

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3096

By: Hilbert

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5
6 AS INTRODUCED

7 An Act relating to scrap metal; amending 2 O.S. 2021,
8 Section 11-92, which relates to the Oklahoma Scrap
9 Metal Dealers Act; adding requirement for purchase of
10 used motor vehicle; prohibiting destruction of
11 vehicle for certain time; and providing an effective
12 date.

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

14 SECTION 1. AMENDATORY 2 O.S. 2021, Section 11-92, is
15 amended to read as follows:

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

21 1. A legible photocopy of the seller's driver license or
22 government-provided photo identification, issued by the United
23 States government, State of Oklahoma, or any other state of the
24 United States, or any other federally recognized identification that

1 contains his or her name, and date of birth; provided, that if the
2 photo identification does not contain an address, an address shall
3 be provided;

4 2. Vehicle description and license tag number, or vehicle
5 identification number if no state license plate is affixed, if the
6 vehicle was used to transport the material being sold;

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

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

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

13 6. The digital image of the items purchased and the digital
14 image of the seller. The digital image shall contain depictions
15 that clearly identify the items sold and are captured in the common
16 JPEG format. The digital image shall be retained by the purchaser
17 for a minimum of ninety (90) days from the date of purchase.

18 B. Municipalities or other political subdivisions may designate
19 the reporting methods and the format of the information required by
20 subsection A of this section, either written, electronic or
21 Internet-based. The Oklahoma Department of Agriculture, Food, and
22 Forestry shall designate an Internet-based reporting method that
23 applies to all geographic areas of the state that are not subject to
24 a local designation for Internet reporting.

1 C. Records required by this section shall be retained for no
2 less than two (2) years from the date of transaction and shall be
3 made available at any time to any person authorized by law for such
4 inspection.

5 D. It shall be unlawful for any scrap metal dealer to purchase
6 any item from a minor under the age of sixteen (16) without having
7 first obtained the consent, in writing, of a parent or guardian of
8 such minor. Such written consent shall be kept with the book,
9 record or other electronic recording system required by subsection A
10 of this section and, if requested by a law enforcement agency where
11 the purchase was made, shall be transmitted to the law enforcement
12 agency and may be kept as a permanent record and made available for
13 public inspection.

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

22 "I hereby affirm that I am the rightful owner of the hereon
23 described merchandise; or I am an authorized representative of the
24

1 rightful owner and affirm that I have been given authority by the
2 rightful owner to sell the hereon described merchandise.

3 I state under penalty of perjury under the laws of Oklahoma that
4 the foregoing is true and correct.

5 _____
6 Signature Date and Place"

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

12 G. 1. Prior to the purchase of a used motor vehicle, trailer
13 or nonmotorized recreational vehicle, the scrap metal dealer shall
14 require one of the following forms of proof of ownership from the
15 person selling the used motor vehicle, trailer or nonmotorized
16 recreational vehicle:

17 ~~1. A~~

18 a. a certificate of title that matches the vehicle
19 identification number of the vehicle being sold~~+~~L

20 ~~2. A~~

21 b. a notarized power of attorney from the individual on
22 the certificate of title authorizing the seller to
23 dispose of the vehicle on behalf of the owner~~+~~L or

24 ~~3. A~~

1 c. a statement of ownership from the seller stating that
2 the vehicle was purchased from the lawful owner,
3 accompanied by a bill of sale from the lawful owner
4 including a statement that there are no outstanding
5 liens on the vehicle, and a statement that the vehicle
6 is inoperable or incapable of operation or use on the
7 highway and has no resale value except as scrap.

8 2. A scrap metal dealer shall obtain the vehicle identification
9 number of the used motor vehicle and confirm with law enforcement
10 that the vehicle is not stolen at least twenty-four (24) hours prior
11 to the destruction of the vehicle. No vehicle shall be destroyed
12 for at least seven (7) days after the date of purchase.

13 3. The provisions of this subsection shall not apply to sales,
14 purchases or other transfers of vehicles between scrap metal dealers
15 and licensed automotive dismantlers and parts recyclers, licensed
16 crushers, salvage dealers, used car dealers and licensed wreckers.

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

1 I. The following shall be exempt from this section:

2 1. Scrap metal hauled by a scrap metal dealer for an exempted
3 seller in a motor vehicle registered with the Oklahoma Department of
4 Transportation; and

5 2. Material delivered by an exempted seller with a check made
6 payable to the company of the exempted seller.

7 SECTION 2. This act shall become effective November 1, 2022.

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9 58-2-8852 LRB 12/27/21

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