

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 HOUSE BILL 1296

 By: Sherrer

7 AS INTRODUCED

8 An Act relating to professions and occupations;
9 amending 59 O.S. 2011, Section 1423, which relates to
10 the Oklahoma Scrap Metal Dealers Act; requiring title
 for certain vehicles; and providing an effective
 date.

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

14 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1423, is
15 amended to read as follows:

16 Section 1423. A. Every scrap metal dealer shall keep a
17 separate book, record or other electronic system as authorized by
18 this act, to record and maintain the following data from any seller
19 of any amount of scrap metal as defined by this act:

20 1. A legible photocopy of the seller's driver license or other
21 form of government issued photo identification that contains his or
22 her name, address, date of birth, weight and height;

23 2. Vehicle description and license tag number of the seller if
24 the vehicle was used to transport the material being sold;

1 3. Date and place of the transaction and the transaction number
2 as provided by the scrap metal dealer;

3 4. Description of the items sold and weight of the items as
4 required by the provisions of this act;

5 5. Whether the scrap metal is in wire, cable, bar, rod, sheet
6 or tube form;

7 6. If any insulation is on the scrap metal, the names and
8 addresses of the persons, groups or corporations from whom seller
9 purchased or obtained the materials; and

10 7. If apparent on the scrap metal, the name of the manufacturer
11 and serial number of each item of scrap metal.

12 B. Municipalities or other political subdivisions may adopt,
13 and scrap metal dealers shall abide by, local ordinances regarding
14 the format of the information required by subsection A of this
15 section, either written or electronic.

16 C. Records required by this section shall be made available at
17 any time to any person authorized by law for such inspection.

18 D. Purchases of thirty-five (35) pounds or more of scrap metal
19 containing a manufacturer's serial number or other unique label or
20 mark shall be held separate and apart so that the purchased scrap
21 metal may be readily identifiable from all other purchases for a
22 period of not less than ten (10) days from the date of purchase.
23 During the holding period the scrap metal dealer may not change the
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1 form of the purchased scrap metal and shall permit any person
2 authorized by law to make inspection of such materials.

3 E. Purchases of thirty-five (35) pounds or more of scrap metal
4 which does not contain a manufacturer's serial number or other
5 unique label or mark shall either be held for the same time and in
6 the same manner as required by subsection D of this section; or in
7 the alternative, the scrap metal dealer shall be required to obtain
8 a digital image of the items purchased, the seller of the items, a
9 copy of the bill of sale and a copy of the seller's photo
10 identification. The digital image shall contain a depiction that
11 can reasonably be utilized for identification of the seller and the
12 items sold and captured in the common JPEG format with a minimum
13 resolution of 640 pixels by 480 pixels. The digital image shall be
14 retained by the purchaser for a minimum of ninety (90) days from the
15 date of purchase. For the purpose of this section a "digital image"
16 means a raster-based two-dimensional, rectangular array of static
17 data elements called pixels, intended for display on a computer
18 monitor or for transformation into another format, such as a printed
19 page.

20 F. No purchase of any amount of scrap metal from an exempted
21 seller, as defined by Section ~~2~~ 1422 of this ~~act~~ title, shall be
22 subject to any holding period or digital imaging identification
23 required by ~~subsections~~ subsection D or E of this section.

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1 G. It shall be unlawful for any person to sell or purchase
2 copper material or copper wire from which the actual or apparent
3 insulation or other coating has been burned, melted or exposed to
4 heat or fire resulting in melting some or all of the insulation or
5 coating. This provision shall not apply to sales by or purchases
6 from an exempted seller.

7 H. It shall be unlawful for any scrap metal dealer to purchase
8 any item from a minor without having first obtained the consent, in
9 writing, of a parent or guardian of such minor. Such written
10 consent shall be kept with the book, record or other electronic
11 recording system required by subsection A of this section and, if
12 requested by a law enforcement agency where the purchase was made,
13 shall be transmitted to the law enforcement agency and may be kept
14 as a permanent record and made available for public inspection.

15 I. A scrap metal dealer shall obtain from each seller of a
16 scrap metal item regulated by this act, or a parent or guardian on
17 behalf of a minor, a written declaration of ownership containing a
18 legible signature of the seller. The declaration of ownership shall
19 be in the following form and shall appear on the bill of sale or
20 transaction ticket to be completed by the seller in the presence of
21 the purchaser at the time of the transaction:

22 "I hereby affirm under penalty of prosecution that I am the rightful
23 owner of the hereon described merchandise; or I am an authorized
24 representative of the rightful owner and affirm that I have been

1 given authority by the rightful owner to sell the hereon described
2 merchandise.

3 _____
4 Signature"

5 J. If requested by a law enforcement agency, a scrap metal
6 dealer shall report in writing all purchases of scrap metal as
7 defined by this act within forty-eight (48) hours following such
8 purchase. The report shall contain all the information required by
9 this section.

10 K. A scrap metal dealer purchasing a vehicle from any person
11 shall be required to record the information required in subsection A
12 of this section and the make, model, license tag number and vehicle
13 identification number of the purchased vehicle. A person selling a
14 vehicle more than twenty (20) years old to a scrap metal dealer
15 shall be required to present to the dealer the title of the vehicle
16 or a verified bill of sale from the owner of the vehicle or other
17 proof of ownership in addition to signing a declaration of ownership
18 as required by subsection I of this section. A person selling a
19 vehicle less than twenty (20) years old to a scrap metal dealer
20 shall be required to present to the dealer the title of the vehicle
21 in addition to signing a declaration of ownership as required by
22 subsection I of this section. The provisions of this subsection
23 shall not apply to sales, purchases or other transfer of vehicles
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1 between scrap metal dealers and licensed automotive dismantlers and
2 parts recyclers.

3 L. The provisions of this act shall not apply to the sale or
4 purchase of aluminum beverage cans for recycling purposes.

5 SECTION 2. This act shall become effective November 1, 2013.

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7 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/13/2013 -
8 DO PASS, As Amended and Coauthored.

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