

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2902
103RD GENERAL ASSEMBLY

6183H.04C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 301.218, 407.300, and 570.030, RSMo, and to enact in lieu thereof five new sections relating to automobile theft, with penalty provisions.

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

Section A. Sections 301.218, 407.300, and 570.030, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 301.218, 407.300, 570.030, 570.031, and 570.097, to read as follows:

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

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

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

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

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

2. Sales at a salvage pool or a salvage disposal sale shall be open only to and made to persons actually engaged in and holding a current license under sections 301.217 to 301.221 and 301.550 to 301.573 or any person from another state or jurisdiction who is legally

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.

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

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

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

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

33

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

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

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

6 (1) Copper, brass, or bronze;

7 (2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;

8 (3) Material containing copper or aluminum that is knowingly used for farming
9 purposes as farming is defined in section 350.010; whatever may be the condition or length of
10 such metal;

11 (4) Detached catalytic converter; or

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

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

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

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

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

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

22 ~~[and]~~

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

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

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

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

29 3. **(1)** The records required under this section shall be maintained **in order of**
30 **transaction date** for a minimum of ~~[thirty-six months]~~ **four years** from when such material
31 is obtained and shall be available for inspection by any law enforcement officer.

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

35 **(3)** At least monthly, a purchaser or collector of, or dealer in, junk, scrap metal,
36 or any secondhand property shall submit to the department of revenue the records
37 required under this section on the department's form, with copies of the purchaser's,
38 collector's, or dealer's other records, if any, attached. The submission may be in either a
39 paper or electronic format. The department of revenue may prescribe the format of
40 forms submitted electronically.

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

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

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

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

50 ~~(3) For a third violation, revocation of the]~~ **convicted of violating this section shall**
51 **be guilty of a class E felony and shall be subject to having any** license for a business
52 described under section 301.218 **revoked.**

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

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

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

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

570.030. 1. A person commits the offense of stealing if he or she:

2 (1) Appropriates property or services of another with the purpose to deprive him or
3 her thereof, either without his or her consent or by means of deceit or coercion;

4 (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the
5 purpose to deprive him or her thereof, either without his or her consent or by means of deceit
6 or coercion; ~~[or]~~

7 (3) For the purpose of depriving the owner of a lawful interest therein, receives,
8 retains or disposes of property of another knowing that it has been stolen, or believing that it
9 has been stolen; **or**

10 (4) **For the purpose of depriving the owner of a lawful interest therein, receives,**
11 **retains, or disposes of a catalytic converter, as defined in subsection 7 of section 407.300,**
12 **and knows that it has been stolen, believes that it has been stolen, or reasonably should**
13 **suspect that it has been stolen.**

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

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

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

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

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

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

36 (5) The property appropriated or attempted to be appropriated is owned by or in the
37 custody of a financial institution and the property is taken or attempted to be taken physically
38 from an individual person to deprive the owner or custodian of the property; or

39 (6) The person appropriates property, the person's course of conduct is part of an
40 organized retail theft, and the value of the property taken, combined with any property
41 damage inflicted in such theft, is ten thousand dollars or more.

42 4. The offense of stealing is a class C felony if:

43 (1) The value of the property or services appropriated is twenty-five thousand dollars
44 or more;

45 (2) The property is a teller machine or the contents of a teller machine, including
46 cash, regardless of the value or amount; or

47 (3) The person appropriates property, the person's course of conduct is part of an
48 organized retail theft, and the value of the property taken, combined with any property
49 damage inflicted in such theft, is seven hundred fifty dollars or more but less than ten
50 thousand dollars.

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

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

- 54 (2) The offender physically takes the property appropriated from the person of the
55 victim; or
- 56 (3) The property appropriated consists of:
- 57 (a) Any motor vehicle, watercraft or aircraft;
- 58 (b) Any will or unrecorded deed affecting real property;
- 59 (c) Any credit device, debit device or letter of credit;
- 60 (d) Any firearms;
- 61 (e) Any explosive weapon as defined in section 571.010;
- 62 (f) Any United States national flag designed, intended and used for display on
63 buildings or stationary flagstaffs in the open;
- 64 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
65 legislature of the state of Missouri;
- 66 (h) Any pleading, notice, judgment or any other record or entry of any court of this
67 state, any other state or of the United States;
- 68 (i) Any book of registration or list of voters required by chapter 115;
- 69 (j) Any animal considered livestock as that term is defined in section 144.010;
- 70 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or
71 more;
- 72 (l) Any captive wildlife held under permit issued by the conservation commission;
- 73 (m) Any controlled substance as defined by section 195.010;
- 74 (n) Ammonium nitrate;
- 75 (o) Any wire, electrical transformer, or metallic wire associated with transmitting
76 telecommunications, video, internet, or voice over internet protocol service, or any other
77 device or pipe that is associated with conducting electricity or transporting natural gas or
78 other combustible fuels; or
- 79 (p) Any material appropriated with the intent to use such material to manufacture,
80 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of
81 their analogues.
- 82 6. The offense of stealing is a class E felony if:
- 83 (1) The property appropriated is an animal;
- 84 (2) The property is a catalytic converter, **as defined in subsection 7 of section**
85 **407.300;**
- 86 (3) A person has previously been found guilty of three stealing-related offenses
87 committed on three separate occasions where such offenses occurred within ten years of the
88 date of occurrence of the present offense; or
- 89 (4) The property appropriated is a letter, postal card, package, bag, or other sealed
90 article that was delivered by a common carrier or delivery service and not yet received by the

91 addressee or that had been left to be collected for shipment by a common carrier or delivery
92 service.

93 7. The offense of stealing is a class D misdemeanor if the property is not of a type
94 listed in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less
95 than one hundred fifty dollars, and the person has no previous findings of guilt for a stealing-
96 related offense.

97 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in
98 this section.

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

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

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

109 12. As used in this section, the term "organized retail theft" means:

110 (1) Any act of stealing committed by one or more persons, as part of any agreement to
111 steal property from any business, and separate acts of stealing that are part of any ongoing
112 agreement to steal may be aggregated for the purpose of determining value regardless of
113 whether such acts are committed in the same jurisdiction or at the same time;

114 (2) Any act of receiving or possessing any property that has been taken or stolen in
115 violation of subdivision (1) of this subsection while knowing or having reasonable grounds to
116 believe the property is stolen from any business in violation of this section, and separate acts
117 of receiving or possessing such stolen property that are part of any ongoing agreement to
118 receive or possess such stolen property may be aggregated for the purpose of determining
119 value regardless of whether such acts are committed in the same jurisdiction or at the same
120 time; or

121 (3) Any act of organizing, supervising, financing, leading, or managing between one
122 or more persons to engage for profit in a scheme or course of conduct to effectuate or intend
123 to effectuate the transfer or sale of property stolen from any business in violation of this
124 section, and separate acts of organizing, supervising, financing, leading, or managing between
125 one or more persons to engage for profit in a scheme or course of conduct to effectuate or
126 intend to effectuate the transfer or sale of such stolen property that are part of any ongoing
127 agreement to organize, supervise, finance, lead, or manage between one or more persons to

128 engage for profit in a scheme or course of conduct to effectuate or intend to effectuate the
129 transfer or sale of such stolen property may be aggregated for the purpose of determining the
130 value regardless of whether such acts are committed in the same jurisdiction or at the same
131 time.

132 13. If any prosecuting attorney or circuit attorney makes a request in writing to the
133 attorney general, the attorney general shall have the authority to commence and prosecute the
134 offense of stealing if such offense involves organized retail theft, and any other offenses that
135 directly arise from or causally occur as a result of an alleged violation of the offense of
136 stealing involving organized retail theft, in each or any county or a city not within a county in
137 which the offense occurred with the same power and authority granted to prosecuting
138 attorneys in section 56.060 and circuit attorneys in section 56.450, except that all costs and
139 fees of such prosecution by the attorney general shall be paid by the state and not by any
140 county or local government.

141 14. No provision of this section shall grant any additional power to the attorney
142 general beyond commencement and prosecution of offenses as authorized in this section.

**570.031. 1. A person commits the offense of unlawful possession of a detached
2 catalytic converter if the person possesses a catalytic converter that is detached from a
3 motor vehicle with the intent to sell the catalytic converter unless:**

4 **(1) The detached catalytic converter is possessed in the course of a legitimate
5 business purpose;**

6 **(2) The detached catalytic converter is a component or constituent part of an
7 item or equipment owned by the person; or**

8 **(3) The possession of the detached catalytic converter is for some other lawful
9 purpose.**

10 **2. The offense of unlawful possession of a detached catalytic converter is a class
11 E felony.**

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

2 **(1) "Motor vehicle key programming or emulating device", any device,
3 computer program, application, or software designed or used to electronically
4 communicate with a motor vehicle for the purpose of programming or emulating a
5 motor vehicle key fob that is capable of being used to unlock or start the motor vehicle;**

6 **(2) "Relay attack device", any device, computer program, application, or
7 software designed or used to intercept the signal from the key fob of a motor vehicle to
8 unlock or start the motor vehicle.**

9 **2. Except as provided in subsection 3 of this section, no person shall knowingly
10 manufacture, sell, offer to sell, transfer, or possess a motor vehicle key programming or**

11 **emulating device or a relay attack device, or aid or permit another to use a motor**
12 **vehicle key programming or emulating device or relay attack device.**

13 **3. This section shall not apply to the manufacturing, sale, offering to sell,**
14 **transfer, possession, or use of a motor vehicle key programming or emulating device or**
15 **relay attack device for a lawful and reasonable purpose by or to:**

16 **(1) A law enforcement officer;**

17 **(2) An employee of the National Insurance Crime Bureau; or**

18 **(3) An employee of any licensed dealer, distributor, or manufacturer of motor**
19 **vehicles or motor vehicle locks; motor vehicle mechanic shop; locksmith company; or**
20 **repossession agency.**

21 **4. Any person authorized to possess a motor vehicle key programming or**
22 **emulating device or relay attack device shall report a lost or stolen device within forty-**
23 **eight hours of becoming aware the device was lost or stolen to a law enforcement agency**
24 **within the jurisdiction in which the device is known or thought to be lost or stolen.**

25 **5. Any person convicted of a violation of subsection 2 of this section shall be**
26 **guilty of a class D felony.**

27 **6. Any person who fails to report a lost or stolen device as required under**
28 **subsection 4 of this section shall be guilty of a class A misdemeanor.**

29 **7. The provisions of this section are severable. If any section or provision of this**
30 **section is declared invalid or unconstitutional, the remainder of this section shall remain**
31 **in force.**

✓