

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1512
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Utilities February 27, 2008 with recommendation that House Committee Substitute for House Bill No. 1512 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

3160L.08C

AN ACT

To repeal section 407.300, RSMo, and to enact in lieu thereof six new sections relating to scrap metal, 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Section A. Section 407.300, RSMo, is repealed and six new sections enacted in lieu thereof, to be known as sections 407.300, 407.301, 407.302, 407.303, 570.055, and 570.056, to read as follows: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 or brass or bronze wire [or] , cable [is purchased], pipe, tubing, bar, ingot, rod, fitting, or fastener, or material used for farming purposes as "farming" is defined in section 350.010, RSMo, whatever may be the condition or length of such [copper wire or cable; the residence or place of business and driver's license number of such person;] metal. The record shall contain the following data: A copy of the operator's license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the material is obtained, which shall contain a current address of the person from whom the material is obtained and the date, time, and place of and a full description of each such**

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.

14 purchase **or trade** including the quantity by weight thereof[]; and shall permit any peace officer
15 to inspect the register at any reasonable time].

16 **2. The records required under this section shall be maintained for a minimum of**
17 **twenty-four months from when such material is obtained and shall be available for**
18 **inspection by any law enforcement officer.**

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

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

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

25 **(2) 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 **(3) 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 as defined in section 311.082, RSMo, whether damaged or undamaged, or any**
3 **reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell,**
4 **store, shred, melt, cut, or otherwise alter scrap metal except when the purchase is from the**
5 **brewer or its authorized representative.**

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

407.302. 1. No scrap yard shall purchase any metal that can be identified as
2 **belonging to a political subdivision or electrical cooperative, municipal utility, or a utility**
3 **regulated under chapter 386 or 393, RSMo, including bleachers, guardrails, signs, street**
4 **and traffic lights or signals, and manhole cover or covers, whether broken or unbroken,**
5 **from anyone other than the political subdivision, electrical cooperative or utility, or**
6 **manufacturer of the metal or item described in this section unless such person is**
7 **authorized in writing by the political subdivision, electrical cooperative or utility, or**
8 **manufacturer to sell the metal.**

9 **2. Anyone convicted of violating this section shall be guilty of a class B**
10 **misdemeanor.**

407.303. 1. Any scrap metal dealer paying out an amount that is fifty dollars or
2 **more shall make such payment in the form of a check or shall pay by any method in which**
3 **a financial institution makes and retains a record of the transaction.**

4 **2. This section shall not apply to any transaction for which the seller has an existing**
5 **business relationship with the scrap metal dealer and is known to the scrap metal dealer**
6 **making the purchase to be an established business or political subdivision that operates a**
7 **business with a fixed location that can be reasonably expected to generate regulated scrap**
8 **metal and can be reasonably identified as such a business.**

570.055. Any person who steals or appropriates, without consent of the owner, any
2 **wire, electrical transformer, metallic wire associated with transmitting**
3 **telecommunications, or any other device that is associated with conducting electricity shall**
4 **be guilty of a class C felony.**

570.056. Any person who steals or appropriates, without consent of the owner, any
2 **property located on the premises of electrical cooperatives or municipal utilities or utilities**
3 **regulated under chapter 386, RSMo, shall be guilty of a class D felony.**

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