

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 398, Page 7, Section 144.070, Line 121, by inserting after all of said section and line  
3 the following:  
4

5 "301.218. 1. No person shall, except as an incident to the sale, repair, rebuilding or  
6 servicing of vehicles by a licensed franchised motor vehicle dealer, carry on or conduct the  
7 following business unless licensed to do so by the department of revenue under sections 301.217 to  
8 301.229:

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

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

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

16 (4) Processing scrapped vehicles or vehicle parts as a scrap processor, as defined in section  
17 301.010.

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

28 3. The operator of a salvage pool or salvage disposal sale, or subsequent purchaser, who  
29 sells a nonrepairable motor vehicle or a salvage motor vehicle to a person who is not a resident of  
30 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 11, Section 304.822, Line 143, 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

3  
 4 Further amend said bill, Page 15, Section 407.828, Line 121, by inserting after all of said section  
 5 and line the following:

6  
 7 "570.030. 1. A person commits the offense of stealing if he or she:

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

10 (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the  
 11 purpose to deprive him or her thereof, either without his or her consent or by means of deceit or  
 12 coercion; [or]

13 (3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or  
 14 disposes of property of another knowing that it has been stolen, or believing that it has been stolen;  
 15 or

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

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

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

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

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

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

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

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

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

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

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

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

9 (3) The property appropriated consists of:

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

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

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

13 (d) Any firearms;

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

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

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

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

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

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

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

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

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

26 (n) Ammonium nitrate;

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

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

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

35 (1) The property appropriated is an animal;

36 (2) The property is a catalytic converter, as defined in subsection 7 of section 407.300; or

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

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

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

6           9. If a violation of this section is subject to enhanced punishment based on prior findings of  
 7 guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section  
 8 558.021.

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

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

16           570.031. 1. A person commits the offense of unlawful possession of a detached catalytic  
 17 converter if the person possesses a catalytic converter that is detached from a motor vehicle with the  
 18 intent to sell the catalytic converter unless:

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

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

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

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

26  
 27 Further amend said bill by amending the title, enacting clause, and intersectional references  
 28 accordingly.