

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3458

By: Pittman

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5  
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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19           54-2-9437           LRB           01/07/14  
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