

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2946

By: Ortega

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6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Section 1512, which relates to
9 the Oklahoma Pawnshop Act; modifying private
enforcement; authorizing action against certain
persons; and providing an effective date.

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

13 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1512, is
14 amended to read as follows:

15 Section 1512. A. Rule Making Power. The Administrator shall
16 have the same authority to adopt, amend and repeal rules as is
17 conferred upon him by paragraph (e) of subsection (1), and
18 subsections (2) and (3) of Section 6-104 of Title 14A of the
19 Oklahoma Statutes, as applicable, and such rules shall have the same
20 effect as provided in subsection (4) of Section 6-104 thereunder.
21 In addition, the Administrator may adopt, amend and repeal such
22 other rules as are necessary for the enforcement of the provisions
23 of Section 1501 et seq. of this title and consistent with all its
24 provisions.

1 B. Administrative Enforcement. Compliance with the provisions
2 of this act may be enforced by the Administrator who may exercise,
3 for such purpose, all the powers enumerated in Part 1 of Article 6,
4 Title 14A of the Oklahoma Statutes, in the same manner as in
5 relation to consumer credit transactions under that act, as well as
6 those powers conferred in this act.

7 C. Criminal Penalties. 1. Any person who engages in the
8 business of operating a pawn shop without first securing the license
9 prescribed by this act shall be guilty of a misdemeanor and upon
10 conviction thereof shall be punished by a fine not in excess of One
11 Thousand Dollars (\$1,000.00), by confinement in the county jail for
12 not more than six (6) months or by both.

13 2. Any person selling or pledging property to a pawnbroker who
14 uses false or altered identification or a false declaration of
15 ownership as related to the provisions of Section 1515 of this title
16 shall be guilty of a felony, and upon conviction shall be punished
17 by imprisonment in the State Penitentiary not to exceed five (5)
18 years or in the county jail not to exceed one (1) year, or by a fine
19 not to exceed Five Hundred Dollars (\$500.00), or by both such
20 imprisonment and fine.

21 3. Any person who fails to repay a pawnbroker the full amount
22 received from a pawn or buy transaction after being officially
23 notified by a peace officer that the goods he pledged or sold in
24 that transaction were stolen or embezzled shall be guilty of a

1 misdemeanor and upon conviction shall be punished by imprisonment in
2 the county jail for a term not to exceed six (6) months, or a fine
3 not to exceed Five Hundred Dollars (\$500.00), or by both such fine
4 and imprisonment.

5 D. Private Enforcement. 1. If any person engages in the
6 business of operating a pawnshop without first securing the license
7 prescribed by this act, or if any pawnbroker contracts for, charges
8 or receives a pawn finance charge in excess of that authorized by
9 this act, the pawn transaction shall be void and the customer is not
10 obligated to pay either the amount financed or the pawn finance
11 charge in connection with the transaction, and upon the customer's
12 demand, the pawnbroker shall be obligated to return to the customer,
13 as a refund, all amounts paid in connection with the transaction by
14 the customer and the pledged goods delivered to the pawnbroker in
15 connection with the pawn transaction or their value if the goods
16 cannot be returned. If a customer is entitled to a refund under
17 this section and a pawnbroker liable to the customer refuses to make
18 the refund within a reasonable time after demand, the customer shall
19 have an action against the pawnbroker and in the case of a
20 successful action to enforce such liability, the costs of the action
21 together with attorney's fees as determined by the court shall be
22 awarded to the customer.

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1 2. A pawnbroker who fails to disclose information to a customer
2 entitled to the information under this act is liable to that person
3 in an amount equal to the sum of:

4 a. twice the amount of the pawn finance charge in
5 connection with the transaction, or One Hundred
6 Dollars (\$100.00), whichever is greater; and

7 b. in the case of a successful action to enforce the
8 liability under paragraph 1 of this subsection, the
9 costs of the action together with reasonable
10 attorneys' fees as determined by the court.

11 3. The pawnbroker shall have an action against a person who has
12 been convicted of or pleads guilty or nolo contendere to the
13 violations set forth in paragraphs 1 and 2 of subsection C of this
14 section, and in the case of a successful action to enforce such
15 liability, the costs of the action together with attorney fees as
16 determined by the court shall be awarded to the pawnbroker.

17 SECTION 2. This act shall become effective November 1, 2014.

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