

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND  
FORESTRY**

**CHAPTER 30. ~~COMBINED PESTICIDE~~ CONSUMER PROTECTION**

**SUBCHAPTER 17. COMBINED PESTICIDE**

**PART 1. COMMERCIAL AND NON-COMMERCIAL CATEGORIES OF PESTICIDE  
APPLICATION**

**35:30-17-1. License Categories**

License categories of pesticide application are as follows:

- (1) 1a: Agricultural Plant Category - Includes the application of pesticides to agricultural crops, agricultural grassland, and noncrop agricultural land. This category does not include the production of trees for any purpose.
- (2) 1b: Agricultural Animal Category - Includes the application of pesticides to animals, including those in feedlots, sales barns, egg production facilities and the animal holding facilities. This excludes Doctors of Veterinary Medicine applying pesticides as drugs or medication during the course of their normal practice.
- (3) 2: Forest Pest Control Category - Includes the application of pesticides in forest nurseries, forest seed production areas, trees grown for the production of forestry products, and other forest areas.
- (4) 3a: Ornamental and Turf Outdoor Pest Control Category - Includes the application of pesticides within residential or business areas to lawns, ornamental trees and shrubs, including park areas, golf courses, and other recreational areas,, except as defined under licensed categories 2, 3b-c, 7, and 8.
- (5) 3b: Interiorscape Category - Includes the application of pesticides to interior plantings inside structures (i.e. hospitals, buildings, shopping malls, etc.) excluding residential structures with the exception of common use areas of multiple residential structures (i.e. foyers, atriums, indoor swimming pools, management offices, meeting rooms, etc.) except as defined under licensed categories 3c, 7, and 8.
- (6) 3c: Nursery/Greenhouse Category - Includes the application of pesticides in nursery and greenhouse facilities and to fields except as defined under licensed categories 2 (Forest Pest Control).
- (7) 4: Seed Treatment Category - Includes the application of pesticides to seed for any purpose.
- (8) 5: Aquatic Pest Control Category - Includes the application of pesticides to standing or running water in man-made or natural impoundments, streams, etc. This excludes public health activities (e.g. mosquito control) and water in totally closed systems.
- (9) 6: Right-of-Way Category - Includes the application of pesticides for public road maintenance, power line maintenance, railroad right-of-way, storage tank areas, and other similar areas.
- (10) 7a: General Pest Control Category - Includes the application of pesticides within and immediately adjacent to a structure, except for fumigation activities, control of termites and other wood destroying organisms in or on a structure, and control of birds or predatory animals. "Immediately adjacent to a structure" means not further than three (3) feet from the structure. Applications to restaurants are permitted in this category.

- (11) 7b: Structural Pest Control Category - The application of pesticides for the purpose of controlling termites and other wood destroying organisms in or on a structure, including wood borers and fungus.
- (12) 7c: Fumigation Category - The use of liberated gas within a structure or storage area, to include railcars, ships, etc.
- (13) 8: Public Health Pest Control Category - The application of pesticides by local, state, federal or other governmental employees or commercial pesticide applicators in public health programs, to include municipal and other areawide mosquito control programs.
- (14) 9: Regulatory Pest Control Category - Includes the application of pesticides by state, federal or other government employees for the control of designated regulated pests.
- (15) 10: Demonstration and Research Pest Control Category - Includes persons engaged in the application of pesticides for scientific research or for the purpose of demonstrating pesticide products or methods of application.
- (16) ~~11~~ 11a: Bird and ~~Predatory~~ Vertebrate Animal Pests Control Category - The application of pesticides for the control of birds or ~~predatory~~ vertebrate animals pests and subject to the rules of the Oklahoma Department of Wildlife Conservation and the Wildlife Services Division of the Board.
- (17) 11b: Predatory Animal Control Category - The application of pesticides for the control of predatory animals and subject to the rules of the Oklahoma Department of Wildlife Conservation, and the Wildlife Services Division of the Board.
- ~~(17)~~ (18) 12a: Pressure Facility Timber Treating Category - Includes the treatment of wood in a pressure treating facility by the impregnation or application of chemical solutions for the purpose of retarding or preventing deterioration or destruction by insects, fungi, bacteria, or other wood destroying organisms.
- ~~(18)~~ (19) 12b: Ground Line Utility Pole Timber Treating Category - Includes the ground line treatment of utility poles with chemical solutions for the purpose of retarding or preventing deterioration or destruction by insects, fungi, bacteria, or other wood destroying organisms.
- ~~(19)~~ (20) 12c: Construction Industry Timber Treating Category - Includes the application of chemical solutions to wood members of structure which will be covered by paint, varnish, or similar covering for the purpose of retarding or preventing deterioration or destruction by insects, fungi, bacteria, or other wood destroying organisms.
- ~~(20)~~ (21) 12d: Home Owner Timber Treating Category - Includes the application of chemical solutions to wood constructions around the home, including decks, for the purpose of retarding or preventing deterioration or destruction by insects, fungi, bacteria, or other wood destroying organisms.
- ~~(21)~~ (22) 13: Specialty Category - Includes any area of pesticide application not defined in Category 1 thru 12 when the pesticide to be used is classified as restricted.

### **PART 3. CERTIFICATION, CONDUCT OF EXAMINATIONS, AND RECERTIFICATION**

#### **35:30-17-5. Conduct of examinations**

- (a) Written examinations may be conducted at locations within Oklahoma designated by the Board for groups of five (5) or more applicators, provided that no less than ten (10) examinations shall be administered.

(b) Other examination locations, dates, and times shall be at the discretion of the Board upon request. A written request shall be made a minimum of thirty (30) calendar days in advance of the desired examination date.

~~(c) Written or practical examinations shall not exceed one in any thirty (30) calendar day period per person.~~

### **35:30-17-6. Recertification**

(a) Each certified applicator shall seek recertification every five (5) years.

(b) A certified applicator shall either pass a written examination or earn a specified number of Continuing Education Units (CEU) approved by the Department to successfully complete recertification. Approximately one (1) hour of education shall be the equivalent of one (1) CEU.

The CEU requirements for each category are as follows:

(1) 1a - Agricultural Plant:

(A) Total in five years - 20 CEU

(B) Maximum in any one year - 10 CEU

(2) 1b - Agricultural Animal:

(A) Total in five years - 5 CEU

(B) Maximum in any one year - 2 CEU

(3) 2 - Forest:

(A) Total in five years - 10 CEU

(B) Maximum in any one year - 5 CEU

(4) 3a - Ornamental and Turf Outdoor:

(A) Total in five years - 20 CEU

(B) Maximum in any one year - 10 CEU

(5) 3b - Interiorscape:

(A) Total in five years - 10 CEU

(B) Maximum in any one year - 5 CEU

(6) 3c - Nursery/Greenhouse:

(A) Total in five years - 15 CEU

(B) Maximum in any one year - 7 CEU

(7) 4 - Seed Treatment:

(A) Total in five years - 5 CEU

(B) Maximum in any one year 2 CEU

(8) 5 - Aquatic:

(A) Total in five years - 5 CEU

(B) Maximum in any one year 2 CEU

(9) 6 - Right-of-Way:

(A) Total in five years - 15 CEU

(B) Maximum in any one year 7 CEU

(10) 7a - General Pest:

(A) Total in five years - 20 CEU

(B) Maximum in one year - 10 CEU

(11) 7b - Structural Pest:

(A) Total in five years - 20 CEU

(B) Maximum in one year - 10 CEU

(12) 7c - Fumigation:

- (A) Total in five years - 10 CEU
- (B) Maximum in one year - 5 CEU
- (13) 7d - Food Processing:
  - (A) Total in five years - 15 CEU
  - (B) Maximum in one year - 7 CEU
- (14) 8 - Public Health:
  - (A) Total in five years - 15 CEU
  - (B) Maximum in one year - 7 CEU
- (15) 9 - Regulatory:
  - (A) Total in five years - 10 CEU
  - (B) Maximum in one year - 5 CEU
- (16) 10 - Demonstration & Research in app. Category:
  - (A) Total in five years - 20 CEU
  - (B) Maximum in one year - 10 CEU
- (17) ~~11~~ 11a - Bird & ~~Predatory~~ Vertebrate Animal Pest:
  - (A) Total in five years - 5 CEU
  - (B) Maximum in one year - 2 CEU
- (18) 11b - Predatory Animal
  - (A) Total in five years - 5 CEU
  - (B) Maximum in one year - 2 CEU
- ~~(18)~~ (19) 12 - Timber Treating (all subcategories):
  - (A) Total in five years - 5 CEU
  - (B) Maximum in one year - 2 CEU
- ~~(19)~~ (20) 13 - Specialty Category:
  - (A) Total in five years - 5 CEU
  - (B) Maximum in any one year - 2 CEU
- ~~(20)~~ (21) 14 - Aerial:
  - (A) Total in five years - 5 CEU
  - (B) Maximum in any one year - 2 CEU
- (c) No more than one-half (1/2) of the total credit units shall be accepted for any one (1) calendar year.
  - (1) Credit units shall be obtained in at least three (3) of the five (5) years, in any combination, so that the total number obtained equals or exceeds the five (5) year requirement.
  - (2) The continuing education units may be prorated for any applicator whose recertification period is less than five (5) years.
  - (3) The Department may allow a CEU to be credited to more than one (1) category.
- (d) The CEU shall be structured to provide the following information over the five (5) year period:
  - (1) Laws and rules;
  - (2) Pesticides (formulations, registration, labeling and label comprehension, handling and storage, toxicity, and hazards);
  - (3) Application equipment and calibration;
  - (4) Pests and IPM;
  - (5) Identification of hazardous areas;
  - (6) Drift prevention;
  - (7) Endangered species;

- (8) Groundwater; and
- (9) Worker protection.
- (e) Any person may request approval of an education program as CEU.
  - (1) The request for approval shall include the following:
    - (A) A list of proposed topics including a description of the content and their relative value for meeting the standards of continuing certification;
    - (B) A list of speakers and their qualifications; and
    - (C) Method used to verify attendance and evaluate the progress of participants.
  - (2) The Department and the Oklahoma State University Pesticide Coordinator shall review the request for approval to determine if it meets the criteria of CEU.
    - (A) If the education program is approved for CEU, the person requesting approval shall be notified of the number of assigned CEU.
    - (B) The person requesting approval may appeal the number of assigned CEU to a three-person review committee with a representative from each of the following:
      - (i) Oklahoma State University;
      - (ii) the Department; and
      - (iii) certified applicators.

## **PART 8. PESTICIDE REGISTRATIONS AND PERMITS**

### **35:30-17-17. Pesticide registrations**

- (a) Pesticide registrations shall be issued for a period of one (1) year and shall expire annually as follows:
  - (1) Companies whose names begins with the letters A, B, C, D, E, & F shall expire on March 31<sup>st</sup> of each year (group 1).
  - (2) Companies whose names begins with the letters G, H, I, J, K, L, & M shall expire on June 30<sup>th</sup> of each year (group 2).
  - (3) Companies whose names begins with the letters N, O, P, Q, R, & S shall expire on September 30<sup>th</sup> of each year (group 3).
  - (4) Companies whose names begins with the letters T, U, V, W, X, Y, & Z shall expire on December 31<sup>st</sup> of each year (group 4).
- (b) Pesticide registration applications must be received no later than the fifteenth day of the month following the date of expiration.
- (c) Unless provided otherwise, registrants shall be responsible for the registration of pesticides and devices and may be sanctioned by the Department if unregistered pesticides or devices are distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate or interstate commerce by registrants, distributors or dealers.
- (d) Pesticides and devices classified under sections 24(c) or 25(b) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §136 et seq. shall be registered with the Department and shall comply with all registration requirements established by the Department.
- (e) The Department may waive the annual pesticide registration fee when granting experimental use permits. Before issuing an experimental use permit, the Department may require the registrant to provide a complete copy of the use plan, label, contact information for the person responsible in Oklahoma and any other information required for pesticide or device registration.
- (f) Registrants shall submit a laboratory standard and an analytical method for each new pesticide product registered for which either/or both have not previously been submitted or has

changed since the previous submission. Submissions shall be made to: Supervisor, ODAFF Pesticide Laboratory, 2800, N. Lincoln Blvd. Oklahoma City, Oklahoma.

## SUBCHAPTER 29. FERTILIZER

### PART 5. LICENSES AND COMPLAINTS

#### **35:30-29-51. Fertilizer license and schedule of fertilizer fees**

- (a) Any person engaged in the distribution or sale of fertilizer shall obtain a license.
- (b) The Board shall not issue a fertilizer license to any bulk dry, liquid, or anhydrous ammonia facility unless the following are approved by the Board:
  - (1) Completed fertilizer license application.
  - (2) A completed fertilizer facility application package shall be submitted in a format approved by the Board.
  - (3) Site inspection performed by the Board prior to construction.
  - (4) Final construction of the facility.
  - (5) Completion of all other conditions required by the Board.
- (c) The Board shall not issue and may revoke any fertilizer registration if the Board determines:
  - (1) The nutrient value of the product or substance has inadequate plant food content.
  - (2) The registration is for the primary purpose of disposal of the product or substance.
- (d) Fertilizer license renewal applications received thirty (30) or more days after the renewal date shall result in the Board charging a penalty equal and in addition to the cost of the license.
- (e) Fees for the fertilizer program shall be as follows:
  - (1) The annual fee for persons operating a business engaged in the distribution or sale of a ~~commercial~~ fertilizer shall be Fifty Dollars (\$50.00) and expire on December 31 of each year.
  - (2) An inspection fee of ~~sixty five (\$0.65) cents~~ one dollar (\$1.00) per ton of which ~~thirty cents (\$0.30)~~ fifty cents (\$0.50) per ton shall be forwarded directly to a special Soil Fertility Research Account in the ~~Plant and Soil Sciences~~ Department of Plant and Soil Sciences of the Division of Agricultural Sciences and Natural Resources at Oklahoma State University for the ~~sole~~ purpose of conducting soil fertility research and extension involving efficient fertilizer use for agronomic crops and forages and groundwater and surface water protection from plant food nutrients; Oklahoma State University shall present an annual report to the Agriculture Committees of the Legislature on the use of the special Soil Fertility Research Account Fund.
  - (3) Each registrant distributing ~~commercial~~ fertilizer in this state shall file with the Board not later than the last day of January and July of each year, a semiannual statement under oath, setting forth the number of net tons of ~~commercial~~ fertilizer distributed during the preceding ~~three (3)~~ six (6) calendar months. The inspection fee and tonnage report shall be due within thirty (30) days following the close of the filing period and upon return of the statement the licensee shall pay the inspection fee. If no fertilizer was sold or distributed in this state for the ~~quarter~~ semiannual period, the registrant shall submit a statement reflecting that information and shall remit a minimum fee of ~~Ten Dollars~~ ten dollars (\$10.00). If the inspection fee and tonnage report is not filed and the payment of inspection fee is not made within thirty (30) days after the end of the specified filing period, a collection fee of ten percent (10%) of the inspection fee due or a minimum ~~Ten Dollars~~ of ten dollars (\$10.00), shall be assessed and added to the amount due.

(4) If the Board finds any deficient inspection fees due as a result of an audit of the records of any person subject to the provisions of the Oklahoma Fertilizer Act, the Board shall assess a penalty fee of ten percent (10%) of the amount due, with a maximum not to exceed ~~Two Thousand Dollars~~ two thousand dollars (\$2,000.00) or a minimum of ~~One Hundred Dollars~~ one hundred dollars (\$100.00) whichever is greater. The audit penalty shall be added to the deficient inspection fees due and payment shall be made within thirty (30) days of notice of the deficiency.

(5) Annual registrations for specialty fertilizer products sold in packages of less than thirty (30) pounds shall pay a ~~One hundred Dollar~~ one hundred dollar (\$100.00) registration fee for each product. Specialty fertilizer product registrations shall expire on June 30 of each year. The penalty for failure to register any specialty fertilizer product shall be ~~One hundred Dollars~~ one hundred dollars (\$100.00) per product and shall be added to the registration fee and payment shall be made within thirty (30) days after receipt of notice.

### SUBCHAPTER 37. NURSERY STOCK SALES

#### **35:30-37-8. Expiration dates and late fees**

(a) ~~All growers, dealers, and landscapers license shall be issued for one (1) year and shall expire annually as follows: All dealer and landscaper licenses shall expire annually on December 31<sup>st</sup>.~~

~~(1) Companies whose name begins with a symbol or number and the letters A, B, C, D, E, & F and spring sales only companies shall expire on March 31<sup>st</sup> each year (Group 1);~~

~~(2) Companies whose name begins with the letters G, H, I, J, K, L, & M, shall expire on June 30<sup>th</sup> each year (Group 2);~~

~~(3) Companies whose name begins with the letters N, O, P, Q, R, & S shall expire on September 30<sup>th</sup> each year (Group 3); and~~

~~(4) Companies whose name begins with the letters T, U, V, W, X, Y, & Z shall expire on December 31<sup>st</sup> each year (Group 4).~~

(b) ~~For purposes of implementing this rule, because current licenses expire on October 31<sup>st</sup> each calendar year, during the first year of implementation companies shall be charged a license fee for the following amount: All grower licenses shall expire annually on September 30<sup>th</sup>.~~

~~(1) Group 1 shall pay a license fee in the amount of 125% of the yearly fee. This will apply 25% through March 31<sup>st</sup> and 100% through the following twelve (12) month period;~~

~~(2) Group 2 shall pay a license fee in the amount of 150% of the yearly fee. This will apply 50% through June 30<sup>th</sup> and 100% through the following twelve (12) month period;~~

~~(3) Group 3 shall pay a license fee in the amount of 75% of the yearly fee. This will apply 75% through September 30<sup>th</sup> at which time they shall be charged 100% for the following twelve (12) month period; and~~

~~(4) Group 4 will have no change to the license fee process. They shall pay a license fee in the amount of 100% of the yearly fee.~~

(c) A late fee equal to the amount of the license fee shall be assessed in addition to the license fee and shall be due after the 15<sup>th</sup> day of the month following the renewal month.

(d) As used in this subchapter, the term "grower" means a person engaged in the production of nursery stock from cuttings, plugs, seeds, or transplants for wholesale or retail sale.

## **SUBCHAPTER 45. SCRAP METAL DEALERS [NEW]**

### **35:30-45-1. Purpose**

These rules establish regulation and licensing requirements for scrap metal dealers doing business in Oklahoma pursuant to the Oklahoma Agricultural Code at 2 O.S. § 2-4(A)(33) and Oklahoma Scrap Metal Dealers Act at 59 O.S. §§ 1421 et seq. The Oklahoma Scrap Metal Dealers Act shall be administered by the Department and the State Board of Agriculture and shall conform to the Administrative Procedures Act, 75 O.S. §§ 250 et seq., to the Oklahoma Agricultural Code 2 O.S. §§ 1-1 et seq., and to the procedural rules promulgated by the State Board of Agriculture found in Title 35 of the Oklahoma Administrative Code.

### **35:30-45-2. Definitions**

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Department" means the Oklahoma Department of Agriculture, Food, and Forestry and its employees, officers and divisions.

"Investigative fee" means the investigative fee of \$100 charged by the Department for conducting an investigation of the applicant upon receipt of an initial application for a license as authorized by 59 O.S. § 1429(C).

"License" means a scrap metal dealers license.

"License fee" means the application fee of \$100 charged by the Department for processing an initial application for a license as authorized by 59 O.S. § 1429(C) and the renewal fee of \$100 charged by the Department for processing an application for the renewal of a license as authorized by 59 O.S. § 1429(H).

"Oklahoma Scrap Metal Dealers Act" means the Oklahoma Scrap Metal Dealers Act, codified at 59 O.S. §§ 1421 et seq.

"Scrap metal" means any copper material, aluminum material except aluminum beverage cans, or any item listed in Section 1424 of the Oklahoma Scrap Metal Dealers Act, offered for sale or resale or purchased by any person, firm, or corporation.

"Scrap metal dealer" means any person, firm or corporation being an owner, keeper or proprietor of a retail or wholesale business which buys, sells, salvages, processes or otherwise handles scrap metal materials regulated by the provisions of the Oklahoma Scrap Metal Dealers Act.

"Yard" means the place where any scrap metal dealer stores scrap metal materials or keeps such materials for purposes of sale.

### **35:30-45-3. License required**

(a) No person or entity shall act, offer to act, or hold himself or herself out as a scrap metal dealer in this state unless the person holds a license obtained from the Department.

(b) Any person or entity who intends to become a scrap metal dealer shall obtain a license prior to operation.

(c) A separate license shall be required for each yard.

(d) The license shall begin on November 1 or on the date of issuance and shall expire on October 31 of each calendar year.



(e) If the scrap metal dealer is a firm, corporation, or other legal entity; the scrap metal dealer shall designate a scrap metal dealer's representative to act as a contact person for the agency. The scrap metal dealer's representative shall be a natural person with the legal authority to bind the entity in a contract.

(f) Any person or entity who does not meet the definition of a scrap metal dealer but chooses to voluntarily obtain a license shall comply with all rules as though they do meet the definition of a scrap metal dealer.

#### **35:30-45-4. Initial license application**

(a) The Department shall issue a license to each person or entity who:

- (1) Complies with the requirements of the Oklahoma Scrap Metal Dealers Act;
- (2) Applies to the Department using the form prescribed by the Department; and
- (3) Pays the license fee, investigative fee, and charges related a national criminal history check.

(b) Each yard shall be licensed separately and shall require the submission of a separate application, along with payment of related fees and charges.

(c) The applicant shall submit a completed license application containing the following information:

- (1) If the applicant is an individual: the applicant's full name, telephone and email contact information, and place of residence;
- (2) If the applicant is a firm, corporation, or other legal entity;
  - (A) The scrap metal dealer representative's full name, telephone and email contact information, residential address, and position with the entity, and
  - (B) The entity's full name as registered with the Oklahoma Secretary of State, any trade names, and the name and mailing address of the entity's registered service agent;
- (3) The address of the yard where the applicant conducts or intends to conduct business or, if the yard does not have a physical address, driving directions from the nearest municipality and a legal description of the yard;
- (4) Proof of ownership, a contract, or lease agreement that permits the applicant to engage in business as a scrap metal dealer at the yard described in the license application;
- (5) Proof of a dedicated telephone line for the yard;
- (6) Proof of a general liability insurance policy for the yard verifying insurance in an amount not less than \$500,000;
- (7) Proof of a current discharge permit for the yard issued pursuant to the provisions of the Oklahoma Pollutant Discharge Elimination System Act;
- (8) The sales tax identification number for the applicant;
- (9) Whether the applicant has ever had a license refused, revoked, or suspended;
- (10) Whether the applicant has been previously convicted of, or pled guilty or nolo contendere to any felony or misdemeanor, the court or governmental entity in which the matter was adjudicated, a description of the charges, the date of the conviction, and the sentence received;
- (11) An Affidavit of Lawful Presence in the United States of America, as provided under 56 O.S. § 71;
- (12) A notarized statement swearing that the information submitted on the application is true and correct;
- (13) Any other relevant information required by the Department.

(d) In addition to the application, each applicant shall submit a full set of fingerprints and a photograph to the Department. The fingerprints and photograph shall be used for a national criminal history check as provided in 74 O.S. § 150.9. The applicant shall pay for fingerprints, photographs, and the national criminal history records check separately from the license fee and investigative fee charged by the Department.

(e) If the applicant submits an incomplete application or the Department requests additional information, the Department shall notify the applicant that the application is incomplete and identify the information on the application that is incomplete or needs additional information. The applicant may submit additional information within twenty (20) working days to supplement and complete the application. If the applicant does not respond to the request for additional information in a timely manner, the application shall be denied.

(f) The applicant may withdraw its application from consideration at any time.

(g) An applicant whose application is denied due to insufficient information provided by the applicant or the withdrawal of the application may submit a new application. Any fees and charges paid by the applicant in connection with the denied or withdrawn application shall not be applied to the processing of a new application.

### **35:30-45-5. License renewal application**

(a) A scrap metal dealer may renew a license by:

- (1) Complies with the requirements of the Oklahoma Scrap Metal Dealers Act;
- (2) Applies to the Department using the form prescribed by the Department; and
- (3) Pays the license fee and charges related a national criminal history check.

(b) Any scrap metal dealer who fails to timely apply for a renewal in a manner prescribed by the Department, and whose license has expired, may not engage in activities that require a license.

(c) Not later than sixty (60) days before the expiration of the license, the Department shall send written notice of the impending license expiration to the scrap metal dealer at the last known address according to the records of the Department.

(d) A license shall not be valid after the expiration date. If the scrap metal dealer submits an application for license renewal after the license has expired, the application shall be considered an initial application and shall require the payment of all fees and charges associated with the submission of an initial application.

### **35:30-45-6. Fees and charges**

(a) The Department shall charge the following nonrefundable license fees:

- (1) License fee for an initial application: \$100.00;
- (2) Investigative fee for an initial application: \$100.00;
- (3) License fee for a renewal application: \$100.00; and
- (4) Any expenses by the Department relating to the national criminal history check.

(b) Expenses of the Department relating to the national criminal history check shall be paid by the applicant.

(c) The Department shall not be required to obtain nor the applicant required to pay charges for more than one national criminal history check if the Department is processing several applications or renewals simultaneously for the same applicant and all pertinent information is identical.

(d) If a national criminal history check was conducted for the Department in relation to an initial application or renewal and the resulting report is less than six (6) months old; the Department

may use the older report and waive any requirement that requires the applicant submit to a new national criminal history check as a condition for an initial license or renewal.

### **35:30-45-7. Display of license**

A scrap metal dealer shall prominently display a copy of the license at the yard.

### **35:30-45-8. Changes of information**

A scrap metal dealer shall notify the Department in writing not later than thirty (30) days after the date any change occurs in the address, name, management, substantial control, or ownership of the business or operation.

### **35:30-45-9. Purchases, sales and records**

A scrap metal dealer shall conduct business and maintain records of all business transactions in a manner consistent with the provisions of the Oklahoma Scrap Metal Dealers Act.

### **35:30-45-10. Complaints**

(a) On receipt of a valid written complaint alleging a violation of the Oklahoma Scrap Metal Dealers Act, an authorized agent of the Department, a local law enforcement authority, or an inspector designated by the Department may investigate the alleged violation.

(b) Any person may submit a written and signed complaint to the Department alleging a violation of the Oklahoma Scrap Metal Dealers Act or rules promulgated thereunder.

(c) The resolution of a complaint is the completion of the appropriate administrative, jurisdictional, and legal remedies appropriate to the circumstances.

### **35:30-45-11. Inspections**

The Department may inspect any licensed business location, including but not limited to, the premises and the books and records of the licensed Scrap Metal Dealer.

### **35:30-45-12. Grounds for denial, suspension, or revocation of a license**

The Department may deny, suspend, cancel, revoke, or refuse reissuance of a license of any applicant or scrap metal dealer who:

- (1) Violates the Oklahoma Scrap Metal Dealers Act;
- (2) Violates or fails to follow administrative rules adopted by the Department;
- (3) Engages in fraud or deceit in obtaining or renewing a license;
- (4) Acts as a scrap metal dealer in this state without a valid license;
- (5) Aids or abets another person in acting as a scrap metal dealer without a license;
- (6) Is convicted of a crime involving moral turpitude or dishonesty; or
- (7) Is convicted of a felony punishable under the Oklahoma Racketeer-Influenced and Corrupt Organizations Act.

### **35:30-45-13. Sanctions for misconduct**

If the Department determines that a scrap metal dealer has violated the Oklahoma Scrap Metal Dealers Act, Department rules, or other applicable legal authorities, the Department may

- (1) Refer the matter to the appropriate law enforcement authority for criminal prosecution;
- and/or

(2) Deny, suspend, cancel, revoke, or refuse reissuance of a license or licenses held by the scrap metal dealer after an administrative hearing conducted in a manner consistent with OAC 35:1-9-1 et seq.

**35:30-45-14. Other requirements or acts prohibited**

Scrap metal dealers shall comply with all applicable state and federal laws, municipal ordinances, and other reasonable requirements of the Department.