

# HOUSE BILL NO. 2383

## 103RD GENERAL ASSEMBLY

5584S.02C

KRISTINA MARTIN, Secretary

### AN ACT

To repeal sections 301.010, 301.218, 301.225, 407.300, 407.303, and 569.086, RSMo, and to enact in lieu thereof eleven new sections relating to criminal offenses involving certain infrastructures, with penalty provisions.

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

Section A. Sections 301.010, 301.218, 301.225, 407.300,  
2 407.303, and 569.086, RSMo, are repealed and eleven new sections  
3 enacted in lieu thereof, to be known as sections 301.010,  
4 301.218, 301.225, 407.298, 407.299, 407.300, 407.303, 407.304,  
5 569.086, 569.117, and 569.119, to read as follows:

301.010. As used in this chapter and sections 304.010  
2 to 304.040, 304.120 to 304.260, and sections 307.010 to  
3 307.175, the following terms mean:

4 (1) "All-terrain vehicle", any motorized vehicle  
5 manufactured and used exclusively for off-highway use, with  
6 an unladen dry weight of one thousand five hundred pounds or  
7 less, traveling on three, four or more nonhighway tires,  
8 with either:

9 (a) A seat designed to be straddled by the operator,  
10 and handlebars for steering control, but excluding an  
11 electric bicycle; or

12 (b) A width of fifty inches or less, measured from  
13 outside of tire rim to outside of tire rim, regardless of  
14 seating or steering arrangement;

15 (2) "Autocycle", a three-wheeled motor vehicle which  
16 the drivers and passengers ride in a partially or completely

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 enclosed nonstraddle seating area, that is designed to be  
18 controlled with a steering wheel and pedals, and that has  
19 met applicable Department of Transportation National Highway  
20 Traffic Safety Administration requirements or federal  
21 motorcycle safety standards;

22 (3) "Automobile transporter", any vehicle combination  
23 capable of carrying cargo on the power unit and designed and  
24 used for the transport of assembled motor vehicles,  
25 including truck camper units;

26 (4) "Axle load", the total load transmitted to the  
27 road by all wheels whose centers are included between two  
28 parallel transverse vertical planes forty inches apart,  
29 extending across the full width of the vehicle;

30 (5) "Backhaul", the return trip of a vehicle  
31 transporting cargo or general freight, especially when  
32 carrying goods back over all or part of the same route;

33 (6) "Boat transporter", any vehicle combination  
34 capable of carrying cargo on the power unit and designed and  
35 used specifically to transport assembled boats and boat  
36 hulls. Boats may be partially disassembled to facilitate  
37 transporting;

38 (7) "Body shop", a business that repairs physical  
39 damage on motor vehicles that are not owned by the shop or  
40 its officers or employees by mending, straightening,  
41 replacing body parts, or painting;

42 (8) "Bus", a motor vehicle primarily for the  
43 transportation of a driver and eight or more passengers but  
44 not including shuttle buses;

45 (9) "Commercial motor vehicle", a motor vehicle  
46 designed or regularly used for carrying freight and  
47 merchandise, or more than eight passengers but not including  
48 vanpools or shuttle buses;

49           (10) "Cotton trailer", a trailer designed for  
50 transporting cotton at speeds less than seventy miles per  
51 hour from field to field or from field to market and return;

52           (11) "Dealer", any person, firm, corporation,  
53 association, agent or subagent engaged in the sale or  
54 exchange of new, used or reconstructed motor vehicles or  
55 trailers;

56           (12) "Director" or "director of revenue", the director  
57 of the department of revenue;

58           (13) "Driveaway operation":

59           (a) The movement of a motor vehicle or trailer by any  
60 person or motor carrier other than a dealer over any public  
61 highway, under its own power singly, or in a fixed  
62 combination of two or more vehicles, for the purpose of  
63 delivery for sale or for delivery either before or after  
64 sale;

65           (b) The movement of any vehicle or vehicles, not owned  
66 by the transporter, constituting the commodity being  
67 transported, by a person engaged in the business of  
68 furnishing drivers and operators for the purpose of  
69 transporting vehicles in transit from one place to another  
70 by the driveaway or towaway methods; or

71           (c) The movement of a motor vehicle by any person who  
72 is lawfully engaged in the business of transporting or  
73 delivering vehicles that are not the person's own and  
74 vehicles of a type otherwise required to be registered, by  
75 the driveaway or towaway methods, from a point of  
76 manufacture, assembly or distribution or from the owner of  
77 the vehicles to a dealer or sales agent of a manufacturer or  
78 to any consignee designated by the shipper or consignor;

79           (14) "Dromedary", a box, deck, or plate mounted behind  
80 the cab and forward of the fifth wheel on the frame of the

81 power unit of a truck tractor-semitrailer combination. A  
82 truck tractor equipped with a dromedary may carry part of a  
83 load when operating independently or in a combination with a  
84 semitrailer;

85 (15) "Electric bicycle", a bicycle equipped with fully  
86 operable pedals, a saddle or seat for the rider, and an  
87 electric motor of less than 750 watts that meets the  
88 requirements of one of the following three classes:

89 (a) "Class 1 electric bicycle", an electric bicycle  
90 equipped with a motor that provides assistance only when the  
91 rider is pedaling and that ceases to provide assistance when  
92 the bicycle reaches the speed of twenty miles per hour;

93 (b) "Class 2 electric bicycle", an electric bicycle  
94 equipped with a motor that may be used exclusively to propel  
95 the bicycle and that is not capable of providing assistance  
96 when the bicycle reaches the speed of twenty miles per hour;  
97 or

98 (c) "Class 3 electric bicycle", an electric bicycle  
99 equipped with a motor that provides assistance only when the  
100 rider is pedaling and that ceases to provide assistance when  
101 the bicycle reaches the speed of twenty-eight miles per hour;

102 (16) "Farm tractor", a tractor used exclusively for  
103 agricultural purposes;

104 (17) "Fleet", any group of ten or more motor vehicles  
105 owned by the same owner;

106 (18) "Fleet vehicle", a motor vehicle which is  
107 included as part of a fleet;

108 (19) "Fullmount", a vehicle mounted completely on the  
109 frame of either the first or last vehicle in a saddlemount  
110 combination;

111           (20) "Gross weight", the weight of vehicle and/or  
112 vehicle combination without load, plus the weight of any  
113 load thereon;

114           (21) "Hail-damaged vehicle", any vehicle, the body of  
115 which has become dented as the result of the impact of hail;

116           (22) "Highway", any public thoroughfare for vehicles,  
117 including state roads, county roads and public streets,  
118 avenues, boulevards, parkways or alleys in any municipality;

119           (23) "Improved highway", a highway which has been  
120 paved with gravel, macadam, concrete, brick or asphalt, or  
121 surfaced in such a manner that it shall have a hard, smooth  
122 surface;

123           (24) "Intersecting highway", any highway which joins  
124 another, whether or not it crosses the same;

125           (25) "Junk vehicle", a vehicle which:

126           (a) Is incapable of operation or use upon the highways  
127 and has no resale value except as a source of parts or  
128 scrap; or

129           (b) Has been designated as junk or a substantially  
130 equivalent designation by this state or any other state;

131           (26) "Kit vehicle", a motor vehicle assembled by a  
132 person other than a generally recognized manufacturer of  
133 motor vehicles by the use of a glider kit or replica  
134 purchased from an authorized manufacturer and accompanied by  
135 a manufacturer's statement of origin;

136           (27) "Land improvement contractors' commercial motor  
137 vehicle", any not-for-hire commercial motor vehicle the  
138 operation of which is confined to:

139           (a) An area that extends not more than a radius of one  
140 hundred fifty miles from its home base of operations when  
141 transporting its owner's machinery, equipment, or auxiliary  
142 supplies to or from projects involving soil and water

143 conservation, or to and from equipment dealers' maintenance  
144 facilities for maintenance purposes; or

145 (b) An area that extends not more than a radius of  
146 fifty miles from its home base of operations when  
147 transporting its owner's machinery, equipment, or auxiliary  
148 supplies to or from projects not involving soil and water  
149 conservation.

150 Nothing in this subdivision shall be construed to prevent  
151 any motor vehicle from being registered as a commercial  
152 motor vehicle or local commercial motor vehicle;

153 (28) "Local commercial motor vehicle", a commercial  
154 motor vehicle whose operations are confined to a  
155 municipality and that area extending not more than fifty  
156 miles therefrom, or a commercial motor vehicle whose  
157 property-carrying operations are confined solely to the  
158 transportation of property owned by any person who is the  
159 owner or operator of such vehicle to or from a farm owned by  
160 such person or under the person's control by virtue of a  
161 landlord and tenant lease; provided that any such property  
162 transported to any such farm is for use in the operation of  
163 such farm;

164 (29) "Local log truck", a commercial motor vehicle  
165 which is registered pursuant to this chapter to operate as a  
166 motor vehicle on the public highways of this state; used  
167 exclusively in this state; used to transport harvested  
168 forest products; operated solely at a forested site and in  
169 an area extending not more than a one hundred fifty mile  
170 radius from such site; and when operated on the national  
171 system of interstate and defense highways described in 23  
172 U.S.C. Section 103, as amended, or outside the one hundred  
173 fifty mile radius from such site with an extended distance

174 local log truck permit, does not have more than four axles,  
175 and does not pull a trailer which has more than three  
176 axles. Harvesting equipment which is used specifically for  
177 cutting, felling, trimming, delimiting, debarking, chipping,  
178 skidding, loading, unloading, and stacking may be  
179 transported on a local log truck;

180 (30) "Local log truck tractor", a commercial motor  
181 vehicle which is registered under this chapter to operate as  
182 a motor vehicle on the public highways of this state; used  
183 exclusively in this state; used to transport harvested  
184 forest products, operated at a forested site and in an area  
185 extending not more than a one hundred fifty mile radius from  
186 such site; and when operated on the national system of  
187 interstate and defense highways described in 23 U.S.C.  
188 Section 103, as amended, or outside the one hundred fifty  
189 mile radius from such site with an extended distance local  
190 log truck permit, does not have more than three axles and  
191 does not pull a trailer which has more than three axles;

192 (31) "Local transit bus", a bus whose operations are  
193 confined wholly within a municipal corporation, or wholly  
194 within a municipal corporation and a commercial zone, as  
195 defined in section 390.020, adjacent thereto, forming a part  
196 of a public transportation system within such municipal  
197 corporation and such municipal corporation and adjacent  
198 commercial zone;

199 (32) "Log truck", a vehicle which is not a local log  
200 truck or local log truck tractor and is used exclusively to  
201 transport harvested forest products to and from forested  
202 sites which is registered pursuant to this chapter to  
203 operate as a motor vehicle on the public highways of this  
204 state for the transportation of harvested forest products;

205 (33) "Major component parts", the rear clip, cowl,  
206 frame, body, cab, front-end assembly, and front clip, as  
207 those terms are defined by the director of revenue pursuant  
208 to rules and regulations or by illustrations;

209 (34) "Manufacturer", any person, firm, corporation or  
210 association engaged in the business of manufacturing or  
211 assembling motor vehicles, trailers or vessels for sale;

212 (35) "Metal recycling entity" or "scrap metal yard",  
213 any business that is predominantly engaged in:

214 (a) Performing the manufacturing process by which  
215 scrap, used, or obsolete ferrous or nonferrous metal is  
216 converted into raw material products consisting of prepared  
217 grades and having an existing or potential economic value,  
218 by a method that in part requires the use of powered tools  
219 and equipment, including processes that involve processing,  
220 sorting, cutting, classifying, cleaning, baling, wrapping,  
221 shredding, shearing, or changing the physical form of that  
222 metal;

223 (b) The use of raw material products described under  
224 paragraph (a) of this subdivision in the manufacture of  
225 producer or consumer goods; or

226 (c) Purchasing or otherwise acquiring scrap, used, or  
227 obsolete ferrous or nonferrous metals to be used as  
228 described in paragraphs (a) or (b) of this subdivision;

229 (36) "Motor change vehicle", a vehicle manufactured  
230 prior to August, 1957, which receives a new, rebuilt or used  
231 engine, and which used the number stamped on the original  
232 engine as the vehicle identification number;

233 [(36)] (37) "Motor vehicle", any self-propelled  
234 vehicle not operated exclusively upon tracks, except farm  
235 tractors and electric bicycles;

236            [(37)] (38) "Motor vehicle primarily for business  
237 use", any vehicle other than a recreational motor vehicle,  
238 motorcycle, motortricycle, or any commercial motor vehicle  
239 licensed for over twelve thousand pounds:

240            (a) Offered for hire or lease; or

241            (b) The owner of which also owns ten or more such  
242 motor vehicles;

243            [(38)] (39) "Motorcycle", a motor vehicle operated on  
244 two wheels;

245            [(39)] (40) "Motorized bicycle", any two-wheeled or  
246 three-wheeled device having an automatic transmission and a  
247 motor with a cylinder capacity of not more than fifty cubic  
248 centimeters, which produces less than three gross brake  
249 horsepower, and is capable of propelling the device at a  
250 maximum speed of not more than thirty miles per hour on  
251 level ground, but excluding an electric bicycle;

252            [(40)] (41) "Motortricycle", a motor vehicle upon  
253 which the operator straddles or sits astride that is  
254 designed to be controlled by handle bars and is operated on  
255 three wheels, including a motorcycle while operated with any  
256 conveyance, temporary or otherwise, requiring the use of a  
257 third wheel, but excluding an electric bicycle. A  
258 motortricycle shall not be included in the definition of all-  
259 terrain vehicle;

260            [(41)] (42) "Municipality", any city, town or village,  
261 whether incorporated or not;

262            [(42)] (43) "Nonresident", a resident of a state or  
263 country other than the state of Missouri;

264            [(43)] (44) "Non-USA-std motor vehicle", a motor  
265 vehicle not originally manufactured in compliance with  
266 United States emissions or safety standards;

267 [(44)] (45) "Operator", any person who operates or  
268 drives a motor vehicle;

269 [(45)] (46) "Owner", any person, firm, corporation or  
270 association, who holds the legal title to a vehicle or who  
271 has executed a buyer's order or retail installment sales  
272 contract with a motor vehicle dealer licensed under sections  
273 301.550 to 301.580 for the purchase of a vehicle with an  
274 immediate right of possession vested in the transferee, or  
275 in the event a vehicle is the subject of an agreement for  
276 the conditional sale or lease thereof with the right of  
277 purchase upon performance of the conditions stated in the  
278 agreement and with an immediate right of possession vested  
279 in the conditional vendee or lessee, or in the event a  
280 mortgagor of a vehicle is entitled to possession, then such  
281 conditional vendee or lessee or mortgagor shall be deemed  
282 the owner;

283 [(46)] (47) "Public garage", a place of business where  
284 motor vehicles are housed, stored, repaired, reconstructed  
285 or repainted for persons other than the owners or operators  
286 of such place of business;

287 [(47)] (48) "Rebuilder", a business that repairs or  
288 rebuilds motor vehicles owned by the rebuilder, but does not  
289 include certificated common or contract carriers of persons  
290 or property;

291 [(48)] (49) "Reconstructed motor vehicle", a vehicle  
292 that is altered from its original construction by the  
293 addition or substitution of two or more new or used major  
294 component parts, excluding motor vehicles made from all new  
295 parts, and new multistage manufactured vehicles;

296 [(49)] (50) "Recreational motor vehicle", any motor  
297 vehicle designed, constructed or substantially modified so  
298 that it may be used and is used for the purposes of

299 temporary housing quarters, including therein sleeping and  
300 eating facilities which are either permanently attached to  
301 the motor vehicle or attached to a unit which is securely  
302 attached to the motor vehicle. Nothing herein shall prevent  
303 any motor vehicle from being registered as a commercial  
304 motor vehicle if the motor vehicle could otherwise be so  
305 registered;

306 [(50)] (51) "Recreational off-highway vehicle", any  
307 motorized vehicle manufactured and used exclusively for off-  
308 highway use which is more than fifty inches but no more than  
309 eighty inches in width, measured from outside of tire rim to  
310 outside of tire rim, with an unladen dry weight of three  
311 thousand five hundred pounds or less, traveling on four or  
312 more nonhighway tires and which may have access to ATV  
313 trails;

314 [(51)] (52) "Recreational trailer", any trailer  
315 designed, constructed, or substantially modified so that it  
316 may be used and is used for the purpose of temporary housing  
317 quarters, including therein sleeping or eating facilities,  
318 which can be temporarily attached to a motor vehicle or  
319 attached to a unit which is securely attached to a motor  
320 vehicle;

321 [(52)] (53) "Rollback or car carrier", any vehicle  
322 specifically designed to transport wrecked, disabled or  
323 otherwise inoperable vehicles, when the transportation is  
324 directly connected to a wrecker or towing service;

325 [(53)] (54) "Saddlemount combination", a combination  
326 of vehicles in which a truck or truck tractor tows one or  
327 more trucks or truck tractors, each connected by a saddle to  
328 the frame or fifth wheel of the vehicle in front of it. The  
329 "saddle" is a mechanism that connects the front axle of the  
330 towed vehicle to the frame or fifth wheel of the vehicle in

331 front and functions like a fifth wheel kingpin connection.  
332 When two vehicles are towed in this manner the combination  
333 is called a "double saddlemount combination". When three  
334 vehicles are towed in this manner, the combination is called  
335 a "triple saddlemount combination";

336 [(54)] (55) "Salvage dealer and dismantler", a  
337 business that dismantles used motor vehicles for the sale of  
338 the parts thereof, and buys and sells used motor vehicle  
339 parts and accessories;

340 [(55)] (56) "Salvage vehicle", a motor vehicle,  
341 semitrailer, or house trailer which:

342 (a) Was damaged during a year that is no more than six  
343 years after the manufacturer's model year designation for  
344 such vehicle to the extent that the total cost of repairs to  
345 rebuild or reconstruct the vehicle to its condition  
346 immediately before it was damaged for legal operation on the  
347 roads or highways exceeds eighty percent of the fair market  
348 value of the vehicle immediately preceding the time it was  
349 damaged;

350 (b) By reason of condition or circumstance, has been  
351 declared salvage, either by its owner, or by a person, firm,  
352 corporation, or other legal entity exercising the right of  
353 security interest in it;

354 (c) Has been declared salvage by an insurance company  
355 as a result of settlement of a claim;

356 (d) Ownership of which is evidenced by a salvage  
357 title; or

358 (e) Is abandoned property which is titled pursuant to  
359 section 304.155 or section 304.157 and designated with the  
360 words "salvage/abandoned property". The total cost of  
361 repairs to rebuild or reconstruct the vehicle shall not  
362 include the cost of repairing, replacing, or reinstalling

363 inflatable safety restraints, tires, sound systems, or  
364 damage as a result of hail, or any sales tax on parts or  
365 materials to rebuild or reconstruct the vehicle. For  
366 purposes of this definition, "fair market value" means the  
367 retail value of a motor vehicle as:

368 a. Set forth in a current edition of any nationally  
369 recognized compilation of retail values, including automated  
370 databases, or from publications commonly used by the  
371 automotive and insurance industries to establish the values  
372 of motor vehicles;

373 b. Determined pursuant to a market survey of  
374 comparable vehicles with regard to condition and equipment;  
375 and

376 c. Determined by an insurance company using any other  
377 procedure recognized by the insurance industry, including  
378 market surveys, that is applied by the company in a uniform  
379 manner;

380 [(56)] (57) "School bus", any motor vehicle used  
381 solely to transport students to or from school or to  
382 transport students to or from any place for educational  
383 purposes;

384 [(57)] (58) "Scrap processor", a business that,  
385 through the use of fixed or mobile equipment, flattens,  
386 crushes, or otherwise accepts motor vehicles and vehicle  
387 parts for processing or transportation to a shredder or  
388 scrap metal operator for recycling;

389 [(58)] (59) "Shuttle bus", a motor vehicle used or  
390 maintained by any person, firm, or corporation as an  
391 incidental service to transport patrons or customers of the  
392 regular business of such person, firm, or corporation to and  
393 from the place of business of the person, firm, or  
394 corporation providing the service at no fee or charge.

395 Shuttle buses shall not be registered as buses or as  
396 commercial motor vehicles;

397       [(59)] (60) "Special mobile equipment", every self-  
398 propelled vehicle not designed or used primarily for the  
399 transportation of persons or property and incidentally  
400 operated or moved over the highways, including farm  
401 equipment, implements of husbandry, road construction or  
402 maintenance machinery, ditch-digging apparatus, stone  
403 crushers, air compressors, power shovels, cranes, graders,  
404 rollers, well-drillers and wood-sawing equipment used for  
405 hire, asphalt spreaders, bituminous mixers, bucket loaders,  
406 ditchers, leveling graders, finished machines, motor  
407 graders, road rollers, scarifiers, earth-moving carryalls,  
408 scrapers, drag lines, concrete pump trucks, rock-drilling  
409 and earth-moving equipment. This enumeration shall be  
410 deemed partial and shall not operate to exclude other such  
411 vehicles which are within the general terms of this section;

412       [(60)] (61) "Specially constructed motor vehicle", a  
413 motor vehicle which shall not have been originally  
414 constructed under a distinctive name, make, model or type by  
415 a manufacturer of motor vehicles. The term specially  
416 constructed motor vehicle includes kit vehicles;

417       [(61)] (62) "Stinger-steered combination", a truck  
418 tractor-semitrailer wherein the fifth wheel is located on a  
419 drop frame located behind and below the rearmost axle of the  
420 power unit;

421       [(62)] (63) "Tandem axle", a group of two or more  
422 axles, arranged one behind another, the distance between the  
423 extremes of which is more than forty inches and not more  
424 than ninety-six inches apart;

425       [(63)] (64) "Towaway trailer transporter combination",  
426 a combination of vehicles consisting of a trailer

427 transporter towing unit and two trailers or semitrailers,  
428 with a total weight that does not exceed twenty-six thousand  
429 pounds; and in which the trailers or semitrailers carry no  
430 property and constitute inventory property of a  
431 manufacturer, distributor, or dealer of such trailers or  
432 semitrailers;

433 [(64)] (65) "Tractor", "truck tractor" or "truck-  
434 tractor", a self-propelled motor vehicle designed for  
435 drawing other vehicles, but not for the carriage of any load  
436 when operating independently. When attached to a  
437 semitrailer, it supports a part of the weight thereof;

438 [(65)] (66) "Trailer", any vehicle without motive  
439 power designed for carrying property or passengers on its  
440 own structure and for being drawn by a self-propelled  
441 vehicle, except those running exclusively on tracks,  
442 including a semitrailer or vehicle of the trailer type so  
443 designed and used in conjunction with a self-propelled  
444 vehicle that a considerable part of its own weight rests  
445 upon and is carried by the towing vehicle. The term trailer  
446 shall not include cotton trailers as defined in this section  
447 and shall not include manufactured homes as defined in  
448 section 700.010;

449 [(66)] (67) "Trailer transporter towing unit", a power  
450 unit that is not used to carry property when operating in a  
451 towaway trailer transporter combination;

452 [(67)] (68) "Truck", a motor vehicle designed, used,  
453 or maintained for the transportation of property;

454 [(68)] (69) "Truck-tractor semitrailer-semitrailer", a  
455 combination vehicle in which the two trailing units are  
456 connected with a B-train assembly which is a rigid frame  
457 extension attached to the rear frame of a first semitrailer  
458 which allows for a fifth-wheel connection point for the

459 second semitrailer and has one less articulation point than  
460 the conventional A-dolly connected truck-tractor semitrailer-  
461 trailer combination;

462 [(69)] (70) "Truck-trailer boat transporter  
463 combination", a boat transporter combination consisting of a  
464 straight truck towing a trailer using typically a ball and  
465 socket connection with the trailer axle located  
466 substantially at the trailer center of gravity rather than  
467 the rear of the trailer but so as to maintain a downward  
468 force on the trailer tongue;

469 [(70)] (71) "Used parts dealer", a business that buys  
470 and sells used motor vehicle parts or accessories, but not  
471 including a business that sells only new, remanufactured or  
472 rebuilt parts. Business does not include isolated sales at  
473 a swap meet of less than three days;

474 [(71)] (72) "Utility vehicle", any motorized vehicle  
475 manufactured and used exclusively for off-highway use which  
476 is more than fifty inches but no more than eighty inches in  
477 width, measured from outside of tire rim to outside of tire  
478 rim, with an unladen dry weight of three thousand five  
479 hundred pounds or less, traveling on four or six wheels, to  
480 be used primarily for landscaping, lawn care, or maintenance  
481 purposes;

482 [(72)] (73) "Vanpool", any van or other motor vehicle  
483 used or maintained by any person, group, firm, corporation,  
484 association, city, county or state agency, or any member  
485 thereof, for the transportation of not less than eight nor  
486 more than forty-eight employees, per motor vehicle, to and  
487 from their place of employment; however, a vanpool shall not  
488 be included in the definition of the term bus or commercial  
489 motor vehicle as defined in this section, nor shall a  
490 vanpool driver be deemed a chauffeur as that term is defined

491 by section 303.020; nor shall use of a vanpool vehicle for  
492 ride-sharing arrangements, recreational, personal, or  
493 maintenance uses constitute an unlicensed use of the motor  
494 vehicle, unless used for monetary profit other than for use  
495 in a ride-sharing arrangement;

496 [(73)] (74) "Vehicle", any mechanical device on  
497 wheels, designed primarily for use, or used, on highways,  
498 except motorized bicycles, electric bicycles, vehicles  
499 propelled or drawn by horses or human power, or vehicles  
500 used exclusively on fixed rails or tracks, or cotton  
501 trailers or motorized wheelchairs operated by handicapped  
502 persons;

503 [(74)] (75) "Wrecker" or "tow truck", any emergency  
504 commercial vehicle equipped, designed and used to assist or  
505 render aid and transport or tow disabled or wrecked vehicles  
506 from a highway, road, street or highway rights-of-way to a  
507 point of storage or repair, including towing a replacement  
508 vehicle to replace a disabled or wrecked vehicle;

509 [(75)] (76) "Wrecker or towing service", the act of  
510 transporting, towing or recovering with a wrecker, tow  
511 truck, rollback or car carrier any vehicle not owned by the  
512 operator of the wrecker, tow truck, rollback or car carrier  
513 for which the operator directly or indirectly receives  
514 compensation or other personal gain.

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

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

9           (2) Salvaging, wrecking or dismantling vehicles for  
10 resale of the parts thereof as a salvage dealer or  
11 dismantler, as defined in section 301.010;

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

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

17           **(5) Accepting scrap metals or metal parts as a metal**  
18 **recycling entity or scrap metal yard, as defined in section**  
19 **301.010.**

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

36           3. The operator of a salvage pool or salvage disposal  
37 sale, or subsequent purchaser, who sells a nonrepairable  
38 motor vehicle or a salvage motor vehicle to a person who is  
39 not a resident of the United States at a salvage pool or a  
40 salvage disposal sale shall:

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

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

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

54           4. The director of revenue shall issue a separate  
55 license for each kind of business described in subsection 1  
56 of this section, to be entitled and designated as either  
57 "used parts dealer"; "salvage dealer or dismantler";  
58 "rebuilder or body shop"; [or] "scrap processor"; **"metal**  
59 **recycling entity"**; or **"scrap metal yard"** license.

60           **5. Any person who violates provisions of this section**  
61 **shall be guilty of a class A misdemeanor, punishable only by**  
62 **a fine. Nothing in this section shall be construed to**  
63 **preclude a person violating provisions of this section from**  
64 **being prosecuted for any other applicable criminal offense.**  
65 **In addition to any such fine, after August 28, 2026, an**  
66 **application for a license under this section may be denied,**  
67 **or any current license may be revoked or suspended by the**  
68 **department if the applicant or licensee has knowingly or**  
69 **intentionally:**

70           (1) **Violated provisions of sections 407.298 to 498.303;**

71           **(2) Made a materially false statement in the**  
72 **application for a license; or**

73           **(3) Engaged in a fraudulent act in connection with any**  
74 **purchase or sale of any regulated metal, as defined in**  
75 **section 407.298.**

301.225. 1. Every person licensed or required to be  
2 licensed shall maintain for three years on vehicles not more  
3 than seven years old a record of:

4           (1) Every vehicle or used transmission, rear end,  
5 cowl, frame, body, front end assembly or engine of or for a  
6 vehicle received or acquired by him, its description and  
7 identifying number, if any, the date of its receipt or  
8 acquisition, and the name and address of the person from  
9 whom received or acquired;

10           (2) Every vehicle wrecked, dismantled or disposed of  
11 by him, and the date of its wrecking or dismantling and, if  
12 sold to a scrap metal operator, the operator's name and  
13 address.

14           **2. Any person licensed or required to be licensed**  
15 **under this section shall maintain records consistent with**  
16 **the requirements pursuant to section 407.300 for three years**  
17 **on copper, brass, or bronze material, as defined in section**  
18 **407.298, regardless of the condition or length of such metal**  
19 **and whether or not it is mixed or conjoined with any other**  
20 **substances.**

21 Every such record shall be retained by the person licensed  
22 or required to be licensed at his principal place of  
23 business and shall be open to inspection by any  
24 representative of the department, member or authorized or  
25 designated employee of the Missouri highway patrol, or any  
26 police officer during reasonable business hours. Members of

27 the patrol or any police officer may inspect the premises of  
28 every person licensed or required to be licensed at any time  
29 that business is being conducted or work is being performed,  
30 whether or not open to the public to enforce the provisions  
31 of sections 301.217 to 301.229.

407.298. For purposes of sections 407.299 to 407.304,  
2 the following terms mean:

3 (1) "Copper, brass, or bronze":

4 (a) A power inverter, bus bar, or insulated or  
5 noninsulated copper wire or cable that contains copper or an  
6 alloy of copper or zinc and is used by any public utility,  
7 common carrier, telecommunications company, cable provider,  
8 video service provider, or other communications-related  
9 provider, electrical corporation, water utility, municipal  
10 utility, or any other public utility regulated under  
11 chapters 386 or 393;

12 (b) Any copper or brass item of a type commonly used  
13 in construction or by a public utility, telecommunications  
14 company, cable provider, video service provider, or other  
15 communications-related provider; or

16 (c) Any copper pipe or copper tubing;

17 (2) "Department", the Missouri department of revenue;

18 (3) "Metal recycling entity" or "scrap metal yard",  
19 any business that is predominantly engaged in:

20 (a) Performing the manufacturing process by which  
21 scrap, used, or obsolete ferrous or nonferrous metal is  
22 converted into raw material products consisting of prepared  
23 grades and having an existing or potential economic value,  
24 by a method that in part requires the use of powered tools  
25 and equipment, including processes that involve processing,  
26 sorting, cutting, classifying, cleaning, baling, wrapping,

27 shredding, shearing, or changing the physical form of that  
28 metal;

29 (b) The use of raw material products described under  
30 paragraph (a) of this subdivision in the manufacture of  
31 producer or consumer goods; or

32 (c) Purchasing or otherwise acquiring scrap, used, or  
33 obsolete ferrous or nonferrous metals to be used as  
34 described in paragraphs (a) or (b) of this subdivision;

35 (4) "Regulated metal":

36 (a) Copper, brass, or bronze;

37 (b) Aluminum wire, cable, pipe, tubing, bar, ingot,  
38 rod, fitting, or fastener;

39 (c) Material of any condition or length containing  
40 copper or aluminum that is used for farming, as defined in  
41 section 350.010;

42 (d) Detached catalytic converter; or

43 (e) Any motor vehicle, heavy equipment, or tractor  
44 battery.

407.299. 1. No later than the close of business on a  
2 metal recycling entity or scrap metal yard's second working  
3 day after the date of the purchase or acquisition of a  
4 regulated metal, the entity or yard shall send an electronic  
5 transaction report to the department on the department's  
6 website using an electronic statewide reporting system  
7 established by the department under subsection 3 of this  
8 section. The report shall contain the information required  
9 to be recorded pursuant to section 407.300, except that the  
10 entity or yard shall not be required to disclose the weight  
11 and purchase price of the regulated metal.

12 2. A metal recycling entity or scrap metal yard may  
13 submit the transaction report under subsection 1 of this  
14 section by facsimile if the department approves an exception

15 to the electronic reporting requirement following receipt  
16 and review of an:

17 (1) Application requesting an exception to the  
18 electronic reporting requirements; and

19 (2) Affidavit stating that the entity or yard does not  
20 have an available and reliable means of submitting the  
21 transaction report electronically.

22 3. The department shall establish a statewide  
23 electronic reporting system to track the sales of regulated  
24 metals required to be reported to the department under  
25 subsection 1 of this section.

26 4. The department shall post on its website a summary  
27 of the reports under subsection 2 of this section. Such  
28 reports shall only be accessible to metal recycling entities  
29 and scrap metal yards that are required to submit  
30 information to the department under this section. The  
31 summary shall be classified as follows:

32 (1) By county where the sale of a regulated metal  
33 occurred; and

34 (2) The frequency with which an individual, identified  
35 by the first and last name and address, presents regulated  
36 metals for sale to a metal recycling entity or scrap metal  
37 yard.

38 The summary under this subsection shall not identify any  
39 person or entity to which the metal recycling entity or  
40 scrap metal yard sells regulated material. The provisions  
41 of this subsection shall not apply to any regulated metal  
42 sold to a metal recycling entity or scrap metal yard by a  
43 public or private cemetery, political subdivision,  
44 telecommunications provider, cable provider, wireless  
45 service or other communications-related provider, electrical

46 cooperative, water utility, municipal utility or utility  
47 regulated under chapter 386 or 393, or other business entity  
48 that routinely uses regulated metals in the course of  
49 business of such business entity as permitted by current law.

50 5. The department shall make available on its website  
51 a publicly accessible list of all licensed metal recycling  
52 entities and scrap metal yards. The list shall contain the  
53 following information for each licensed metal recycling  
54 entity or scrap metal yard:

55 (1) Registered business name;

56 (2) Physical address;

57 (3) Name and contact information of the owner or  
58 operator of the entity or yard;

59 (4) A description of the extent to which an entity or  
60 yard engages in transactions involving catalytic converters;  
61 and

62 (5) A statement that no purchases of regulated metals  
63 shall be accepted before 7:00 a.m. or after 7:00 p.m.

64 6. Information provided to the department under  
65 subsection 4 of this section shall not be subject to public  
66 disclosure under chapter 610, except for law enforcement  
67 purposes, as described in section 301.225. Except as  
68 otherwise provided herein, the department shall maintain the  
69 confidentiality of the name of the seller, the price paid  
70 for the purchase of regulated metal, and the quantity of  
71 regulated metal purchased.

72 7. The department may promulgate administrative rules  
73 and regulations for the development of a statewide  
74 electronic reporting system to track the sales of regulated  
75 metal reported to the department, which shall include the  
76 development of a no-buy list as provided in section  
77 407.304. The department may collaborate with any local law

78 enforcement agency to prepare a searchable, electronic list  
79 that includes the names and a description of persons known  
80 to have received stolen property. Any rule or portion of a  
81 rule, as that term is defined in section 536.010, that is  
82 created under the authority delegated in this section shall  
83 become effective only if it complies with and is subject to  
84 all of the provisions of chapter 536 and, if applicable,  
85 section 536.028. This section and chapter 536 are  
86 nonseverable and if any of the powers vested with the  
87 general assembly pursuant to chapter 536 to review, to delay  
88 the effective date, or to disapprove and annul a rule are  
89 subsequently held unconstitutional, then the grant of  
90 rulemaking authority and any rule proposed or adopted after  
91 August 28, 2026, shall be invalid and void.

407.300. 1. Every purchaser or collector of, or  
2 dealer in, junk, scrap metal, or any secondhand property who  
3 obtains items for resale or profit shall **only make such**  
4 **purchases or trades between 7:00 a.m. and 7:00 p.m. and** keep  
5 a register containing a written or electronic record for  
6 each purchase or trade in which each type of material  
7 subject to the provisions of this section is obtained for  
8 value. There shall be a separate record for each  
9 transaction involving any[:

- 10 (1) Copper, brass, or bronze;
- 11 (2) Aluminum wire, cable, pipe, tubing, bar, ingot,  
12 rod, fitting, or fastener;
- 13 (3) Material containing copper or aluminum that is  
14 knowingly used for farming purposes as farming is defined in  
15 section 350.010; whatever may be the condition or length of  
16 such metal;
- 17 (4) Detached catalytic converter; or

18 (5) Motor vehicle, heavy equipment, or tractor  
19 battery] **regulated metal, as defined in section 407.298.**

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

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

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

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

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

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

36 (6) **A photo of any regulated metal purchased; and**

37 (7) **An affidavit stating that the seller owns or**  
38 **otherwise has authority to sell the regulated metal being**  
39 **offered for sale.**

40 3. The records required under this section shall be  
41 maintained for a minimum of thirty-six months from when such  
42 material is obtained and shall be available for inspection  
43 by any law enforcement officer.

44 4. No transaction that includes a detached catalytic  
45 converter shall occur at any location other than the fixed  
46 place of business of the purchaser or collector of, or  
47 dealer in, junk, scrap metal, or any secondhand property.  
48 No detached catalytic converter shall be altered, modified,  
49 disassembled, or destroyed until it has been in the

50 purchaser's, collector's, or dealer's possession for five  
51 business days.

52 5. Anyone licensed under section 301.218 who knowingly  
53 purchases a stolen **regulated metal** [detached catalytic  
54 converter] shall be subject to the following penalties:

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

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

59 (3) For a third violation, revocation of the license  
60 for a business described under section 301.218.

61 6. This section shall not apply to either of the  
62 following transactions:

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

76 (2) Any transaction for which the type of metal  
77 subject to subsection 1 of this section is a minor part of a  
78 larger item, except for heating and cooling equipment or  
79 equipment used in the generation and transmission of  
80 electrical power or telecommunications.

81           7. No metal recycling entity or scrap metal yard shall  
82 purchase any regulated metal from a seller who, at the time  
83 of the sale:

84           (1) Uses a name other than such seller's legal name or  
85 the registered name of the seller's business;

86           (2) Is less than eighteen years of age; or

87           (3) Is reasonably perceived to be under the influence  
88 of alcohol, a controlled substance, or drug, or any  
89 combination thereof.

90           8. (1) A metal recycling entity or scrap metal yard  
91 shall at all times maintain in a prominent place in the  
92 entity or yard's place of business, in open view to the  
93 seller of a regulated metal, a notice in bold 144-point font  
94 that:

95           (a) Includes the following disclosures:

96           "ANY PERSON ATTEMPTING TO SELL ANY REGULATED  
97 METAL MUST PRESENT SUFFICIENT IDENTIFICATION  
98 AND WRITTEN PROOF OF OWNERSHIP REQUIRED BY  
99 STATE LAW.

100           WARNING: STATE LAW PROVIDES A CRIMINAL  
101 PENALTY FOR A PERSON WHO INTENTIONALLY  
102 PROVIDES A FALSE DOCUMENT OF IDENTIFICATION OR  
103 OTHER FALSE INFORMATION TO A METAL RECYCLING  
104 ENTITY WHILE ATTEMPTING TO SELL ANY REGULATED  
105 METAL."; and

106           (b) States the metal recycling entity or scrap metal  
107 yard's regular business hours.

108           (2) Disclosures required by this subsection may be  
109 included on a sign that contains another notice if the metal  
110 recycling entity or scrap metal yard is required to display  
111 another notice under another provision of law.

407.303. 1. Any scrap metal dealer, **metal recycling entity, or scrap metal yard** paying out [an] any amount [that is five hundred dollars or more] shall make such payment by issuing a prenumbered check drawn on a regular bank account in the name of the licensed scrap metal dealer and with such check made payable to the person documented as the seller in accordance with this section, or by using a system for automated cash or electronic payment distribution which photographs or videotapes the payment recipient and identifies the payment with a distinct transaction in the register maintained in accordance with this chapter.

2. [Any] **No scrap metal dealer, metal recycling entity, or scrap metal yard** that purchases scrap metal from a seller [and pays] shall pay in the form of cash [is required to obtain a copy of the seller's driver's license or nondriver's license if the metal is copper or a catalytic converter]. **Notwithstanding the provisions of subsection 1 of this section to the contrary**, this section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer, **metal recycling entity, or scrap metal yard** and is known to the scrap metal dealer, **metal recycling entity, or scrap metal yard** making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.

3. Any person who knowingly and willfully violates the provisions of sections 407.300 to 407.303 shall be guilty of a class B misdemeanor and a fine of up to five hundred dollars for the first offense, a class A misdemeanor and a fine of up to one thousand dollars for the second offense,

33 and the revocation of any and all business licenses that are  
34 held with the state for the third offense.

35 4. Any person in violation of sections 407.300 to  
36 407.303 by selling stolen scrap metal shall be responsible  
37 for consequential damages related to obtaining the scrap  
38 metal.

**407.304. The department shall provide to every scrap  
2 metal dealer, metal recycling entity, or scrap metal yard a  
3 searchable, electronic list prepared in accordance with the  
4 rules adopted by the department, pursuant to section  
5 407.299, with the names and descriptions of persons known to  
6 be receivers of stolen property. No scrap metal dealer,  
7 metal recycling entity, or scrap metal yard shall purchase  
8 or receive regulated metals from any person identified on  
9 the list.**

569.086. 1. As used in this section, "critical  
2 infrastructure facility" means any of the following  
3 facilities that are under construction or operational: a  
4 petroleum or alumina refinery; critical electric  
5 infrastructure, as defined in 18 CFR [Section 118.113(c)(3)]  
6 **Section 388.113(c)(3)** including, but not limited to, an  
7 electrical power generating facility, substation, switching  
8 station, electrical control center, or electric power lines  
9 and associated equipment infrastructure; a chemical,  
10 polymer, or rubber manufacturing facility; a water intake  
11 structure, water storage facility, water treatment facility,  
12 wastewater treatment plant, wastewater pumping facility, or  
13 pump station; a natural gas compressor station; a liquid  
14 natural gas terminal or storage facility; a  
15 telecommunications central switching office; **wireline or**  
16 **wireless telecommunications networks, infrastructure, or**  
17 **facilities**, including cell towers, telephone poles and

18 lines, including fiber optic lines; a port, railroad  
19 switching yard, railroad tracks, trucking terminal, or other  
20 freight transportation facility; a gas processing plant,  
21 including a plant used in the processing, treatment, or  
22 fractionation of natural gas or natural gas liquids; a  
23 transmission facility used by a federally licensed radio or  
24 television station; a steelmaking facility that uses an  
25 electric arc furnace to make steel; a facility identified  
26 and regulated by the United States Department of Homeland  
27 Security Chemical Facility Anti-Terrorism Standards (CFATS)  
28 program; a dam that is regulated by the state or federal  
29 government; a natural gas distribution utility facility  
30 including, but not limited to, natural gas distribution and  
31 transmission mains and services, pipeline interconnections,  
32 a city gate or town border station, metering station,  
33 aboveground piping, a regulator station, and a natural gas  
34 storage facility; a crude oil or refined products storage  
35 and distribution facility including, but not limited to,  
36 valve sites, pipeline interconnection, pump station,  
37 metering station, below or aboveground pipeline or piping  
38 and truck loading or offloading facility, a grain mill or  
39 processing facility; **[a] networks and facilities used in the**  
40 generation, transmission, or distribution **[system]** of  
41 broadband internet access; or any aboveground portion of an  
42 oil, gas, hazardous liquid or chemical pipeline, tank,  
43 railroad facility, or other storage facility that is  
44 enclosed by a fence, other physical barrier, or is clearly  
45 marked with signs prohibiting trespassing, that are  
46 obviously designed to exclude intruders.

47 2. A person commits the offense of trespass on a  
48 critical infrastructure facility if he or she purposely  
49 trespasses or enters property containing a critical

50 infrastructure facility without the permission of the owner  
51 of the property or lawful occupant thereof. The offense of  
52 trespass on a critical infrastructure facility is a class B  
53 misdemeanor. [If it is determined that the intent of the  
54 trespasser is to damage, destroy, or tamper with equipment,  
55 or impede or inhibit operations of the facility, the person  
56 shall be guilty of a class A misdemeanor.

57 3. A person commits the offense of damage of a  
58 critical infrastructure if he or she purposely damages,  
59 destroys, or tampers with equipment in a critical  
60 infrastructure facility. The offense of damage of a  
61 critical infrastructure facility is a class D felony.

62 4.] 3. This section shall not apply to conduct  
63 protected under the Constitution of the United States, the  
64 Constitution of [the state of] Missouri, or a state or  
65 federal law or rule.

569.117. 1. A person commits the offense of damage of  
2 a critical infrastructure facility, as defined in section  
3 569.086, if he or she:

- 4 (1) Purposely damages, destroys, or tampers with  
5 equipment in a critical infrastructure facility; or  
6 (2) Recklessly damages, destroys, or tampers with a  
7 critical infrastructure facility, or removes any component  
8 of the critical infrastructure facility, excluding equipment.

9 2. Except as provided under subsection 3 of this  
10 section, the offense of damage of a critical infrastructure  
11 facility under:

12 (1) Subdivision (1) of subsection 1 of this section is  
13 a class D felony; or

14 (2) Subdivision (2) of subsection 1 of this section is  
15 a:

16 (a) Class A misdemeanor if the damage is under seven  
17 hundred fifty dollars;

18 (b) Class E felony if the damage is seven hundred  
19 fifty dollars or more but less than twenty-five thousand  
20 dollars; or

21 (c) Class D felony if the damage is twenty-five  
22 thousand dollars or more.

23 3. If the damage to a critical infrastructure facility  
24 causes interruption, impairment, or degradation of service,  
25 the offense of damage of a critical infrastructure facility  
26 shall be a class C felony regardless of value.

27 4. The value of damages under this section shall be  
28 determined under the provisions of section 570.020.

29 5. (1) Any person who commits a violation under this  
30 section shall be required to make restitution and perform  
31 community service as provided in this subsection.

32 (2) Restitution shall be made under the provisions of  
33 section 559.105.

34 (3) Community service shall be imposed as follows:

35 (a) One hundred hours for the first offense;

36 (b) Two hundred hours for the second offense; or

37 (c) Up to three hundred hours for the third or any  
38 subsequent offense.

569.119. 1. As used in this section, the following  
2 terms mean:

3 (1) "Copper, brass, aluminum, fiber, or  
4 telecommunications material", any insulated or noninsulated  
5 copper, brass, aluminum, fiber-optic, or telecommunications  
6 wire, cable, pipe, tubing, power inverter, bus bar,  
7 broadband cable, fiber-optic line, or any material  
8 containing copper, brass, aluminum, fiber, glass, or metal  
9 components that is commonly used in construction, electrical

10 systems, telecommunications networks, broadband  
11 infrastructure, utilities, or related commercial or  
12 industrial applications;

13 (2) "Critical infrastructure facility", the same  
14 meaning as defined under section 569.086.

15 2. A person commits the offense of unauthorized  
16 possession of certain copper, brass, aluminum, fiber, or  
17 telecommunications material if the person:

18 (1) Knowingly possesses copper, brass, aluminum,  
19 fiber, or telecommunications material; and

20 (2) Is not a person authorized to possess such  
21 material as provided under subsection 3 of this section.

22 3. Subject to subsection 4 of this section, the  
23 following persons are authorized to possess copper, brass,  
24 aluminum, fiber, or telecommunications material:

25 (1) The owner of the material;

26 (2) A public utility, rural electric cooperative,  
27 municipal utility, or common carrier;

28 (3) A telecommunications provider, internet service  
29 provider, cable service provider, or video service provider;

30 (4) A manufacturing, industrial, commercial, retail,  
31 or similar business that sells or uses such material in the  
32 ordinary course of business;

33 (5) A carrier-for-hire acting in the course and scope  
34 of the carrier's business and possessing appropriate  
35 documentation, including a bill of lading or contract  
36 verifying transport information;

37 (6) A scrap metal or metal recycling dealer under  
38 chapter 407 and acting within the ordinary course of  
39 business;

40           (7) A person acting in the ordinary course of lawful  
41 construction, remodeling, demolition, or salvage work who  
42 lawfully acquires the material through such activities; or

43           (8) Any agent, employee, subcontractor, or  
44 representative of a person described in subdivisions (1) to  
45 (7) of this subsection who is acting within the course and  
46 scope of such authority.

47           4. The authorization provided under subsection 3 of  
48 this section does not apply to a person who knows that the  
49 copper, brass, aluminum, fiber, or telecommunications  
50 material was unlawfully obtained.

51           5. (1) Except as provided in subdivision (2) of this  
52 subsection, the offense of unauthorized possession of  
53 certain copper, brass, aluminum, fiber, or  
54 telecommunications material is a class E felony.

55           (2) The offense of unauthorized possession of certain  
56 copper, brass, aluminum, fiber, or telecommunications  
57 material is a class D felony if it is shown at trial that:

58           (a) The material was unlawfully obtained from a  
59 critical infrastructure facility;

60           (b) The person has a prior conviction for any offense  
61 involving theft, property damage, tampering, receiving  
62 stolen property, or unauthorized possession of copper,  
63 brass, aluminum, fiber, or telecommunications material; or

64           (c) The person conspired with or acted in concert with  
65 another to commit theft, property damage, tampering, or  
66 receiving stolen property involving such material.

67           6. If conduct constituting an offense under this  
68 section also constitutes an offense under any other  
69 provision of law, the person may be prosecuted under either

70 or both provisions subject to the provisions of section  
71 556.041.

✓