

CCS HCS SCS SB 157 & SB 102 -- DISPOSITION OF PERSONAL PROPERTY

This bill changes the laws regarding the disposition of personal property.

SALE OF PRECIOUS METALS (Section 407.292, RSMo)

The bill requires a buyer to record and photograph every transaction involving gold, silver, and platinum and to include specified information. The records must be maintained by the buyer for one year and must be made available for inspection by any law enforcement official of the federal government, state, municipality, or county and may, upon request, be made available to law enforcement officials, governmental entities, and any other concerned entities or persons. When a purchase is made from a minor, the written authority of the parent or guardian authorizing the sale must be attached and maintained with the record. When a weighing device is used to purchase gold, silver, or platinum, a sign must be posted listing the prices for the gold, silver, or platinum as specified in the bill. The weighing device must be positioned in a location that is readable by the buyer and seller, and the person operating the device must make a verbal statement of the result of the weighing. If a buyer violates these provisions, he or she will be subject to a fine of up to \$1,000. These provisions do not apply to a pawnbroker or scrap metal dealer.

SCRAP METAL TRANSACTIONS (Sections 407.300 - 407.303)

The bill changes the documentation requirements for transactions made where junk or scrap metal is sold or traded. Currently, the purchaser must keep a separate record for transactions involving specified products made of copper, brass, bronze, or aluminum. The bill requires a purchaser to also keep a separate record for transactions involving a catalytic converter. In addition to the current requirements, the records for the transactions must contain the gender, birth date, and a photograph of the seller if different than the photo identification currently required. The record must also include the license plate number of the vehicle used by the seller during the transaction, as well as a full description of the metal by weight and the purchase price. Currently, these provisions do not apply to any transaction that does not exceed \$50 for all scrap metal sold. The sale of a catalytic converter is excluded from this exemption. The penalty for anyone convicted of violating the documentation requirements is changed from a class A misdemeanor to a class B misdemeanor.

Currently, a scrap yard is prohibited from purchasing metal that can be identified as belonging to a cemetery, political subdivision, electrical cooperative, municipal utility, or a

utility regulated under Chapter 386 or 393 unless the scrap metal seller has written permission. The bill adds metal that can be identified as belonging to a telecommunications provider, cable provider, wireless service or other communications-related provider, water utility, or municipal utility. A person convicted of purchasing prohibited scrap metal will be guilty of a class B misdemeanor.

A scrap metal dealer paying an amount that is \$500 or more must make the payment by issuing a prenumbered check drawn on a regular bank account in the name of the dealer made payable to the seller or by using a system for automated cash or electronic payment that photographs or videotapes the payment recipient and identifies the payment with a distinct transaction in the register maintained in accordance with current law. A dealer that pays in cash is required to obtain a copy of the seller's driver's license if the metal is copper or a catalytic converter. A person who knowingly and willfully violates these provisions is guilty of a class B misdemeanor and subject to a fine of up to \$500 for the first offense, a class A misdemeanor and subject to a fine of up to \$1,000 for the second offense, and the revocation of all state business licenses for a third offense. A person selling stolen metal is responsible for the consequential damages relating to obtaining the scrap metal.

DONATED GOODS RECEPTACLES (Section 407.485)

The bill specifies that a for-profit entity or person collecting unwanted household items via a public receptacle and reselling the items for profit must display a statement prominently on the receptacle that the deposited items are not for charitable organizations and will be resold for profit and are not tax deductible. Also, a not-for-profit entity collecting unwanted household items via a public receptacle must display a statement prominently on the receptacle that it is owned by the not-for-profit organization and the percentage of the proceeds from the sale of any donations that will be used for the charitable mission of the charity or charitable cause. The owner or operator of a receptacle must display the owner's name, address, and telephone number on it and the owner must maintain written permission to place the receptacle on the property from the property owner where it is located. Until September 1, 2014, the owner and operator of a receptacle is allowed to display the website of the owner and operator in lieu of the address if the mailing address is easily accessible on the website.