An Act

ENROLLED SENATE
BILL NO. 1270

By: Crain of the Senate

and

Peterson of the House

An Act relating to the Oklahoma Scrap Metal Dealers Act, amending 59 O.S. 2011, Section 1423, as amended by Section 3, Chapter 230, O.S.L. 2013, and as 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.

SUBJECT: Scrap metal dealer recordkeeping

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

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

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

1. A legible photocopy of the seller's driver license or other form of government issued photo identification that contains his or her name, address, date of birth, weight and height;

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

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

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

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

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

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

B. Municipalities or other political subdivisions may ~~adopt, and scrap metal dealers shall abide by, local ordinances regarding~~ prescribe the reporting methods and the format of the information required by subsection A of this section, either written ~~or~~, electronic or internet-based.

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

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

E. Purchases of thirty-five (35) pounds or more of scrap metal which does not contain a manufacturer's serial number or other unique label or mark shall either be held for the same time and in the same manner as required by subsection D of this section; or in the alternative, the scrap metal dealer shall be required to obtain

a digital image of the items purchased, the seller of the items, a copy of the bill of sale and a copy of the seller's photo identification. The digital image shall contain a depiction that can reasonably be utilized for identification of the seller and the items sold and captured in the common JPEG format with a minimum resolution of 640 pixels by 480 pixels. The digital image shall be retained by the purchaser for a minimum of ninety (90) days from the date of purchase. For the purpose of this section a "digital image" means a raster-based two-dimensional, rectangular array of static data elements called pixels, intended for display on a computer monitor or for transformation into another format, such as a printed page.

F. No purchase of any amount of scrap metal from an exempted seller, as defined by Section ~~1422~~ 11-91 of this title, shall be subject to any holding period or digital imaging identification required by subsection D or E of this section.

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

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

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

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

_____

Signature"

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

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

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

M. A scrap metal dealer shall not enter into any cash transactions in excess of One Thousand Dollars ($1,000.00) in payment for the purchase of scrap metal that is listed in subsection B of Section ~~1424~~ 11-93 of this title unless the transaction is made with an exempted seller. Payment by check shall be issued and made payable only to the seller of the scrap metal whose identification information has been obtained pursuant to the provisions of this section.

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

Passed the Senate the 1st day of March, 2016.

Presiding Officer of the Senate

Passed the House of Representatives the 12th day of April, 2016.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 13th day of April, 2016, at 2:00 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 19th day of April, 2016, at 3:19 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 19th day of April, 2016, at 4:05 o'clock P. M.

By: Chi Benge