

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 HOUSE BILL 3070

By: Worthen

6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Section 1512, as amended by
9 Section 16, State Question No. 780, Initiative
10 Petition No. 404 (59 O.S. Supp. 2017, Section 1512),
11 which relates to the Oklahoma Pawnshop Act; modifying
12 penalties; and providing an effective date.

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

13 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1512, as
14 amended by Section 16, State Question No. 780, Initiative Petition
15 No. 404 (59 O.S. Supp. 2017, Section 1512), is amended to read as
16 follows:

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

1 of Section 1501 et seq. of this title and consistent with all its
2 provisions.

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

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

15 2. Any person selling or pledging property to a pawnbroker who
16 uses false or altered identification or a false declaration of
17 ownership as related to the provisions of Section 1515 of this title
18 shall, if the value of the property is One Thousand Dollars
19 (\$1,000.00) or more, be guilty of a felony, and upon conviction
20 shall be punished by imprisonment in the State Penitentiary not to
21 exceed five (5) years or in the county jail not to exceed one (1)
22 year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or
23 by both such imprisonment and fine. If the value of the property
24 received is less than One Thousand Dollars (\$1,000.00), the person

1 shall be guilty of a misdemeanor and shall be punished by a fine of
2 not more than Five Hundred Dollars (\$500.00) or by imprisonment in
3 the county jail for a term not to exceed six (6) months, or by both
4 such fine and imprisonment. However, if the property is one or more
5 firearms, or was acquired by means of robbery or burglary, the
6 person shall be punished by imprisonment in the State Penitentiary
7 not to exceed five (5) years or in the county jail not to exceed one
8 (1) year, or by a fine not to exceed Five Hundred Dollars (\$500.00),
9 or by both such imprisonment and fine, without regard to the value
10 of the property.

11 3. Any person who fails to repay a pawnbroker the full amount
12 received from a pawn or buy transaction after being officially
13 notified by a peace officer that the goods he pledged or sold in
14 that transaction were stolen or embezzled shall be guilty of a
15 misdemeanor and upon conviction shall be punished by imprisonment in
16 the county jail for a term not to exceed six (6) months, or a fine
17 not to exceed Five Hundred Dollars (\$500.00), or by both such fine
18 and imprisonment.

19 D. Private Enforcement. 1. If any person engages in the
20 business of operating a pawnshop without first securing the license
21 prescribed by this act, or if any pawnbroker contracts for, charges
22 or receives a pawn finance charge in excess of that authorized by
23 this act, the pawn transaction shall be void and the customer is not
24 obligated to pay either the amount financed or the pawn finance

1 charge in connection with the transaction, and upon the customer's
2 demand, the pawnbroker shall be obligated to return to the customer,
3 as a refund, all amounts paid in connection with the transaction by
4 the customer and the pledged goods delivered to the pawnbroker in
5 connection with the pawn transaction or their value if the goods
6 cannot be returned. If a customer is entitled to a refund under
7 this section and a pawnbroker liable to the customer refuses to make
8 the refund within a reasonable time after demand, the customer shall
9 have an action against the pawnbroker and in the case of a
10 successful action to enforce such liability, the costs of the action
11 together with ~~attorney's~~ attorney fees as determined by the court
12 shall be awarded to the customer.

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

- 16 a. twice the amount of the pawn finance charge in
17 connection with the transaction, or One Hundred
18 Dollars (\$100.00), whichever is greater~~er~~, and
19 b. in the case of a successful action to enforce the
20 liability under paragraph 1 of this subsection, the
21 costs of the action together with reasonable
22 ~~attorneys'~~ attorney fees as determined by the court.

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SECTION 2. This act shall become effective November 1, 2018.

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