



1 in business as a scrap metal dealer in this state without a scrap  
2 metal dealer license issued by the Oklahoma Department of  
3 Agriculture, Food, and Forestry.

4 SECTION 2. AMENDATORY Section 7, Chapter 230, O.S.L.  
5 2013 (59 O.S. Supp. 2013, Section 1430), is amended to read as  
6 follows:

7 Section 1430. A. The Oklahoma Department of Agriculture, Food,  
8 and Forestry may suspend, cancel, revoke, or refuse reissuance of a  
9 scrap metal dealer license after the person has an opportunity for  
10 public hearing pursuant to the Administrative Procedures Act for any  
11 of the following causes:

12 1. Engages in fraud or deceit in obtaining or renewing a  
13 license;

14 2. Acts as a scrap metal dealer in this state without a  
15 license;

16 3. Aids or abets another person in acting as a scrap metal  
17 dealer without a license; or

18 4. Violates any of the provisions of the Oklahoma Scrap Metal  
19 Dealers Act.

20 B. After notice and opportunity for a hearing in accordance  
21 with the Administrative Procedures Act, if the Department finds any  
22 person in violation of the Oklahoma Scrap Metal Dealers Act or any  
23 rule promulgated or order issued pursuant thereto, the Department  
24 shall have the authority to assess an administrative penalty of not

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 less than One Hundred Dollars (\$100.00) and not more than Ten  
2 Thousand Dollars (\$10,000.00) for each violation. Each action or  
3 each day a violation continues may constitute a separate and  
4 distinct violation.

5 C. In addition to penalties and fines, the Department shall  
6 have authority to apply to district court and obtain a temporary or  
7 permanent injunction against anyone who violates the Oklahoma Scrap  
8 Metal Dealers Act and shall have authority to obtain or impose civil  
9 monetary penalties on anyone who violates the Oklahoma Scrap Metal  
10 Dealers Act.

11 D. Nothing in the Oklahoma Scrap Metal Dealers Act shall  
12 preclude the Department from seeking penalties in district court in  
13 the maximum amount allowed by law. The assessment of penalties in  
14 an administrative enforcement proceeding shall not prevent the  
15 subsequent assessment by a court of the maximum civil or criminal  
16 penalties for violations of the Oklahoma Scrap Metal Dealers Act and  
17 rules promulgated pursuant thereto.

18 E. Any person assessed an administrative or civil penalty may  
19 be required to pay, in addition to the penalty amount and interest  
20 thereon, attorney fees and costs associated with the collection of  
21 the penalties.

22 F. If any person refuses, denies or interferes with any right  
23 of access, the Department shall have the right to apply to and  
24

1 obtain from a district court an administrative or other warrant as  
2 necessary to enforce the right of access and inspection.

3 SECTION 3. RECODIFICATION 59 O.S. 2011, Section 1421,  
4 shall be recodified as Section 11-90 of Title 2 of the Oklahoma  
5 Statutes, unless there is created a duplication in numbering.

6 SECTION 4. RECODIFICATION 59 O.S. 2011, Section 1422, as  
7 amended by Section 2, Chapter 230, O.S.L. 2013 (59 O.S. Supp. 2013,  
8 Section 1422), shall be recodified as Section 11-91 of Title 2 of  
9 the Oklahoma Statutes, unless there is created a duplication in  
10 numbering.

11 SECTION 5. RECODIFICATION 59 O.S. 2011, Section 1423, as  
12 amended by Section 3, Chapter 230, O.S.L. 2013 (59 O.S. Supp. 2013,  
13 Section 1423), shall be recodified as Section 11-92 of Title 2 of  
14 the Oklahoma Statutes, unless there is created a duplication in  
15 numbering.

16 SECTION 6. RECODIFICATION 59 O.S. 2011, Section 1424,  
17 shall be recodified as Section 11-93 of Title 2 of the Oklahoma  
18 Statutes, unless there is created a duplication in numbering.

19 SECTION 7. RECODIFICATION 59 O.S. 2011, Section 1425, as  
20 amended by Section 4, Chapter 230, O.S.L. 2013 (59 O.S. Supp. 2013,  
21 Section 1425), shall be recodified as Section 11-94 of Title 2 of  
22 the Oklahoma Statutes, unless there is created a duplication in  
23 numbering.

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1 SECTION 8. RECODIFICATION 59 O.S. 2011, Section 1426,  
2 shall be recodified as Section 11-95 of Title 2 of the Oklahoma  
3 Statutes, unless there is created a duplication in numbering.

4 SECTION 9. RECODIFICATION 59 O.S. 2011, Section 1427,  
5 shall be recodified as Section 11-96 of Title 2 of the Oklahoma  
6 Statutes, unless there is created a duplication in numbering.

7 SECTION 10. RECODIFICATION Section 5, Chapter 230,  
8 O.S.L. 2013 (59 O.S. Supp. 2013, Section 1428), as amended by  
9 Section 1 of this act, shall be recodified as Section 11-97 of Title  
10 2 of the Oklahoma Statutes, unless there is created a duplication in  
11 numbering.

12 SECTION 11. RECODIFICATION Section 6, Chapter 230,  
13 O.S.L. 2013 (59 O.S. Supp. 2013, Section 1429), shall be recodified  
14 as Section 11-98 of Title 2 of the Oklahoma Statutes, unless there  
15 is created a duplication in numbering.

16 SECTION 12. RECODIFICATION Section 7, Chapter 230,  
17 O.S.L. 2013 (59 O.S. Supp. 2013, Section 1430), as amended by  
18 Section 2 of this act, shall be recodified as Section 11-99 of Title  
19 2 of the Oklahoma Statutes, unless there is created a duplication in  
20 numbering.

21 SECTION 13. This act shall become effective November 1, 2014.

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23 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND FINANCIAL  
24 SERVICES, dated 02/20/2014 - DO PASS, As Coauthored.