

# SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

## FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1728, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

\_\_\_\_\_  
Senator Newberry

Newberry-TEK-FS-Req#3240  
3/1/2012 2:53 PM

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 FLOOR SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1728

By: Newberry of the Senate

and

Denney of the House

7  
8  
9 FLOOR SUBSTITUTE

10 [ discriminatory practices - complaint procedures -  
11 Human Rights Commission - Attorney General -  
effective date ]

12  
13  
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 25 O.S. 2011, Section 1101, is  
16 amended to read as follows:

17 Section 1101. A. This act provides for exclusive remedies  
18 within the state ~~of the policies for individuals alleging~~ alleged  
19 discrimination in employment on the basis of race, color, national  
20 origin, sex, religion, creed, age, disability or genetic  
21 information.

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

1 SECTION 2. AMENDATORY 25 O.S. 2011, Section 1201, is  
2 amended to read as follows:

3 Section 1201. In this act, unless the context otherwise  
4 requires,

5 (1) ~~"Commission" means the Human Rights Commission created by 74~~  
6 ~~Oklahoma Statutes, Section 952~~ "Attorney General" means the Oklahoma  
7 Attorney General's Office of Civil Rights Enforcement;

8 (2) ~~"Commissioner" means a member of the Commission~~  
9 "Conciliation" means the attempted resolution of issues raised by a  
10 complaint or by the investigation of the complaint through informal  
11 negotiations involving the aggrieved person, the alleged  
12 discriminating party and the Attorney General;

13 (3) "Conciliation agreement" means a written agreement setting  
14 forth the resolution of the issues in conciliation;

15 (4) "Discriminatory practice" means a practice designated as  
16 discriminatory under the terms of this act;

17 ~~(4)~~ (5) "National origin" includes the national origin of an  
18 ancestor; and

19 ~~(5)~~ (6) "Person" includes an individual, association,  
20 corporation, joint apprenticeship committee, joint stock company,  
21 labor union, legal representative, mutual company, partnership,  
22 receiver, trust, trustee, trustee in bankruptcy, unincorporated  
23 organization, any other legal or commercial entity, the state, or  
24 any governmental entity or agency.

1 SECTION 3. AMENDATORY 25 O.S. 2011, Section 1310, is  
2 amended to read as follows:

3 Section 1310. Nothing contained in Section 1101 et seq. of this  
4 title requires an employer, employment agency, labor organization,  
5 or joint labor-management committee subject to Section 1101 et seq.  
6 of this title to grant preferential treatment to an individual or to  
7 a group because of race, color, religion, sex, national origin, age,  
8 disability, or genetic information of the individual or group on  
9 account of an imbalance which may exist with respect to the total  
10 number or percentage of persons of any race, color, religion, sex,  
11 national origin, age, disability, or genetic information employed by  
12 an employer, referred or classified for employment by an employment  
13 agency or labor organization, admitted to membership or classified  
14 by a labor organization, or admitted to, or employed in, an  
15 apprenticeship, or other training or retraining program, in  
16 comparison with the total number or percentage of persons of the  
17 race, color, religion, sex, national origin, age, disability, or  
18 genetic information in the state or a community, section, or other  
19 area, or in the available work force in the state or a community,  
20 section, or other area. However, it is not a discriminatory  
21 practice for a person subject to Section 1101 et seq. of this title  
22 act to adopt and carry out a plan to eliminate or reduce imbalance  
23 with respect to race, color, religion, sex, national origin, age,  
24 disability, or genetic information if the plan has been filed with,

1 ~~and not disapproved by, the Oklahoma Human Rights Commission under~~  
2 ~~regulations of the Commission and the Commission has not disapproved~~  
3 ~~the plan Attorney General.~~

4 SECTION 4. AMENDATORY 25 O.S. 2011, Section 1350, is  
5 amended to read as follows:

6 Section 1350. A. A cause of action for employment-based  
7 discrimination is hereby created and any common law remedies are  
8 hereby abolished.

9 B. In order to have standing in a court of law to allege  
10 discrimination arising from an employment-related matter, in a cause  
11 of action against an employer for discrimination based on race,  
12 color, religion, sex, national origin, age, disability, genetic  
13 information with respect to the employee, or retaliation, an  
14 aggrieved party must, within one hundred eighty (180) days from the  
15 last date of alleged discrimination, file a complaint with the  
16 Attorney General or a charge of discrimination in employment with  
17 ~~the Oklahoma Human Rights Commission or the Equal Employment~~  
18 ~~Opportunity Commission alleging the basis of discrimination believed~~  
19 ~~to have been perpetrated on the aggrieved party. Upon completion of~~  
20 ~~any investigation, the Oklahoma Human Rights Commission shall~~  
21 ~~transmit the results of any administrative hearing and determination~~  
22 ~~to the Equal Employment Opportunity Commission or issue the~~  
23 ~~complaining party a Notice of a Right to Sue~~ A complaint filed with

24

1 the Attorney General shall conform to the requirements set forth in  
2 Section 1502 of this title.

3 C. Should a ~~charge of~~ discrimination complaint be filed with  
4 the ~~Oklahoma Human Rights Commission~~ Attorney General pursuant to  
5 this section and not be resolved to the satisfaction of the ~~charging~~  
6 ~~party~~ complainant within one hundred eighty (180) days from the date  
7 of filing of such ~~charge~~ complaint, the ~~Commission, upon request of~~  
8 ~~any party shall issue a Notice of a Right to Sue, which must be~~  
9 ~~first obtained in order to~~ complainant may commence a civil action  
10 under this section.

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

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

20 F. The defending party may allege any defense that is available  
21 under federal law, including, but not limited to, Title VII of the  
22 Civil Rights Act of 1964, the Age Discrimination in Employment Act,  
23 the Pregnancy Discrimination Act, the ~~Rehabilitation~~ Rehabilitation  
24

1 Act, the Americans with Disabilities Act, or the Genetic Information  
2 Nondiscrimination Act.

3 G. If it is determined in such action that the defendant or  
4 defendants in such action have discriminated against the ~~charging~~  
5 ~~party~~ plaintiff as charged in the petition, the court may enjoin the  
6 defendant or defendants from engaging in such unlawful employment  
7 practice charged in the petition, ~~the court may enjoin respondent~~  
8 ~~from engaging in such unlawful practice~~ and order such affirmative  
9 action as ~~reinstatement~~ reinstatement or hiring of employees. A  
10 prevailing ~~aggrieved party~~ plaintiff shall also be entitled to  
11 backpay and, where the court finds by clear and convincing evidence  
12 that the defendant engaged in discriminatory practice with malice,  
13 an additional amount as liquidated damages not to exceed the amount  
14 of backpay awarded. Interim earnings or amounts earnable with  
15 reasonable diligence by the person discriminated against shall  
16 operate to reduce the backpay otherwise allowable. If an individual  
17 was refused employment or advancement, was suspended ~~and/or~~ or was  
18 discharged for legitimate reasons other than discrimination as  
19 provided by this act, then no order of the court shall require the  
20 hiring, reinstatement or promotion of that individual as an  
21 employee, nor shall it order payment of any backpay.

22 H. ~~In any action or proceeding under this section, the court~~  
23 ~~may allow a prevailing plaintiff or defendant a reasonable attorney~~  
24 ~~fee.~~

1       ~~¶.~~ No action may be filed in district court as provided in this  
2 section more than ninety (90) days after ~~receiving a Notice of a~~  
3 ~~Right to Sue from the Oklahoma Human Rights Commission~~ the  
4 expiration of the one-hundred-eighty-day period set forth in  
5 subsection C of this section.

6           SECTION 5.        AMENDATORY        25 O.S. 2011, Section 1451, is  
7 amended to read as follows:

8           Section 1451. A. 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 residence 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 described in  
20 subparagraph a 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, disability, or familial status;

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

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

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

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

23 a. claims to have been injured by a discriminatory  
24 housing practice, or

1           b. believes that he or she will be injured by a  
2           discriminatory housing practice that is about to  
3           occur;

4           9. "Complainant" means a person, ~~the Commission, or including~~  
5 but not limited to the Attorney General, who files a complaint  
6 pursuant to Section 1452 of this title;

7           10. ~~"Commission" means the Oklahoma Human Rights Commission;~~

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

12           12. ~~"Conciliation agreement" means a written agreement setting  
13 forth the resolution of the issues in conciliation;~~

14           13. "Discriminatory housing practice" means an act prohibited  
15 by Section 1452 of this title;

16           14. 11. "Family" includes a single individual;

17           15. 12. "Respondent" means:

18           a. the person accused of a violation of Sections 1451  
19           through 1453 of this title in a complaint of a  
20           discriminatory housing practice, or

21           b. any person identified as an additional or substitute  
22           respondent pursuant to Section 1502.5 of this title or  
23           an agent of an additional or substitute respondent;  
24           and

1       ~~16.~~ 13. "To rent" means 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       B. For purposes of Sections 1451 through 1453 of this title, a  
5 discriminatory act is committed because of familial status only if  
6 the act is committed because the person who is the subject of  
7 discrimination is:

8       1. Pregnant;

9       2. Domiciled with an individual less than eighteen (18) years  
10 of age in regard to whom the person:

11           a. is the parent or legal custodian, or

12           b. has the written permission of the parent or legal  
13               custodian for domicile with that person; or

14       3. In the process of obtaining legal custody of an individual  
15 less than eighteen (18) years of age.

16       SECTION 6.        AMENDATORY        25 O.S. 2011, Section 1452, is  
17 amended to read as follows:

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

21       1. To refuse to sell or rent after the making of a bona fide  
22 offer, or to refuse to negotiate for the sale or rental of any  
23 housing, or otherwise make unavailable or deny any housing because  
24

1 of race, color, religion, gender, national origin, age, familial  
2 status, or disability;

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

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

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

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

1 such an organization, service, or facility because of race, color,  
2 religion, gender, national origin, age, familial status, or  
3 disability;

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

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

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

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

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 the employee or agent to the provisions  
4 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 disability, or to represent  
15 that such existing or potential proximity shall or may result in:

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

23  
24

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

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

8       15. a. to discriminate in the sale or rental or otherwise  
9 make available or deny a dwelling to any buyer or  
10 renter because of a disability of:

11           (1) that buyer or renter,

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

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

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

22           (1) that person,  
23  
24

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 disability discrimination in housing  
6 pursuant to Sections 1451 through 1453 of this title, discrimination  
7 includes:

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

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 disabled persons,

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 disabled  
9 persons 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 disabled people, commonly cited as  
2 "ANSI A 117.1", suffices to satisfy the  
3 requirements of division (3) of this  
4 subparagraph,

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; or

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, disability,  
24 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          B. 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          C. No other categories or classes of persons are protected  
15 pursuant to Sections 1451 through 1453 of this title. The ~~Oklahoma~~  
16 ~~Human Rights Commission~~ Attorney General shall have no authority or  
17 jurisdiction to act on complaints based on any kind of  
18 discrimination other than those kinds of discrimination prohibited  
19 pursuant to Section 1101 et seq. of this title or any other  
20 specifically authorized by law.

21          SECTION 7.        AMENDATORY        25 O.S. 2011, Section 1453, is  
22 amended to read as follows:

23          Section 1453. Nothing provided for in Sections 1451 through  
24 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 1451, 1452, 1453, 1501,~~1505~~ and 1505.1 of this  
10 title apply to a private membership club which is a bona fide club  
11 and which is exempt from taxation pursuant to Section 501(c) of the  
12 Internal Revenue Code of 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 Oklahoma Human Rights Commission determines~~  
9 is specifically designed and operated to assist  
10 elderly persons pursuant to a federal or state  
11 program,

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

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

17 5. a. Subject to subdivision (b) of division (1) of this  
18 subparagraph, Sections 1451 through 1453 of this title  
19 do not apply to:

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

22 (a) the owner does not:

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

1 (ii) own any interest in, or is there owned  
2 or reserved on his or her behalf,  
3 pursuant to any express or voluntary  
4 agreement, title to or any right to any  
5 part of the proceeds from the sale or  
6 rental of more than three (3) single-  
7 family houses at any one time, and

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

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

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

23 (2) the sale or rental of rooms or units in a  
24 dwelling containing living quarters occupied or

1 intended to be occupied by no more than four (4)  
2 families living independently of each other, if  
3 the owner maintains and occupies one of the  
4 living quarters as the owner's residence,

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

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

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

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

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

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

7 SECTION 8. AMENDATORY 25 O.S. 2011, Section 1501, is  
8 amended to read as follows:

9 Section 1501. A. ~~Within the limitations provided by law, the~~  
10 ~~Human Rights Commission~~ To enforce the provisions of this act, and  
11 in addition to any other powers provided by the laws of this state,  
12 the Attorney General has the following ~~additional~~ powers:

13 1. ~~to promote the creation of local commissions on human~~  
14 ~~rights, and to contract with individuals and state, local and other~~  
15 ~~agencies, both public and private, including agencies of the federal~~  
16 ~~government and of other states;~~

17 2. ~~to accept public grants or private gifts, bequests, or other~~  
18 ~~payments;~~

19 3. ~~to receive, investigate, seek to conciliate, hold hearings~~  
20 ~~on, and pass upon~~ and, where conciliation is unsuccessful, initiate  
21 enforcement actions based upon complaints alleging violations of  
22 this act;



1       ~~4.~~ 2. to furnish technical assistance requested by persons  
2 subject to this act to further compliance with the act or an order  
3 issued thereunder;

4       ~~5. to make provisions for technical and clerical assistance to~~  
5 ~~an advisory committee or committees appointed in accordance with~~  
6 ~~subsection (b) of Section 953 of Title 74 of the Oklahoma Statutes;~~

7       ~~6.~~ 3. to require answers to interrogatories, under the  
8 procedures established by Section ~~3210~~ 3233 of Title 12 of the  
9 Oklahoma Statutes, issue subpoenas, compel the attendance of  
10 witnesses, examine witnesses under oath or affirmation, and require  
11 the production of documents in connection with the investigation of  
12 complaints filed under this act, said powers to be exercised only in  
13 relation to areas directly and materially related to the complaint.

14 ~~The Commission may make rules authorizing any member or hearing~~  
15 ~~examiner designated by order to pass upon a complaint after a~~  
16 ~~hearing under Section 1503 of this title, and such decision must be~~  
17 ~~approved in writing by a majority of the membership of the~~

18 ~~Commission~~ The Attorney General shall have access at any reasonable  
19 time to premises, records and documents relevant to the complaint  
20 and the right to examine, photograph and copy evidence, in  
21 accordance with Section 3234 of Title 12 of the Oklahoma Statutes;

22       ~~7. to hear, and issue orders on, complaints involving state~~  
23 ~~government agencies and departments on the same basis as complaints~~  
24 ~~involving private employers; and~~

1       ~~8.~~ 4. to provide technical assistance and public information to  
2 assist in preventing and eliminating discriminatory ~~housing~~  
3 practices in housing, employment or public accommodations within  
4 this state.

5       B. The ~~Commission~~ Attorney General shall:

6       1. at least annually, publish a written report recommending  
7 legislative or other action to carry out the purposes of this act as  
8 it relates to housing discrimination;

9       ~~2. make studies relating to the nature and extent of~~  
10 ~~discriminatory housing practices in this state; and~~

11       ~~3.~~ 2. cooperate with and, as appropriate, may provide technical  
12 and other assistance to federal, state, local, and other public or  
13 private entities that are formulating or operating programs to  
14 prevent or eliminate discriminatory ~~housing~~ practices in housing,  
15 employment or public accommodations within this state.

16       SECTION 9.       AMENDATORY       25 O.S. 2011, Section 1502, is  
17 amended to read as follows:

18       Section 1502. A. A person claiming to be aggrieved by a  
19 discriminatory practice pursuant to this act, his the person's  
20 attorney, the Attorney General, or a nonprofit organization  
21 chartered for the purpose of combatting discrimination ~~or a member~~  
22 ~~of the Commission,~~ may file with the ~~Commission~~ Attorney General a  
23 written sworn complaint stating that a discriminatory practice has  
24 been committed, and setting forth the facts upon which the complaint

1 is based, ~~and setting forth facts sufficient to enable the~~  
2 ~~Commission to identify the person charged, hereinafter called the~~  
3 ~~respondent. The Commission or a member of the Commission or the~~  
4 ~~staff Attorney General shall promptly furnish the respondent with a~~  
5 ~~copy of the review each complaint and shall promptly investigate the~~  
6 ~~allegations of discriminatory practice set forth in the to determine~~  
7 ~~if the complaint contains a sufficient factual basis to warrant~~  
8 ~~further investigation. The Any complaint ~~must be filed~~ pursuant to~~  
9 ~~this section shall be filed within one hundred eighty (180) days~~  
10 ~~after the final instance of the alleged discriminatory practice~~  
11 ~~occurs.~~

12 B. ~~If within sixty (60) days after the complaint is filed it is~~  
13 ~~determined by the Commission or a member of the Commission or the~~  
14 ~~staff that there is no reasonable cause to believe that the~~  
15 ~~respondent has engaged in a discriminatory practice, the Commission~~  
16 ~~shall issue an order dismissing the complaint and shall furnish a~~  
17 ~~copy of the order to the complainant, the respondent, the Attorney~~  
18 ~~General and such other public officers and persons as the Commission~~  
19 ~~deems proper.~~

20 C. ~~The complainant, within thirty (30) days after receiving a~~  
21 ~~copy of an order dismissing the complaint, may file with the~~  
22 ~~Commission an application for reconsideration of the order. Upon~~  
23 ~~such application, the Commission or a designated member of the~~  
24 ~~Commission shall make a new determination whether there is a~~

1 ~~reasonable cause to believe that the respondent has engaged in a~~  
2 ~~discriminatory practice. If it is determined within thirty (30)~~  
3 ~~days after the application is filed that there is no reasonable~~  
4 ~~cause to believe that the respondent has engaged in a discriminatory~~  
5 ~~practice, the Commission shall issue an order dismissing the~~  
6 ~~complaint and furnish a copy of the order to the complainant, the~~  
7 ~~respondent, the Attorney General, and such other public officers and~~  
8 ~~persons as the Commission deems proper.~~

9 D. ~~This section does not apply to persons claiming to be~~  
10 ~~aggrieved by a discriminatory housing practice to the extent that it~~  
11 ~~is inconsistent with specific provisions of this act relating to a~~  
12 ~~discriminatory housing complaint~~ Complaints filed with the Attorney  
13 General pursuant to this section shall be in writing, under oath,  
14 and substantially in the form prescribed by the Attorney General.  
15 Complaints shall include sufficient detail to enable the Attorney  
16 General to identify and locate the party alleged to have committed  
17 the discriminatory practice. Upon receiving a complaint, the  
18 Attorney General shall promptly notify the complainant of receipt  
19 and advise the complainant of the relevant time limits and choice of  
20 forums available to the complainant pursuant to this act.

21 C. If the Attorney General determines upon preliminary review  
22 of the complaint and any accompanying materials that a sufficient  
23 factual basis exists to warrant further investigation of the  
24 discriminatory practices alleged in the complaint, the Attorney

1 General shall forward a copy of the complaint to the alleged  
2 discriminating party, hereafter termed the "respondent," as set  
3 forth in subsection D of this section, and shall promptly  
4 investigate those allegations of discriminatory practice set forth  
5 in the complaint. If, after the preliminary review, the Attorney  
6 General concludes that the complaint does not set forth a sufficient  
7 factual basis to warrant further investigation, the Attorney General  
8 shall notify the complainant of this conclusion and advise the  
9 complainant as to other options available to him or her pursuant to  
10 this act.

11 D. If a complaint filed with the Attorney General pursuant to  
12 this section sets forth a sufficient factual basis to warrant  
13 further investigation, the Attorney General shall transmit to the  
14 respondent a notice identifying the alleged discriminatory practice  
15 and advising the respondent of the procedural rights and obligations  
16 of a respondent pursuant to this act, and a copy of the complaint.  
17 No later than fifteen (15) days following receipt of the notice and  
18 copy of the complaint, the respondent shall file with the Attorney  
19 General an answer to the allegations set forth in the complaint.  
20 The respondent's answer shall be in writing, under oath and signed  
21 by the respondent.

22 SECTION 10. AMENDATORY 25 O.S. 2011, Section 1502.1, is  
23 amended to read as follows:  
24

1 Section 1502.1. If, at any time after the ~~filing~~ receipt of a  
2 ~~verified charge~~ complaint, the ~~Commission~~ Attorney General has  
3 reason to believe that a respondent has engaged in any unlawful  
4 discriminatory practice, the ~~Commission~~ Attorney General may file a  
5 petition in the district court in a county in which the subject of  
6 the complaint occurs, or in a county in which a respondent resides  
7 or transacts business, seeking appropriate temporary injunctive  
8 relief against the respondent pending final determination of  
9 proceedings pursuant to this act, ~~including an order or decree~~  
10 ~~restraining him from doing an act tending to render ineffectual an~~  
11 ~~order the Commission may enter with respect to the complaint.~~ The  
12 court shall have power to grant injunctive relief or a restraining  
13 order as it deems just and proper, but no relief or order shall be  
14 granted except by consent of the respondent or after hearing upon  
15 notice to the respondent and a finding by the court that there is  
16 reasonable cause to believe that the respondent has engaged in a  
17 discriminatory practice. ~~Except as modified by this section, the~~  
18 ~~Oklahoma rules of civil procedure shall apply to an application, and~~  
19 ~~the district court shall have authority to grant or deny the relief~~  
20 ~~sought on conditions as it deems just and equitable. This section~~  
21 ~~is subject to the provisions of Section 13 of this act.~~

22 SECTION 11. AMENDATORY 25 O.S. 2011, Section 1502.6, is  
23 amended to read as follows:  
24

1 Section 1502.6. A. ~~The Commission~~ Attorney General shall,  
2 ~~during the period beginning with the filing of a complaint and~~  
3 ~~ending with the filing of a charge or a dismissal by the Commission,~~  
4 ~~to the extent feasible~~ before filing any court action or issuing a  
5 cease and desist order, engage with the parties in a conciliation  
6 process with respect to the complaint. If the parties, through the  
7 conciliation process, are successful in resolving their dispute, the  
8 terms of resolution shall be memorialized in a written conciliation  
9 agreement, subject to approval by the Attorney General. Upon such  
10 approval, the Attorney General shall close the complaint file.

11 B. ~~A conciliation agreement is an agreement between a~~  
12 ~~respondent and the complainant and is subject to Commission~~  
13 ~~approval.~~

14 C. A conciliation agreement may provide for binding arbitration  
15 or other method of dispute resolution. Dispute resolution that  
16 results from a conciliation agreement may authorize appropriate  
17 relief, including monetary relief.

18 D. ~~A conciliation agreement shall be made public unless the~~  
19 ~~complainant and respondent agree otherwise, and the Commission~~  
20 ~~determines that disclosure is not necessary to further the purpose~~  
21 ~~of this act.~~

22 E. C. The Attorney General shall not make public, without the  
23 written consent of the complainant and the respondent, information  
24 concerning the agreement or efforts in a particular case to

1 eliminate a discriminatory practice by conciliation; provided  
2 however, consent shall not be required to make public that a  
3 conciliation agreement has been reached. At any time in its  
4 discretion, the Attorney General shall periodically investigate  
5 whether the terms of the conciliation agreement are being complied  
6 with by the respondent, and shall take appropriate action as  
7 authorized by this act to assure compliance.

8 D. Nothing said or done in the course of conciliation may be  
9 made public or used as evidence in a subsequent proceeding pursuant  
10 to this act without the written consent of the persons concerned.

11 ~~F. After completion of the Commission's investigation, the~~  
12 ~~Commission shall make available to the aggrieved person and the~~  
13 ~~respondent, at any time, information derived from the investigation~~  
14 ~~and the final investigation report relating to that investigation.~~

15 SECTION 12. AMENDATORY 25 O.S. 2011, Section 1502.15, is  
16 amended to read as follows:

17 Section 1502.15. A. ~~If a timely election is made pursuant to~~  
18 ~~Section 20 of this act, the Commission shall authorize, and not~~  
19 ~~later than the 30th day after the election is made, following its~~  
20 investigation, the Attorney General determines that reasonable cause  
21 exists to believe that the respondent engaged in a discriminatory  
22 practice in violation of this act, the Attorney General shall may  
23 file, a civil enforcement action on behalf of the aggrieved person  
24



1 in a district court seeking relief ~~pursuant to this section~~ for such  
2 violations.

3 B. Venue for an action filed pursuant to this section is in the  
4 county in which the alleged discriminatory ~~housing~~ practice  
5 occurred, or in a county where the respondent resides or transacts  
6 business.

7 C. An aggrieved person may intervene in the action.

8 D. If the court finds that a discriminatory ~~housing~~ practice  
9 has occurred or is about to occur, the court may grant ~~as relief~~ any  
10 relief ~~that a court may grant in a civil action pursuant to~~  
11 available under Section ~~26~~ 1506.3 of this ~~act~~ title.

12 E. If monetary relief is sought for the benefit of an aggrieved  
13 person who does not intervene in the civil action, the court may not  
14 award the monetary relief if that aggrieved person has not complied  
15 with discovery orders entered by the court.

16 SECTION 13. AMENDATORY 25 O.S. 2011, Section 1505.1, is  
17 amended to read as follows:

18 Section 1505.1. If the ~~Commission upon final determination~~  
19 ~~finds~~ Attorney General determines that an act of housing  
20 discrimination pursuant to Section ~~2~~ 1452 of this ~~act~~ title has been  
21 committed by a person holding a real estate license pursuant to  
22 state law, the ~~Commission~~ Attorney General will certify its  
23 determination to the licensing agency. Unless such determination of  
24 discriminatory practice is reversed in the course of judicial

1 review, a final determination is binding on the licensing agency.  
2 Such agency shall take appropriate administrative action, including  
3 suspension or revocation of the license of the respondent.

4 SECTION 14. AMENDATORY 25 O.S. 2011, Section 1506.1, is  
5 amended to read as follows:

6 Section 1506.1. A. ~~An~~ Subject to the requirements of Section  
7 1350 of this title, an aggrieved person may file a civil action in  
8 district court not later than ~~the second year~~ two (2) years after  
9 the ~~occurrence~~ last date of the ~~termination of an~~ alleged  
10 discriminatory ~~housing~~ practice, or the breach of a conciliation  
11 agreement entered into pursuant to this act, whichever occurs last,  
12 to obtain appropriate relief with respect to the discriminatory  
13 ~~housing~~ practice or breach.

14 B. ~~The two-year period does not include any time during which~~  
15 ~~an administrative hearing pursuant to this act is pending with~~  
16 ~~respect to a complaint or charge pursuant to this act based on the~~  
17 ~~discriminatory housing practice. This subsection does not apply to~~  
18 ~~actions arising from a breach of a conciliation agreement.~~

19 C. ~~An~~ Subject to the requirements of Section 1350 of this  
20 title, an aggrieved person may file an action pursuant to this  
21 section whether or not a complaint has been filed pursuant to  
22 ~~Section 8 of~~ this act and without regard to the status of any such  
23 complaint ~~filed pursuant to this section.~~

24

1       ~~D. C.~~ If the ~~Commission~~ Attorney General has obtained a  
2 conciliation agreement with the consent of an aggrieved person, the  
3 aggrieved person may not file an action pursuant to this section  
4 with respect to the alleged discriminatory ~~housing~~ practice that  
5 forms the basis for the complaint except to enforce the terms of the  
6 agreement.

7       ~~E. D.~~ An aggrieved person may not file an action pursuant to  
8 this section with respect to an alleged discriminatory ~~housing~~  
9 practice that forms the basis of a ~~charge issued by the Commission~~  
10 ~~if the Commission has begun a hearing on the record pursuant to this~~  
11 ~~act with respect to the charge~~ civil enforcement action initiated by  
12 the Attorney General for violations of this act.

13       SECTION 15.       AMENDATORY       25 O.S. 2011, Section 1506.2, is  
14 amended to read as follows:

15       Section 1506.2. On application by a person alleging a  
16 discriminatory ~~housing~~ practice or by a person against whom such a  
17 practice is alleged, the court may appoint an attorney for the  
18 person.

19       SECTION 16.       AMENDATORY       25 O.S. 2011, Section 1506.3, is  
20 amended to read as follows:

21       Section 1506.3. In an action pursuant to ~~Section 24~~ Sections  
22 1502.15 or 1506.1 of this ~~act~~ title, if the court finds that a  
23 discriminatory ~~housing~~ practice has occurred or is about to occur,  
24 the court may award to the plaintiff or aggrieved person:

1 1. actual and punitive damages;

2 ~~2. reasonable attorneys fees;~~

3 ~~3. court costs;~~ and

4 ~~4. 2.~~ subject to Section ~~27~~ 1506.4 of this ~~act~~ title, ~~any a~~  
5 permanent or temporary injunction, temporary restraining order, or  
6 other order, including an order enjoining the defendant from  
7 engaging in the practice or ordering appropriate affirmative action.

8 SECTION 17. AMENDATORY 25 O.S. 2011, Section 1506.4, is  
9 amended to read as follows:

10 Section 1506.4. Relief granted pursuant to Section ~~26~~ 1506.3 of  
11 this ~~act~~ title, does not affect a contract, sale, encumbrance, or  
12 lease that:

13 1. was consummated before the granting of the relief; and

14 2. involved a bona fide purchaser, encumbrancer, or tenant who  
15 did not have actual notice of the filing of a complaint pursuant to  
16 this act or a civil action pursuant to Section 1506.1 of this  
17 ~~section~~ title.

18 SECTION 18. AMENDATORY 25 O.S. 2011, Section 1506.6, is  
19 amended to read as follows:

20 Section 1506.6. A. ~~On request of the Commission, the~~ The  
21 Attorney General may file a civil action in district court for  
22 appropriate relief if the ~~Commission~~ Attorney General has reasonable  
23 cause to believe that:

1 1. a person is engaged in pattern or practice of resistance to  
2 the full enjoyment of any right granted by this act; or

3 2. a person has been denied any right granted by this act and  
4 that denial raises an issue of general public importance.

5 B. In an action pursuant to this section the court may:

6 1. award preventive relief, including a permanent or temporary  
7 ~~injunctive~~ injunction, restraining order, or other order against the  
8 person responsible for a violation of this act as necessary to  
9 assure the full enjoyment of the rights granted by this act;

10 2. award other appropriate relief, including monetary damages,  
11 reasonable ~~attorneys~~ attorney fees, and court costs; and

12 3. to vindicate the public interest, assess a civil penalty  
13 against the respondent in an amount that does not exceed:

14 a. Fifty Thousand Dollars (\$50,000.00), for a first  
15 violation, and

16 b. One Hundred Thousand Dollars (\$100,000.00), for a  
17 second or subsequent violation.

18 C. A person may intervene in an action pursuant to this section  
19 if the person is:

20 1. an aggrieved person to the discriminatory ~~housing~~ practice;  
21 or

22 2. a party to a conciliation agreement concerning the  
23 discriminatory ~~housing~~ practice.  
24

1 SECTION 19. AMENDATORY 25 O.S. 2011, Section 1506.7, is  
2 amended to read as follows:

3 Section 1506.7. The Attorney General ~~on behalf of the~~  
4 ~~Commission or other party at whose request a subpoena is issued~~  
5 ~~pursuant to this act,~~ may enforce the compliance with a subpoena or  
6 seek to compel answers to interrogatories issued pursuant to Section  
7 1501 of this title in appropriate proceedings in district court.

8 SECTION 20. AMENDATORY 25 O.S. 2011, Section 1601, is  
9 amended to read as follows:

10 Section 1601. It is a discriminatory practice for a person, or  
11 for two or more persons to conspire,

12 (1) to retaliate or discriminate against a person because he or  
13 she has opposed a discriminatory practice, or because he or she has  
14 made a charge, filed a complaint, testified, assisted, or  
15 participated in an investigation, proceeding, or hearing under this  
16 act;

17 (2) to aid, abet, incite, or coerce a person to engage in a  
18 discriminatory practice;

19 (3) willfully to interfere with the performance of a duty or the  
20 exercise of a power by the ~~Commission or one of its members or~~  
21 ~~representatives~~ Attorney General; or

22 (4) willfully to obstruct or prevent a person from complying  
23 with the provisions of this act or an order issued thereunder, or  
24

1 with the provisions of a conciliation agreement approved by the  
2 Attorney General pursuant to this act.

3 SECTION 21. AMENDATORY 25 O.S. 2011, Section 1704, is  
4 amended to read as follows:

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

7 1. To employ an executive director and other employees and  
8 agents and fix their compensation;

9 2. To cooperate with individuals and state, local, and other  
10 agencies, both public and private, including agencies of the federal  
11 government and other states and municipalities;

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

14 4. To receive, initiate, investigate, and seek to conciliate  
15 complaints alleging violations of Section 1101 et seq. of this title  
16 or of an ordinance prohibiting discrimination because of race,  
17 color, religion, sex, national origin, age, disability, or genetic  
18 information or legislation establishing the commission;

19 5. To make studies appropriate to effectuate its purposes and  
20 policies and to make the results thereof available to the public;  
21 and

22 6. To render at least annually a report, a copy of which shall  
23 be furnished to the ~~Oklahoma Human Rights Commission~~ Attorney  
24 General.

1 SECTION 22. AMENDATORY 25 O.S. 2011, Section 1705, is  
2 amended to read as follows:

3 Section 1705. A. ~~The Oklahoma Human Rights Commission~~ Attorney  
4 General:

5 1. Whether or not a complaint has been filed under the  
6 provisions ~~of Section 1502 or 1704~~ of this title act, may refer a  
7 matter involving discrimination because of race, color, religion,  
8 sex, national origin, age, disability, or genetic information to a  
9 local commission for investigation, study, and report; and

10 2. May refer a complaint alleging a violation of Section 1101  
11 et seq. of this title to a local commission for:

- 12 a. investigation,
- 13 b. determination whether there is reasonable cause to  
14 believe that the respondent has engaged in a  
15 discriminatory practice, or
- 16 c. assistance in eliminating a discriminatory practice by  
17 conference, conciliation, or persuasion.

18 B. Upon referral by the ~~Commission~~ Attorney General, the local  
19 commission shall make a report and may make recommendations to the  
20 ~~Commission~~ Attorney General and take other appropriate action within  
21 the scope of its powers.

22 SECTION 23. AMENDATORY 25 O.S. 2011, Section 1706, is  
23 amended to read as follows:

24



1 Section 1706. (a) A local commission may refer a matter under  
2 its jurisdiction to the ~~State Commission~~ Attorney General.

3 (b) At any time after a complaint under this ~~Act~~ act is filed,  
4 the ~~State Commission~~ Attorney General may require a local commission  
5 to transfer any related proceeding to the ~~State Commission~~ Attorney  
6 General. After the local commission is requested to transfer a  
7 proceeding, the local commission has no further jurisdiction over  
8 the proceeding except to take appropriate action to implement the  
9 transfer to the ~~State Commission~~ Attorney General.

10 SECTION 24. REPEALER 25 O.S. 2011, Sections 1502.2,  
11 1502.3, 1502.4, 1502.5, 1502.7, 1502.8, 1502.9, 1502.10, 1502.11,  
12 1502.12, 1502.13, 1502.14, 1503, 1504, 1505, 1506, 1506.5, 1506.8,  
13 1507, 1508 and 1604, are hereby repealed.

14 SECTION 25. This act shall become effective November 1, 2012.

15

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