

FIRST REGULAR SESSION

# HOUSE BILL NO. 1004

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES FRAME (Sponsor), BURNS, COLONA, ENGLISH, ENGLUND,  
MCDONALD, SWEARINGEN, KRATKY, WEBBER, WEBB AND HUMMEL (Co-sponsors).

1057L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to the sale of cellular phones by secondhand dealers, with penalty provisions.

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

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be  
2 known as section 407.306, to read as follows:

**407.306. 1. When purchasing cellular phones or other electronic communication**  
2 **devices, a secondhand dealer shall obtain the following information from the seller of the**  
3 **phone or device and shall, at the time of the purchase, enter the information into the Law**  
4 **Enforcement Agency Data System (LEADS) or any successor database approved by the**  
5 **appropriate law enforcement agency:**

6       **(1) A complete and accurate description of the cellular phone or electronic**  
7 **communication device taken, purchased, or received by such merchant including serial**  
8 **number, if any;**

9       **(2) The date, time, and place of the purchase;**

10       **(3) The correct legal name, date of birth, and place of residence, including city and**  
11 **state, of the seller;**

12       **(4) A copy of the seller's driver's license, or if not available, a copy of the seller's**  
13 **military identification, passport, or other approved state identification number or state**  
14 **identification card;**

15       **(5) The amount paid for the property and the name of the employee handling the**  
16 **transaction;**

17       **(6) A photograph, taken by the secondhand dealer, of the transaction depicting a**  
18 **discernable likeness of the seller;**

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           (7) The home, business, and cellular telephone number of seller;
- 20           (8) The name of the employee handling the purchase;
- 21           (9) The right thumbprint of the seller and, if the right thumbprint cannot be  
22 obtained, the left thumbprint shall be obtained and an explanation shall be provided as to  
23 why the right thumbprint was not available.
- 24           2. No purchases shall be made from persons not of legal age.
- 25           3. When a law enforcement official has reasonable cause to believe that the cellular  
26 phone or electronic communication device received by a secondhand dealer is stolen, the  
27 law enforcement official may place a hold notice upon the suspected stolen property. The  
28 identified cellular phone or electronic communication device, which has a hold notice, shall  
29 be held by the secondhand dealer's place of business for sixty calendar days, unless  
30 released sooner, by authority of the police chief or his or her designee. After sixty calendar  
31 days have passed, unless the police chief or his or her designee authorizes other disposition,  
32 the hold is automatically released and the secondhand dealer may dispose of the cellular  
33 phone or electronic communication device.
- 34           4. Every secondhand dealer and every person employed by such dealer in the  
35 conduct of their business shall allow any law enforcement officer or other official  
36 designated by the police chief to examine every part of the business premises at any time  
37 and shall allow the designee to examine, photograph, or copy any goods, articles, things,  
38 books, or other records on the premises to determine compliance with this section and to  
39 search for and to place a hold upon any item under this section that may be stolen  
40 property.
- 41           5. As used in this section, "secondhand dealer" means any person doing business  
42 in this state who purchases and/or sells goods of any kind or description, having once been  
43 used or transferred from the manufacturer to the dealer and then received into the  
44 possession of third parties whether the same consists of cloths, carpets, clothing, rags, iron  
45 or other metals, furniture or articles of household utensils, articles of personal use,  
46 electronics, computers, cellular phones, electronic communication devices, apparel, or of  
47 jewelry of any kind or description, or items made in whole or part of gold, silver or  
48 precious metals or gemstones including bullion, or coins.
- 49           6. Any person who shall engage in business as a secondhand dealer, as defined in  
50 the section, and is found to be in violation of any regulation set forth in this section shall  
51 be punished by a fine of not less than one dollar nor more than five hundred dollars or by  
52 imprisonment for not more than ninety days or by both such fine and imprisonment.

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