

SECOND REGULAR SESSION

HOUSE BILL NO. 2530

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PHELPS.

5927H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 301.010, 301.218, 301.225, 407.300, 407.302, and 407.303, RSMo, and to enact in lieu thereof nine new sections relating to scrap metal recycling, 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Section A. Sections 301.010, 301.218, 301.225, 407.300, 407.302, and 407.303, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 301.010, 301.218, 301.225, 407.298, 407.299, 407.300, 407.302, 407.303, and 407.304, to read as follows:

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

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

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

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

(2) "Autocycle", a three-wheeled motor vehicle which the drivers and passengers ride in a partially or completely enclosed nonstraddle seating area, that is designed to be controlled with a steering wheel and pedals, and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or federal motorcycle safety standards;

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.

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

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

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

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

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

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

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

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

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

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

39 (13) "Driveaway operation":

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

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

48 (c) The movement of a motor vehicle by any person who is lawfully engaged in the
49 business of transporting or delivering vehicles that are not the person's own and vehicles of a
50 type otherwise required to be registered, by the driveaway or towaway methods, from a point

51 of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales
52 agent of a manufacturer or to any consignee designated by the shipper or consignor;

53 (14) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the
54 fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck
55 tractor equipped with a dromedary may carry part of a load when operating independently or
56 in a combination with a semitrailer;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

95 (a) An area that extends not more than a radius of one hundred fifty miles from its
96 home base of operations when transporting its owner's machinery, equipment, or auxiliary
97 supplies to or from projects involving soil and water conservation, or to and from equipment
98 dealers' maintenance facilities for maintenance purposes; or

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

102

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

105 (28) "Local commercial motor vehicle", a commercial motor vehicle whose
106 operations are confined to a municipality and that area extending not more than fifty miles
107 therefrom, or a commercial motor vehicle whose property-carrying operations are confined
108 solely to the transportation of property owned by any person who is the owner or operator of
109 such vehicle to or from a farm owned by such person or under the person's control by virtue
110 of a landlord and tenant lease; provided that any such property transported to any such farm is
111 for use in the operation of such farm;

112 (29) "Local log truck", a commercial motor vehicle which is registered pursuant to
113 this chapter to operate as a motor vehicle on the public highways of this state; used
114 exclusively in this state; used to transport harvested forest products; operated solely at a
115 forested site and in an area extending not more than a one hundred fifty mile radius from such
116 site; and when operated on the national system of interstate and defense highways described
117 in 23 U.S.C. Section 103, as amended, or outside the one hundred fifty mile radius from such
118 site with an extended distance local log truck permit, does not have more than four axles, and
119 does not pull a trailer which has more than three axles. Harvesting equipment which is used
120 specifically for cutting, felling, trimming, delimbing, debarking, chipping, skidding, loading,
121 unloading, and stacking may be transported on a local log truck;

122 (30) "Local log truck tractor", a commercial motor vehicle which is registered under
123 this chapter to operate as a motor vehicle on the public highways of this state; used
124 exclusively in this state; used to transport harvested forest products, operated at a forested site

125 and in an area extending not more than a one hundred fifty mile radius from such site; and
126 when operated on the national system of interstate and defense highways described in 23
127 U.S.C. Section 103, as amended, or outside the one hundred fifty mile radius from such site
128 with an extended distance local log truck permit, does not have more than three axles and
129 does not pull a trailer which has more than three axles;

130 (31) "Local transit bus", a bus whose operations are confined wholly within a
131 municipal corporation, or wholly within a municipal corporation and a commercial zone, as
132 defined in section 390.020, adjacent thereto, forming a part of a public transportation system
133 within such municipal corporation and such municipal corporation and adjacent commercial
134 zone;

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

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

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

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

146 (a) **Performing the manufacturing process by which scrap, used, or obsolete**
147 **ferrous or nonferrous metal is converted into raw material products consisting of**
148 **prepared grades and having an existing or potential economic value, by a method that in**
149 **part requires the use of powered tools and equipment, including processes that involve**
150 **processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing,**
151 **or changing the physical form of that metal;**

152 (b) **The use of raw material products described under paragraph (a) of this**
153 **subdivision in the manufacture of producer or consumer goods; or**

154 (c) **Purchasing or otherwise acquiring scrap, used, or obsolete ferrous or**
155 **nonferrous metals for the eventual use of the metal for the purposes described under**
156 **paragraph (a) or (b) of this subdivision;**

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

160 ~~[(36)]~~ (37) "Motor vehicle", any self-propelled vehicle not operated exclusively upon
161 tracks, except farm tractors and electric bicycles;

162 ~~[(37)]~~ **(38)** "Motor vehicle primarily for business use", any vehicle other than a
163 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle
164 licensed for over twelve thousand pounds:

165 (a) Offered for hire or lease; or

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

167 ~~[(38)]~~ **(39)** "Motorcycle", a motor vehicle operated on two wheels;

168 ~~[(39)]~~ **(40)** "Motorized bicycle", any two-wheeled or three-wheeled device having an
169 automatic transmission and a motor with a cylinder capacity of not more than fifty cubic
170 centimeters, which produces less than three gross brake horsepower, and is capable of
171 propelling the device at a maximum speed of not more than thirty miles per hour on level
172 ground, but excluding an electric bicycle;

173 ~~[(40)]~~ **(41)** "Motortricycle", a motor vehicle upon which the operator straddles or sits
174 astride that is designed to be controlled by handle bars and is operated on three wheels,
175 including a motorcycle while operated with any conveyance, temporary or otherwise,
176 requiring the use of a third wheel, but excluding an electric bicycle. A motortricycle shall not
177 be included in the definition of all-terrain vehicle;

178 ~~[(41)]~~ **(42)** "Municipality", any city, town or village, whether incorporated or not;

179 ~~[(42)]~~ **(43)** "Nonresident", a resident of a state or country other than the state of
180 Missouri;

181 ~~[(43)]~~ **(44)** "Non-USA-std motor vehicle", a motor vehicle not originally
182 manufactured in compliance with United States emissions or safety standards;

183 ~~[(44)]~~ **(45)** "Operator", any person who operates or drives a motor vehicle;

184 ~~[(45)]~~ **(46)** "Owner", any person, firm, corporation or association, who holds the legal
185 title to a vehicle or who has executed a buyer's order or retail installment sales contract with a
186 motor vehicle dealer licensed under sections 301.550 to 301.580 for the purchase of a vehicle
187 with an immediate right of possession vested in the transferee, or in the event a vehicle is the
188 subject of an agreement for the conditional sale or lease thereof with the right of purchase
189 upon performance of the conditions stated in the agreement and with an immediate right of
190 possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle
191 is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed
192 the owner;

193 ~~[(46)]~~ **(47)** "Public garage", a place of business where motor vehicles are housed,
194 stored, repaired, reconstructed or repainted for persons other than the owners or operators of
195 such place of business;

196 ~~[(47)]~~ **(48)** "Rebuilder", a business that repairs or rebuilds motor vehicles owned by
197 the rebuilder, but does not include certificated common or contract carriers of persons or
198 property;

199 ~~[(48)]~~ **(49)** "Reconstructed motor vehicle", a vehicle that is altered from its original
200 construction by the addition or substitution of two or more new or used major component
201 parts, excluding motor vehicles made from all new parts, and new multistage manufactured
202 vehicles;

203 ~~[(49)]~~ **(50)** "Recreational motor vehicle", any motor vehicle designed, constructed or
204 substantially modified so that it may be used and is used for the purposes of temporary
205 housing quarters, including therein sleeping and eating facilities which are either permanently
206 attached to the motor vehicle or attached to a unit which is securely attached to the motor
207 vehicle. Nothing herein shall prevent any motor vehicle from being registered as a
208 commercial motor vehicle if the motor vehicle could otherwise be so registered;

209 ~~[(50)]~~ **(51)** "Recreational off-highway vehicle", any motorized vehicle manufactured
210 and used exclusively for off-highway use which is more than fifty inches but no more than
211 eighty inches in width, measured from outside of tire rim to outside of tire rim, with an
212 unladen dry weight of three thousand five hundred pounds or less, traveling on four or more
213 nonhighway tires and which may have access to ATV trails;

214 ~~[(51)]~~ **(52)** "Recreational trailer", any trailer designed, constructed, or substantially
215 modified so that it may be used and is used for the purpose of temporary housing quarters,
216 including therein sleeping or eating facilities, which can be temporarily attached to a motor
217 vehicle or attached to a unit which is securely attached to a motor vehicle;

218 ~~[(52)]~~ **(53)** "Rollback or car carrier", any vehicle specifically designed to transport
219 wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly
220 connected to a wrecker or towing service;

221 ~~[(53)]~~ **(54)** "Saddlemount combination", a combination of vehicles in which a truck or
222 truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the
223 frame or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects
224 the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and
225 functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner
226 the combination is called a "double saddlemount combination". When three vehicles are
227 towed in this manner, the combination is called a "triple saddlemount combination";

228 ~~[(54)]~~ **(55)** "Salvage dealer and dismantler", a business that dismantles used motor
229 vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and
230 accessories;

231 ~~[(55)]~~ **(56)** "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

232 (a) Was damaged during a year that is no more than six years after the manufacturer's
233 model year designation for such vehicle to the extent that the total cost of repairs to rebuild or
234 reconstruct the vehicle to its condition immediately before it was damaged for legal operation

235 on the roads or highways exceeds eighty percent of the fair market value of the vehicle
236 immediately preceding the time it was damaged;

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

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

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

243 (e) Is abandoned property which is titled pursuant to section 304.155 or section
244 304.157 and designated with the words "salvage/abandoned property". The total cost of
245 repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing,
246 or reinstalling inflatable safety restraints, tires, sound systems, or damage as a result of hail,
247 or any sales tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of
248 this definition, "fair market value" means the retail value of a motor vehicle as:

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

252 b. Determined pursuant to a market survey of comparable vehicles with regard to
253 condition and equipment; and

254 c. Determined by an insurance company using any other procedure recognized by the
255 insurance industry, including market surveys, that is applied by the company in a uniform
256 manner;

257 ~~[(56)]~~ (57) "School bus", any motor vehicle used solely to transport students to or
258 from school or to transport students to or from any place for educational purposes;

259 ~~[(57)]~~ (58) "Scrap processor", a business that, through the use of fixed or mobile
260 equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for
261 processing or transportation to a shredder or scrap metal operator for recycling;

262 ~~[(58)]~~ (59) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
263 corporation as an incidental service to transport patrons or customers of the regular business
264 of such person, firm, or corporation to and from the place of business of the person, firm, or
265 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
266 buses or as commercial motor vehicles;

267 ~~[(59)]~~ (60) "Special mobile equipment", every self-propelled vehicle not designed or
268 used primarily for the transportation of persons or property and incidentally operated or
269 moved over the highways, including farm equipment, implements of husbandry, road
270 construction or maintenance machinery, ditch-digging apparatus, stone crushers, air
271 compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing

272 equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers,
273 leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving
274 carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving
275 equipment. This enumeration shall be deemed partial and shall not operate to exclude
276 other such vehicles which are within the general terms of this section;

277 ~~[(60)]~~ (61) "Specially constructed motor vehicle", a motor vehicle which shall not
278 have been originally constructed under a distinctive name, make, model or type by a
279 manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit
280 vehicles;

281 ~~[(61)]~~ (62) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth
282 wheel is located on a drop frame located behind and below the rearmost axle of the power
283 unit;

284 ~~[(62)]~~ (63) "Tandem axle", a group of two or more axles, arranged one behind
285 another, the distance between the extremes of which is more than forty inches and not more
286 than ninety-six inches apart;

287 ~~[(63)]~~ (64) "Towaway trailer transporter combination", a combination of vehicles
288 consisting of a trailer transporter towing unit and two trailers or semitrailers, with a total
289 weight that does not exceed twenty-six thousand pounds; and in which the trailers or
290 semitrailers carry no property and constitute inventory property of a manufacturer, distributor,
291 or dealer of such trailers or semitrailers;

292 ~~[(64)]~~ (65) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle
293 designed for drawing other vehicles, but not for the carriage of any load when operating
294 independently. When attached to a semitrailer, it supports a part of the weight thereof;

295 ~~[(65)]~~ (66) "Trailer", any vehicle without motive power designed for carrying
296 property or passengers on its own structure and for being drawn by a self-propelled vehicle,
297 except those running exclusively on tracks, including a semitrailer or vehicle of the trailer
298 type so designed and used in conjunction with a self-propelled vehicle that a considerable part
299 of its own weight rests upon and is carried by the towing vehicle. The term trailer shall not
300 include cotton trailers as defined in this section and shall not include manufactured homes as
301 defined in section 700.010;

302 ~~[(66)]~~ (67) "Trailer transporter towing unit", a power unit that is not used to carry
303 property when operating in a towaway trailer transporter combination;

304 ~~[(67)]~~ (68) "Truck", a motor vehicle designed, used, or maintained for the
305 transportation of property;

306 ~~[(68)]~~ (69) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the
307 two trailing units are connected with a B-train assembly which is a rigid frame extension
308 attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point

309 for the second semitrailer and has one less articulation point than the conventional A-dolly
310 connected truck-tractor semitrailer-trailer combination;

311 ~~[(69)]~~ (70) "Truck-trailer boat transporter combination", a boat transporter
312 combination consisting of a straight truck towing a trailer using typically a ball and socket
313 connection with the trailer axle located substantially at the trailer center of gravity rather than
314 the rear of the trailer but so as to maintain a downward force on the trailer tongue;

315 ~~[(70)]~~ (71) "Used parts dealer", a business that buys and sells used motor vehicle
316 parts or accessories, but not including a business that sells only new, remanufactured or
317 rebuilt parts. Business does not include isolated sales at a swap meet of less than three days;

318 ~~[(71)]~~ (72) "Utility vehicle", any motorized vehicle manufactured and used
319 exclusively for off-highway use which is more than fifty inches but no more than eighty
320 inches in width, measured from outside of tire rim to outside of tire rim, with an unladen dry
321 weight of three thousand five hundred pounds or less, traveling on four or six wheels, to be
322 used primarily for landscaping, lawn care, or maintenance purposes;

323 ~~[(72)]~~ (73) "Vanpool", any van or other motor vehicle used or maintained by any
324 person, group, firm, corporation, association, city, county or state agency, or any member
325 thereof, for the transportation of not less than eight nor more than forty-eight employees, per
326 motor vehicle, to and from their place of employment; however, a vanpool shall not be
327 included in the definition of the term bus or commercial motor vehicle as defined in this
328 section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section
329 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,
330 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used
331 for monetary profit other than for use in a ride-sharing arrangement;

332 ~~[(73)]~~ (74) "Vehicle", any mechanical device on wheels, designed primarily for use,
333 or used, on highways, except motorized bicycles, electric bicycles, vehicles propelled or
334 drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or
335 cotton trailers or motorized wheelchairs operated by handicapped persons;

336 ~~[(74)]~~ (75) "Wrecker" or "tow truck", any emergency commercial vehicle equipped,
337 designed and used to assist or render aid and transport or tow disabled or wrecked vehicles
338 from a highway, road, street or highway rights-of-way to a point of storage or repair,
339 including towing a replacement vehicle to replace a disabled or wrecked vehicle;

340 ~~[(75)]~~ (76) "Wrecker or towing service", the act of transporting, towing or recovering
341 with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the
342 wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly
343 receives compensation or other personal gain.

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 dismantler, as defined in section 301.010;

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

11 (4) Processing scrapped vehicles or vehicle parts as a scrap processor, as defined in
12 section 301.010;

13 **(5) Accepting scrapped metals or metal parts as a metal recycling entity or scrap**
14 **metal yard, as defined in 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
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 "metal recycling entity"; or "scrap metal yard" license.

41 **5. (1) Any person who violates the provisions of this section shall be guilty of a**
42 **class A misdemeanor, punishable only by fine. In addition to any such fine, an**
43 **application for licensure may be denied or any current license may be revoked or**
44 **suspended by the department if the applicant or licensee, after August 28, 2026,**
45 **knowingly or intentionally:**

46 **(a) Violates any provision of sections 407.298 to 407.304;**

47 **(b) Makes a materially false statement in the application for licensure; or**

48 **(c) Engages in a fraudulent act in connection with any purchase or sale of any**
49 **regulated metal, as such term is defined in section 407.298.**

50 **(2) Nothing in this section shall be construed to preclude a person who violates**
51 **the provisions of this section from also being prosecuted for any applicable criminal**
52 **offense.**

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

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

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

10 **2. Every person licensed or required to be licensed shall maintain for three years**
11 **records consistent with the requirements under section 407.300 on copper, brass, or**
12 **bronze material, as defined in section 407.298, regardless of the condition or length of**
13 **such material and whether it is mixed or conjoined with any other substances.**

14 **3. Every ~~such~~ record required under subsections 1 and 2 of this section shall be**
15 **retained by the person licensed or required to be licensed at his principal place of business and**
16 **shall be open to inspection by any representative of the department, member or authorized or**
17 **designated employee of the Missouri highway patrol, or any police officer during reasonable**
18 **business hours. Members of the patrol or any police officer may inspect the premises of**
19 **every person licensed or required to be licensed at any time that business is being conducted**
20 **or work is being performed, whether or not open to the public to enforce the provisions of**
21 **sections 301.217 to 301.229.**

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

2 **(1) "Copper, brass, or bronze":**

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

8 (b) Any copper or brass item of a type commonly used in construction or by any
9 public utility, telecommunications company, cable provider, video service provider, or
10 other communications related provider; or

11 (c) Any copper pipe or copper tubing;

12 (2) "Department", the department of revenue;

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

15 (a) Performing the manufacturing process by which scrap, used, or obsolete
16 ferrous or nonferrous metal is converted into raw material products consisting of
17 prepared grades and having an existing or potential economic value, by a method that in
18 part requires the use of powered tools and equipment, including processes that involve
19 processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing,
20 or changing the physical form of that metal;

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

23 (c) Purchasing or otherwise acquiring scrap, used, or obsolete ferrous or
24 nonferrous metals for the eventual use of the metal for the purposes described under
25 paragraph (a) or (b) of this subdivision;

26 (4) "Regulated metal":

27 (a) Copper, brass, or bronze;

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

29 (c) Material containing copper or aluminum that is knowingly used for farming
30 purposes as farming is defined in section 350.010, regardless of the condition or length
31 of such metal;

32 (d) A detached catalytic converter; or

33 (e) A motor vehicle, heavy equipment, or a tractor battery.

407.299. 1. No later than the close of business on the second working day after
2 the date of the purchase or other acquisition of a regulated metal by a metal recycling
3 entity or scrap metal yard, the entity or yard shall send an electronic transaction report
4 to the department, which shall be transmitted through the department's website. The
5 report shall contain the information required to be recorded under section 407.300,

6 except that the entity or yard shall not be required to disclose the weight and purchase
7 price of the regulated metal.

8 2. A metal recycling entity or scrap metal yard may submit the transaction
9 report required under subsection 1 by facsimile if the department approves an exception
10 to the electronic reporting requirements following receipt and review of an:

11 (1) Application requesting an exception to the electronic reporting requirements;
12 and

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

15 3. The department shall establish a statewide electronic reporting system to
16 track the sales of regulated metal reported to the department under subsection 1.

17 4. The department shall post on its website a summary of the reports provided to
18 the department under this section that shall only be accessible to metal recycling entities
19 and scrap metal yards that are required to submit such information to the department.
20 The summary shall provide, by county, the frequency with which a person, who shall be
21 identified by first and last name and address, presents regulated metal for sale to a
22 metal recycling entity or scrap metal yard. The summary shall not personally identify
23 any person or entity to which the metal recycling entity or scrap metal yard sells
24 regulated material. The provisions of this subsection shall not apply to regulated metal
25 sold to a metal recycling entity or scrap metal yard by a public or private cemetery,
26 political subdivision, telecommunications provider, cable provider, wireless service or
27 other communications-related provider, electrical cooperative, water utility, municipal
28 utility, or utility regulated under chapter 386 or chapter 393, or other business entity
29 that routinely has access to regulated metal.

30 5. The department shall make available on its website a publicly accessible list of
31 all licensed metal recycling entities or scrap metal yards. The list shall contain the
32 following for each licensed metal recycling entity or scrap metal yard:

33 (1) Registered business name;

34 (2) Physical address;

35 (3) Name of and contact information for a representative of the entity;

36 (4) A description of the extent to which the entity engages in transactions
37 involving catalytic converters; and

38 (5) A statement that no purchases of regulated metal shall be made before 7:00
39 a.m. or after 7:00 p.m.

40 6. Information provided to the department under this section shall not be subject
41 to disclosure under Chapter 610. The department may disclose information provided
42 under this section for law enforcement purposes, as described in section 301.225. Except

43 as otherwise provided herein, the department shall maintain the confidentiality of the
44 name of the seller, the price paid for the purchase of regulated metal, and the quantity of
45 regulated metal purchased.

46 7. The department may promulgate administrative rules and regulations for the
47 development of a statewide electronic reporting system to track the sales of regulated
48 metal reported to the department, which shall include the development of a no-buy list
49 as provided in section 407.304. The department is authorized to collaborate with any
50 local law enforcement agency to prepare a searchable, electronic list that includes the
51 names and a description of persons known for theft or to be receivers of stolen property.

52 8. Any rule or portion of a rule, as that term is defined in section 536.010, that is
53 created under the authority delegated in this section shall become effective only if it
54 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
55 section 536.026. Any rule or portion of a rule, as that term is defined in section 536.010,
56 that is created under the authority delegated in this section shall become effective only if
57 it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
58 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
59 vested with the general assembly pursuant to chapter 536 to review, to delay the
60 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
61 then the grant of rulemaking authority and any rule proposed or adopted after August
62 28, 2026, shall be invalid and void.

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

12 (5) ~~Motor vehicle, heavy equipment, or tractor battery]~~ **regulated metal. Such**
13 **purchases or trades shall be made only between the hours of 7:00 a.m. and 7:00 p.m.**

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

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

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

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

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

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

25 **(6) A photo of the property purchased; and**

26 **(7) An affidavit stating that the seller owns or otherwise has authority to sell the**
27 **regulated metal being presented for sale.**

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

31 4. No transaction that includes a ~~[detached catalytic converter]~~ **regulated metal** shall
32 occur at any location other than the fixed place of business of the purchaser or collector of, or
33 dealer in, junk, scrap metal, or any secondhand property. No ~~[detached catalytic converter]~~
34 **regulated metal** shall be altered, modified, disassembled, or destroyed until it has been in the
35 purchaser's, collector's, or dealer's possession for five business days.

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

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

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

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

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

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

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

54 **7. No metal recycling entity or scrap metal yard shall purchase regulated metal**
55 **from a seller who, at the time of the sale:**

56 **(1) Uses a name other than such person's own name or the registered name of**
57 **the seller's business;**

58 **(2) Is under eighteen years of age; or**

59 **(3) Is visibly under the influence of alcohol, a controlled substance, or drug, or**
60 **any combination thereof.**

61 **8. (1) A metal recycling entity or scrap metal yard shall at all times maintain in**
62 **a prominent location in the entity's place of business, in open view to the seller of**
63 **regulated metal, a notice in two-inch type that:**

64 **(a) Includes the following language:**

65 **"A PERSON ATTEMPTING TO SELL ANY REGULATED METAL MUST**
66 **PRESENT SUFFICIENT IDENTIFICATION AND WRITTEN PROOF OF**
67 **OWNERSHIP REQUIRED BY STATE LAW.**

68 **WARNING: STATE LAW PROVIDES A CRIMINAL PENALTY FOR A**
69 **PERSON WHO INTENTIONALLY PROVIDES A FALSE DOCUMENT OF**
70 **IDENTIFICATION OR OTHER FALSE INFORMATION TO A METAL**
71 **RECYCLING ENTITY WHILE ATTEMPTING TO SELL ANY REGULATED**
72 **METAL."; and**

73 **(b) States the metal recycling entity's or scrap metal yard's regular business**
74 **hours.**

75 **(2) The notice required under this subsection may be included on a sign that**
76 **contains another notice if the metal recycling entity or scrap metal yard is required to**
77 **display another notice under another provision of law.**

 407.302. 1. No scrap [yard] metal dealer or metal recycling entity or scrap metal
2 yard shall purchase any metal that can be identified as belonging to a public or private
3 cemetery, political subdivision, telecommunications provider, cable provider, wireless service
4 or other communications-related provider, electrical cooperative, water utility, municipal
5 utility, or utility regulated under chapter 386 or 393, including twisted pair copper
6 telecommunications wiring of pair or greater existing in 19, 22, 24, or 26 gauge burnt wire,
7 bleachers, guardrails, signs, street and traffic lights or signals, and manhole cover or covers,
8 whether broken or unbroken, from anyone other than the cemetery or monument owner,
9 political subdivision, telecommunications provider, cable provider, wireless service or other
10 communications-related provider, electrical cooperative, water utility, municipal utility, utility
11 regulated under chapter 386 or 393, or manufacturer of the metal or item described in this
12 section unless such person is authorized in writing by the cemetery or monument owner,
13 political subdivision, telecommunications provider, cable provider, wireless service or other

14 communications-related provider, electrical cooperative, water utility, municipal utility, utility
15 regulated under chapter 386 or 393, or manufacturer to sell the metal.

16 2. Anyone convicted of violating this section shall be guilty of a class B
17 misdemeanor.

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

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

19 3. Any person who knowingly and willfully violates the provisions of sections
20 407.300 to 407.303 shall be guilty of a class B misdemeanor and a fine of up to five hundred
21 dollars for the first offense, a class A misdemeanor and a fine of up to one thousand dollars
22 for the second offense, and the revocation of any and all business licenses that are held with
23 the state for the third offense.

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

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