

SHORT TITLE: Agriculture; modifying statutory reference; effective date.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 655

By: Kerr

AS INTRODUCED

An Act relating to agriculture; amending 2 O.S. 1991, Section 5-62.9, which relates to licenses issued under the Oklahoma Service Technician and Service Agency Act; modifying statutory reference; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 2 O.S. 1991, Section 5-62.9, is amended to read as follows:

Section 5-62.9 A. A license shall be suspended, canceled, revoked or refused re-issue by the State Board of Agriculture after the person has an opportunity for public hearing pursuant to the Administrative Procedures Act, Section 250 et seq. and 301 et seq. of Title 75 of the Oklahoma Statutes, and the person may be prosecuted in the court of proper jurisdiction for any violation of ~~this act~~ the Oklahoma Service Technician and Service Agency Act, Section 5-62.1 et seq. of this title. The following shall be a violation of this act:

1. Failure to correct work on each job which fails to meet the requirements of National Institute of Standards (NIST) Handbook 44 as amended and the required testing procedures;

2. Failure to complete the placing-in-service report in its entirety and to report the accurate description of parts replaced, adjusted, reconditioned or work performed;

3. Failure to report in a contract or work agreement, showing the actual repairs required to repair the weight or measure to meet the requirements;

4. Failure to furnish to the Board, upon request, duplicated copies of the service agency or any service technician weight or measure test report, or any other information required by the Board;

5. To test or place in service a weight or measure that does not meet the requirements for a commercial device as specified in the NIST Handbook 44 and the required testing procedures for the category of weight and measure;

6. Making a misrepresentation for the purpose of defrauding;

7. Operating as a service technician or service agency without proper license;

8. Repairing a weight or measure unless the repair involved causes such weight or measure to meet the requirements of the Oklahoma Service Technician and Service Agency Act for at least ninety (90) days after such repairs;

9. Failure to submit a placing-in-service report to the Board within five (5) calendar days after such repair, installation or removal is performed; and

10. Filing a false or fraudulent application to the Board.

B. Except as otherwise provided for by law, any person, holder or nonholder of a valid license convicted in a court of proper jurisdiction of violating any of the provisions of the Oklahoma Service Technician and Service Agency Act shall be guilty of a misdemeanor, punishable by the imposition of a fine of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment in the county jail for not less than

thirty (30) days and not more than one (1) year, or by both said fine and imprisonment.

SECTION 2. This act shall become effective September 1, 1994.

44-2-1540

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