

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 692

By: Smalley

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6 AS INTRODUCED

7 An Act relating to loans; creating the Consumer
8 Access Line of Credit Loan Act; providing short
9 title; defining terms; authorizing CALC loan
10 products; requiring finance charges on CALC loans;
11 setting percentage of finance per certain amount;
12 authorizing daily transaction fee; mandating ability
13 to pay analysis; requiring credit report be analyzed;
14 providing for no-cost conversion of certain loans;
15 stating division of principal for no-cost plan;
16 limiting no-cost conversion plan per year; proving
17 for periodic payments; setting minimum amount of
18 periodic payment to reduce principal amount; setting
19 billing cycle term; directing certain report to
20 credit bureau; limiting number of CALC loans;
21 providing database for open CALC loans; requiring the
22 Administrator of Consumer Credit to administer
23 database; directing promulgation of rules; making
24 database confidential; allowing release of aggregate
25 data for certain purposes; requiring lenders to be
26 licensed; providing for license procedure by rule;
27 providing for codification; and providing an
28 effective date.

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

31 SECTION 1. NEW LAW A new section of law to be codified
32 in the Oklahoma Statutes as Section 7-100 of Title 14A, unless there
33 is created a duplication in numbering, reads as follows:
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1 This act shall be known and may be cited as the "Consumer Access
2 Line of Credit (CALC) Loan Act".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 7-100.1 of Title 14A, unless
5 there is created a duplication in numbering, reads as follows:

6 A. For purposes of this act:

7 1. "CALC loan" means a pre-approved loan account established as
8 an open-end line of credit in a predetermined maximum amount for a
9 subprime or non-prime customer who otherwise is ineligible for a
10 bank-issued credit card; and

11 2. "Open-end line of credit" means an account with a
12 preapproved maximum amount of money credited to such account from
13 which the consumer may at any time draw out funds in any amount up
14 to the maximum amount and repay such funds in a periodic manner
15 similar to a revolving credit card.

16 B. Consumers of CALC loans shall pay a finance charge on the
17 amount of funds drawn out from his or her credit account at a rate
18 of prime plus fifteen percent (15%) per year to be calculated as
19 simple daily interest, and shall pay a daily transaction fee of
20 forty-five cents (\$0.45) per One Hundred Dollars (\$100.00) of the
21 loan balance for each day the loan balance remains unpaid.

22 C. Every lender offering a CALC loan is required to perform an
23 ability-to-pay analysis on each CALC loan customer to ensure the
24 customer can afford to pay any periodic billing amounts required to

1 be repaid up to the maximum amount of the credit account without
2 undue hardship or default. The affordability analysts shall require
3 obtaining and analysis of at least one national credit bureau report
4 together with other verified documents reporting the customer's
5 income and liabilities and reasonable ability to repay the CALC
6 loan. In the event a CALC loan customer has difficulty repaying the
7 amount borrowed under the line of credit account, the customer may
8 request in writing that the unpaid balance be converted to a no-cost
9 repayment plan. A no-cost repayment plan shall consist of four to
10 six equal payments of the unpaid principal amount which is added to
11 amount calculated and required to repay the loan without
12 accumulation of further interest, penalty or fees. A no-cost
13 repayment plan shall only be available once per year per customer,
14 and shall be reported to the data-base maintained by the Department
15 of Consumer Credit and national credit bureaus. The no-cost plan
16 shall not be automatic and shall be determined by the lender based
17 upon the customer receiving credit counseling as provided by rule.

18 D. For purposes of periodic billing, each CALC lender shall set
19 minimum periodic payments which will reduce the outstanding
20 principal balance by five percent (5%) each billing cycle. No CALC
21 lender shall accept interest only payments pursuant to this act.
22 Each billing cycle shall be not less than twenty-one (21) days.

23 E. Every customer with a CALC loan who successfully manages and
24 repays his or her loan balance in full shall have such successful

1 payment history reported to a national credit bureau so the customer
2 may develop a positive credit history.

3 F. A CALC loan customer shall only be allowed one CALC loan
4 with an unpaid balance at a time. Every CALC lender shall be
5 required to check the state-approved database administered by the
6 Administrator of Consumer Credit to make sure a customer applying
7 for a CALC loan has no other open-end line of credit with an unpaid
8 balance.

9 G. The Administrator of Consumer Credit shall promulgate rules
10 to implement and enforce the provisions of this act including, but
11 not limited to, requiring CALC lenders to provide financial
12 education to its customers and to work with non-profit credit
13 counseling agencies to reduce and avoid customer defaults on CALC
14 loans.

15 H. The Administrator of Consumer Credit shall maintain a
16 statewide database that includes all CALC loans opened in this state
17 and their monthly balances and lender information. Except as
18 provided for lender verification of open CALC loans, all information
19 in the loan database shall be confidential from public distribution.
20 Only aggregate data shall be utilized for research purposes or
21 reporting data to public sources.

22 I. A lender desiring to offer CALC loan products shall be
23 required to be licensed and to remain in compliance with the rules
24 and laws relating to this act. The Administrator of Consumer Credit

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shall develop rules for forms, application, licensure and procedures
and fees.

SECTION 3. This act shall become effective November 1, 2019.

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1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 732

By: Leewright

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6 AS INTRODUCED

7 An Act relating to the Uniform Consumer Credit Code;
8 amending 14A O.S. 2011, Section 1-106, as amended by
9 Section 1, Chapter 297, O.S.L. 2014 (14A O.S. Supp.
10 2018, Section 1-106), which relates to changes in
11 certain dollar amounts from Reference Base Index;
12 deleting reference; making gender neutral; modifying
13 reference; amending 14A O.S. 2011, Section 3-508B,
14 which relates to loan finance charges on certain loan
15 amounts; modifying certain loan amounts and handling
16 charges; providing for certain consumer price index
17 adjustments to certain loan amounts and charges;
18 modifying references; providing an effective date;
19 and declaring an emergency.

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

21 SECTION 1. AMENDATORY 14A O.S. 2011, Section 1-106, as
22 amended by Section 1, Chapter 297, O.S.L. 2014 (14A O.S. Supp. 2018,
23 Section 1-106), is amended to read as follows:

24 Section 1-106. (1) From time to time the dollar amounts in
25 paragraphs (a), (b) and (c) of subsection (2) of Section 2-201,
26 paragraph (a) of subsection (1) of Section 2-203, subsection (1) of
27 Section 2-407, Section 2-413, paragraph (b) of subsection (1) of
28 Section 3-203, Section 3-203.1, ~~subsection (1) of Section 3-508B,~~

1 subsection (1) of Section 3-510, paragraphs (a) and (b) of Section
2 3-511, Section 3-514, and subsections (2) and (3) of Section 5-103
3 of the Uniform Consumer Credit Code, are hereby designated as
4 subject to change and shall change, as provided in this section and
5 the rules of the Administrator, according to and to the extent of
6 changes in the Consumer Price Index for Urban Wage Earners and
7 Clerical Workers: U.S. City Average, All Items, 1967=100, compiled
8 by the Bureau of Labor Statistics, United States Department of
9 Labor, and hereafter referred to as the Index. The Index for
10 December of the year 1973 shall be deemed the Reference Base Index.
11 The dollar amounts established by rule of the Administrator in
12 paragraph (e) of subsection (1) of Section 2-104, paragraph (b) of
13 subsection (1) of Section 2-106 and paragraph (d) of Section 3-104
14 of the Uniform Consumer Credit Code in effect on January 1, 1982,
15 shall remain in full force and effect.

16 (2) The designated dollar amounts shall change on July 1 of
17 each year if the percentage of change, calculated to the nearest
18 whole percentage point, between the Index at the end of the
19 preceding year and the Reference Base Index is ten percent (10%) or
20 more, but:

- 21 (a) the portion of the percentage change in the Index in
22 excess of a multiple of ten percent (10%) shall be
23 disregarded and the dollar amounts shall change only
24 in multiples of ten percent (10%) of the amounts

1 appearing in ~~this~~ the Uniform Consumer Credit Code;

2 and

3 (b) the dollar amounts shall not change if the amounts
4 required by this section are those currently in effect
5 pursuant to ~~this~~ the Uniform Consumer Credit Code as a
6 result of earlier application of this section.

7 (3) If the Index is revised, the percentage of change pursuant
8 to this section shall be calculated on the basis of the revised
9 Index. If a revision of the Index changes the Reference Base Index,
10 a revised Reference Base Index shall be determined by multiplying
11 the Reference Base Index then applicable by the rebasing factor
12 furnished by the United States Bureau of Labor Statistics. If the
13 Index is superseded, the Index referred to in this section shall be
14 the one represented by the United States Bureau of Labor Statistics
15 as reflecting most accurately changes in the purchasing power of the
16 dollar for consumers.

17 (4) The rules of the Administrator shall:

18 (a) include the method for calculating the changes in
19 dollar amounts required by subsection (2) of this
20 section;

21 (b) be amended in accordance with the Administrative
22 Procedures Act to include changes in the Index
23 required by subsection (3) of this section including,
24 if applicable, the numerical equivalent of the

1 Reference Base Index under a revised Reference Base
2 Index and the designation or title of any index
3 superseding the Index; and

4 (c) provide for appropriate notice to licensees and other
5 interested persons of any changes in the dollar
6 amounts which result from changes required by
7 subsection (2) of this section no later than April 30
8 of each year. Each dollar amount subject to change as
9 provided in this section shall be listed in an
10 appendix to the rules of the Administrator and shall
11 be published in the Oklahoma Administrative Code.
12 Changes to the appendix shall be submitted to the
13 Secretary of State prior to the annual deadline for
14 submitting material for publication in the Code.
15 Changes in the appendix shall not be construed as
16 rulemaking.

17 (5) A person does not violate ~~this act~~ the Uniform Consumer
18 Credit Code with respect to a transaction otherwise complying with
19 ~~this act~~ the Uniform Consumer Credit Code if he or she relies on
20 dollar amounts either determined according to subsection (2) of this
21 section or appearing in the last rule of the Administrator
22 announcing the then current dollar amounts.

23 SECTION 2. AMENDATORY 14A O.S. 2011, Section 3-508B, is
24 amended to read as follows:

1 Section 3-508B. ~~(1)~~ A. 1. On loans having a principal of
2 ~~Three Hundred Dollars (\$300.00)~~ One Thousand Five Hundred Dollars
3 (\$1,500.00) or less, a supervised lender may charge in lieu of the
4 loan finance charges specified in Section 3-508A of this title, the
5 following amounts:

6 ~~(a)~~

7 a. on any amount up to and including ~~Twenty-nine Dollars~~
8 ~~and ninety-nine cents (\$29.99)~~ One Hundred Forty-three
9 Dollars and ninety-five cents (\$143.95), a charge may
10 be added at the ratio of One Dollar (\$1.00) for each
11 Five Dollars (\$5.00) of principal~~;~~

12 ~~(b)~~

13 b. on any loan in an amount in excess of ~~Twenty-nine~~
14 ~~Dollars and ninety-nine cents (\$29.99)~~ One Hundred
15 Forty-three Dollars and ninety-five cents (\$143.95) up
16 to and including the amount of ~~Thirty-five Dollars~~
17 ~~(\$35.00)~~ One Hundred Sixty-seven Dollars and fifty
18 cents (\$167.50), there shall be allowed an acquisition
19 charge for making the loan not in excess of one-tenth
20 (1/10) of the amount of the principal. In addition
21 thereto, an installment account handling charge shall
22 be allowed not to exceed ~~Three Dollars (\$3.00)~~
23 Fourteen Dollars and forty cents (\$14.40) per month~~;~~

24 ~~(c)~~

1 c. on any loan of an amount in excess of ~~Thirty-five~~
2 ~~Dollars (\$35.00)~~ One Hundred Sixty-seven Dollars and
3 fifty cents (\$167.50) but not more than ~~Seventy~~
4 ~~Dollars (\$70.00)~~ Three Hundred Thirty-six Dollars
5 (\$336.00), there shall be allowed an acquisition
6 charge for making the loan not in excess of one-tenth
7 (1/10) of the amount of the principal. In addition
8 thereto, an installment account handling charge shall
9 be allowed not to exceed ~~Three Dollars and fifty cents~~
10 ~~(\$3.50)~~ Sixteen Dollars and eighty cents (\$16.80) per
11 month.,

12 ~~(d)~~

13 d. on any loan of an amount in excess of ~~Seventy Dollars~~
14 ~~(\$70.00)~~ Three Hundred Thirty-six Dollars (\$336.00)
15 but not in excess of ~~One Hundred Dollars (\$100.00)~~
16 Four Hundred Eighty Dollars (\$480.00), there shall be
17 allowed an acquisition charge for making the loan, not
18 in excess of one-tenth (1/10) of the amount of the
19 principal. In addition thereto, an installment
20 account handling charge shall be allowed not to exceed
21 ~~Four Dollars (\$4.00)~~ Nineteen Dollars and twenty cents
22 (\$19.20) per month.,

23 ~~(e)~~

1 e. on any loan in an amount in excess of ~~One Hundred~~
2 ~~Dollars (\$100.00)~~ Four Hundred Eighty Dollars
3 (\$480.00) up to and including the amount of ~~One~~
4 ~~Hundred Fifty Dollars (\$150.00)~~ Seven Hundred Twenty
5 Dollars (\$720.00), there shall be allowed an
6 acquisition charge for making the loan not in excess
7 of one-tenth (1/10) of the amount of the principal.
8 In addition thereto, an installment account handling
9 charge shall be allowed not to exceed ~~Four Dollars and~~
10 ~~fifty cents (\$4.50)~~ Twenty-one Dollars and sixty cents
11 (\$21.60) per month ~~+~~ 1

12 ~~(f)~~

13 f. on any loan of an amount in excess of ~~One Hundred~~
14 ~~Fifty Dollars (\$150.00)~~ Seven Hundred Twenty Dollars
15 (\$720.00) but not more than ~~Three Hundred Dollars~~
16 ~~(\$300.00)~~ Nine Hundred Eighty Dollars (\$980.00), there
17 shall be allowed an acquisition charge for making the
18 loan not in excess of one-tenth (1/10) of the amount
19 of the principal. In addition thereto, an installment
20 account handling charge shall be allowed not to exceed
21 ~~Five Dollars (\$5.00)~~ Twenty-four Dollars (\$24.00) per
22 month ~~+~~ 1

23 g. on any loan of an amount in excess of Nine Hundred
24 Eighty Dollars (\$980.00) but not more than One

1 Thousand Two Hundred Forty Dollars (\$1,240.00), there
2 shall be allowed an acquisition charge for making the
3 loan not in excess of one-tenth (1/10) of the amount
4 of the principal. In addition thereto, an installment
5 account handling charge shall be allowed not to exceed
6 Twenty-six Dollars and forty cents (\$26.40) per month,
7 and

8 h. on any loan of an amount in excess of One Thousand Two
9 Hundred Forty Dollars (\$1,240.00) but not more than
10 One Thousand Five Hundred Dollars (\$1,500.00), there
11 shall be allowed an acquisition charge for making the
12 loan not in excess of one-tenth (1/10) of the amount
13 of the principal. In addition thereto, an installment
14 account handling charge shall be allowed not to exceed
15 Twenty-eight Dollars and eighty cents (\$28.80) per
16 month.

17 ~~(2)~~ 2. The maximum term of any loan made under the terms of
18 this section shall be one (1) month for each Ten Dollars (\$10.00) of
19 principal up to a maximum term of eighteen (18) months. Provided,
20 however, that under ~~subsections (c) and (f)~~ subparagraphs e through
21 h of paragraph 1 of this subsection the maximum terms shall be one
22 (1) month for each Twenty Dollars (\$20.00) of principal up to a
23 maximum term of eighteen (18) months.

1 ~~(3)~~ 3. The minimum term of any loan made under the terms of
2 ~~subsections (b)~~ subparagraphs b through ~~(f)~~ h of paragraph 1 of this
3 ~~section~~ subsection shall be no less than sixty (60) days. Any loan
4 made under the terms of this section shall be scheduled to be
5 payable in substantially equal installments at not less than thirty-
6 day intervals, with the first installment to be scheduled to be due
7 not less than one (1) calendar month after the date such loan is
8 made.

9 ~~(4)~~ 4. Loans made under this section may be refinanced or
10 consolidated according to the provisions of this section,
11 notwithstanding anything in ~~this act~~ Section 2-101 et seq. of this
12 title to the contrary. When a loan made under this section is
13 refinanced or consolidated, installment account handling charges on
14 the loans being refinanced or consolidated must be rebated pursuant
15 to the provisions regarding rebate on prepayment (Section 3-210 of
16 this title) as of the date of refinancing or consolidation. For the
17 purpose of determining the amount of acquisition and installment
18 account handling charges permitted in relation to the refinancing or
19 the consolidation of loans made under this section, the principal
20 resulting from the refinancing or consolidation is the total of the
21 unpaid balances of the principal of the loans being refinanced or
22 consolidated, plus any new money advanced, and any delinquency or
23 deferral charges if due and unpaid, less any unearned acquisition
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1 and installment account handling charges imposed in connection with
2 loans being refinanced or consolidated.

3 ~~(5)~~ 5. On such loans under this section, no insurance charges
4 or any other charges of any nature whatsoever shall be permitted.

5 ~~(6)~~ 6. Except as otherwise provided, the acquisition charge
6 authorized herein shall be deemed to be earned at the time a loan is
7 made and shall not be subject to refund. Provided, however, in a
8 loan made under this section which is prepaid in full, refinanced or
9 consolidated within the first sixty (60) days, the acquisition
10 charge under this section will not be fully earned at the time the
11 loan is made, but must be refunded pro rata at the rate of one-
12 sixtieth (1/60) of the acquisition charge for each day from the date
13 of the prepayment, refinancing or consolidation to the sixtieth day
14 of the loan. On the prepayment of any loan under this section, the
15 installment account handling charge shall be subject to the
16 provisions of Section 3-210 of this title as it relates to refunds.
17 Provisions of Section 3-203 of this title as it relates to
18 delinquency charges and Section 3-204 of this title as it relates to
19 deferral charges shall apply to loans made under the section.

20 B. 1. From time to time the dollar amounts in subparagraphs a
21 through h of paragraph 1 of subsection A of this section are hereby
22 designated as subject to change and shall change, as provided in
23 this subsection and the rules of the Administrator of the Commission
24 on Consumer Credit, according to and to the extent of changes in the

1 Consumer Price Index for Urban Wage Earners and Clerical Workers
2 (CPI-W): U.S. City Average, All Items, 1982-84=100, compiled by the
3 Bureau of Labor Statistics, United States Department of Labor, and
4 hereafter referred to as the Index. The Index for December of the
5 year 2013 shall be deemed the Reference Base Index.

6 2. Beginning July 1, 2020, the designated dollar amounts in
7 subparagraphs a through h of paragraph 1 of subsection A of this
8 section shall change on July 1 of each year if the percentage of
9 change, calculated to the nearest whole percentage point, between
10 the Index at the end of the preceding year and the Reference Base
11 Index is ten percent (10%) or more, but:

12 a. the portion of the percentage change in the Index in
13 excess of a multiple of ten percent (10%) shall be
14 disregarded and the dollar amounts shall change only
15 in multiples of ten percent (10%) of the amounts
16 appearing in subparagraphs a through h of paragraph 1
17 of subsection A of this section, and

18 b. the dollar amounts shall not change if the amounts
19 required by this subsection are those currently in
20 effect pursuant to the Uniform Consumer Credit Code as
21 a result of earlier application of this section.

22 3. If the Index is revised, the percentage of change pursuant
23 to this subsection shall be calculated on the basis of the revised
24 Index. If a revision of the Index changes the Reference Base Index,

1 a revised Reference Base Index shall be determined by multiplying
2 the Reference Base Index then applicable by the rebasing factor
3 furnished by the United States Bureau of Labor Statistics. If the
4 Index is superseded, the Index referred to in this subsection shall
5 be the one represented by the United States Bureau of Labor
6 Statistics as reflecting most accurately changes in the purchasing
7 power of the dollar for consumers.

8 4. The rules of the Administrator shall:

9 a. include the method for calculating the changes in
10 dollar amounts required by paragraph 2 of this
11 subsection,

12 b. be amended in accordance with the Administrative
13 Procedures Act to include changes in the Index
14 required by paragraph 3 of this subsection including,
15 if applicable, the numerical equivalent of the
16 Reference Base Index under a revised Reference Base
17 Index and the designation or title of any index
18 superseding the Index, and

19 c. provide for appropriate notice to licensees and other
20 interested persons of any changes in the dollar
21 amounts which result from changes required by
22 paragraph 2 of this subsection no later than April 30
23 of each year. Each dollar amount subject to change as
24 provided in this subsection shall be listed in an

1 appendix to the rules of the Administrator and shall
2 be published in the Oklahoma Administrative Code.
3 Changes to the appendix shall be submitted to the
4 Secretary of State prior to the annual deadline for
5 submitting material for publication in the Oklahoma
6 Administrative Code. Changes in the appendix shall
7 not be construed as rulemaking.

8 5. A person does not violate the Uniform Consumer Credit Code
9 with respect to a transaction otherwise complying with the Uniform
10 Consumer Credit Code if the person relies on dollar amounts either
11 determined according to paragraph 2 of this subsection or appearing
12 in the last rule of the Administrator announcing the then current
13 dollar amounts.

14 SECTION 3. This act shall become effective July 1, 2019.

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

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20 57-1-439 NP 1/28/2019 3:53:57 PM
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1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2383

By: Kannady

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6 AS INTRODUCED

7 An Act relating to contracts; amending 15 O.S. 2011,
8 Section 761.1, which relates to liability under the
9 Consumer Protection Act; allowing certain individuals
to employ broad discretion to use funds recovered;
and providing an effective date.

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

13 SECTION 1. AMENDATORY 15 O.S. 2011, Section 761.1, is
14 amended to read as follows:

15 Section 761.1 A. The commission of any act or practice
16 declared to be a violation of the Consumer Protection Act shall
17 render the violator liable to the aggrieved consumer for the payment
18 of actual damages sustained by the customer and costs of litigation
19 including reasonable attorney's fees, and the aggrieved consumer
20 shall have a private right of action for damages, including but not
21 limited to, costs and attorney's fees. In any private action for
22 damages for a violation of the Consumer Protection Act the court
23 shall, subsequent to adjudication on the merits and upon motion of
24 the prevailing party, determine whether a claim or defense asserted

1 in the action by a nonprevailing party was asserted in bad faith,
2 was not well grounded in fact, or was unwarranted by existing law or
3 a good faith argument for the extension, modification, or reversal
4 of existing law. Upon so finding, the court shall enter a judgment
5 ordering such nonprevailing party to reimburse the prevailing party
6 an amount not to exceed Ten Thousand Dollars (\$10,000.00) for
7 reasonable costs, including attorney's fees, incurred with respect
8 to such claim or defense.

9 B. The commission of any act or practice declared to be a
10 violation of the Consumer Protection Act, if such act or practice is
11 also found to be unconscionable, shall render the violator liable to
12 the aggrieved customer for the payment of a civil penalty,
13 recoverable in an individual action only, in a sum set by the court
14 of not more than Two Thousand Dollars (\$2,000.00) for each
15 violation. In determining whether an act or practice is
16 unconscionable the following circumstances shall be taken into
17 consideration by the court: (1) whether the violator knowingly or
18 with reason to know, took advantage of a consumer reasonably unable
19 to protect his or her interests because of his or her age, physical
20 infirmity, ignorance, illiteracy, inability to understand the
21 language of an agreement or similar factor; (2) whether, at the time
22 the consumer transaction was entered into, the violator knew or had
23 reason to know that price grossly exceeded the price at which
24 similar property or services were readily obtainable in similar

1 transactions by like consumers; (3) whether, at the time the
2 consumer transaction was entered into, the violator knew or had
3 reason to know that there was no reasonable probability of payment
4 of the obligation in full by the consumer; (4) whether the violator
5 knew or had reason to know that the transaction he or she induced
6 the consumer to enter into was excessively one-sided in favor of the
7 violator.

8 C. Any person who is found to be in violation of the Oklahoma
9 Consumer Protection Act in a civil action or who willfully violates
10 the terms of any injunction or court order issued pursuant to the
11 Consumer Protection Act shall forfeit and pay a civil penalty of not
12 more than Ten Thousand Dollars (\$10,000.00) per violation, in
13 addition to other penalties that may be imposed by the court, as the
14 court shall deem necessary and proper. For the purposes of this
15 section, the district court issuing an injunction shall retain
16 jurisdiction, and in such cases, the Attorney General, acting in the
17 name of the state, or a district attorney may petition for recovery
18 of civil penalties.

19 D. In administering and pursuing actions under this act, the
20 Attorney General and a district attorney are authorized to sue for
21 and collect reasonable expenses, attorney's fees, and investigation
22 fees as determined by the court. Civil penalties or contempt
23 penalties sued for and recovered by the Attorney General or a
24 district attorney shall be used for the furtherance of their duties

1 and activities under ~~the Consumer Protection Act~~ law. The Attorney
2 General and a district attorney shall have broad discretion to use
3 the funds recovered under the Consumer Protection Act in the
4 exercise of their powers.

5 E. In addition to other penalties imposed by the Oklahoma
6 Consumer Protection Act, any person convicted in a criminal
7 proceeding of violating the Oklahoma Consumer Protection Act shall
8 be guilty of a misdemeanor for the first offense and upon conviction
9 thereof shall be subject to a fine not to exceed One Thousand
10 Dollars (\$1,000.00), or imprisonment in the county jail for not more
11 than one (1) year, or both such fine and imprisonment. If the value
12 of the money, property or valuable thing referred to in this section
13 is Five Hundred Dollars (\$500.00) or more or if the conviction is
14 for a second or subsequent violation of the provisions of the
15 Oklahoma Consumer Protection Act, any person convicted pursuant to
16 this subsection shall be deemed guilty of a felony and shall be
17 subject to imprisonment in the State Penitentiary, for not more than
18 ten (10) years, or a fine not to exceed Five Thousand Dollars
19 (\$5,000.00), or both such fine and imprisonment.

20 SECTION 2. This act shall become effective November 1, 2019.

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22 57-1-7227 JBH 01/02/19
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1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 123

By: Young

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5
6 AS INTRODUCED

7 An Act relating to mortgages; amending 46 O.S. 2011,
8 Section 44, which relates to notice of intent to
9 foreclose a mortgage; modifying period of time
10 mortgagor has to cure breach or default; including
refinancing within certain time period; requiring
waiver of interest accrual during certain time
period; and providing an effective date.

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

14 SECTION 1. AMENDATORY 46 O.S. 2011, Section 44, is
15 amended to read as follows:

16 Section 44. In case of breach or default as determined by the
17 terms of the mortgage, before the same may be used as a basis to
18 foreclose the mortgage by power of sale, the mortgagee must give the
19 mortgagor a written notice of intention to foreclose by power of
20 sale by certified mail addressed to the mortgagor at the last-known
21 address of the mortgagor. The notice shall state the name and
22 address of the mortgagee, the nature of the breach(es) or default(s)
23 claimed with reasonable specificity, that the mortgagor has a right
24 for ~~thirty-five (35) days~~ six (6) months from the date the notice is

1 sent to cure a breach or default and satisfactorily refinance the
2 property and thus to that extent reinstate the mortgage, the amount
3 of money or action necessary to effect cure, that if the breach or
4 default is not cured the mortgagee may accelerate the debt and give
5 the notice provided for in Section 45 of this title or otherwise
6 foreclose the mortgage, and that the notice contains important
7 information concerning legal rights under the mortgage and Oklahoma
8 law and that if the mortgagor has any questions an attorney should
9 be promptly consulted. During the six-month period, the mortgagee
10 shall waive the accrual of interest against the debt secured by the
11 real estate. If a nonhomestead mortgagor is in default more than
12 three (3) times in a twenty-four-month period and has been notified
13 as provided for above, no right to an additional notice of intent to
14 foreclose will be required prior to acceleration under Section 45 of
15 this title. If a homestead mortgagor is in default more than four
16 (4) times in a twenty-four-month period and has been notified as
17 provided for above, no right to an additional notice of intent to
18 foreclose will be required prior to acceleration under Section 45 of
19 this title. If a mortgagee complies with a contractual provision
20 for notice before acceleration in a Federal National Mortgage
21 Association or Federal Home Loan Mortgage Corporation uniform
22 instrument taken by the mortgagee which is substantially in
23 compliance with or more stringent than the provisions of the notice
24 of intention to foreclose by power of sale, such action by the

1 mortgagee constitutes compliance with this section, but in any
2 event, the requirements of this section shall run concurrently with
3 any contractual provision for notice before acceleration in the
4 mortgage. The notice of sale pursuant to Section 45 of this title
5 may not be given or recorded until the provisions of this section
6 are met.

7 SECTION 2. This act shall become effective November 1, 2019.

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1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 838

By: Dahm

4
5
6 AS INTRODUCED

7 An Act relating to limited liability companies;
8 authorizing operating agreements to establish a
9 series of members, managers, transferable interests
10 or assets; specifying requirements for an operating
11 agreement establishing a particular series; stating
12 when limitations of liability apply; prohibiting
13 certain restrictions; providing powers of series once
14 established; stating certain discretionary powers of
15 an operating agreement establishing a series;
16 providing method of management for a series;
17 providing certain method for an entitled
18 distribution; authorizing a limited liability company
19 to make certain distributions under certain
20 conditions; defining certain term; allowing
21 termination of a series; clarifying status of entity;
22 stating method of termination; providing that persons
23 winding up affairs of a series to take certain
24 actions; specifying persons who may wind up affairs
25 of a series; providing method of a foreign limited
26 liability company to establish series; providing for
27 codification; and providing an effective date.

28
29
30 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

31 SECTION 1. NEW LAW A new section of law to be codified
32 in the Oklahoma Statutes as Section 2101 of Title 18, unless there
33 is created a duplication in numbering, reads as follows:
34
35

1 A. An operating agreement may establish or provide for the
2 establishment of one (1) or more designated series of members,
3 managers, transferable interests or assets. This section shall
4 govern any matter with respect to a series to the extent not
5 otherwise provided in the operating agreement.

6 B. Subject to subsection C of this section, if an operating
7 agreement establishes or provides for the establishment of a
8 particular series:

9 1. The debts, obligations or other liabilities of the
10 particular series, whether arising in contract, tort or otherwise,
11 shall be enforceable against the assets of the series only and not
12 against:

- 13 a. the assets of the limited liability company generally
- 14 or any other series thereof, or
- 15 b. any member of the limited liability company;

16 2. The debts, obligations or other liabilities of the limited
17 liability company generally or any other series thereof, whether
18 arising in contract, tort or otherwise, shall not be enforceable
19 against the assets of the particular series.

20 C. The limitations on liabilities in subsection B of this
21 section shall only apply if:

22 1. The records for the particular series that account for the
23 assets of the series are separately maintained from the records that
24 account for the assets of the limited liability company or any other

1 series thereof. Records that reasonably identify the assets of a
2 particular series, including by specific listing, category, type,
3 quantity, computational or allocational formula or procedure such as
4 a percentage or share of assets or by any other method where the
5 identity of the assets is objectively determinable, shall be deemed
6 to account for the assets of the particular series separately from
7 the assets of the limited liability company or any other series
8 thereof;

9 2. The operating agreement specifically provides for the
10 limitations on liabilities; and

11 3. Notice of the limitations on liabilities of the particular
12 series is included in the articles of organization. Notice under
13 this paragraph shall be sufficient whether or not the limited
14 liability company has established or referenced any particular
15 series in the notice.

16 D. Nothing in this section, an operating agreement or articles
17 of organization shall restrict:

18 1. A series or limited liability company on behalf of a series
19 from agreeing in the operating agreement or otherwise that any or
20 all of the debts, obligations or other liabilities of the limited
21 liability company generally or any other series thereof shall be
22 enforceable against the assets of the series;

23 2. A limited liability company from agreeing in the operating
24 agreement or otherwise that any or all of the debts, obligations or

1 other liabilities of a series shall be enforceable against the
2 assets of the limited liability company generally; or

3 3. Notwithstanding any other provision of law, a member or
4 manager from agreeing in the operating agreement or otherwise to be
5 personally liable for any or all of the debts, obligations or other
6 liabilities of a series.

7 E. A series established under this section shall have the power
8 and capacity to, in its own name, contract, hold title to assets
9 including real, personal and intangible property, grant liens and
10 security interests and sue and be sued. A series may:

11 1. Have separate rights, powers or duties with respect to
12 specified property or obligations of the limited liability company
13 or profits and losses associated with specified property or
14 obligations;

15 2. Carry on any lawful purpose regardless of whether for
16 profit, except for the purpose of acting as a financial institution
17 or acting as an insurer as may be defined in law;

18 3. Hold assets directly or indirectly, including in the name of
19 the series or the name of the limited liability company.

20 F. An operating agreement that establishes or provides for the
21 establishment of a series may:

22 1. Provide for classes or groups of members or managers of the
23 series having the relative rights, powers and duties specified in
24 the operating agreement;

1 2. Provide for and specify the future creation of additional
2 classes or groups of members or managers of the series having the
3 relative rights, powers and duties as may be established, including
4 rights, powers and duties senior to existing classes and groups of
5 members or managers of the series;

6 3. Provide for the taking of an action, including the amendment
7 of the operating agreement, without the vote or approval of any
8 member or manager or class or group of members or managers of the
9 series;

10 4. Provide that any member or class or group of members of a
11 series shall have no voting rights;

12 5. Grant to all or certain identified members or managers or
13 class or group of members or managers of the series the right to
14 vote on any matter separately or with all or any class or group of
15 members or managers of the series. Voting by members or managers
16 may be on a per capita, number, financial interest, class, group or
17 other basis.

18 G. The management of a series shall be vested as follows:

19 1. A member shall cease to be a member of a series upon the
20 divestment of all of the member's transferable interests of the
21 series. The fact that a person ceases to be a member of a
22 particular series shall not by itself cause the person to cease to
23 be a member of the limited liability company or any other series
24

1 thereof or cause the termination of the series, regardless of
2 whether the person was the last remaining member of the series; or

3 2. If the operating agreement provides for the management of
4 the series in whole or in part by a manager, the management shall be
5 vested in one (1) or more managers who shall be chosen as provided
6 in the operating agreement and who shall hold the offices and have
7 the responsibilities as specified in the agreement. A manager shall
8 cease to be a manager of a series as provided in an operating
9 agreement. The fact that a person ceases to be a manager of a
10 particular series shall not by itself cause the person to cease to
11 be a manager of the limited liability company or any other series
12 thereof.

13 H. Notwithstanding any other provisions of law and subject to
14 subsections I and K of this section, if a member of a series becomes
15 entitled to receive a distribution, the member has the status of,
16 and is entitled to all remedies available to, a creditor of the
17 series with respect to the distribution. An operating agreement may
18 provide for the establishment of a record date for allocations and
19 distributions associated with a series.

20 I. Notwithstanding any other provision of law, a limited
21 liability company may make a distribution with respect to a series
22 that has been established under this section unless the total assets
23 of the series after the distribution would be less than the sum of
24 its total liabilities plus the amount that would be needed, if the

1 series were to be dissolved, wound up and terminated at the time of
2 the distribution, to satisfy the preferential rights upon winding up
3 and termination of members whose preferential rights are superior to
4 those of the persons receiving the distribution. A member that
5 receives a distribution knowing that the distribution was made in
6 violation of this subsection is personally liable to the series for
7 the amount of the distribution. This subsection shall not affect
8 any obligation or liability of a member under an agreement or other
9 applicable law for the amount of a distribution. For purposes of
10 this subsection, "distribution" does not include amounts
11 constituting reasonable compensation for present or past services or
12 reasonable payments made in the ordinary course of business under a
13 bona fide retirement plan or other benefits program.

14 J. A series established under this section may be terminated
15 and its affairs wound up without causing the dissolution of the
16 limited liability company. The termination of the series shall not
17 affect the limitations on liabilities of the series as provided in
18 subsection B of this section. A series is terminated and its
19 affairs shall be wound up upon the occurrence of any of the
20 following:

21 1. The dissolution of the limited liability company pursuant to
22 this title;

23 2. The time or happening of events specified in the operating
24 agreement;

1 3. The vote or consent of members of the series who own more
2 than two-thirds (2/3) of the interests in the profits of the series;
3 or

4 4. On application by a member or manager of the series, the
5 entry of a court order terminating the series on the grounds that it
6 is not reasonably practicable to carry on the purposes of the series
7 in conformity with the operating agreement.

8 K. A person winding up the affairs of a series may, in the name
9 of the limited liability company and for and on behalf of the
10 limited liability company and the series, take all actions with
11 respect to the series as authorized by this title. The person shall
12 provide for the claims and obligations of the series and distribute
13 the assets of the series as provided in this title. Actions taken
14 in accordance with this subsection shall not affect the liability of
15 members and shall not impose liability on a liquidating trustee
16 appointed in accordance with this subsection. Notwithstanding any
17 other provision of law, the following persons may wind up the
18 affairs of a series:

19 1. A manager of the series who has not wrongfully terminated
20 the series;

21 2. If the series has no manager who qualifies under paragraph 1
22 of this subsection, the members of the series or a person approved
23 by the members;

1 3. The members who own more than fifty (50%) percent of the
2 interests in the profits of the series;

3 4. On application of a member or manager of the series or any
4 personal representative or assignee of the member or manager, and
5 upon cause shown, a court or a liquidating trustee appointed by the
6 court.

7 L. A foreign limited liability company doing business in this
8 state and governed by an operating agreement that establishes or
9 provides for the establishment of one (1) or more designated series
10 of members, managers, transferable interests or assets shall state
11 the following on its certificate of authority:

12 1. That the operating agreement of the foreign limited
13 liability company establishes or provides for the establishment of
14 series having separate rights, powers or duties with respect to
15 specified property or obligations of the foreign limited liability
16 company or profits and losses associated with specified property or
17 obligations;

18 2. If any of the debts, obligations or other liabilities of any
19 particular series, whether arising in contract, tort or otherwise,
20 shall be enforceable against the assets of the particular series
21 only and not against the assets of the foreign limited liability
22 company generally or any other series thereof; and

23 3. If any of the debts, obligations or other liabilities of the
24 foreign limited liability company generally or any other series
25

1 thereof, whether arising in contract, tort or otherwise, shall be
2 enforceable against the assets of the particular series.

3 SECTION 2. This act shall become effective November 1, 2019.

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1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 69

By: Sharp

4
5
6 AS INTRODUCED

7 An Act relating to limited liability companies;
8 amending 18 O.S. 2011, Section 2054.3, which relates
9 to appraisal rights; establishing appraisal rights
10 for members of limited liability companies under
11 certain circumstances; authorizing modification of
12 certain appraisal rights; establishing exceptions to
13 entitlement to appraisal rights; clarifying
14 applicability of provisions; defining term; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 18 O.S. 2011, Section 2054.3, is
18 amended to read as follows:

19 Section 2054.3. A. A member of a limited liability company is
20 entitled to appraisal rights and to obtain payment of the fair value
21 of that member's membership interest in:

22 1. A merger of a limited liability company if the member could
23 vote upon the merger; or

24 2. A conversion of a limited liability company if the member
25 could vote upon the conversion.

1 B. An operating agreement or other agreement may provide that
2 contractual appraisal rights with respect to a membership interest
3 or another interest in a limited liability company shall be
4 available for any class or group of members or membership interests
5 in connection with any amendment of an operating agreement, any
6 merger or consolidation to which the limited liability company is a
7 constituent party, any conversion of the limited liability company
8 to another business entity, any transfer to or domestication in any
9 jurisdiction by the limited liability company, or the sale of all or
10 substantially all of the limited liability company's assets. The
11 district court shall have jurisdiction to hear and determine any
12 matter relating to any such appraisal rights.

13 C. A limited liability company may modify, restrict or
14 eliminate the appraisal rights provided in this section in its
15 operating agreement if the provision modifying, restricting or
16 eliminating the appraisal rights is authorized by each member whose
17 appraisal rights are being modified, restricted or eliminated. An
18 operating agreement containing an express waiver of appraisal rights
19 approved by a member constitutes a waiver of appraisal rights with
20 respect to the member to the extent provided in the operating
21 agreement.

22 D. To the extent that appraisal rights are available under this
23 section, subsections D through K of Section 1091 of this title
24

1 govern the procedures with respect to such appraisal rights as
2 between the limited liability company and its members.

3 E. Notwithstanding subsection A of this section, appraisal
4 rights are subject to the following provisions:

5 1. Appraisal rights are not available for holders of a
6 membership interest that is:

- 7 a. a covered security under Section 18(b)(1)(A) or (B) of
8 the Securities Act of 1933, as amended,
9 b. listed on a national securities exchange,
10 c. held of record by more than (2,000) members, or
11 d. issued by an open-end management investment company
12 registered with the Securities and Exchange Commission
13 under the Investment Company Act of 1940 and subject
14 to being redeemed at the option of the holder at net
15 asset value;

16 2. The applicability of paragraph 1 of this subsection shall be
17 determined as of the date fixed to determine the members entitled to
18 receive notice of and to vote upon the appraisal event, or the day
19 before the effective date of such appraisal event if there is no
20 meeting of the members to vote upon the appraisal event;

21 3. This subsection shall not apply to, and appraisal rights
22 shall be available pursuant to subsection A of this section for, any
23 members who are required by the appraisal event to accept for their
24 membership interests anything other than cash or an ownership

1 interest in an entity that satisfies the standards provided in
2 paragraph 1 of this subsection at the time the appraisal event
3 becomes effective;

4 4. This subsection shall not apply to, and appraisal rights
5 shall be available pursuant to subsection A of this section for, the
6 holder of a membership interest if:

7 a. any of the members' interests in the limited liability
8 company or the limited liability company's assets are
9 being acquired or converted, whether by merger,
10 conversion or otherwise, pursuant to the appraisal
11 event by a person or by an affiliate of a person who:

12 (1) is or at any time in the one-year period
13 immediately preceding approval of the appraisal
14 event was the beneficial owner of twenty percent
15 (20%) or more of those interests in the limited
16 liability company entitled to vote on the
17 appraisal event, excluding any such interests
18 acquired pursuant to an offer for all interests
19 having voting rights, if the offer was made
20 within one year before the appraisal event for
21 consideration of the same kind and of a value
22 equal to or less than that paid in connection
23 with the appraisal event, or

1 (2) directly or indirectly has, or at any time in the
2 one-year period immediately preceding approval of
3 the appraisal event had, the power, contractually
4 or otherwise, to cause the appointment or
5 election of any senior executives or managers of
6 the limited liability company, or

7 b. any of the members' interests in the limited liability
8 company or the limited liability company's assets are
9 being acquired or converted, whether by merger,
10 conversion or otherwise, pursuant to the appraisal
11 event by a person, or by an affiliate of a person, who
12 is or at any time in the one-year period immediately
13 preceding approval of the appraisal event was a senior
14 executive of the limited liability company or a senior
15 executive of any affiliate of the limited liability
16 company, and that senior executive will receive, as a
17 result of the limited liability company action, a
18 financial benefit not generally available to members,
19 other than:

20 (1) employment, consulting, retirement or similar
21 benefits established separately and not as part,
22 or in contemplation, of the appraisal event,

23 (2) employment, consulting, retirement or similar
24 benefits established in contemplation, or as

1 part, of the appraisal event which are not more
2 favorable than those existing before the
3 appraisal event or, if more favorable, which have
4 been approved by the limited liability company,
5 or

6 (3) in the case of a manager of the limited liability
7 company who will, during or as the result of the
8 appraisal event, become a manager, general
9 partner or director of the surviving or converted
10 entity or one of its affiliates, those rights and
11 benefits as a manager, general partner or
12 director which are provided on the same basis as
13 those afforded by the surviving or converted
14 entity generally to other managers, general
15 partners or directors of the surviving or
16 converted entity or its affiliate; and

17 5. For the purposes of division (1) of subparagraph a of
18 paragraph 4 of this subsection, the term "beneficial owner" means a
19 person who, directly or indirectly, through a contract, arrangement
20 or understanding, other than a revocable proxy, has or shares the
21 right to vote or to direct the voting of an interest in a limited
22 liability company with respect to approval of the appraisal event;
23 provided, however, a member of a national securities exchange may
24 not be deemed to be a beneficial owner of an interest in a limited

1 liability company held directly or indirectly by it on behalf of
2 another person solely because the member is the record holder of
3 interests in the limited liability company if the member is
4 precluded by the rules of such exchange from voting without
5 instruction on contested matters or matters that may substantially
6 affect the rights or privileges of the holders of the interests in
7 the limited liability company to be voted. If two or more persons
8 agree to act together to vote the interests, each member of the
9 group is deemed to acquire beneficial ownership, as of the date of
10 the agreement, of all voting interests in the limited liability
11 company beneficially owned by another member or members of the
12 group.

13 SECTION 2. This act shall become effective November 1, 2019.

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1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 847

By: Dahm

4
5
6 AS INTRODUCED

7 An Act relating to corporations; defining terms;
8 clarifying number of shareholders in corporation
9 records; requiring certain written statement upon
10 certain transfers; requiring corporations to prepare
11 certain list for notice; providing contents of list;
12 stating effect of certain shareholder information;
13 stating effect of certain shareholder information
14 when certain information does not correspond;
15 providing certain method of determination;
16 authorizing the formation of a voting trust;
17 providing method of formation; stating requirements
18 of corporate records; allowing for electronic
19 administration; providing for codification; and
20 providing an effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 2101 of Title 18, unless there
24 is created a duplication in numbering, reads as follows:

As used in this act:

25 1. "Electronic transmission" or "transmitted electronically"
26 means any process of communication that does not directly involve
27 the physical transfer of paper, including a process of communication
28 that uses one (1) or more distributed or other electronic networks

1 or databases, and that is suitable for the retention, retrieval and
2 reproduction of information by the recipient;

3 2. "Data address" means the string of alphanumeric characters
4 on one (1) or more distributed or other electronic networks or
5 databases that may only be accessed by knowledge or possession of a
6 private key in order to facilitate or record transactions on the
7 distributed or other electronic network or database;

8 3. "Identity" means the name of a shareholder or the data
9 address for which the shareholder has knowledge or possession of the
10 private key uniquely associated with the data address;

11 4. "Network signature" means a string of alphanumeric
12 characters that when broadcasted by a shareholder to the data
13 address's corresponding distributed or other electronic network or
14 database provides reasonable assurances to a corporation that the
15 shareholder has knowledge or possession of the private key uniquely
16 associated with the data address;

17 5. "Record of shareholders" means one (1) or more records
18 administered by or on behalf of a corporation that records the
19 identity of all the corporation's shareholders and the number and
20 class of shares held by each shareholder in accordance with current
21 law. Record of shareholders includes a record of all issuances and
22 transfers of shares of a corporation at the discretion of the
23 corporation;

1 6. "Shareholder" means the person in whose name shares are
2 registered in the records of a corporation, the beneficial owner of
3 shares to the extent of the rights granted by a nominee certificate
4 on file with a corporation or the owner of a private key that is
5 uniquely associated with a data address that facilitates or records
6 the sending and receiving of shares; and

7 7. "Sign" or "signature" includes any manual, facsimile,
8 conformed or electronic signature or a network signature.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 2102 of Title 18, unless there
11 is created a duplication in numbering, reads as follows:

12 Written notice by a domestic or foreign corporation to its
13 shareholder, if in a comprehensible form, is effective:

14 1. Upon deposit in the United States mail, if mailed postpaid
15 and correctly addressed to the shareholder's address shown in the
16 corporation's current record of the shareholders;

17 2. When an electronic transmission has been made to a data
18 address provided by the shareholder; or

19 3. When electronically transmitted to the shareholder in a
20 manner otherwise authorized by the shareholder.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 2103 of Title 18, unless there
23 is created a duplication in numbering, reads as follows:

1 For purposes of this act, the following identified as a
2 shareholder in a corporation's current record of shareholders
3 constitutes one (1) shareholder:

- 4 1. A corporation, partnership, trust, estate or other entity;
- 5 2. The trustees, guardians, custodians or other fiduciaries of
6 a single trust, estate or account; or
- 7 3. One (1) data address.

8 SECTION 4. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 2104 of Title 18, unless there
10 is created a duplication in numbering, reads as follows:

11 Within a reasonable time after the issue or transfer of shares
12 without certificates, the corporation shall send the shareholder a
13 written statement of the information required on certificates as
14 provided by law.

15 SECTION 5. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 2105 of Title 18, unless there
17 is created a duplication in numbering, reads as follows:

18 After fixing a record date for a meeting, a corporation shall
19 prepare an alphabetical or numerical list of the identities of all
20 its shareholders who are entitled to notice of a shareholders'
21 meeting. The list shall be arranged by voting group, and within
22 each voting group, by class or by series of shares, and show the
23 number of shares held by each shareholder. The list shall also show
24 each shareholder's physical mailing address, if the identity of a

1 shareholder on the list consists of the shareholder's name, and each
2 shareholder's authorized means of receipt for electronic
3 transmissions, if the identity of a shareholder on the list consists
4 of the shareholder's data address.

5 SECTION 6. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 2106 of Title 18, unless there
7 is created a duplication in numbering, reads as follows:

8 A. If the name or network signature signed on a vote, consent,
9 waiver or proxy appointment corresponds to the name or data address
10 of a shareholder, the corporation, if acting in good faith, is
11 entitled to accept the vote, consent, waiver or proxy appointment
12 and give it effect as the act of the shareholder.

13 B. If the name or network signature signed on a vote, consent,
14 waiver or proxy appointment does not correspond to the name or data
15 address of its shareholder, the corporation, if acting in good
16 faith, is nevertheless entitled to accept the vote, consent, waiver
17 or proxy appointment and give it effect as the act of the
18 shareholder if:

19 1. The shareholder is an entity and the name or network
20 signature signed purports to be that of an officer or agent of the
21 entity;

22 2. The name or network signature signed purports to be that of
23 an administrator, executor, guardian or conservator representing the
24 shareholder and, if the corporation requests, evidence of fiduciary

1 status acceptable to the corporation has been presented with respect
2 to the vote, consent, waiver or proxy appointment;

3 3. The name or network signature signed purports to be that of
4 a receiver or trustee in bankruptcy of the shareholder and, if the
5 corporation requests, evidence of this status acceptable to the
6 corporation has been presented with respect to the vote, consent,
7 waiver or proxy appointment;

8 4. The name or network signature signed purports to be that of
9 a pledgee, beneficial owner or attorney-in-fact of the shareholder
10 and, if the corporation requests, evidence acceptable to the
11 corporation of the signatory's authority to sign for the shareholder
12 has been presented with respect to the vote, consent, waiver or
13 proxy appointment; or

14 5. Two or more persons are the shareholder as cotenants or
15 fiduciaries and the name or network signature signed purports to be
16 the name or data address of at least one of the co-owners and the
17 person signing appears to be acting on behalf of all the co-owners.

18 SECTION 7. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 2107 of Title 18, unless there
20 is created a duplication in numbering, reads as follows:

21 One or more shareholders may create a voting trust, conferring
22 on a trustee the right to vote or otherwise act for them, by signing
23 an agreement setting out the provisions of the trust, which may
24 include anything consistent with its purpose, and transferring their
25

1 shares to the trustee. When a voting trust agreement is signed, the
2 trustee shall prepare a list of the identities of all owners of
3 beneficial interests in the trust, together with the number and
4 class of shares each transferred to the trust. The list shall also
5 show each shareholder's physical mailing address, if the identity of
6 a shareholder on the list consists of the shareholder's name, and
7 each shareholder's authorized means of receipt for electronic
8 transmissions, if the identity of a shareholder on the list consists
9 of the shareholder's data address. Copies of the list and agreement
10 shall be delivered to the corporation's principal office.

11 SECTION 8. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 2108 of Title 18, unless there
13 is created a duplication in numbering, reads as follows:

14 A. A record of shareholders administered by or on behalf of a
15 corporation shall be kept in a form that permits preparation of a
16 list of the identities of all shareholders, in alphabetical or
17 numerical order by class of shares showing the number and class of
18 shares held by each. The list shall also show each shareholder's
19 physical mailing address, if the identity of a shareholder on the
20 list consists of the shareholder's name, and each shareholder's
21 authorized means of receipt for electronic transmissions, if the
22 identity of a shareholder on the list consists of the shareholder's
23 data address. A record of shareholders may show both the
24 shareholder's name and data address.

1 B. Records administered by or on behalf of, or maintained by, a
2 corporation may be kept on, or by means of, or be in the form of any
3 information storage device or method or any one or more distributed
4 or other electronic networks or databases provided that the records
5 are kept in written form or in another form capable of conversion
6 into written form within a reasonable time.

7 SECTION 9. This act shall become effective November 1, 2019.

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1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 105

By: Stanislawski

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5
6 AS INTRODUCED

7 An Act relating to the Professional Entity Act;
8 amending 18 O.S. 2011, Section 803, as amended by
9 Section 1, Chapter 42, O.S.L. 2012 (18 O.S. Supp.
10 2018, Section 803), which relates to definitions;
including appraisers; updating statutory language;
updating statutory reference; and providing an
effective date.

11
12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 18 O.S. 2011, Section 803, as
15 amended by Section 1, Chapter 42, O.S.L. 2012 (18 O.S. Supp. 2018,
16 Section 803), is amended to read as follows:

17 Section 803. A. As used in the Professional Entity Act, unless
18 the context clearly indicates that a different meaning is intended:

19 1. "Associated act" means the Oklahoma General Corporation Act,
20 in the case of a corporation; the Oklahoma Revised Uniform Limited
21 Partnership Act, in the case of a limited partnership; or the
22 Oklahoma Limited Liability Company Act, in the case of a limited
23 liability company;

1 2. "Interest" means a share of stock in a corporation, a
2 partnership interest in a limited partnership or a membership
3 interest in a limited liability company;

4 3. "Owner" means a shareholder in the case of a corporation, a
5 general or limited partner in the case of a limited partnership or a
6 member in the case of a limited liability company;

7 4. "Manager" means a director or officer in the case of a
8 corporation, a general partner in the case of a limited partnership
9 or a manager in the case of a limited liability company;

10 5. "Professional entity" means a domestic corporation, limited
11 partnership or limited liability company formed for the purpose of
12 rendering professional service;

13 6. "Professional service" means the personal service rendered
14 by:

15 a. a physician, surgeon or doctor of medicine pursuant to
16 a license under Sections 481 through 524 of Title 59
17 of the Oklahoma Statutes, and any subsequent laws
18 regulating the practice of medicine,

19 b. an osteopathic physician or surgeon pursuant to a
20 license under Sections 620 through 645 of Title 59 of
21 the Oklahoma Statutes, and any subsequent laws
22 regulating the practice of osteopathy,

23 c. a chiropractic physician pursuant to a license under
24 Sections 161.1 through 161.20 of Title 59 of the
25

1 Oklahoma Statutes, and any subsequent laws regulating
2 the practice of chiropractic,

3 d. a podiatric physician pursuant to a license under
4 Sections 135.1 through 160.2 of Title 59 of the
5 Oklahoma Statutes, and any subsequent laws regulating
6 the practice of podiatric medicine,

7 e. an optometrist pursuant to a license under Sections
8 581 through 606 of Title 59 of the Oklahoma Statutes,
9 and any subsequent laws regulating the practice of
10 optometry,

11 f. a veterinarian pursuant to a license under Sections
12 698.1 through 698.30b of Title 59 of the Oklahoma
13 Statutes, and any subsequent laws regulating the
14 practice of veterinary medicine,

15 g. an architect pursuant to a license under Sections 46.1
16 through 46.41 of Title 59 of the Oklahoma Statutes,
17 and any subsequent laws regulating the practice of
18 architecture,

19 h. an attorney pursuant to his authority to practice law
20 granted by the Supreme Court of the State of Oklahoma,

21 i. a dentist pursuant to a license under Sections 328.1
22 through 328.53 of Title 59 of the Oklahoma Statutes,
23 and any subsequent laws regulating the practice of
24 dentistry,

- 1 j. a certified public accountant or a public accountant
2 pursuant to his or her authority to practice
3 accounting under Sections 15.1 through 15.38 of Title
4 59 of the Oklahoma Statutes, and any subsequent laws
5 regulating the practice of public accountancy,
- 6 k. a psychologist pursuant to a license under Sections
7 1351 through 1376 of Title 59 of the Oklahoma
8 Statutes, and any subsequent laws regulating the
9 practice of psychology,
- 10 l. a physical therapist pursuant to a license under
11 Sections 887.1 through 887.18 of Title 59 of the
12 Oklahoma Statutes, and any subsequent laws regulating
13 the practice of physical therapy,
- 14 m. a registered nurse pursuant to a license under
15 Sections 567.1 through 567.19 of Title 59 of the
16 Oklahoma Statutes, and any other subsequent laws
17 regulating the practice of nursing,
- 18 n. a professional engineer pursuant to a license under
19 Sections 475.1 through 475.22a of Title 59 of the
20 Oklahoma Statutes, and any subsequent laws relating to
21 the practice of engineering,
- 22 o. a land surveyor pursuant to a license under Sections
23 475.1 through 475.22a of Title 59 of the Oklahoma
24

1 Statutes, and any subsequent laws relating to the
2 practice of land surveying,

3 p. an occupational therapist pursuant to Sections 888.1
4 through 888.15 of Title 59 of the Oklahoma Statutes
5 and any subsequent law regulating the practice of
6 occupational therapy,

7 q. a speech pathologist or speech therapist pursuant to
8 Sections 1601 through 1622 of Title 59 of the Oklahoma
9 Statutes, and any subsequent law regulating the
10 practice of speech pathology,

11 r. an audiologist pursuant to Sections 1601 through 1622
12 of Title 59 of the Oklahoma Statutes, and any
13 subsequent law regulating the practice of audiology,

14 s. a registered pharmacist pursuant to Sections 353
15 through 366 of Title 59 of the Oklahoma Statutes, and
16 any subsequent law regulating the practice of
17 pharmacy,

18 t. a licensed perfusionist pursuant to Sections 2051
19 through 2071 of Title 59 of the Oklahoma Statutes, and
20 any subsequent laws regulating the practice of
21 perfusionists,

22 u. a licensed professional counselor pursuant to Sections
23 1901 through 1920 of Title 59 of the Oklahoma
24

1 Statutes, and any subsequent law regulating the
2 practice of professional counseling,

3 v. a licensed marital and family therapist pursuant to
4 Sections 1925.1 through 1925.18 of Title 59 of the
5 Oklahoma Statutes, and any subsequent law regulating
6 the practice of marital and family therapy,

7 w. a dietitian licensed pursuant to Sections 1721 through
8 1739 of Title 59 of the Oklahoma Statutes and any
9 subsequent laws regulating the practice of dietitians,

10 x. a social worker licensed pursuant to Sections 1250
11 through 1273 of Title 59 of the Oklahoma Statutes, and
12 any subsequent laws regulating the practice of social
13 work,

14 y. a licensed alcohol and drug counselor pursuant to
15 Sections 1870 through 1885 of Title 59 of the Oklahoma
16 Statutes, and any subsequent laws regulating the
17 practice of alcohol and drug counseling, ~~or~~

18 z. a licensed behavioral practitioner pursuant to
19 Sections 1930 through 1949.1 of Title 59 of the
20 Oklahoma Statutes, and any subsequent laws regulating
21 the practice of behavioral health services, or

22 aa. an appraiser pursuant to a license under Section 858-
23 712 of Title 59 of the Oklahoma Statutes, and any
24 subsequent laws regulating the practice of appraisal;

1 7. "Related professional services" means those services which
2 are combined for professional entity purposes as follows:

3 a. any combination of the following professionals:

- 4 (1) a physician, surgeon or doctor of medicine
5 pursuant to a license under Sections 481 through
6 524 of Title 59 of the Oklahoma Statutes, and any
7 subsequent laws regulating the practice of
8 medicine,
- 9 (2) an osteopathic physician or surgeon pursuant to a
10 license under Sections 620 through 645 of Title
11 59 of the Oklahoma Statutes, and any subsequent
12 laws relating to the practice of osteopathy,
- 13 (3) a dentist pursuant to a license under Sections
14 328.1 through 328.53 of Title 59 of the Oklahoma
15 Statutes, and any subsequent laws regulating the
16 practice of dentistry,
- 17 (4) a chiropractic physician pursuant to a license
18 under Sections 161.1 through 161.20 of Title 59
19 of the Oklahoma Statutes, and any subsequent laws
20 regulating the practice of chiropractic,
- 21 (5) a psychologist pursuant to a license under
22 Sections 1351 through 1376 of Title 59 of the
23 Oklahoma Statutes, and any subsequent laws
24 regulating the practice of psychology,

- (6) an optometrist pursuant to a license under Sections 581 through 606 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of optometry,
- (7) a podiatric physician pursuant to a license under Sections 135.1 through 160.2 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of podiatric medicine,
- (8) a dietitian licensed pursuant to Sections 1721 through 1739 of Title 59 of the Oklahoma Statutes and subsequent laws regulating the practice of dietitians, or
- (9) an occupational therapist pursuant to Sections 888.1 through 888.15 of Title 59 of the Oklahoma Statutes and any subsequent law regulating the practice of occupational therapy, or

b. any combination of the following professions:

- (1) an architect pursuant to a license under Sections 46.1 through 46.41 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of architecture,
- (2) a professional engineer pursuant to a license under Sections 475.1 through 475.22a of Title 59

1 of the Oklahoma Statutes, and any subsequent laws
2 relating to the practice of engineering, or
3 (3) a land surveyor pursuant to a license under
4 Sections 475.1 through 475.22a of Title 59 of the
5 Oklahoma Statutes, and any subsequent laws
6 relating to the practice of land surveying;

7 8. "Regulating board" means the board which is charged with the
8 licensing and regulation of the practice of the profession which the
9 professional entity is organized to render;

10 9. "Individual", "incorporator" and "shareholder" each include
11 the trustee of an express trust created by a person duly licensed to
12 render a professional service who has the right to revoke ~~said the~~ the
13 trust and who is serving as the trustee of ~~said the~~ the trust. Any
14 certificate required by the Professional Entity Act to be issued to
15 an individual incorporator or shareholder may be issued to the
16 grantor on behalf of a trust. All references in the Professional
17 Entity Act to death and incapacity of a shareholder shall include
18 the death and incapacity of the grantor of a trust which own stock
19 in a professional corporation;

20 10. "Incapacity" of a shareholder means a determination by a
21 court of competent jurisdiction, or otherwise by two independent
22 licensed physicians, that the ~~share holder~~ shareholder is fully
23 incapacitated or is partially incapacitated to the extent that the
24

1 shareholder is not capable of rendering the professional service for
2 which the professional corporation was organized; and

3 11. "Other personal representative" includes the successor
4 trustee of an express trust owning stock in a professional
5 corporation, which trust was created by a person duly licensed to
6 render the professional service for which the professional
7 corporation was organized who has the right to revoke the trust and
8 who is the original trustee of the trust.

9 B. The definitions of the applicable associated act shall apply
10 to ~~this act~~ the Professional Entity Act, unless the context clearly
11 indicates that a different meaning is intended.

12 SECTION 2. This act shall become effective November 1, 2019.

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1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 737

By: Leewright

4
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6 AS INTRODUCED

7 An Act relating to real estate appraisers; amending
8 18 O.S. 2011, Sections 803, as amended by Section 1,
9 Chapter 42, O.S.L. 2012, and 819 (18 O.S. Supp. 2018,
10 Section 803), which relate to the Professional Entity
11 Act; modifying definition; conforming language;
12 updating statutory language; updating statutory
13 references; and providing an effective date.

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

15 SECTION 1. AMENDATORY 18 O.S. 2011, Section 803, as
16 amended by Section 1, Chapter 42, O.S.L. 2012 (18 O.S. Supp. 2018,
17 Section 803), is amended to read as follows:

18 Section 803. A. As used in the Professional Entity Act, unless
19 the context clearly indicates that a different meaning is intended:

20 1. "Associated act" means the Oklahoma General Corporation Act,
21 in the case of a corporation; the Oklahoma Revised Uniform Limited
22 Partnership Act, in the case of a limited partnership; or the
23 Oklahoma Limited Liability Company Act, in the case of a limited
24 liability company;

1 2. "Interest" means a share of stock in a corporation, a
2 partnership interest in a limited partnership or a membership
3 interest in a limited liability company;

4 3. "Owner" means a shareholder in the case of a corporation, a
5 general or limited partner in the case of a limited partnership or a
6 member in the case of a limited liability company;

7 4. "Manager" means a director or officer in the case of a
8 corporation, a general partner in the case of a limited partnership
9 or a manager in the case of a limited liability company;

10 5. "Professional entity" means a domestic corporation, limited
11 partnership or limited liability company formed for the purpose of
12 rendering professional service;

13 6. "Professional service" means the personal service rendered
14 by:

15 a. a physician, surgeon or doctor of medicine pursuant to
16 a license under Sections 481 through 524 of Title 59
17 of the Oklahoma Statutes, and any subsequent laws
18 regulating the practice of medicine,

19 b. an osteopathic physician or surgeon pursuant to a
20 license under Sections 620 through 645 of Title 59 of
21 the Oklahoma Statutes, and any subsequent laws
22 regulating the practice of osteopathy,

23 c. a chiropractic physician pursuant to a license under
24 Sections 161.1 through 161.20 of Title 59 of the
25

1 Oklahoma Statutes, and any subsequent laws regulating
2 the practice of chiropractic,

3 d. a podiatric physician pursuant to a license under
4 Sections 135.1 through 160.2 of Title 59 of the
5 Oklahoma Statutes, and any subsequent laws regulating
6 the practice of podiatric medicine,

7 e. an optometrist pursuant to a license under Sections
8 581 through 606 of Title 59 of the Oklahoma Statutes,
9 and any subsequent laws regulating the practice of
10 optometry,

11 f. a veterinarian pursuant to a license under Sections
12 698.1 through 698.30b of Title 59 of the Oklahoma
13 Statutes, and any subsequent laws regulating the
14 practice of veterinary medicine,

15 g. an architect pursuant to a license under Sections 46.1
16 through 46.41 of Title 59 of the Oklahoma Statutes,
17 and any subsequent laws regulating the practice of
18 architecture,

19 h. an attorney pursuant to his authority to practice law
20 granted by the Supreme Court of the State of Oklahoma,

21 i. a dentist pursuant to a license under Sections 328.1
22 through 328.53 of Title 59 of the Oklahoma Statutes,
23 and any subsequent laws regulating the practice of
24 dentistry,

- 1 j. a certified public accountant or a public accountant
2 pursuant to his or her authority to practice
3 accounting under Sections 15.1 through 15.38 of Title
4 59 of the Oklahoma Statutes, and any subsequent laws
5 regulating the practice of public accountancy,
- 6 k. a psychologist pursuant to a license under Sections
7 1351 through 1376 of Title 59 of the Oklahoma
8 Statutes, and any subsequent laws regulating the
9 practice of psychology,
- 10 l. a physical therapist pursuant to a license under
11 Sections 887.1 through 887.18 of Title 59 of the
12 Oklahoma Statutes, and any subsequent laws regulating
13 the practice of physical therapy,
- 14 m. a registered nurse pursuant to a license under
15 Sections 567.1 through 567.19 of Title 59 of the
16 Oklahoma Statutes, and any other subsequent laws
17 regulating the practice of nursing,
- 18 n. a professional engineer pursuant to a license under
19 Sections 475.1 through 475.22a of Title 59 of the
20 Oklahoma Statutes, and any subsequent laws relating to
21 the practice of engineering,
- 22 o. a land surveyor pursuant to a license under Sections
23 475.1 through 475.22a of Title 59 of the Oklahoma
24

1 Statutes, and any subsequent laws relating to the
2 practice of land surveying,

3 p. an occupational therapist pursuant to Sections 888.1
4 through 888.15 of Title 59 of the Oklahoma Statutes
5 and any subsequent law regulating the practice of
6 occupational therapy,

7 q. a speech pathologist or speech therapist pursuant to
8 Sections 1601 through 1622 of Title 59 of the Oklahoma
9 Statutes, and any subsequent law regulating the
10 practice of speech pathology,

11 r. an audiologist pursuant to Sections 1601 through 1622
12 of Title 59 of the Oklahoma Statutes, and any
13 subsequent law regulating the practice of audiology,

14 s. a registered pharmacist pursuant to Sections 353
15 through 366 of Title 59 of the Oklahoma Statutes, and
16 any subsequent law regulating the practice of
17 pharmacy,

18 t. a licensed perfusionist pursuant to Sections 2051
19 through 2071 of Title 59 of the Oklahoma Statutes, and
20 any subsequent laws regulating the practice of
21 perfusionists,

22 u. a licensed professional counselor pursuant to Sections
23 1901 through 1920 of Title 59 of the Oklahoma
24

1 Statutes, and any subsequent law regulating the
2 practice of professional counseling,

3 v. a licensed marital and family therapist pursuant to
4 Sections 1925.1 through 1925.18 of Title 59 of the
5 Oklahoma Statutes, and any subsequent law regulating
6 the practice of marital and family therapy,

7 w. a dietitian licensed pursuant to Sections 1721 through
8 1739 of Title 59 of the Oklahoma Statutes and any
9 subsequent laws regulating the practice of dietitians,

10 x. a social worker licensed pursuant to Sections 1250
11 through 1273 of Title 59 of the Oklahoma Statutes, and
12 any subsequent laws regulating the practice of social
13 work,

14 y. a licensed alcohol and drug counselor pursuant to
15 Sections 1870 through 1885 of Title 59 of the Oklahoma
16 Statutes, and any subsequent laws regulating the
17 practice of alcohol and drug counseling, ~~or~~

18 z. a licensed behavioral practitioner pursuant to
19 Sections 1930 through 1949.1 of Title 59 of the
20 Oklahoma Statutes, and any subsequent laws regulating
21 the practice of behavioral health services, or

22 aa. a certified real estate appraiser licensed pursuant to
23 Sections 858-700 through 858-732 of Title 59 of the
24 Oklahoma Statutes or listed on the National Registry

1 of Appraisers by the Appraisal Subcommittee in
2 compliance with Title XI of the Financial Institutions
3 Reform, Recovery, and Enforcement Act (FIRREA) of
4 1989, and any subsequent laws regulating the practice
5 of real estate appraisal;

6 7. "Related professional services" means those services which
7 are combined for professional entity purposes as follows:

8 a. any combination of the following professionals:

- 9 (1) a physician, surgeon or doctor of medicine
10 pursuant to a license under Sections 481 through
11 524 of Title 59 of the Oklahoma Statutes, and any
12 subsequent laws regulating the practice of
13 medicine,
14 (2) an osteopathic physician or surgeon pursuant to a
15 license under Sections 620 through 645 of Title
16 59 of the Oklahoma Statutes, and any subsequent
17 laws relating to the practice of osteopathy,
18 (3) a dentist pursuant to a license under Sections
19 328.1 through 328.53 of Title 59 of the Oklahoma
20 Statutes, and any subsequent laws regulating the
21 practice of dentistry,
22 (4) a chiropractic physician pursuant to a license
23 under Sections 161.1 through 161.20 of Title 59
24

1 of the Oklahoma Statutes, and any subsequent laws
2 regulating the practice of chiropractic,

3 (5) a psychologist pursuant to a license under
4 Sections 1351 through 1376 of Title 59 of the
5 Oklahoma Statutes, and any subsequent laws
6 regulating the practice of psychology,

7 (6) an optometrist pursuant to a license under
8 Sections 581 through 606 of Title 59 of the
9 Oklahoma Statutes, and any subsequent laws
10 regulating the practice of optometry,

11 (7) a podiatric physician pursuant to a license under
12 Sections 135.1 through 160.2 of Title 59 of the
13 Oklahoma Statutes, and any subsequent laws
14 regulating the practice of podiatric medicine,

15 (8) a dietitian licensed pursuant to Sections 1721
16 through 1739 of Title 59 of the Oklahoma Statutes
17 and subsequent laws regulating the practice of
18 dietitians, or

19 (9) an occupational therapist pursuant to Sections
20 888.1 through 888.15 of Title 59 of the Oklahoma
21 Statutes and any subsequent law regulating the
22 practice of occupational therapy, or

23 b. any combination of the following professions:
24
25

- 1 (1) an architect pursuant to a license under Sections
2 46.1 through 46.41 of Title 59 of the Oklahoma
3 Statutes, and any subsequent laws regulating the
4 practice of architecture,
5 (2) a professional engineer pursuant to a license
6 under Sections 475.1 through 475.22a of Title 59
7 of the Oklahoma Statutes, and any subsequent laws
8 relating to the practice of engineering, or
9 (3) a land surveyor pursuant to a license under
10 Sections 475.1 through 475.22a of Title 59 of the
11 Oklahoma Statutes, and any subsequent laws
12 relating to the practice of land surveying;

13 8. "Regulating board" means the board which is charged with the
14 licensing and regulation of the practice of the profession which the
15 professional entity is organized to render;

16 9. "Individual", "incorporator" and "shareholder" each include
17 the trustee of an express trust created by a person duly licensed to
18 render a professional service who has the right to revoke ~~said~~ the
19 trust and who is serving as the trustee of ~~said~~ the trust. Any
20 certificate required by the Professional Entity Act to be issued to
21 an individual incorporator or shareholder may be issued to the
22 grantor on behalf of a trust. All references in the Professional
23 Entity Act to death and incapacity of a shareholder shall include
24

1 the death and incapacity of the grantor of a trust which own stock
2 in a professional corporation;

3 10. "Incapacity" of a shareholder means a determination by a
4 court of competent jurisdiction, or otherwise by two independent
5 licensed physicians, that the ~~share holder~~ shareholder is fully
6 incapacitated or is partially incapacitated to the extent that the
7 shareholder is not capable of rendering the professional service for
8 which the professional corporation was organized; and

9 11. "Other personal representative" includes the successor
10 trustee of an express trust owning stock in a professional
11 corporation, which trust was created by a person duly licensed to
12 render the professional service for which the professional
13 corporation was organized who has the right to revoke the trust and
14 who is the original trustee of the trust.

15 B. The definitions of the applicable associated act shall apply
16 to ~~this act~~ the Professional Entity Act, unless the context clearly
17 indicates that a different meaning is intended.

18 SECTION 2. AMENDATORY 18 O.S. 2011, Section 819, is
19 amended to read as follows:

20 Section 819. All laws and rules and parts of laws and rules in
21 conflict with any of the provisions of ~~this act~~ the Professional
22 Entity Act or otherwise restricting the forms of organization
23 available to persons providing professional services shall be
24 inapplicable to professional entities formed under ~~this act~~ the

1 Professional Entity Act; provided, however, that nothing in ~~this act~~
2 the Professional Entity Act shall be construed to supersede the
3 provisions of 59 O.S. 1951, Sections 581 through 592, both
4 inclusive, Sections 601 through 606, both inclusive, Sections 858-
5 700 through 858-732, both inclusive, or Sections 941 through 947, of
6 Title 59 of the Oklahoma Statutes, both inclusive, as amended. In
7 the event of the conflict of any of the provisions of ~~this act~~ the
8 Professional Entity Act with any of the above cited sections, then
9 cited sections shall take precedence over ~~this act~~ the Professional
10 Entity Act and ~~this act~~ the Professional Entity Act shall be
11 construed accordingly.

12 SECTION 3. This act shall become effective November 1, 2019.

14 57-1-1257 TEK 1/28/2019 3:54:01 PM

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 204

By: Thompson

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Solicitation of
8 Charitable Contributions Act; amending 18 O.S. 2011,
9 Section 552.2, which relates to definitions;
10 modifying definition of charitable organization; and
11 providing an effective date.

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

13 SECTION 1. AMENDATORY 18 O.S. 2011, Section 552.2, is
14 amended to read as follows:

15 Section 552.2. As used in the Oklahoma Solicitation of
16 Charitable Contributions Act:

17 1. "Person" means any individual, organization, group,
18 association, partnership, corporation, limited liability company,
19 trust, or other entity, except as otherwise provided in Section
20 552.1 et seq. of this title;

21 2. "Charitable organization" means any person soliciting
22 contributions in this state, other than a natural person, that is
23 described in Section 501(c) of Title 26 of the United States Code,
24 that solicits contributions as described in this act and that is

1 organized and operated primarily for religious, charitable,
2 scientific, literary, educational, artistic, cultural, economic
3 development, civic improvement, testing for public safety, research,
4 humanitarian, animal welfare, recreational, or environmental
5 protection purposes; to foster national or international amateur
6 sports competition, but only if no part of its activities involves
7 the provision of athletic facilities or equipment; to prevent
8 cruelty to children, the elderly, identified populations, or
9 animals; to relieve poverty, hunger, or homelessness; to support law
10 enforcement or citizen protection organizations or agencies; or to
11 provide emergency relief. "Charitable organization" shall also
12 include a natural person representing himself or herself as a
13 charitable organization or purporting to act on behalf of a
14 charitable organization;

15 3. "Contribution" means the promise, gift, donation, payment,
16 pledge, or grant of any money or property of any kind or value,
17 including any contribution for operations, capital, endowment,
18 reserves, dues, memberships, program support, naming opportunities,
19 or other uses. Contribution does not include a payment for goods,
20 services, admission to a museum, performances or programs sold or
21 provided by a charitable organization, if the payment does not
22 exceed the bona fide fair market value of the goods or services
23 provided;

1 4. "Professional fundraiser" means any person who for
2 compensation or other consideration plans, conducts or manages in
3 this state the solicitation of contributions for or on behalf of any
4 charitable organization, or who engages in the business of or holds
5 himself or herself out to persons in this state as independently
6 engaged in the business of soliciting contributions for such
7 purpose. For purposes of this act, professional fundraiser does not
8 include an employee of a charitable organization who engages in such
9 activities for the charitable organization for which he or she is
10 employed; nor does it include any volunteer who receives no payment,
11 compensation, or remuneration of any kind for soliciting any
12 contributions; provided, a volunteer may receive credit for
13 fulfilling any community service requirement of an educational
14 institution or government agency. In addition, for this purpose
15 consideration does not include incidental benefits that might be
16 received by a noncompensated person, such as meals, supplies, or
17 similar support, and does not include reimbursement for expenses
18 incurred by any noncompensated person in his or her solicitation
19 activities;

20 5. "Professional solicitor" means any person that is either
21 located within this state or that is soliciting contributions from
22 any person in this state and who is employed or retained for
23 compensation or other consideration by a professional fundraiser to
24 solicit contributions for or on behalf of any charitable

1 organization. Professional solicitor does not include an employee
2 of a charitable organization who is engaged in such activities for
3 the charitable organization for which he or she is employed; nor
4 does it include a volunteer who engages in such activities for the
5 charitable organization for which he or she volunteers if the
6 volunteer receives no payment, compensation or remuneration of any
7 kind for soliciting any contributions; provided, a volunteer may
8 receive credit for fulfilling any community service requirement of
9 an educational institution or government agency. In addition, for
10 this purpose consideration does not include incidental benefits that
11 might be received by a noncompensated person, such as meals,
12 supplies, or similar support, and does not include reimbursement for
13 expenses incurred by any noncompensated person in his or her
14 solicitation activities;

15 6. "Professional fundraising counsel" means any person that
16 provides, for compensation or other consideration, services,
17 including planning, organizing or managing any solicitation, to a
18 charitable organization, as long as such person does not:

- 19 a. directly or indirectly solicit contributions alone or
20 through its employees and agents, or
- 21 b. accept, receive, hold, have access to, maintain,
22 manage, invest, or control any contribution generated
23 by the solicitation activity.

1 However, professional fundraising counsel does not include an
2 employee or volunteer of a charitable organization who is providing
3 such services on behalf of the charitable organization;

4 7. "Solicitation" means the request or appeal for any
5 contribution on the plea or representation that such contribution
6 will be used by or on behalf of a charitable organization; and

7 8. "Form 990" means a return of an organization that is exempt
8 from federal income tax. Form 990, includes, but is not limited to,
9 Form 990, Form 990-N, Form 990-PF, and other similar returns as
10 required by federal law.

11 SECTION 2. This act shall become effective November 1, 2019.

13 57-1-1133 TEK 1/8/2019 11:34:41 AM

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1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 102

By: Young

4
5
6 AS INTRODUCED

7 An Act relating to labor; amending 40 O.S. 2011,
8 Section 197.2, which relates to the Oklahoma Minimum
9 Wage Act; increasing minimum wage amount; and
10 providing an effective date.

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

12 SECTION 1. AMENDATORY 40 O.S. 2011, Section 197.2, is
13 amended to read as follows:

14 Section 197.2. It shall be unlawful to employ workers in any
15 industry or occupation within the State of Oklahoma under conditions
16 of labor detrimental to their health or morals and it shall be
17 unlawful to employ workers in any industry within the State of
18 Oklahoma at wages which are not adequate for their maintenance.

19 Except as otherwise provided in the Oklahoma Minimum Wage Act, ~~no~~
20 ~~employer within the State of Oklahoma~~ employers of this state shall
21 pay ~~any employee~~ employees a wage ~~of~~ not less than Ten Dollars and
22 fifty cents (\$10.50) an hour or the current federal minimum wage,
23 whichever is greater, for all hours worked.

1 SECTION 2. This act shall become effective January 1, 2020.

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3 57-1-1026 NP 12/31/2018 11:10:25 AM
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1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 788

By: Hicks

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6 AS INTRODUCED

7 An Act relating to labor; amending 40 O.S. 2011,
8 Section 197.2, which relates to minimum wage; setting
9 dates and amounts to increase minimum wage; and
10 providing an effective date.

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

12 SECTION 1. AMENDATORY 40 O.S. 2011, Section 197.2, is
13 amended to read as follows:

14 Section 197.2. It shall be unlawful to employ workers in any
15 industry or occupation within the State of Oklahoma under conditions
16 of labor detrimental to their health or morals and it shall be
17 unlawful to employ workers in any industry within the State of
18 Oklahoma at wages which are not adequate for their maintenance.

19 Except as otherwise provided in the Oklahoma Minimum Wage Act, no
20 employer within the State of Oklahoma shall pay any employee a wage
21 of less than the current federal minimum wage for all hours worked.

22 Notwithstanding the current federal minimum wage, beginning January

23 2020, no employer within the State of Oklahoma shall pay any

24 employee a wage of less than Eight Dollars and twenty-five cents

1 (\$8.25) per hour; beginning January 2021, no employer within the
2 State of Oklahoma shall pay any employee a wage of less than Nine
3 Dollars and twenty-five cents (\$9.25) per hour; and beginning
4 January 2022, no employer within the State of Oklahoma shall pay any
5 employee a wage of less than Ten Dollars (\$10.00) per hour.

6 SECTION 2. This act shall become effective November 1, 2019.
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8 57-1-1238 NP 1/28/2019 3:54:52 PM
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