

US EPA ARCHIVE DOCUMENT

ENTS

CRIMES AND PUNISHMENTS

21 § 1220

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§ 1204. Repealed by Laws 1988, c. 115, § 7, eff. Nov. 1, 1988

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§ 1205. **Throwing, leaving or depositing trash near highway or road unlawful—Establishment of solid waste disposal sites**

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It shall be unlawful for any person to throw or leave or deposit garbage, tin cans, junk, rubbish or refuse and other items and matters commonly referred to as trash within one hundred (100) yards of any state highway or any county road. Provided, however, that any city or town operating or desiring to operate a solid waste disposal site within the distance above prescribed may establish said solid waste disposal site when said solid waste disposal site is approved by the Oklahoma Department of Environmental Quality.

Amended by Laws 1993, c. 145, § 337, eff. July 1, 1993.

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§ 1207. Repealed by Laws 1992, c. 284, § 58, eff. Jan. 1, 1993

Historical and Statutory Notes

The repealed section, derived from Laws 1953, p. 95, § 1, related to operation of boats or water craft while under influence of intoxicating liquor or drugs or in a careless, wanton or reckless manner.

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§ 1220. **Transporting intoxicating or nonintoxicating beverage except in original unopened container prohibited—Exceptions—Penalty**

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It shall be unlawful for any person to knowingly transport in any moving vehicle upon a public highway, street or alley any intoxicating or nonintoxicating beverage, as defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma Statutes, except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed, unless the opened container be in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion. Any person violating the provisions of this act¹ shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than Fifty Dollars (\$50.00).

Amended by Laws 1990, c. 209, § 1, emerg. eff. May 14, 1990.

¹ This section.

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Notes of Decisions

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1. Evidence

Government's inability to test alcoholic level of contents of bottles taken from defendant's car because defendant's passenger poured liquid into paper sack after being requested to hand bottles over prevented defendant's conviction for trans-

porting nonintoxicating beverages in open container in violation of this section which included both lower and upper limit for alcohol content of beverages. U.S. v. Sain, C.A.10 (Ok.) 1986, 795 F.2d 888.

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CHAPTER 49A
ENVIRONMENTAL CRIMES

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- Section 1230.1. Environmental Crimes Act—Short title.
- 1230.2. Definitions.
- 1230.3. Unlawful hazardous waste transportation.
- 1230.4. Unlawful waste management.
- 1230.5. Unlawful misrepresentation of waste.
- 1230.6. Unlawful disposal of hazardous waste.
- 1230.7. Unlawful concealment of hazardous waste.

in the Oklahoma Hazardous Waste Management Act,¹ commits the offense of unlawful hazardous waste transportation.

Added by Laws 1992, c. 363, § 3, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 340, eff. July 1, 1993.

¹Title 27A, § 2-7-101 et seq.

§ 1230.4. Unlawful waste management

Any person required by law to have a permit or authorization from the Oklahoma Department of Environmental Quality, the Oklahoma Corporation Commission or the Oklahoma Department of Agriculture to receive, store, treat, process, recycle or dispose of waste, who without such permit or authorization knowingly and willfully receives, stores, treats, processes, recycles or disposes of waste, commits the offense of unlawful waste management.

Added by Laws 1992, c. 363, § 4, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 341, eff. July 1, 1993.

§ 1230.5. Unlawful misrepresentation of waste

A. It shall be unlawful to knowingly and willfully:

1. Make false statements, include false data or omit material information in an application for a waste permit, or for a waste authorization, from the Oklahoma Department of Environmental Quality, the Oklahoma Corporation Commission or the Oklahoma Department of Agriculture;

2. Make false statements, include false data or omit material information in a waste manifest, waste label, or other waste compliance document, record or plan required by law to be created, maintained or submitted to any state agency;

3. Submit a false sample of waste for laboratory analysis;

4. Make false statements or include false data in, or omit material information from, a laboratory analysis of waste;

5. Tamper with an environmental monitoring device to compromise or impair the accuracy of the device; or

6. Provide hazardous waste to another person for transportation without providing a proper manifest as prescribed in the Oklahoma Hazardous Waste Management Act.¹

B. Any person who violates the provisions of this section commits the offense of unlawful misrepresentation of waste.

Added by Laws 1992, c. 363, § 5, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 342, eff. July 1, 1993.

¹Title 27A, § 2-7-101 et seq.

§ 1230.6. Unlawful disposal of hazardous waste

Any person who knowingly and willfully fails to secure a permit required by or pursuant to law, and who, without lawful permit or authorization, knowingly and willfully disposes, directs the disposal or aids and abets the disposal of hazardous waste into a sanitary sewer system without appropriate pretreatment, or at a solid waste landfill, transfer station or processing facility, or at any unpermitted disposal place commits the offense of unlawful disposal of hazardous waste.

Added by Laws 1992, c. 363, § 6, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 343, eff. July 1, 1993.

§ 1230.7. Unlawful concealment of hazardous waste

Any person commits the offense of unlawful concealment of hazardous waste who knowingly and willfully subjects any other person, including but not limited to peace officers, emergency responders or clean-up crews, to the potential for immediate or

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long-term risk to their health or safety by exposure to chemical wastes, by knowingly and willfully:

1. Concealing or causing other persons to conceal the unlawful abandonment or disposal of hazardous waste;
2. Concealing or causing other persons to conceal that hazardous waste is being transported; or
3. Misrepresenting or causing other persons to misrepresent the type of hazardous waste being transported.

Added by Laws 1992, c. 363, § 7, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 344, eff. July 1, 1993.

§ 1230.8. Penalties

Any person convicted of the offense of:

1. Unlawful hazardous waste transportation shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00) or both such fine and imprisonment;
2. Unlawful waste management with respect to:
 - a. waste other than hazardous waste shall be guilty of a misdemeanor punishable by a fine of not more than Ten Thousand Dollars (\$10,000.00), and
 - b. hazardous waste shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Fifty Thousand Dollars (\$50,000.00) or both such fine and imprisonment;
3. Unlawful waste misrepresentation with respect to:
 - a. waste other than hazardous waste shall be guilty of a misdemeanor punishable by a fine of not more than Five Thousand Dollars (\$5,000.00), and
 - b. hazardous waste shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00) or both such fine and imprisonment;
4. Unlawful disposal of hazardous waste shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00) or both such fine and imprisonment; and
5. Unlawful concealment of hazardous waste shall be guilty of a felony punishable by imprisonment for not less than two (2) years nor more than ten (10) years and a fine of not more than One Hundred Thousand Dollars (\$100,000.00).

Added by Laws 1992, c. 363, § 8, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 345, eff. July 1, 1993.

§ 1230.9. Penalty enhancements

The fines provided for in Section 1230.8 of this title shall be doubled for any person convicted of any violation of the provisions of the Environmental Crimes Act¹ if:

1. The conviction is for a second or subsequent violation of the same or another provision of the Environmental Crimes Act; or
2. The convicted person profited from or received any remuneration for the actions leading to the conviction.

Added by Laws 1992, c. 363, § 9, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 346, eff. July 1, 1993.

¹ Section 1230.2 et seq. of this title.

§ 1230.10. Laws saved from repeal—Penalties not in lieu of civil or administrative penalties

Nothing in Sections 1230.1 through 1230.10 of this title is intended to repeal any existing law. Any penalty imposed under Section 1230.8 of this title shall be in addition

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by law.
Added by Laws 1992, c. 3

145, § 347, eff. July 1, 19

§ 1241. Furnishing Punish

Any person who shall f
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fine of not less than Two
(\$200.00) and be confined
ninety (90) days for each
Amended by Laws 1985,

Section 3 of Laws 1985, c.
effective date.

Smokeless tobacco: Defect
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§ 1242. Refusal of whom ol

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upwards shall be senten
undergo an imprisonment
both; if such minor shall
certified by such magistra
as said court shall deem
Amended by Laws 1985,

Smokeless tobacco: Defect
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wingly to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

ent or Added by Laws 1992, c. 363, § 10, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 347, eff. July 1, 1993.

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CHAPTER 50

TOBACCO

§ 1241. Furnishing cigarettes or cigarette papers to minors— Punishment

Any person who shall furnish to any minor by gift, sale or otherwise any cigarettes, cigarette papers, cigars, snuff, chewing tobacco, or any other form of tobacco product shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) and be confined in the county jail not less than ten (10) days nor more than ninety (90) days for each offense.

Amended by Laws 1985, c. 54, § 1, eff. Nov. 1, 1985.

Historical and Statutory Notes

Section 3 of Laws 1985, c. 54 provides for an effective date.

Law Review Commentaries

Smokeless tobacco: Defective marketing creates a new toxic tort. 21 Tulsa L.J. 499 (1986).

Notes of Decisions

1. Construction and application to minors, means any person under 18 years of age. Op. Atty. Gen. No. 85-191 (Jan. 8, 1986). The term "minor" as used in 21 O.S.1981, §§ 1241, 1242, prohibiting furnishing cigarettes

§ 1242. Refusal of minor to disclose place where and person from whom obtained

Any minor being in possession of cigarettes, cigarette papers, cigars, snuff, chewing tobacco, or any other form of tobacco product and being by any police officer, constable, juvenile court officer, truant officer, or teacher in any school, asked where and from whom such cigarettes, cigarette papers, cigars, snuff, chewing tobacco, or any other form of tobacco product were obtained, who shall refuse to furnish such information, shall be guilty of a misdemeanor and upon conviction thereof before the district court, or any judge of the district court, such minor being of the age of sixteen (16) years or upwards shall be sentenced to pay a fine not exceeding Five Dollars (\$5.00) or to undergo an imprisonment in the jail of the proper county not exceeding five (5) days, or both; if such minor shall be under the age of sixteen (16) years, he or she shall be certified by such magistrate or justice to the juvenile court of the county for such action as said court shall deem proper.

Amended by Laws 1985, c. 54, § 2, eff. Nov. 1, 1985.

Law Review Commentaries

Smokeless tobacco: Defective marketing creates a new toxic tort. 21 Tulsa L.J. 499 (1986).