

ESB 1856

THE HOUSE OF REPRESENTATIVES
Wednesday, March 19, 2008

ENGROSSED
Senate Bill No. 1856
As Amended

ENGROSSED SENATE BILL NO. 1856 - By: BRANAN of the Senate and LIEBMANN of the House.

[scrap metal - record keeping - junk dealers -
emergency]

1 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1045, as amended by
2 Section 4, Chapter 99, O.S.L. 2007 (21 O.S. Supp. 2007, Section 1045), is amended to
3 read as follows:
4 Section 1045. A. Every owner, keeper or proprietor of a junk shop, junk store,
5 salvage yard, scrap processor, junk cart or other vehicle or boat, or collector of or dealer
6 in junk, salvage or other secondhand property and all persons, firms, corporations or
7 other entities, who carry on the business of buying copper, copper alloy, stainless steel,
8 aluminum, aluminum alloy and items listed in Section 1412 of Title 59 of the Oklahoma
9 Statutes, commonly known as junk dealers, as defined by Section 1401 of Title 59 of the
10 Oklahoma Statutes, hereinafter referred to as purchaser, shall keep a separate book,
11 register or other electronic system used to record and maintain the data required by this
12 section, in which he or she shall enter the following information from any seller of

1 copper, copper alloy, stainless steel, aluminum, aluminum alloy or any item listed in
2 Section 1412 of Title 59 of the Oklahoma Statutes: name, address, ~~age, race, sex, weight,~~
3 height and date of birth of the seller, a photocopy of the driver license or other form of
4 government-issued photo identification of the seller; either an identification number of
5 the seller as verified by either a state-issued identification card, driver license or federal
6 government-issued identification card; the purchaser's purchase transaction number, the
7 vehicle description and vehicle license tag number of the ~~person or persons from whom~~
8 ~~ten (10) pounds or more of copper, copper alloy, aluminum, aluminum alloy or any item~~
9 ~~listed in Section 8 of this act, is purchased;~~ vehicle license tag number and description of
10 vehicle or conveyance in which the seller delivered the items sold to the purchaser; the
11 date, time and place of each purchase of copper, copper alloy, stainless steel, aluminum,
12 aluminum alloy or any item listed in Section 8 ~~1412 of this act~~ Title 59 of the Oklahoma
13 Statutes; the description shall include the weight of the materials purchased, including
14 whether the same is in wire, cable, bars, rods, sheeting or tubing and, if any insulation is
15 thereon; the names and addresses of the persons, groups of persons or corporations from
16 whom seller purchased the materials; the manufacturer of each item, if applicable; the
17 serial number and mode

18 ~~Such~~ B. The book, register or other electronic system shall be made available to any
19 person authorized by law for inspection at any time. Municipalities or other political
20 subdivisions may enact ordinances requiring these reporting requirements to be either
21 electronic or written.

1 C. A report containing all of the information required in subsection A shall be
2 furnished, within three (3) days of the date of purchase, to each local law enforcement
3 agency of the municipality or other political subdivision in which the junk shop, junk
4 store, salvage yard, scrap processor, junk cart or other vehicle or boat, or collector of or
5 dealer in junk or other secondhand property, is located.

6 D. The purchaser of any copper, copper alloy, stainless steel, aluminum, aluminum
7 alloy or any item listed in Section 8 of this act 1412 of Title 59 of the Oklahoma Statutes,
8 shall hold the purchases separate and apart so that such materials shall be readily
9 identifiable from all other purchases for a period of not less than ten (10) days from the
10 date of purchase of such materials during which period the purchaser shall not change
11 the form of the materials and shall permit any person authorized by law to make
12 inspection of such materials during the ten-day holding period; provided, however, that
13 all such purchases made from persons, firms, corporations or municipal corporations who
14 construct, operate, or maintain electric distribution and transmission, communications
15 facilities or produce scrap copper or aluminum in their normal course of business or the
16 sale of copper or aluminum material by one licensed junk dealer to another are not
17 subject to the ten-day holding period; and there shall be required from such persons,
18 firms, corporations or municipal corporations a bill of sale or other written evidence of
19 title of such purchases. The purchaser shall also report in writing all purchases of
20 copper, copper alloy, stainless steel, aluminum, aluminum alloy or item listed in Section
21 8 of this act 1412 of Title 59 of the Oklahoma Statutes, to the sheriff of the county in
22 which the purchases are made, if requested in writing by the sheriff, within forty-eight

1 (48) hours after any such purchase is made. The report made to the sheriffs shall contain
2 all of the information required to be maintained in the book ~~or~~, register or other
3 electronic system provided for herein. The provisions of this section shall not apply to
4 the sale or purchase of aluminum beverage cans which are obtained for recycling
5 purposes.

6 E. The purchaser shall obtain a written declaration of ownership from the seller on
7 all sale transactions of copper, copper alloy, stainless steel, aluminum, aluminum alloy or
8 other item listed in Section 1412 of Title 59 of the Oklahoma Statutes, except metals
9 bought from a manufacturer or wholesaler with an established place of business. The
10 declaration of ownership shall state how long the seller has owned the property described
11 in the transaction. The declaration of ownership shall appear on the bill of sale or
12 transaction ticket, to be completed by the seller at the time of the transaction.

13 F. Any person selling copper, copper alloy, stainless steel, aluminum, aluminum
14 alloy or any items listed in Section 1412 of Title 59 of the Oklahoma Statutes to a junk
15 dealer or recycler, who uses false or altered identification or a false declaration of
16 ownership as related to the provisions of this section shall be guilty of a misdemeanor
17 and, upon conviction, shall be punished by a fine not to exceed Five Hundred Dollars
18 (\$500.00).

19 G. It shall be unlawful for the owner, keeper or proprietor of a junk shop, junk
20 store, salvage yard, scrap processor, junk cart or other vehicle or boat or collector of or
21 dealer in junk, salvage or other secondhand property, and all persons, firms, corporations
22 or other entities who carry on the business of buying copper, copper alloy, stainless steel,

1 aluminum, aluminum alloy or any of the items listed in Section 1412 of Title 59 of the
2 Oklahoma Statutes, to provide compensation or payment for the purchase of copper,
3 copper alloy, stainless steel, aluminum, aluminum alloy or any other item listed in
4 Section 1412 of Title 59 of the Oklahoma Statutes to a seller in cash, either directly or in
5 the form of a check cashing service. Anyone violating this provision shall be guilty of a
6 misdemeanor and, upon conviction, shall be punished by a fine not to exceed Five
7 Hundred Dollars (\$500.00).

8 H. It shall be unlawful for any person or entity to possess or purchase copper in
9 which the insulation has been removed by fire or burning, or salvaged air conditioning
10 coils. Anyone violating this provision shall be guilty of a misdemeanor and, upon
11 conviction, shall be punished by a fine not to exceed Five Hundred Dollars (\$500).

12 I. It shall be unlawful for any person or entity other than a plumbing contractor,
13 mechanical contractor, or electrical contractor licensed by this state to sell copper, copper
14 alloy, stainless steel, aluminum, aluminum alloy, or any other item listed in Section 1412
15 of Title 59 of the Oklahoma Statutes. Anyone violating this provision shall be guilty of a
16 misdemeanor and, upon conviction, shall be punished by a fine not to exceed Five
17 Hundred Dollars (\$500.00).

18 SECTION 2. AMENDATORY Section 8, Chapter 99, O.S.L. 2007 (59 O.S.
19 Supp. 2007, Section 1412), is amended to read as follows:

20 Section 1412. A. A junk dealer or salvage dealer licensed or permitted to do
21 business in this state shall not purchase any of the following items without obtaining
22 proof that the seller owns the property, either by receipt, bill of sale or other proof

1 written evidence of ownership, or proof that the seller is an employee, agent, or
2 contractor of a governmental entity, utility company, cemetery, railroad, manufacturer,
3 or other person, business or entity owning the property and the seller is authorized to
4 sell the item on behalf of the person, business or entity owning the property:

5 1. A manhole cover;

6 2. An electric light pole and its fixtures and hardware or any other hardware
7 associated with the electric utility system;

8 3. A guard rail;

9 4. A street sign, traffic sign or traffic signal and its fixtures or hardware;

10 5. Communications, transmission and service wire;

11 6. A funeral marker or funeral vase;

12 7. A historical marker;

13 8. Railroad equipment, including, but not limited to, a tie plate, switch plate, E clip
14 or rail tie junction;

15 9. Any metal item that is marked with any form of the name, initials or logo of a
16 governmental entity, utility company, cemetery or railroad;

17 10. A copper or aluminum condensing or evaporating coil from a heating or air
18 conditioning unit;

19 11. An aluminum or stainless steel container or bottle designed to hold propane for
20 fueling fork lifts;

21 12. Metal bleachers or other seating facilities used in recreational areas or sporting
22 arenas;

- 1 13. Automotive catalytic converters;
- 2 14. Plumbing or electrical fixtures;
- 3 15. Tools; ~~and~~
- 4 16. Machinery or supplies commonly used in the drilling, completing, operating or
- 5 repairing of oil or gas wells; and
- 6 17. Metal beer kegs that are clearly marked as being the property of the beer
- 7 manufacturer.

8 B. Any person convicted of a violation of this section shall be punishable by a fine of

9 not more than Two Thousand Five Hundred Dollars (\$2,500.00). A second or subsequent

10 violation of this section shall be punishable by a fine of not more than Five Thousand

11 Dollars (\$5,000.00). A third violation of this section shall be punishable by a fine of Ten

12 Thousand Dollars (\$10,000.00) and forfeiture of the junk dealer's or salvage dealer's

13 license or permit.

14 SECTION 3. It being immediately necessary for the preservation of the public

15 peace, health and safety, an emergency is hereby declared to exist, by reason whereof

16 this act shall take effect and be in full force from and after its passage and approval.

17 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND

18 FINANCIAL SERVICES, dated 03-18-08 - DO PASS, As Amended.