

SB 1862

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THE STATE SENATE
Wednesday, March 1, 2006

Senate Bill No. 1862
As Amended

SENATE BILL NO. 1862 - By: EASLEY of the Senate and McDANIEL of the House.

[professions and occupations - modifying definitions - effective date]

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

SECTION 1. AMENDATORY 37 O.S. 2001, Section 521, as last amended by Section 2, Chapter 173, O.S.L. 2005 (37 O.S. Supp. 2005, Section 521), is amended to read as follows:

Section 521. A. A brewer license shall authorize the holder thereof: To manufacture, bottle, package, and store beer on licensed premises; to sell beer in this state to holders of Class B wholesaler licenses and retail licenses and to sell beer out of this state to qualified persons.

B. A distiller license shall authorize the holder thereof: To manufacture, bottle, package, and store spirits on licensed premises; to sell spirits in this state to licensed wholesalers and manufacturers only; to sell spirits out of this state to qualified persons; to purchase from licensed distillers and rectifiers in this state, and import spirits from without this state for manufacturing purposes in accordance with federal laws and regulations.

1 C. A winemaker license shall authorize the holder thereof: To
2 manufacture (including such mixing, blending and cellar treatment as
3 authorized by federal law), bottle, package, and store on licensed
4 premises wine containing not more than twenty-four percent (24%)
5 alcohol by volume, provided the bottle or package sizes authorized
6 shall be limited to the capacities approved by the United States
7 Bureau of Alcohol, Tobacco and Firearms; to sell wine in this state
8 to licensed wholesalers and manufacturers, provided, an Oklahoma
9 winemaker may sell and ship wine produced at a winery in this state
10 directly to retail package stores and restaurants in this state; to
11 sell bottles of wine produced at the winery from grapes and other
12 fruits and berries grown in this state, if available, to consumers
13 on the premises of the winery; to serve visitors on the licensed
14 premises samples of wine produced on the premises; to serve samples
15 of wine produced at the winery at festivals and trade shows; to sell
16 wine produced at the winery, in original sealed containers, at
17 festivals and trade shows; to sell wine out of this state to
18 qualified persons; to purchase from licensed winemakers, distillers
19 and rectifiers in this state, and to import into this state wine,
20 brandy and fruit spirits for use in manufacturing in accordance with
21 federal laws and regulations.

22 D. A rectifier license shall authorize the holder thereof: To
23 rectify spirits and wines, bottle, package, and store same on the

1 licensed premises; to sell spirits and wines in this state to
2 licensed wholesalers and manufacturers only; to sell spirits and
3 wines out of this state to qualified persons; to purchase from
4 licensed manufacturers in this state; and to import into this state
5 for manufacturing purposes spirits and wines in accordance with
6 federal laws and regulations.

7 E. A wholesaler license shall authorize the holder thereof: To
8 purchase and import into this state spirits and wines from persons
9 authorized to sell same who are the holders of a nonresident seller
10 license, and their agents who are the holders of manufacturers agent
11 licenses; to purchase spirits and wines from licensed distillers,
12 rectifiers, winemakers and wholesalers in this state; to sell
13 spirits and wines in retail containers in this state to retailers,
14 mixed beverage, caterer, special event, hotel beverage or
15 airline/railroad beverage licensees; to sell spirits and wines to
16 wholesalers authorized to sell same; and to sell spirits and wines
17 out of this state to qualified persons. Provided, however, sales of
18 spirits and wine in containers with a capacity of less than one-
19 twentieth (1/20) gallon by a holder of a wholesaler license shall be
20 in full case lots and in the original unbroken case. Wholesalers
21 shall be authorized to place such signs outside their place of
22 business as are required by Acts of Congress and by such laws and
23 regulations promulgated under such Acts.

1 A wholesaler license shall authorize the holder thereof to
2 operate a single bonded warehouse with a single central office
3 together with delivery facilities at a location in this state only
4 at the principal place of business for which the wholesaler license
5 was granted.

6 F. A Class B wholesaler license shall authorize the holder
7 thereof: To purchase and import into this state beer from persons
8 authorized to sell same who are the holders of nonresident seller
9 licenses, and their agents who are the holders of manufacturers
10 agent licenses; to purchase beer from licensed brewers and Class B
11 wholesalers in this state; to sell in retail containers to
12 retailers, mixed beverage, caterer, special event, hotel beverage
13 and airline/railroad beverage licensees in this state, beer which
14 has been unloaded and stored at the holder's self-owned or leased
15 and self-operated warehouse facilities for a period of at least
16 twenty-four (24) hours before such sale; and to sell beer in this
17 state to Class B wholesalers and out of this state to qualified
18 persons, including federal instrumentalities and voluntary
19 associations of military personnel on federal enclaves in this state
20 over which this state has ceded jurisdiction.

21 G. A package store license shall authorize the holder thereof:
22 To purchase alcohol, spirits, beer and wine in retail containers
23 from the holder of a brewer, wholesaler or Class B wholesaler

1 license and to purchase wine produced at a winery in this state from
2 an Oklahoma winemaker and to sell same on the licensed premises in
3 such containers to consumers for off-premises consumption only and
4 not for resale; provided, wine may be sold to charitable
5 organizations that are holders of charitable auction or charitable
6 wine event licenses. All alcoholic beverages that are sold by a
7 package store are to be sold at ordinary room temperature.

8 H. A mixed beverage license shall authorize the holder thereof:
9 To purchase alcohol, spirits, beer or wine in retail containers from
10 the holder of a wholesaler or Class B wholesaler license or as
11 specifically provided by law and to sell, offer for sale and possess
12 mixed beverages for on-premises consumption only; provided, the
13 holder of a mixed beverage license issued for an establishment which
14 is also a restaurant may purchase wine produced at wineries in this
15 state directly from an Oklahoma winemaker as provided in Section 3
16 of Article XXVIII of the Oklahoma Constitution.

17 Sales and service of mixed beverages by holders of mixed
18 beverage licenses shall be limited to the licensed premises of the
19 licensee unless the holder of the mixed beverage license also
20 obtains a caterer license or a mixed beverage/caterer combination
21 license. A mixed beverage license shall only be issued in counties
22 of this state where the sale of alcoholic beverages by the
23 individual drink for on-premises consumption has been authorized. A

1 separate license shall be required for each place of business. No
2 mixed beverage license shall be issued for any place of business
3 functioning as a motion picture theater, as defined by Section 506
4 of this title.

5 I. A bottle club license shall authorize the holder thereof:
6 To store, possess and mix alcoholic beverages belonging to members
7 of the club and to serve such alcoholic beverages for on-premises
8 consumption to club members. A bottle club license shall only be
9 issued in counties of this state where the sale of alcoholic
10 beverages by the individual drink for on-premises consumption has
11 not been authorized. A separate license shall be required for each
12 place of business.

13 J. A caterer license shall authorize the holder thereof: To
14 sell mixed beverages for on-premises consumption incidental to the
15 sale or distribution of food at particular functions, occasions, or
16 events which are temporary in nature. A caterer license shall not
17 be issued in lieu of a mixed beverage license. A caterer license
18 shall only be issued in counties of this state where the sale of
19 alcoholic beverages by the individual drink for on-premises
20 consumption has been authorized. A separate license shall be
21 required for each place of business.

22 K. 1. An annual special event license shall authorize the
23 holder thereof: To sell and distribute mixed beverages for

1 consumption on the premises for which the license has been issued
2 for up to four events to be held over a period not to exceed one (1)
3 year, not to exceed two such events in any three-month period. For
4 purposes of this paragraph, an event shall not exceed a period of
5 ten (10) consecutive days. An annual special event license shall
6 only be issued in counties of this state where the sale of alcoholic
7 beverages by the individual drink for on-premises consumption has
8 been authorized. The holder of an annual special event license
9 shall provide written notice to the ABLE Commission of each special
10 event not less than ten (10) days before the event is held.

11 2. A quarterly special event license shall authorize the holder
12 thereof: To sell and distribute mixed beverages for consumption on
13 the premises for which the license has been issued for up to three
14 events to be held over a period not to exceed three (3) months. For
15 purposes of this paragraph, an event shall not exceed a period of
16 ten (10) consecutive days. A quarterly special event license shall
17 only be issued in counties of this state where the sale of alcoholic
18 beverages by the individual drink for on-premises consumption has
19 been authorized. The holder of a quarterly special event license
20 shall provide written notice to the ABLE Commission of each special
21 event not less than ten (10) days before the event is held.

22 L. A hotel beverage license shall authorize the holder thereof:
23 To sell or serve alcoholic beverages in 50 milliliter spirits, 187

1 milliliter wine, and 12-ounce malt beverage containers which are
2 distributed from a hotel room mini-bar. A hotel beverage license
3 shall only be issued in counties of this state where the sale of
4 alcoholic beverages by the individual drink for on-premises
5 consumption has been authorized. A hotel beverage license shall
6 only be issued to a hotel or motel as defined by Section 506 of this
7 title which is also the holder of a mixed beverage license.
8 Provided, that application may be made simultaneously for both such
9 licenses. A separate license shall be required for each place of
10 business.

11 M. An airline/railroad beverage license shall authorize the
12 holder thereof: To sell or serve alcoholic beverages in or from any
13 size container on a commercial passenger airplane or railroad
14 operated in compliance with a valid license, permit or certificate
15 issued under the authority of the United States or this state, even
16 though the airplane or train, in the course of its travel, may cross
17 an area in which the sale of alcoholic beverages by the individual
18 drink is not authorized and to store alcoholic beverages in sealed
19 containers of any size at any airport or station regularly served by
20 the licensee, in accordance with rules promulgated by the Alcoholic
21 Beverage Laws Enforcement Commission. Alcoholic beverages purchased
22 by the holder of an airline/railroad license from the holder of a
23 wholesaler license shall be presumed to be purchased for consumption

1 outside the State of Oklahoma or in interstate commerce, and shall
2 be exempt from the excise tax provided for in Section 553 of this
3 title.

4 N. An agent license shall authorize the holder thereof: To
5 represent only the holders of licenses within this state, other than
6 retailers, authorized to sell alcoholic beverages to retail dealers
7 in Oklahoma, and to solicit and to take orders for the purchase of
8 alcoholic beverages from retailers including licensees authorized to
9 sell alcoholic beverages by the individual drink for on-premises
10 consumption. Such license shall be issued only to agents and
11 employees of the holder of a license under the Oklahoma Alcoholic
12 Beverage Control Act, Section 502 et seq. of this title but no such
13 license shall be required of an employee making sales of alcoholic
14 beverages on licensed premises of the employee's principal. No
15 person holding an agent license shall be entitled to a manufacturers
16 agent license.

17 O. An employee license shall authorize the holder thereof: To
18 work in a package store, mixed beverage establishment, bottle club,
19 or any establishment where alcohol or alcoholic beverages are sold,
20 mixed, or served. Persons employed by a mixed beverage licensee or
21 a bottle club who do not participate in the service, mixing, or sale
22 of mixed beverages shall not be required to have an employee
23 license. Provided, however, that a anyone employed as a bouncer in

1 a mixed beverage establishment, bottle club or any establishment
2 where alcohol or alcoholic beverages are sold, mixed or served,
3 shall be required to have an employee license, and notwithstanding
4 any other requirements of the ABLE Commission, be licensed as a
5 security guard pursuant to the Oklahoma Security Guard and Private
6 Investigator Act. A manager employed by a mixed beverage licensee
7 or a bottle club shall be required to have an employee license
8 whether or not the manager participates in the service, mixing or
9 sale of mixed beverages. Applicants for an employee license must
10 have a health card issued by the county in which they are employed,
11 if the county issues such a card. Employees of special event,
12 caterer or airline/railroad beverage licensees shall not be required
13 to obtain an employee license. Persons employed by a hotel licensee
14 who participate in the stocking of hotel room mini-bars or in the
15 handling of alcoholic beverages to be placed in such devices shall
16 be required to have an employee license.

17 P. An industrial license may be issued to persons desiring to
18 import, transport, and use alcohol for the following purposes:

19 1. Manufacture of patent, proprietary, medicinal,
20 pharmaceutical, antiseptic, and toilet preparations;

21 2. Manufacture of extracts, syrups, condiments, and food
22 products; and

1 3. For use in scientific, chemical, mechanical, industrial, and
2 medicinal products and purposes.

3 No other provisions of the Oklahoma Alcoholic Beverage Control
4 Act shall apply to alcohol intended for industrial, medical,
5 mechanical, or scientific use.

6 Any person receiving alcohol under authority of an industrial
7 license who shall use, permit, or cause same to be used for purposes
8 other than authorized purposes specified above, and all such
9 alcohol, shall be liable to all provisions of the Oklahoma Alcoholic
10 Beverage Control Act, including payment of tax thereon.

11 No provisions of the Oklahoma Alcoholic Beverage Control Act
12 shall apply to alcohol withdrawn by any person free of federal tax
13 under a tax-free permit issued by the United States government, if
14 such alcohol is received, stored, and used as authorized by federal
15 laws.

16 Q. A carrier license may be issued to any common carrier
17 operating under a certificate of convenience and necessity issued by
18 any duly authorized federal or state regulatory agency. Such
19 license shall authorize the holder thereof to transport alcoholic
20 beverages into, within, and out of this state under such terms,
21 conditions, limitations, and restrictions as the ABLE Commission may
22 prescribe by order issuing such license and by regulations.

1 R. A private carrier license may be issued to any carrier other
2 than a common carrier described in subsection P of this section.
3 Such license shall authorize the holder thereof to transport
4 alcoholic beverages into, within, or out of this state under such
5 terms, conditions, limitations, and restrictions as the ABLE
6 Commission may prescribe by order issuing such license and by
7 regulations. No carrier license or private carrier license shall be
8 required of licensed brewers, distillers, winemakers, rectifiers,
9 wholesalers, or Class B wholesalers, to transport alcoholic
10 beverages from the place of purchase or acquisition to the licensed
11 premises of such licensees and from such licensed premises to the
12 licensed premises of the purchaser in vehicles owned or leased by
13 such licensee when such transportation is for a lawful purpose and
14 not for hire.

15 No carrier license or private carrier license shall be required
16 of the holder of a package store, mixed beverage, caterer, special
17 event, hotel beverage or airline/railroad license to pick up
18 alcoholic beverage orders from the licensees' wholesaler or Class B
19 wholesaler from whom they are purchased, and to transport such
20 alcoholic beverages from the place of purchase or acquisition to the
21 licensed premise of such licensees in vehicles owned or under the
22 control of such licensee or a licensed employee of such licensee

1 under such terms, conditions, limitations and restrictions as the
2 ABLE Commission may prescribe.

3 S. A bonded warehouse license shall authorize the holder
4 thereof: To receive and store alcoholic beverages for the holders
5 of storage licenses on the licensed premises of the bonded warehouse
6 licensee. No goods, wares or merchandise other than alcoholic
7 beverages may be stored in the same bonded warehouse with alcoholic
8 beverages. The holder of a bonded warehouse license shall furnish
9 and file with the ABLE Commission a bond running to all bailers of
10 alcoholic beverages under proper storage licenses and their
11 assignees (including mortgagees or other bona fide lienholders)
12 conditioned upon faithful performance of the terms and conditions of
13 such bailments.

14 T. A storage license may be issued to a holder of a brewer,
15 distiller, winemaker, rectifier, wholesaler, Class B wholesaler,
16 nonresident seller, package store, mixed beverage, caterer, or hotel
17 beverage license, and shall authorize the holder thereof: To store
18 alcoholic beverages in a public warehouse holding a bonded warehouse
19 license, and no goods, wares or merchandise other than alcoholic
20 beverages may be stored in the same warehouse with alcoholic
21 beverages in private warehouses owned or leased and operated by such
22 licensees elsewhere than on their licensed premises. Provided:

1 1. A storage license issued to a Class B wholesaler shall
2 permit the storage of light beer and permit the sale and delivery to
3 retailers from the premises covered by such license;

4 2. Any licensee who is the holder of a mixed beverage/caterer
5 combination license or the holder of a mixed beverage license and a
6 hotel beverage license who is issued a storage license shall store
7 all inventories of alcoholic beverages either on the premises of the
8 mixed beverage establishment or in the warehouse;

9 3. A storage license shall not be required for a special event
10 licensee storing alcoholic beverages for use at a subsequent event;
11 and

12 4. Notwithstanding the provisions of subsection H of this
13 section or any other provision of this title, a licensee who wholly
14 owns more than one licensed mixed beverage establishment may store
15 alcoholic beverages for each of the licensed establishments in one
16 location under one storage license. Alcoholic beverages purchased
17 and stored pursuant to the provisions of a storage license, for one
18 licensed mixed beverage establishment may be transferred by a
19 licensee to another licensed mixed beverage establishment which is
20 wholly owned by the same licensee. Notice of such a transfer shall
21 be given in writing to the Oklahoma Tax Commission and the ABLE
22 Commission within three (3) business days of the transfer. The

1 notice shall clearly show the quantity, brand and size of every
2 transferred bottle or case.

3 U. A sacramental wine supplier license shall authorize the
4 holder thereof: To sell, ship or deliver sacramental wine to any
5 religious corporation or society of this state holding a valid
6 exemption from taxation issued pursuant to Section 501(a) of the
7 Internal Revenue Code, 1986, and listed as an exempt organization in
8 Section 501(c)(3) of the Internal Revenue Code, 1986, of the United
9 States, as amended.

10 V. A beer and wine license shall authorize the holder thereof:
11 To purchase beer and wine in retail containers from the holder of a
12 wholesaler or Class B wholesaler license or as specifically provided
13 by law and to sell, offer for sale and possess beer and wine for on-
14 premises consumption only; provided, the holder of a beer and wine
15 license issued for an establishment which is also a restaurant may
16 purchase wine produced at wineries in this state directly from an
17 Oklahoma winemaker as provided in Section 3 of Article XXVIII of the
18 Oklahoma Constitution.

19 Sales and service of beer and wine by holders of beer and wine
20 licenses shall be limited to the licensed premises of the licensee
21 unless the holder of the beer and wine license also obtains a
22 caterer license. A beer and wine license shall only be issued in
23 counties of this state where the sale of alcoholic beverages by the

1 individual drink for on-premises consumption has been authorized. A
2 separate license shall be required for each place of business. No
3 beer and wine license shall be issued for any place of business
4 functioning as a motion picture theater, as defined by Section 506
5 of this title. No spirits shall be stored, possessed or consumed on
6 the licensed premises of a beer and wine licensee.

7 W. A charitable auction or charitable wine event license may be
8 issued to a charitable organization exempt from taxation under
9 Section 501(c)(3), (4), (5), (7), (8), (9), (10), or (19) of the
10 United States Internal Revenue Code. The charitable wine event
11 license shall authorize the holder thereof to conduct a wine event
12 which may consist of one or more of a wine tasting event, a wine
13 dinner event or a wine auction. A charitable wine event shall be
14 conducted solely to raise funds for charitable purposes. Wine used
15 in or served at a charitable wine event may be purchased by the
16 charitable organization or donated by any person or entity. The
17 charitable wine event license shall be issued for a period not
18 exceeding four (4) days. Only one such license may be issued to an
19 organization in any twelve-month period. The charitable
20 organization holding a charitable wine event license shall not be
21 required to obtain a special event license. The charitable auction
22 license shall authorize the holder thereof to auction wine purchased
23 from a retail package store or received as a gift from an individual

1 if the auction is conducted to raise funds for charitable purposes.
2 The charitable auction license shall be issued for a period not to
3 exceed two (2) days. Only one such license shall be issued to an
4 organization in any twelve-month period. The maximum amount of wine
5 auctioned pursuant to the charitable auction license shall not
6 exceed fifty (50) gallons. All wines auctioned pursuant to the
7 charitable auction license shall be registered and all fees and
8 taxes shall be paid in accordance with the Oklahoma Alcoholic
9 Beverage Control Act. The auction may be either a live auction
10 conducted by an auctioneer or a silent auction for which bid sheets
11 are accepted from interested bidders.

12 X. A mixed beverage/caterer combination license shall authorize
13 the holder thereof: To purchase or sell mixed beverages as
14 specifically provided by law for the holder of a mixed beverage
15 license or a caterer license. All provisions of the Oklahoma
16 Alcoholic Beverage Control Act applicable to mixed beverage licenses
17 or caterer licenses, or the holders thereof, shall also be
18 applicable to mixed beverage/caterer combination licenses or the
19 holders thereof, except where specifically otherwise provided. A
20 mixed beverage/caterer combination license shall only be issued in
21 counties of this state where the sale of alcoholic beverages by the
22 individual drink for on-premises consumption has been authorized. A
23 separate license shall be required for each place of business.

1 SECTION 2. AMENDATORY 59 O.S. 2001, Section 1750.2, is
2 amended to read as follows:

3 Section 1750.2 As used in the Oklahoma Security Guard and
4 Private Investigator Act, Section 1750.1 et seq. of this title:

5 1. "Client" means any person or legal entity having a contract
6 with a person or entity licensed pursuant to Section 1750.1 et seq.
7 of this title, which contract authorizes services to be performed in
8 return for financial or other considerations;

9 2. "Council" means the Council on Law Enforcement Education and
10 Training;

11 3. "License" means authorization issued by the Council pursuant
12 to this act permitting the holder to perform the functions of a
13 security guard, bouncer, armed security guard, private investigator,
14 investigative agency, or security agency;

15 4. "Private investigator" means a person who is self-employed,
16 or contracts with, or is employed by an investigative agency for the
17 purpose of conducting a private investigation and reporting the
18 results to the employer or client of the employer relating to:

- 19 a. potential or pending litigation, civil, or criminal,
20 b. divorce or other domestic investigations, or
21 c. missing persons or missing property, or
22 d. other lawful investigations, but shall not include:

- 1 (1) a person authorized or employed by the United
2 States Government, any state government, or any
3 agency, department, or political subdivision
4 thereof while engaged in the performance of
5 official duties,
- 6 (2) a person or employee of a firm, corporation or
7 other legal entity engaged exclusively in a
8 profession licensed by any board, commission,
9 department or court of this state, or
- 10 (3) a bona fide, salaried, full-time employee of a
11 firm, corporation or other legal entity not in
12 the primary business of soliciting and providing
13 private investigations, who conducts
14 investigations that are exclusive to and
15 incidental to the primary business of said firm,
16 corporation or entity, and when the costs of such
17 investigations are not charged directly back to
18 the particular client or customer who directly
19 benefits from the investigation;

20 5. "Security agency" means a person, firm, corporation, or
21 other private legal entity in the business of security guard
22 services or armed security guards for hire;

1 6. "Security guard" means an individual contracting with or
2 employed by a security agency, private business or person to prevent
3 trespass, theft, misappropriation, wrongful concealment of
4 merchandise, goods, money or other tangible items, or engaged as a
5 bodyguard or as a private watchman to protect persons or property,
6 but shall not include:

7 a. for individuals operating unarmed, any person employed
8 as a private watchman or security guard by one
9 employer only in connection with the affairs of such
10 employer where there exists an employer-employee
11 relationship,

12 b. a full-time certified peace officer of the United
13 States, this state, or any political subdivision of
14 either,

15 (1) while such peace officer is engaged in the
16 performance of his or her official duties within
17 the course and scope of his or her employment
18 with the United States, this state, or any
19 political subdivision of either, or

20 (2) while such peace officer is engaged in the
21 performance of his or her duties as a railroad
22 police officer, or

1 (3) who receives compensation for private employment
2 on an individual or an individual independent
3 contractual basis as a patrolman, guard, or
4 watchman if such person is employed in an
5 employer-employee relationship or is employed on
6 an individual contractual basis,

7 c. any person whose terms of employment as a security
8 guard are governed by a collective bargaining
9 agreement on May 9, 1989, and

10 d. any person who is employed as a full-time security
11 guard by a financial institution on May 9, 1989;

12 7. "Armed security guard" means a security guard authorized to
13 carry a firearm;

14 8. "Bouncer" means an unarmed individual who is licensed as a
15 security guard under the provisions of the Oklahoma Private
16 Investigator Act and is employed for compensation or who volunteers
17 services for the purpose of checking identification, providing door
18 security or restricting entrance to any establishment, which by law,
19 requires such restriction, and who has the responsibility to
20 intervene with and/or expel disorderly persons from such
21 establishment in order to protect life or property.

22 9. "Investigative agency" means a self-employed private
23 investigator, a firm, a corporation, or other private legal entity

1 in the business of soliciting the business of private investigation
2 and/or providing private investigations and investigators;

3 ~~9.~~ 10. "Special event" means a public activity in the form of
4 an athletic contest, charity event, exposition or similar event that
5 occurs only on an annual or noncontinuing basis; and

6 ~~10.~~ 11. "Special event license" means a temporary license
7 issued pursuant to Section 1750.1 et seq. of this title which
8 restricts the license holder to employment as a security guard only
9 for the duration of a particular event.

10 SECTION 3. AMENDATORY 59 O.S. 2001, Section 1750.3, is
11 amended to read as follows:

12 Section 1750.3 A. The director of the Council on Law
13 Enforcement Education and Training, and any staff member designated
14 by the director, shall have all the powers and authority of peace
15 officers of this state for the purposes of enforcing the provisions
16 of Section 1750.1 et seq. of this title, and all other duties which
17 are or may be conferred upon the Council by Section 1750.1 et seq.
18 of this title. The powers and duties conferred on the director or
19 any staff member appointed by the director as a peace officer shall
20 not limit the powers and duties of other peace officers of this
21 state or any political subdivision thereof. The director, or any
22 staff member appointed by the director as a peace officer shall,

1 upon request, assist any federal, state, county, or municipal law
2 enforcement agency.

3 B. The Council on Law Enforcement Education and Training shall
4 have the following powers and duties:

5 1. To promulgate rules to carry out the purposes of Section
6 1750.1 et seq. of this title;

7 2. To establish and enforce standards governing the training of
8 persons required to be licensed pursuant to Section 1750.1 et seq.
9 of this title with respect to:

10 a. issuing, denying, or revoking certificates of approval
11 to security training schools, and programs
12 administered by the state, a county, a municipality, a
13 private corporation, or an individual,

14 b. certifying instructors at approved security training
15 schools,

16 c. establishing minimum requirements for security
17 training schools and periodically reviewing these
18 standards, and

19 d. providing for periodic inspection of all security
20 training schools or programs;

21 3. To establish minimum curriculum requirements for training as
22 the Council may require for security guards, bouncers, armed
23 security guards, and private investigators. Training requirements

1 for unarmed security guards and bouncers shall not exceed forty (40)
2 hours of instruction;

3 4. To establish minimum requirements for a mandatory continuing
4 education program for all licensed private investigators which shall
5 include, but not be limited to:

- 6 a. establishing a designated minimum number of clock
7 hours of required attendance, not to exceed eight (8)
8 clock hours yearly, at accredited educational
9 functions,
- 10 b. establishing the penalties to be imposed upon a
11 licensee for failure to comply with the continuing
12 education requirements,
- 13 c. establishing a nonpaid advisory board of licensed
14 private investigators to assist the Council in
15 establishing the criteria for determining the
16 qualifications of proposed continuing education
17 programs that would be submitted to the Council for
18 accreditation to meet this requirement, and
- 19 d. providing that the expense of such continuing
20 education shall be paid by the private investigators
21 participating therein;

22 5. To grant a waiver of any training requirement, except
23 firearms training which shall be required for an armed security

1 guard license, if the applicant has completed not less than one (1)
2 year of full-time employment as a security guard, bouncer, armed
3 security guard, private investigator, or law enforcement officer
4 within a three-year period immediately preceding the date of
5 application and the applicant provides sufficient documentation
6 thereof as may be required by the Council;

7 6. To grant an applicant credit for fulfilling any prescribed
8 course or courses of training, including firearms training, upon
9 submission of acceptable documentation of comparable training. The
10 Council may grant or refuse any such credit at its discretion;

11 7. To issue the licenses and identification cards provided for
12 in Section 1750.1 et seq. of this title;

13 8. To investigate alleged violations of Section 1750.1 et seq.
14 of this title or rules relating thereto and to deny, suspend, or
15 revoke licenses and identification cards if necessary, or to issue
16 notices of reprimand to licensees with or without probation under
17 rules to be prescribed by the Council;

18 9. To investigate alleged violations of the Oklahoma Security
19 Guard and Private Investigator Act by persons not licensed pursuant
20 to such act and to impose administrative sanctions pursuant to rules
21 or to seek an injunction pursuant to Section 2 of this act;

1 10. To provide all forms for applications, identification
2 cards, and licenses required by Section 1750.1 et seq. of this
3 title;

4 11. To enter into reciprocal agreements with officials of other
5 states;

6 12. To immediately suspend a license if a licensee's actions
7 present a danger to the licensee or to the public; and

8 13. To require additional testing for continuation or
9 reinstatement of a license if a licensee exhibits an inability to
10 exercise reasonable judgment, skill, or safety.

11 SECTION 4. AMENDATORY 59 O.S. 2001, Section 1750.4, is
12 amended to read as follows:

13 Section 1750.4 On and after January 1, 1988, no person may be
14 employed or operate as a security guard, bouncer, private
15 investigator, security agency, or investigative agency until ~~a~~ the
16 appropriate license therefor has been issued by the Council on Law
17 Enforcement Education and Training pursuant to the Oklahoma Security
18 Guard and Private Investigator Act.

19 SECTION 5. AMENDATORY 59 O.S. 2001, Section 1750.5, is
20 amended to read as follows:

21 Section 1750.5 A. Licenses authorized to be issued by the
22 Council on Law Enforcement Education and Training (CLEET) shall be
23 as follows:

- 1 1. Security Agency License;
- 2 2. Investigative Agency License;
- 3 3. Private Investigator License (unarmed);
- 4 4. Security Guard License (unarmed);
- 5 5. Armed Security Guard License; and
- 6 6. Special Event License (unarmed).

7 B. Any qualified applicant meeting the requirements for more
8 than one of the positions of private investigator, security guard,
9 bouncer or armed security guard may be issued a separate license for
10 each position for which qualified, or in the discretion of the
11 Council, a combination license provided the required license fees
12 are paid.

13 C. A private investigator may carry a firearm, if the private
14 investigator also performs the functions of an armed security guard,
15 under the authority of the armed security guard license. If the
16 private investigator performs no functions of an armed security
17 guard, the Council may add an endorsement to the license of the
18 private investigator that states "Firearms Authorized", in lieu of
19 the armed security guard license, if the private investigator
20 completes the same training and testing requirements of the armed
21 security guard. The Council will charge the same fee for the
22 "Firearms Authorized" endorsement on the private investigators
23 license as the cost of the armed security guard license. Any person

1 issued a private investigator license with a firearms authorized
2 endorsement may carry a concealed firearm when on and off duty,
3 provided the person keeps the firearm concealed from view and is in
4 possession of a valid driver license and a valid private
5 investigator license with a firearms authorization endorsement.

6 D. Any identification card issued to a person meeting the
7 license requirements for an armed security guard shall be distinct
8 and shall explicitly state that the person is authorized to carry a
9 firearm pursuant to the provisions of Section 1750.1 et seq. of this
10 title. Upon receipt of the license and identification card, the
11 armed security guard is authorized to carry a firearm in the
12 performance of his or her duties subject to the provisions of
13 Section 1750.1 et seq. of this title and the rules promulgated by
14 the Council.

15 E. The Council may issue a conditional license to a person
16 employed by a security or investigative agency as a trainee for a
17 security guard, armed security guard, or private investigator
18 position, when the person has submitted a properly completed
19 application, made under oath, subject to the following conditions:

20 1. A conditional license shall authorize employees to perform
21 the same functions that regular licensees perform, but subject to
22 supervision by the employing agency as the Council may prescribe;

1 2. The holder of a conditional license shall complete the
2 necessary training requirements within one hundred eighty (180) days
3 from the effective date of the conditional license, after which the
4 conditional license shall expire;

5 3. The holder of a conditional license as an armed security
6 guard shall not carry a firearm in the performance of duties until
7 after completing a course of firearms training as prescribed by the
8 Council, and having been issued a regular license by the Council;

9 4. A conditional license may be renewed at the discretion of
10 the Council, if necessary to allow an applicant to complete any
11 training required for a regular license; and

12 5. When the Council finds that a conditional license holder has
13 completed the required training and is otherwise qualified for a
14 license pursuant to the provisions of Section 1750.1 et seq. of this
15 title, the Council shall issue a regular license.

16 F. A Security Agency License may be issued to an individual,
17 corporation, or other legal entity meeting the following
18 qualifications:

19 1. If the license is to be issued in the name of a legal entity
20 other than a natural person, the applicant must furnish proof that
21 the entity is legally recognized, such as the issuance of a
22 corporate charter; and

1 2. The executive officer, manager, or other person in charge of
2 supervising security guards in the performance of their duties shall
3 be a licensed security guard.

4 G. An Investigative Agency License may be issued to an
5 individual, corporation, or other legal entity meeting the following
6 qualifications:

7 1. If the license is to be issued in the name of a legal entity
8 other than a natural person, the applicant must furnish proof that
9 the entity is legally recognized, such as the issuance of a
10 corporate charter;

11 2. Any person, otherwise qualified, may own a private
12 investigation agency; and

13 3. A self-employed private investigator who employs no other
14 investigators shall also be licensed as an investigative agency, but
15 shall only be required to be insured or bonded as a self-employed
16 private investigator.

17 H. A Security Guard License, Armed Security Guard License,
18 Private Investigator License, or combination thereof may be issued
19 to an applicant meeting the following qualifications. The applicant
20 shall:

21 1. Be a citizen of the United States or an alien legally
22 residing in the United States;

1 2. Be at least eighteen (18) years of age, except that an
2 applicant for an Armed Security Guard License shall be at least
3 twenty-one (21) years of age; provided further that any individual
4 working in the capacity of a bouncer shall be at least twenty-one
5 (21) years of age to work in any establishment which sells or serves
6 alcoholic beverages;

7 3. Have successfully completed training requirements for the
8 license applied for, as prescribed by the Council;

9 4. Be of good moral character;

10 5. Not have a record of a felony conviction;

11 6. Not have a record of conviction for larceny, theft, false
12 pretense, fraud, embezzlement, false personation of an officer, any
13 offense involving moral turpitude, any offense involving a minor as
14 a victim, any nonconsensual sex offense, any offense involving the
15 possession, use, distribution, or sale of a controlled dangerous
16 substance, any offense involving a firearm, or any other offense as
17 prescribed by the Council, as provided herein.

18 a. If any conviction which disqualifies an applicant
19 occurred more than five (5) years prior to the
20 application date and the Council is convinced the
21 offense constituted an isolated incident and the
22 applicant has been rehabilitated, the Council may, in
23 its discretion, waive the conviction disqualification

1 as provided for in this paragraph and issue an unarmed
2 security guard license or a private investigator's
3 license, but shall not issue an armed guard license,
4 to the applicant if the applicant is otherwise
5 qualified, unless the felony involved the use of a
6 firearm or was violent in nature.

7 b. If an Oklahoma State Bureau of Investigation records
8 check and a local records check reveal that there are
9 no felony convictions, criminal convictions involving
10 moral turpitude, or any other disqualifying
11 convictions as specified in the Oklahoma Security
12 Guard and Private Investigator Act, ~~Section 1750.1 et~~
13 ~~seq. of this title,~~ or prescribed by the Council, then
14 the Council may conditionally issue an armed security
15 guard license pending completion of the criminal
16 history and background check.

17 c. Under oath, the applicant shall certify that he or she
18 has no disqualifying convictions as specified in the
19 Oklahoma Security Guard and Private Investigator Act
20 or by the Council.

21 d. The applicant shall further meet all other
22 qualifications.

1 e. If upon completion of the required background
2 investigation it is discovered that a disqualifying
3 conviction exists, the Council shall immediately
4 revoke the armed guard license of the applicant;

5 7. Make a statement that the applicant is not currently
6 undergoing treatment for mental illness, condition, or disorder,
7 make a statement whether the applicant has ever been adjudicated
8 incompetent or committed to a mental institution, and make a
9 statement regarding any history of illegal drug use or alcohol
10 abuse. Upon presentation by the Council on Law Enforcement
11 Education and Training of the name, gender, date of birth, and
12 address of the applicant to the Department of Mental Health and
13 Substance Abuse Services, the Department of Mental Health and
14 Substance Abuse Services shall notify the Council within ten (10)
15 days whether the computerized records of the Department indicate the
16 applicant has ever been involuntarily committed to an Oklahoma state
17 mental institution. For purposes of this subsection, "currently
18 undergoing treatment for a mental illness, condition, or disorder"
19 means the person has been diagnosed by a licensed physician or
20 psychologist, as being afflicted with a substantial disorder of
21 thought, mood, perception, psychological orientation, or memory that
22 significantly impairs judgment, behavior, capacity to recognize

1 reality, or ability to meet the ordinary demands of life and such
2 condition continues to exist; and

3 8. Make a statement regarding misdemeanor domestic violence
4 charges.

5 I. A special event license may be issued to an employee of a
6 security agency who is hired on a temporary basis as an unarmed
7 security guard for a particular event. An application for a special
8 event license shall be made by the agency employing the applicant.
9 The agency shall certify to the Council that the applicant meets the
10 qualifications for security guards, pursuant to subsection H of this
11 section.

12 J. 1. All persons and agencies shall obtain and maintain
13 liability coverage in accordance with the following minimum
14 standards:

- 15 a. general liability insurance coverage for bodily
16 injury, personal injury, and property damage, with
17 endorsements for personal injury including false
18 arrest, libel, slander, and invasion of privacy, or
19 b. a surety bond that allows persons to recover for
20 actionable injuries, loss, or damage as a result of
21 the willful, or wrongful acts or omissions of the
22 principal and protects this state, its agents,
23 officers and employees from judgments against the

1 principal or insured licensee, and is further
2 conditioned upon the faithful and honest conduct of
3 the principal's business.

4 2. Liability coverages and bonds outlined in this section shall
5 be in the minimum amounts of One Hundred Thousand Dollars
6 (\$100,000.00) for agencies, Ten Thousand Dollars (\$10,000.00) for
7 armed security guards and private investigators with the firearms
8 authorization, or combination armed license; and Five Thousand
9 Dollars (\$5,000.00) for unarmed security guards, bouncers and self-
10 employed unarmed private investigators who employ no other
11 investigators.

12 3. Security agencies and investigative agencies shall ensure
13 that all employees of these agencies have met the minimum liability
14 coverages as prescribed in this section.

15 4. Insurance policies and bonds issued pursuant to this section
16 shall not be modified or canceled unless ten (10) days' prior
17 written notice is given to the Council. All persons and agencies
18 insured or bonded pursuant to this section shall be insured or
19 bonded by an insurance carrier or a surety company licensed in the
20 state in which the insurance or bond was purchased, or in this
21 state.

22 5. In lieu of the requirements of this subsection, the Council
23 may accept a written statement from a corporation which is

1 registered with the Oklahoma Secretary of State attesting that the
2 corporation self-insures the general operation of business for the
3 types of liability set out in paragraphs 1 and 2 of this subsection.

4 K. Upon written notice, any license may be placed on inactive
5 status.

6 L. Similar or duplicate agency names will not be issued. Each
7 agency name must be distinguishably different.

8 SECTION 6. AMENDATORY 59 O.S. 2001, Section 1750.9, is
9 amended to read as follows:

10 Section 1750.9. A. Each security guard, armed security guard,
11 bouncer or private investigator licensed pursuant to this act shall
12 carry a valid driver license or state-issued photo identification
13 card and an identification card issued by the Council on Law
14 Enforcement Education and Training at all times while on duty as a
15 security guard, armed security guard, bouncer or private
16 investigator, and each security agency and investigative agency
17 shall display in its primary office in this state a valid license
18 therefor issued by the Council.

19 B. No licensee or officer, director, partner, or employee of a
20 licensee, may wear a uniform, or use a title, an insignia, badge, or
21 an identification card, or make any statements that would lead a
22 person to believe that he is connected in any way with the federal
23 government, a state government, or any political subdivision of a

1 state government, unless he is authorized by proper authorities to
2 do so.

3 C. Each discharge of a firearm in the performance of his
4 employment by any licensee authorized by this act to carry a
5 firearm, other than for training purposes, shall be reported
6 immediately to the Council by said licensee.

7 SECTION 7. This act shall become effective November 1, 2006.

8 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND LABOR, dated 2-27-06
9 - DO PASS, As Amended and Coauthored.