

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 106

By: Ballenger of the Senate

and

Armes of the House

8
9
10 COMMITTEE SUBSTITUTE

11 An act relating to scrap metal dealers; amending 59
12 O.S. 2011, Section 1425, which relates to penalties
13 for violations; modifying language and updating
14 statutory references; increasing certain criminal
15 penalty; requiring restitution; providing an
16 effective date; and declaring an 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 Section 1421 et seq. of this act title, 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
Dollars (\$2,500.00) per offense. A second violation of any

1 provisions of Section 1421 et seq. of this act title shall, upon
2 conviction, be deemed guilty of a misdemeanor and punished by a fine
3 of not more than Five Thousand Dollars (\$5,000.00) per offense or by
4 imprisonment in the county jail for a period of not more than six
5 (6) months. A third or subsequent violation of any provision of
6 Section 1421 et seq. of this act title shall, upon conviction, be a
7 felony punishable by a fine of not more than Ten Thousand Dollars
8 (\$10,000.00) per offense or by imprisonment in the custody of the
9 Department of Corrections for a period of not more than two (2)
10 years, or by both such fine and imprisonment.

11 B. Any person acting as a scrap metal dealer without a sales
12 tax permit as required by the provisions of Section 1421 et seq. of
13 this act title shall, upon conviction, be guilty of a misdemeanor
14 and punished by a fine of not more than Five Hundred Dollars
15 (\$500.00), provided that each day of operation in violation of ~~this~~
16 ~~act~~ shall constitute a separate offense.

17 C. Any person who knowingly provides false information with
18 respect to the information required by subsection I of Section 3
19 1423 of this act title shall, upon conviction, be guilty of a
20 ~~misdemeanor~~ felony and punished by imprisonment in the custody of
21 the Department of Corrections for a term not more than five (5)
22 years or in the county jail for a term not more than one (1) year,
23 or by a fine of not more than exceeding Five Hundred Dollars
24 (\$500.00), or by both such fine and imprisonment, and ordered to pay

1 restitution to the victim as provided in Section 991a of Title 22 of
2 the Oklahoma Statutes.

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

12 E. Each scrap metal dealer convicted of a violation of any
13 provision of Section 1421 et seq. of this act title shall be
14 reported to the Oklahoma Tax Commission by the clerk of the court
15 rendering such verdict.

16 F. The Tax Commission shall revoke the sales tax permit of any
17 person convicted of three separate violations of any provision of
18 Section 1421 et seq. of this act title, and he or she shall not be
19 eligible to receive a sales tax permit for such purpose for a period
20 of one year following the revocation. Such revocation procedure
21 shall be subject to notice and hearing as required by Section ~~6~~ 1426
22 of this ~~act~~ title.

23 SECTION 2. This act shall become effective July 1, 2013.
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1 SECTION 3. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/03/2013 - DO
7 PASS, As Amended.

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