

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 698

95TH GENERAL ASSEMBLY

1748L.01T

2009

AN ACT

To repeal section 407.485, RSMo, and to enact in lieu thereof one new section relating to donation receptacles.

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

Section A. Section 407.485, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.485, to read as follows:

407.485. 1. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items for profit unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "DONATIONS ARE NOT FOR CHARITABLE ORGANIZATIONS AND WILL BE RESOLD FOR PROFIT".

2. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items where some or all of the proceeds from the sale are directly given to a not-for-profit entity unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "DONATIONS TO THE FOR-PROFIT COMPANY: (name of the company) ARE SOLD FOR PROFIT AND (% of proceeds donated to the not-for-profit) % OF ALL PROCEEDS ARE DONATED TO (name of the nonprofit beneficiary organization's name)."

3. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items, where such for-profit entity is paid a flat fee, not contingent upon the proceeds generated by the sale of the collected goods, and one hundred percent of the

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.

19 proceeds from the sale of the items are given directly to the not-for-profit, unless the donation
20 receptacle prominently displays a statement in bold letters at least two inches high and two
21 inches wide stating: "THIS DONATION RECEPTACLE IS OPERATED BY THE
22 FOR-PROFIT ENTITY: (name of the for profit/individual) ON BEHALF of (name of the
23 nonprofit beneficiary organization's name)".

24 4. **The term "bold letters" as used in subsections 1, 2, and 3 of this section shall**
25 **mean a primary color on a white background so as to be clearly visible to the public.**

26 5. Nothing in this section shall apply to paper, glass, or aluminum products that are
27 donated for the purpose of being recycled in the manufacture of other products.

28 [5.] 6. Any entity which, on or before June 1, [2007] **2009**, has distributed one hundred
29 or more separate public receptacles within the state of Missouri to which the provisions of
30 subsection 2 or 3 of this section would apply shall be deemed in compliance with the signage
31 requirements imposed by this section for the first six months after August 28, [2007] **2009**,
32 provided such entity has made or is making good faith efforts to bring all signage in compliance
33 with the provisions of this section and all such signage is in complete compliance no later than
34 six months after August 28, [2007] **2009**.

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