

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1856

By: Branan of the Senate

4 and

5 Liebmann of the House

6
7
8 AS INTRODUCED

9 An Act relating to scrap metal; amending 21 O.S.
10 2001, Section 1045, as amended by Section 4, Chapter
11 99, O.S.L. 2007 (21 O.S. Supp. 2007, Section 1045),
12 which relates to record keeping by certain junk
13 dealers; requiring certain written declaration of
14 ownership from seller; stating penalty for using
15 false identification; prohibiting sellers from
16 cashing checks; stating penalty; prohibiting purchase
17 of burnt copper; stating penalty; prohibiting sales
18 of certain metals; stating exceptions; stating
19 penalty; amending Section 8, Chapter 99, O.S.L. 2007
20 (59 O.S. Supp. 2007, Section 1412), which relates to
21 purchases of certain prohibited items; modifying list
22 of prohibited items; and declaring an emergency.

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

24 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

1 vehicle or boat, or collector of or dealer in junk, salvage or other
2 secondhand property and all persons, firms, corporations or other
3 entities, who carry on the business of buying copper, copper alloy,
4 stainless steel, aluminum, aluminum alloy and items listed in
5 Section 1412 of Title 59 of the Oklahoma Statutes, commonly known as
6 junk dealers, as defined by Section 1401 of Title 59 of the Oklahoma
7 Statutes, hereinafter referred to as purchaser, shall keep a
8 separate book, register or other electronic system used to record
9 and maintain the data required by this section, in which he or she
10 shall enter the following information from any seller of copper,
11 copper alloy, stainless steel, aluminum, aluminum alloy or any item
12 listed in Section 1412 of Title 59 of the Oklahoma Statutes: name,
13 address, ~~age,~~ race, sex, weight, height and date of birth of the
14 seller, a photocopy of the driver license or other form of
15 government-issued photo identification of the seller; either an
16 identification number of the seller as verified by either a state-
17 issued identification card, driver license or federal government-
18 issued identification card; the purchaser's purchase transaction
19 number, the vehicle description and vehicle license tag number of
20 ~~the person or persons from whom ten (10) pounds or more of copper,~~
21 ~~copper alloy, aluminum, aluminum alloy or any item listed in Section~~
22 ~~8 of this act, is purchased;~~ vehicle license tag number and
23 description of vehicle or conveyance in which the seller delivered
24 the items sold to the purchaser; the date, time and place of each

1 purchase of copper, copper alloy, stainless steel, aluminum,
2 aluminum alloy or any item listed in Section ~~8~~ 1412 of ~~this act~~
3 Title 59 of the Oklahoma Statutes; ~~the description shall include~~ the
4 weight of the materials purchased, including whether the same is in
5 wire, cable, bars, rods, sheeting or tubing and, if any insulation
6 is thereon~~;~~; the names and addresses of the persons, groups of
7 persons or corporations from whom seller purchased the materials;
8 the manufacturer of each item, if applicable; the serial number and
9 mode

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

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

22 D. The purchaser of any copper, copper alloy, stainless steel,
23 aluminum, aluminum alloy or any item listed in Section ~~8~~ of this act
24 1412 of Title 59 of the Oklahoma Statutes, shall hold the purchases

1 separate and apart so that such materials shall be readily
2 identifiable from all other purchases for a period of not less than
3 ten (10) days from the date of purchase of such materials during
4 which period the purchaser shall not change the form of the
5 materials and shall permit any person authorized by law to make
6 inspection of such materials during the ten-day holding period;
7 provided, however, that all such purchases made from persons, firms,
8 corporations or municipal corporations who construct, operate, or
9 maintain electric distribution and transmission, communications
10 facilities or produce scrap copper or aluminum in their normal
11 course of business or the sale of copper or aluminum material by one
12 licensed junk dealer to another are not subject to the ten-day
13 holding period; and there shall be required from such persons,
14 firms, corporations or municipal corporations a bill of sale or
15 other written evidence of title of such purchases. The purchaser
16 shall also report in writing all purchases of copper, copper alloy,
17 stainless steel, aluminum, aluminum alloy or item listed in Section
18 ~~8 of this act~~ 1412 of Title 59 of the Oklahoma Statutes, to the
19 sheriff of the county in which the purchases are made, if requested
20 in writing by the sheriff, within forty-eight (48) hours after any
21 such purchase is made. The report made to the sheriffs shall
22 contain all of the information required to be maintained in the book
23 ~~or~~, register or other electronic system provided for herein. The
24

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

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

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

23 G. It shall be unlawful for the owner, keeper or proprietor of
24 a junk shop, junk store, salvage yard, scrap processor, junk cart or

1 other vehicle or boat or collector of or dealer in junk, salvage or
2 other secondhand property, and all persons, firms, corporations or
3 other entities who carry on the business of buying copper, copper
4 alloy, stainless steel, aluminum, aluminum alloy or any of the items
5 listed in Section 1412 of Title 59 of the Oklahoma Statutes, to
6 provide compensation or payment for the purchase of copper, copper
7 alloy, stainless steel, aluminum, aluminum alloy or any other item
8 listed in Section 1412 of Title 59 of the Oklahoma Statutes to a
9 seller in cash, either directly or in the form of a check cashing
10 service. Anyone violating this provision shall be guilty of a
11 felony and, upon conviction, shall be punished by imprisonment in
12 the State Penitentiary not to exceed five (5) years or in the county
13 jail not to exceed one (1) year, or by a fine not to exceed Five
14 Hundred Dollars (\$500.00) or by both such imprisonment and fine.

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

23 I. It shall be unlawful for any person or entity other than a
24 plumbing contractor, mechanical contractor, or electrical contractor

1 licensed by this state to sell copper, copper alloy, stainless
2 steel, aluminum, aluminum alloy, or any other item listed in Section
3 1412 of Title 59 of the Oklahoma Statutes. Anyone violating this
4 provision shall be guilty of a felony and, upon conviction, shall be
5 punished by imprisonment in the State Penitentiary not to exceed
6 five (5) years or in the county jail not to exceed one (1) year, or
7 by a fine not to exceed Five Hundred Dollars (\$500.00) or by both
8 such imprisonment and fine.

9 SECTION 2. AMENDATORY Section 8, Chapter 99, O.S.L. 2007
10 (59 O.S. Supp. 2007, Section 1412), is amended to read as follows:

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

- 21 1. A manhole cover;
- 22 2. An electric light pole and its fixtures and hardware or any
23 other hardware associated with the electric utility system;
- 24 3. A guard rail;

- 1 4. A street sign, traffic sign or traffic signal and its
2 fixtures or hardware;
- 3 5. Communications, transmission and service wire;
- 4 6. A funeral marker or funeral vase;
- 5 7. A historical marker;
- 6 8. Railroad equipment, including, but not limited to, a tie
7 plate, switch plate, E clip or rail tie junction;
- 8 9. Any metal item that is marked with any form of the name,
9 initials or logo of a governmental entity, utility company, cemetery
10 or railroad;
- 11 10. A copper or aluminum condensing or evaporating coil from a
12 heating or air conditioning unit;
- 13 11. An aluminum or stainless steel container or bottle designed
14 to hold propane for fueling fork lifts;
- 15 12. Metal bleachers or other seating facilities used in
16 recreational areas or sporting arenas;
- 17 13. Automotive catalytic converters;
- 18 14. Plumbing or electrical fixtures;
- 19 15. Tools; ~~and~~
- 20 16. Machinery or supplies commonly used in the drilling,
21 completing, operating or repairing of oil or gas wells; and
- 22 17. Metal beer kegs that are clearly marked as being the
23 property of the beer manufacturer.
- 24

1 B. Any person convicted of a violation of this section shall be
2 punishable by a fine of not more than Two Thousand Five Hundred
3 Dollars (\$2,500.00). A second or subsequent violation of this
4 section shall be punishable by a fine of not more than Five Thousand
5 Dollars (\$5,000.00). A third violation of this section shall be
6 punishable by a fine of Ten Thousand Dollars (\$10,000.00) and
7 forfeiture of the junk dealer's or salvage dealer's license or
8 permit.

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

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