

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 SENATE BILL 23

By: Easley

4  
5  
6 AS INTRODUCED

7 An Act relating to intoxicating liquor and  
8 professions and occupations; amending 37 O.S. 2001,  
9 Section 521, as last amended by Section 1, Chapter  
10 73, O.S.L. 2006 (37 O.S. Supp. 2006, Section 521),  
11 which relates to the Oklahoma Alcoholic Beverage  
12 Control Act; modifying acts authorized by certain  
13 license issued by ABLE; amending 59 O.S. 2001,  
14 Sections 1750.2, as amended by Section 1, Chapter  
15 155, O.S.L. 2005, 1750.3, as amended by Section 2,  
16 Chapter 155, O.S.L. 2005, 1750.4, 1750.5, as amended  
17 by Section 4, Chapter 155, O.S.L. 2005 and 1750.9 (59  
18 O.S. Supp. 2006, Sections 1750.2, 1750.3 and 1750.5),  
19 which relate to the Oklahoma Security Guard and  
20 Private Investigator Act; adding and modifying  
21 definitions; modifying powers and duties of Council  
22 on Law Enforcement Education and Training; requiring  
23 certain licenses; providing for applicant  
24 qualifications for certain licenses; clarifying cite;  
requiring certain identification card to be carried  
and displayed under certain circumstances; and  
providing an 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 1, Chapter 73, O.S.L. 2006 (37 O.S. Supp. 2006,  
Section 521), is amended to read as follows:

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

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

13       C. A winemaker license shall authorize the holder thereof: To  
14 manufacture (including such mixing, blending and cellar treatment as  
15 authorized by federal law), bottle, package, and store on licensed  
16 premises wine containing not more than twenty-four percent (24%)  
17 alcohol by volume, provided the bottle or package sizes authorized  
18 shall be limited to the capacities approved by the United States  
19 Bureau of Alcohol, Tobacco and Firearms; to sell wine in this state  
20 to licensed wholesalers and manufacturers, provided, an Oklahoma  
21 winemaker may sell and ship wine produced at a winery in this state  
22 directly to retail package stores and restaurants in this state; to  
23 sell bottles of wine produced at the winery from grapes and other  
24 fruits and berries grown in this state, if available, to consumers

1 on the premises of the winery; to serve visitors on the licensed  
2 premises samples of wine produced on the premises; to serve samples  
3 of wine produced at the winery at festivals and trade shows; to sell  
4 wine produced at the winery, in original sealed containers, at  
5 festivals and trade shows; to sell wine out of this state to  
6 qualified persons; to purchase from licensed winemakers, distillers  
7 and rectifiers in this state, and to import into this state wine,  
8 brandy and fruit spirits for use in manufacturing in accordance with  
9 federal laws and regulations.

10 D. A rectifier license shall authorize the holder thereof: To  
11 rectify spirits and wines, bottle, package, and store same on the  
12 licensed premises; to sell spirits and wines in this state to  
13 licensed wholesalers and manufacturers only; to sell spirits and  
14 wines out of this state to qualified persons; to purchase from  
15 licensed manufacturers in this state; and to import into this state  
16 for manufacturing purposes spirits and wines in accordance with  
17 federal laws and regulations.

18 E. A wholesaler license shall authorize the holder thereof: To  
19 purchase and import into this state spirits and wines from persons  
20 authorized to sell same who are the holders of a nonresident seller  
21 license, and their agents who are the holders of manufacturers agent  
22 licenses; to purchase spirits and wines from licensed distillers,  
23 rectifiers, winemakers and wholesalers in this state; to sell  
24 spirits and wines in retail containers in this state to retailers,

1 mixed beverage, caterer, special event, hotel beverage or  
2 airline/railroad beverage licensees; to sell spirits and wines to  
3 wholesalers authorized to sell same; and to sell spirits and wines  
4 out of this state to qualified persons. Provided, however, sales of  
5 spirits and wine in containers with a capacity of less than one-  
6 twentieth (1/20) gallon by a holder of a wholesaler license shall be  
7 in full case lots and in the original unbroken case. Wholesalers  
8 shall be authorized to place such signs outside their place of  
9 business as are required by Acts of Congress and by such laws and  
10 regulations promulgated under such Acts.

11 A wholesaler license shall authorize the holder thereof to  
12 operate a single bonded warehouse with a single central office  
13 together with delivery facilities at a location in this state only  
14 at the principal place of business for which the wholesaler license  
15 was granted.

16 F. A Class B wholesaler license shall authorize the holder  
17 thereof: To purchase and import into this state beer from persons  
18 authorized to sell same who are the holders of nonresident seller  
19 licenses, and their agents who are the holders of manufacturers  
20 agent licenses; to purchase beer from licensed brewers and Class B  
21 wholesalers in this state; to sell in retail containers to  
22 retailers, mixed beverage, caterer, special event, hotel beverage  
23 and airline/railroad beverage licensees in this state, beer which  
24 has been unloaded and stored at the holder's self-owned or leased

1 and self-operated warehouse facilities for a period of at least  
2 twenty-four (24) hours before such sale; and to sell beer in this  
3 state to Class B wholesalers and out of this state to qualified  
4 persons, including federal instrumentalities and voluntary  
5 associations of military personnel on federal enclaves in this state  
6 over which this state has ceded jurisdiction.

7 G. A package store license shall authorize the holder thereof:  
8 To purchase alcohol, spirits, beer and wine in retail containers  
9 from the holder of a brewer, wholesaler or Class B wholesaler  
10 license and to purchase wine produced at a winery in this state from  
11 an Oklahoma winemaker and to sell same on the licensed premises in  
12 such containers to consumers for off-premises consumption only and  
13 not for resale; provided, wine may be sold to charitable  
14 organizations that are holders of charitable auction or charitable  
15 wine event licenses. All alcoholic beverages that are sold by a  
16 package store are to be sold at ordinary room temperature.

17 H. A mixed beverage license shall authorize the holder thereof:  
18 To purchase alcohol, spirits, beer or wine in retail containers from  
19 the holder of a wholesaler or Class B wholesaler license or as  
20 specifically provided by law and to sell, offer for sale and possess  
21 mixed beverages for on-premises consumption only; provided, the  
22 holder of a mixed beverage license issued for an establishment which  
23 is also a restaurant may purchase wine produced at wineries in this  
24

1 state directly from an Oklahoma winemaker as provided in Section 3  
2 of Article XXVIII of the Oklahoma Constitution.

3 Sales and service of mixed beverages by holders of mixed  
4 beverage licenses shall be limited to the licensed premises of the  
5 licensee unless the holder of the mixed beverage license also  
6 obtains a caterer license or a mixed beverage/caterer combination  
7 license. A mixed beverage license shall only be issued in counties  
8 of this state where the sale of alcoholic beverages by the  
9 individual drink for on-premises consumption has been authorized. A  
10 separate license shall be required for each place of business. No  
11 mixed beverage license shall be issued for any place of business  
12 functioning as a motion picture theater, as defined by Section 506  
13 of this title.

14 I. A bottle club license shall authorize the holder thereof:  
15 To store, possess and mix alcoholic beverages belonging to members  
16 of the club and to serve such alcoholic beverages for on-premises  
17 consumption to club members. A bottle club license shall only be  
18 issued in counties of this state where the sale of alcoholic  
19 beverages by the individual drink for on-premises consumption has  
20 not been authorized. A separate license shall be required for each  
21 place of business.

22 J. A caterer license shall authorize the holder thereof: To  
23 sell mixed beverages for on-premises consumption incidental to the  
24 sale or distribution of food at particular functions, occasions, or

1 events which are temporary in nature. A caterer license shall not  
2 be issued in lieu of a mixed beverage license. A caterer 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 separate license shall be  
6 required for each place of business.

7 K. 1. An annual special event license shall authorize the  
8 holder thereof: To sell and distribute mixed beverages for  
9 consumption on the premises for which the license has been issued  
10 for up to four events to be held over a period not to exceed one (1)  
11 year, not to exceed two such events in any three-month period. For  
12 purposes of this paragraph, an event shall not exceed a period of  
13 ten (10) consecutive days. An annual special event license shall  
14 only be issued in counties of this state where the sale of alcoholic  
15 beverages by the individual drink for on-premises consumption has  
16 been authorized. The holder of an annual special event license  
17 shall provide written notice to the ABLE Commission of each special  
18 event not less than ten (10) days before the event is held.

19 2. A quarterly special event license shall authorize the holder  
20 thereof: To sell and distribute mixed beverages for consumption on  
21 the premises for which the license has been issued for up to three  
22 events to be held over a period not to exceed three (3) months. For  
23 purposes of this paragraph, an event shall not exceed a period of  
24 ten (10) consecutive days. A quarterly special event license shall

1 only be issued in counties of this state where the sale of alcoholic  
2 beverages by the individual drink for on-premises consumption has  
3 been authorized. The holder of a quarterly special event license  
4 shall provide written notice to the ABLE Commission of each special  
5 event not less than ten (10) days before the event is held.

6 L. A hotel beverage license shall authorize the holder thereof:  
7 To sell or serve alcoholic beverages in 50 milliliter spirits, 187  
8 milliliter wine, and 12-ounce malt beverage containers which are  
9 distributed from a hotel room mini-bar. A hotel beverage license  
10 shall only be issued in counties of this state where the sale of  
11 alcoholic beverages by the individual drink for on-premises  
12 consumption has been authorized. A hotel beverage license shall  
13 only be issued to a hotel or motel as defined by Section 506 of this  
14 title which is also the holder of a mixed beverage license.  
15 Provided, that application may be made simultaneously for both such  
16 licenses. A separate license shall be required for each place of  
17 business.

18 M. An airline/railroad beverage license shall authorize the  
19 holder thereof: To sell or serve alcoholic beverages in or from any  
20 size container on a commercial passenger airplane or railroad  
21 operated in compliance with a valid license, permit or certificate  
22 issued under the authority of the United States or this state, even  
23 though the airplane or train, in the course of its travel, may cross  
24 an area in which the sale of alcoholic beverages by the individual

1 drink is not authorized and to store alcoholic beverages in sealed  
2 containers of any size at any airport or station regularly served by  
3 the licensee, in accordance with rules promulgated by the Alcoholic  
4 Beverage Laws Enforcement Commission. Alcoholic beverages purchased  
5 by the holder of an airline/railroad license from the holder of a  
6 wholesaler license shall be presumed to be purchased for consumption  
7 outside the State of Oklahoma or in interstate commerce, and shall  
8 be exempt from the excise tax provided for in Section 553 of this  
9 title.

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

23 O. An employee license shall authorize the holder thereof: To  
24 work in a package store, mixed beverage establishment, bottle club,

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

22 P. An industrial license may be issued to persons desiring to  
23 import, transport, and use alcohol for the following purposes:  
24

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

3 2. Manufacture of extracts, syrups, condiments, and food  
4 products; and

5 3. For use in scientific, chemical, mechanical, industrial, and  
6 medicinal products and purposes.

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

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

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

20 Q. A carrier license may be issued to any common carrier  
21 operating under a certificate of convenience and necessity issued by  
22 any duly authorized federal or state regulatory agency. Such  
23 license shall authorize the holder thereof to transport alcoholic  
24 beverages into, within, and out of this state under such terms,

1 conditions, limitations, and restrictions as the ABLE Commission may  
2 prescribe by order issuing such license and by regulations.

3 R. A private carrier license may be issued to any carrier other  
4 than a common carrier described in subsection P of this section.

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

17 No carrier license or private carrier license shall be required  
18 of the holder of a package store, mixed beverage, caterer, special  
19 event, hotel beverage or airline/railroad license to pick up  
20 alcoholic beverage orders from the licensees' wholesaler or Class B  
21 wholesaler from whom they are purchased, and to transport such  
22 alcoholic beverages from the place of purchase or acquisition to the  
23 licensed premise of such licensees in vehicles owned or under the  
24 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:

23

24

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

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

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

17 Sales and service of beer and wine by holders of beer and wine  
18 licenses shall be limited to the licensed premises of the licensee  
19 unless the holder of the beer and wine license also obtains a  
20 caterer license. A beer and wine 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. No  
24 beer and wine license shall be issued for any place of business

1 functioning as a motion picture theater, as defined by Section 506  
2 of this title. No spirits shall be stored, possessed or consumed on  
3 the licensed premises of a beer and wine licensee.

4 W. A charitable auction or charitable wine event license may be  
5 issued to a charitable organization exempt from taxation under  
6 Section 501(c)(3), (4), (5), (7), (8), (9), (10), or (19) of the  
7 United States Internal Revenue Code. The charitable wine event  
8 license shall authorize the holder thereof to conduct a wine event  
9 which may consist of one or more of a wine tasting event, a wine  
10 dinner event or a wine auction, which may be either a live auction  
11 conducted by an auctioneer or a silent auction for which:

12 1. Bid sheets are accepted from interested bidders at the  
13 event;

14 2. The holders of tickets are allowed to bid online for a  
15 period not exceeding thirty (30) days prior to the event; or

16 3. Both bid sheets are accepted at the event and online bids  
17 are accepted pursuant to paragraph 2 of this subsection.

18 A charitable wine event shall be conducted solely to raise funds  
19 for charitable purposes. Wine used in, served, or consumed at a  
20 charitable wine event may be purchased by the charitable  
21 organization or donated by any person or entity. The charitable  
22 wine event license shall be issued for a period not exceeding four  
23 (4) days. Only one such license may be issued to an organization in  
24 any twelve-month period. The charitable organization holding a

1 charitable wine event license shall not be required to obtain a  
2 special event license. The charitable auction license shall  
3 authorize the holder thereof to auction wine purchased from a retail  
4 package store or received as a gift from an individual if the  
5 auction is conducted to raise funds for charitable purposes. The  
6 charitable auction license shall be issued for a period not to  
7 exceed two (2) days. Only one such license shall be issued to an  
8 organization in any twelve-month period. The maximum amount of wine  
9 auctioned pursuant to the charitable auction license shall not  
10 exceed fifty (50) gallons. All wines auctioned pursuant to the  
11 charitable auction license shall be registered and all fees and  
12 taxes shall be paid in accordance with the Oklahoma Alcoholic  
13 Beverage Control Act.

14 X. A mixed beverage/caterer combination license shall authorize  
15 the holder thereof: To purchase or sell mixed beverages as  
16 specifically provided by law for the holder of a mixed beverage  
17 license or a caterer license. All provisions of the Oklahoma  
18 Alcoholic Beverage Control Act applicable to mixed beverage licenses  
19 or caterer licenses, or the holders thereof, shall also be  
20 applicable to mixed beverage/caterer combination licenses or the  
21 holders thereof, except where specifically otherwise provided. A  
22 mixed beverage/caterer combination license shall only be issued in  
23 counties of this state where the sale of alcoholic beverages by the  
24

1 individual drink for on-premises consumption has been authorized. A  
2 separate license shall be required for each place of business.

3 SECTION 2. AMENDATORY 59 O.S. 2001, Section 1750.2, as  
4 amended by Section 1, Chapter 155, O.S.L. 2005 (59 O.S. Supp. 2006,  
5 Section 1750.2), is amended to read as follows:

6 Section 1750.2. As used in the Oklahoma Security Guard and  
7 Private Investigator Act:

8 1. "Client" means any person or legal entity having a contract  
9 with a person or entity licensed pursuant to the Oklahoma Security  
10 Guard and Private Investigator Act, which contract authorizes  
11 services to be performed in return for financial or other  
12 considerations;

13 2. "Council" means the Council on Law Enforcement Education and  
14 Training;

15 3. "License" means authorization issued by the Council pursuant  
16 to the Oklahoma Security Guard and Private Investigator Act  
17 permitting the holder to perform the functions of a security guard,  
18 bouncer, armed security guard, private investigator, investigative  
19 agency, or security agency;

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

24 a. potential or pending litigation, civil, or criminal,

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

23           5. "Armed private investigator" means a private investigator  
24 authorized to carry a firearm;

1       6. "Security agency" means a person, firm, corporation, or  
2 other private legal entity in the business of security guard  
3 services or armed security guards for hire;

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

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

15           b. a full-time certified peace officer of the United  
16 States, this state, or any political subdivision of  
17 either,

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

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

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

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

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

15 8. "Armed security guard" means a security guard authorized to  
16 carry a firearm;

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

1       ~~9-10.~~ "Investigative agency" means a self-employed private  
2 investigator, a firm, a corporation, or other private legal entity  
3 in the business of soliciting the business of private investigation  
4 and/or providing private investigations and investigators;

5       ~~10-11.~~ "Special event" means a public activity in the form of  
6 an athletic contest, charity event, exposition or similar event that  
7 occurs only on an annual or noncontinuing basis; and

8       ~~11-12.~~ "Special event license" means a temporary license issued  
9 pursuant to the Oklahoma Security Guard and Private Investigator Act  
10 which restricts the license holder to employment as a security guard  
11 only for the duration of a particular event.

12       SECTION 3.       AMENDATORY       59 O.S. 2001, Section 1750.3, as  
13 amended by Section 2, Chapter 155, O.S.L. 2005 (59 O.S. Supp. 2006,  
14 Section 1750.3), is amended to read as follows:

15       Section 1750.3. A. The director of the Council on Law  
16 Enforcement Education and Training, and any staff member designated  
17 by the director, shall have all the powers and authority of peace  
18 officers of this state for the purposes of enforcing the provisions  
19 of the Oklahoma Security Guard and Private Investigator Act, and all  
20 other duties which are or may be conferred upon the Council by the  
21 Oklahoma Security Guard and Private Investigator Act. The powers  
22 and duties conferred on the director or any staff member appointed  
23 by the director as a peace officer shall not limit the powers and  
24 duties of other peace officers of this state or any political

1 subdivision thereof. The director, or any staff member appointed by  
2 the director as a peace officer shall, upon request, assist any  
3 federal, state, county, or municipal law enforcement agency.

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

6 1. To promulgate rules to carry out the purposes of the  
7 Oklahoma Security Guard and Private Investigator Act;

8 2. To establish and enforce standards governing the training of  
9 persons required to be licensed pursuant to the Oklahoma Security  
10 Guard and Private Investigator Act with respect to:

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

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

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

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

22 3. To establish minimum curriculum requirements for training as  
23 the Council may require for security guards, bouncers, armed  
24 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 and  
5 security guards which shall 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  
24 guard license, if the applicant has completed not less than one (1)

1 year of full-time employment as a security guard, bouncer, armed  
2 security guard, private investigator, or law enforcement officer  
3 within a three-year period immediately preceding the date of  
4 application and the applicant provides sufficient documentation  
5 thereof as may be required by the Council;

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

10 7. To issue the licenses and identification cards provided for  
11 in the Oklahoma Security Guard and Private Investigator Act;

12 8. To investigate alleged violations of the Oklahoma Security  
13 Guard and Private Investigator Act or rules relating thereto and to  
14 deny, suspend, or revoke licenses and identification cards if  
15 necessary, or to issue notices of reprimand to licensees with or  
16 without probation under rules to be prescribed by the Council;

17 9. To investigate alleged violations of the Oklahoma Security  
18 Guard and Private Investigator Act by persons not licensed pursuant  
19 to such act and to impose administrative sanctions pursuant to rules  
20 or to seek an injunction pursuant to Section 1750.2A of this title;

21 10. To provide all forms for applications, identification  
22 cards, and licenses required by the Oklahoma Security Guard and  
23 Private Investigator Act;

24

1 11. To enter into reciprocal agreements with officials of other  
2 states;

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

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

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

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

16 SECTION 5. AMENDATORY 59 O.S. 2001, Section 1750.5, as  
17 amended by Section 4, Chapter 155, O.S.L. 2005 (59 O.S. Supp. 2006,  
18 Section 1750.5), is amended to read as follows:

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

- 22 1. Security Agency License;
- 23 2. Investigative Agency License;
- 24 3. Private Investigator License (unarmed);

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

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

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

1 possession of a valid driver license and a valid private  
2 investigator license with a firearms authorization endorsement.

3 D. Any identification card issued to a person meeting the  
4 license requirements for an armed security guard shall be distinct  
5 and shall explicitly state that the person is authorized to carry a  
6 firearm pursuant to the provisions of the Oklahoma Security Guard  
7 and Private Investigator Act. Upon receipt of the license and  
8 identification card, the armed security guard is authorized to carry  
9 a firearm in the performance of his or her duties subject to the  
10 provisions of the Oklahoma Security Guard and Private Investigator  
11 Act and the rules promulgated by the Council.

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

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

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

24

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

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

8           5. When the Council finds that a conditional license holder has  
9 completed the required training and is otherwise qualified for a  
10 license pursuant to the provisions of the Oklahoma Security Guard  
11 and Private Investigator Act, the Council shall issue a regular  
12 license.

13           F. A Security Agency License may be issued to an individual,  
14 corporation, or other legal entity meeting the following  
15 qualifications:

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

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

23

24

1 G. An Investigative Agency License may be issued to an  
2 individual, corporation, or other legal entity meeting the following  
3 qualifications:

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

8 2. Any person, otherwise qualified, may own a private  
9 investigation agency; and

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

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

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

20 2. Be at least eighteen (18) years of age, except that an  
21 applicant for an Armed Security Guard License shall be at least  
22 twenty-one (21) years of age; provided, further, that any individual  
23 working in the capacity of a bouncer shall be at least twenty-one

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1 (21) years of age to work in any establishment which sells or serves  
2 alcoholic beverages;

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

5 4. Be of good moral character;

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

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

14 a. If any conviction which disqualifies an applicant  
15 occurred more than five (5) years prior to the  
16 application date and the Council is convinced the  
17 offense constituted an isolated incident and the  
18 applicant has been rehabilitated, the Council may, in  
19 its discretion, waive the conviction disqualification  
20 as provided for in this paragraph and issue an unarmed  
21 security guard license or a private investigator's  
22 license, but shall not issue an armed guard license,  
23 to the applicant if the applicant is otherwise  
24

1 qualified, unless the felony involved the use of a  
2 firearm or was violent in nature.

3 b. If an Oklahoma State Bureau of Investigation records  
4 check and a local records check reveal that there are  
5 no felony convictions, criminal convictions involving  
6 moral turpitude, or any other disqualifying  
7 convictions as specified in the Oklahoma Security  
8 Guard and Private Investigator Act or prescribed by  
9 the Council, then the Council may conditionally issue  
10 an armed security guard license pending completion of  
11 the criminal history and background check.

12 c. Under oath, the applicant shall certify that he or she  
13 has no disqualifying convictions as specified in the  
14 Oklahoma Security Guard and Private Investigator Act  
15 or by the Council.

16 d. The applicant shall further meet all other  
17 qualifications.

18 e. If upon completion of the required background  
19 investigation it is discovered that a disqualifying  
20 conviction exists, the Council shall immediately  
21 revoke the armed guard license of the applicant;

22 7. Make a statement that the applicant is not currently  
23 undergoing treatment for mental illness, condition, or disorder,  
24 make a statement whether the applicant has ever been adjudicated

1 incompetent or committed to a mental institution, and make a  
2 statement regarding any history of illegal drug use or alcohol  
3 abuse. Upon presentation by the Council on Law Enforcement  
4 Education and Training of the name, gender, date of birth, and  
5 address of the applicant to the Department of Mental Health and  
6 Substance Abuse Services, the Department of Mental Health and  
7 Substance Abuse Services shall notify the Council within ten (10)  
8 days whether the computerized records of the Department indicate the  
9 applicant has ever been involuntarily committed to an Oklahoma state  
10 mental institution. For purposes of this subsection, "currently  
11 undergoing treatment for a mental illness, condition, or disorder"  
12 means the person has been diagnosed by a licensed physician or  
13 psychologist, as being afflicted with a substantial disorder of  
14 thought, mood, perception, psychological orientation, or memory that  
15 significantly impairs judgment, behavior, capacity to recognize  
16 reality, or ability to meet the ordinary demands of life and such  
17 condition continues to exist; and

18 8. Make a statement regarding misdemeanor domestic violence  
19 charges.

20 I. A special event license may be issued to an employee of a  
21 security agency who is hired on a temporary basis as an unarmed  
22 security guard for a particular event. An application for a special  
23 event license shall be made by the agency employing the applicant.  
24 The agency shall certify to the Council that the applicant meets the

1 qualifications for security guards, pursuant to subsection H of this  
2 section.

3 J. 1. All persons and agencies shall obtain and maintain  
4 liability coverage in accordance with the following minimum  
5 standards:

6 a. general liability insurance coverage for bodily  
7 injury, personal injury, and property damage, with  
8 endorsements for personal injury including false  
9 arrest, libel, slander, and invasion of privacy, or

10 b. a surety bond that allows persons to recover for  
11 actionable injuries, loss, or damage as a result of  
12 the willful, or wrongful acts or omissions of the  
13 principal and protects this state, its agents,  
14 officers and employees from judgments against the  
15 principal or insured licensee, and is further  
16 conditioned upon the faithful and honest conduct of  
17 the principal's business.

18 2. Liability coverages and bonds outlined in this section shall  
19 be in the minimum amounts of One Hundred Thousand Dollars  
20 (\$100,000.00) for agencies, Ten Thousand Dollars (\$10,000.00) for  
21 armed security guards and private investigators with the firearms  
22 authorization, or combination armed license; and Five Thousand  
23 Dollars (\$5,000.00) for unarmed security guards, bouncers and self-

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1 employed unarmed private investigators who employ no other  
2 investigators.

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

6 4. Insurance policies and bonds issued pursuant to this section  
7 shall not be modified or canceled unless ten (10) days' prior  
8 written notice is given to the Council. All persons and agencies  
9 insured or bonded pursuant to this section shall be insured or  
10 bonded by an insurance carrier or a surety company licensed in the  
11 state in which the insurance or bond was purchased, or in this  
12 state.

13 5. In lieu of the requirements of this subsection, the Council  
14 may accept a written statement from a corporation which is  
15 registered with the Oklahoma Secretary of State attesting that the  
16 corporation self-insures the general operation of business for the  
17 types of liability set out in paragraphs 1 and 2 of this subsection.

18 K. Upon written notice, any license may be placed on inactive  
19 status.

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

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

24

1 Section 1750.9. A. Each security guard, armed security guard,  
2 bouncer or private investigator licensed pursuant to this act shall  
3 carry a valid driver license or state-issued photo identification  
4 card and an identification card issued by the Council on Law  
5 Enforcement Education and Training at all times while on duty as a  
6 security guard, armed security guard, bouncer or private  
7 investigator, and each security agency and investigative agency  
8 shall display in its primary office in this state a valid license  
9 therefor issued by the Council.

10 B. No licensee or officer, director, partner, or employee of a  
11 licensee, may wear a uniform, or use a title, an insignia, badge, or  
12 an identification card, or make any statements that would lead a  
13 person to believe that he or she is connected in any way with the  
14 federal government, a state government, or any political subdivision  
15 of a state government, unless he or she is authorized by proper  
16 authorities to do so.

17 C. Each discharge of a firearm in the performance of ~~his~~  
18 employment by any licensee authorized by this act to carry a  
19 firearm, other than for training purposes, shall be reported  
20 immediately to the Council by said licensee.

21 SECTION 7. This act shall become effective November 1, 2007.

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