

SECOND REGULAR SESSION

SENATE BILL NO. 1430

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HENDERSON.

6019S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 301.010, 301.218, 301.225, 407.300, and 407.303, RSMo, and to enact in lieu thereof eight new sections relating to regulation of certain metals 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,
2 and 407.303, RSMo, are repealed and eight new sections enacted
3 in lieu thereof, to be known as sections 301.010, 301.218,
4 301.225, 407.298, 407.299, 407.300, 407.303, and 407.304, to
5 read as follows:

301.010. As used in this chapter and sections 304.010
2 to 304.040, 304.120 to 304.260, and sections 307.010 to
3 307.175, the following terms mean:

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

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

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

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

15 (2) "Autocycle", a three-wheeled motor vehicle which
16 the drivers and passengers ride in a partially or completely
17 enclosed nonstraddle seating area, that is designed to be
18 controlled with a steering wheel and pedals, and that has
19 met applicable Department of Transportation National Highway
20 Traffic Safety Administration requirements or federal
21 motorcycle safety standards;

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

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

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

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

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

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

45 (9) "Commercial motor vehicle", a motor vehicle
46 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;

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

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

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

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

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

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

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

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

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

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

139 (a) An area that extends not more than a radius of one
140 hundred fifty miles from its home base of operations when
141 transporting its owner's machinery, equipment, or auxiliary
142 supplies to or from projects involving soil and water

143 conservation, or to and from equipment dealers' maintenance
144 facilities for maintenance purposes; or

145 (b) An area that extends not more than a radius of
146 fifty miles from its home base of operations when
147 transporting its owner's machinery, equipment, or auxiliary
148 supplies to or from projects not involving soil and water
149 conservation.

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

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

164 (29) "Local log truck", a commercial motor vehicle
165 which is registered pursuant to this chapter to operate as a
166 motor vehicle on the public highways of this state; used
167 exclusively in this state; used to transport harvested
168 forest products; operated solely at a forested site and in
169 an area extending not more than a one hundred fifty mile
170 radius from such site; and when operated on the national
171 system of interstate and defense highways described in 23
172 U.S.C. Section 103, as amended, or outside the one hundred
173 fifty mile radius from such site with an extended distance

174 local log truck permit, does not have more than four axles,
175 and does not pull a trailer which has more than three
176 axles. Harvesting equipment which is used specifically for
177 cutting, felling, trimming, delimbing, debarking, chipping,
178 skidding, loading, unloading, and stacking may be
179 transported on a local log truck;

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

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

199 (32) "Log truck", a vehicle which is not a local log
200 truck or local log truck tractor and is used exclusively to
201 transport harvested forest products to and from forested
202 sites which is registered pursuant to this chapter to
203 operate as a motor vehicle on the public highways of this
204 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;

236 [(37)] (38) "Motor vehicle primarily for business
237 use", any vehicle other than a recreational motor vehicle,
238 motorcycle, motortricycle, or any commercial motor vehicle
239 licensed for over twelve thousand pounds:

240 (a) Offered for hire or lease; or

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

243 [(38)] (39) "Motorcycle", a motor vehicle operated on
244 two wheels;

245 [(39)] (40) "Motorized bicycle", any two-wheeled or
246 three-wheeled device having an automatic transmission and a
247 motor with a cylinder capacity of not more than fifty cubic
248 centimeters, which produces less than three gross brake
249 horsepower, and is capable of propelling the device at a
250 maximum speed of not more than thirty miles per hour on
251 level ground, but excluding an electric bicycle;

252 [(40)] (41) "Motortricycle", a motor vehicle upon
253 which the operator straddles or sits astride that is
254 designed to be controlled by handle bars and is operated on
255 three wheels, including a motorcycle while operated with any
256 conveyance, temporary or otherwise, requiring the use of a
257 third wheel, but excluding an electric bicycle. A
258 motortricycle shall not be included in the definition of all-
259 terrain vehicle;

260 [(41)] (42) "Municipality", any city, town or village,
261 whether incorporated or not;

262 [(42)] (43) "Nonresident", a resident of a state or
263 country other than the state of Missouri;

264 [(43)] (44) "Non-USA-std motor vehicle", a motor
265 vehicle not originally manufactured in compliance with
266 United States emissions or safety standards;

267 [(44)] (45) "Operator", any person who operates or
268 drives a motor vehicle;

269 [(45)] (46) "Owner", any person, firm, corporation or
270 association, who holds the legal title to a vehicle or who
271 has executed a buyer's order or retail installment sales
272 contract with a motor vehicle dealer licensed under sections
273 301.550 to 301.580 for the purchase of a vehicle with an
274 immediate right of possession vested in the transferee, or
275 in the event a vehicle is the subject of an agreement for
276 the conditional sale or lease thereof with the right of
277 purchase upon performance of the conditions stated in the
278 agreement and with an immediate right of possession vested
279 in the conditional vendee or lessee, or in the event a
280 mortgagor of a vehicle is entitled to possession, then such
281 conditional vendee or lessee or mortgagor shall be deemed
282 the owner;

283 [(46)] (47) "Public garage", a place of business where
284 motor vehicles are housed, stored, repaired, reconstructed
285 or repainted for persons other than the owners or operators
286 of such place of business;

287 [(47)] (48) "Rebuilder", a business that repairs or
288 rebuilds motor vehicles owned by the rebuilder, but does not
289 include certificated common or contract carriers of persons
290 or property;

291 [(48)] (49) "Reconstructed motor vehicle", a vehicle
292 that is altered from its original construction by the
293 addition or substitution of two or more new or used major
294 component parts, excluding motor vehicles made from all new
295 parts, and new multistage manufactured vehicles;

296 [(49)] (50) "Recreational motor vehicle", any motor
297 vehicle designed, constructed or substantially modified so
298 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.

395 Shuttle buses shall not be registered as buses or as
396 commercial motor vehicles;

397 [(59)] (60) "Special mobile equipment", every self-
398 propelled vehicle not designed or used primarily for the
399 transportation of persons or property and incidentally
400 operated or moved over the highways, including farm
401 equipment, implements of husbandry, road construction or
402 maintenance machinery, ditch-digging apparatus, stone
403 crushers, air compressors, power shovels, cranes, graders,
404 rollers, well-drillers and wood-sawing equipment used for
405 hire, asphalt spreaders, bituminous mixers, bucket loaders,
406 ditchers, leveling graders, finished machines, motor
407 graders, road rollers, scarifiers, earth-moving carryalls,
408 scrapers, drag lines, concrete pump trucks, rock-drilling
409 and earth-moving equipment. This enumeration shall be
410 deemed partial and shall not operate to exclude other such
411 vehicles which are within the general terms of this section;

412 [(60)] (61) "Specially constructed motor vehicle", a
413 motor vehicle which shall not have been originally
414 constructed under a distinctive name, make, model or type by
415 a manufacturer of motor vehicles. The term specially
416 constructed motor vehicle includes kit vehicles;

417 [(61)] (62) "Stinger-steered combination", a truck
418 tractor-semitrailer wherein the fifth wheel is located on a
419 drop frame located behind and below the rearmost axle of the
420 power unit;

421 [(62)] (63) "Tandem axle", a group of two or more
422 axles, arranged one behind another, the distance between the
423 extremes of which is more than forty inches and not more
424 than ninety-six inches apart;

425 [(63)] (64) "Towaway trailer transporter combination",
426 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;

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

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

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

17 **(5) Accepting scrap metals or metal parts as a metal**
18 **recycling entity or scrap metal yard, as defined in section**
19 **301.010.**

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

36 3. The operator of a salvage pool or salvage disposal
37 sale, or subsequent purchaser, who sells a nonrepairable
38 motor vehicle or a salvage motor vehicle to a person who is
39 not a resident of the United States at a salvage pool or a
40 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;

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

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

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

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

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

14 2. **Any person licensed or required to be licensed**
15 **under this section shall maintain records consistent with**
16 **the requirements pursuant to section 407.300 for three years**
17 **on copper, brass, or bronze material, as defined in section**
18 **407.298, regardless of the condition or length of such metal**
19 **and whether or not it is mixed or conjoined with any other**
20 **substances.**

21 Every such record shall be retained by the person licensed
22 or required to be licensed at his principal place of
23 business and shall be open to inspection by any
24 representative of the department, member or authorized or
25 designated employee of the Missouri highway patrol, or any
26 police officer during reasonable business hours. Members of

27 the patrol or any police officer may inspect the premises of
28 every person licensed or required to be licensed at any time
29 that business is being conducted or work is being performed,
30 whether or not open to the public to enforce the provisions
31 of sections 301.217 to 301.229.

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

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

4 (a) A power inverter, bus bar, or insulated or
5 noninsulated copper wire or cable that contains copper or an
6 alloy of copper or zinc and is used by any public utility,
7 common carrier, telecommunications company, cable provider,
8 video service provider, or other communications-related
9 provider, electrical corporation, water utility, municipal
10 utility, or any other public utility regulated under
11 chapters 386 or 393;

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

16 (c) Any copper pipe or copper tubing;

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

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

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

27 shredding, shearing, or changing the physical form of that
28 metal;

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

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

35 (4) "Regulated metal":

36 (a) Copper, brass, or bronze;

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

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

42 (d) Detached catalytic converter; or

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

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

12 2. A metal recycling entity or scrap metal yard may
13 submit the transaction report under subsection 1 of this
14 section by facsimile if the department approves an exception

15 to the electronic reporting requirement following receipt
16 and review of an:

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

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

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

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

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

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

38 The summary under this subsection shall not identify any
39 person or entity to which the metal recycling entity or
40 scrap metal yard sells regulated material. The provisions
41 of this subsection shall not apply to any regulated metal
42 sold to a metal recycling entity or scrap metal yard by a
43 public or private cemetery, political subdivision,
44 telecommunications provider, cable provider, wireless
45 service or other communications-related provider, electrical

46 cooperative, water utility, municipal utility or utility
47 regulated under chapter 386 or 393, or other business entity
48 that routinely uses regulated metals in the course of
49 business of such business entity as permitted by current law.

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

- 55 (1) Registered business name;
- 56 (2) Physical address;
- 57 (3) Name and contact information of the owner or
58 operator of the entity or yard;
- 59 (4) A description of the extent to which an entity or
60 yard engages in transactions involving catalytic converters;
61 and
- 62 (5) A statement that no purchases of regulated metals
63 shall be accepted before 7:00 a.m. or after 7:00 p.m.

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

72 7. The department may promulgate administrative rules
73 and regulations for the development of a statewide
74 electronic reporting system to track the sales of regulated
75 metal reported to the department, which shall include the
76 development of a no-buy list as provided in section
77 407.304. The department may collaborate with any local law

78 enforcement agency to prepare a searchable, electronic list
79 that includes the names and a description of persons known
80 to have received stolen property. Any rule or portion of a
81 rule, as that term is defined in section 536.010, that is
82 created under the authority delegated in this section shall
83 become effective only if it complies with and is subject to
84 all of the provisions of chapter 536 and, if applicable,
85 section 536.028. This section and chapter 536 are
86 nonseverable and if any of the powers vested with the
87 general assembly pursuant to chapter 536 to review, to delay
88 the effective date, or to disapprove and annul a rule are
89 subsequently held unconstitutional, then the grant of
90 rulemaking authority and any rule proposed or adopted after
91 August 28, 2026, shall be invalid and void.

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 **only make such**
4 **purchases or trades between 7:00 a.m. and 7:00 p.m. and** keep
5 a register containing a written or electronic record for
6 each purchase or trade in which each type of material
7 subject to the provisions of this section is obtained for
8 value. There shall be a separate record for each
9 transaction involving any[:

10 (1) Copper, brass, or bronze;

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

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

17 (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

50 purchaser's, collector's, or dealer's possession for five
51 business days.

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

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

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

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

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

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

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

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

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

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

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

90 8. (1) A metal recycling entity or scrap metal yard
91 shall at all times maintain in a prominent place in the
92 entity or yard's place of business, in open view to the
93 seller of a regulated metal, a notice in bold 144-point font
94 that:

95 (a) Includes the following disclosures:

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

100 WARNING: STATE LAW PROVIDES A CRIMINAL
101 PENALTY FOR A PERSON WHO INTENTIONALLY
102 PROVIDES A FALSE DOCUMENT OF IDENTIFICATION
103 OR OTHER FALSE INFORMATION TO A METAL
104 RECYCLING ENTITY WHILE ATTEMPTING TO SELL ANY
105 REGULATED METAL."; and

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

108 (2) Disclosures required by this subsection may be
109 included on a sign that contains another notice if the metal
110 recycling entity or scrap metal yard is required to display
111 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,

33 and the revocation of any and all business licenses that are
34 held with the state for the third offense.

35 4. Any person in violation of sections 407.300 to
36 407.303 by selling stolen scrap metal shall be responsible
37 for consequential damages related to obtaining the scrap
38 metal.

407.304. The department shall provide to every scrap
2 metal dealer, metal recycling entity, or scrap metal yard a
3 searchable, electronic list prepared in accordance with the
4 rules adopted by the department, pursuant to section
5 407.299, with the names and descriptions of persons known to
6 be receivers of stolen property. No scrap metal dealer,
7 metal recycling entity, or scrap metal yard shall purchase
8 or receive regulated metals from any person identified on
9 the list.

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