

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1908

By: Liotta

COMMITTEE SUBSTITUTE

An Act relating to junk dealers; amending 59 O.S. 1991, Section 1401, which relates to definitions; adding definition; establishing procedures to be followed subsequent to certain purchases; providing penalties; providing for certain exemptions; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 1401, is amended to read as follows:

Section 1401. As used in this act, the following terms shall have the meanings indicated:

~~(a)~~ 1. "Copper material" means the metal copper or copper alloy or anything made of either copper or copper alloy;

~~(b)~~ 2. "Aluminum material" means the metal aluminum or aluminum alloy or anything made of either aluminum or aluminum alloy, except aluminum cans;

~~(c)~~ 3. "Junk dealer" means any person, firm or corporation being an owner, keeper or proprietor of a junk shop, junk store, salvage yard or scrap processor handling copper material; a collector or dealer in junk, salvage or other property made of copper material or aluminum metal; ~~or anyone purchasing or handling copper material for remelting purposes;~~ or anyone purchasing or handling or transferring vehicles for purposes of crushing, baling, shredding, flattening, dismantling, recycling and resale as bulk or processed metal;

~~(d)~~ 4. "Yard" means the place where any junk dealer stores copper material or keeps the same for purpose of sale; and

5. "Vehicle" means every device in, upon or by which any person or property is or may be drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1412 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Every junk dealer shall keep a separate book or register in which the junk dealer shall enter the following information: Name, address, age, driver license number, or, if driver license is not available, similar definite identification of the person or persons from whom a vehicle is purchased; license tag number of vehicle or conveyance in which delivered; the date and place of each purchase of a vehicle; and a description of the vehicle purchased including make, model, vehicle identification number and license tag number. The person selling the vehicle shall be required to present to the junk dealer the title of the vehicle verifying ownership of the vehicle or a verified bill of sale from the owner of the vehicle or other proof of ownership. Such book or register shall be made available to any law enforcement official for inspection at any time.

B. A junk dealer who purchases vehicles shall also report, in writing, all purchases of vehicles to the sheriff of the county in which the vehicle purchases are made, if requested in writing by the sheriff. The report shall be made in writing to the sheriff within forty-eight (48) hours after the purchase is made and shall contain all of the information required to be maintained in the book or register provided for in subsection A of this section.

C. Any license issued pursuant to Section 1402 of Title 59 of the Oklahoma Statutes to any junk dealer who violates any provision of subsection A or B of this section may be canceled or suspended for a period not to exceed thirty (30) days by the Oklahoma Tax Commission, pursuant to procedures established in Section 1411 of Title 59 of the Oklahoma Statutes.

D. Any junk dealer who fails to maintain records as required in subsections A and B of this section shall, upon conviction, be

guilty of a misdemeanor and shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00). Each separate purchase or transfer of a vehicle in violation of subsections A and B of this section shall be considered separate violations of this section.

E. Any person who knowingly gives false information with respect to the information required by subsections A and B of this section shall, upon conviction, be guilty of a misdemeanor and shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

F. Any purchases, transfers or handling between licensed junk dealers shall be exempt from the provisions of this section.

SECTION 3. This act shall become effective November 1, 1997.

46-1-6799

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