

SECOND REGULAR SESSION

HOUSE BILL NO. 2543

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES EL-AMIN (Sponsor),
HUBBARD AND NASHEED (Co-sponsors).

Read 1st time April 1, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5598L.01I

AN ACT

To repeal section 407.300, RSMo, and to enact in lieu thereof two new sections relating to scrap metal transactions, 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Section A. Section 407.300, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 260.282 and 407.300, to read as follows:

- 260.282. 1. Any person or entity in this state that accepts or purchases from the public any form of copper or copper alloy as scrap, refuse, recyclable waste, or surplus building materials shall register with the department of natural resources in such manner as shall be prescribed by the department by rule for the purposes of complying with section 407.300, RSMo.
2. The department of natural resources shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, 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, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, 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, 2008, shall be invalid and void.

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.

407.300. 1. Every 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] **obtain from the seller of** any copper wire, **alloy**, or cable [is purchased, 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; a full description of each purchase including the quantity by weight thereof; and shall permit any peace officer to inspect the register at any reasonable time] , **or any brass, aluminum, or aluminum alloy scrap proper identification consisting of the seller's name, the seller's home or business address, the seller's driver license number, the license plate number of the vehicle in which the seller arrived at the place of business of the dealer, and the manufacturer and model of such vehicle. The collector, dealer, or secondhand property shall also record the amount and type of metal that was purchased from the seller.**

2. [Anyone convicted of violating this section shall be fined not less than twenty-five dollars nor more than five hundred dollars, or imprisoned for not less than thirty days nor more than six months, or both.] **All dealers in used or surplus building materials shall obtain from the seller of such used or surplus building materials proper identification consisting of the seller's name, the seller's home or business address, the seller's driver license number, the license plate number of the vehicle in which the seller arrived at the place of business of the dealer, and the manufacturer and model of such vehicle. The dealer shall also record the amount and type of metal that was purchased from the seller. For purposes of this subsection, surplus or used building materials includes copper.**

3. All records required under this section shall be kept for a period of three years, and such records shall be filed by the date of purchase. All records kept in accordance with the provisions of this section shall be open at all times to peace or law enforcement officers. If the required information is maintained in electronic format, the collector, dealer, or secondhand property shall provide a printout of the information to peace or law enforcement officers upon request.

4. A violation of this section is a class C misdemeanor. A second or subsequent violation of this section is a class B misdemeanor.

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