
47 salvage pool, or the name of the governmental entity, as
48 applicable.

49 The words "FOR EXPORT ONLY" required under subdivisions (1)
50 and (2) of this subsection shall be at least two inches wide
51 and clearly legible. Copies of the stamped titles shall be
52 forwarded to the department.

53 4. The director of revenue shall issue a separate
54 license for each kind of business described in subsection 1
55 of this section, to be entitled and designated as either
56 "used parts dealer"; "salvage dealer or dismantler";
57 "rebuilder or body shop"; or "scrap processor" license.

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] **trade-in** each type of material subject
6 to the provisions of this section is obtained for value.
7 There shall be a separate record for each transaction
8 involving 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 **other** photo
21 identification issued by the state or by the United States
22 government or agency thereof of the person from whom the
23 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; **and**

34 **(6) If the purchase or trade-in includes a detached**
35 **catalytic converter:**

36 **(a) Either proof the seller is a bona fide automobile**
37 **repair shop or an affidavit that attests the detached**
38 **catalytic converter was acquired lawfully; and**

39 **(b) The make, model, year, and vehicle identification**
40 **number of the vehicle from which the detached catalytic**
41 **converter originated.**

42 3. **(1)** The records required under this section shall
43 be maintained **in order of transaction date** for a minimum of
44 **[thirty-six months] four years** from when such material is
45 obtained and shall be available for inspection by any law
46 enforcement officer.

47 **(2) The department of revenue shall create and make**
48 **available on the department website a standardized form for**
49 **recording the records required under this section.**

50 **(3) At least monthly, a purchaser or collector of, or**
51 **dealer in, junk, scrap metal, or any secondhand property**
52 **shall submit to the department of revenue the records**
53 **required under this section on the department's form, with**
54 **copies of the purchaser's, collector's, or dealer's other**
55 **records, if any, attached. The submission may be in either**

56 **a paper or electronic format. The department of revenue may**
57 **prescribe the format of forms submitted electronically.**

58 4. No transaction that includes a detached catalytic
59 converter shall occur at any location other than the fixed
60 place of business of the purchaser or collector of, or
61 dealer in, junk, scrap metal, or any secondhand property.
62 No detached catalytic converter shall be altered, modified,
63 disassembled, or destroyed until it has been in the
64 purchaser's, collector's, or dealer's possession for five
65 business days.

66 5. Anyone [licensed under section 301.218 who
67 knowingly purchases a stolen detached catalytic converter
68 shall be subject to the following penalties:

69 (1) For a first violation, a fine in the amount of
70 five thousand dollars;

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

73 (3) For a third violation, revocation of the]
74 **convicted of violating this section shall be guilty of a**
75 **class E felony and shall be subject to having any** license
76 for a business described under section 301.218 **revoked.**

77 6. This section shall not apply to [either of] the
78 following transactions:

79 (1) Any transaction for which the seller has an
80 existing business relationship with the scrap metal dealer
81 and is known to the scrap metal dealer making the purchase
82 to be an established business or political subdivision that
83 operates a business with a fixed location that can be
84 reasonably expected to generate regulated scrap metal and
85 can be reasonably identified as such a business, and for
86 which the seller is paid by check or by electronic funds
87 transfer, or the seller produces an acceptable

88 identification, which shall be a copy of the driver's
89 license or photo identification issued by the state or by
90 the United States government or agency thereof, and a copy
91 is retained by the purchaser; or

92 (2) Any transaction for which the type of metal
93 subject to subsection 1 of this section is a minor part of a
94 larger item, except **[for] that minor parts of** heating and
95 cooling equipment or **of** equipment used in the generation and
96 transmission of electrical power or telecommunications,
97 **including any catalytic converter of such equipment, shall**
98 **remain subject to this section.**

99 7. As used in this section, "catalytic converter"
100 means any device designed to be used as an emissions control
101 device when connected to an internal combustion engine,
102 including the constituent parts of such a device, whether
103 assembled into a complete unit or disassembled into separate
104 constituent parts or components.

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; **or**

14 (4) **For the purpose of depriving the owner of a lawful**
15 **interest therein, receives, retains, or disposes of a**

16 **catalytic converter, as defined in subsection 7 of section**
17 **407.300, and knows that it has been stolen, believes that it**
18 **has been stolen, or reasonably should suspect that it has**
19 **been stolen.**

20 2. The offense of stealing is a class A felony if the
21 property appropriated consists of any of the following
22 containing any amount of anhydrous ammonia: a tank truck,
23 tank trailer, rail tank car, bulk storage tank, field nurse,
24 field tank or field applicator.

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

26 (1) The property appropriated or attempted to be
27 appropriated consists of any amount of anhydrous ammonia or
28 liquid nitrogen;

29 (2) The property consists of any animal considered
30 livestock as the term livestock is defined in section
31 144.010, or any captive wildlife held under permit issued by
32 the conservation commission, and the value of the animal or
33 animals appropriated exceeds three thousand dollars and that
34 person has previously been found guilty of appropriating any
35 animal considered livestock or captive wildlife held under
36 permit issued by the conservation commission.

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

42 (3) A person appropriates property consisting of a
43 motor vehicle, watercraft, or aircraft, and that person has
44 previously been found guilty of two stealing-related
45 offenses committed on two separate occasions where such
46 offenses occurred within ten years of the date of occurrence
47 of the present offense;

48 (4) The property appropriated or attempted to be
49 appropriated consists of any animal considered livestock as
50 the term is defined in section 144.010 if the value of the
51 livestock exceeds ten thousand dollars; or

52 (5) The property appropriated or attempted to be
53 appropriated is owned by or in the custody of a financial
54 institution and the property is taken or attempted to be
55 taken physically from an individual person to deprive the
56 owner or custodian of the property.

57 4. The offense of stealing is a class C felony if the
58 value of the property or services appropriated is twenty-
59 five thousand dollars or more or the property is a teller
60 machine or the contents of a teller machine, including cash,
61 regardless of the value or amount.

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

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

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

67 (3) The property appropriated consists of:

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

69 (b) Any will or unrecorded deed affecting real
70 property;

71 (c) Any credit device, debit device or letter of
72 credit;

73 (d) Any firearms;

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

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

78 (g) Any original copy of an act, bill or resolution,
79 introduced or acted upon by the legislature of the state of
80 Missouri;

81 (h) Any pleading, notice, judgment or any other record
82 or entry of any court of this state, any other state or of
83 the United States;

84 (i) Any book of registration or list of voters
85 required by chapter 115;

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

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

90 (l) Any captive wildlife held under permit issued by
91 the conservation commission;

92 (m) Any controlled substance as defined by section
93 195.010;

94 (n) Ammonium nitrate;

95 (o) Any wire, electrical transformer, or metallic wire
96 associated with transmitting telecommunications, video,
97 internet, or voice over internet protocol service, or any
98 other device or pipe that is associated with conducting
99 electricity or transporting natural gas or other combustible
100 fuels; or

101 (p) Any material appropriated with the intent to use
102 such material to manufacture, compound, produce, prepare,
103 test or analyze amphetamine or methamphetamine or any of
104 their analogues.

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

106 (1) The property appropriated is an animal;

107 (2) The property is a catalytic converter, **as defined**
108 **in subsection 7 of section 407.300;**

109 (3) A person has previously been found guilty of three
110 stealing-related offenses committed on three separate
111 occasions where such offenses occurred within ten years of
112 the date of occurrence of the present offense; or

113 (4) The property appropriated is a letter, postal
114 card, package, bag, or other sealed article that was
115 delivered by a common carrier or delivery service and not
116 yet received by the addressee or that had been left to be
117 collected for shipment by a common carrier or delivery
118 service.

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

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

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

130 10. The appropriation of any property or services of a
131 type listed in subsection 2, 3, 5, or 6 of this section or
132 of a value of seven hundred fifty dollars or more may be
133 considered a separate felony and may be charged in separate
134 counts.

135 11. The value of property or services appropriated
136 pursuant to one scheme or course of conduct, whether from
137 the same or several owners and whether at the same or
138 different times, constitutes a single criminal episode and
139 may be aggregated in determining the grade of the offense,
140 except as set forth in subsection 10 of this section.

570.031. 1. A person commits the offense of unlawful
2 possession of a detached catalytic converter if the person
3 possesses a catalytic converter that is detached from a
4 motor vehicle with the intent to sell the catalytic
5 converter unless:

6 (1) The detached catalytic converter is possessed in
7 the course of a legitimate business purpose;

8 (2) The detached catalytic converter is a component or
9 constituent part of an item or equipment owned by the
10 person; or

11 (3) The possession of the detached catalytic converter
12 is for some other lawful purpose.

13 2. The offense of unlawful possession of a detached
14 catalytic converter is a class E felony.

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