

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 83, Pages 123-124, Section 407.485, Lines 1-47, by deleting all of said section and
3 lines from the bill and inserting in lieu thereof, the following:
4

5 "407.485. 1. It shall be an unfair business practice in violation of section 407.020 for a
6 for-profit entity or natural person to collect [donations of] unwanted household items via a public
7 receptacle and resell the [donated] deposited items for profit unless the [donation] deposited item
8 receptacle prominently displays a statement in bold letters at least two inches high and two inches
9 wide stating: "[DONATIONS] DEPOSITED ITEMS ARE NOT FOR CHARITABLE
10 ORGANIZATIONS AND WILL BE RESOLD FOR PROFIT. DEPOSITED ITEMS ARE NOT
11 TAX DEDUCTIBLE".

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

20 3. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity
21 or natural person to collect donations of unwanted household items via a public receptacle and resell
22 the donated items, where such for-profit entity is paid a flat fee, not contingent upon the proceeds
23 generated by the sale of the collected goods, and one hundred percent of the proceeds from the sale
24 of the items are given directly to the not-for-profit, unless the donation receptacle prominently
25 displays a statement in bold letters at least two inches high and two inches wide stating: "THIS
26 DONATION RECEPTACLE IS OPERATED BY THE FOR-PROFIT ENTITY: (name of the
27 for-profit/individual) ON BEHALF of (name of the nonprofit beneficiary organization's name)".

28 4. It shall be an unfair business practice in violation of section 407.020 for a not-for-profit
29 entity to collect donations of unwanted household items via a public receptacle and resell the donated
30 items unless the donation receptacle prominently displays a statement in bold letters at least two
31 inches high and two inches wide stating: "THIS RECEPTACLE IS OWNED AND OPERATED BY
32 THE NOT-FOR-PROFIT ENTITY: (name of the not-for-profit/charity) AND (% of proceeds
33 donated to the not-for-profit) % OF THE PROCEEDS FROM THE SALE OF ANY DONATIONS

Action Taken _____ Date _____

1 SHALL BE USED FOR THE CHARITABLE MISSION OF (charity name/charitable cause)".

2 [4.] 5. The term "bold letters" as used in subsections 1, 2, and 3 of this section shall mean a
3 primary color on a white background so as to be clearly visible to the public.

4 [5.] 6. Nothing in this section shall apply to paper, glass, or aluminum products that are
5 donated for the purpose of being recycled in the manufacture of other products.

6 [6.] 7. Any entity which, on or before June 1, 2009, has distributed one hundred or more
7 separate public receptacles within the state of Missouri to which the provisions of subsection 2 or 3
8 of this section would apply shall be deemed in compliance with the signage requirements imposed by
9 this section for the first six months after August 28, 2009, provided such entity has made or is
10 making good faith efforts to bring all signage in compliance with the provisions of this section and
11 all such signage is in complete compliance no later than six months after August 28, 2009.

12 8. All donation receptacles described in this section shall conspicuously display the name,
13 address, and telephone number of the owner and operator of the receptacle. For any receptacles
14 covered in this section, the owner or operator of the receptacle shall maintain permission to place the
15 receptacle on the property from the property owner or agent of the owner of the property where the
16 receptacle is located. Such permission shall be in writing and clearly identify the owner of the
17 receptacle and property owner or his or her agent in addition to the nature of the collections and
18 where proceeds will be accrued. Failure to secure such permission shall constitute an unfair business
19 practice in addition to any other statutory conditions. Unless otherwise agreed to in writing, the
20 property owner or his or her agent may remove the receptacle and any charges incurred in such
21 removal shall be the responsibility of the owner of the receptacle. Unless the receptacle owner pays
22 such charges within thirty calendar days of the sending of a written certified letter from the property
23 owner stating his or her intent to remove the receptacle, the receptacle owner shall relinquish any
24 right to the receptacle. If the receptacle does not conspicuously display the name, address, and
25 telephone number of the owner and operator of the receptacle, the receptacle shall be considered
26 abandoned property and may be destroyed or permanently possessed by the property owner or their
27 agent.

28 9. Any owner and operator of a receptacle that does not display the address of the owner and
29 operator, but does display the website of the owner and operator, shall make the address easily
30 accessible on such website for the property owner to send the letter specified in subsection 8 of this
31 section. The provisions of this subsection shall expire on September 1, 2014."; and

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33 Further amend said bill by amending the title, enacting clause, and intersectional references
34 accordingly.