

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 69
101ST GENERAL ASSEMBLY

0079S.09T

2021

AN ACT

To repeal sections 407.292, 407.300, and 570.030, RSMo, and to enact in lieu thereof four new sections relating to certain metals, with penalty provisions.

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

Section A. Sections 407.292, 407.300, and 570.030, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 407.292, 407.297, 407.300, and 570.030, to read as follows:

407.292. 1. As used in this section, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

(1) "Business combination", the same meaning as such term is defined in section 351.459;

(2) "Buyer of gold, silver, or platinum" or "buyer", an individual, partnership, association, corporation, or business entity, who or which purchases gold, silver, or platinum from the general public for resale or refining, or an individual who acts as agent for the individual, partnership, association, corporation, or business entity for the purchases. The term does not include financial institutions licensed under federal or state banking laws, the purchaser of gold, silver, or platinum who purchases from a seller seeking a trade-in or allowance, and the purchaser of gold, silver, or platinum for his or her own use or ownership and not for resale or refining;

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.

13 (3) "Gold", items containing or being of gold including, but not limited to, jewelry. The
14 term does not include coins, ingots, or bullion or articles containing less than five percent gold
15 by weight;

16 (4) "Platinum", items containing or being of platinum, but shall only include jewelry.
17 The term does not include coins, ingots, bullion, or catalytic converters or articles containing less
18 than five percent platinum by weight;

19 (5) "Silver", items containing or being of silver including, but not limited to, jewelry.
20 The term does not include coins, ingots, bullion, or photographic film or articles containing less
21 than five percent silver by weight;

22 (6) "Weighing device", shall only include a device that is inspected and approved by the
23 weight and measures program within the department of agriculture.

24 2. The buyer shall completely, accurately, and legibly record and photograph every
25 transaction on a form provided by and prepared by the buyer. The record of every transaction
26 shall include the following:

27 (1) A copy of the driver's license or photo identification issued by the state or by the
28 United States government or agency thereof to the person from whom the material is obtained;

29 (2) The name, current address, birth date, sex, and a photograph of the person from
30 whom the material is obtained, if not included or are different from the identification required
31 in subdivision (1) of this subsection;

32 (3) The seller shall be required to sign the form on which is recorded the information
33 required by this section;

34 (4) An accurate description of the property purchased;

35 (5) The time and date of the transaction shall be recorded at the time of the transaction.

36

37 Records of transactions shall be maintained by the buyer in gold, silver, or platinum for a period
38 of one year and shall be available for inspection by any law enforcement official of the federal
39 government, state, municipality, or county. No buyer shall accept any premelted gold, silver, or
40 platinum, unless it is part of the design of an item of jewelry. Each item of gold, silver, or
41 platinum purchased by a buyer in gold, silver, or platinum shall be retained in an unaltered
42 condition for ~~five~~ ten full ~~working~~ days **that the buyer is open to the public**. It shall be the
43 buyer's duty to inform law enforcement if the buyer has any reason to believe an item purchased
44 may have been obtained illegally by a seller.

45 3. Records of buyer transactions ~~may~~ **shall** be made available, upon request, to law
46 enforcement officials, governmental entities, and any other concerned entities or persons **at the**
47 **location where the transaction occurred. The buyer shall not keep law enforcement**

48 **officials, governmental entities, or any other concerned entities or persons from accessing**
49 **such records during the buyer's normal business hours.**

50 4. When a purchase is made from a minor, the written authority of the parent, guardian,
51 or person in loco parentis authorizing the sale shall be attached and maintained with the record
52 of transaction described in subsection 2 of this section.

53 5. (1) When a weighing device is used to purchase gold, silver, or platinum, there shall
54 be posted, on a conspicuous sign located close to the weighing device, a statement of prices for
55 the gold, silver, or platinum being purchased as a result of the weight determination.

56 (2) The statement of prices shall include, but not be limited to, the following in terms
57 of the price per troy ounce:

58 (a) The price for twenty-four karat, eighteen karat, fourteen karat, and ten karat gold;

59 (b) The price for pure silver and sterling silver;

60 (c) The price for platinum.

61 (3) When the weight determination is expressed in metric units, a conversion chart to
62 troy ounces shall be prominently displayed so as to facilitate price comparison. The metric
63 equivalent of a troy ounce is 31.10348 grams.

64 6. A weighing device used in the purchase of gold, silver, or platinum shall be positioned
65 in such a manner that its indications may be accurately read and the weighing operation observed
66 from a position which may be reasonably assumed by the buyer and the seller. A verbal
67 statement of the result of the weighing shall be made by the person operating the device and
68 recorded on the buyer's record of transaction.

69 7. The purchase of an item of gold, silver, or platinum by a buyer in gold, silver, or
70 platinum not in accordance with this section shall constitute a violation of this section and the
71 buyer may be subject to a fine not to
72 exceed one thousand dollars.

73 8. This section shall not apply to a pawnbroker, as defined in section 367.011, or a scrap
74 metal dealer, as provided in sections 407.300 to 407.305.

407.297. 1. Notwithstanding any other provision of law to the contrary, no person
2 **shall engage in the business of a copper property peddler in a city not within a county**
3 **without first obtaining a license from the city and complying with the provisions of this**
4 **section.**

5 **2. For the purposes of this section, the following terms shall mean:**

6 **(1) "Copper property", any insulated copper wire, copper tubing, copper guttering**
7 **and downspouts, or any item composed completely of copper;**

8 (2) **"Copper property peddler"**, any person who sells or attempts to sell copper
9 property and who is not either a licensed or certified tradesperson or does not hold a
10 business license issued by the city.

11 3. The city shall determine the license fee. The license shall expire June thirtieth
12 of each year. Each license shall bear a separate number, the name and address of the
13 licensee, and telephone number of the licensee. The license shall be available only to the
14 person in whose name it is issued and shall not be used by any person other than the
15 original licensee. Any licensee who shall permit his or her license to be used by any other
16 person, and any other person who shall use a license granted to another person, shall each
17 be deemed guilty of a violation of this section.

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

27 5. The city shall have the power and authority to revoke any license under this
28 section for any willful violation of this section by a copper property peddler, provided the
29 licensee has been notified in writing at his or her place of business of the violations
30 complained of and shall have been afforded a reasonable opportunity to have a hearing.

31 6. The provisions of this section shall only be effective when the city is actively
32 issuing licenses to copper property peddlers.

407.300. 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any
2 secondhand property **who obtains items for resale or profit** shall keep a register containing a
3 written or electronic record for each purchase or trade in which each type of material subject to
4 the provisions of this section is obtained for value. There shall be a separate record for each
5 transaction involving any:

- 6 (1) Copper, brass, or bronze;
- 7 (2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;
- 8 (3) Material containing copper or aluminum that is knowingly used for farming purposes
9 as farming is defined in section 350.010; whatever may be the condition or length of such metal;
- 10 (4) **Detached** catalytic converter; or
- 11 (5) Motor vehicle, heavy equipment, or tractor battery.

12 2. The record required by this section shall contain the following data:

13 (1) A copy of the driver's license or photo identification issued by the state or by the
14 United States government or agency thereof [~~to~~] of the person from whom the material is
15 obtained;

16 (2) The current address, gender, birth date, and a **color** photograph of the person from
17 whom the material is obtained if not included or are different from the identification required in
18 subdivision (1) of this subsection;

19 (3) The date, time, and place of the transaction;

20 (4) The license plate number of the vehicle used by the seller during the transaction; **and**

21 (5) A full description of the material, including the weight and purchase price.

22 3. The records required under this section shall be maintained for a minimum of [~~twenty-~~
23 ~~four~~] **thirty-six** months from when such material is obtained and shall be available for inspection
24 by any law enforcement officer.

25 4. [~~Anyone convicted of violating this section shall be guilty of a class B misdemeanor.~~]
26 **No transaction that includes a detached catalytic converter shall occur at any location**
27 **other than the fixed place of business of the purchaser or collector of, or dealer in, junk,**
28 **scrap metal, or any secondhand property. No detached catalytic converter shall be altered,**
29 **modified, disassembled, or destroyed until it has been in the purchaser's, collector's, or**
30 **dealer's possession for five business days.**

31 5. **Anyone licensed under section 301.218 who knowingly purchases a stolen**
32 **detached catalytic converter shall be subject to the following penalties:**

33 (1) **For a first violation, a fine in the amount of five thousand dollars;**

34 (2) **For a second violation, a fine in the amount of ten thousand dollars; and**

35 (3) **For a third violation, revocation of the license for a business described under**
36 **section 301.218.**

37 6. This section shall not apply to [~~any~~] **either** of the following transactions:

38 (1) [~~Any transaction for which the total amount paid for all regulated material purchased~~
39 ~~or sold does not exceed fifty dollars, unless the material is a catalytic converter;~~

40 ~~—(2)] Any transaction for which the seller [~~including a farm or farmer,~~]
41 business relationship with the scrap metal dealer and is known to the scrap metal dealer making
42 the purchase to be an established business or political subdivision that operates a business with
43 a fixed location that can be reasonably expected to generate regulated scrap metal and can be
44 reasonably identified as such a business, **and for which the seller is paid by check or by**
45 **electronic funds transfer, or the seller produces an acceptable identification, which shall**
46 **be a copy of the driver's license or photo identification issued by the state or by the United**
47 **States government or agency thereof, and a copy is retained by the purchaser; or**~~

48 ~~[(3)]~~ (2) Any transaction for which the type of metal subject to subsection 1 of this
49 section is a minor part of a larger item, except for **heating and cooling equipment** or equipment
50 used in the generation and transmission of electrical power or telecommunications.

570.030. 1. A person commits the offense of stealing if he or she:

2 (1) Appropriates property or services of another with the purpose to deprive him or her
3 thereof, either without his or her consent or by means of deceit or coercion;

4 (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the
5 purpose to deprive him or her thereof, either without his or her consent or by means of deceit or
6 coercion; or

7 (3) For the purpose of depriving the owner of a lawful interest therein, receives, retains
8 or disposes of property of another knowing that it has been stolen, or believing that it has been
9 stolen.

10 2. The offense of stealing is a class A felony if the property appropriated consists of any
11 of the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail
12 tank car, bulk storage tank, field nurse, field tank or field applicator.

13 3. The offense of stealing is a class B felony if:

14 (1) The property appropriated or attempted to be appropriated consists of any amount
15 of anhydrous ammonia or liquid nitrogen;

16 (2) The property consists of any animal considered livestock as the term livestock is
17 defined in section 144.010, or any captive wildlife held under permit issued by the conservation
18 commission, and the value of the animal or animals appropriated exceeds three thousand dollars
19 and that person has previously been found guilty of appropriating any animal considered
20 livestock or captive wildlife held under permit issued by the conservation commission.
21 Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison
22 term of not less than eighty percent of his or her sentence before he or she is eligible for
23 probation, parole, conditional release, or other early release by the department of corrections;

24 (3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft,
25 and that person has previously been found guilty of two stealing-related offenses committed on
26 two separate occasions where such offenses occurred within ten years of the date of occurrence
27 of the present offense;

28 (4) The property appropriated or attempted to be appropriated consists of any animal
29 considered livestock as the term is defined in section 144.010 if the value of the livestock
30 exceeds ten thousand dollars; or

31 (5) The property appropriated or attempted to be appropriated is owned by or in the
32 custody of a financial institution and the property is taken or attempted to be taken physically
33 from an individual person to deprive the owner or custodian of the property.

34 4. The offense of stealing is a class C felony if the value of the property or services
35 appropriated is twenty-five thousand dollars or more.

36 5. The offense of stealing is a class D felony if:

37 (1) The value of the property or services appropriated is seven hundred fifty dollars or
38 more;

39 (2) The offender physically takes the property appropriated from the person of the
40 victim; or

41 (3) The property appropriated consists of:

42 (a) Any motor vehicle, watercraft or aircraft;

43 (b) Any will or unrecorded deed affecting real property;

44 (c) Any credit device, debit device or letter of credit;

45 (d) Any firearms;

46 (e) Any explosive weapon as defined in section 571.010;

47 (f) Any United States national flag designed, intended and used for display on buildings
48 or stationary flagstaffs in the open;

49 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
50 legislature of the state of Missouri;

51 (h) Any pleading, notice, judgment or any other record or entry of any court of this state,
52 any other state or of the United States;

53 (i) Any book of registration or list of voters required by chapter 115;

54 (j) Any animal considered livestock as that term is defined in section 144.010;

55 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;

56 (l) Any captive wildlife held under permit issued by the conservation commission;

57 (m) Any controlled substance as defined by section 195.010;

58 (n) Ammonium nitrate;

59 (o) Any wire, electrical transformer, or metallic wire associated with transmitting
60 telecommunications, video, internet, or voice over internet protocol service, or any other device
61 or pipe that is associated with conducting electricity or transporting natural gas or other
62 combustible fuels; or

63 (p) Any material appropriated with the intent to use such material to manufacture,
64 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their
65 analogues.

66 6. The offense of stealing is a class E felony if:

67 (1) The property appropriated is an animal; ~~or~~

68 (2) **The property is a catalytic converter; or**

69 **(3)** A person has previously been found guilty of three stealing-related offenses
70 committed on three separate occasions where such offenses occurred within ten years of the date
71 of occurrence of the present offense.

72 7. The offense of stealing is a class D misdemeanor if the property is not of a type listed
73 in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one
74 hundred fifty dollars, and the person has no previous findings of guilt for a stealing-related
75 offense.

76 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this
77 section.

78 9. If a violation of this section is subject to enhanced punishment based on prior findings
79 of guilt, such findings of guilt shall be pleaded and proven in the same manner as required by
80 section 558.021.

81 10. The appropriation of any property or services of a type listed in subsection 2, 3, 5,
82 or 6 of this section or of a value of seven hundred fifty dollars or more may be considered a
83 separate felony and may be charged in separate counts.

84 11. The value of property or services appropriated pursuant to one scheme or course of
85 conduct, whether from the same or several owners and whether at the same or different times,
86 constitutes a single criminal episode and may be aggregated in determining the grade of the
87 offense, except as set forth in subsection 10 of this section.

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