

HOUSE OF REPRESENTATIVES
Thursday, February 4, 1999

Committee Substitute for House Bill No. 1146

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1146 -- By BRADDOCK of the House and MORGAN of the Senate.

An Act relating to consumer protection; amending 15 O.S. 1991, Sections 758 and 762, which relate to duties of the Attorney General; modifying powers to be exercised by Attorney General with respect to consumer protection; authorizing process, oaths and warrants; authorizing exercise of powers for investigation and prosecution of certain violations of law; amending 18 O.S. 1991, Section 552.7, as last amended by Section 4, Chapter 334, O.S.L. 1997 (18 O.S. Supp. 1998, Section 552.7), which relates to the Oklahoma Solicitation of Charitable Contributions Act; prohibiting certain persons from engaging in activity on behalf of certain charitable organizations; providing exception; and providing an effective date.

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

SECTION 1. AMENDATORY 15 O.S. 1991, Section 758, is amended to read as follows:

Section 758. To accomplish the objectives and to carry out the duties prescribed by the Oklahoma Consumer Protection Act, the Attorney General or district attorney, in addition to other powers conferred on them by the Oklahoma Consumer Protection Act, or the laws of this state, may issue subpoenas or other process to any person and conduct hearings in aid of any investigation or inquiry, administer oaths and take sworn statements under penalty of perjury, serve and execute in any county, search warrants, provided that none of the powers conferred by the Oklahoma Consumer Protection Act shall be used for the purpose of compelling any natural person to furnish testimony or evidence which might tend to incriminate him or subject him to a penalty or forfeiture; and provided further that information obtained pursuant to the powers conferred by the Oklahoma Consumer Protection Act shall not be made public or disclosed by the Attorney General, district attorney or their employees.

SECTION 2. AMENDATORY 15 O.S. 1991, Section 762, is amended to read as follows:

Section 762. A. In addition to all other powers and duties as set forth in this act, the Attorney General may do any or all of the following and upon request receive the assistance of any department, division or branch of state government:

1. Coordinate consumer protection activities within state government and maintain a liaison with federal and local governments concerning the interests of consumers and businessmen;
2. Study the operation of any existing or proposed law affecting the consumer interest and make recommendations to the Governor and Legislature;
3. Conduct studies, investigations and research in matters affecting consumer interest;
4. Submit an annual report of activities to the legislative and executive branches of state government; and
5. Do those things necessary to implement the purpose of this act.

B. The Attorney General shall have the powers of a district attorney to investigate and prosecute suspected violations of consumer laws.

SECTION 3. AMENDATORY 18 O.S. 1991, Section 552.7, as last amended by Section 4, Chapter 334, O.S.L. 1997 (18 O.S. Supp. 1998, Section 552.7), is amended to read as follows:

Section 552.7 A. No person shall act as a professional fund raiser for any charitable organization, including those organizations listed under Section 552.4 of this title, until the person has first registered with the Office of the Secretary of State. Applications for such registrations shall be in writing, under oath, in the form prescribed by that office and shall be accompanied by an annual fee in the sum of Fifty Dollars (\$50.00). The applicant shall, at the time of making application, file with and have approved by the Secretary of State a bond in which the applicant shall be the principal obligor, in the sum of Two Thousand Five Hundred Dollars (\$2,500.00), with one or more sureties whose liability in the aggregate as such sureties shall at least equal the said sum. The said bond shall run to the Secretary of State for the use of the state and to any person, including a charitable organization, who may have a cause of action against the obligor of said bond for any malfeasance or misfeasance of such obligor or any professional solicitor employed by him or her in the conduct of such solicitation. Registration when affected shall be for a period of one (1) year, expiring on the

thirty-first day of March, and may be renewed upon the filing of the bond and fee prescribed herein for additional one-year periods.

B. No professional fundraiser or solicitor shall engage in fundraising activities for a charitable organization which is not registered with the Secretary of State unless the organization is exempt from registration.

SECTION 4. This act shall become effective November 1, 1999.

COMMITTEE REPORT BY: COMMITTEE ON COMMERCE, INDUSTRY, AND LABOR, dated 2-3-99 -- DO PASS, As Coauthored.