

1 origin, sex, religion, creed, age, disability or genetic
2 information.

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

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

8 Section 1201. In this act, unless the context otherwise
9 requires, :

10 ~~(1) "Commission" means the Human Rights Commission created by 74~~
11 ~~Oklahoma Statutes, Section 952~~ 1. "Attorney General" means the
12 Oklahoma Attorney General's Office of Civil Rights Enforcement;

13 ~~(2) "Commissioner" means a member of the Commission~~ 2.
14 "Conciliation" means the attempted resolution of issues raised by a
15 complaint or by the investigation of the complaint through informal
16 negotiations involving the aggrieved person, the alleged
17 discriminating party and the Attorney General;

18 ~~(3)~~ 3. "Conciliation agreement" means a written agreement
19 setting forth the resolution of the issues in conciliation;

20 4. "Discriminatory practice" means a practice designated as
21 discriminatory under the terms of this act;

22 ~~(4)~~ 5. "National origin" includes the national origin of an
23 ancestor; and

24

1 ~~(5)~~ 6. "Person" includes an individual, association,
2 corporation, joint apprenticeship committee, joint-stock company,
3 labor union, legal representative, mutual company, partnership,
4 receiver, trust, trustee, trustee in bankruptcy, unincorporated
5 organization, any other legal or commercial entity, the state, or
6 any governmental entity or agency.

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

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

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1 genetic information in the state or a community, section, or other
2 area, or in the available work force in the state or a community,
3 section, or other area. However, it is not a discriminatory
4 practice for a person subject to Section 1101 et seq. of this title
5 to adopt and carry out a plan to eliminate or reduce imbalance with
6 respect to race, color, religion, sex, national origin, age,
7 disability, or genetic information if the plan has been filed with,
8 and not disapproved by, the ~~Oklahoma Human Rights Commission under~~
9 ~~regulations of the Commission and the Commission has not disapproved~~
10 ~~the plan~~ Attorney General.

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

13 Section 1350. A. A cause of action for employment-based
14 discrimination is hereby created and any common law remedies are
15 hereby abolished.

16 B. In order to have standing in a court of law to allege
17 discrimination arising from an employment-related matter, in a cause
18 of action against an employer for discrimination based on race,
19 color, religion, sex, national origin, age, disability, genetic
20 information with respect to the employee, or retaliation, an
21 aggrieved party must, within one hundred eighty (180) days from the
22 last date of alleged discrimination, file a complaint with the
23 Attorney General or a charge of discrimination in employment with

1 ~~the Oklahoma Human Rights Commission or~~ the Equal Employment
2 Opportunity Commission alleging the basis of discrimination believed
3 to have been perpetrated on the aggrieved party. ~~Upon completion of~~
4 ~~any investigation, the Oklahoma Human Rights Commission shall~~
5 ~~transmit the results of any administrative hearing and determination~~
6 ~~to the Equal Employment Opportunity Commission or issue the~~
7 ~~complaining party a Notice of a Right to Sue~~ A complaint filed with
8 the Attorney General shall conform to the requirements set forth in
9 Section 1502 of this title.

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

18 D. All civil actions brought pursuant to a ~~Notice of a Right to~~
19 ~~Sue from the Oklahoma Human Rights Commission for redress against~~
20 ~~any person who is alleged to have discriminated against the charging~~
21 ~~party and against any person named as respondent in the charge~~
22 subsection C of this section shall be commenced in the district

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

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

5 F. The defending party may allege any defense that is available
6 under federal law, including, but not limited to, Title VII of the
7 Civil Rights Act of 1964, the Age Discrimination in Employment Act,
8 the Pregnancy Discrimination Act, the ~~Rehabilitation~~ Rehabilitation
9 Act, the Americans with Disabilities Act, or the Genetic Information
10 Nondiscrimination Act.

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

7 H. ~~In any action or proceeding under this section, the court~~
8 ~~may allow a prevailing plaintiff or defendant a reasonable attorney~~
9 ~~fee.~~

10 ~~+~~ No action may be filed in district court as provided in this
11 section more than ninety (90) days after ~~receiving a Notice of a~~
12 ~~Right to Sue from the Oklahoma Human Rights Commission~~ the
13 expiration of the one-hundred-eighty-day period set forth in
14 subsection C of this section.

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

17 Section 1451. A. As used in Sections 1451 through 1453 of this
18 title:

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

21 2. "Dwelling" means:

22 a. any building, structure, or part of a building or
23 structure that is occupied as, or designed or intended

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1 for occupancy as, a residence by one or more families,
2 or

3 b. any vacant land that is offered for sale or lease for
4 the construction or location of a building, structure,
5 or part of a building or structure described in
6 subparagraph a of this paragraph;

7 3. "Person" includes one or more individuals, corporations,
8 partnerships, associations, labor organizations, legal
9 representatives, mutual companies, joint-stock companies, trusts,
10 unincorporated organizations, trustees, trustees in bankruptcy,
11 receivers and fiduciaries, the state, and all political subdivisions
12 and agencies thereof;

13 4. "Restrictive covenants" means any specification limiting the
14 transfer, rental, or lease of any dwelling because of race, color,
15 religion, sex, national origin, age, disability, or familial status;

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

18 6. "Disability" means a mental or physical impairment that
19 substantially limits at least one major life activity, when there is
20 a record of such an impairment, or the individual is regarded as
21 having such an impairment. The term does not include current
22 illegal use of or addiction to any drug or illegal or federally
23 controlled substance. For purposes of Sections 1451 through 1453 of

1 this title, "an individual with a disability" or "disability" does
2 not apply to an individual because of sexual orientation or the
3 sexual preference of the individual or because that individual is a
4 transvestite;

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

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

10 a. claims to have been injured by a discriminatory
11 housing practice, or

12 b. believes that he or she will be injured by a
13 discriminatory housing practice that is about to
14 occur;

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

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

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

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

3 ~~13.~~ "Discriminatory housing practice" means an act prohibited
4 by Section 1452 of this title;

5 ~~14.~~ 11. "Family" includes a single individual;

6 ~~15.~~ 12. "Respondent" means:

7 a. the person accused of a violation of Sections 1451
8 through 1453 of this title in a complaint of a
9 discriminatory housing practice, or

10 b. any person identified as an additional or substitute
11 respondent pursuant to Section 1502.5 of this title or
12 an agent of an additional or substitute respondent;
13 and

14 ~~16.~~ 13. "To rent" means to lease, to sublease, to let, or to
15 otherwise grant for a consideration the right to occupy premises not
16 owned by the occupant.

17 B. For purposes of Sections 1451 through 1453 of this title, a
18 discriminatory act is committed because of familial status only if
19 the act is committed because the person who is the subject of
20 discrimination is:

21 1. Pregnant;

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

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1 a. is the parent or legal custodian, or

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

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

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

8 Section 1452. A. It shall be an unlawful discriminatory
9 housing practice for any person, or any agent or employee of such
10 person:

11 1. To refuse to sell or rent after the making of a bona fide
12 offer, or to refuse to negotiate for the sale or rental of any
13 housing, or otherwise make unavailable or deny any housing because
14 of race, color, religion, gender, national origin, age, familial
15 status, or disability;

16 2. To discriminate against any person in the terms, conditions,
17 or privileges of sale or rental of housing, or in the provision of
18 services or facilities in connection with any housing because of
19 race, color, religion, gender, national origin, age, familial
20 status, or disability;

21 3. To make, print, publish, or cause to be made, printed, or
22 published any notice, statement, or advertisement, with respect to
23 the sale or rental of housing that indicates any preference,

1 limitation, discrimination, or intention to make any such
2 preference, limitation, or discrimination because of race, color,
3 religion, gender, national origin, age, familial status, or
4 disability;

5 4. To represent to any person, for reasons of discrimination,
6 that any housing is not available for inspection, sale, or rental
7 when such housing is in fact so available because of race, color,
8 religion, gender, national origin, age, familial status, or
9 disability;

10 5. To deny any person access to, or membership or participation
11 in, a multiple-listing service, real estate brokers' organization or
12 other service, organization, or facility relating to the business of
13 selling or renting dwellings, or discriminate against a person in
14 the terms or conditions of access, membership, or participation in
15 such an organization, service, or facility because of race, color,
16 religion, gender, national origin, age, familial status, or
17 disability;

18 6. To include in any transfer, sale, rental, or lease of
19 housing any restrictive covenant that discriminates, or for any
20 person to honor or exercise, or attempt to honor or exercise, any
21 discriminatory covenant pertaining to housing because of race,
22 color, religion, gender, national origin, age, familial status, or
23 disability;

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1 7. To refuse to consider the income of both applicants when
2 both applicants seek to buy or lease housing because of race, color,
3 religion, gender, national origin, age, familial status, or
4 disability;

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

10 9. To discriminate against a person in the terms, conditions,
11 or privileges relating to the obtaining or use of financial
12 assistance for the acquisition, construction, rehabilitation,
13 repair, or maintenance of any housing because of race, color,
14 religion, gender, national origin, age, familial status, or
15 disability;

16 10. To discharge, demote, or discriminate in matters of
17 compensation or working conditions against any employee or agent
18 because of the obedience of the employee or agent to the provisions
19 of this section;

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

1 12. To knowingly induce or attempt to induce another person to
2 transfer an interest in real property, or to discourage another
3 person from purchasing real property, by representations regarding
4 the existing or potential proximity of real property owned, used, or
5 occupied by persons of any particular race, color, religion, gender,
6 national origin, age, familial status or disability, or to represent
7 that such existing or potential proximity shall or may result in:

- 8 a. the lowering of property values,
9 b. a change in the racial, religious, or ethnic character
10 of the block, neighborhood, or area in which the
11 property is located,
12 c. an increase in criminal or antisocial behavior in the
13 area, or
14 d. a decline in quality of the schools serving the area;

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

18 14. To demand the payment of an additional nonrefundable fee or
19 an unreasonable deposit for rent from a blind, deaf, or disabled
20 person for such dog. Such blind, deaf, or disabled person may be
21 liable for any damage done to the dwelling by such dog; and
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1 15. a. to discriminate in the sale or rental or otherwise
2 make available or deny a dwelling to any buyer or
3 renter because of a disability of:

4 (1) that buyer or renter,

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

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

10 b. to discriminate against any person in the terms,
11 conditions, or privileges of sale or rental of a
12 dwelling or in the provision of services or facilities
13 in connection with the dwelling because of a
14 disability of:

15 (1) that person,

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

19 (3) any person associated with that person~~+~~.

20 ~~16.~~ B. 1. For purposes of disability discrimination in housing
21 pursuant to Sections 1451 through 1453 of this title, discrimination
22 includes:
23
24

1 a. a refusal to permit, at the expense of the disabled
2 person, reasonable modifications of existing premises
3 occupied or to be occupied by the person if the
4 modifications may be necessary to afford the person
5 full enjoyment of the premises, provided that such
6 person also provides a surety bond guaranteeing
7 restoration of the premises to their prior condition,
8 if necessary to make the premises suitable for
9 nondisabled tenants,

10 b. a refusal to make reasonable accommodations in rules,
11 policies, practices, or services, when the
12 accommodations may be necessary to afford the person
13 equal opportunity to use and enjoy a dwelling, or

14 c. in connection with the design and construction of
15 covered multifamily dwellings for first occupancy
16 thirty (30) months after the date of enactment of the
17 federal Fair Housing Amendments Act of 1988 (Public
18 Law 100-430), a failure to design and construct those
19 dwellings in a manner that:

20 (1) the public use and common use portions of the
21 dwellings are readily accessible to and usable by
22 disabled persons,

1 (2) all the doors designed to allow passage into and
2 within all premises within the dwellings are
3 sufficiently wide to allow passage by disabled
4 persons in wheelchairs, and

5 (3) all premises within the dwellings contain the
6 following features of adaptive design:

7 (a) an accessible route into and through the
8 dwelling,

9 (b) light switches, electrical outlets,
10 thermostats, and other environmental
11 controls in accessible locations,

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

14 (d) usable kitchen and bathrooms so that an
15 individual in a wheelchair can maneuver
16 about the space.

17 ~~(4) compliance~~

18 Compliance with the appropriate requirements of
19 the American National Standard for buildings and
20 facilities providing accessibility and usability
21 for physically disabled people, commonly cited as
22 "ANSI A 117.1", suffices to satisfy the
23
24

1 requirements of this division ~~(3) of this~~
2 subparagraph~~7~~.

3 ~~(5) as~~

4 2. As used in this subsection, the term "covered multifamily
5 dwellings" means:

6 ~~(a)~~ a. buildings consisting of four or more units if the
7 buildings have one or more elevators, and

8 ~~(b)~~ b. ground floor units in other buildings consisting of
9 four or more units~~7~~.

10 ~~(6) nothing~~

11 3. ~~Nothing~~ in this subsection requires that a dwelling be made
12 available to an individual whose tenancy would constitute a direct
13 threat to the health or safety of other individuals or whose tenancy
14 would result in substantial physical damage to the property of
15 others; ~~or.~~

16 ~~17. a.~~ C. 1. A person whose business includes engaging in
17 residential real estate related transactions may not discriminate
18 against a person in making a real estate related transaction
19 available or in the terms or conditions of a real estate related
20 transaction because of race, color, religion, gender, disability,
21 familial status, national origin or age.

22 ~~b.~~ 2. In this section, "residential real estate related
23 transaction" means:

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; or

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1 3. Prohibit a private club not open to the public that, as an
2 incident to its primary purpose, provides lodging that it owns or
3 operates for other than a commercial purpose from limiting the
4 rental or occupancy of that lodging to its members or from giving
5 preference to its members~~;~~.

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

10 a. ~~that the Oklahoma Human Rights Commission determines~~

11 1. That is specifically designed and operated to assist elderly
12 persons pursuant to a federal or state program~~;~~;

13 ~~b. intended~~

14 2. Intended for, and solely occupied by, persons sixty-two (62)
15 years of age or older~~;~~; or

16 ~~c. intended~~

17 3. Intended and operated for occupancy by at least one person
18 fifty-five (55) years of age or older per unit ~~as determined by~~
19 ~~Commission rules;~~.

20 ~~5. a.~~

21 C. 1. Subject to ~~subdivision (b)~~ division (2) of ~~division (1)~~
22 subparagraph a of this ~~subparagraph~~ paragraph, Sections 1451 through
23 1453 of this title do not apply to:

24

1 ~~8.~~ F. Nothing provided for in Sections 1451 through 1453 of
2 this title shall prevent or restrict the sale, lease, rental,
3 transfer, or development of housing designed or intended for the use
4 of the disabled~~;~~.

5 ~~9.~~ G. Nothing provided for in Sections 1451 through 1453 of
6 this title shall affect a requirement of nondiscrimination in any
7 other state or federal law~~;~~.

8 ~~10.~~ H. Nothing provided for in Sections 1451 through 1453 of
9 this title shall prohibit the transfer of property by will,
10 intestate succession, or by gift.

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

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

17 1. ~~to promote the creation of local commissions on human~~
18 ~~rights, and to contract with individuals and state, local and other~~
19 ~~agencies, both public and private, including agencies of the federal~~
20 ~~government and of other states;~~

21 2. ~~to accept public grants or private gifts, bequests, or other~~
22 ~~payments;~~

23
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1 ~~3.~~ To receive, investigate, seek to conciliate, ~~hold hearings~~
2 ~~on, and pass~~ and, where conciliation is unsuccessful, initiate
3 enforcement actions based upon complaints alleging violations of
4 this act;

5 ~~4.~~ 2. To furnish technical assistance requested by persons
6 subject to this act to further compliance with the act or an order
7 issued thereunder;

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

11 ~~6.~~ 3. To require answers to interrogatories, under the
12 procedures established by Section ~~3210~~ 3233 of Title 12 of the
13 Oklahoma Statutes, issue subpoenas, compel the attendance of
14 witnesses, examine witnesses under oath or affirmation, and require
15 the production of documents in connection with the investigation of
16 complaints filed under this act, said powers to be exercised only in
17 relation to areas directly and materially related to the complaint.
18 ~~The Commission may make rules authorizing any member or hearing~~
19 ~~examiner designated by order to pass upon a complaint after a~~
20 ~~hearing under Section 1503 of this title, and such decision must be~~
21 ~~approved in writing by a majority of the membership of the~~
22 ~~Commission~~ The Attorney General shall have access at any reasonable
23 time to premises, records and documents relevant to the complaint

1 and the right to examine, photograph and copy evidence, in
2 accordance with Section 3234 of Title 12 of the Oklahoma Statutes;

3 ~~7. to hear, and issue orders on, complaints involving state~~
4 ~~government agencies and departments on the same basis as complaints~~
5 ~~involving private employers; and~~

6 ~~8.~~ 4. To provide technical assistance and public information to
7 assist in preventing and eliminating discriminatory ~~housing~~
8 practices in housing, employment or public accommodations within
9 this state.

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

11 1. At least annually, publish a written report recommending
12 legislative or other action to carry out the purposes of this act as
13 it relates to housing discrimination;

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

16 ~~3.~~ 2. Cooperate with and, as appropriate, may provide technical
17 and other assistance to federal, state, local, and other public or
18 private entities that are formulating or operating programs to
19 prevent or eliminate discriminatory ~~housing~~ practices in housing,
20 employment or public accommodations within this state.

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

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1 Section 1502. A. A person claiming to be aggrieved by a
2 discriminatory practice pursuant to this act, ~~his~~ the person's
3 ~~attorney, the Attorney General,~~ or a nonprofit organization
4 chartered for the purpose of combatting discrimination ~~or a member~~
5 ~~of the Commission,~~ may file with the ~~Commission~~ Attorney General a
6 written sworn complaint stating that a discriminatory practice has
7 been committed, and setting forth the facts upon which the complaint
8 is based, ~~and setting forth facts sufficient to enable the~~
9 ~~Commission to identify the person charged, hereinafter called the~~
10 ~~respondent. The Commission or a member of the Commission or the~~
11 ~~staff~~ Attorney General shall promptly furnish the respondent with a
12 ~~copy of the~~ review each complaint and shall promptly investigate the
13 ~~allegations of discriminatory practice set forth in the~~ to determine
14 if the complaint contains a sufficient factual basis to warrant
15 further investigation. ~~The~~ Any complaint ~~must be filed~~ pursuant to
16 this section shall be filed within one hundred eighty (180) days
17 after the final instance of the alleged discriminatory practice
18 occurs.

19 B. ~~If within sixty (60) days after the complaint is filed it is~~
20 ~~determined by the Commission or a member of the Commission or the~~
21 ~~staff that there is no reasonable cause to believe that the~~
22 ~~respondent has engaged in a discriminatory practice, the Commission~~
23 ~~shall issue an order dismissing the complaint and shall furnish a~~

1 ~~copy of the order to the complainant, the respondent, the Attorney~~
2 ~~General and such other public officers and persons as the Commission~~
3 ~~deems proper.~~

4 C. ~~The complainant, within thirty (30) days after receiving a~~
5 ~~copy of an order dismissing the complaint, may file with the~~
6 ~~Commission an application for reconsideration of the order. Upon~~
7 ~~such application, the Commission or a designated member of the~~
8 ~~Commission shall make a new determination whether there is a~~
9 ~~reasonable cause to believe that the respondent has engaged in a~~
10 ~~discriminatory practice. If it is determined within thirty (30)~~
11 ~~days after the application is filed that there is no reasonable~~
12 ~~cause to believe that the respondent has engaged in a discriminatory~~
13 ~~practice, the Commission shall issue an order dismissing the~~
14 ~~complaint and furnish a copy of the order to the complainant, the~~
15 ~~respondent, the Attorney General, and such other public officers and~~
16 ~~persons as the Commission deems proper.~~

17 D. ~~This section does not apply to persons claiming to be~~
18 ~~aggrieved by a discriminatory housing practice to the extent that it~~
19 ~~is inconsistent with specific provisions of this act relating to a~~
20 ~~discriminatory housing complaint~~ Complaints filed with the Attorney
21 General pursuant to this section shall be in writing, under oath,
22 and substantially in the form prescribed by the Attorney General.
23 Complaints shall include sufficient detail to enable the Attorney

1 General to identify and locate the party alleged to have committed
2 the discriminatory practice. Upon receiving a complaint, the
3 Attorney General shall promptly notify the complainant of receipt
4 and advise the complainant of the relevant time limits and choice of
5 forums available to the complainant pursuant to this act.

6 C. If the Attorney General determines upon preliminary review
7 of the complaint and any accompanying materials that a sufficient
8 factual basis exists to warrant further investigation of the
9 discriminatory practices alleged in the complaint, the Attorney
10 General shall forward a copy of the complaint to the alleged
11 discriminating party, hereafter termed the "respondent", as set
12 forth in subsection D of this section, and shall promptly
13 investigate those allegations of discriminatory practice set forth
14 in the complaint. If, after the preliminary review, the Attorney
15 General concludes that the complaint does not set forth a sufficient
16 factual basis to warrant further investigation, the Attorney General
17 shall notify the complainant of this conclusion and advise the
18 complainant as to other options available to him or her pursuant to
19 this act.

20 D. If a complaint filed with the Attorney General pursuant to
21 this section sets forth a sufficient factual basis to warrant
22 further investigation, the Attorney General shall transmit to the
23 respondent a notice identifying the alleged discriminatory practice

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1 and advising the respondent of the procedural rights and obligations
2 of a respondent pursuant to this act, and a copy of the complaint.
3 No later than fifteen (15) days following receipt of the notice and
4 copy of the complaint, the respondent shall file with the Attorney
5 General an answer to the allegations set forth in the complaint.
6 The respondent's answer shall be in writing, under oath and signed
7 by the respondent.

8 SECTION 10. AMENDATORY 25 O.S. 2011, Section 1502.1, is
9 amended to read as follows:

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

8 SECTION 11. AMENDATORY 25 O.S. 2011, Section 1502.6, is
9 amended to read as follows:

10 Section 1502.6 A. The ~~Commission~~ Attorney General shall,
11 ~~during the period beginning with the filing of a complaint and~~
12 ~~ending with the filing of a charge or a dismissal by the Commission,~~
13 ~~to the extent feasible~~ before filing any court action or issuing a
14 cease and desist order, engage with the parties in a conciliation
15 process with respect to the complaint. If the parties, through the
16 conciliation process, are successful in resolving their dispute, the
17 terms of resolution shall be memorialized in a written conciliation
18 agreement, subject to approval by the Attorney General. Upon such
19 approval, the Attorney General shall close the complaint file.

20 B. ~~A conciliation agreement is an agreement between a~~
21 ~~respondent and the complainant and is subject to Commission~~
22 ~~approval.~~

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1 ~~C.~~ A conciliation agreement may provide for binding arbitration
2 or other method of dispute resolution. Dispute resolution that
3 results from a conciliation agreement may authorize appropriate
4 relief, including monetary relief.

5 ~~D.~~ A conciliation agreement shall be made public unless the
6 complainant and respondent agree otherwise, and the Commission
7 determines that disclosure is not necessary to further the purpose
8 of this act.

9 ~~E.~~ C. The Attorney General shall not make public, without the
10 written consent of the complainant and the respondent, information
11 concerning the agreement or efforts in a particular case to
12 eliminate a discriminatory practice by conciliation; provided
13 however, consent shall not be required to make public that a
14 conciliation agreement has been reached. At any time in its
15 discretion, the Attorney General shall periodically investigate
16 whether the terms of the conciliation agreement are being complied
17 with by the respondent, and shall take appropriate action as
18 authorized by this act to assure compliance.

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

22 ~~F.~~ After completion of the Commission's investigation, the
23 Commission shall make available to the aggrieved person and the
24

1 ~~respondent, at any time, information derived from the investigation~~
2 ~~and the final investigation report relating to that investigation.~~

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

5 Section 1502.15 A. ~~If a timely election is made pursuant to~~
6 ~~Section 20 of this act, the Commission shall authorize, and not~~
7 ~~later than the 30th day after the election is made,~~ following its
8 investigation, the Attorney General determines that reasonable cause
9 exists to believe that the respondent engaged in a discriminatory
10 practice in violation of this act, the Attorney General ~~shall~~ may
11 ~~file,~~ a civil enforcement action on behalf of the aggrieved person
12 in a district court seeking relief ~~pursuant to this section~~ for such
13 violations.

14 B. Venue for an action filed pursuant to this section is in the
15 county in which the alleged discriminatory ~~housing~~ practice
16 occurred, or in a county where the respondent resides or transacts
17 business.

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

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

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

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

7 Section 1505.1 ~~If the Commission upon final determination finds~~
8 Attorney General determines that an act of housing discrimination
9 pursuant to Section ~~2~~ 1452 of this ~~act~~ title has been committed by a
10 person holding a real estate license pursuant to state law, the
11 ~~Commission~~ Attorney General will certify its determination to the
12 licensing agency. Unless such determination of discriminatory
13 practice is reversed in the course of judicial review, a final
14 determination is binding on the licensing agency. Such agency shall
15 take appropriate administrative action, including suspension or
16 revocation of the license of the respondent.

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

19 Section 1506.1 A. ~~An~~ Subject to the requirements of Section
20 1350 of this title, an aggrieved person may file a civil action in
21 district court not later than ~~the second year~~ two (2) years after
22 the ~~occurrence~~ last date of the ~~termination of an~~ alleged
23 discriminatory ~~housing~~ practice, or the breach of a conciliation

1 agreement entered into pursuant to this act, whichever occurs last,
2 to obtain appropriate relief with respect to the discriminatory
3 ~~housing~~ practice or breach.

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

9 C. ~~An~~ Subject to the requirements of Section 1350 of this
10 title, an aggrieved person may file an action pursuant to this
11 section whether or not a complaint has been filed pursuant to
12 ~~Section 8 of~~ this act and without regard to the status of any such
13 ~~complaint filed pursuant to this section.~~

14 ~~D. C.~~ If the ~~Commission~~ Attorney General has obtained a
15 conciliation agreement with the consent of an aggrieved person, the
16 aggrieved person may not file an action pursuant to this section
17 with respect to the alleged discriminatory ~~housing~~ practice that
18 forms the basis for the complaint except to enforce the terms of the
19 agreement.

20 ~~E. D.~~ An aggrieved person may not file an action pursuant to
21 this section with respect to an alleged discriminatory ~~housing~~
22 practice that forms the basis of a ~~charge issued by the Commission~~
23 ~~if the Commission has begun a hearing on the record pursuant to this~~

24

1 ~~act with respect to the charge~~ civil enforcement action initiated by
2 the Attorney General for violations of this act.

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

5 Section 1506.2 On application by a person alleging a
6 discriminatory ~~housing~~ practice or by a person against whom such a
7 practice is alleged, the court may appoint an attorney for the
8 person.

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

11 Section 1506.3 In an action pursuant to ~~Section 24~~ Sections
12 1502.15 or 1506.1 of this ~~act~~ title, if the court finds that a
13 discriminatory ~~housing~~ practice has occurred or is about to occur,
14 the court may award to the plaintiff or aggrieved person:

15 1. Actual and punitive damages;

16 ~~2. reasonable attorneys fees;~~

17 ~~3. court costs;~~ and

18 ~~4.~~ 2. Subject to Section ~~27~~ 1506.4 of this ~~act~~ title, ~~any a~~
19 permanent or temporary injunction, temporary restraining order, or
20 other order, including an order enjoining the defendant from
21 engaging in the practice or ordering appropriate affirmative action.

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

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1 Section 1506.4 Relief granted pursuant to Section ~~26~~ 1506.3 of
2 this ~~act~~ title, does not affect a contract, sale, encumbrance, or
3 lease that:

- 4 1. Was consummated before the granting of the relief; and
- 5 2. Involved a bona fide purchaser, encumbrancer, or tenant who
6 did not have actual notice of the filing of a complaint pursuant to
7 this act or a civil action pursuant to Section 1506.1 of this
8 ~~section~~ title.

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

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

- 15 1. A person is engaged in pattern or practice of resistance to
16 the full enjoyment of any right granted by this act; or
- 17 2. A person has been denied any right granted by this act and
18 that denial raises an issue of general public importance.

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

- 20 1. Award preventive relief, including a permanent or temporary
21 ~~injunctive~~ injunction, restraining order, or other order against the
22 person responsible for a violation of this act as necessary to
23 assure the full enjoyment of the rights granted by this act;

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1 2. Award other appropriate relief, including monetary damages,
2 reasonable ~~attorneys~~ attorney fees, and court costs; and

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

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

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

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

11 1. An aggrieved person to the discriminatory ~~housing~~ practice;
12 or

13 2. A party to a conciliation agreement concerning the
14 discriminatory ~~housing~~ practice.

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

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

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

1 Section 1601. It is a discriminatory practice for a person, or
2 for two or more persons to conspire~~7~~:

3 ~~(1) to~~ 1. To retaliate or discriminate against a person because
4 he or she has opposed a discriminatory practice, or because he or
5 she has made a charge, filed a complaint, testified, assisted, or
6 participated in an investigation, proceeding, or hearing under this
7 act;

8 ~~(2) to~~ 2. To aid, abet, incite, or coerce a person to engage in
9 a discriminatory practice;

10 ~~(3) willfully~~ 3. Willfully to interfere with the performance of
11 a duty or the exercise of a power by the ~~Commission or one of its~~
12 ~~members or representatives~~ Attorney General; or

13 ~~(4) willfully~~ 4. Willfully to obstruct or prevent a person from
14 complying with the provisions of this act or an order issued
15 thereunder, or with the provisions of a conciliation agreement
16 approved by the Attorney General pursuant to this act.

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

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

21 1. To employ an executive director and other employees and
22 agents and fix their compensation;

23

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

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

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

11 5. To make studies appropriate to effectuate its purposes and
12 policies and to make the results thereof available to the public;
13 and

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

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

19 Section 1705. A. The ~~Oklahoma Human Rights Commission~~ Attorney
20 General:

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

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

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

5 a. investigation,

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

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

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

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

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

19 ~~(b)~~ B. At any time after a complaint under this ~~Act~~ act is
20 filed, the ~~State Commission~~ Attorney General may require a local
21 commission to transfer any related proceeding to the ~~State~~
22 ~~Commission~~ Attorney General. After the local commission is
23 requested to transfer a proceeding, the local commission has no

1 further jurisdiction over the proceeding except to take appropriate
2 action to implement the transfer to the ~~State Commission~~ Attorney
3 General.

4 SECTION 24. AMENDATORY 74 O.S. 2011, Section 954, is
5 amended to read as follows:

6 Section 954. It is hereby prohibited for any department or
7 agency of the State of Oklahoma, or any official or employee of the
8 same for and on behalf of the State of Oklahoma: to refuse to
9 employ or to discharge any person, otherwise qualified, on account
10 of race, color, creed, national origin, age, handicap, or ancestry;
11 to discriminate for the same reasons in regard to tenure, terms, or
12 conditions of employment; to deny promotion or increase in
13 compensation solely for these reasons; to publish an offer of
14 employment based on such discrimination; to adopt or enforce any
15 rule or employment policy which so discriminates as to any employee;
16 or to seek such information as to any applicant or employee or to
17 discriminate in the selection of personnel for training solely on
18 such basis. These provisions shall be cumulative and in addition to
19 existing laws relating to discrimination in the classified service.

20 It shall be the duty of the Oklahoma Merit Protection Commission
21 to investigate, upon its own initiative, upon complaint filed by any
22 aggrieved person, ~~or upon complaint filed by the Human Rights~~
23 ~~Commission,~~ any violation of this section and to enforce compliance

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1 with the same, both in the classified and the nonclassified service.
2 ~~The Human Rights Commission shall investigate, upon its own~~
3 ~~initiative or on complaint filed with it, any such violation and may~~
4 ~~file a formal complaint with the Oklahoma Merit Protection~~
5 ~~Commission. When any complaint is filed by the Human Rights~~
6 ~~Commission with the Oklahoma Merit Protection Commission, the~~
7 ~~Oklahoma Merit Protection Commission shall set a hearing on the~~
8 ~~same, at which hearing the Director of the Human Rights Commission,~~
9 ~~or his representative, may appear and present the finding of the~~
10 ~~Commission in regard to such violation. In the enforcement of this~~
11 ~~section, the Oklahoma Merit Protection Commission shall follow the~~
12 ~~provisions of existing laws relating to hearings, procedures, and~~
13 ~~notices, and shall have power to enforce its orders pertaining to~~
14 ~~violations of this section as is provided by law in regard to the~~
15 ~~classified service.~~

16 SECTION 25. REPEALER 25 O.S. 2011, Sections 1502.2,
17 1502.3, 1502.4, 1502.5, 1502.7, 1502.8, 1502.9, 1502.10, 1502.11,
18 1502.12, 1502.13, 1502.14, 1503, 1504, 1505, 1506, 1506.5, 1506.8,
19 1507, 1508 and 1604, are hereby repealed.

20 SECTION 26. REPEALER 74 O.S. 2011, Sections 952, 953 and
21 955, are hereby repealed.

22 SECTION 27. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby
24

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/10/2012 - DO
5 PASS, As Amended.

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