

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1431

By: Dahm

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6 AS INTRODUCED

7 An Act relating to state agencies with oversight of
8 occupational licenses; directing promulgation of
9 procedures and rules to allow certain compensation to
10 an injured individual resulting from a licensee's
11 violation of the licensing act; making certain
12 administrative fines available to injured individual
13 as restitution; allowing oversight agency to
14 determine amount of restitution available from
15 certain fines collected; prohibiting restitution from
16 unrelated fines collected; construing right to cause
17 of action in court of competent jurisdiction;
18 exempting certain professional agencies complying
19 with spirit of the act; directing rule promulgation
20 by certain date; providing for codification;
21 providing an effective date; and declaring an
22 emergency.

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

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 4000.2 of Title 59, unless there
is created a duplication in numbering, reads as follows:

25 A. All state agencies that are charged with oversight of
26 occupational licenses and who have authority to issue administrative
27 fines for a violation of the licensing act shall establish
28 procedures and rules for an individual who is physically or
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1 financially injured as a direct result of a licensee's violation of
2 the license provisions, or rules related thereto, and for which an
3 administrative fine for such violation was imposed and collected by
4 the licensing oversight agency, to request and receive all or a part
5 of the amount of such administrative fines collected as restitution
6 for their personal injury. The agency with oversight of the
7 licensee shall evaluate and determine the amount to be awarded to an
8 injured individual for restitution from the actual administrative
9 fines collected for that violation. No amount shall be paid to an
10 injured individual from any administrative fines collected from
11 other sources or for violations unrelated to the actual injury.

12 B. Nothing in any provision of this act or any agency rule
13 promulgated to implement the provisions of this act shall preclude a
14 cause of action from being brought in a court of competent
15 jurisdiction or be construed to diminish the amount of damages,
16 compensation or restitution which may be determined and awarded as a
17 result of a court action.

18 C. The provisions of this section shall not apply to
19 professional licensure boards that currently recognize and comply
20 with the spirit and intent of this act.

21 D. All state agencies charged with oversight of occupational
22 licenses shall promulgate rules to implement the provisions of this
23 act by November 1, 2020.

24 SECTION 2. This act shall become effective July 1, 2020.

1 SECTION 3. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.
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