

SB 1856

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THE STATE SENATE  
Monday, February 25, 2008

Senate Bill No. 1856  
As Amended

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

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

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1045, as amended by Section 4, Chapter 99, O.S.L. 2007 (21 O.S. Supp. 2007, Section 1045), is amended to read as follows:

Section 1045. A. Every owner, keeper or proprietor of a junk shop, junk store, salvage yard, scrap processor, junk cart or other vehicle or boat, or collector of or dealer in junk, salvage or other secondhand property and all persons, firms, corporations or other entities, who carry on the business of buying copper, copper alloy, stainless steel, aluminum, aluminum alloy and items listed in Section 1412 of Title 59 of the Oklahoma Statutes, commonly known as junk dealers, as defined by Section 1401 of Title 59 of the Oklahoma Statutes, hereinafter referred to as purchaser, shall keep a separate book, register or other electronic system used to record and maintain the data required by this section, in which he or she shall enter the following information from any seller of copper,

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

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

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

13        D. The purchaser of any copper, copper alloy, stainless steel,  
14 aluminum, aluminum alloy or any item listed in Section ~~8 of this act~~  
15 1412 of Title 59 of the Oklahoma Statutes, shall hold the purchases  
16 separate and apart so that such materials shall be readily  
17 identifiable from all other purchases for a period of not less than  
18 ten (10) days from the date of purchase of such materials during  
19 which period the purchaser shall not change the form of the  
20 materials and shall permit any person authorized by law to make  
21 inspection of such materials during the ten-day holding period;  
22 provided, however, that all such purchases made from persons, firms,  
23 corporations or municipal corporations who construct, operate, or

1 maintain electric distribution and transmission, communications  
2 facilities or produce scrap copper or aluminum in their normal  
3 course of business or the sale of copper or aluminum material by one  
4 licensed junk dealer to another are not subject to the ten-day  
5 holding period; and there shall be required from such persons,  
6 firms, corporations or municipal corporations a bill of sale or  
7 other written evidence of title of such purchases. The purchaser  
8 shall also report in writing all purchases of copper, copper alloy,  
9 stainless steel, aluminum, aluminum alloy or item listed in Section  
10 ~~8 of this act~~ 1412 of Title 59 of the Oklahoma Statutes, to the  
11 sheriff of the county in which the purchases are made, if requested  
12 in writing by the sheriff, within forty-eight (48) hours after any  
13 such purchase is made. The report made to the sheriffs shall  
14 contain all of the information required to be maintained in the book  
15 ~~or~~, register or other electronic system provided for herein. The  
16 provisions of this section shall not apply to the sale or purchase  
17 of aluminum beverage cans which are obtained for recycling purposes.

18 E. The purchaser shall obtain a written declaration of  
19 ownership from the seller on all sale transactions of copper, copper  
20 alloy, stainless steel, aluminum, aluminum alloy or other item  
21 listed in Section 1412 of Title 59 of the Oklahoma Statutes, except  
22 metals bought from a manufacturer or wholesaler with an established  
23 place of business. The declaration of ownership shall state how

1 long the seller has owned the property described in the transaction.  
2 The declaration of ownership shall appear on the bill of sale or  
3 transaction ticket, to be completed by the seller at the time of the  
4 transaction.

5 F. Any person selling copper, copper alloy, stainless steel,  
6 aluminum, aluminum alloy or any items listed in Section 1412 of  
7 Title 59 of the Oklahoma Statutes to a junk dealer or recycler, who  
8 uses false or altered identification or a false declaration of  
9 ownership as related to the provisions of this section shall be  
10 guilty of a felony and, upon conviction, shall be punished by  
11 imprisonment in the State Penitentiary not to exceed five (5) years  
12 or in the county jail not to exceed one (1) year, or by a fine not  
13 to exceed Five Hundred Dollars (\$500.00), or by both such  
14 imprisonment and fine.

15 G. It shall be unlawful for the owner, keeper or proprietor of  
16 a junk shop, junk store, salvage yard, scrap processor, junk cart or  
17 other vehicle or boat or collector of or dealer in junk, salvage or  
18 other secondhand property, and all persons, firms, corporations or  
19 other entities who carry on the business of buying copper, copper  
20 alloy, stainless steel, aluminum, aluminum alloy or any of the items  
21 listed in Section 1412 of Title 59 of the Oklahoma Statutes, to  
22 provide compensation or payment for the purchase of copper, copper  
23 alloy, stainless steel, aluminum, aluminum alloy or any other item

1 listed in Section 1412 of Title 59 of the Oklahoma Statutes to a  
2 seller in cash, either directly or in the form of a check cashing  
3 service. Anyone violating this provision shall be guilty of a  
4 felony and, upon conviction, shall be punished by imprisonment in  
5 the State Penitentiary not to exceed five (5) years or in the county  
6 jail not to exceed one (1) year, or by a fine not to exceed Five  
7 Hundred Dollars (\$500.00) or by both such imprisonment and fine.

8 H. It shall be unlawful for any person or entity to possess or  
9 purchase copper in which the insulation has been removed by fire or  
10 burning, or salvaged air conditioning coils. Anyone violating this  
11 provision shall be guilty of a felony and, upon conviction, shall be  
12 punished by imprisonment in the State Penitentiary not to exceed  
13 five (5) years or in the county jail not to exceed one (1) year, or  
14 by a fine not to exceed Five Hundred Dollars (\$500) or by both such  
15 imprisonment and fine.

16 I. It shall be unlawful for any person or entity other than a  
17 plumbing contractor, mechanical contractor, or electrical contractor  
18 licensed by this state to sell copper, copper alloy, stainless  
19 steel, aluminum, aluminum alloy, or any other item listed in Section  
20 1412 of Title 59 of the Oklahoma Statutes. Anyone violating this  
21 provision shall be guilty of a felony and, upon conviction, shall be  
22 punished by imprisonment in the State Penitentiary not to exceed  
23 five (5) years or in the county jail not to exceed one (1) year, or

1 by a fine not to exceed Five Hundred Dollars (\$500.00) or by both  
2 such imprisonment and fine.

3 SECTION 2. AMENDATORY Section 8, Chapter 99, O.S.L. 2007  
4 (59 O.S. Supp. 2007, Section 1412), is amended to read as follows:

5 Section 1412. A. A junk dealer or salvage dealer licensed or  
6 permitted to do business in this state shall not purchase any of the  
7 following items without obtaining proof that the seller owns the  
8 property, either by receipt, bill of sale or other ~~proof~~ written  
9 evidence of ownership, or proof that the seller is an employee,  
10 agent, or contractor of a governmental entity, utility company,  
11 cemetery, railroad, manufacturer, or other person, business or  
12 entity owning the property and the seller is authorized to sell the  
13 item on behalf of the person, business or entity owning the  
14 property:

- 15 1. A manhole cover;
- 16 2. An electric light pole and its fixtures and hardware or any  
17 other hardware associated with the electric utility system;
- 18 3. A guard rail;
- 19 4. A street sign, traffic sign or traffic signal and its  
20 fixtures or hardware;
- 21 5. Communications, transmission and service wire;
- 22 6. A funeral marker or funeral vase;
- 23 7. A historical marker;

- 1           8. Railroad equipment, including, but not limited to, a tie  
2 plate, switch plate, E clip or rail tie junction;
- 3           9. Any metal item that is marked with any form of the name,  
4 initials or logo of a governmental entity, utility company, cemetery  
5 or railroad;
- 6           10. A copper or aluminum condensing or evaporating coil from a  
7 heating or air conditioning unit;
- 8           11. An aluminum or stainless steel container or bottle designed  
9 to hold propane for fueling fork lifts;
- 10          12. Metal bleachers or other seating facilities used in  
11 recreational areas or sporting arenas;
- 12          13. Automotive catalytic converters;
- 13          14. Plumbing or electrical fixtures;
- 14          15. Tools; ~~and~~
- 15          16. Machinery or supplies commonly used in the drilling,  
16 completing, operating or repairing of oil or gas wells-; and
- 17          17. Metal beer kegs that are clearly marked as being the  
18 property of the beer manufacturer.

19           B. Any person convicted of a violation of this section shall be  
20 punishable by a fine of not more than Two Thousand Five Hundred  
21 Dollars (\$2,500.00). A second or subsequent violation of this  
22 section shall be punishable by a fine of not more than Five Thousand  
23 Dollars (\$5,000.00). A third violation of this section shall be

1 punishable by a fine of Ten Thousand Dollars (\$10,000.00) and  
2 forfeiture of the junk dealer's or salvage dealer's license or  
3 permit.

4 SECTION 3. It being immediately necessary for the preservation  
5 of the public peace, health and safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval.

8 COMMITTEE REPORT BY: COMMITTEE ON ENERGY & ENVIRONMENT, dated  
9 2-21-08 - DO PASS, As Amended.