

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2383

AN ACT

To repeal sections 301.010, 301.218, 301.225, 407.300, 407.303, and 569.086, RSMo, and to enact in lieu thereof eleven new sections relating to criminal offenses involving certain infrastructures, with penalty provisions.

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

Section A. Sections 301.010, 301.218, 301.225, 407.300, 407.303, and 569.086, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 301.010, 301.218, 301.225, 407.298, 407.299, 407.300, 407.303, 407.304, 569.086, 569.117, and 569.119, to read as follows:

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the following terms mean:

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, with either:

(a) A seat designed to be straddled by the operator, and handlebars for steering control, but excluding an electric bicycle; or

(b) A width of fifty inches or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement;

(2) "Autocycle", a three-wheeled motor vehicle which the drivers and passengers ride in a partially or completely enclosed nonstraddle seating area, that is designed to be

controlled with a steering wheel and pedals, and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or federal motorcycle safety standards;

(3) "Automobile transporter", any vehicle combination capable of carrying cargo on the power unit and designed and used for the transport of assembled motor vehicles, including truck camper units;

(4) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(5) "Backhaul", the return trip of a vehicle transporting cargo or general freight, especially when carrying goods back over all or part of the same route;

(6) "Boat transporter", any vehicle combination capable of carrying cargo on the power unit and designed and used specifically to transport assembled boats and boat hulls. Boats may be partially disassembled to facilitate transporting;

(7) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;

(8) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

(9) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;

(10) "Cotton trailer", a trailer designed for transporting cotton at speeds less than seventy miles per hour from field to field or from field to market and return;

(11) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

(12) "Director" or "director of revenue", the director of the department of revenue;

(13) "Driveaway operation":

(a) The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

(b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveaway or towaway methods; or

(c) The movement of a motor vehicle by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by the shipper or consignor;

(14) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A

truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;

(15) "Electric bicycle", a bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:

(a) "Class 1 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour;

(b) "Class 2 electric bicycle", an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour; or

(c) "Class 3 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour;

(16) "Farm tractor", a tractor used exclusively for agricultural purposes;

(17) "Fleet", any group of ten or more motor vehicles owned by the same owner;

(18) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

(19) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;

(20) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;

(21) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;

(22) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

(23) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

(24) "Intersecting highway", any highway which joins another, whether or not it crosses the same;

(25) "Junk vehicle", a vehicle which:

(a) Is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap; or

(b) Has been designated as junk or a substantially equivalent designation by this state or any other state;

(26) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;

(27) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred fifty miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of fifty miles from its home base of operations when

transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation.

Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

(28) "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

(29) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state; used exclusively in this state; used to transport harvested forest products; operated solely at a forested site and in an area extending not more than a one hundred fifty mile radius from such site; and when operated on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or outside the one hundred fifty mile radius from such site with an extended distance local log truck permit, does not have more than four axles, and does not pull a trailer which has more than three axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting, debarking, chipping,

skidding, loading, unloading, and stacking may be transported on a local log truck;

(30) "Local log truck tractor", a commercial motor vehicle which is registered under this chapter to operate as a motor vehicle on the public highways of this state; used exclusively in this state; used to transport harvested forest products, operated at a forested site and in an area extending not more than a one hundred fifty mile radius from such site; and when operated on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or outside the one hundred fifty mile radius from such site with an extended distance local log truck permit, does not have more than three axles and does not pull a trailer which has more than three axles;

(31) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

(32) "Log truck", a vehicle which is not a local log truck or local log truck tractor and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

(33) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

(34) "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

(35) "Metal recycling entity" or "scrap metal yard", any business that is predominantly engaged in:

(a) Performing the manufacturing process by which scrap, used, or obsolete ferrous or nonferrous metal is converted into raw material products consisting of prepared grades and having an existing or potential economic value, by a method that in part requires the use of powered tools and equipment, including processes that involve processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form of that metal;

(b) The use of raw material products described under paragraph (a) of this subdivision in the manufacture of producer or consumer goods; or

(c) Purchasing or otherwise acquiring scrap, used, or obsolete ferrous or nonferrous metals to be used as described in paragraphs (a) or (b) of this subdivision;

(36) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;

[(36)] (37) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and electric bicycles;

[(37)] (38) "Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

(a) Offered for hire or lease; or

(b) The owner of which also owns ten or more such motor vehicles;

[(38)] (39) "Motorcycle", a motor vehicle operated on two wheels;

[(39)] (40) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground, but excluding an electric bicycle;

[(40)] (41) "Motortricycle", a motor vehicle upon which the operator straddles or sits astride that is designed to be controlled by handle bars and is operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel, but excluding an electric bicycle. A motortricycle shall not be included in the definition of all-terrain vehicle;

[(41)] (42) "Municipality", any city, town or village, whether incorporated or not;

[(42)] (43) "Nonresident", a resident of a state or country other than the state of Missouri;

[(43)] (44) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

[(44)] (45) "Operator", any person who operates or drives a motor vehicle;

[(45)] (46) "Owner", any person, firm, corporation or association, who holds the legal title to a vehicle or who has executed a buyer's order or retail installment sales contract with a motor vehicle dealer licensed under sections 301.550 to 301.580 for the purchase of a vehicle with an

immediate right of possession vested in the transferee, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner;

[(46)] (47) "Public garage", a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;

[(47)] (48) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;

[(48)] (49) "Reconstructed motor vehicle", a vehicle that is altered from its original construction by the addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

[(49)] (50) "Recreational motor vehicle", any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered;

[(50)] (51) "Recreational off-highway vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than eighty inches in width, measured from outside of tire rim to outside of tire rim, with an unladen dry weight of three thousand five hundred pounds or less, traveling on four or more nonhighway tires and which may have access to ATV trails;

[(51)] (52) "Recreational trailer", any trailer designed, constructed, or substantially modified so that it may be used and is used for the purpose of temporary housing quarters, including therein sleeping or eating facilities, which can be temporarily attached to a motor vehicle or attached to a unit which is securely attached to a motor vehicle;

[(52)] (53) "Rollback or car carrier", any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;

[(53)] (54) "Saddlemount combination", a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a "double saddlemount combination". When three vehicles are towed in this manner, the combination is called a "triple saddlemount combination";

[(54)] (55) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of

the parts thereof, and buys and sells used motor vehicle parts and accessories;

[(55)] (56) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

(a) Was damaged during a year that is no more than six years after the manufacturer's model year designation for such vehicle to the extent that the total cost of repairs to rebuild or reconstruct the vehicle to its condition immediately before it was damaged for legal operation on the roads or highways exceeds eighty percent of the fair market value of the vehicle immediately preceding the time it was damaged;

(b) By reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it;

(c) Has been declared salvage by an insurance company as a result of settlement of a claim;

(d) Ownership of which is evidenced by a salvage title; or

(e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair market value" means the retail value of a motor vehicle as:

a. Set forth in a current edition of any nationally recognized compilation of retail values, including automated databases, or from publications commonly used by the

automotive and insurance industries to establish the values of motor vehicles;

b. Determined pursuant to a market survey of comparable vehicles with regard to condition and equipment; and

c. Determined by an insurance company using any other procedure recognized by the insurance industry, including market surveys, that is applied by the company in a uniform manner;

[(56)] (57) "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

[(57)] (58) "Scrap processor", a business that, through the use of fixed or mobile equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing or transportation to a shredder or scrap metal operator for recycling;

[(58)] (59) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

[(59)] (60) "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders,

rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

[(60)] (61) "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

[(61)] (62) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

[(62)] (63) "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

[(63)] (64) "Towaway trailer transporter combination", a combination of vehicles consisting of a trailer transporter towing unit and two trailers or semitrailers, with a total weight that does not exceed twenty-six thousand pounds; and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers;

[(64)] (65) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load

when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

[(65)] (66) "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term trailer shall not include cotton trailers as defined in this section and shall not include manufactured homes as defined in section 700.010;

[(66)] (67) "Trailer transporter towing unit", a power unit that is not used to carry property when operating in a towaway trailer transporter combination;

[(67)] (68) "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

[(68)] (69) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional A-dolly connected truck-tractor semitrailer-trailer combination;

[(69)] (70) "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

[(70)] (71) "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. Business does not include isolated sales at a swap meet of less than three days;

[(71)] (72) "Utility vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than eighty inches in width, measured from outside of tire rim to outside of tire rim, with an unladen dry weight of three thousand five hundred pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes;

[(72)] (73) "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term bus or commercial motor vehicle as defined in this section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

[(73)] (74) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, electric bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton

trailers or motorized wheelchairs operated by handicapped persons;

[(74)] (75) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

[(75)] (76) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

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

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

(2) Salvaging, wrecking or dismantling vehicles for resale of the parts thereof as a salvage dealer or dismantler, as defined in section 301.010;

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

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

(5) Accepting scrap metals or metal parts as a metal recycling entity or scrap metal yard, as defined in section 301.010.

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

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

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

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

The words "FOR EXPORT ONLY" required under subdivisions (1) and (2) of this subsection shall be at least two inches wide

and clearly legible. Copies of the stamped titles shall be forwarded to the department.

4. The director of revenue shall issue a separate license for each kind of business described in subsection 1 of this section, to be entitled and designated as either "used parts dealer"; "salvage dealer or dismantler"; "rebuilder or body shop"; [or] "scrap processor"; "metal recycling entity"; or "scrap metal yard" license.

5. Any person who violates provisions of this section shall be guilty of a class A misdemeanor, punishable only by a fine. Nothing in this section shall be construed to preclude a person violating provisions of this section from being prosecuted for any other applicable criminal offense. In addition to any such fine, after August 28, 2026, an application for a license under this section may be denied, or any current license may be revoked or suspended by the department if the applicant or licensee has knowingly or intentionally:

(1) Violated provisions of sections 407.298 to 498.303;

(2) Made a materially false statement in the application for a license; or

(3) Engaged in a fraudulent act in connection with any purchase or sale of any regulated metal, as defined in section 407.298.

301.225. 1. Every person licensed or required to be licensed shall maintain for three years on vehicles not more than seven years old a record of:

(1) Every vehicle or used transmission, rear end, cowl, frame, body, front end assembly or engine of or for a vehicle received or acquired by him, its description and identifying number, if any, the date of its receipt or acquisition, and the name and address of the person from whom received or acquired;

(2) Every vehicle wrecked, dismantled or disposed of by him, and the date of its wrecking or dismantling and, if sold to a scrap metal operator, the operator's name and address.

2. Any person licensed or required to be licensed under this section shall maintain records consistent with the requirements pursuant to section 407.300 for three years on copper, brass, or bronze material, as defined in section 407.298, regardless of the condition or length of such metal and whether or not it is mixed or conjoined with any other substances.

Every such record shall be retained by the person licensed or required to be licensed at his principal place of business and shall be open to inspection by any representative of the department, member or authorized or designated employee of the Missouri highway patrol, or any police officer during reasonable business hours. Members of the patrol or any police officer may inspect the premises of every person licensed or required to be licensed at any time that business is being conducted or work is being performed, whether or not open to the public to enforce the provisions of sections 301.217 to 301.229.

407.298. For purposes of sections 407.299 to 407.304, the following terms mean:

(1) "Copper, brass, or bronze":

(a) A power inverter, bus bar, or insulated or noninsulated copper wire or cable that contains copper or an alloy of copper or zinc and is used by any public utility, common carrier, telecommunications company, cable provider, video service provider, or other communications-related provider, electrical corporation, water utility, municipal

utility, or any other public utility regulated under chapters 386 or 393;

(b) Any copper or brass item of a type commonly used in construction or by a public utility, telecommunications company, cable provider, video service provider, or other communications-related provider; or

(c) Any copper pipe or copper tubing;

(2) "Department", the Missouri department of revenue;

(3) "Metal recycling entity" or "scrap metal yard",

any business that is predominantly engaged in:

(a) Performing the manufacturing process by which scrap, used, or obsolete ferrous or nonferrous metal is converted into raw material products consisting of prepared grades and having an existing or potential economic value, by a method that in part requires the use of powered tools and equipment, including processes that involve processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form of that metal;

(b) The use of raw material products described under paragraph (a) of this subdivision in the manufacture of producer or consumer goods; or

(c) Purchasing or otherwise acquiring scrap, used, or obsolete ferrous or nonferrous metals to be used as described in paragraphs (a) or (b) of this subdivision;

(4) "Regulated metal":

(a) Copper, brass, or bronze;

(b) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;

(c) Material of any condition or length containing copper or aluminum that is used for farming, as defined in section 350.010;

(d) Detached catalytic converter; or

(e) Any motor vehicle, heavy equipment, or tractor battery.

407.299. 1. No later than the close of business on a metal recycling entity or scrap metal yard's second working day after the date of the purchase or acquisition of a regulated metal, the entity or yard shall send an electronic transaction report to the department on the department's website using an electronic statewide reporting system established by the department under subsection 3 of this section. The report shall contain the information required to be recorded pursuant to section 407.300, except that the entity or yard shall not be required to disclose the weight and purchase price of the regulated metal.

2. A metal recycling entity or scrap metal yard may submit the transaction report under subsection 1 of this section by facsimile if the department approves an exception to the electronic reporting requirement following receipt and review of an:

(1) Application requesting an exception to the electronic reporting requirements; and

(2) Affidavit stating that the entity or yard does not have an available and reliable means of submitting the transaction report electronically.

3. The department shall establish a statewide electronic reporting system to track the sales of regulated metals required to be reported to the department under subsection 1 of this section.

4. The department shall post on its website a summary of the reports under subsection 2 of this section. Such reports shall only be accessible to metal recycling entities and scrap metal yards that are required to submit information to the department under this section. The summary shall be classified as follows:

(1) By county where the sale of a regulated metal occurred; and

(2) The frequency with which an individual, identified by the first and last name and address, presents regulated metals for sale to a metal recycling entity or scrap metal yard.

The summary under this subsection shall not identify any person or entity to which the metal recycling entity or scrap metal yard sells regulated material. The provisions of this subsection shall not apply to any regulated metal sold to a metal recycling entity or scrap metal yard by a public or private cemetery, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility or utility regulated under chapter 386 or 393, or other business entity that routinely uses regulated metals in the course of business of such business entity as permitted by current law.

5. The department shall make available on its website a publicly accessible list of all licensed metal recycling entities and scrap metal yards. The list shall contain the following information for each licensed metal recycling entity or scrap metal yard:

(1) Registered business name;

(2) Physical address;

(3) Name and contact information of the owner or operator of the entity or yard;

(4) A description of the extent to which an entity or yard engages in transactions involving catalytic converters;

and

(5) A statement that no purchases of regulated metals shall be accepted before 7:00 a.m. or after 7:00 p.m.

6. Information provided to the department under subsection 4 of this section shall not be subject to public disclosure under chapter 610, except for law enforcement purposes, as described in section 301.225. Except as otherwise provided herein, the department shall maintain the confidentiality of the name of the seller, the price paid for the purchase of regulated metal, and the quantity of regulated metal purchased.

7. The department may promulgate administrative rules and regulations for the development of a statewide electronic reporting system to track the sales of regulated metal reported to the department, which shall include the development of a no-buy list as provided in section 407.304. The department may collaborate with any local law enforcement agency to prepare a searchable, electronic list that includes the names and a description of persons known to have received stolen property. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2026, shall be invalid and void.

407.300. 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property who obtains items for resale or profit shall only make such purchases or trades between 7:00 a.m. and 7:00 p.m. and keep a register containing a written or electronic record for

each purchase or trade in which each type of material subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any[:

(1) Copper, brass, or bronze;

(2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;

(3) Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in section 350.010; whatever may be the condition or length of such metal;

(4) Detached catalytic converter; or

(5) Motor vehicle, heavy equipment, or tractor battery] regulated metal, as defined in section 407.298.

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

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

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

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

(4) The license plate number of the vehicle used by the seller during the transaction; [and]

(5) A full description of the material, including the weight and purchase price;

(6) A photo of any regulated metal purchased; and

(7) An affidavit stating that the seller owns or otherwise has authority to sell the regulated metal being offered for sale.

3. The records required under this section shall be maintained for a minimum of thirty-six months from when such material is obtained and shall be available for inspection by any law enforcement officer.

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

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

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

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

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

6. This section shall not apply to either of the following transactions:

(1) Any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business, and for

which the seller is paid by check or by electronic funds transfer, or the seller produces an acceptable identification, which shall be a copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof, and a copy is retained by the purchaser; or

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

7. No metal recycling entity or scrap metal yard shall purchase any regulated metal from a seller who, at the time of the sale:

(1) Uses a name other than such seller's legal name or the registered name of the seller's business;

(2) Is less than eighteen years of age; or

(3) Is reasonably perceived to be under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

8. (1) A metal recycling entity or scrap metal yard shall at all times maintain in a prominent place in the entity or yard's place of business, in open view to the seller of a regulated metal, a notice in bold 144-point font that:

(a) Includes the following disclosures:

"ANY PERSON ATTEMPTING TO SELL ANY REGULATED METAL MUST PRESENT SUFFICIENT IDENTIFICATION AND WRITTEN PROOF OF OWNERSHIP REQUIRED BY STATE LAW.

WARNING: STATE LAW PROVIDES A CRIMINAL PENALTY FOR A PERSON WHO INTENTIONALLY PROVIDES A FALSE DOCUMENT OF IDENTIFICATION OR OTHER FALSE

INFORMATION TO A METAL RECYCLING ENTITY WHILE ATTEMPTING TO SELL ANY REGULATED METAL."; and

(b) States the metal recycling entity or scrap metal yard's regular business hours.

(2) Disclosures required by this subsection may be included on a sign that contains another notice if the metal recycling entity or scrap metal yard is required to display another notice under another provision of law.

407.303. 1. Any scrap metal dealer, metal recycling entity, or scrap metal yard paying out [an] any amount [that is five hundred dollars or more] shall make such payment by issuing a prenumbered check drawn on a regular bank account in the name of the licensed scrap metal dealer and with such check made payable to the person documented as the seller in accordance with this section, or by using a system for automated cash or electronic payment distribution which photographs or videotapes the payment recipient and identifies the payment with a distinct transaction in the register maintained in accordance with this chapter.

2. [Any] No scrap metal dealer, metal recycling entity, or scrap metal yard that purchases scrap metal from a seller [and pays] shall pay in the form of cash [is required to obtain a copy of the seller's driver's license or nondriver's license if the metal is copper or a catalytic converter]. Notwithstanding the provisions of subsection 1 of this section to the contrary, this section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer, metal recycling entity, or scrap metal yard and is known to the scrap metal dealer, metal recycling entity, or scrap metal yard making the purchase to be an established business or political subdivision that operates a business with a

fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.

3. Any person who knowingly and willfully violates the provisions of sections 407.300 to 407.303 shall be guilty of a class B misdemeanor and a fine of up to five hundred dollars for the first offense, a class A misdemeanor and a fine of up to one thousand dollars for the second offense, and the revocation of any and all business licenses that are held with the state for the third offense.

4. Any person in violation of sections 407.300 to 407.303 by selling stolen scrap metal shall be responsible for consequential damages related to obtaining the scrap metal.

407.304. The department shall provide to every scrap metal dealer, metal recycling entity, or scrap metal yard a searchable, electronic list prepared in accordance with the rules adopted by the department, pursuant to section 407.299, with the names and descriptions of persons known to be receivers of stolen property. No scrap metal dealer, metal recycling entity, or scrap metal yard shall purchase or receive regulated metals from any person identified on the list.

569.086. 1. As used in this section, "critical infrastructure facility" means any of the following facilities that are under construction or operational: a petroleum or alumina refinery; critical electric infrastructure, as defined in 18 CFR [Section 118.113(c)(3)] Section 388.113(c)(3) including, but not limited to, an electrical power generating facility, substation, switching station, electrical control center, or electric power lines and associated equipment infrastructure; a chemical, polymer, or rubber manufacturing facility; a water intake

structure, water storage facility, water treatment facility, wastewater treatment plant, wastewater pumping facility, or pump station; a natural gas compressor station; a liquid natural gas terminal or storage facility; a telecommunications central switching office; wireline or wireless telecommunications networks, infrastructure, or facilities, including cell towers, telephone poles and lines, including fiber optic lines; a port, railroad switching yard, railroad tracks, trucking terminal, or other freight transportation facility; a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids; a transmission facility used by a federally licensed radio or television station; a steelmaking facility that uses an electric arc furnace to make steel; a facility identified and regulated by the United States Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program; a dam that is regulated by the state or federal government; a natural gas distribution utility facility including, but not limited to, natural gas distribution and transmission mains and services, pipeline interconnections, a city gate or town border station, metering station, aboveground piping, a regulator station, and a natural gas storage facility; a crude oil or refined products storage and distribution facility including, but not limited to, valve sites, pipeline interconnection, pump station, metering station, below or aboveground pipeline or piping and truck loading or offloading facility, a grain mill or processing facility; **[a]** networks and facilities used in the generation, transmission, or distribution **[system]** of broadband internet access; or any aboveground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, railroad facility, or other storage facility that is

enclosed by a fence, other physical barrier, or is clearly marked with signs prohibiting trespassing, that are obviously designed to exclude intruders.

2. A person commits the offense of trespass on a critical infrastructure facility if he or she purposely trespasses or enters property containing a critical infrastructure facility without the permission of the owner of the property or lawful occupant thereof. The offense of trespass on a critical infrastructure facility is a class B misdemeanor. [If it is determined that the intent of the trespasser is to damage, destroy, or tamper with equipment, or impede or inhibit operations of the facility, the person shall be guilty of a class A misdemeanor.]

3. A person commits the offense of damage of a critical infrastructure if he or she purposely damages, destroys, or tampers with equipment in a critical infrastructure facility. The offense of damage of a critical infrastructure facility is a class D felony.

4.] 3. This section shall not apply to conduct protected under the Constitution of the United States, the Constitution of [the state of] Missouri, or a state or federal law or rule.

569.117. 1. A person commits the offense of damage of a critical infrastructure facility, as defined in section 569.086, if he or she:

(1) Purposely damages, destroys, or tampers with equipment in a critical infrastructure facility; or

(2) Recklessly damages, destroys or tampers with a critical infrastructure facility, or removes any component of the critical infrastructure facility, excluding equipment.

2. Except as provided under subsection 3 of this section, the offense of damage of a critical infrastructure facility under:

(1) Subdivision (1) of subsection 1 of this section is a class D felony; or

(2) Subdivision (2) of subsection 1 of this section is a:

(a) Class A misdemeanor if the damage is under seven hundred fifty dollars;

(b) Class E felony if the damage is seven hundred fifty dollars or more but less than twenty-five thousand dollars; or

(c) Class D felony if the damage is twenty-five thousand dollars or more.

3. If the damage to a critical infrastructure facility causes interruption, impairment, or degradation of service, the offense of damage of a critical infrastructure facility shall be a class C felony regardless of value.

4. The value of damages under this section shall be determined under the provisions of section 570.020.

5. (1) Any person who commits a violation under this section shall be required to make restitution and perform community service as provided in this subsection.

(2) Restitution shall be made under the provisions of section 559.105.

(3) Community service shall be imposed as follows:

(a) One hundred hours for the first offense;

(b) Two hundred hours for the second offense; or

(c) Up to three hundred hours for the third or any subsequent offense.

569.119. 1. As used in this section, the following terms mean:

(1) "Copper, brass, aluminum, fiber, or telecommunications material", any insulated or noninsulated copper, brass, aluminum, fiber-optic, or telecommunications wire, cable, pipe, tubing, power inverter, bus bar,

broadband cable, fiber-optic line, or any material containing copper, brass, aluminum, fiber, glass, or metal components that is commonly used in construction, electrical systems, telecommunications networks, broadband infrastructure, utilities, or related commercial or industrial applications;

(2) "Critical infrastructure facility", the same meaning as defined under section 569.086.

2. A person commits the offense of unauthorized possession of certain copper, brass, aluminum, fiber, or telecommunications material if the person:

(1) Knowingly possesses copper, brass, aluminum, fiber, or telecommunications material; and

(2) Is not a person authorized to possess such material as provided under subsection 3 of this section.

3. Subject to subsection 4 of this section, the following persons are authorized to possess copper, brass, aluminum, fiber, or telecommunications material:

(1) The owner of the material;

(2) A public utility, rural electric cooperative, municipal utility, or common carrier;

(3) A telecommunications provider, internet service provider, cable service provider, or video service provider;

(4) A manufacturing, industrial, commercial, retail, or similar business that sells or uses such material in the ordinary course of business;

(5) A carrier-for-hire acting in the course and scope of the carrier's business and possessing appropriate documentation, including a bill of lading or contract verifying transport information;

(6) A scrap metal or metal recycling dealer under chapter 407 and acting within the ordinary course of business;

(7) A person acting in the ordinary course of lawful construction, remodeling, demolition, or salvage work who lawfully acquires the material through such activities; or

(8) Any agent, employee, subcontractor, or representative of a person described in subdivisions (1) to (7) of this subsection who is acting within the course and scope of such authority.

4. The authorization provided under subsection 3 of this section does not apply to a person who knows that the copper, brass, aluminum, fiber, or telecommunications material was unlawfully obtained.

5. (1) Except as provided in subdivision (2) of this subsection, the offense of unauthorized possession of certain copper, brass, aluminum, fiber, or telecommunications material is a class E felony.

(2) The offense of unauthorized possession of certain copper, brass, aluminum, fiber, or telecommunications material is a class D felony if it is shown at trial that:

(a) The material was unlawfully obtained from a critical infrastructure facility;

(b) The person has a prior conviction for any offense involving theft, property damage, tampering, receiving stolen property, or unauthorized possession of copper, brass, aluminum, fiber, or telecommunications material; or

(c) The person conspired with or acted in concert with another to commit theft, property damage, tampering, or receiving stolen property involving such material.

6. If conduct constituting an offense under this section also constitutes an offense under any other provision of law, the person may be prosecuted under either or both provisions subject to the provisions of section 556.041.