

An Act

ENROLLED HOUSE
BILL NO. 3160

By: Wright of the House

and

Griffin of the Senate

An Act relating to professions and occupations; amending Sections 5 and 7, Chapter 230, O.S.L. 2013 (59 O.S. Supp. 2013, Sections 1428 and 1430), which relate to the Oklahoma Scrap Metal Dealers Act; clarifying certain prohibited act; providing for the assessment of administrative penalties and temporary or permanent injunctions; authorizing imposition of civil monetary penalties; providing for subsequent assessment of civil or criminal penalties after administrative enforcement proceedings; providing for attorney fees, costs and right to apply for administrative warrants; authorizing the Oklahoma Department of Agriculture, Food, and Forestry to take certain action; providing for recodification; and providing an effective date.

SUBJECT: Oklahoma Scrap Metal Dealers Act

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

SECTION 1. AMENDATORY Section 5, Chapter 230, O.S.L. 2013 (59 O.S. Supp. 2013, Section 1428), is amended to read as follows:

Section 1428. ~~Effective November 1, 2013, a~~ A person shall not advertise, act, offer to act, hold himself or herself out, or engage in business as a scrap metal dealer in this state without a scrap metal dealer license issued by the Oklahoma Department of Agriculture, Food, and Forestry.

SECTION 2. AMENDATORY Section 7, Chapter 230, O.S.L. 2013 (59 O.S. Supp. 2013, Section 1430), is amended to read as follows:

Section 1430. A. The Oklahoma Department of Agriculture, Food, and Forestry may suspend, cancel, revoke, or refuse reissuance of a scrap metal dealer license after the person has an opportunity for public hearing pursuant to the Administrative Procedures Act for any of the following causes:

1. Engages in fraud or deceit in obtaining or renewing a license;
2. Acts as a scrap metal dealer in this state without a license;
3. Aids or abets another person in acting as a scrap metal dealer without a license; or
4. Violates any of the provisions of the Oklahoma Scrap Metal Dealers Act.

B. After notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the Department finds any person in violation of the Oklahoma Scrap Metal Dealers Act or any rule promulgated or order issued pursuant thereto, the Department shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation. Each action or each day a violation continues may constitute a separate and distinct violation.

C. In addition to penalties and fines, the Department shall have authority to apply to district court and obtain a temporary or permanent injunction against anyone who violates the Oklahoma Scrap Metal Dealers Act and shall have authority to obtain or impose civil monetary penalties on anyone who violates the Oklahoma Scrap Metal Dealers Act.

D. Nothing in the Oklahoma Scrap Metal Dealers Act shall preclude the Department from seeking penalties in district court in the maximum amount allowed by law. The assessment of penalties in an administrative enforcement proceeding shall not prevent the subsequent assessment by a court of the maximum civil or criminal

penalties for violations of the Oklahoma Scrap Metal Dealers Act and rules promulgated pursuant thereto.

E. Any person assessed an administrative or civil penalty may be required to pay, in addition to the penalty amount and interest thereon, attorney fees and costs associated with the collection of the penalties.

F. If any person refuses, denies or interferes with any right of access, the Department shall have the right to apply to and obtain from a district court an administrative or other warrant as necessary to enforce the right of access and inspection.

G. If the Department finds any person operating as a scrap metal dealer without a license, the Department shall have the authority to tag as "Not For Commercial Use" any weight or measure utilized by the scrap metal dealer.

SECTION 3. RECODIFICATION 59 O.S. 2011, Section 1421, shall be recodified as Section 11-90 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 4. RECODIFICATION 59 O.S. 2011, Section 1422, as amended by Section 2, Chapter 230, O.S.L. 2013 (59 O.S. Supp. 2013, Section 1422), shall be recodified as Section 11-91 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 5. RECODIFICATION 59 O.S. 2011, Section 1423, as amended by Section 3, Chapter 230, O.S.L. 2013 (59 O.S. Supp. 2013, Section 1423), shall be recodified as Section 11-92 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 6. RECODIFICATION 59 O.S. 2011, Section 1424, shall be recodified as Section 11-93 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 7. RECODIFICATION 59 O.S. 2011, Section 1425, as amended by Section 4, Chapter 230, O.S.L. 2013 (59 O.S. Supp. 2013, Section 1425), shall be recodified as Section 11-94 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 8. RECODIFICATION 59 O.S. 2011, Section 1426, shall be recodified as Section 11-95 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 9. RECODIFICATION 59 O.S. 2011, Section 1427, shall be recodified as Section 11-96 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 10. RECODIFICATION Section 5, Chapter 230, O.S.L. 2013 (59 O.S. Supp. 2013, Section 1428), as amended by Section 1 of this act, shall be recodified as Section 11-97 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 11. RECODIFICATION Section 6, Chapter 230, O.S.L. 2013 (59 O.S. Supp. 2013, Section 1429), shall be recodified as Section 11-98 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 12. RECODIFICATION Section 7, Chapter 230, O.S.L. 2013 (59 O.S. Supp. 2013, Section 1430), as amended by Section 2 of this act, shall be recodified as Section 11-99 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 13. This act shall become effective November 1, 2014.

Passed the House of Representatives the 5th day of March, 2014.


Presiding Officer of the House
of Representatives

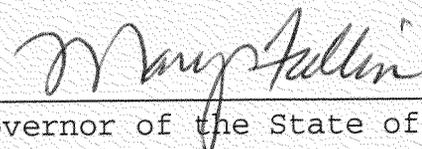
Passed the Senate the 31st day of March, 2014.


Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 1st
day of April, 20 14, at 3:05 o'clock P M.
By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 7th
day of April, 20 14, at 3:53 o'clock P M.


Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 7th
day of April, 20 14, at 4:35 o'clock P M.
By: Chi Benze