

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 186, Page 5, Section 211.031, Line 93, by
2 inserting after all of said section and line the following:

3
4 "301.218. 1. No person shall, except as an incident to the sale, repair, rebuilding or
5 servicing of vehicles by a licensed franchised motor vehicle dealer, carry on or conduct the
6 following business unless licensed to do so by the department of revenue under sections 301.217 to
7 301.229:

8 (1) Selling used parts of or used accessories for vehicles as a used parts dealer, as defined in
9 section 301.010;

10 (2) Salvaging, wrecking, or dismantling vehicles for resale of the parts thereof as a salvage
11 dealer ~~[or]~~ and dismantler, as defined in section 301.010, or otherwise engaging in the buying or
12 selling of catalytic converters or the component parts of catalytic converters;

13 (3) Rebuilding and repairing four or more wrecked or dismantled vehicles in a calendar year
14 as a rebuilder or body shop, as defined in section 301.010;

15 (4) Processing scrapped vehicles or vehicle parts as a scrap processor, as defined in section
16 301.010.

17 2. Sales at a salvage pool or a salvage disposal sale shall be open only to and made to
18 persons actually engaged in and holding a current license under sections 301.217 to 301.221 and
19 301.550 to 301.573 or any person from another state or jurisdiction who is legally allowed in his or
20 her state of domicile to purchase for resale, rebuild, dismantle, crush, or scrap either motor vehicles
21 or salvage vehicles, and to persons who reside in a foreign country that are purchasing salvage
22 vehicles for export outside of the United States. Operators of salvage pools or salvage disposal sales
23 shall keep a record, for three years, of sales of salvage vehicles with the purchasers' name and
24 address, and the year, make, and vehicle identification number for each vehicle. These records shall
25 be open for inspection as provided in section 301.225. Such records shall be submitted to the
26 department on a quarterly basis.

27 3. The operator of a salvage pool or salvage disposal sale, or subsequent purchaser, who
28 sells a nonrepairable motor vehicle or a salvage motor vehicle to a person who is not a resident of
29 the United States at a salvage pool or a salvage disposal sale shall:

Action Taken _____ Date _____

(1) Stamp on the face of the title so as not to obscure any name, date, or mileage statement on the title the words "FOR EXPORT ONLY" in capital letters that are black; and

(2) Stamp in each unused reassignment space on the back of the title the words "FOR EXPORT ONLY" and print the number of the dealer's salvage vehicle license, name of the salvage pool, or the name of the governmental entity, as applicable.

The words "FOR EXPORT ONLY" required under subdivisions (1) and (2) of this subsection shall be at least two inches wide and clearly legible. Copies of the stamped titles shall be forwarded to the department.

4. The director of revenue shall issue a separate license for each kind of business described in subsection 1 of this section, to be entitled and designated as either "used parts dealer"; "salvage dealer or dismantler"; "rebuilder or body shop"; or "scrap processor" license."; and

Further amend said bill, Page 6, Section 301.3175, Line 32, by inserting after all of said section and line the following:

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

(1) Copper, brass, or bronze;

(2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;

(3) Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in section 350.010; whatever may be the condition or length of such metal;

(4) Detached catalytic converter; or

(5) Motor vehicle, heavy equipment, or tractor battery.

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

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

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

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

(4) The license plate number of the vehicle used by the seller during the transaction; ~~[and]~~

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

(6) If the purchase or trade-in includes a detached catalytic converter:

(a) Either proof the seller is a bona fide automobile repair shop or an affidavit that attests the detached catalytic converter was acquired lawfully; and

1 (b) The make, model, year, and vehicle identification number of the vehicle from which the
 2 detached catalytic converter originated.

3 3. (1) The records required under this section shall be maintained in order of transaction
 4 date for a minimum of ~~[thirty-six months]~~ four years from when such material is obtained and shall
 5 be available for inspection by any law enforcement officer.

6 (2) The department of revenue shall create and make available on the department website a
 7 standardized form for recording the records required under this section.

8 (3) At least monthly, a purchaser or collector of, or dealer in, junk, scrap metal, or any
 9 secondhand property shall submit to the department of revenue the records required under this
 10 section on the department's form, with copies of the purchaser's, collector's, or dealer's other records,
 11 if any, attached. The submission may be in either a paper or electronic format. The department of
 12 revenue may prescribe the format of forms submitted electronically.

13 4. No transaction that includes a detached catalytic converter shall occur at any location
 14 other than the fixed place of business of the purchaser or collector of, or dealer in, junk, scrap metal,
 15 or any secondhand property. No detached catalytic converter shall be altered, modified,
 16 disassembled, or destroyed until it has been in the purchaser's, collector's, or dealer's possession for
 17 five business days.

18 5. ~~Anyone [licensed under section 301.218 who knowingly purchases a stolen detached~~
 19 ~~catalytic converter shall be subject to the following penalties:~~

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

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

22 ~~(3) For a third violation, revocation of the]~~ convicted of violating this section shall be guilty
 23 of a class E felony and shall be subject to having any license for a business described under section
 24 301.218 revoked.

25 6. This section shall not apply to [either of] the following transactions:

26 (1) Any transaction for which the seller has an existing business relationship with the scrap
 27 metal dealer and is known to the scrap metal dealer making the purchase to be an established
 28 business or political subdivision that operates a business with a fixed location that can be reasonably
 29 expected to generate regulated scrap metal and can be reasonably identified as such a business, and
 30 for which the seller is paid by check or by electronic funds transfer, or the seller produces an
 31 acceptable identification, which shall be a copy of the driver's license or photo identification issued
 32 by the state or by the United States government or agency thereof, and a copy is retained by the
 33 purchaser; or

34 (2) Any transaction for which the type of metal subject to subsection 1 of this section is a
 35 minor part of a larger item, except ~~[for]~~ that minor parts of heating and cooling equipment or of
 36 equipment used in the generation and transmission of electrical power or telecommunications,
 37 including any catalytic converter of such equipment, shall remain subject to this section.

38 7. As used in this section, "catalytic converter" means any device designed to be used as an
 39 emissions control device when connected to an internal combustion engine, including the

1 constituent parts of such a device, whether assembled into a complete unit or disassembled into
2 separate constituent parts or components."; and

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4 Further amend said bill, Page 17, Section 570.030, Line 6, by deleting the word "or" and inserting in
5 lieu thereof "[Ø]"; and

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7 Further amend said bill, page, and section, Line 9, by deleting said line and inserting in lieu thereof
8 the following:

9
10 "has been stolen; or

11 (4) For the purpose of depriving the owner of a lawful interest therein, receives, retains, or
12 disposes of a catalytic converter, as defined in subsection 7 of section 407.300, and knows that it has
13 been stolen, believes that it has been stolen, or reasonably should suspect that it has been stolen.";

14 and

15
16 Further amend said bill and section, Page 18, Line 71, by inserting after the word "converter" the
17 phrase "as defined in subsection 7 of section 407.300"; and

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19 Further amend said bill and section, Page 19, Line 90, by inserting after all of said section and line
20 the following:

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22 "570.031. 1. A person commits the offense of unlawful possession of a detached catalytic
23 converter if the person possesses a catalytic converter that is detached from a motor vehicle with the
24 intent to sell the catalytic converter unless:

25 (1) The detached catalytic converter is possessed in the course of a legitimate business
26 purpose;

27 (2) The detached catalytic converter is a component or constituent part of an item or
28 equipment owned by the person; or

29 (3) The possession of the detached catalytic converter is for some other lawful purpose.

30 2. The offense of unlawful possession of a detached catalytic converter is a class E felony.";

31 and

32
33 Further amend said bill by amending the title, enacting clause, and intersectional references
34 accordingly.