

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1270

By: Crain

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6 AS INTRODUCED

7 An Act relating to the Oklahoma Scrap Metal Dealers
8 Act, amending 59 O.S. 2011, Section 1423, as amended
9 by Section 3, Chapter 230, O.S.L. 2013, and as
10 renumbered by Section 5, Chapter 18, O.S.L. 2014 (2
O.S. Supp. 2015, Section 11-92), which relates to
records of data; modifying requirements; and
providing an effective date.

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

14 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1423, as
15 amended by Section 3, Chapter 230, O.S.L. 2013, and as renumbered by
16 Section 5, Chapter 18, O.S.L. 2014 (2 O.S. Supp. 2015, Section 11-
17 92), is amended to read as follows:

18 Section 11-92. A. Every scrap metal dealer shall keep a
19 separate book, record or other electronic system as authorized by
20 the Oklahoma Scrap Metal Dealers Act, to record and maintain the
21 following data from any seller of any amount of scrap metal as
22 defined by the Oklahoma Scrap Metal Dealers Act:
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1 1. A legible photocopy of the seller's driver license or other
2 form of government issued photo identification that contains his or
3 her name, address, date of birth, weight and height;

4 2. Vehicle description and license tag number of the seller if
5 the vehicle was used to transport the material being sold;

6 3. Date and place of the transaction and the transaction number
7 as provided by the scrap metal dealer;

8 4. Description of the items sold and weight of the items as
9 required by the provisions of the Oklahoma Scrap Metal Dealers Act;

10 5. Whether the scrap metal is in wire, cable, bar, rod, sheet
11 or tube form;

12 6. If any insulation is on the scrap metal, the names and
13 addresses of the persons, groups or corporations from whom seller
14 purchased or obtained the materials; and

15 7. If apparent on the scrap metal, the name of the manufacturer
16 and serial number of each item of scrap metal.

17 B. Municipalities or other political subdivisions may adopt,
18 and scrap metal dealers shall abide by, local ordinances regarding
19 the format of the information required by subsection A of this
20 section, either written or electronic.

21 C. Records required by this section shall be made available at
22 any time to any person authorized by law for such inspection.

23 D. Purchases of thirty-five (35) pounds or more of scrap metal
24 containing a manufacturer's serial number or other unique label or

1 mark shall be held separate and apart so that the purchased scrap
2 metal may be readily identifiable from all other purchases for a
3 period of not less than ten (10) days from the date of purchase.
4 During the holding period the scrap metal dealer may not change the
5 form of the purchased scrap metal and shall permit any person
6 authorized by law to make inspection of such materials.

7 E. Purchases of thirty-five (35) pounds or more of scrap metal
8 which does not contain a manufacturer's serial number or other
9 unique label or mark shall ~~either~~ be held for the same time and in
10 the same manner as required by subsection D of this section. ~~or in~~
11 ~~the alternative, the~~ For all purchases of thirty-five (35) pounds
12 or more, the scrap metal dealer shall be required to obtain a
13 digital image of the items purchased, the seller of the items, a
14 copy of the bill of sale and a copy of the seller's photo
15 identification. The digital image shall contain a depiction that
16 can reasonably be utilized for identification of the seller and the
17 items sold and captured in the common JPEG format with a minimum
18 resolution of 640 pixels by 480 pixels. The digital image shall be
19 retained by the purchaser for a minimum of ninety (90) days from the
20 date of purchase. For the purpose of this section a "digital image"
21 means a raster-based two-dimensional, rectangular array of static
22 data elements called pixels, intended for display on a computer
23 monitor or for transformation into another format, such as a printed
24 page.

1 F. No purchase of any amount of scrap metal from an exempted
2 seller, as defined by Section 1422 of this title, shall be subject
3 to any holding period or digital imaging identification required by
4 subsection D or E of this section.

5 G. It shall be unlawful for any person to sell or purchase
6 copper material or copper wire from which the actual or apparent
7 insulation or other coating has been burned, melted or exposed to
8 heat or fire resulting in melting some or all of the insulation or
9 coating. This provision shall not apply to sales by or purchases
10 from an exempted seller.

11 H. It shall be unlawful for any scrap metal dealer to purchase
12 any item from a minor without having first obtained the consent, in
13 writing, of a parent or guardian of such minor. Such written
14 consent shall be kept with the book, record or other electronic
15 recording system required by subsection A of this section and, if
16 requested by a law enforcement agency where the purchase was made,
17 shall be transmitted to the law enforcement agency and may be kept
18 as a permanent record and made available for public inspection.

19 I. A scrap metal dealer shall obtain from each seller of a
20 scrap metal item regulated by the Oklahoma Scrap Metal Dealers Act,
21 or a parent or guardian on behalf of a minor, a written declaration
22 of ownership containing a legible signature of the seller. The
23 declaration of ownership shall be in the following form and shall
24 appear on the bill of sale or transaction ticket to be completed by

1 the seller in the presence of the purchaser at the time of the
2 transaction:

3 "I hereby affirm under penalty of prosecution that I am the
4 rightful owner of the hereon described merchandise; or I am an
5 authorized representative of the rightful owner and affirm that I
6 have been given authority by the rightful owner to sell the hereon
7 described merchandise.

8 _____
9 Signature"

10 J. If requested by a law enforcement agency, a scrap metal
11 dealer shall report in writing all purchases of scrap metal as
12 defined by the Oklahoma Scrap Metal Dealers Act within forty-eight
13 (48) hours following such purchase. The report shall contain all
14 the information required by this section.

15 K. A scrap metal dealer purchasing a vehicle from any person
16 shall be required to record the information required in subsection A
17 of this section and the make, model, license tag number and vehicle
18 identification number of the purchased vehicle. A person selling a
19 vehicle to a scrap metal dealer shall be required to present to the
20 dealer the title of the vehicle or a verified bill of sale from the
21 owner of the vehicle or other proof of ownership in addition to
22 signing a declaration of ownership as required by subsection I of
23 this section. The provisions of this subsection shall not apply to
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1 sales, purchases or other transfer of vehicles between scrap metal
2 dealers and licensed automotive dismantlers and parts recyclers.

3 L. The provisions of the Oklahoma Scrap Metal Dealers Act shall
4 not apply to the sale or purchase of aluminum beverage cans for
5 recycling purposes.

6 M. A scrap metal dealer shall not enter into any cash
7 transactions in excess of One Thousand Dollars (\$1,000.00) in
8 payment for the purchase of scrap metal that is listed in subsection
9 B of Section 1424 of this title unless the transaction is made with
10 an exempted seller. Payment by check shall be issued and made
11 payable only to the seller of the scrap metal whose identification
12 information has been obtained pursuant to the provisions of this
13 section.

14 SECTION 2. This act shall become effective November 1, 2016.

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