## SENATE AMENDMENT NO.

Offered by	 Of	
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Amend SS/Senate Bill No. 46, Page 5, Section 307.380, Line 32,

by inserting after all of said line the following:
"407.296. As used in sections 407.296 to 407.303, the
following terms mean:
(1) "Catalytic converter", a device designed for use
in a vehicle for purposes of chemically converting harmful
exhaust gases, produced by the internal combustion engine,
into harmless carbon dioxide and water vapor;
(2) "Copper property", any insulated copper wire,
copper tubing, copper guttering and downspouts, or any item
composed completely of copper;
(3) "Copper property peddler", any person who sells or
attempts to sell copper property and who is not either a
licensed or certified tradesperson or does not hold a
business license issued by a city, municipality, or county;
(4) "Ferrous metals", metals which contain iron and
are magnetic;
(5) "HVAC component", any air conditioner evaporator
coil or condenser used in connection with a residential,
commercial, or industrial building;
(6) "Nonferrous metals", metals which do not contain
significant amounts of iron and are not magnetic, such as
aluminum, brass, lead, zinc, and copper;
(7) "Scrap metal dealer", any entity, including any
person, firm, company, partnership, association, or

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    corporation, located in this state who purchases products
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    containing ferrous or nonferrous metals for recycling;
              "Vehicle repair shop", any commercial facility
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    engaged in the repair or replacement of car, truck, van,
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    motorcycle, or other motorized mechanical and exhaust
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    components, whether as a primary or ancillary activity.
         407.297. 1. No person shall engage in the business of
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    a copper property peddler in a city not within a county
    without first obtaining a license from the governing
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    municipality and complying with the provisions of this
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    section.
         2. The municipality issuing the license shall
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    determine the license fee. The license shall expire June
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    thirtieth of each year. Each license shall bear a separate
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    number, the name and address of the licensee, and telephone
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    number of the licensee. The license shall be available only
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    to the person in whose name it is issued and shall not be
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    used by any person other than the original licensee. Any
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    licensee who shall permit his or her license to be used by
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    any other person, and any other person who shall use a
    license granted to another person, shall each be deemed
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    quilty of a violation of this section.
         3. Application for a license under this section shall
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    be made in writing to the governing municipality and shall
    state the name, age, description, and address of the
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    applicant. The application shall include a sworn statement
    setting forth each and every conviction of the applicant for
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    violations of federal, state, or municipal laws, statutes,
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    or ordinances. In addition, the applicant shall, at his or
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    her expense, obtain a complete copy of the applicant's
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    criminal record as indicated by the records of a law
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    enforcement agency and submit such record as part of the
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    application. No license shall be granted to any person who
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- has been convicted of burglary, robbery, stealing, theft, or
  possession or receiving stolen goods in the last twenty-four
  months prior to the date of the application.
- 4. The municipality shall have the power and authority
  to revoke any license under this section for any willful
  violation of this section, section 407.298, or section
  407.299 by a copper property peddler, provided the licensee
  has been notified in writing at his or her place of business
  of the violations complained of and shall have been afforded
  a reasonable opportunity to have a hearing.
- 69 <u>407.298. 1. A scrap metal dealer shall pay for any</u>
  70 <u>copper property or HVAC component as follows:</u>
- (1) A scrap metal dealer shall not pay cash for any
  copper property or HVAC component unless the seller
  presents, or the scrap metal dealer has on file, a valid
  business license, or a valid trade license or trade
  certificate recognized by a national trade association or
  organization;

- (2) Payment to any seller of copper property or HVAC component who presents a valid copper property peddler's license shall be by check. Checks shall be written to the licensee or certified tradesperson and may be delivered to the seller at the time of the sale;
  - (3) Payment to any seller of copper property or HVAC component who does not present or have on file a valid business license, valid trade license, or certificate or valid copper peddler's license shall be by check. Checks shall be payable only to the person whose name was recorded as delivering the copper property or HVAC component to the scrap metal dealer; provided, however, that if such person is delivering the copper property or HVAC component on behalf of a governmental entity or a nonprofit or for profit business entity, the check may be payable to such entity.

- 92 All checks issued to a seller of copper property or HVAC
- 93 component who does not present or have on file a valid
- 94 business license, valid trade license, or valid copper
- 95 peddler's license shall be mailed via the United States mail
- 96 to the address provided on the driver's license or photo
- 97 identification issued by the state provided by the seller;
- 98 (4) Checks shall not be converted to cash by a scrap
- 99 metal dealer or by any related entity.
- 100 2. This section shall not apply to any transaction for
- 101 which the seller has an existing business relationship with
- the scrap metal dealer and is known to the scrap metal
- 103 dealer making the purchase to be an established business
- 104 with a fixed location that can be reasonably expected to
- 105 generate regulated scrap metal and can be reasonably
- 106 identified as such a business or is a political subdivision.
- 107 407.299. 1. If a scrap metal dealer has actual
- 108 knowledge that copper property or a HVAC component in its
- 109 possession has been stolen, the dealer shall notify a law
- 110 enforcement agency via 911 and provide any information in
- its possession relative to the seller or the sale
- 112 transaction.
- 113 2. Following notice from the scrap metal dealer, or if
- 114 the law enforcement agency has reasonable suspicion that the
- scrap metal dealer is in possession of stolen property, the
- 116 law enforcement agency may issue to the scrap metal dealer a
- 117 written notice placing a ten-day hold order on the property.
- 118 3. (1) It is unlawful for any person to knowingly
- 119 present for sale to a scrap metal dealer stolen ferrous or
- 120 nonferrous metal, including but not limited to, copper
- 121 property or HVAC components. Any person who knowingly
- 122 presents for sale stolen ferrous or nonferrous metal shall
- 123 be quilty of a separate offense for each item of scrap metal
- and shall upon conviction be subject to a fine of not less

- 125 than five hundred dollars or by imprisonment for a period 126 not to exceed ninety days or both fine and imprisonment.
- maliciously cut, mutilate, deface, or otherwise injure any 128
- 129 personal or real property owned by a third party, including

It is unlawful for a person to willfully and

- 130 any fixtures or improvements, for the purpose of obtaining
- ferrous or nonferrous metals in any amount. Any person who 131
- 132 willfully and maliciously cuts, mutilates, defaces, or
- 133 otherwise injures any personal or real property owned by a
- 134 third party for the purpose of obtaining ferrous or
- 135 nonferrous metal shall be quilty of a separate offense for
- 136 each item of scrap metal derived from such actions and shall
- 137 upon conviction be subject to a fine of not less than five
- 138 hundred dollars or by imprisonment for a period not to
- 139 exceed ninety days or both fine and imprisonment.
- 140 (3) In addition to the penalties described in this
- 141 subsection, a copper property peddler's license shall be
- revoked if he or she knowingly violates sections 407.296 to 142
- 143 407.300.

- 407.300. 1. Every purchaser or collector of, or 144
- dealer in, junk, scrap metal, or any secondhand property 145
- shall keep a register containing a written or electronic 146
- 147 record for each purchase or trade in which each type of
- 148 material subject to the provisions of this section is
- 149 obtained for value. There shall be a separate record for
- 150 each transaction involving any:
- 151 (1)Copper, brass, or bronze;
- Aluminum wire, cable, pipe, tubing, bar, ingot, 152 (2)
- rod, fitting, or fastener; 153
- 154 Material containing copper or aluminum that is
- 155 knowingly used for farming purposes as farming is defined in
- section 350.010; whatever may be the condition or length of 156
- 157 such metal;

- 158 (4) Catalytic converter; or
- 159 (5) Motor vehicle, heavy equipment, or tractor battery.
- 160 2. The record required by this section shall contain
- 161 the following data:
- 162 (1) A copy of the driver's license or photo
- 163 identification issued by the state or by the United States
- 164 government or agency thereof to the person from whom the
- 165 material is obtained;
- 166 (2) The current address, gender, birth date, and a
- 167 photograph of the person from whom the material is obtained
- 168 if not included or are different from the identification
- 169 required in subdivision (1) of this subsection;
- 170 (3) The date, time, and place of the transaction;
- 171 (4) The license plate number of the vehicle used by
- 172 the seller during the transaction;
- 173 (5) A full description of the material, including the
- 174 weight and purchase price.
- 175 3. The records required under this section shall be
- 176 maintained for a minimum of twenty-four months from when
- 177 such material is obtained and shall be available for
- 178 inspection by any law enforcement officer.
- 179 4. Anyone convicted of violating [this section]
- 180 subsections 1 to 5 of this section shall be guilty of a
- 181 class B misdemeanor. Subsections 1 to 5 of this section
- shall not apply to a city not within a county.
- 183 5. [This section] <u>Subsections 1 to 4 of this section</u>
- 184 shall not apply to any of the following transactions:
- 185 (1) Any transaction for which the total amount paid
- 186 for all regulated material purchased or sold does not exceed
- 187 fifty dollars, unless the material is a catalytic converter;
- 188 (2) Any transaction for which the seller, including a
- 189 farm or farmer, has an existing business relationship with
- 190 the scrap metal dealer and is known to the scrap metal

- 191 dealer making the purchase to be an established business or
- 192 political subdivision that operates a business with a fixed
- 193 location that can be reasonably expected to generate
- 194 regulated scrap metal and can be reasonably identified as
- 195 such a business; or
- 196 (3) Any transaction for which the type of metal
- 197 subject to subsection 1 of this section is a minor part of a
- 198 larger item, except for equipment used in the generation and
- 199 transmission of electrical power or telecommunications.
- 200 6. Every purchaser or collector of, or dealer in,
- 201 junk, scrap metal, or any secondhand property shall keep a
- 202 register containing a written or electronic record for each
- 203 purchase or trade in which each type of material, which
- 204 includes ferrous and nonferrous metals, subject to the
- 205 provisions of this section is obtained for value. There
- 206 shall be a separate record for each transaction involving
- **207** any:
- 208 (1) Copper, brass, or bronze;
- 209 (2) Aluminum wire, cable, pipe, tubing, bar, ingot,
- 210 rod, fitting, or fastener;
- 211 (3) Material containing copper or aluminum that is
- 212 knowingly used for farming purposes as farming is defined in
- 213 section 350.010; whatever may be the condition or length of
- 214 such metal;
- 215 (4) Catalytic converter; or
- 216 (5) Motor vehicle, heavy equipment, or tractor battery.
- 7. The record required by subsections 6 to 18 of this
- 218 section shall contain the following data:
- 219 (1) A copy of the driver's license or photo
- 220 identification issued by the state or by the United States
- 221 government or agency thereof to the person from whom the
- 222 material is obtained;

223	(2) The current address, gender, birth date, and a
224	photograph of the person from whom the material is obtained
225	if not included or are different from the identification
226	required in subdivision (1) of this subsection;
227	(3) The date, time, and place of the transaction;
228	(4) The license plate number of the vehicle used by
229	the seller during the transaction;
230	(5) A full description of the material, including the
231	weight and purchase price, any business license number or
232	the copper property peddler's license (including the name of
233	the issuing municipality), amount paid, and license plate
234	number of the vehicle delivering the material. The
235	information shall be completed in full without any missing
236	data or information described in this subsection.
237	8. The records required under subsections 6 to 18 of
238	this section shall be maintained for a period of three years
239	from when such material is obtained and shall be available
240	for inspection by any law enforcement officer. All records
241	required under subsections 6 to 18 of this section shall be
242	photocopied and maintained for three years from the date of
243	the transaction.
244	9. Any person selling copper property who holds a
245	valid business license or copper property peddler's license
246	shall present a copy of such license to the scrap metal
247	dealer.
248	10. A transaction receipt shall be issued and consist
249	of the same information required under subsection 6 of this
250	section and shall include the following statement: "By
251	accepting payment from (insert name of scrap metal dealer),
252	seller represents and warrants that the material documented
253	by this receipt is owned by the seller or was lawfully
254	obtained, and the seller has the legal right to sell the

material to (insert name of scrap metal dealer).". If the

- 256 seller provides any documentation indicating that the seller 257 is in lawful possession of the scrap metal, or was otherwise 258 lawfully acquired, including without limitation a bill of sale or receipt, the scrap metal dealer shall photocopy such 259 260 documentation and maintain it with the transaction 261 information otherwise required by this section. 11. A scrap metal dealer, the agent employee, or 262 263 representative of a scrap metal dealer shall not disclose 264 personal information concerning a customer under this 265 section without the consent of the customer unless the disclosure is made in response to a request from a law 266 enforcement agency. A scrap metal dealer shall implement 267 268 reasonable safeguards: 269 (1) To protect the security of the personal 270 information required under subsection 7 of this section; and 271 (2) To prevent unauthorized access to or disclose of 272 that information. 12. A scrap metal dealer shall not be liable to any 273 274 customer for a disclosure of personal information if the scrap metal dealer has met the requirements set forth in 275 subsection 10 of this section. 276 277 13. Anyone convicted of violating subsections 6 to 18 of this section shall be guilty of a class B misdemeanor. 278 279 14. This section shall not apply to any of the 280 following transactions: 281 (1) Any transaction for which the total amount paid 282 for all regulated material purchased or sold does not exceed fifty dollars, unless the material is a catalytic converter; 283 (2) Any transaction for which the seller, including a 284 285 farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal 286
  - political subdivision that operates a business with a fixed

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dealer making the purchase to be an established business or

- location that can be reasonably expected to generate
- 290 regulated scrap metal and can be reasonably identified as
- 291 such a business; or
- 292 (3) Any transaction for which the type of metal
- 293 subject to subsection 6 of this section is a minor part of a
- 294 larger item, except for equipment used in the generation and
- 295 transmission of electrical power or telecommunications.
- 296 15. Hours of retail operation for scrap metal dealers
- shall be no earlier than 6:00 a.m. and no later than 7:00
- 298 p.m.
- 299 16. No scrap metal dealer shall purchase or otherwise
- 300 receive from a person under the age of eighteen any ferrous
- or nonferrous metal other than aluminum cans.
- 302 17. A scrap metal dealer shall register with or
- 303 subscribe to the alert system established by the Institute
- 304 of Scrap Recycling Industries, Inc., referred to as the ISRI
- 305 Scrap Theft Alert system or successor system, and maintain
- 306 that registration or subscription.
- 307 18. Subsections 6 to 18 of this section shall only
- 308 apply to a city not within a county.
- 309 407.302. 1. No scrap yard shall purchase any metal
- 310 that can be identified as belonging to a public or private
- 311 cemetery, political subdivision, telecommunications
- 312 provider, cable provider, wireless service or other
- 313 communications-related provider, electrical cooperative,
- 314 water utility, municipal utility, or utility regulated under
- 315 chapter 386 or 393, including bleachers, guardrails, signs,
- 316 street and traffic lights or signals, and manhole cover or
- 317 covers, whether broken or unbroken, from anyone other than
- 318 the cemetery or monument owner, political subdivision,
- 319 telecommunications provider, cable provider, wireless
- 320 service or other communications-related provider, electrical
- 321 cooperative, water utility, municipal utility, utility

322 regulated under chapter 386 or 393, or manufacturer of the 323 metal or item described in this section unless such person 324 is authorized in writing by the cemetery or monument owner, political subdivision, telecommunications provider, cable 325 provider, wireless service or other communications-related 326 327 provider, electrical cooperative, water utility, municipal utility, utility regulated under chapter 386 or 393, or 328 329 manufacturer to sell the metal. 330 2. Anyone convicted of violating subsection 1 of this 331 section shall be guilty of a class B misdemeanor. Subsections 1 and 2 of this section shall not apply in a 332 333 city not within a county. 334 3. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery, 335 political subdivision, telecommunications provider, cable 336 provider, wireless service or other communications-related 337 338 provider, electrical cooperative, water utility, municipal 339 utility, or utility regulated under chapter 386 or 393, 340 including bleachers, guardrails, signs, street and traffic 341 lights or signals, certain cables used in high voltage transmission lines, historical markers, and manhole cover or 342 covers, whether broken or unbroken, from anyone other than 343 the cemetery or monument owner, political subdivision, 344 345 telecommunications provider, cable provider, wireless 346 service or other communications-related provider, electrical 347 cooperative, water utility, municipal utility, utility 348 regulated under chapter 386 or 393, or manufacturer of the metal or item described in this subsection unless such 349 person is authorized in writing by the cemetery or monument 350 351 owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-352

related provider, electrical cooperative, water utility,

354	municipal utility, utility regulated under chapter 386 or
355	393, or manufacturer to sell the metal.
356	4. No person shall knowingly sell or attempt to sell
357	to a scrap metal dealer and no scrap metal dealer shall
358	knowingly and willfully purchase the following:
359	(1) New materials, such as those used in construction,
360	or equipment or tools used by contractors, unless
361	accompanied by proof of ownership or authorization to sell
362	the materials on behalf of the owner;
363	(2) HVAC components unless accompanied by written
303	(1) ITTIO COMPONENCE ANTOCK ACCOMPANIES & WITCOM
364	authorization from the business or property owner evidencing
364	authorization from the business or property owner evidencing
364 365 366	authorization from the business or property owner evidencing the seller has the legal right to sell the material;
364 365	authorization from the business or property owner evidencing the seller has the legal right to sell the material;  (3) Catalytic converters removed from a motor vehicle
364 365 366 367	authorization from the business or property owner evidencing the seller has the legal right to sell the material;  (3) Catalytic converters removed from a motor vehicle unless purchased from a vehicle repair business.
364 365 366 367 368	authorization from the business or property owner evidencing the seller has the legal right to sell the material;  (3) Catalytic converters removed from a motor vehicle unless purchased from a vehicle repair business.  5. Anyone convicted of violating subsections 3 and 4
364 365 366 367 368 369	authorization from the business or property owner evidencing the seller has the legal right to sell the material;  (3) Catalytic converters removed from a motor vehicle unless purchased from a vehicle repair business.  5. Anyone convicted of violating subsections 3 and 4 of this section shall be guilty of a class B misdemeanor.