

SB 472

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THE STATE SENATE  
Monday, February 26, 2007

Senate Bill No. 472  
As Amended

SENATE BILL NO. 472 - By: BRANAN of the Senate and LIEBMANN of the House.

[ copper recycling - record-keeping - holding period -  
violations and penalties - effective date -  
emergency ]

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 1406, is amended to read as follows:

Section 1406. ~~(a)~~ A. Every junk dealer shall keep a separate book or register in which ~~he~~ the junk dealer shall enter the following information: Name, address, age, ~~driver's~~ driver license number, or, if ~~driver's~~ driver license is not available, similar definite identification of the person or persons from whom ~~thirty-five (35) pounds or more of~~ copper or copper alloy utilized by persons, firms, corporations or municipal corporations engaged in the transmission and distribution of electric energy, or engaged in telephone, telegraph or other communications is purchased; license tag number of vehicle or conveyance in which copper or copper alloy is delivered; the date and place of each purchase of such copper or copper alloy; the description should include the weight of ~~said~~ copper or copper alloy purchased, including whether the same is in

1 wire, cable, bars, rods, or tubing and, if any installation is  
2 thereon, the names and addresses of the persons, groups of persons  
3 or corporations from whom seller purchased ~~said~~ copper or copper  
4 alloy. Such book or register shall be made available to any law  
5 enforcement official or the representatives of persons, firms,  
6 corporations or municipal corporations described above for  
7 inspection at any time.

8 ~~(b)~~ A B. In addition to requirements of subsection A of this  
9 section and the provisions of this act, Section 1401 et. seq. of  
10 this title, a junk dealer who purchases copper material shall be  
11 required to maintain a current register with sequentially numbered  
12 pages or tickets in which shall be entered in legible printing all  
13 the following information:

14 1. The date of purchase;

15 2. The name and address of the person from whom the property  
16 was purchased or otherwise obtained;

17 3. The seller's driver license number and state identification  
18 number, if applicable, date of birth and sex;

19 4. A photocopy of the seller's driver license or other form of  
20 government-issued photo identification, with the photocopy to be  
21 kept as part of the registry;

1        5. A detailed description of the material or property,  
2 including the make, model number, serial number, and any other  
3 applicable identifying information;

4        6. A statement from the seller of what the property is and how  
5 the property was originally used;

6        7. The weight of the materials purchased;

7        8. A description of the material, such as wire, cable, bar,  
8 coil, rod, sheet or tube and whether the material is insulated;

9        9. The name and address of any person, group or other entity  
10 from which the seller purchased the material now being sold to the  
11 junk dealer; and

12        10. Any other information requested by the Oklahoma Tax  
13 Commission or any state law enforcement agency.

14        C. Junk dealers shall also report, in writing, all purchases of  
15 thirty-five (35) pounds or more of copper material not exempt from  
16 the ~~ten-day~~ fifteen-day holding period to the sheriff of the county  
17 in which said purchases are made, if requested in writing by said  
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 2.        AMENDATORY        59 O.S. 2001, Section 1407, is  
23 amended to read as follows:

1 Section 1407. Each purchase of ~~thirty-five (35) pounds or more~~  
2 ~~of~~ copper or copper alloy utilized by persons, firms, corporations  
3 or municipal corporations engaged in the transmission and  
4 distribution of electric energy, or engaged in telephone, telegraph  
5 or other communications shall be held separate and apart so that  
6 such copper and copper alloy shall be readily identifiable from all  
7 other purchases for a period of not less than ~~ten (10)~~ fifteen (15)  
8 days from the date of purchase of such copper or copper alloy,  
9 during which period the purchaser shall not change the form of said  
10 copper or copper alloy and shall permit any law enforcement officer  
11 or the representatives of persons, firms, corporations or municipal  
12 corporations to make inspection of such copper material during said  
13 ~~ten-day~~ fifteen-day holding period; provided, however, that all such  
14 purchases made from persons, firms, corporations or municipal  
15 corporations who construct, operate, maintain or sell electric  
16 distribution and transmission communications facilities, or produce  
17 scrap copper material in the normal course of business or the sale  
18 of copper material by one licensed junk dealer to another are not  
19 subject to said ~~ten-day~~ fifteen-day holding period; but there shall  
20 be required from such persons, firms, corporations or municipal  
21 corporations a bill of sale or other written evidence of title of  
22 such purchases.

1 SECTION 3. AMENDATORY 59 O.S. 2001, Section 1408, is  
2 amended to read as follows:

3 Section 1408. A. Anyone acting as a junk dealer without a  
4 permit, as required by Section 1402 of this title, is guilty of a  
5 misdemeanor and, upon conviction thereof, is subject to a fine of  
6 ~~Fifty Dollars (\$50.00)~~ Five Hundred Dollars (\$500.00); provided that  
7 each day's operation without a license constitutes a separate  
8 offense.

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

17 C. Upon conviction of a second violation of this section, a  
18 junk dealer, or any person acting as a junk dealer without a permit,  
19 shall be subject to a fine of Two Thousand Five Hundred Dollars  
20 (\$2,500.00).

21 D. Upon conviction of a third violation of this section, a junk  
22 dealer shall forfeit his or her license and shall be ineligible for  
23 another.

1        E. Any person who knowingly gives false information, with  
2 respect to the information required in ~~Section~~ Sections 1406 and  
3 1406A of this title, ~~and in Section 6 of this act~~ is guilty of a  
4 misdemeanor and, upon conviction thereof, is subject to a fine not  
5 to exceed ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars  
6 (\$1,000.00).

7        ~~D.~~ F. Each conviction of a junk dealer for violation of any  
8 provision of this act shall be reported to the Oklahoma Tax  
9 Commission by the clerk of the court rendering such verdict.

10        SECTION 4. This act shall become effective July 1, 2007.

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

15        COMMITTEE REPORT BY: COMMITTEE ON ENERGY & ENVIRONMENT, dated  
16 2-22-07 - DO PASS, As Amended and Coauthored.