

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 SENATE BILL NO. 1283

By: Sparks and Allen of the  
Senate

6 and

7 Martin (Scott) of the House

8  
9  
10 COMMITTEE SUBSTITUTE

11 An Act relating to scrap metal; amending 59 O.S.  
12 2011, Section 1425, which relates to penalties for  
13 violation of the Oklahoma Scrap Metal Dealers Act;  
14 updating statutory references; modifying penalty;  
15 providing an effective date; and declaring an  
16 emergency.

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

18 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1425, is  
19 amended to read as follows:

20 Section 1425. A. Any person found in violation of any  
21 provision of ~~this act~~ the Oklahoma Scrap Metal Dealers Act, with the  
22 exceptions as provided by subsections B, C and D of this section,  
23 shall, upon conviction, be deemed guilty of a misdemeanor and  
24 punished by a fine of not more than Two Thousand Five Hundred

1 Dollars (\$2,500.00) per offense. A second violation of ~~this act~~ the  
2 Oklahoma Scrap Metal Dealers Act shall, upon conviction, be deemed  
3 guilty of a misdemeanor and punished by a fine of not more than Five  
4 Thousand Dollars (\$5,000.00) per offense or by imprisonment in the  
5 county jail for a period of not more than six (6) months. A third  
6 or subsequent violation of ~~this act~~ the Oklahoma Scrap Metal Dealers  
7 Act shall, upon conviction, be a felony punishable by a fine of not  
8 more than Ten Thousand Dollars (\$10,000.00) per offense or by  
9 imprisonment in the custody of the Department of Corrections for a  
10 period of not more than two (2) years, or by both such fine and  
11 imprisonment.

12 B. Any person acting as a scrap metal dealer without a sales  
13 tax permit as required by ~~this act~~ the Oklahoma Scrap Metal Dealers  
14 Act shall, upon conviction, be guilty of a misdemeanor and punished  
15 by a fine of not more than Five Hundred Dollars (\$500.00), provided  
16 that each day of operation in violation of ~~this act~~ the Oklahoma  
17 Scrap Metal Dealers Act shall constitute a separate offense.

18 C. Any person who knowingly provides false information with  
19 respect to the information required by Section ~~3~~ 1423 of this ~~act~~  
20 title shall, upon conviction, be guilty of a misdemeanor and  
21 punished by a fine of not more than Five Hundred Dollars (\$500.00).  
22 Upon a second or subsequent conviction a person shall be guilty of a  
23 felony and punished by a fine of One Thousand Dollars (\$1,000.00).

24

1 D. Any person convicted of purchasing or selling burnt copper  
2 material or copper wire as prohibited by subsection G of Section ~~3~~  
3 1423 of this ~~act~~ title shall, upon first conviction, be deemed  
4 guilty of a misdemeanor and punished by a fine of Two Thousand Five  
5 Hundred Dollars (\$2,500.00). A second or subsequent conviction  
6 shall be deemed a felony offense punishable by a fine of Five  
7 Thousand Dollars (\$5,000.00) or by imprisonment in the custody of  
8 the Department of Corrections for a period of not more than two (2)  
9 years, or by both such fine and imprisonment.

10 E. Each scrap metal dealer convicted of a violation of ~~this act~~  
11 the Oklahoma Scrap Metal Dealers Act shall be reported to the  
12 Oklahoma Tax Commission by the clerk of the court rendering such  
13 verdict.

14 F. The Tax Commission shall revoke the sales tax permit of any  
15 person convicted of three separate violations of ~~this act~~ the  
16 Oklahoma Scrap Metal Dealers Act, and he or she shall not be  
17 eligible to receive a sales tax permit for such purpose for a period  
18 of one (1) year following the revocation. Such revocation procedure  
19 shall be subject to notice and hearing as required by Section ~~6~~ 1426  
20 of this ~~act~~ title.

21 SECTION 2. This act shall become effective July 1, 2012.

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

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