

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1283

By: Sparks

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5
6 AS INTRODUCED

7 An Act relating to scrap metal; amending 59 O.S.
8 2011, Section 1425, which relates to penalties for
9 violation of the Oklahoma Scrap Metal Dealers Act;
10 setting minimum amount for certain fine; providing an
11 effective date; and declaring an emergency.

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

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

15 Section 1425. A. Any person found in violation of any
16 provision of ~~this act~~ the Oklahoma Scrap Metal Dealers Act, with the
17 exceptions as provided by subsections B, C and D of this section,
18 shall, upon conviction, be deemed guilty of a misdemeanor and
19 punished by a fine of not less than One Thousand Dollars (\$1,000.00)
20 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) per
21 offense. A second violation of ~~this act~~ the Oklahoma Scrap Metal
22 Dealers Act shall, upon conviction, be deemed guilty of a
23 misdemeanor and punished by a fine of not more than Five Thousand
24 Dollars (\$5,000.00) per offense or by imprisonment in the county

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

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

14 C. Any person who knowingly provides false information with
15 respect to the information required by Section ~~3 of this act~~ 1423 of
16 this title shall, upon conviction, be guilty of a misdemeanor and
17 punished by a fine of not more than Five Hundred Dollars (\$500.00).

18 D. Any person convicted of purchasing or selling burnt copper
19 material or copper wire as prohibited by subsection G of Section ~~3~~
20 ~~of this act~~ 1423 of this title shall, upon first conviction, be
21 deemed guilty of a misdemeanor and punished by a fine of Two
22 Thousand Five Hundred Dollars (\$2,500.00). A second or subsequent
23 conviction shall be deemed a felony offense punishable by a fine of
24 Five Thousand Dollars (\$5,000.00) or by imprisonment in the custody

1 of the Department of Corrections for a period of not more than two
2 (2) years, or by both such fine and imprisonment.

3 E. Each scrap metal dealer convicted of a violation of ~~this act~~
4 the Oklahoma Scrap Metal Dealers Act shall be reported to the
5 Oklahoma Tax Commission by the clerk of the court rendering such
6 verdict.

7 F. The Tax Commission shall revoke the sales tax permit of any
8 person convicted of three separate violations of ~~this act~~ the
9 Oklahoma Scrap Metal Dealers Act, and he or she shall not be
10 eligible to receive a sales tax permit for such purpose for a period
11 of one year following the revocation. Such revocation procedure
12 shall be subject to notice and hearing as required by Section ~~6~~ 1426
13 of this ~~act~~ title.

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

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

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