

HOUSE**AMENDMENT NO. ____****Offered by****of**

1 AMEND House Committee Substitute for Senate Committee Substitute
 2 for Senate Bill No. 157 and Senate Bill No. 102, Page 1, Section
 3 A, Line 3, by inserting after all of said line the following:

4 "407.296. As used in sections 407.296 to 407.303, the
 5 following terms mean:

6 (1) "Catalytic converter", a device designed for use in a
 7 vehicle for purposes of chemically converting harmful exhaust
 8 gases, produced by the internal combustion engine, into harmless
 9 carbon dioxide and water vapor;

10 (2) "Copper property", any insulated copper wire, copper
 11 tubing, copper guttering and downspouts, or any item composed
 12 completely of copper;

13 (3) "Copper property peddler", any person who sells or
 14 attempts to sell copper property and who is not either licensed
 15 or certified tradesperson or does not hold a business license
 16 issued by a city, municipality, or county;

17 (4) "Ferrous metals", metals which contain iron and are
 18 magnetic;

19 (5) "HVAC component", any air conditioner evaporator coil
 20 or condenser used in connection with a residential, commercial,
 21 or industrial building;

22 (6) "Nonferrous metals", metals which do not contain
 23 significant amounts of iron and are not magnetic, such as
 24 aluminum, brass, lead, zinc, and copper;

25 (7) "Scrap metal dealer", any entity, including any person,
 26 firm, company, partnership, association, or corporation, located
 27 in this state who purchases products containing ferrous or
 28 nonferrous metals for recycling;

29 (8) "Vehicle repair shop", any commercial facility engaged

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1 in the repair or replacement of car, truck and van, motorcycle or
2 other motorized mechanical and exhaust components, whether as a
3 primary or ancillary activity.

4 407.297. 1. No person shall engage in the business of a
5 copper property peddler without first obtaining a license from
6 the municipality or county and complying with the provisions of
7 this section.

8 2. Every copper property peddler shall pay a license fee of
9 forty-five dollars per year. The license shall expire June
10 thirtieth of each year. Each license shall bear a separate
11 number, the name and address of the licensee and telephone number
12 of the licensee. The license shall be available only to the
13 person in whose name it is issued and shall not be used by any
14 person other than the original licensee. Any licensee who shall
15 permit his or her license to be used by any other person, and any
16 other person who shall use a license granted to another person,
17 shall each be deemed guilty of a violation of this section.

18 3. Application for a license under this section shall be
19 made in writing to the municipality or county and shall state the
20 name, age, description, and address of the applicant. The
21 application shall include a sworn statement setting forth each
22 and every conviction of the applicant for violations of federal,
23 state, or city laws, statutes, or ordinances. In addition, the
24 applicant shall, at his or her expense, obtain a complete copy of
25 the person's police record as indicated by the records of the
26 city police department and submit such record as part of the
27 application. No license shall be granted to any person who has
28 been convicted of burglary, robbery, stealing, theft, or
29 possession or receiving stolen goods in the last twenty-four
30 months prior to the date of the application.

31 4. The municipality or county shall have the power and
32 authority to revoke any license under this section for any
33 willful violation by a copper property peddler provided the
34 licensee has been notified in writing at his or her place of
35 business of the violations complained of and shall have been
36 afforded a reasonable opportunity to having a hearing.

37 407.298. 1. A scrap metal dealer shall pay for any copper

1 property or HVAC component as follows:

2 (1) A scrap metal dealer shall not pay cash for copper
3 property or HVAC component unless the seller presents or the
4 scrap metal dealer has on file a valid business license, valid
5 trade license, or trade certificate;

6 (2) Payment to any seller of copper property or HVAC
7 component who presents valid copper property peddler's license
8 shall be by check. Checks shall be written to the licensee or
9 certified tradesperson and may be delivered to the seller at the
10 time of the sale;

11 (3) Payment to any seller of copper property or HVAC
12 component who does not present or have on file a valid business
13 license, valid trade license, or certificate or valid copper
14 peddler's license shall be by check. Checks shall be payable
15 only to the person whose name was recorded as delivering the
16 copper property or HVAC component to the scrap metal dealer;
17 provided, however, that if such person is delivering the copper
18 property or HVAC component on behalf of a governmental entity or
19 a nonprofit or for profit business entity, the check may be
20 payable to such entity. All checks issued to a seller of copper
21 property or HVAC component who does not present or have on file a
22 valid business license, valid trade license, or valid copper
23 peddler's license shall be mailed via the United States mail to
24 the address provided on the driver's license or picture
25 identification provided by the seller;

26 (4) Checks shall not be converted to cash by a scrap metal
27 dealer or by any related entity.

28 2. This section shall not apply to any transaction for
29 which the seller has an existing business relationship with the
30 scrap metal dealer and is known to the scrap metal dealer making
31 the purchase to be an established business or political
32 subdivision that operates a business with a fixed location that
33 can be reasonably expected to generate regulated scrap metal and
34 can be reasonably identified as such a business.

35 407.299. 1. If a scrap metal dealer has actual knowledge
36 that copper or HVAC component in its possession has been stolen,
37 the dealer shall notify the local police department via 911 and

1 provide any information in its possession relative to the seller
2 or the sale transaction.

3 2. Following notice from the scrap metal dealer or if the
4 police department has reasonable suspicion that the scrap metal
5 dealer is in possession of stolen property, the police department
6 may issue to the scrap metal dealer a written notice placing a
7 ten day hold order on the property.

8 3. (1) It is unlawful for any person to knowingly present
9 for sale to a scrap metal dealer stolen ferrous or nonferrous
10 metal, including but not limited to, copper property or HVAC
11 components. Any person who knowingly presents for sale stolen
12 ferrous or nonferrous metal shall be guilty of an offense for
13 each item of scrap metal and shall upon conviction be subject to
14 a fine of not less than five hundred dollars or by imprisonment
15 for a period not to exceed ninety days or both fine and
16 imprisonment.

17 (2) It is unlawful for a person to willfully and
18 maliciously cut, mutilate, deface, or otherwise injure any
19 personal or real property owned by a third party, including any
20 fixtures or improvements, for the purpose of obtaining ferrous or
21 nonferrous metals in any amount. Any person who willfully and
22 maliciously cuts, mutilates, defaces, or otherwise injures any
23 personal or real property owned by a third party for the purpose
24 of obtaining ferrous or nonferrous metal shall be guilty of an
25 offense for each item of scrap metal derived from such actions
26 and shall upon conviction be subject to a fine of not less than
27 five hundred dollars or by imprisonment for a period not to
28 exceed ninety days or both fine and imprisonment.

29 (3) In addition to the penalties described in this
30 subsection, a copper property peddler's license shall be revoked
31 if he or she knowingly violates sections 407.296 to 407.300.";
32 and

33
34 Further amend said bill, Page 1, Section 407.300, Line 3, by
35 inserting after the word "metal" the words ", which includes
36 ferrous and nonferrous metals,"; and
37

1 Further amend said bill, Page 2, Section 407.300, Line 18,
2 by inserting after "address," the words "name, race,"; and
3

4 Further amend said bill, Page 2, Section 407.300, Lines 24
5 and 25, by deleting all of said lines and inserting in lieu
6 thereof the following:

7 "(5) A full description of each such purchase or trade
8 including the quantity by weight thereof, any business license
9 number or the copper property peddler's license (including the
10 name of the issuing municipality), and amount paid. The
11 information shall be completed in full without any missing data
12 or information described in this subsection."; and
13

14 Further amend said bill, Page 2, Section 407.300, Lines 26
15 to 28, by deleting all of said lines and inserting in lieu
16 thereof the following:

17 "[2.] 3. The records required under this section shall be
18 maintained for a [minimum of twenty-four months] period of three
19 years from when such material is obtained and shall be available
20 for inspection by any law enforcement officer. All records
21 required under this section shall be photocopied and maintained
22 from three years from the date of the transaction."; and
23

24 Further amend said bill, Page 2, Section 407.300, Lines 29
25 and 30, by deleting all of said lines and inserting in lieu
26 thereof the following:

27 "[3.] 4. Any person selling copper property who holds a
28 valid business license or copper property peddler's license shall
29 present a copy of such license to the scrap metal dealer.

30 5. A transaction receipt shall be issued and consist of the
31 same information required under subsections 1 and 2 of this
32 section and shall include the following statement: "By accepting
33 payment from (insert name of scrap metal dealer), seller
34 represents and warrants that the material documented by this
35 receipt is owned by or was lawfully obtained, and the seller has
36 the legal right to sell the material to (insert name of scrap
37 metal dealer).". If the seller provides any documentation

1 indicating that the person is in lawful possession of the scrap
2 metal, or was otherwise lawfully acquired, including without
3 limitation a bill of sale or receipt, the scrap metal dealer
4 shall photocopy such documentation and maintain it with the
5 transaction information otherwise required by this section.

6 6. A scrap metal dealer or the agent employee, or
7 representative of a scrap metal dealer shall not disclose
8 personal information concerning a customer under this section
9 without the consent of the customer unless the disclosure is made
10 in response to a request from a law enforcement agency. A scrap
11 metal dealer shall implement reasonable safeguards:

12 (1) To protect the security of the personal information
13 required under subsection 1 of this section; and

14 (2) To prevent unauthorized access to or disclose of that
15 information.

16 7. A scrap metal dealer shall not be liable to any customer
17 for a disclosure of personal information if the scrap metal
18 dealer has met the requirements set forth in subsection 6 of this
19 section.

20 8. Anyone convicted of violating this section shall be
21 guilty of a class [A] B misdemeanor."; and

23 Further amend said bill, Page 2, Section 407.300, Line 31,
24 by deleting the number "5." and inserting in lieu thereof the
25 number "9."; and

27 Further amend said bill, Page 2, Section 407.300, Line 41,
28 by inserting after all of said line the following:

29 "10. Hours of retail operation for scrap metal dealers
30 shall be no earlier than 6:00 a.m. and no later than 7:00 p.m.

31 11. No scrap metal dealer shall purchase or otherwise
32 receive from a person under the age of eighteen any ferrous or
33 nonferrous metal other than aluminum cans.

34 12. A scrap metal dealer shall register with or subscribe
35 to the alert system established by the Institute of Scrap
36 Recycling Industries, Inc., referred to as the ISRI Scrap Theft
37 Alert system and maintain that registration or subscription.";

1 and

2
3 Further amend said bill, Page 2, Section 407.302, Line 5, by
4 inserting after "signals," the following: "certain cables used
5 in high voltage transmission lines, historical markers,"; and

6
7 Further amend said bill, Page 3, Section 407.302, Line 12,
8 by deleting all of said line and inserting in lieu thereof the
9 following:

10 "2. No person shall knowingly sell or attempt to sell to a
11 scrap metal dealer and no scrap metal dealer shall knowingly and
12 willfully purchase the following:

13 (1) New materials, such as those used in construction, or
14 equipment or tools used by contractors unless accompanied by
15 proof of ownership or authorization to sell the materials on
16 behalf of the owner;

17 (2) HVAC components unless accompanied by written
18 authorization from the business or property owner evidencing the
19 seller has the legal right to sell the material;

20 (3) Catalytic converters unless purchased from a vehicle
21 repair business.

22 3. Anyone convicted of violating this section shall be
23 guilty of a class B misdemeanor."; and

24
25 Further amend said title, enacting clause and intersectional
26 references accordingly.