

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1458

6 By: Roberts (Dustin)

7 COMMITTEE SUBSTITUTE

8 An Act relating to professions and occupations;
9 amending 59 O.S. 2011, Section 1531, as amended by
10 Section 4, Chapter 153, O.S.L. 2013 (59 O.S. Supp.
11 2014, Section 1531), which relates to the Precious
12 Metal and Gem Dealer Licensing Act; authorizing law
13 enforcement to place hold order on certain property;
14 providing for time limit of hold order; providing for
15 information contained in hold order; allowing consent
16 to release certain property; providing for certain
17 notice from district attorney; providing penalty for
18 noncompliance; and providing an effective date.

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

20 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1531, as
21 amended by Section 4, Chapter 153, O.S.L. 2013 (59 O.S. Supp. 2014,
22 Section 1531), is amended to read as follows:

23 Section 1531. A. Every dealer must keep at the business
24 location designated in the license application, all used articles
made, in whole or in part, of precious metals or gems, for
inspection by any law enforcement officer and the Department of
Consumer Credit at reasonable times for a period of ten (10) days or

1 until the articles have been released by written authorization of
2 any law enforcement officer authorized by the law enforcement agency
3 or its designee, except as provided for in subsection C of Section
4 1525 of this title. During this period, the appearance of such
5 articles shall not be altered in any way. A dealer is not
6 prohibited from selling or arranging to sell such articles during
7 the ten-day period as long as such articles remain in his or her
8 possession as required by this section.

9 B. Whenever a peace officer has probable cause to believe that
10 gem or precious metal in possession of a dealer is stolen or
11 embezzled, the peace officer of the local law enforcement agency of
12 the municipality or other political subdivision in which the dealer
13 resides may place a written hold order on the property. The initial
14 term of the written hold order shall not exceed thirty (30) days.
15 The initial written hold order shall contain the following
16 information:

17 1. Signature of the dealer or designee;

18 2. Name, title and identification number of the peace officer
19 placing the hold order;

20 3. Name and address of the agency to which the peace officer is
21 attached and the offense number;

22 4. Complete description of the property to be held, including
23 any model number, serial number or transaction number;

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1 5. Name of agency reporting the property to be stolen or
2 embezzled;

3 6. Mailing address of the dealer where the property is held;
4 and

5 7. Expiration date of the holding period.

6 C. While a hold order is in effect, the dealer may consent to
7 release, upon written receipt, the stolen or embezzled property to
8 the custody of the local law enforcement agency to which the peace
9 officer placing the hold order is attached. The consent to release
10 the stolen or embezzled property to the custody of law enforcement
11 is not a waiver or release of the dealer's property rights or
12 interest in the property. Otherwise, the dealer shall not release
13 or dispose of the property except pursuant to a court order or the
14 expiration of the holding period including all extensions. The
15 district attorney's office shall notify the dealer in writing in
16 cases where criminal charges have been filed that the property may
17 be needed as evidence. The notice shall contain the case number,
18 the style of the case and a description of the property. The dealer
19 shall hold such property until receiving notice of the disposition
20 of the case from the district attorney's office. The district
21 attorney's office shall notify the dealer in writing within fifteen
22 (15) days of the disposition of the case. Willful noncompliance of
23 a dealer to a written hold order shall constitute a violation of
24 this act pursuant to Section 1529 of this title. A hold order may

1 be released prior to the expiration of any thirty-day holding period
2 by written release from the agency placing the initial hold order.

3 D. Upon approval of the Administrator, a dealer may also
4 designate an additional location for storage of items required to be
5 held under the provisions of the Precious Metal and Gem Dealer
6 Industry Act. This location shall be either a vault or a bank. The
7 address of the designated additional location shall be filed with
8 the Administrator. The Administrator shall require documentation to
9 verify that the additional storage location will be utilized by the
10 dealer, including, but not limited to, a lease or rental agreement
11 between the dealer and the owner of the additional storage location.
12 The Administrator shall also require the name, contact person and
13 telephone number of the additional storage location. The
14 Administrator shall release the designated location only to law
15 enforcement agencies. The designated additional location shall be
16 available for inspection by the Department of Consumer Credit or any
17 law enforcement officer of this state authorized by the law
18 enforcement agency to inspect the same. A dealer shall provide
19 written notice to the Administrator at least thirty (30) days prior
20 to terminating a lease or rental agreement for an additional storage
21 location.

22 SECTION 2. This act shall become effective November 1, 2015.
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