

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 795

6 By: Lamb

7 COMMITTEE SUBSTITUTE

8 [theft of copper materials - modifying certain
9 penalties for violations - effective date -
10 emergency]

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1041, is
14 amended to read as follows:

15 Section 1041. All persons, firms or corporations, who carry on
16 the business of buying brass, copper, iron, rubber and leather
17 belting, plumbing or electric fixtures, burlap or bags of any
18 material, tools, machinery or supplies commonly used in the
19 drilling, completing, operating or repairing of oil or gas wells,
20 commonly known as "junk dealers," shall keep a record in a book for
21 the purpose, to be kept in their places of business and open to the
22 inspection of the public, showing the date of each purchase of such
23 property, the name and address of the seller, the items of property
24 purchased, and the price paid to such seller for each item of

1 property; and all persons, firms and corporations carrying on such
2 business shall keep ~~all~~ such property purchased upon display, and in
3 plain sight, in their places of business, for at least ~~fifteen (15)~~
4 thirty (30) days after purchasing such property, and keep such
5 property open to inspection of the public during said time, before
6 disposing of same. Provided, however, ~~this act~~ Sections 1041 and
7 1042 of this title shall not apply to persons, firms or
8 corporations, carrying on a retail or wholesale business of buying
9 new property of the character aforesaid, or to persons buying new
10 property of the kind mentioned at retail or wholesale; provided
11 further, that it shall be unlawful for any junk dealer, as defined
12 in ~~this act~~ Sections 1041 and 1042 of this title, to purchase
13 articles mentioned herein from minors without having first obtained
14 the consent, in writing, of the parents or guardian of such minor.

15 SECTION 2. AMENDATORY 21 O.S. 2001, Section 1042, is
16 amended to read as follows:

17 Section 1042. A. Any person, firm or corporation failing or
18 refusing to comply with the provisions of ~~this act~~ Sections 1041 and
19 1042 of this title shall be deemed guilty of a misdemeanor and upon
20 conviction shall be subject to a fine of not less than ~~Fifty Dollars~~
21 ~~(\$50.00) nor more than Two Hundred Dollars (\$200.00)~~ Five Thousand
22 Dollars (\$5,000.00), or by imprisonment for a period of not more
23 than ~~thirty (30) days~~ six (6) months, or by both such fine and
24 imprisonment.

1 B. Any person, firm or corporation convicted of a second or
2 subsequent violation of this section shall be deemed guilty of a
3 felony and upon conviction shall be subject to a fine of Ten
4 Thousand Dollars (\$10,000.00), or by imprisonment for a period of
5 not more than two (2) years in the custody of the Department of
6 Corrections or county jail, or by both such fine and imprisonment.

7 SECTION 3. AMENDATORY 21 O.S. 2001, Section 1044, is
8 amended to read as follows:

9 Section 1044. A. Any person, firm or corporation failing or
10 refusing to comply with the provisions of ~~this act~~ Section 1043 et
11 seq. of this title shall be deemed guilty of a misdemeanor and upon
12 conviction shall be subject to a fine ~~not less than Fifty (\$50.00)~~
13 ~~Dollars nor more than Two Hundred (\$200.00) Dollars~~ of Five Thousand
14 Dollars (\$5,000.00), or by imprisonment in the custody of the
15 Department of Corrections or the county jail for a period of not
16 more than ~~thirty (30) days~~ six (6) months, or by both such fine and
17 imprisonment.

18 B. Any person, firm or corporation convicted of a second or
19 subsequent violation shall be deemed guilty of a felony and upon
20 conviction shall be subject to a fine of Ten Thousand Dollars
21 (\$10,000.00) or by imprisonment in the custody of the Department of
22 Corrections or county jail, or by both such fine and imprisonment.

23 SECTION 4. AMENDATORY 21 O.S. 2001, Section 1045, is
24 amended to read as follows:

1 Section 1045. Every owner, keeper or proprietor of a junk shop,
2 junk store, salvage yard, scrap processor, junk cart or other
3 vehicle or boat, or collector of or dealer in junk, salvage or other
4 secondhand property, shall keep a separate book or register in which
5 he or she shall enter the following information: name, address,
6 age, ~~driver's~~ photocopy of driver license number, if ~~driver's~~ driver
7 license not available similar definite identification, of the person
8 or persons from whom ~~thirty five (35)~~ ten (10) pounds or more of
9 copper, copper alloy, aluminum or aluminum alloy utilized by
10 persons, firms, corporations or municipal corporations engaged in
11 the transmission and distribution of electric energy, or engaged in
12 telephone, telegraph or other communications is purchased; license
13 tag number and description of vehicle or conveyance in which
14 delivered; the date and place of each purchase of such copper,
15 copper alloy, aluminum or aluminum alloy; the description should
16 include the weight of the materials purchased, including whether the
17 same is in wire, cable, bars, rods, sheeting or tubing and, if any
18 insulation is thereon, the names and addresses of the persons,
19 groups of persons or corporations from whom seller purchased the
20 materials. Such book or register shall be made available to any law
21 enforcement official or the representatives of persons, firms,
22 corporations or municipal corporations described above for
23 inspection at any time. The purchaser of any such copper, copper
24 alloy, aluminum or aluminum alloy shall hold the purchases separate

1 and apart so that such materials shall be readily identifiable from
2 all other purchases for a period of not less than ~~ten (10)~~ thirty
3 (30) days from the date of purchase of such materials during which
4 period the purchaser shall not change the form of the copper, copper
5 alloy, aluminum or aluminum alloy and shall permit any law
6 enforcement officer or the representatives of persons, firms,
7 corporations or municipal corporations described above to make
8 inspection of such materials during the ~~said ten day~~ holding period;
9 provided, however, that all such purchases made from persons, firms,
10 corporations or municipal corporations who construct, operate, or
11 maintain electric distribution and transmission, communications
12 facilities or produce scrap copper or aluminum in their normal
13 course of business or the sale of copper or aluminum material by one
14 licensed junk dealer to another are not subject to ~~said ten day~~ the
15 holding period; and there shall be required from such persons,
16 firms, corporations or municipal corporations a bill of sale or
17 other written evidence of title of such purchases. The purchaser
18 shall also report in writing all purchases of such copper, copper
19 alloy, aluminum or aluminum alloy to the sheriff of the county in
20 which the purchases are made, if requested in writing by the
21 sheriff, within forty-eight (48) hours after any such purchase is
22 made. The report made to the sheriffs shall contain all of the
23 information required to be maintained in the book or register
24 ~~provided for herein~~ as required by law. The provisions of this

1 section shall not apply to the sale or purchase of aluminum beverage
2 cans which are obtained for recycling purposes.

3 SECTION 5. AMENDATORY 21 O.S. 2001, Section 1046, is
4 amended to read as follows:

5 Section 1046. Failure to maintain the book or register, failing
6 to maintain the copper, copper alloy, aluminum or aluminum alloy
7 separate and in the original form purchased for a period of ~~ten (10)~~
8 thirty (30) days so that such materials can be readily identifiable,
9 or failure to report to the sheriff in the manner and time required
10 in Section 1045 of this title shall be deemed a violation of the
11 provisions of Section 1045 of this title and shall be punishable,
12 upon conviction, by imprisonment in the custody of the Department of
13 Corrections or the county jail for a period of time not exceeding
14 six (6) months, by a fine of not more than ~~Five Hundred Dollars~~
15 ~~(\$500.00)~~ Five Thousand Dollars (\$5,000.00), or both such fine and
16 imprisonment.

17 SECTION 6. AMENDATORY 21 O.S. 2001, Section 1047, is
18 amended to read as follows:

19 Section 1047. A. Any person who shall knowingly give false
20 information with respect to information required to be maintained in
21 the book or register provided for in Section ~~±~~ 1045 of this title
22 shall be guilty of a ~~misdemeanor~~ felony and shall be imprisoned for
23 not more than ~~six (6) months~~ two (2) years in the custody of the
24 Department of Corrections or the county jail or fined not more than

1 ~~Five Hundred Dollars (\$500.00)~~ Five Thousand Dollars (\$5,000.00), or
2 both such fine and imprisonment.

3 B. Any person failing to keep the records required by this act
4 or Section 1401 et seq. of Title 59 of the Oklahoma Statutes shall
5 be guilty of a misdemeanor and shall be imprisoned in the custody of
6 the Department of Corrections or the county jail for a period not to
7 exceed one (1) year or fined not more than Five Thousand Dollars
8 (\$5,000.00) or both such fine and imprisonment.

9 SECTION 7. AMENDATORY 21 O.S. 2001, Section 1727, is
10 amended to read as follows:

11 Section 1727. A. Any person who shall enter upon any
12 premises, easement, or right of way with intent to steal or remove
13 without the consent of the owner, or with intent to aid or assist in
14 stealing or removing any copper wire, copper cable, or copper tubing
15 from and off of any appurtenance on such premises, easement, or
16 right of way shall be guilty of a felony and upon conviction shall
17 be punished by ~~confinement in the State Penitentiary~~ imprisonment in
18 the custody of the Department of Corrections or the county jail for
19 not less than one (1) year nor more than five (5) years,~~or by~~
20 ~~confinement in the county jail for not less than ninety (90) days~~
21 ~~nor more than two hundred (200) days,~~ or shall be fined ~~not less~~
22 ~~than One Hundred Dollars (\$100.00) nor more than Five Hundred~~
23 ~~Dollars (\$500.00),~~ or by both such fine and imprisonment. In
24 addition to the fine and imprisonment, any person convicted of a

1 violation of this section may be subject to forfeiture of any
2 vehicle used in commission of such crime.

3 B. Any person convicted of a second or subsequent violation of
4 this section shall be guilty of a felony and upon conviction may be
5 punished by the forfeiture of any vehicle used in commission of such
6 crime, imprisonment in the custody of the Department of Corrections
7 for not less than two (2) years nor more than seven (7) years and/or
8 fined not more than Five Thousand Dollars (\$5,000.00).

9 SECTION 8. AMENDATORY 21 O.S. 2001, Section 1728, is
10 amended to read as follows:

11 Section 1728. A. Any person who shall receive, transport, or
12 possess in this state stolen copper wire, copper cable, or copper
13 tubing under such circumstances that ~~he~~ the person knew or should
14 have known that the same was stolen shall upon conviction thereof be
15 guilty of a felony and shall be ~~confined in the State Penitentiary~~
16 imprisoned in the custody of the Department of Corrections for a
17 term of not less than one (1) year nor more than five (5) years, or
18 shall be confined in the county jail for not less than ninety (90)
19 days nor more than two hundred (200) days, or shall be fined not
20 less than One Hundred Dollars (\$100.00) nor more than Five Hundred
21 Dollars (\$500.00), or both such fine and imprisonment. In addition
22 to such fine and imprisonment, any person convicted of a violation
23 of this section may be subject to forfeiture of any vehicle used in
24 commission of such crime.

1 B. Any person convicted of a second or subsequent violation of
2 this section shall be deemed guilty of a felony and upon conviction
3 may be punished by forfeiture of any vehicle used in commission of
4 such crime, imprisonment in the custody of the Department of
5 Corrections for not less than two (2) years nor more than seven (7)
6 years and/or fined not more than Five Thousand Dollars (\$5,000.00).

7 SECTION 9. AMENDATORY 59 O.S. 2001, Section 1402, is
8 amended to read as follows:

9 Section 1402. A. Any junk dealer and any person, firm,
10 corporation or other legal entity desiring to become a junk dealer
11 shall prior to the commencement of business file a verified
12 application and obtain a license to operate as a junk dealer from
13 the Oklahoma Tax Commission. In addition, the junk dealer shall
14 obtain a sales tax permit, as ~~provided~~ required by Section 1364 of
15 Title 68 of the Oklahoma Statutes, from the ~~Oklahoma~~ Tax Commission.
16 Each junk dealer shall maintain at least one yard and, if such junk
17 dealer maintains or desires to maintain more than one yard, the junk
18 dealer shall obtain, in addition to the original ~~sales tax permit~~
19 license, a duplicate ~~sales tax permit~~ license for each additional
20 yard.

21 B. 1. To be eligible for a junk dealer license, an applicant
22 shall have been a resident of this state for at least one year and
23 shall complete an application providing the name of the applicant,
24 the street address of the principal place of business, the

1 applicant's financial statement, the legal description of the place
2 of business, together with written verification from the appropriate
3 local authorities that the place of business meets the licensing and
4 zoning requirements of the municipality or county where located and
5 such additional information as may be required by the Tax
6 Commission.

7 2. Applications for a junk dealer license shall be signed under
8 oath and shall state the full name and place of residence of the
9 applicant. If the applicant is a partnership, the full name and
10 place of residence of each member thereof shall be required. If the
11 applicant is a corporation, the full name and place of residence of
12 each officer or major stockholder thereof shall be required. The
13 application shall give the location from which the business is to be
14 conducted, and shall contain such relevant information as the Tax
15 Commission shall require.

16 3. No person shall be granted a license to engage in the
17 business as a junk dealer if such person has been convicted or
18 entered a plea of guilty or nolo contendere, in any municipal court
19 or any court of any state, for knowingly receiving, accepting,
20 handling or selling, or otherwise disposing of any property or junk
21 which has been stolen, or has violated any laws, rules or
22 regulations of the United States or the laws or ordinances of any
23 municipality.

24

1 C. 1. The fee for the application for a junk dealer license
2 shall be Three Hundred Dollars (\$300.00) for an initial license for
3 the applicant's established principal place of business. The
4 renewal fee for an applicant's established place of business shall
5 be One Hundred Fifty Dollars (\$150.00) annually. The fee for each
6 additional place of business shall be One Hundred Dollars (\$100.00),
7 and the renewal fee for such additional license shall be Fifty
8 Dollars (\$50.00) annually.

9 2. Any change of information required to be contained in the
10 application for a license filed with the Tax Commission shall be
11 amended within thirty (30) days after the occurrence of the change
12 on a form prescribed by the Tax Commission, accompanied by a fee of
13 One Hundred Dollars (\$100.00); provided, the fee for change of name
14 shall be Fifty Dollars (\$50.00).

15 3. Every license issued to a junk dealer shall expire on
16 December 31 of each year and shall be renewed on or before January 1
17 of the following year. The Tax Commission may prorate the
18 application fees for licenses issued for less than a full year at
19 their discretion.

20 D. The ~~Oklahoma~~ Tax Commission shall maintain a list of junk
21 dealers to whom ~~sales tax permits~~ licenses have been issued. The
22 list shall be made available to the public upon request.

23 SECTION 10. AMENDATORY 59 O.S. 2001, Section 1403, is
24 amended to read as follows:

1 Section 1403. A. Any license issued pursuant to Section 1402
2 of this title or sales tax permit, issued pursuant to Section 1364
3 of Title 68 of the Oklahoma Statutes, to any junk dealer who
4 violates any of the provisions of Sections 1401 ~~through this section~~
5 ~~and Sections 1405 through 1408~~ et seq. of this title relating to the
6 purchase of copper materials, may be canceled or suspended for a
7 period not to exceed thirty (30) days by the Oklahoma Tax
8 Commission. The ~~Oklahoma~~ Tax Commission may refuse the issuance of
9 or extension or reinstatement of any license or permit where the
10 applicant or holder of the license or permit shall have violated any
11 provisions of ~~this act~~ Section 1401 et seq. of this title or
12 existing laws. Such cancellation or refusal shall be mandatory as
13 to any junk dealer having been convicted of three separate
14 violations of ~~this act~~ Section 1401 et seq. of this title. However,
15 before the ~~Oklahoma~~ Tax Commission may cancel or suspend any license
16 or permit or refuse the issuance, reinstatement or extension
17 thereof, the ~~Oklahoma~~ Tax Commission shall give each holder of a
18 license or permit or applicant ten (10) days' notice of a hearing
19 before the ~~Oklahoma~~ Tax Commission, granting such person an
20 opportunity to show cause why such action should not be taken. Upon
21 notice given to any junk dealer by the ~~Oklahoma~~ Tax Commission of
22 its intention to cancel or suspend any license or permit or to
23 refuse the issuance, reinstatement or extension thereof, the
24 ~~Oklahoma~~ Tax Commission shall have the authority to enter its order

1 suspending such license or permit or prohibiting the applicant from
2 doing business without a license or permit pending the final hearing
3 before it as provided for in this section.

4 B. 1. After notice of the order of suspension or prohibition
5 from doing business, it shall be unlawful for the junk dealer to
6 further engage in the business of a junk dealer, as defined herein.
7 In the event any such person shall conduct or at any time continue
8 such unlawful operation, after notice of suspension or prohibition
9 from doing business, the ~~Oklahoma~~ Tax Commission may institute or
10 cause to be brought against such person or persons proceedings for
11 injunction in any court of competent jurisdiction to enjoin and
12 restrain such person or persons from doing business pending the
13 order of the ~~Oklahoma~~ Tax Commission.

14 2. Upon cancellation of a license or permit by the ~~Oklahoma~~-Tax
15 Commission, no new license or permit shall be issued to such dealer
16 for a period of one (1) year from the date of cancellation.

17 3. In all cases where proceedings are brought for injunction
18 under ~~this act~~ Section 1401 et seq. or this title, no bond for
19 injunction shall be required and in all such cases, after notice of
20 suspension has been given, no further notice shall be required
21 before the issuance of a temporary restraining order on any
22 proceeding for injunction.

23 C. If an appeal is taken from the order of the ~~Oklahoma~~ Tax
24 Commission issued pursuant to this section, the junk dealer, in

1 order to conduct business as a junk dealer pending outcome of the
2 appeal, shall be required to post a bond in the amount of Five
3 Thousand Dollars (\$5,000.00).

4 SECTION 11. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1404A of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

7 All monies collected pursuant to the provisions of Section 1402
8 of Title 59 of the Oklahoma Statutes shall be deposited in the
9 Oklahoma Tax Commission Fund, created pursuant to Section 221 of
10 Title 62 of the Oklahoma Statutes, and used for the purpose of
11 implementing the provisions of this act. The Oklahoma Tax
12 Commission is authorized to promulgate rules, employ personnel and
13 otherwise expend funds as necessary to implement the provisions of
14 this act.

15 SECTION 12. AMENDATORY 59 O.S. 2001, Section 1406, is
16 amended to read as follows:

17 Section 1406. ~~(a)~~ A. Every junk dealer shall keep a separate
18 book or register in which ~~he~~ such junk dealer shall enter the
19 following information: Name of seller, address, ~~age~~, photocopy of
20 seller's driver license number, or, if ~~driver's~~ driver license not
21 available, similar definite identification of the person or persons
22 from whom ~~thirty five (35)~~ ten (10) pounds or more of copper or
23 copper alloy utilized by persons, firms, corporations or municipal
24 corporations engaged in the transmission and distribution of

1 electric energy, or engaged in telephone, telegraph or other
2 communications is purchased; license tag number of vehicle or
3 conveyance in which such material is delivered; the date and place
4 of each purchase of such copper or copper alloy; the description
5 ~~should~~ shall include the weight of said copper or copper alloy
6 purchased, including whether the same is in wire, cable, bars, rods,
7 or tubing and, if any installation is thereon, the names and
8 addresses of the persons, groups of persons or corporations from
9 whom seller purchased said copper or copper alloy. Such book or
10 register shall be made available to any law enforcement official or
11 the representatives of persons, firms, corporations or municipal
12 corporations described above for inspection at any time.

13 ~~(b)~~ B. A junk dealer who purchases copper material shall also
14 report, in writing, all purchases of ~~thirty five (35)~~ ten (10)
15 pounds or more of copper material not exempt from the ~~ten-day~~
16 required holding period to the sheriff of the county in which ~~said~~
17 such purchases are made, if requested in writing by ~~said~~ the
18 sheriff. The report shall be made in writing to said sheriff within
19 forty-eight (48) hours after any such purchase is made and shall
20 contain all of the information required to be maintained in the book
21 or register provided for herein.

22 SECTION 13. AMENDATORY 59 O.S. 2001, Section 1406A, is
23 amended to read as follows:

24

1 Section 1406A. A. Every junk dealer shall keep a separate book
2 or register in which the junk dealer shall enter the following
3 information: name, address, ~~age~~, photocopy of driver license
4 ~~number~~, or, if driver license is not available, similar definite
5 identification, as approved by rule of the Oklahoma Tax Commission,
6 of the person or persons from whom a vehicle is purchased; license
7 tag number of vehicle or conveyance in which delivered; the date and
8 place of each purchase of a vehicle; and a description of the
9 vehicle purchased including make, model, vehicle identification
10 number and license tag number. The person selling the vehicle shall
11 be required to present to the junk dealer the title of the vehicle
12 verifying ownership of the vehicle or a verified bill of sale from
13 the owner of the vehicle or other proof of ownership. Such book or
14 register shall be made available to any law enforcement official for
15 inspection at any time.

16 B. Any purchases, transfers or handling between junk dealers
17 with permits and/or licensed automotive dismantlers and parts
18 recyclers shall be exempt from the provisions of this section.

19 SECTION 14. AMENDATORY 59 O.S. 2001, Section 1407, is
20 amended to read as follows:

21 Section 1407. Each purchase of ~~thirty-five (35)~~ ten (10) pounds
22 or more of copper or copper alloy utilized by persons, firms,
23 corporations or municipal corporations engaged in the transmission
24 and distribution of electric energy, or engaged in telephone,

1 telegraph or other communications shall be held separate and apart
2 so that such copper and copper alloy shall be readily identifiable
3 from all other purchases for a period of not less than ~~ten (10)~~
4 thirty (30) days from the date of purchase of such copper or copper
5 alloy, during which period the purchaser shall not change the form
6 of said copper or copper alloy and shall permit any law enforcement
7 officer or the representatives of persons, firms, corporations or
8 municipal corporations to make inspection of such copper material
9 during ~~said ten-day~~ the holding period; provided, however, that all
10 such purchases made from persons, firms, corporations or municipal
11 corporations who construct, operate, maintain or sell electric
12 distribution and transmission communications facilities, or produce
13 scrap copper material in the normal course of business ~~or the sale~~
14 ~~of copper material by one licensed junk dealer to another~~ are not
15 subject to ~~said ten-day~~ the holding period; but there shall be
16 required from such persons, firms, corporations or municipal
17 corporations a bill of sale or other written evidence of title of
18 such purchases.

19 SECTION 15. AMENDATORY 59 O.S. 2001, Section 1408, is
20 amended to read as follows:

21 Section 1408. A. Anyone acting as a junk dealer without a
22 license or permit, as required by Section 1402 of this title, is
23 guilty of a misdemeanor and, upon conviction thereof, is subject to
24 a fine of ~~Fifty Dollars (\$50.00)~~ Five Thousand Dollars (\$5,000.00)

1 or by imprisonment in the custody of the Department of Corrections
2 or the county jail for a period of not more than six (6) months, or
3 by both such fine and imprisonment; provided that each day's
4 operation without a license constitutes a separate offense. Any
5 person convicted of a second or subsequent violation of this
6 subsection shall be deemed guilty of a felony and upon conviction
7 shall be subject to a fine of Ten Thousand Dollars (\$10,000.00) or
8 by imprisonment in the custody of the Department of Corrections or
9 the county jail for a period of not more than two (2) years, or by
10 both such fine and imprisonment.

11 B. Any junk dealer failing to maintain records, as required by
12 Section 1406 and 1406A of this title ~~and Section 6 of this act~~, and
13 any junk dealer failing to hold copper material, as required by
14 Section 1407 of this title, is guilty of a misdemeanor and, upon
15 conviction thereof, is subject to a fine of Five Hundred Dollars
16 (\$500.00). Each separate purchase or transfer of a vehicle in
17 violation of Section ~~6~~ 1406A of ~~this act~~ this title shall be
18 considered a separate violation of this section.

19 C. Any person who knowingly gives false information with
20 respect to the information required in Section 1406 and 1406A of
21 this title ~~and in Section 6 of this act~~ is guilty of a misdemeanor
22 and, upon conviction thereof, is subject to a fine ~~not to exceed~~
23 ~~Five Hundred Dollars (\$500.00)~~ of Five Thousand Dollars (\$5,000.00)
24 or by imprisonment in the custody of the Department of Corrections

1 or the county jail for a period not to exceed six (6) months or by
2 both such fine and imprisonment. Any person convicted of a second
3 or subsequent violation of this section shall be deemed guilty of a
4 felony and upon conviction shall be subject to a fine of Ten
5 Thousand Dollars (\$10,000.00), or by imprisonment in the custody of
6 the Department of Corrections or county jail for a period not to
7 exceed two (2) years, or by both such fine and imprisonment.

8 D. Each conviction of a junk dealer for violation of any
9 provision of ~~this act~~ Section 1401 et seq. of this title shall be
10 reported to the Oklahoma Tax Commission by the clerk of the court
11 rendering such verdict.

12 SECTION 16. AMENDATORY 59 O.S. 2001, Section 1410, is
13 amended to read as follows:

14 Section 1410. A. Every junk dealer shall keep a separate book
15 or register in which the dealer shall enter the ~~following~~
16 ~~information: Name, address, age, driver's license number, or, if~~
17 ~~driver's license not available, similar definite identification of~~
18 ~~the person or persons~~ as required by Section 1406 of this title from
19 whom ~~thirty five (35)~~ ten (10) pounds or more of aluminum is
20 purchased; ~~license tag number of vehicle or conveyance in which~~
21 ~~delivered,~~ the date and place of each purchase of such aluminum; a
22 description including the weight of the aluminum purchased, the
23 names and addresses of the persons, groups of persons or
24 corporations from whom seller purchased said aluminum. The book or

1 register shall be made available to any law enforcement official for
2 inspection at any time.

3 B. A junk dealer who purchases aluminum shall also report, in
4 writing, all purchases of ~~thirty five (35)~~ ten (10) pounds or more
5 of aluminum to the sheriff of the county in which the purchases are
6 made, if requested in writing by the sheriff. The report shall be
7 made in writing to the sheriff within forty-eight (48) hours after
8 said request is made and shall contain all of the information
9 required to be maintained in the book or register provided for in
10 this section.

11 C. The provisions of this section shall not apply to the sale
12 or purchase of aluminum beverage cans which are obtained for
13 recycling purposes.

14 SECTION 17. AMENDATORY 59 O.S. 2001, Section 1411, is
15 amended to read as follows:

16 Section 1411. A. Any license issued pursuant to Section 1402
17 of this title or permit, issued pursuant to Section 1364 of Title 68
18 of the Oklahoma Statutes, to any junk dealer who violates any of the
19 provisions of Section 1410 of this title relating to purchases of
20 aluminum material, or of Section ~~6 of this act~~ 1406A of this title
21 relating to maintenance of records of purchased vehicles and
22 procedures related thereto, may be canceled or suspended for a
23 period not to exceed thirty (30) days by the Oklahoma Tax
24 Commission. The ~~Oklahoma~~ Tax Commission may refuse the issuance of

1 or extension or reinstatement of any license or permit where the
2 applicant or holder of the license or permit has violated any of the
3 provisions of Section 1410 of this title or existing laws. Before
4 the ~~Oklahoma~~ Tax Commission may cancel or suspend any license or
5 permit or refuse the issuance, reinstatement or extension of a
6 license or permit, the ~~Oklahoma~~ Tax Commission shall give each
7 holder of a license or permit or applicant ten (10) days' notice of
8 a hearing before the ~~Oklahoma~~ Tax Commission, granting the person an
9 opportunity to show cause why such action should not be taken. Upon
10 notice given to any junk dealer by the ~~Oklahoma~~ Tax Commission of
11 its intention to cancel or suspend any permit or to refuse the
12 issuance, reinstatement or extension of a license or permit, the
13 ~~Oklahoma~~ Tax Commission may enter its order suspending such license
14 or permit or prohibiting the applicant from doing business without a
15 license or permit pending the final hearing before it as provided
16 for in this section.

17 B. 1. After notice of the order of suspension or prohibition
18 from doing business, it shall be unlawful for the junk dealer to
19 further engage in the business of a junk dealer. If any such person
20 shall conduct or at any time continue such unlawful operation, after
21 notice of suspension or prohibition from doing business, the
22 ~~Oklahoma~~ Tax Commission may institute or cause to be brought against
23 such person or persons proceedings for injunction in any court of
24 competent jurisdiction to enjoin and restrain such person or persons

1 from doing business pending the order of the ~~Oklahoma~~ Tax
2 Commission.

3 2. Upon cancellation of a license or permit by the ~~Oklahoma~~ Tax
4 Commission, no new license or permit shall be issued to such dealer
5 for a period of one (1) year from the date of the cancellation.

6 3. In all cases where proceedings are brought for injunction
7 pursuant to this section, no bond for injunction shall be required
8 and in all such cases, after notice of suspension has been given, no
9 further notice shall be required before the issuance of a temporary
10 restraining order on any proceeding for injunction.

11 C. If an appeal is taken from the order of the ~~Oklahoma~~ Tax
12 Commission issued pursuant to this section, the junk dealer, in
13 order to conduct business as a junk dealer pending the outcome of
14 the appeal, shall be required to post a bond in the amount of Five
15 Thousand Dollars (\$5,000.00).

16 SECTION 18. REPEALER 21 O.S. 2001, Section 1043, is
17 hereby repealed.

18 SECTION 19. This act shall become effective July 1, 2007.

19 SECTION 20. It being immediately necessary for the preservation
20 of the public peace, health and safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

23
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