

1 **SENATE FLOOR VERSION**

2 February 27, 2013

3 **AS AMENDED**

4 SENATE BILL NO. 106

By: Ballenger of the Senate

and

Armes of the House

7 **[scrap metal dealers - penalties for violations -
8 increasing certain criminal penalty - restitution -
effective date -**

emergency]

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

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

14 Section 1425. A. Any person found in violation of any
15 provision of Sections 1421 et seq. of this act title, with the
16 exceptions as provided by subsections B, C and D of this section,
17 shall, upon conviction, be deemed guilty of a misdemeanor and
18 punished by a fine of not more than Two Thousand Five Hundred
19 Dollars (\$2,500.00) per offense. A second violation of any
20 provisions of Sections 1421 et seq. of this act title shall, upon
21 conviction, be deemed guilty of a misdemeanor and punished by a fine
22 of not more than Five Thousand Dollars (\$5,000.00) per offense or by
23 imprisonment in the county jail for a period of not more than six
24 (6) months. A third or subsequent violation of any provision of

1 Section 1421 et seq. of this act title shall, upon conviction, be a
2 felony punishable by a fine of not more than Ten Thousand Dollars
3 (\$10,000.00) per offense or by imprisonment in the custody of the
4 Department of Corrections for a period of not more than two (2)
5 years, or by both such fine and imprisonment.

6 B. Any person acting as a scrap metal dealer without a sales
7 tax permit as required by the provisions of Sections 1421 et seq, of
8 this act title shall, upon conviction, be guilty of a misdemeanor
9 and punished by a fine of not more than Five Hundred Dollars
10 (\$500.00), provided that each day of operation in violation ~~of this~~
11 ~~act~~ shall constitute a separate offense.

12 C. Any person who knowingly provides false information with
13 respect to the information required by subsection I of Section 3
14 1423 of this act title shall, upon conviction, be guilty of a
15 ~~misdemeanor~~ felony and punished by imprisonment in the custody of
16 the Department of Corrections for a term not more than five (5)
17 years or in the county jail for a term not more than one (1) year,
18 or by a fine of not more than exceeding Five Hundred Dollars
19 (\$500.00), or by both such fine and imprisonment, and ordered to pay
20 restitution to the victim as provided in Section 991a of Title 22 of
21 the Oklahoma Statutes.

22 D. Any person convicted of purchasing or selling burnt copper
23 material or copper wire as prohibited by subsection G of Section 3
24 1423 of this act title shall, upon first conviction, be deemed

1 guilty of a misdemeanor and punished by a fine of Two Thousand Five
2 Hundred Dollars (\$2,500.00). A second or subsequent conviction shall
3 be deemed a felony offense punishable by a fine of Five Thousand
4 Dollars (\$5,000.00) or by imprisonment in the custody of the
5 Department of Corrections for a ~~period~~ term of not more than two (2)
6 years, or by both such fine and imprisonment.

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

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

18 SECTION 2. This act shall become effective July 1, 2013.

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

23 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
24 February 27, 2013 - DO PASS AS AMENDED