

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1296

By: Gumm

4  
5  
6 AS INTRODUCED

7 An Act relating to definitions and general  
8 provisions; amending 25 O.S. 2001, Sections 1301,  
9 1302, 1303, 1304, 1305, 1306, 1308, 1309, 1310, 1451,  
10 1452, 1453, 1702, 1703, 1704, 1705, and 1901, which  
11 relate to discrimination; including autism spectrum  
12 disorders in certain definitions; updating language;  
13 and providing an effective date.

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

15 SECTION 1. AMENDATORY 25 O.S. 2001, Section 1301, is  
16 amended to read as follows:

17 Section 1301. In Sections 1101 through 1706 of this title:

18 1. "Employer" means a person who has fifteen or more employees  
19 for each working day in each of twenty (20) or more calendar weeks  
20 in the current or preceding calendar year, or a person who as a  
21 contractor or subcontractor is furnishing the material or performing  
22 work for the state or a governmental entity or agency of the state  
23 and includes an agent of such a person but does not include an  
24 Indian tribe or a bona fide membership club not organized for  
profit;

1        2. "Employment agency" means a person regularly undertaking  
2 with or without compensation to procure employees for an employer or  
3 to procure for employees opportunities to work for an employer and  
4 includes an agent of such a person;

5        3. "Labor organization" includes:

6            a. an organization of any kind, an agency or employee  
7 representation committee, group, association, or plan  
8 in which employees participate and which exists for  
9 the purpose, in whole or in part, of dealing with  
10 employers concerning grievances, labor disputes,  
11 wages, rates of pay, hours, or other terms or  
12 conditions of employment,

13           b. a conference, general committee, joint or system  
14 board, or joint council so engaged which is  
15 subordinate to a national or international labor  
16 organization, or

17           c. an agent of a labor organization;

18        4. "~~Handicapped person~~ Person with a disability" means a person  
19 who has a physical or mental impairment, including autism spectrum  
20 disorders, which substantially limits one or more of such person's  
21 major life activities, has a record of such an impairment or is  
22 regarded as having such an impairment; and

23        5. "Age discrimination in employment" means discrimination in  
24 employment of persons who are at least forty (40) years of age.

1 SECTION 2. AMENDATORY 25 O.S. 2001, Section 1302, is  
2 amended to read as follows:

3 Section 1302. A. It is a discriminatory practice for an  
4 employer:

5 1. To fail or refuse to hire, to discharge, or otherwise to  
6 discriminate against an individual with respect to compensation or  
7 the terms, conditions, privileges or responsibilities of employment,  
8 because of race, color, religion, sex, national origin, age, or  
9 ~~handicap~~ disability unless such action is related to a bona fide  
10 occupational qualification reasonably necessary to the normal  
11 operation of the employer's business or enterprise; or

12 2. To limit, segregate, or classify an employee in a way which  
13 would deprive or tend to deprive an individual of employment  
14 opportunities or otherwise adversely affect the status of an  
15 employee, because of race, color, religion, sex, national origin,  
16 age, or ~~handicap~~ disability unless such action is related to a bona  
17 fide occupational qualification reasonably necessary to the normal  
18 operation of the employer's business or enterprise.

19 B. This section does not apply to the employment of an  
20 individual by his parents, spouse, or child or to employment in the  
21 domestic service of the employer.

22 SECTION 3. AMENDATORY 25 O.S. 2001, Section 1303, is  
23 amended to read as follows:

24

1 Section 1303. It is a discriminatory practice for an employment  
2 agency to fail or refuse to refer for employment, or otherwise to  
3 discriminate against, an individual because of race, color,  
4 religion, sex, national origin, age, or ~~handicap~~ disability, or to  
5 classify or refer for employment an individual on the basis of race,  
6 color, religion, sex, national origin, age, or ~~handicap~~ disability.

7 SECTION 4. AMENDATORY 25 O.S. 2001, Section 1304, is  
8 amended to read as follows:

9 Section 1304. It is a discriminatory practice for a labor  
10 organization:

11 1. To exclude or to expel from membership, or otherwise to  
12 discriminate against, a member or applicant for membership because  
13 of race, color, religion, sex, national origin, age, or ~~handicap~~  
14 disability;

15 2. To limit, segregate, or classify membership, or to classify  
16 or to fail or refuse to refer for employment an individual in a way:

- 17 a. which would deprive or tend to deprive an individual  
18 of employment opportunities, or
- 19 b. which would limit employment opportunities or  
20 otherwise adversely affect the status of an employee  
21 or of an applicant for employment, because of race,  
22 color, religion, sex, national origin, age, or  
23 ~~handicap~~ disability; or

1           3. To cause or attempt to cause an employer to violate  
2 Sections 1101 through 1706 of this title.

3           SECTION 5.        AMENDATORY        25 O.S. 2001, Section 1305, is  
4 amended to read as follows:

5           Section 1305. It is a discriminatory practice for an employer,  
6 labor organization, or joint labor-management committee controlling  
7 apprenticeship, on-the-job, or other training or retraining program,  
8 to discriminate against an individual because of race, color,  
9 religion, sex, national origin, age, or ~~handicap~~ disability, in  
10 admission to, or employment in, a program established to provide  
11 apprenticeship or other training.

12          SECTION 6.        AMENDATORY        25 O.S. 2001, Section 1306, is  
13 amended to read as follows:

14          Section 1306. It is a discriminatory practice for an employer,  
15 labor organization, or employment agency to print or publish or  
16 cause to be printed or published a notice or advertisement relating  
17 to employment by the employer or membership in or a classification  
18 or referral for employment by the labor organization, or relating to  
19 a classification or referral for employment by the employment  
20 agency, indicating a preference, limitation, specification, or  
21 discrimination, based on race, color, religion, sex, national  
22 origin, age, or ~~handicap~~ disability; but a notice or advertisement  
23 may indicate a preference, limitation, specification, or  
24 discrimination based on religion, sex, or national origin when

1 religion, sex, or national origin is a bona fide occupational  
2 qualification for employment.

3 SECTION 7. AMENDATORY 25 O.S. 2001, Section 1308, is  
4 amended to read as follows:

5 Section 1308. It is not a discriminatory practice:

6 1. For an employer to hire and employ an employee, or an  
7 employment agency to classify or refer for employment an individual,  
8 for a labor organization to classify its membership or to classify  
9 or refer for employment an individual, or for an employer, labor  
10 organization, or joint labor-management committee controlling an  
11 apprenticeship or other training or retraining program to admit or  
12 employ an individual in the program, on the basis of ~~his~~ religion,  
13 sex, national origin, age, or a ~~handicap~~ disability if such action  
14 is related to a bona fide occupational qualification reasonably  
15 necessary to the normal operation of the business or enterprise; or

16 2. For a school, college, university, or other educational  
17 institution to hire and employ an employee of a particular religion  
18 if the school, college, university, or other educational institution  
19 is, in whole or substantial part, owned, supported, controlled, or  
20 managed by a particular religion or by a particular religious  
21 corporation, association, or society, or if the curriculum of the  
22 school, college, university, or other educational institution is  
23 directed toward the propagation of a particular religion.

24

1 SECTION 8. AMENDATORY 25 O.S. 2001, Section 1309, is  
2 amended to read as follows:

3 Section 1309. Notwithstanding any other provision of Sections  
4 1101 through 1706 of this title, it is not a discriminatory practice  
5 for an employer:

6 1. To apply different standards of compensation or different  
7 terms, conditions, privileges, or responsibilities of employment  
8 pursuant to a bona fide seniority or merit system, or a system which  
9 measures earnings by quantity or quality of production or to  
10 employees who work in different locations, if the differences are  
11 not the result of an intention to discriminate because of race,  
12 color, religion, sex, national origin, age, or ~~handicap~~ disability;  
13 or

14 2. To give and to act upon the results of a  
15 professionally-developed ability test if the test, its  
16 administration, or action upon the results is not designed,  
17 intended, or used to discriminate because of race, color, religion,  
18 sex, national origin, age, or ~~handicap~~ disability.

19 3. To require the compulsory retirement of any person who has  
20 attained the age of sixty-five (65) and who, for the two-year period  
21 immediately before retirement, is employed in a bona fide executive  
22 or high policymaking position, if such person is entitled to an  
23 immediate nonforfeitable annual retirement benefit from a pension,  
24 profit-sharing, savings or deferred compensation plan, or any

1 combination of such plans, of the employer, which equals, in the  
2 aggregate, at least Forty-four Thousand Dollars ~~(\$44,000)~~  
3 (\$44,000.00).

4 SECTION 9. AMENDATORY 25 O.S. 2001, Section 1310, is  
5 amended to read as follows:

6 Section 1310. Nothing contained in Sections 1101 through 1706  
7 of this title requires an employer, employment agency, labor  
8 organization, or joint labor-management committee subject to  
9 Sections 1101 through 1706 of this title to grant preferential  
10 treatment to an individual or to a group because of race, color,  
11 religion, sex, national origin, age, or ~~handicap~~ disability of the  
12 individual or group on account of an imbalance which may exist with  
13 respect to the total number or percentage of persons of any race,  
14 color, religion, sex, national origin, age, or ~~handicap~~ disability  
15 employed by an employer, referred or classified for employment by an  
16 employment agency or labor organization, admitted to membership or  
17 classified by a labor organization, or admitted to, or employed in,  
18 an apprenticeship, or other training or retraining program, in  
19 comparison with the total number or percentage of persons of the  
20 race, color, religion, sex, national origin, age, or ~~handicapped~~  
21 persons with disabilities in the state or a community, section, or  
22 other area, or in the available work force in the state or a  
23 community, section, or other area. However, it is not a  
24 discriminatory practice for a person subject to Sections 1101

1 through 1706 of this title to adopt and carry out a plan to  
2 eliminate or reduce imbalance with respect to race, color, religion,  
3 sex, national origin, age, or ~~handicap~~ disability if the plan has  
4 been filed with the Commission under regulations of the Commission  
5 and the Commission has not disapproved the plan.

6 SECTION 10. AMENDATORY 25 O.S. 2001, Section 1451, is  
7 amended to read as follows:

8 Section 1451. As used in Sections 1451 through 1453 of this  
9 title:

10 1. "Elderly person" means any natural person fifty-five (55)  
11 years of age or older.

12 2. "Dwelling" means:

13 a. any building, structure, or part of a building or  
14 structure that is occupied as, or designed or intended  
15 for occupancy as, a residency by one or more families;  
16 or

17 b. any vacant land that is offered for sale or lease for  
18 the construction or location of a building, structure,  
19 or part of a building or structure by subparagraph a  
20 of this paragraph.

21 3. "Person" includes one or more individuals, corporations,  
22 partnerships, associations, labor organizations, legal  
23 representatives, mutual companies, joint-stock companies, trusts,  
24 unincorporated organizations, trustees, trustees in bankruptcy,

1 receivers and fiduciaries, the state, and all political subdivisions  
2 and agencies thereof.

3 4. "Restrictive covenants" means any specification limiting the  
4 transfer, rental, or lease of any dwelling because of race, color,  
5 religion, sex, national origin, age, ~~handicap~~ disability or familial  
6 status.

7 5. "Discriminatory housing practices" means an act that is  
8 prohibited pursuant to Section 1452 of this title.

9 6. "~~Handicap~~ Disability" means a mental or physical impairment,  
10 including autism spectrum disorders, that substantially limits at  
11 least one major life activity, when there is a record of such an  
12 impairment, or the individual is regarded as having such an  
13 impairment. The term does not include current illegal use of or  
14 addiction to any drug or illegal or federally controlled substance.  
15 For purposes of this act, "an individual with a ~~handicap~~ disability"  
16 or "~~handicap~~ disability" does not apply to an individual because of  
17 sexual orientation or the sexual preference of the individual or  
18 because that individual is a transvestite.

19 7. "Unlawful discriminatory practice because of age" means an  
20 act prohibited pursuant to Section 1452 of this title against a  
21 person at least eighteen (18) years of age or older solely on that  
22 basis.

23 8. "Aggrieved person" means any person who:  
24

- 1 a. claims to have been injured by a discriminatory  
2 housing practice, or  
3 b. believes that he or she will be injured by a  
4 discriminatory housing practice that is about to  
5 occur.

6 9. "Complainant" means a person, the Commission, or the  
7 Attorney General, who files a complaint pursuant to Section 1452 of  
8 this title.

9 10. "Commission" means the Oklahoma Human Rights Commission.

10 11. "Conciliation" means the attempted resolution of issues  
11 raised by a complaint or by the investigation of the complaint,  
12 through informal negotiations involving the aggrieved person, the  
13 respondent, and the Commission.

14 12. "Conciliation agreement" means a written agreement setting  
15 forth the resolution of the issues in conciliation.

16 13. "Discriminatory housing practice" means an act prohibited  
17 by Section 1452 of this title.

18 14. "Family" includes a single individual.

19 15. "Respondent" means:

- 20 a. the person accused of a violation of this act in a  
21 complaint of a discriminatory housing practice, or  
22 b. any person identified as an additional or substitute  
23 respondent pursuant to Section 11 of this act or an  
24 agent of an additional or substitute respondent.

1 16. "To rent" includes to lease, to sublease, to let, or to  
2 otherwise grant for a consideration the right to occupy premises not  
3 owned by the occupant.

4 17. For purposes of this act, a discriminatory act is committed  
5 because of familial status only if the act is committed because the  
6 person who is the subject of discrimination is:

7 a. pregnant,

8 b. domiciled with an individual less than eighteen (18)  
9 years of age in regard to whom the person:

10 (1) is the parent or legal custodian, or

11 (2) has the written permission of the parent or legal  
12 custodian for domicile with that person, or

13 c. in the process of obtaining legal custody of an  
14 individual less than eighteen (18) years of age.

15 SECTION 11. AMENDATORY 25 O.S. 2001, Section 1452, is  
16 amended to read as follows:

17 Section 1452. A. It shall be an unlawful discriminatory  
18 housing practice for any person, or any agent or employee of such  
19 person:

20 1. To refuse to sell or rent after the making of a bona fide  
21 offer, or to refuse to negotiate for the sale or rental of any  
22 housing, or otherwise make unavailable or deny any housing because  
23 of race, color, religion, gender, national origin, age, familial  
24 status, or ~~handicap~~ disability;

1           2. To discriminate against any person in the terms, conditions,  
2 or privileges of sale or rental of housing, or in the provision of  
3 services or facilities in connection with any housing because of  
4 race, color, religion, gender, national origin, age, familial  
5 status, or ~~handicap~~ disability;

6           3. To make, print, publish, or cause to be made, printed, or  
7 published any notice, statement, or advertisement, with respect to  
8 the sale or rental of housing that indicates any preference,  
9 limitation, discrimination, or intention to make any such  
10 preference, limitation, or discrimination because of race, color,  
11 religion, gender, national origin, age, familial status, or ~~handicap~~  
12 disability;

13           4. To represent to any person, for reasons of discrimination,  
14 that any housing is not available for inspection, sale, or rental  
15 when such housing is in fact so available because of race, color,  
16 religion, gender, national origin, age, familial status, or ~~handicap~~  
17 disability;

18           5. To deny any person access to, or membership or participation  
19 in, a multiple-listing service, real estate brokers' organization or  
20 other service, organization, or facility relating to the business of  
21 selling or renting dwellings, or discriminate against a person in  
22 the terms or conditions of access, membership, or participation in  
23 such an organization, service, or facility because of race, color,  
24

1 religion, gender, national origin, age, familial status, or ~~handicap~~  
2 disability;

3 6. To include in any transfer, sale, rental, or lease of  
4 housing any restrictive covenant that discriminates, or for any  
5 person to honor or exercise, or attempt to honor or exercise, any  
6 discriminatory covenant pertaining to housing because of race,  
7 color, religion, gender, national origin, age, familial status, or  
8 ~~handicap~~ disability;

9 7. To refuse to consider the income of both applicants when  
10 both applicants seek to buy or lease housing because of race, color,  
11 religion, gender, national origin, age, familial status, or ~~handicap~~  
12 disability;

13 8. To refuse to consider as a valid source of income any public  
14 assistance, alimony, or child support, awarded by a court, when that  
15 source can be verified as to its amount, length of time received,  
16 regularity, or receipt because of race, color, religion, gender,  
17 national origin, age, familial status, or ~~handicap~~ disability;

18 9. To discriminate against a person in the terms, conditions,  
19 or privileges relating to the obtaining or use of financial  
20 assistance for the acquisition, construction, rehabilitation,  
21 repair, or maintenance of any housing because of race, color,  
22 religion, gender, national origin, age, familial status, or ~~handicap~~  
23 disability;

24

1        10. To discharge, demote, or discriminate in matters of  
2 compensation or working conditions against any employee or agent  
3 because of the obedience of ~~said~~ the employee or agent to the  
4 provisions of this section;

5        11. To solicit or attempt to solicit the listing of housing for  
6 sale or lease, by door to door solicitation, in person, or by  
7 telephone, or by distribution of circulars, if one of the purposes  
8 is to change the racial composition of the neighborhood;

9        12. To knowingly induce or attempt to induce another person to  
10 transfer an interest in real property, or to discourage another  
11 person from purchasing real property, by representations regarding  
12 the existing or potential proximity of real property owned, used, or  
13 occupied by persons of any particular race, color, religion, gender,  
14 national origin, age, familial status or ~~handicap~~ disability, or to  
15 represent that such existing or potential proximity shall or may  
16 result in:

- 17            a. the lowering of property values,
- 18            b. a change in the racial, religious, or ethnic character  
19                of the block, neighborhood, or area in which the  
20                property is located,
- 21            c. an increase in criminal or antisocial behavior in the  
22                area, or
- 23            d. a decline in quality of the schools serving the area;

1           13. To refuse to rent or lease housing to a blind, or deaf  
2 person, or a ~~handicapped~~ person with a disability on the basis of  
3 the person's use or possession of a bona fide, properly trained  
4 guide, signal, or service dog;

5           14. To demand the payment of an additional nonrefundable fee or  
6 an unreasonable deposit for rent from a blind, or deaf person, or  
7 ~~handicapped~~ a person with a disability for such dog. Such blind, or  
8 deaf person, or such ~~handicapped~~ person with a disability may be  
9 liable for any damage done to the dwelling by such dog;

10          15. a. To discriminate in the sale or rental or otherwise  
11                make available or deny a dwelling to any buyer or  
12                renter because of a ~~handicap~~ disability of:

13                (1) that buyer or renter,

14                (2) a person residing in or intending to reside in  
15                        that dwelling after it is sold, rented, or made  
16                        available, or

17                (3) any person associated with that buyer or renter,

18          b. To discriminate against any person in the terms,  
19                conditions, or privileges of sale or rental of a  
20                dwelling or in the provision of services or facilities  
21                in connection with the dwelling because of a ~~handicap~~  
22                disability of:

23                (1) that person,

1 (2) a person residing in or intending to reside in  
2 that dwelling after it is so sold, rented, or  
3 made available, or

4 (3) any person associated with that person;

5 16. For purposes of ~~handicap~~ disability discrimination in  
6 housing pursuant to this act, discrimination includes:

7 a. a refusal to permit, at the expense of the ~~handicapped~~  
8 person with a disability, reasonable modifications of  
9 existing premises occupied or to be occupied by the  
10 person if the modifications may be necessary to afford  
11 the person full enjoyment of the premises, provided  
12 that such person also provides a surety bond  
13 guaranteeing restoration of the premises to their  
14 prior condition, if necessary to make the premises  
15 suitable for ~~nonhandicapped~~ tenants without  
16 disabilities,

17 b. a refusal to make reasonable accommodations in rules,  
18 policies, practices, or services, when the  
19 accommodations may be necessary to afford the person  
20 equal opportunity to use and enjoy a dwelling, or

21 c. in connection with the design and construction of  
22 covered multifamily dwellings for first occupancy  
23 thirty (30) months after the date of enactment of the  
24 federal Fair Housing Amendments Act of 1988 (Public

1 Law 100-430), a failure to design and construct those  
2 dwellings in a manner that:

3 (1) the public use and common use portions of the  
4 dwellings are readily accessible to and usable by  
5 ~~handicapped~~ persons with disabilities,

6 (2) all the doors designed to allow passage into and  
7 within all premises within the dwellings are  
8 sufficiently wide to allow passage by ~~handicapped~~  
9 persons with disabilities in wheelchairs, and

10 (3) all premises within the dwellings contain the  
11 following features of adaptive design:

12 (a) an accessible route into and through the  
13 dwelling,

14 (b) light switches, electrical outlets,  
15 thermostats, and other environmental  
16 controls in accessible locations,

17 (c) reinforcements in bathroom walls to allow  
18 later installation of grab bars, and

19 (d) usable kitchen and bathrooms so that an  
20 individual in a wheelchair can maneuver  
21 about the space,

22 (4) compliance with the appropriate requirements of  
23 the American National Standard for buildings and  
24 facilities providing accessibility and usability

1 for physically handicapped people, commonly cited  
2 as "ANSI A 117.1", suffices to satisfy the  
3 requirements of subdivision (3) of subparagraph c  
4 of this paragraph,

5 (5) as used in this subsection, the term "covered  
6 multifamily dwellings" means:

7 (a) buildings consisting of four or more units  
8 if the buildings have one or more elevators,  
9 and

10 (b) ground floor units in other buildings  
11 consisting of four or more units,

12 (6) nothing in this subsection requires that a  
13 dwelling be made available to an individual whose  
14 tenancy would constitute a direct threat to the  
15 health or safety of other individuals or whose  
16 tenancy would result in substantial physical  
17 damage to the property of others;

18 17. a. A person whose business includes engaging in  
19 residential real estate related transactions may not  
20 discriminate against a person in making a real estate  
21 related transaction available or in the terms or  
22 conditions of a real estate related transaction  
23 because of race, color, religion, gender, ~~handicap~~  
24 disability, familial status, national origin or age,

1           b. In this section, "residential real estate related  
2 transaction" means:

3           (1) making or purchasing loans or providing other  
4 financial assistance:

5           (a) to purchase, construct, improve, repair, or  
6 maintain a dwelling, or

7           (b) to secure residential real estate, or

8           (2) selling, brokering, or appraising residential  
9 real property;

10         18. This section does not prohibit discrimination against a  
11 person because the person has been convicted under federal law or  
12 the law of any state of the illegal manufacture or distribution of a  
13 controlled substance.

14         B. No other categories or classes of persons are protected  
15 pursuant to this act. The Human Rights Commission shall have no  
16 authority or jurisdiction to act on complaints based on any kind of  
17 discrimination other than those kinds of discrimination prohibited  
18 pursuant to Sections 1101 et seq. of Title 25 of the Oklahoma  
19 Statutes or any other specifically authorized by law.

20         SECTION 12.         AMENDATORY         25 O.S. 2001, Section 1453, is  
21 amended to read as follows:

22         Section 1453. Nothing provided for in Sections 1451 through  
23 1453 of this title shall:

1        1. Prohibit a religious organization, association, or society,  
2 or any nonprofit institution or organization operated, supervised,  
3 or controlled by or in conjunction with a religious organization,  
4 association, or society, from limiting the sale, rental, or  
5 occupancy of housing which it owns or operates for other than a  
6 commercial purpose to persons of the same religion, or from giving  
7 preferences to such persons, unless membership in such religion is  
8 restricted on account of race, color, or national origin. Nor shall  
9 anything in Sections 1 through 7 of this act apply to a private  
10 membership club which is a bona fide club and which is exempt from  
11 taxation pursuant to Section 501 (c) of the Internal Revenue Code of  
12 1954;

13        2. Prohibit a religious organization, association, or society,  
14 or a nonprofit institution or organization operated, supervised, or  
15 controlled by or in conjunction with a religious organization,  
16 association, or society, from:

- 17            a. limiting the sale, rental, or occupancy of dwellings  
18                    that it owns or operates for other than a commercial  
19                    purpose to persons of the same religion, or  
20            b. giving preference to persons of the same religion,  
21                    unless membership in the religion is restricted  
22                    because of race, color, or national origin;

23        3. Prohibit a private club not open to the public that, as an  
24 incident to its primary purpose, provides lodging that it owns or

1 operates for other than a commercial purpose from limiting the  
2 rental or occupancy of that lodging to its members or from giving  
3 preference to its members;

4 4. Nothing provided for in Sections 1451 through 1453 of this  
5 title relating to familial status applies to housing for older  
6 persons. As used in this section, "housing for older persons" means  
7 housing:

8 a. that the Commission determines is specifically  
9 designed and operated to assist elderly persons  
10 pursuant to a federal or state program,

11 b. intended for, and solely occupied by, persons sixty-  
12 two (62) years of age or older, or

13 c. intended and operated for occupancy by at least one  
14 person fifty-five (55) years of age or older per unit  
15 as determined by Commission rules;

16 5. a. Subject to subdivision (b) of subparagraph (1) of this  
17 paragraph, this act does not apply to:

18 (1) the sale or rental of a single-family house sold  
19 or rented by an owner if:

20 (a) the owner does not:

21 (i) own more than three (3) single-family  
22 houses at any one time, or

23 (ii) own any interest in, or is there owned  
24 or reserved on his or her behalf,

1 pursuant to any express or voluntary  
2 agreement, title to or any right to any  
3 part of the proceeds from the sale or  
4 rental of more than three (3) single-  
5 family houses at any one time, and

6 (b) the house was sold or rented without:

7 (i) the use of the sales or rental  
8 facilities or services of a real estate  
9 broker, agent, or ~~salesman~~ salesperson  
10 licensed pursuant to the Oklahoma Real  
11 Estate License Code, or of an employee  
12 or agent of a licensed broker, agent,  
13 or ~~salesman~~ salesperson, or the  
14 facilities or services of the owner of  
15 a dwelling designed or intended for  
16 occupancy by five (5) or more families,  
17 or

18 (ii) the publication, posting, or mailing of  
19 a notice, statement, or advertisement  
20 prohibited by Section 1452 of this  
21 title, or

22 (2) the sale or rental of rooms or units in a  
23 dwelling containing living quarters occupied or  
24 intended to be occupied by no more than four (4)

1 families living independently of each other, if  
2 the owner maintains and occupies one of the  
3 living quarters as the owner's residence,

4 b. the exemption in subdivision (1) of subparagraph a of  
5 this paragraph applies to only one sale or rental in a  
6 twenty-four-month period, if the owner was not the  
7 most recent resident of the house at the time of the  
8 sale or rental;

9 6. Nothing provided for in Sections 1451 through 1453 of this  
10 title shall prohibit a person engaged in the business of furnishing  
11 appraisals of real property from taking into consideration factors  
12 other than race, color, age, religion, gender, ~~handicap~~ disability,  
13 familial status, or national origin;

14 7. Nothing provided for in Sections 1451 through 1453 of this  
15 title shall affect a reasonable local or state restriction on the  
16 maximum number of occupants permitted to occupy a dwelling or  
17 restriction relating to health or safety standards;

18 8. Nothing provided for in Sections 1451 through 1453 of this  
19 title shall prevent or restrict the sale, lease, rental, transfer,  
20 or development of housing designed or intended for the use of ~~the~~  
21 handicapped persons with disabilities;

22 9. Nothing provided for in Sections 1451 through 1453 of this  
23 title shall affect a requirement of nondiscrimination in any other  
24 state or federal law;

1 10. Nothing provided for in Sections 1451 through 1453 of this  
2 title shall prohibit the transfer of property by will, intestate  
3 succession, or by gift.

4 SECTION 13. AMENDATORY 25 O.S. 2001, Section 1702, is  
5 amended to read as follows:

6 Section 1702. A political subdivision may adopt and enforce an  
7 ordinance prohibiting discrimination because of race, color,  
8 religion, sex, national origin, age, or ~~handicap~~ disability not in  
9 conflict with a provision of Sections 1101 through 1706 of this  
10 title.

11 SECTION 14. AMENDATORY 25 O.S. 2001, Section 1703, is  
12 amended to read as follows:

13 Section 1703. A political subdivision, or two or more political  
14 subdivisions acting jointly, may create a local commission to  
15 promote the purposes of Sections 1101 through 1706 of this title and  
16 to secure for all individuals within the jurisdiction of the  
17 political subdivision or subdivisions freedom from discrimination  
18 because of race, color, religion, sex, national origin, age, or  
19 ~~handicap~~ disability, and may appropriate funds for the expenses of  
20 the local commission.

21 SECTION 15. AMENDATORY 25 O.S. 2001, Section 1704, is  
22 amended to read as follows:

23 Section 1704. A local commission may have the following powers  
24 in addition to powers authorized by other laws:

- 1        1. To employ an executive director and other employees and  
2 agents and fix their compensation;
- 3        2. To cooperate with individuals and state, local, and other  
4 agencies, both public and private, including agencies of the federal  
5 government and other states and municipalities;
- 6        3. To accept gifts, bequests, grants, or other payments, public  
7 or private, to help finance its activities;
- 8        4. To receive, initiate, investigate, and seek to conciliate  
9 complaints alleging violations of this act or of an ordinance  
10 prohibiting discrimination because of race, color, religion, sex,  
11 national origin, age, or ~~handicap~~ disability or legislation  
12 establishing the commission;
- 13        5. To make studies appropriate to effectuate its purposes and  
14 policies and to make the results thereof available to the public;  
15 and
- 16        6. To render at least annually a report, a copy of which shall  
17 be furnished to the State Commission.

18        SECTION 16.        AMENDATORY        25 O.S. 2001, Section 1705, is  
19 amended to read as follows:

20        Section 1705. A. The State Commission:

- 21        1. Whether or not a complaint has been filed under the  
22 provisions of Sections 1502 or 1704 of this title, may refer a  
23 matter involving discrimination because of race, color, religion,  
24

1 sex, national origin, age, or ~~handicap~~ disability to a local  
2 commission for investigation, study, and report; and

3 2. May refer a complaint alleging a violation of this act to a  
4 local commission for:

5 a. investigation,

6 b. determination whether there is reasonable cause to  
7 believe that the respondent has engaged in a  
8 discriminatory practice, or

9 c. assistance in eliminating a discriminatory practice by  
10 conference, conciliation, or persuasion.

11 B. Upon referral by the State Commission, the local commission  
12 shall make a report and may make recommendations to the State  
13 Commission and take other appropriate action within the scope of its  
14 powers.

15 SECTION 17. AMENDATORY 25 O.S. 2001, Section 1901, is  
16 amended to read as follows:

17 Section 1901. A. If a charge for discrimination in employment  
18 on the basis of ~~handicap~~ disability is filed under the provisions of  
19 Sections 1101 through 1801 of ~~Title 25 of the Oklahoma Statutes~~ this  
20 title and is not resolved to the satisfaction of the charging party  
21 within one hundred eighty (180) days from the filing of such charge,  
22 the charging party may commence an action for redress against any  
23 person who is alleged to have discriminated against the charging  
24 party and against any person named as respondent in the charge, such

1 action to be commenced in the district court of this state for the  
2 county in which the unlawful employment practice is alleged to have  
3 been committed.

4 B. Either party in any such action shall be entitled to a jury  
5 trial of any facts in dispute in the action.

6 C. If it is determined in such action that the defendant or  
7 defendants in such action have discriminated against the charging  
8 party on the basis of ~~handicap~~ disability as charged in the  
9 petition, the aggrieved party shall be entitled to nominal or actual  
10 damages. Actual damages shall include, but are not limited to,  
11 reinstatement or hiring, with or without back pay, or any other  
12 legal or equitable relief as the court deems appropriate. Back pay  
13 liability shall not accrue from a date more than two (2) years prior  
14 to the filing of the charge with the Oklahoma Human Rights  
15 Commission. Interim earnings or amounts earnable with reasonable  
16 diligence by the person discriminated against shall operate to  
17 reduce the back pay otherwise allowable. No order of the court  
18 shall require the hiring or reinstatement or promotion of an  
19 individual as an employee, or the payment to him or her of any back  
20 pay, if such individual was refused employment or advancement or was  
21 suspended or discharged for legitimate reasons other than  
22 discrimination on account of ~~handicap~~ disability.

23 D. In any action or proceeding under this section the court  
24 shall allow a prevailing party a reasonable ~~attorneys~~ attorney fee.

1 E. No action shall be maintainable in district court as herein  
2 provided more than two (2) years after a timely filing of a charge  
3 with the Oklahoma Human Rights Commission.

4 SECTION 18. This act shall become effective November 1, 2010.

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