

1 **SENATE FLOOR VERSION**

2 February 13, 2020

3 SENATE BILL NO. 1593

By: Shaw

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7 An Act relating to the Oklahoma Scrap Metal Dealers
8 Act; amending 59 O.S. 2011, Section 1423, as
9 renumbered by Section 5, Chapter 18, O.S.L. 2014, and
10 as last amended by Section 1, Chapter 23 O.S.L. 2018
11 (2 O.S. Supp. 2019, Section 11-92), which relates to
12 records of data; modifying data scrap metal dealers
13 are required to record; requiring all copper material
14 or copper wire be purchased by check; and providing
15 an effective date.

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

17 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1423, as
18 renumbered by Section 5, Chapter 18, O.S.L. 2014, and as last
19 amended by Section 1, Chapter 23, O.S.L. 2018 (2 O.S. Supp. 2019,
20 Section 11-92), is amended to read as follows:

21 Section 11-92. A. Every scrap metal dealer shall keep a
22 separate book, record or other electronic system as authorized by
23 the Oklahoma Scrap Metal Dealers Act, to record and maintain the
24 following data from any seller of any amount of scrap metal as
defined by the Oklahoma Scrap Metal Dealers Act:

- 1 1. A legible photocopy of the seller's driver license or
2 government provided photo identification, issued by the United
3 States government, State of Oklahoma, or any other state of the
4 United States, that contains his or her name, address, date of
5 birth, weight and height;
- 6 2. Vehicle description and license tag number of the seller if
7 the vehicle was used to transport the material being sold;
- 8 3. Date and place of the transaction and the transaction number
9 as provided by the scrap metal dealer;
- 10 4. Description of the items sold and weight of the items as
11 required by the provisions of the Oklahoma Scrap Metal Dealers Act;
- 12 5. Whether the scrap metal is in wire, cable, bar, rod, sheet
13 or tube form;
- 14 6. If any insulation is on the scrap metal, the names and
15 addresses of the persons, groups or corporations from whom seller
16 purchased or obtained the materials; ~~and~~
- 17 7. If apparent on the scrap metal, the name of the manufacturer
18 and serial number of each item of scrap metal; and
- 19 8. If the scrap metal purchased is copper material or copper
20 wire, the number of the cashier's check, teller's check, certified
21 check or other negotiable instrument used to complete the purchase.
- 22 B. Municipalities or other political subdivisions may designate
23 the reporting methods and the format of the information required by
24 subsection A of this section, either written, electronic or

1 Internet-based. The Oklahoma Department of Agriculture, Food, and
2 Forestry shall designate an Internet-based reporting method that
3 applies to all geographic areas of the state that are not subject to
4 a local designation for Internet reporting.

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

7 D. Purchases of thirty-five (35) pounds or more of scrap metal
8 containing a manufacturer's serial number or other unique label or
9 mark shall be held separate and apart so that the purchased scrap
10 metal may be readily identifiable from all other purchases for a
11 period of not less than ten (10) days from the date of purchase.
12 During the holding period the scrap metal dealer may not change the
13 form of the purchased scrap metal and shall permit any person
14 authorized by law to make inspection of such materials.

15 E. Purchases of thirty-five (35) pounds or more of scrap metal
16 which does not contain a manufacturer's serial number or other
17 unique label or mark shall either be held for the same time and in
18 the same manner as required by subsection D of this section; or in
19 the alternative, the scrap metal dealer shall be required to obtain
20 a digital image of the items purchased, the seller of the items, a
21 copy of the bill of sale and a copy of the seller's photo
22 identification. The digital image shall contain a depiction that
23 clearly identifies the seller and the items sold and is captured in
24 the common JPEG format. The digital image shall be retained by the

1 purchaser for a minimum of ninety (90) days from the date of
2 purchase. For the purpose of this section a "digital image" means a
3 raster-based two-dimensional, rectangular array of static data
4 elements called pixels, intended for display on a computer monitor
5 or for transformation into another format, such as a printed page.

6 F. No purchase of any amount of scrap metal from an exempted
7 seller, as defined by Section 11-91 of this title, shall be subject
8 to any holding period or digital imaging identification required by
9 subsection D or E of this section.

10 G. All copper material or copper wire shall be purchased using
11 a cashier's check, teller's check, certified check or other
12 negotiable instrument.

13 H. It shall be unlawful for any person to sell or purchase
14 copper material or copper wire from which the actual or apparent
15 insulation or other coating has been burned, melted or exposed to
16 heat or fire resulting in melting some or all of the insulation or
17 coating. It shall be unlawful for any person to sell or purchase
18 copper wire that is four-gauge or larger in size. This subsection
19 shall not apply to sales by or purchases from an exempted seller as
20 defined by Section 11-91 of this title. Documentation of exempt
21 seller status shall be provided to the scrap metal dealer and, if
22 requested by a law enforcement agency where the purchase was made,
23 shall be transmitted to the law enforcement agency and may be kept
24 as permanent record and made available for public inspection.

1 ~~H.~~ I. It shall be unlawful for any scrap metal dealer to
2 purchase any item from a minor without having first obtained the
3 consent, in writing, of a parent or guardian of such minor. Such
4 written consent shall be kept with the book, record or other
5 electronic recording system required by subsection A of this section
6 and, if requested by a law enforcement agency where the purchase was
7 made, shall be transmitted to the law enforcement agency and may be
8 kept as a permanent record and made available for public inspection.

9 ~~I.~~ J. A scrap metal dealer shall obtain from each seller of a
10 scrap metal item regulated by the Oklahoma Scrap Metal Dealers Act,
11 or a parent or guardian on behalf of a minor, a written declaration
12 of ownership containing a legible signature of the seller. The
13 declaration of ownership shall be in the following form and shall
14 appear on the bill of sale or transaction ticket to be completed by
15 the seller in the presence of the purchaser at the time of the
16 transaction:

17 "I hereby affirm under penalty of prosecution that I am the
18 rightful owner of the hereon described merchandise; or I am an
19 authorized representative of the rightful owner and affirm that I
20 have been given authority by the rightful owner to sell the hereon
21 described merchandise.

22 _____

23 Signature"

24

1 ~~J.~~ K. If requested by a law enforcement agency, a scrap metal
2 dealer shall report in writing all purchases of scrap metal as
3 defined by the Oklahoma Scrap Metal Dealers Act within forty-eight
4 (48) hours following such purchase. The report shall contain all
5 the information required by this section.

6 ~~K.~~ L. A scrap metal dealer purchasing a vehicle from any person
7 shall be required to record the information required in subsection A
8 of this section and the make, model, license tag number and vehicle
9 identification number of the purchased vehicle. A person selling a
10 vehicle to a scrap metal dealer shall be required to present to the
11 dealer the title of the vehicle or a certificate of ownership form,
12 as approved by the Oklahoma Tax Commission and available at the
13 Oklahoma Tax Commission or through a motor license agent, in
14 addition to signing a declaration of ownership as required by
15 subsection ~~±~~ J of this section. The scrap metal dealer shall not
16 provide payment for the vehicle until the certificate of ownership
17 has been submitted to the Oklahoma Tax Commission or a motor license
18 agent, and the vehicle is determined not to be stolen. The
19 provisions of this subsection shall not apply to sales, purchases or
20 other transfer of vehicles between scrap metal dealers and licensed
21 automotive dismantlers and parts recyclers.

22 ~~L.~~ M. The provisions of the Oklahoma Scrap Metal Dealers Act
23 shall not apply to the sale or purchase of aluminum beverage cans
24 for recycling purposes.

1 ~~M.~~ N. A scrap metal dealer shall not enter into any cash
2 transactions in excess of One Thousand Dollars (\$1,000.00) in
3 payment for the purchase of scrap metal that is listed in subsection
4 B of Section 11-93 of this title unless the transaction is made with
5 an exempted seller. Payment by check shall be issued and made
6 payable only to the seller of the scrap metal whose identification
7 information has been obtained pursuant to the provisions of this
8 section.

9 SECTION 2. This act shall become effective November 1, 2020.

10 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
11 February 13, 2020 - DO PASS

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