

1 **SENATE FLOOR VERSION**

2 February 18, 2016

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1458

By: Roberts (Dustin) of the
Senate

and

Quinn of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to professions and occupations;
11 amending 59 O.S. 2011, Section 1531, as last amended
12 by Section 2, Chapter 322, O.S.L. 2015 (59 O.S. Supp.
13 2015, Section 1531), which relates to the Precious
14 Metal and Gem Dealer Licensing Act; modifying
15 reference to certain act; and providing an effective
16 date.

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

18 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1531, as
19 last amended by Section 2, Chapter 322, O.S.L. 2015 (59 O.S. Supp.
20 2015, Section 1531), is amended to read as follows:

21 Section 1531. A. Every dealer must keep at the business
22 location designated in the license application, all used articles
23 made, in whole or in part, of precious metals or gems, for
24 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 property in possession of a licensed dealer is stolen or embezzled,
11 the peace officer of the local law enforcement agency of the
12 municipality or other political subdivision in which the dealer is
13 located 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 However, the holding period may be extended in successive thirty-day
16 increments upon written notification prior to the expiration of the
17 initial holding period. If the holding period has expired and has
18 not been extended, the hold order shall be considered expired and no
19 longer in effect, and title shall vest in the dealer subject to any
20 restrictions contained in a sale contract. The initial written hold
21 order shall contain the following information:

- 22 1. Signature of the dealer or designee;
- 23 2. Name, title and identification number of the peace officer
24 placing the hold order;

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

3 4. Complete description of the property to be held, including
4 model number, serial number and transaction number;

5 5. Name of agency reporting the property stolen or embezzled;

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

7 and

8 7. Expiration date of the holding period.

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

1 (15) days of the disposition of the case. Willful noncompliance of
2 a dealer to a written hold order shall be cause for the dealer's
3 license to either be suspended or revoked. A hold order may be
4 released prior to the expiration of any thirty-day holding period by
5 written release from the agency placing the initial hold order.

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

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

2 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
3 February 18, 2016 - DO PASS AS AMENDED
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