

FIRST REGULAR SESSION

HOUSE BILL NO. 923

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOBBS (Sponsor),
GUERNSEY AND MUNZLINGER (Co-sponsors).

2307L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 276.536, RSMo, and to enact in lieu thereof one new section relating to licensure of grain dealers, with penalty provisions.

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

Section A. Section 276.536, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 276.536, to read as follows:

276.536. 1. Upon conviction, any person who does any of the following is guilty of a class B misdemeanor:

(1) Engaging in the business of being a grain dealer without securing a license prior to engaging in [said] **such** business. If a grain dealer has been charged, and has paid, a penalty fee for operating without a license as set forth in section 276.411, the grain dealer [may] **shall** not be charged with a class B misdemeanor for operating without a license for the time period covered by the penalty fee;

(2) Violating any of the provisions of sections 276.401 to 276.581;

(3) Impeding, hindering, obstructing, or otherwise preventing or attempting to prevent the director, the director's designated representative, employees, or any auditor in the performance of his **or her** duty in connection with sections 276.401 to 276.581 or the regulations promulgated pursuant thereto;

(4) On the part of any person, refusing to permit inspection of his **or her** premises, books, accounts or records as provided in sections 276.401 to 276.581.

2. In case of a continuing violation, each day a violation occurs constitutes a separate and distinct offense.

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.

17 3. It shall be the duty of the attorney general or each prosecuting attorney to whom any
18 violation of sections 276.401 to 276.581 is reported to cause appropriate proceedings under this
19 section to be instituted and prosecuted in a court of competent jurisdiction without delay. Before
20 a violation is reported for prosecution, the director may give the grain dealer an opportunity to
21 present his **or her** views at an informal hearing. In the event the director determines that a
22 prosecutor to whom a violation has been reported has failed to institute appropriate proceedings,
23 the director may make a written report of the failure to institute proceedings to the attorney
24 general. The attorney general may investigate the circumstances which resulted in the report.
25 If the attorney general determines additional proceedings are appropriate, [he] **the attorney**
26 **general** shall cause such proceedings to be instituted. When the attorney general causes such
27 a proceeding to be instituted, he **or she** shall have all the powers and rights of the office of the
28 prosecuting attorney to whom the violation was originally reported. Such powers and rights are
29 restricted to the prosecution of the specific case reported.

30 4. A grain dealer licensed or required to be licensed under sections 276.401 to 276.581,
31 or any officer, agent, or servant of such grain dealer who files false records, scale tickets,
32 financial papers or accounts with the director, or who withholds records, scale tickets, financial
33 papers or accounts from the director, or who alters records, scale tickets, financial papers or
34 accounts in order to conceal amounts owed to sellers of grain or actual amounts of grain received
35 and paid or not paid for or for the purpose of in any way misleading department auditors and
36 officials is, upon conviction, guilty of a class C felony.

37 5. Any duly authorized officer or employee appointed under the provisions of sections
38 276.401 to 276.581 who neglects his **or her** duty, or who knowingly or carelessly inspects,
39 grades, tests, or weighs any grain improperly, conducts an inspection improperly, intentionally
40 falsifies any inspection report, or intentionally gives false information, or who accepts any money
41 or other valuable consideration, directly or indirectly, for any neglect of duty as such duly
42 authorized officer or employee in the performance of his **or her** duties as such officer or
43 employee is deemed guilty of a class B misdemeanor.

44 **6. Any grain dealer licensed under sections 276.401 to 276.581 who acts outside the**
45 **scope of his or her license or classification of licensure as set forth in sections 276.401 to**
46 **276.581 and any regulations promulgated thereunder is guilty of a class A misdemeanor.**

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