

US EPA ARCHIVE DOCUMENT

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

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 act<sup>1</sup> 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.

<sup>1</sup> This section.

**Notes of Decisions**

**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.

**CHAPTER 49A  
ENVIRONMENTAL CRIMES**

Section	
1230.1.	Environmental Crimes Act—Short title.
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**§ 1230.1. Environmental Crimes Act—Short title**

Sections 339 through 347 of this act<sup>1</sup> shall be known and may be cited as the "Environmental Crimes Act".

Added by Laws 1992, c. 363, § 1, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 338, eff. July 1, 1993.

<sup>1</sup> Section 1230.2 et seq. of this title.

**Historical and Statutory Notes**

**Title of Act:**

An Act relating to waste; amending 63 O.S. 1991, Section 1-2005.3c, which relates to controlled industrial waste facilities; creating the Environmental Crimes Act; providing short title; defining terms; creating offense of unlawful hazardous waste transportation; creating offense of unlawful waste management; creating offense of

unlawful misrepresentation of waste; creating offense of unlawful disposal of hazardous waste; stating certain persons failing to prevent unlawful disposal of hazardous waste shall be guilty of offense; creating offense of unlawful concealment of hazardous waste; providing fines and sentences for persons convicted of environmental crimes; providing for fines to be doubled for multiple violations of act; stating violations in act

shall be in addition to any civil or ad penalties provided by law; require amount of fees collected from off-site industrial waste facilities to be deposited in economic development trust fund

**§ 1230.2. Definitions**

As used in the Environmental

1. "Waste" means at least ten pounds, whether liquid or solid, or limited to trash, refuse, garbage, substances, oil field wastes, comm

2. "Hazardous waste" means:

- waste that is subject to Resource Conservation and Development Act, 42 U.S.C. 9601 et seq., and regulations thereunder;
- waste that is subject to Hazardous Waste Disposal Act, 42 U.S.C. 9601 et seq., and regulations thereunder;
- waste that is ignitable, corrosive, reactive, or toxic as provided in 40 Code of

The term hazardous waste shall include any solid, liquid, gaseous, or semi-solid waste, whether produced from or obtained or produced in the course of producing and processing of oil and gas, located on leases and tank farms located in the State of Oklahoma.

Added by Laws 1992, c. 363, § 2, em 145, § 339, eff. July 1, 1993.

<sup>1</sup> Section 1230.2 et seq. of this title.

**§ 1230.3. Unlawful hazardous waste transportation**

Any person who knowingly and unlawfully transports hazardous waste within the State of Oklahoma in violation of the Oklahoma Hazardous Waste Act shall be guilty of a crime.

Added by Laws 1992, c. 363, § 3, em 145, § 340, eff. July 1, 1993.

<sup>1</sup> Title 27A, § 2-7-101 et seq.

**§ 1230.4. Unlawful waste management**

Any person required by law to have a permit from the Department of Environmental Quality or the Oklahoma Department of Agriculture, Food, and Forestry, who without such permit stores, treats, processes, recycles or otherwise manages hazardous waste management.

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

**§ 1230.5. Unlawful misrepresentation**

A. It shall be unlawful to knowingly

- Make false statements, include application for a waste permit, or otherwise provide false information to the Department of Environmental Quality or the Oklahoma Department of Agriculture;

... or nonintoxicating beverage  
 in unopened container prohibited—Ex-

to knowingly transport in any moving vehicle upon  
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 7 of the Oklahoma Statutes, except in the original  
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 opened container be in the rear trunk or rear  
 spare tire compartment in a station wagon or  
 seat which is not accessible to the driver or any  
 in motion. Any person violating the provisions of  
 of a misdemeanor, and upon conviction shall be  
 Fifty Dollars (\$50.00).

emerg. eff. May 14, 1990.

of Decisions

porting nonintoxicating beverages in open con-  
 tainer in violation of this section which included  
 both lower and upper limit for alcohol content of  
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CHAPTER 49A  
 ENVIRONMENTAL CRIMES

—Short title.

transportation.  
 hazardous waste.  
 hazardous waste.

—Penalties not in lieu of civil or administrative

Environmental Crimes Act—Short title

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and Statutory Notes

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 tain economic development trust funds; autho-

rizing, commissioner of health to expend funds  
 for specific purposes; clarifying area within trust  
 fund for expenditures; updating statutory refer-  
 ences; providing for codification; and declaring  
 an emergency. Laws 1992, c. 363.

§ 1230.2. Definitions

As used in the Environmental Crimes Act:<sup>1</sup>

1. "Waste" means at least twenty-eight (28) gallons or two hundred twenty (220)  
 pounds, whether liquid or solid, of discarded materials and byproducts including but not  
 limited to trash, refuse, garbage, biomedical waste, sewage, ash, sludge, deleterious  
 substances, oil field wastes, commercial and industrial waste, and chemical waste; and

2. "Hazardous waste" means:

- a. waste that is subject to regulation as a hazardous waste under the federal  
 Resource Conservation and Recovery Act, Title 42 U.S.C., Section 6901 et  
 seq., and regulations adopted pursuant thereto;
- b. waste that is subject to regulation as a hazardous waste under the Oklahoma  
 Hazardous Waste Disposal Act, or
- c. waste that is ignitable, corrosive, reactive or toxic as determined by testing  
 for the characteristics of ignitability, corrosivity, reactivity or toxicity as  
 provided in 40 Code of Federal Regulations, Sections 261.21 through 261.24.

The term hazardous waste shall not include the handling, hauling, storage and  
 disposition of salt water, mineral brines, waste oil and other deleterious substances  
 produced from or obtained or used in connection with the drilling, development,  
 producing and processing of oil and gas, including reclaiming of oil from tank bottoms  
 located on leases and tank farms located outside the boundaries of a refinery.

Added by Laws 1992, c. 363, § 2, emerg. eff. June 4, 1992. Amended by Laws 1993, c.  
 145, § 339, eff. July 1, 1993.

<sup>1</sup> Section 1230.2 et seq. of this title.

§ 1230.3. Unlawful hazardous waste transportation

Any person who knowingly and willfully transports or causes the transportation of  
 hazardous waste within the State of Oklahoma without a proper manifest, as prescribed  
 in the Oklahoma Hazardous Waste Management Act,<sup>1</sup> 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.

<sup>1</sup> Title 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.<sup>1</sup>

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.

<sup>1</sup>Title 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 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 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;

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;

5. Unlawful concealment of hazardous waste shall be guilty of a felony punishable by imprisonment for not more than One (1) year or a fine of not more than One Hundred Dollars (\$100.00) or both such fine and imprisonment.

Added by Laws 1992, c. 145, § 345, eff. July 1, 1993.

### § 1230.9. Penalty

The fines provided for in this section shall be in addition to the fines provided for in any other law to which a person convicted of any violation of this section is subject.

1. The conviction is a felony under this title.

2. The convicted person shall be liable for the costs of the prosecution leading to the conviction.

Added by Laws 1992, c. 145, § 346, eff. July 1, 1993.

<sup>1</sup>Section 1230.2 et seq. of this title.

### § 1230.10. Laws shall not apply to

Nothing in Sections 1230.2 through 1230.10 shall apply to any person who is a peace officer, emergency responder or clean-up crew, to the potential for immediate or long-term risk to their health or safety by exposure to chemical wastes, by knowingly and willfully:

Added by Laws 1992, c. 363, § 8, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 347, eff. July 1, 1993.

### § 1241. Furnishing Hazardous Waste

Any person who shall furnish hazardous waste to another person shall be guilty of a misdemeanor punishable by a fine of not less than Twenty (\$200.00) and be confined in jail for not more than ninety (90) days for each offense.

Amended by Laws 1985, c. 100, § 1.

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Section 3 of Laws 1985, c. 54 effective date.

## CRIMES AND PUNISHMENTS

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hazardous Waste Management Act,<sup>1</sup>

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June 4, 1992. Amended by Laws 1993, c.

### hazardous waste

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mit or authorization, knowingly and willfully  
ets the disposal of hazardous waste into a  
pretreatment, or at a solid waste landfill,  
any unpermitted disposal place commits the  
offense.

June 4, 1992. Amended by Laws 1993, c.

### of hazardous waste

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f a felony punishable by imprisonment for  
a fine of not more than Fifty Thousand  
fine and imprisonment;

respect to:

## CRIMES AND PUNISHMENTS

21 § 1241

- 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 Act 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.

<sup>1</sup> 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 to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

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

## 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.