

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1494, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Leewright

Leewright-NP-FS-Req#3455
3/12/2018 7:17 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 FLOOR SUBSTITUTE

4 FOR

SENATE BILL NO. 1494

By: Leewright of the Senate

5 and

6 Lawson of the House

7
8
9 FLOOR SUBSTITUTE

10 [Department of Consumer Credit licensees -
11 regulation of businesses - grandfather clause -
12 codification - effective date]
13

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

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

18 A. For the protection of the public financial welfare, access
19 to credit services, and for community health, peace and safety the
20 State Legislature hereby occupies and preempts the entire field of
21 legislation in this state touching in any way those businesses and
22 occupations licensed, regulated and controlled under the supervision
23 of the Department of Consumer Credit to the complete exclusion of
24 any order, ordinance or regulation by any municipality or other

1 political subdivision of this state. Any existing or future orders,
2 ordinances or regulations in this field, except as provided in
3 subsection C of this section, are null and void.

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

9 1. The function, scope or operation of such business or the
10 licensee;

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

13 3. The regulation of interest rates or fees charged by such
14 business; or

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

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

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

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

1 3. Signage, parking and hours of operation consistent with
2 surrounding businesses; and

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

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

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

21 2. After the effective date of this act, a failure to maintain
22 a state-issued business license at such business location or a
23 change in the facility usage or physical location of such business
24

1 shall constitute a release of the authorized grandfather clause
2 provided in paragraph 1 of this subsection.

3 3. Nothing in this section shall be construed to release the
4 protected grandfather clause provided in paragraph 1 of this
5 subsection for reason of a change in ownership or a name change of
6 the business.

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

8
9 56-2-3455 NP 3/12/2018 7:17:36 PM
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24