

EHB 2400

1 THE STATE SENATE
2 Thursday, April 8, 2004

3 ENGROSSED

4 House Bill No. 2400

5 As Amended

6 ENGROSSED HOUSE BILL NO. 2400 - By: MILLER (Ray) of the House and
7 ROZELL of the Senate.

8 [schools - Oklahoma Board of Private Vocational Schools -
9 penalties - license fees - codification - effective date -
10 emergency]

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

12 SECTION 1. AMENDATORY 70 O.S. 2001, Section 21-103, is
13 amended to read as follows:

14 Section 21-103. A. It shall be unlawful to establish, conduct,
15 operate or maintain a private school or to solicit or canvass for
16 scholarships or tuition to a private school unless a license to
17 operate such school has been issued by the Board and is in effect.
18 The Board shall issue a private school license upon determination
19 that such school meets the standards fixed by the Board. A private
20 school shall be issued only one license, regardless of the number of
21 locations operated by such school.

22 B. Except as is otherwise provided by law, the Board is
23 authorized, subject to the provisions of the Administrative
24 Procedures Act, to prescribe such penalties as it may deem proper
25 for the enforcement of Sections 21-101 through 21-112 of this title,

1 not to exceed ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars
2 (\$1,000.00).

3 SECTION 2. AMENDATORY 70 O.S. 2001, Section 21-106, as
4 amended by Section 5, Chapter 301, O.S.L. 2002 (70 O.S. Supp. 2003,
5 Section 21-106), is amended to read as follows:

6 Section 21-106. A. A license issued pursuant to the provisions
7 of Section 21-103 of this title shall expire on June 30 following
8 the date of issue. Said license may be renewed annually with the
9 renewal application due not less than sixty (60) days prior to
10 expiration, if the Board determines that such school remains in
11 compliance with the standards or other requirements set by the
12 Board. The license of any regionally or nationally accredited
13 school within this state may be revoked if ~~such~~ the school is found
14 to be in violation of the Oklahoma Statutes.

15 B. A license of a school shall not be effective unless the
16 private school has filed with the Board a corporate surety bond or a
17 certificate of deposit in ~~such~~ a manner and in ~~such~~ an amount as is
18 required by the Board.

19 C. Private schools shall pay the following base fee per license
20 issued by the Board:

21 1. A fee of ~~One Thousand Dollars (\$1,000.00)~~ One Thousand Two
22 Hundred Dollars (\$1,200.00) shall be paid to the Board for the
23 issuance of a new license pursuant to the provisions of Section 21-

1 103 of this title, ~~and a fee of Five Hundred Twenty-five Dollars~~
2 ~~(\$525.00) shall be paid to the Board for;~~

3 2. For each renewal of a license, a fee based on the total
4 tuition collected by the school as shown in the current financial
5 statement of the school shall be paid to the Board as follows:

<u>TUITION INCOME</u>	<u>RENEWAL FEE</u>
<u>\$50,000.00 or less</u>	<u>\$ 700.00</u>
<u>\$50,001.00 to \$250,000.00</u>	<u>\$ 800.00</u>
<u>\$250,001.00 to \$500,000.00</u>	<u>\$ 950.00</u>
<u>\$500,001.00 to \$1,000,000.00</u>	<u>\$1,100.00</u>
<u>\$1,000,001.00 to \$3,000,000.00</u>	<u>\$1,300.00</u>
<u>\$3,000,001.00 and above</u>	<u>\$1,500.00;</u>

13 ~~2.~~ 3. During the first licensing period of a school, a fee of
14 Two Hundred Dollars (\$200.00) shall be paid to the Board for the
15 issuance of each solicitor's permit pursuant to the provisions of
16 Section 21-104 of this title. For the second and consecutive
17 licensing periods of the school a fee of One Hundred Dollars
18 (\$100.00) shall be paid to the Board for the issuance of each permit
19 and a fee of One Hundred Dollars (\$100.00) shall be paid to the
20 Board for each renewal of a permit. In addition to the fees
21 required by this section, each private school shall pay an
22 additional fee of Three Hundred Dollars (\$300.00) for each in-state
23 branch and a fee of Three Hundred Dollars (\$300.00) for each out-of-

1 state branch. Each branch which is not located in the same state as
2 its main school or which does not offer substantially the same
3 curriculum as is offered at the main school shall be considered to
4 be a separate private school;

5 ~~3.~~ 4. A fee of Fifty Dollars (\$50.00) shall be paid to the
6 Board for the approval of a new catalog or changes to an approved
7 catalog. A fee of Twenty-five Dollars (\$25.00) shall be paid to the
8 Board whenever a private school or branch school changes location;
9 and

10 ~~4.~~ 5. A fee of One Hundred Dollars (\$100.00) shall be paid by
11 each school to the Board for attendance at a school workshop by any
12 of the school's personnel. At least one person from each school who
13 is responsible for the operation of the school shall be required to
14 participate in an annual workshop conducted by the Board. The Board
15 shall develop and administer the workshops which emphasize rules
16 relating to relicensing and daily operation of a school.

17 Upon application for a license or renewal of a license, each
18 private school shall designate a main school location.

19 D. The Board may send licensing inquiry packets to persons
20 requesting information about private school licensing requirements.
21 The fee for each licensing inquiry packet shall be Twenty-five
22 Dollars (\$25.00).

1 E. All fees, penalties and fines collected by the Board
2 pursuant to the provisions of this section and Section 21-103 of
3 this title shall be deposited with the State Treasurer for credit to
4 the ~~General Revenue Fund of the state~~ Oklahoma Board of Private
5 Vocational Schools Revolving Fund created in Section 4 of this act.

6 F. If the annual renewal fee is not paid on or before the first
7 day of July, such fee shall become delinquent and the license shall
8 not be renewed except upon payment of a delinquent annual renewal
9 fee. The delinquent annual renewal fee may be assessed in an amount
10 and manner prescribed by the Board, not to exceed Five Hundred
11 Dollars (\$500.00).

12 SECTION 3. AMENDATORY 70 O.S. 2001, Section 21-111, is
13 amended to read as follows:

14 Section 21-111. Any person violating any of the provisions of
15 this act shall be guilty of a misdemeanor and upon conviction shall
16 be punished by a fine of not less than One Hundred Dollars (\$100.00)
17 nor more than ~~Five Hundred Dollars (\$500.00)~~ Two Thousand Five
18 Hundred Dollars (\$2,500.00), or by imprisonment for a period of time
19 not to exceed thirty (30) days.

20 SECTION 4. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 21-116 of Title 70, unless there
22 is created a duplication in numbering, reads as follows:

1 A. There is hereby created in the State Treasury a fund
2 designated the "Oklahoma Board of Private Vocational Schools Fund".
3 The Fund shall be subject to legislative appropriations and
4 certification by the Board of Equalization. The Fund shall be a
5 continuing fund, not subject to fiscal year limitations, and shall
6 consist of all monies received by the Oklahoma Board of Private
7 Vocational Schools from all fees and penalties collected by the
8 Board pursuant to Section 21-103, 21-106, and 21-111 of Title 70 of
9 the Oklahoma Statutes or rules promulgated and any other funds
10 obtained or received by the Board. All monies in the Fund shall be
11 used exclusively for the purpose of operations and functions of the
12 Oklahoma Board of Private Vocational Schools.

13 B. Any balance remaining to the credit of the Private
14 Vocational Student Tuition Recovery Fund which accrued prior to the
15 repeal of the Fund shall be transferred to the Oklahoma Board of
16 Private Vocational Schools Fund created in this section.

17 SECTION 5. This act shall become effective July 1, 2004.

18 SECTION 6. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-31-04 - DO
23 PASS, As Amended.