

FIRST REGULAR SESSION

HOUSE BILL NO. 532

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MAYHEW.

1341H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 301.218, 407.300, and 570.030, RSMo, and to enact in lieu thereof three new sections relating to detached catalytic converters, with penalty provisions.

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

Section A. Sections 301.218, 407.300, and 570.030, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 301.218, 407.300, and 570.030,
3 to read as follows:

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

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

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

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

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

15 2. Sales at a salvage pool or a salvage disposal sale shall be open only to and made to
16 persons actually engaged in and holding a current license under sections 301.217 to 301.221

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.

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

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

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

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

33

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

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

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~~ **trade-in of** each type of
4 material subject to the provisions of this section ~~is~~ obtained for value. There shall be a
5 separate record for each 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
9 purposes as farming is defined in section 350.010; whatever may be the condition or length of
10 such metal;

11 (4) Detached catalytic converter **or parts thereof**; or

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

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

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

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

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

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

22 ~~[and]~~

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

24 **(6) If the purchase or trade-in includes a detached catalytic converter or parts**
25 **thereof:**

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

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

30 3. **(1)** The records required under this section shall be maintained **in order of**
31 **transaction date** for a minimum of ~~[thirty-six months]~~ **four years** from when such material
32 is obtained and shall be available for inspection by any law enforcement officer.

33 **(2) The department of public safety shall create and make available on the**
34 **department website a standardized form for recording the records required under this**
35 **section.**

36 **(3) (a) At least monthly, a purchaser or collector of, or dealer in, junk, scrap**
37 **metal, or any secondhand property shall submit to a local law enforcement agency with**
38 **jurisdiction over the purchaser's, collector's, or dealer's primary place of business the**
39 **records required under this section on the department of public safety's form, with**
40 **copies of the purchaser's, collector's, or dealer's other records, if any, attached. The**
41 **submission may be in either a paper or electronic format. A law enforcement agency**
42 **may prescribe the format of forms submitted electronically.**

43 **(b) A purchaser or collector of, or dealer in, junk, scrap metal, or any**
44 **secondhand property may apply for an exemption from the reporting requirements of**
45 **paragraph (a) of this subdivision on a form, which each law enforcement agency shall**
46 **make available. The law enforcement agency shall approve an application for**
47 **exemption unless the law enforcement agency has good cause to deny the exemption. An**
48 **approved exemption shall be good for one year and may be renewed. The law**
49 **enforcement may charge up to one hundred dollars for an initial application and up to**
50 **fifty dollars for a renewal application.**

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

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

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

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

60 (3) ~~For a third violation, revocation of the]~~ **convicted of violating this section shall**
61 **be guilty of a class B misdemeanor and shall be subject to having any** license for a
62 business described under section 301.218 **revoked.**

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

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

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

77 7. **As used in this section, "catalytic converter" means any device designed to be**
78 **used as an emissions control device when connected to an internal combustion engine,**
79 **including the constituent parts of such a device, whether assembled into a complete unit**
80 **or disassembled into separate constituent parts or components.**

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
3 her 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
6 or coercion; or

7 (3) For the purpose of depriving the owner of a lawful interest therein, receives,
8 retains or disposes of property of another [~~knowing~~] **and knows** that it has been stolen, [~~or~~
9 ~~believing~~] **believes** that it has been stolen, **or reasonably should suspect that it has been**
10 **stolen.**

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

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

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

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

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

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

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

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

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

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

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

43 (3) The property appropriated consists of:

- 44 (a) Any motor vehicle, watercraft or aircraft;
45 (b) Any will or unrecorded deed affecting real property;
46 (c) Any credit device, debit device or letter of credit;
47 (d) Any firearms;
48 (e) Any explosive weapon as defined in section 571.010;
49 (f) Any United States national flag designed, intended and used for display on
50 buildings or stationary flagstaffs in the open;
51 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
52 legislature of the state of Missouri;
53 (h) Any pleading, notice, judgment or any other record or entry of any court of this
54 state, any other state or of the United States;
55 (i) Any book of registration or list of voters required by chapter 115;
56 (j) Any animal considered livestock as that term is defined in section 144.010;
57 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or
58 more;
59 (l) Any captive wildlife held under permit issued by the conservation commission;
60 (m) Any controlled substance as defined by section 195.010;
61 (n) Ammonium nitrate;
62 (o) Any wire, electrical transformer, or metallic wire associated with transmitting
63 telecommunications, video, internet, or voice over internet protocol service, or any other
64 device or pipe that is associated with conducting electricity or transporting natural gas or
65 other combustible fuels; or
66 (p) Any material appropriated with the intent to use such material to manufacture,
67 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of
68 their analogues.
- 69 6. The offense of stealing is a class E felony if:
70 (1) The property appropriated is an animal;
71 (2) The property is a catalytic converter; or
72 (3) A person has previously been found guilty of three stealing-related offenses
73 committed on three separate occasions where such offenses occurred within ten years of the
74 date of occurrence of the present offense.
- 75 7. The offense of stealing is a class D misdemeanor if the property is not of a type
76 listed in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less
77 than one hundred fifty dollars, and the person has no previous findings of guilt for a stealing-
78 related offense.
- 79 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in
80 this section.

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

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

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

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