

3 and

4 Sullivan of the House
5
6

7 An Act relating to discrimination; amending 25 O.S.
8 2001, Sections 1101, 1301, as amended by Section 1,
9 Chapter 74, O.S.L. 2010, 1302, 1303, 1304, 1305,
10 1306, 1308, 1309, 1310, 1402, 1451, 1452, 1453,
11 1506.9, 1702, 1703, 1704 and 1705 (25 O.S. Supp.
12 2010, Section 1301), which relate to discriminatory
13 practices in employment, housing, and public
14 accommodations; providing exclusive remedies; making
15 reference to federal laws; deleting purpose;
16 clarifying language; amending definitions; deleting
17 obsolete language; providing certain undue hardship
18 exceptions; expanding act to cover genetic
19 information discrimination; applying law to
20 employment applicants; changing handicap references
21 to disability throughout; creating cause of action;
22 abolishing certain common law remedies; providing for
23 legal standing; setting period to file charge;
24 providing for issuance of Notice of Right to Sue;
allowing party to request Notice of Right to Sue
under certain circumstances; requiring Notice of
Right to Sue prior to commencing civil action;
providing for venue; allowing jury trial; providing
certain defense; specifying damages; restricting
certain remedy; providing for attorney fee; setting
period for filing of action in district court;
repealing 25 O.S. 2001, Section 1901, which relates
to handicap discrimination; providing for
codification; and providing an effective date.

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

2 SECTION 1. AMENDATORY 25 O.S. 2001, Section 1101, is
3 amended to read as follows:

4 Section 1101. A. ~~The general purposes of this~~ This act ~~are to~~
5 ~~provide~~ provides for ~~execution~~ exclusive remedies within the state
6 of the policies embodied in the following federal laws:

7 1. Title VII of the Civil Rights Act of 1964, as amended ~~the~~
8 ~~federal;~~

9 2. The Age Discrimination in Employment Act of 1967, ~~and;~~

10 3. Section 504 of the federal Rehabilitation Act of 1973 ~~to~~
11 ~~make uniform the law of those states which enact this act;~~

12 4. Title I of the Americans with Disabilities Act of 1990, as
13 amended;

14 5. The Pregnancy Discrimination Act of 1978;

15 6. Sections 102 and 103 of the Civil Rights Act of 1991; and

16 7. Title II of the Genetic Information Nondiscrimination Act of
17 2008,

18 and ~~to provide~~ provides rights and remedies substantially
19 equivalent to those granted under the federal Fair Housing Law.

20 B. This act shall be construed according to the fair import of
21 its terms and shall be liberally construed to further the general
22 purposes stated in this section and the special purposes of the
23 particular provision involved.

24

1 SECTION 2. AMENDATORY 25 O.S. 2001, Section 1301, as
2 amended by Section 1, Chapter 74, O.S.L. 2010 (25 O.S. 2010, Section
3 1301), is amended to read as follows:

4 Section 1301. ~~In Sections 1101 through 1706~~ As used in Section
5 1101 et seq. of this title:

6 1. "Employer" means:

7 a. a person who has fifteen or more employees for each
8 working day in each of twenty (20) or more calendar
9 weeks in the current or preceding calendar year, ~~or~~

10 b. a person who ~~as a contractor or subcontractor is~~
11 ~~furnishing the~~ contracts or subcontracts with the
12 state, a governmental entity or a state agency to
13 furnish material or ~~performing~~ perform work ~~for the~~
14 ~~state or a governmental entity or agency of the state~~
15 ~~and includes, or~~

16 c. an agent of ~~such~~ a person ~~but~~ defined in subparagraph
17 a or b of this paragraph.

18 Employer does not include ~~an Indian~~ a Native American tribe or a
19 bona fide membership club ~~not organized for profit,~~ other than a
20 labor organization, that is exempt from taxation under Title 26,
21 Section 501(c) of the United States Code;

22 2. "Employment agency" means a person regularly undertaking
23 with or without compensation to procure employees for an employer or
24

1 to procure for employees opportunities to work for an employer and
2 includes an agent of such a person;

3 3. "Labor organization" ~~includes~~ means:

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

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

15 c. an agent of a labor organization;

16 4. ~~"Handicapped person"~~ "Individual with a disability" means a
17 person who has a physical or mental impairment which substantially
18 limits one or more of such person's major life activities, has a
19 record of such an impairment or is regarded as having such an
20 impairment;

21 5. "Age discrimination in employment" means discrimination in
22 employment of persons who are at least forty (40) years of age; and

23 6. "Sex", ~~"Because of Sex"~~ "because of sex" or ~~"Based on Sex"~~
24 "based on sex" includes, but is not limited to, pregnancy,

1 childbirth or related medical conditions; women affected by
2 pregnancy, childbirth or related medical conditions shall be treated
3 the same for all employment-related purposes as other persons not so
4 affected but similar in their ability or inability to work.

5 SECTION 3. AMENDATORY 25 O.S. 2001, Section 1302, is
6 amended to read as follows:

7 Section 1302. A. It is a discriminatory practice for an
8 employer:

9 1. To fail or refuse to hire, to discharge, or otherwise to
10 discriminate against an individual with respect to compensation or
11 the terms, conditions, privileges or responsibilities of employment,
12 because of race, color, religion, sex, national origin, age, ~~or~~
13 ~~handicap unless such action is related to a bona fide occupational~~
14 ~~qualification reasonably necessary to the normal operation of the~~
15 ~~employer's business or enterprise~~ disability, unless the employer
16 can demonstrate that accommodation for the disability would impose
17 an undue hardship on the operation of the business of such employer,
18 or genetic information with respect to the employee; or

19 2. To limit, segregate, or classify an employee or applicant
20 for employment in a way which would deprive or tend to deprive an
21 individual of employment opportunities or otherwise adversely affect
22 the status of an employee, because of race, color, religion, sex,
23 national origin, age, ~~or handicap unless such action is related to a~~
24 ~~bona fide occupational qualification reasonably necessary to the~~

1 ~~normal operation of the employer's business or enterprise~~
2 disability, unless the employer can demonstrate that accommodation
3 for the disability would impose an undue hardship on the operation
4 of the business of such employer, or genetic information with
5 respect to the employee.

6 B. This section does not apply to the employment of an
7 individual by his or her parents, spouse, or child or to employment
8 in the domestic service of the employer.

9 SECTION 4. AMENDATORY 25 O.S. 2001, Section 1303, is
10 amended to read as follows:

11 Section 1303. It is a discriminatory practice for an employment
12 agency to fail or refuse to refer for employment, or otherwise to
13 discriminate against, an individual because of race, color,
14 religion, sex, national origin, age, ~~or handicap~~ disability, unless
15 the agency can demonstrate that accommodation for the disability
16 would impose an undue hardship on the operation of the business of
17 such agency, or genetic information, or to classify or refer for
18 employment an individual on the basis of race, color, religion, sex,
19 national origin, age, ~~or handicap~~ disability, unless the agency can
20 demonstrate that accommodation for the disability would impose an
21 undue hardship on the operation of the business of such agency, or
22 genetic information.

23 SECTION 5. AMENDATORY 25 O.S. 2001, Section 1304, is
24 amended to read as follows:

1 Section 1304. It is a discriminatory practice for a labor
2 organization:

3 1. To exclude or to expel from membership, or otherwise to
4 discriminate against, a member or applicant for membership because
5 of race, color, religion, sex, national origin, age, ~~or handicap~~
6 disability, unless the organization can demonstrate that
7 accommodation for the disability would impose an undue hardship on
8 the operation of the business of such organization, or genetic
9 information;

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

12 a. which would deprive or tend to deprive an individual
13 of employment opportunities, or

14 b. which would limit employment opportunities or
15 otherwise adversely affect the status of an employee
16 or of an applicant for employment, because of race,
17 color, religion, sex, national origin, age, ~~or~~
18 ~~handicap~~ disability, unless the organization can
19 demonstrate that accommodation for the disability
20 would impose an undue hardship on the operation of the
21 business of such organization, or genetic information;

22 or

23 3. To cause or attempt to cause an employer to violate ~~Sections~~
24 ~~1101 through 1706~~ Section 1101 et seq. of this title.

1 SECTION 6. AMENDATORY 25 O.S. 2001, Section 1305, is
2 amended to read as follows:

3 Section 1305. It is a discriminatory practice for an employer,
4 labor organization, or joint labor-management committee controlling
5 apprenticeship, on-the-job, or other training or retraining program,
6 to discriminate against an individual because of race, color,
7 religion, sex, national origin, age, ~~or handicap~~ disability, unless
8 the employer, organization or committee can demonstrate that
9 accommodation for the disability would impose an undue hardship on
10 the operation of the business of such employer, organization or
11 committee, or genetic information, in admission to, or employment
12 in, a program established to provide apprenticeship or other
13 training.

14 SECTION 7. AMENDATORY 25 O.S. 2001, Section 1306, is
15 amended to read as follows:

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

1 organization or agency can demonstrate that accommodation for the
2 disability would impose an undue hardship on the operation of the
3 business of such employer, organization or agency, or genetic
4 information; but a notice or advertisement may indicate a
5 preference, limitation, specification, or discrimination based on
6 religion, sex, or national origin when religion, sex, or national
7 origin is a bona fide occupational qualification for employment.

8 SECTION 8. AMENDATORY 25 O.S. 2001, Section 1308, is
9 amended to read as follows:

10 Section 1308. It is not a discriminatory practice:

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

22 2. For a school, college, university, or other educational
23 institution to hire and employ an employee of a particular religion
24 if the school, college, university, or other educational institution

1 is, in whole or substantial part, owned, supported, controlled, or
2 managed by a particular religion or by a particular religious
3 corporation, association, or society, or if the curriculum of the
4 school, college, university, or other educational institution is
5 directed toward the propagation of a particular religion.

6 SECTION 9. AMENDATORY 25 O.S. 2001, Section 1309, is
7 amended to read as follows:

8 Section 1309. Notwithstanding any other provision of ~~Sections~~
9 ~~1101 through 1706~~ Section 1101 et seq. of this title, it is not a
10 discriminatory practice for an employer:

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

19 2. To give and to act upon the results of a
20 professionally-developed ability test if the test, its
21 administration, or action upon the results is not designed,
22 intended, or used to discriminate because of race, color, religion,
23 sex, national origin, age, ~~or handicap~~ disability, or genetic
24 information.

1 3. To require the compulsory retirement of any person who has
2 attained the age of sixty-five (65) and who, for the two-year period
3 immediately before retirement, is employed in a bona fide executive
4 or high policymaking position, if such person is entitled to an
5 immediate nonforfeitable annual retirement benefit from a pension,
6 profit-sharing, savings or deferred compensation plan, or any
7 combination of such plans, of the employer, which equals, in the
8 aggregate, at least Forty-four Thousand Dollars ~~(\$44,000)~~
9 (\$44,000.00).

10 SECTION 10. AMENDATORY 25 O.S. 2001, Section 1310, is
11 amended to read as follows:

12 Section 1310. Nothing contained in ~~Sections 1101 through 1706~~
13 Section 1101 et seq. of this title requires an employer, employment
14 agency, labor organization, or joint labor-management committee
15 subject to ~~Sections 1101 through 1706~~ Section 1101 et seq. of this
16 title to grant preferential treatment to an individual or to a group
17 because of race, color, religion, sex, national origin, age, ~~or~~
18 ~~handicap~~ disability, or genetic information of the individual or
19 group on account of an imbalance which may exist with respect to the
20 total number or percentage of persons of any race, color, religion,
21 sex, national origin, age, ~~or handicap~~ disability, or genetic
22 information employed by an employer, referred or classified for
23 employment by an employment agency or labor organization, admitted
24 to membership or classified by a labor organization, or admitted to,

1 or employed in, an apprenticeship, or other training or retraining
2 program, in comparison with the total number or percentage of
3 persons of the race, color, religion, sex, national origin, age, ~~or~~
4 ~~handicapped persons~~ disability, or genetic information in the state
5 or a community, section, or other area, or in the available work
6 force in the state or a community, section, or other area. However,
7 it is not a discriminatory practice for a person subject to ~~Sections~~
8 ~~1101 through 1706~~ Section 1101 et seq. of this title to adopt and
9 carry out a plan to eliminate or reduce imbalance with respect to
10 race, color, religion, sex, national origin, age, ~~or handicap~~
11 disability, or genetic information if the plan has been filed with
12 the Oklahoma Human Rights Commission under regulations of the
13 Commission and the Commission has not disapproved the plan.

14 SECTION 11. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1350 of Title 25, unless there
16 is created a duplication in numbering, reads as follows:

17 A. A cause of action for employment-based discrimination is
18 hereby created and any common law remedies are hereby abolished.

19 B. In order to have standing in a court of law to allege
20 discrimination arising from an employment-related matter, in a cause
21 of action against an employer for discrimination based on race,
22 color, religion, sex, national origin, age, disability, genetic
23 information with respect to the employee, or retaliation, an
24 aggrieved party must, within three hundred (300) days from the last

1 date of alleged discrimination, file a charge of discrimination in
2 employment with the Equal Employment Opportunity Commission and/or
3 the Oklahoma Human Rights Commission alleging the basis of
4 discrimination believed to have been perpetrated on the aggrieved
5 party. Upon completion of any investigation, the Oklahoma Human
6 Rights Commission shall issue the complaining party a Notice of a
7 Right to Sue.

8 C. Should a charge of discrimination be filed with the Oklahoma
9 Human Rights Commission and not be resolved to the satisfaction of
10 the charging party within one hundred eighty (180) days from the
11 date of filing of such charge, the charging party may request the
12 Commission to issue a Notice of a Right to Sue, which must be first
13 obtained in order to commence a civil action under this section.

14 D. All civil actions brought pursuant to a Notice of a Right to
15 Sue from the Oklahoma Human Rights Commission for redress against
16 any person who is alleged to have discriminated against the charging
17 party and against any person named as respondent in the charge shall
18 be commenced in the district court of this state for the county in
19 which the unlawful employment practice is alleged to have been
20 committed.

21 E. Either party in any such action shall be entitled to a jury
22 trial of any facts in dispute in the action.

23
24

1 F. The defending party may allege any defense that is available
2 under the applicable federal laws enumerated in subsection A of
3 Section 1101 of Title 25 of the Oklahoma Statutes.

4 G. If it is determined in such action that the defendant or
5 defendants in such action have discriminated against the charging
6 party as charged in the petition, the aggrieved party shall be
7 entitled to those damages and other relief that are available under
8 the applicable federal laws enumerated in subsection A of Section
9 1101 of Title 25 of the Oklahoma Statutes subject to any and all
10 limitations imposed by the laws. Interim earnings or amounts
11 earnable with reasonable diligence by the person discriminated
12 against shall operate to reduce the back pay otherwise allowable.
13 If an individual was refused employment or advancement, was
14 suspended and/or was discharged for legitimate reasons other than
15 discrimination as provided by this act, then no order of the court
16 shall require the hiring, reinstatement or promotion of that
17 individual as an employee, nor shall it order payment of any back
18 pay.

19 H. In any action or proceeding under this section, the court
20 shall allow a prevailing party a reasonable attorney fee.

21 I. No action may be filed in district court as herein provided
22 more than ninety (90) days after receiving a Notice of a Right to
23 Sue from the Oklahoma Human Rights Commission.

24

1 SECTION 12. AMENDATORY 25 O.S. 2001, Section 1402, is
2 amended to read as follows:

3 Section 1402. It is a discriminatory practice for a person to
4 deny an individual the full and equal enjoyment of the goods,
5 services, facilities, privileges, advantages, and accommodations of
6 a "place of public accommodation" because of race, color, religion,
7 sex, national origin, age, or ~~handicap~~ disability.

8 SECTION 13. AMENDATORY 25 O.S. 2001, Section 1451, is
9 amended to read as follows:

10 Section 1451. As used in Sections 1451 through 1453 of this
11 title:

12 1. "Elderly person" means any natural person fifty-five (55)
13 years of age or older~~;~~;

14 2. "Dwelling" means:

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

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

23 3. "Person" includes one or more individuals, corporations,
24 partnerships, associations, labor organizations, legal

1 representatives, mutual companies, joint-stock companies, trusts,
2 unincorporated organizations, trustees, trustees in bankruptcy,
3 receivers and fiduciaries, the state, and all political subdivisions
4 and agencies thereof-;

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

9 5. "Discriminatory housing practices" means an act that is
10 prohibited pursuant to Section 1452 of this title-;

11 6. ~~"Handicap"~~ "Disability" means a mental or physical
12 impairment that substantially limits at least one major life
13 activity, ~~when there is a record of such an impairment, or the~~
14 ~~individual is regarded as having such an impairment.~~ The term does
15 not include current illegal use of or addiction to any drug or
16 illegal or federally controlled substance. For purposes of ~~this act~~
17 Sections 1451 through 1453 of this title, "an individual with a
18 ~~handicap~~ disability" or "~~handicap~~ disability" does not apply to an
19 individual because of sexual orientation or the sexual preference of
20 the individual or because that individual is a transvestite-;

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

1 8. "Aggrieved person" means any person who:

2 a. claims to have been injured by a discriminatory
3 housing practice, or

4 b. believes that he or she will be injured by a
5 discriminatory housing practice that is about to
6 occur-; i

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

10 10. "Commission" means the Oklahoma Human Rights Commission-; i

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

15 12. "Conciliation agreement" means a written agreement setting
16 forth the resolution of the issues in conciliation-; i

17 13. "Discriminatory housing practice" means an act prohibited
18 by Section 1452 of this title-; i

19 14. "Family" includes a single individual-; i

20 15. "Respondent" means:

21 a. the person accused of a violation of ~~this act~~ Section
22 1451 through 1453 of this title in a complaint of a
23 discriminatory housing practice, or
24

1 b. any person identified as an additional or substitute
2 respondent pursuant to Section ~~11~~ 1502.5 of this ~~act~~
3 title or an agent of an additional or substitute
4 respondent~~;~~ and

5 16. "To rent" ~~includes~~ means to lease, to sublease, to let, or
6 to otherwise grant for a consideration the right to occupy premises
7 not owned by the occupant.

8 17. For purposes of ~~this act~~ Section 1451 through 1453 of this
9 title, a discriminatory act is committed because of familial status
10 only if the act is committed because the person who is the subject
11 of discrimination is:

12 a. pregnant,

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

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

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

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

20 SECTION 14. AMENDATORY 25 O.S. 2001, Section 1452, is
21 amended to read as follows:

22 Section 1452. A. It shall be an unlawful discriminatory
23 housing practice for any person, or any agent or employee of such
24 person:

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

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

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

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

23 5. To deny any person access to, or membership or participation
24 in, a multiple-listing service, real estate brokers' organization or

1 other service, organization, or facility relating to the business of
2 selling or renting dwellings, or discriminate against a person in
3 the terms or conditions of access, membership, or participation in
4 such an organization, service, or facility because of race, color,
5 religion, gender, national origin, age, familial status, or ~~handicap~~
6 disability;

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

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

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

22 9. To discriminate against a person in the terms, conditions,
23 or privileges relating to the obtaining or use of financial
24 assistance for the acquisition, construction, rehabilitation,

1 repair, or maintenance of any housing because of race, color,
2 religion, gender, national origin, age, familial status, or ~~handicap~~
3 disability;

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

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

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

- 20 a. the lowering of property values,
21 b. a change in the racial, religious, or ethnic character
22 of the block, neighborhood, or area in which the
23 property is located,
24

1 c. an increase in criminal or antisocial behavior in the
2 area, or

3 d. a decline in quality of the schools serving the area;

4 13. To refuse to rent or lease housing to a blind, deaf, or
5 ~~handicapped~~ disabled person on the basis of the person's use or
6 possession of a bona fide, properly trained guide, signal, or
7 service dog;

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

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

16 (1) that buyer or renter,

17 (2) a person residing in or intending to reside in
18 that dwelling after it is sold, rented, or made
19 available, or

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

21 b. To discriminate against any person in the terms,
22 conditions, or privileges of sale or rental of a
23 dwelling or in the provision of services or facilities
24

1 in connection with the dwelling because of a ~~handicap~~
2 disability of:

3 (1) that person,

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

7 (3) any person associated with that person;

8 16. For purposes of ~~handicap~~ disability discrimination in
9 housing pursuant to ~~this act~~ Section 1451 through 1453 of this
10 title, discrimination includes:

11 a. a refusal to permit, at the expense of the ~~handicapped~~
12 disabled person, reasonable modifications of existing
13 premises occupied or to be occupied by the person if
14 the modifications may be necessary to afford the
15 person full enjoyment of the premises, provided that
16 such person also provides a surety bond guaranteeing
17 restoration of the premises to their prior condition,
18 if necessary to make the premises suitable for
19 ~~nonhandicapped~~ nondisabled tenants,

20 b. a refusal to make reasonable accommodations in rules,
21 policies, practices, or services, when the
22 accommodations may be necessary to afford the person
23 equal opportunity to use and enjoy a dwelling, or
24

1 c. in connection with the design and construction of
2 covered multifamily dwellings for first occupancy
3 thirty (30) months after the date of enactment of the
4 federal Fair Housing Amendments Act of 1988 (Public
5 Law 100-430), a failure to design and construct those
6 dwellings in a manner that:

7 (1) the public use and common use portions of the
8 dwellings are readily accessible to and usable by
9 ~~handicapped~~ disabled persons,

10 (2) all the doors designed to allow passage into and
11 within all premises within the dwellings are
12 sufficiently wide to allow passage by ~~handicapped~~
13 disabled persons in wheelchairs, and

14 (3) all premises within the dwellings contain the
15 following features of adaptive design:

16 (a) an accessible route into and through the
17 dwelling,

18 (b) light switches, electrical outlets,
19 thermostats, and other environmental
20 controls in accessible locations,

21 (c) reinforcements in bathroom walls to allow
22 later installation of grab bars, and
23
24

1 (d) usable kitchen and bathrooms so that an
2 individual in a wheelchair can maneuver
3 about the space,

4 (4) compliance with the appropriate requirements of
5 the American National Standard for buildings and
6 facilities providing accessibility and usability
7 for physically ~~handicapped~~ disabled people,
8 commonly cited as "ANSI A 117.1", suffices to
9 satisfy the requirements of ~~subdivision~~ division
10 (3) of this subparagraph ~~e of this paragraph~~,

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

13 (a) buildings consisting of four or more units
14 if the buildings have one or more elevators,
15 and

16 (b) ground floor units in other buildings
17 consisting of four or more units,

18 (6) nothing in this subsection requires that a
19 dwelling be made available to an individual whose
20 tenancy would constitute a direct threat to the
21 health or safety of other individuals or whose
22 tenancy would result in substantial physical
23 damage to the property of others;

24

1 17. a. A person whose business includes engaging in
2 residential real estate related transactions may not
3 discriminate against a person in making a real estate
4 related transaction available or in the terms or
5 conditions of a real estate related transaction
6 because of race, color, religion, gender, ~~handicap~~
7 disability, familial status, national origin or age,

8 b. In this section, "residential real estate related
9 transaction" means:

10 (1) making or purchasing loans or providing other
11 financial assistance:

12 (a) to purchase, construct, improve, repair, or
13 maintain a dwelling, or

14 (b) to secure residential real estate, or

15 (2) selling, brokering, or appraising residential
16 real property;

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

21 B. No other categories or classes of persons are protected
22 pursuant to ~~this act~~ Section 1451 through 1453 of this title. The
23 Oklahoma Human Rights Commission shall have no authority or
24 jurisdiction to act on complaints based on any kind of

1 discrimination other than those kinds of discrimination prohibited
2 pursuant to ~~Sections~~ Section 1101 et seq. of ~~Title 25 of the~~
3 ~~Oklahoma Statutes~~ this title or any other specifically authorized by
4 law.

5 SECTION 15. AMENDATORY 25 O.S. 2001, Section 1453, is
6 amended to read as follows:

7 Section 1453. Nothing provided for in Sections 1451 through
8 1453 of this title shall:

9 1. Prohibit a religious organization, association, or society,
10 or any nonprofit institution or organization operated, supervised,
11 or controlled by or in conjunction with a religious organization,
12 association, or society, from limiting the sale, rental, or
13 occupancy of housing which it owns or operates for other than a
14 commercial purpose to persons of the same religion, or from giving
15 preferences to such persons, unless membership in such religion is
16 restricted on account of race, color, or national origin. Nor shall
17 anything in Sections ~~1 through 7 of this act~~ 1451, 1452, 1453, 1501,
18 1505 and 1505.1 of this title apply to a private membership club
19 which is a bona fide club and which is exempt from taxation pursuant
20 to Section 501(c) of the Internal Revenue Code of 1954;

21 2. Prohibit a religious organization, association, or society,
22 or a nonprofit institution or organization operated, supervised, or
23 controlled by or in conjunction with a religious organization,
24 association, or society, from:

- 1 a. limiting the sale, rental, or occupancy of dwellings
2 that it owns or operates for other than a commercial
3 purpose to persons of the same religion, or
4 b. giving preference to persons of the same religion,
5 unless membership in the religion is restricted
6 because of race, color, or national origin;

7 3. Prohibit a private club not open to the public that, as an
8 incident to its primary purpose, provides lodging that it owns or
9 operates for other than a commercial purpose from limiting the
10 rental or occupancy of that lodging to its members or from giving
11 preference to its members;

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

- 16 a. that the Oklahoma Human Rights Commission determines
17 is specifically designed and operated to assist
18 elderly persons pursuant to a federal or state
19 program,
20 b. intended for, and solely occupied by, persons sixty-
21 two (62) years of age or older, or
22 c. intended and operated for occupancy by at least one
23 person fifty-five (55) years of age or older per unit
24 as determined by Commission rules;

1 of the owner of a dwelling designed or
2 intended for occupancy by five (5) or
3 more families, or

4 (ii) the publication, posting, or mailing of
5 a notice, statement, or advertisement
6 prohibited by Section 1452 of this
7 title, or

8 (2) the sale or rental of rooms or units in a
9 dwelling containing living quarters occupied or
10 intended to be occupied by no more than four (4)
11 families living independently of each other, if
12 the owner maintains and occupies one of the
13 living quarters as the owner's residence,

14 b. the exemption in ~~subdivision~~ division (1) of
15 subparagraph a of this paragraph applies to only one
16 sale or rental in a twenty-four-month period, if the
17 owner was not the most recent resident of the house at
18 the time of the sale or rental;

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

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

5 8. Nothing provided for in Sections 1451 through 1453 of this
6 title shall prevent or restrict the sale, lease, rental, transfer,
7 or development of housing designed or intended for the use of the
8 ~~handicapped~~ disabled;

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

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

15 SECTION 16. AMENDATORY 25 O.S. 2001, Section 1506.9, is
16 amended to read as follows:

17 Section 1506.9 A. A person commits an offense if the person,
18 whether or not acting under color of law, by force or threat of
19 force, intentionally intimidates or interferes with a person:

20 1. Because of the person's race, color, religion, gender,
21 ~~handicap~~ disability, familial status, or national origin and because
22 the person is or has been selling, purchasing, renting, financing,
23 occupying, contracting, or negotiating for the sale, purchase,
24 rental, financing, or occupation of any dwelling, or applying for or

1 participating in a service, organization, or facility relating to
2 the business of selling or renting dwellings; or

3 2. Because the person is or has been, or has attempted to
4 intimidate the person from:

5 a. participating, without discrimination because of race,
6 color, religion, gender, ~~handicap~~ disability, familial
7 status, or national origin, in an activity, service,
8 organization, or facility described in paragraph 1 of
9 this subsection,

10 b. affording another person opportunity or protection to
11 so participate, or

12 c. lawfully aiding or encouraging other persons to
13 participate, without discrimination because of race,
14 color, religion, gender, ~~handicap~~ disability, familial
15 status, or national origin, in an activity, service,
16 organization, or facility described in paragraph 1 of
17 this subsection.

18 B. An offense pursuant to this section is a misdemeanor.

19 SECTION 17. AMENDATORY 25 O.S. 2001, Section 1702, is
20 amended to read as follows:

21 Section 1702. A political subdivision may adopt and enforce an
22 ordinance prohibiting discrimination because of race, color,
23 religion, sex, national origin, age, ~~or handicap~~ disability, or
24

1 genetic information not in conflict with a provision of ~~Sections~~
2 ~~1101 through 1706~~ Section 1101 et seq. of this title.

3 SECTION 18. AMENDATORY 25 O.S. 2001, Section 1703, is
4 amended to read as follows:

5 Section 1703. A political subdivision, or two or more political
6 subdivisions acting jointly, may create a local commission to
7 promote the purposes of ~~Sections 1101 through 1706~~ Section 1101 et
8 seq. of this title and to secure for all individuals within the
9 jurisdiction of the political subdivision or subdivisions freedom
10 from discrimination because of race, color, religion, sex, national
11 origin, age, ~~or handicap~~ disability, or genetic information, and may
12 appropriate funds for the expenses of the local commission.

13 SECTION 19. AMENDATORY 25 O.S. 2001, Section 1704, is
14 amended to read as follows:

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

17 1. To employ an executive director and other employees and
18 agents and fix their compensation;

19 2. To cooperate with individuals and state, local, and other
20 agencies, both public and private, including agencies of the federal
21 government and other states and municipalities;

22 3. To accept gifts, bequests, grants, or other payments, public
23 or private, to help finance its activities;

24

1 4. To receive, initiate, investigate, and seek to conciliate
2 complaints alleging violations of ~~this act~~ Section 1101 et seq. of
3 this title or of an ordinance prohibiting discrimination because of
4 race, color, religion, sex, national origin, age, ~~or handicap~~
5 disability, or genetic information or legislation establishing the
6 commission;

7 5. To make studies appropriate to effectuate its purposes and
8 policies and to make the results thereof available to the public;
9 and

10 6. To render at least annually a report, a copy of which shall
11 be furnished to the ~~State~~ Oklahoma Human Rights Commission.

12 SECTION 20. AMENDATORY 25 O.S. 2001, Section 1705, is
13 amended to read as follows:

14 Section 1705. A. The ~~State~~ Oklahoma Human Rights Commission:

15 1. Whether or not a complaint has been filed under the
16 provisions of Sections 1502 or 1704 of this title, may refer a
17 matter involving discrimination because of race, color, religion,
18 sex, national origin, age, ~~or handicap~~ disability, or genetic
19 information to a local commission for investigation, study, and
20 report; and

21 2. May refer a complaint alleging a violation of ~~this act~~
22 Section 1101 et seq. of this title to a local commission for:

23 a. investigation,
24

