

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2481

By: Wood

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6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Sections 1529 and 1530, as
9 amended by Section 3, Chapter 153, O.S.L. 2013 (59
10 O.S. Supp. 2013, Section 1530), which relate to the
11 Precious Metal and Gem Dealer Licensing Act;
12 providing for criminal penalties; modifying
13 information contained in record; requiring record be
14 sent to local law enforcement; prohibiting certain
15 purchases; requiring written declaration of
16 ownership; and providing an effective date.

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

18 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1529, is
19 amended to read as follows:

20 Section 1529. A. Willful violation of any of the provisions of
21 this act by a dealer shall be a misdemeanor upon first conviction
22 punishable by not more than thirty (30) days in the county jail or
23 by a fine not to exceed Five Hundred Dollars (\$500.00) or both.
24 Subsequent convictions of a willful violation of this act shall be a
felony punishable by not more than three (3) years in the ~~State~~
Penitentiary custody of the Department of Corrections.

1 B. Any person selling property to a dealer that uses false or
2 altered identification or a false declaration of ownership as
3 related to the provisions of this act shall be guilty of a felony
4 and, upon conviction, shall be punished by imprisonment in the
5 custody of the Department of Corrections not to exceed five (5)
6 years or in the county jail not to exceed one (1) year, or by a fine
7 not to exceed Five Hundred Dollars (\$500.00), or by both such
8 imprisonment and fine.

9 C. Any person that fails to repay a dealer the full amount
10 received from a transaction after being officially notified by a
11 peace officer that the goods sold in that transaction were stolen or
12 embezzled shall be guilty of a misdemeanor and, upon conviction,
13 shall be punished by imprisonment in the county jail for a term not
14 to exceed six (6) months or a fine not to exceed Five Hundred
15 Dollars (\$500.00).

16 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1530, as
17 amended by Section 3, Chapter 153, O.S.L. 2013 (59 O.S. Supp. 2013,
18 Section 1530), is amended to read as follows:

19 Section 1530. A. Every dealer shall keep a record of any
20 transaction with any person involving the purchasing of any used
21 item made, or containing in whole or in part, any precious metal, or
22 gem, the following information:
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1 1. An account, photograph and description of the item
2 purchased, including, if applicable, the manufacturer's name, the
3 model, the model number, the serial number and any engraved marking;

4 2. The amount of money involved in the transaction;

5 3. The date;

6 4. The name, address, race, sex, weight, height, date of birth
7 and the identification number of the seller as verified by a state-
8 or federal-issued identification card, driver's license number of
9 ~~the person involved in the transaction with the dealer; if the~~
10 ~~person has no driver's license, then the date of birth and general~~
11 ~~physical description, including hair color and approximate height~~
12 ~~and weight of that person~~ or a readable fingerprint of the right or
13 left index finger on the back of the transaction copy to be retained
14 for the dealer's record; and

15 5. The signature of the seller.

16 B. The record required by this section shall be kept for a
17 period of four (4) years. Such record shall be made available
18 during regular business hours for inspection by the Department of
19 Consumer Credit and any law enforcement officer authorized by a law
20 enforcement agency to inspect such record. A copy of the record
21 shall be sent to the local law enforcement agency of the
22 municipality or other political subdivision in which the dealer is
23 located within three (3) days of the transaction.

1 C. No dealer shall be required to furnish the description of
2 any new property purchased from manufacturers or wholesale dealers
3 at an established place of business or of any goods purchased from
4 any bankrupt stock. Such goods shall be accompanied by a bill of
5 sale or other evidence of open and legitimate purchase. The bill of
6 sale shall also be available for inspection during regular business
7 hours.

8 D. No dealer shall be required to furnish a description of
9 property purchased from another licensed dealer or to meet the
10 holding period provided for in Section 1531 of this title if that
11 dealer has met the requirements provided for in subsection A of this
12 section and Section 1531 of this title upon the initial purchase of
13 the property, provided, that each shall record the license number of
14 the other dealer and the amount of the transaction.

15 E. A dealer shall not purchase any precious metal or gem from a
16 person under eighteen (18) years of age unless the person is
17 accompanied by a parent or guardian who provides identification that
18 establishes that relationship. Both the person under eighteen (18)
19 years of age and the parent or guardian shall submit the information
20 required pursuant to subsection A of this section and the records of
21 identification of both persons shall be kept in accordance with this
22 section.

23 F. The dealer shall obtain a written declaration of ownership
24 from the seller on all transactions or merchandise bought from a

1 manufacturer or wholesaler with an established place of business.
2 The seller shall be required to state how long the seller has owned
3 the property described in the transaction. The declaration of
4 ownership shall appear on the bill of sale to be completed by the
5 seller at the time of the transaction.

6 SECTION 3. This act shall become effective November 1, 2014.

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