

SECOND REGULAR SESSION

HOUSE BILL NO. 1512

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KRAUS (Sponsor), DAY, FLOOK, NANCE, BRUNS, McGHEE, GRILL, NOLTE, HARRIS (110), YATES, COOPER (155), DAUS, ROORDA, MUNZLINGER AND SCHARNHORST (Co-sponsors).

Pre-filed December 28, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3160L.011

AN ACT

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

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

Section A. Section 407.300, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 407.300, 407.301, 407.302, and 407.303, to read as follows:

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 2. The records required under this section shall be maintained for a minimum of
14 twenty-four months from when such material is obtained and shall be available for
15 inspection by any law enforcement agent.

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

19 4. This section shall not apply to any of the following transactions:

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

22 (2) Any transaction in which the seller is an established scrap metal dealer that
23 operates a business with a fixed location that can be reasonably identified as a scrap metal
24 dealer;

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

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

407.301. 1. No scrap metal dealer shall knowingly purchase or possess a metal beer
2 keg, whether damaged or undamaged, or any reasonably recognizable part thereof, on any
3 premises that the dealer uses to buy, sell, store, shred, melt, cut, or otherwise alter scrap
4 metal.

5 2. Anyone convicted of violating this section shall be guilty of a class A
6 misdemeanor punishable only by fine. Nothing in this section shall be construed to
7 preclude a person violating this section from also being prosecuted for any applicable
8 criminal offense.

407.302. 1. No scrap yard shall purchase any manhole cover or covers, whether
2 broken or unbroken, from anyone other than a person authorized in writing by the utility
3 or other entity from which the manhole cover or covers originated to sell cast iron manhole
4 covers.

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

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

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