

1 ENGROSSED SENATE
2 BILL NO. 1494

By: Leewright of the Senate

3 and

4 Lawson of the House

5
6 [Department of Consumer Credit licensees -
7 regulation of businesses - grandfather clause -
8 codification - effective date]
9

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

11 SECTION 1. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 3-102a of Title 14A, unless
13 there is created a duplication in numbering, reads as follows:

14 A. For the protection of the public financial welfare, access
15 to credit services, and for community health, peace and safety the
16 State Legislature hereby occupies and preempts the entire field of
17 legislation in this state touching in any way those businesses and
18 occupations licensed, regulated and controlled under the supervision
19 of the Department of Consumer Credit to the complete exclusion of
20 any order, ordinance or regulation by any municipality or other
21 political subdivision of this state. Any existing or future orders,
22 ordinances or regulations in this field, except as provided in
23 subsection C of this section, are null and void.
24

1 B. No municipality or other political subdivision of this state
2 shall adopt or enforce any order, ordinance or regulation relating
3 to any business or person licensed, regulated and controlled under
4 the supervision of the Department of Consumer Credit in accordance
5 with Oklahoma Statutes which in any way concerns:

6 1. The function, scope or operation of such business or the
7 licensee;

8 2. The registration, permitting or licensing of such business
9 or any person employed by such business;

10 3. The regulation of interest rates or fees charged by such
11 business; or

12 4. The physical location of such business by prohibiting its
13 presence in an otherwise commercial or business-designated area or
14 by a classification or re-classification of such business by its
15 function, type or nature in an otherwise business-designated area.

16 C. A municipality may adopt any ordinance relating to:

17 1. Sales tax on merchandise or taxable services sold by such
18 business or person within the jurisdiction of the municipality;

19 2. Construction and building code permits necessary for public
20 safety, code compliance and enforcement or inspection purposes;

21 3. Signage, parking and hours of operation consistent with
22 surrounding businesses; and

23 4. The health, safety and general welfare of the public at the
24 physical site where such business is located.

1 D. When a person's rights pursuant to the protection of the
2 preemption provisions of this section have been violated, the person
3 shall have the right to bring a civil action against the persons,
4 municipality, and political subdivision jointly and severally for
5 injunctive relief or monetary damages, or both.

6 E. 1. On the effective date of this act, any business entity
7 or person licensed to do business in this state under the
8 regulation, control and supervision of the Department of Consumer
9 Credit in accordance with the Oklahoma Statutes, and operating a
10 lawful physical business facility located in this state, shall be
11 authorized to have such business and its facility, and such business
12 and its facility are hereby grandfathered in under the existing
13 local zoning ordinances and land use regulations in effect and
14 adopted by the municipality or other political subdivision of this
15 state in which such business and its facility are located on the
16 effective date of this act.

17 2. After the effective date of this act, a failure to maintain
18 a state-issued business license at such business location or a
19 change in the facility usage or physical location of such business
20 shall constitute a release of the authorized grandfather clause
21 provided in paragraph 1 of this subsection.

22 3. Nothing in this section shall be construed to release the
23 protected grandfather clause provided in paragraph 1 of this
24

subsection for reason of a change in ownership or a name change of the business.

SECTION 2. This act shall become effective November 1, 2018.

Passed the Senate the 14th day of March, 2018.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2018.

Presiding Officer of the House
of Representatives