

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1682

By: Leewright

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6 AS INTRODUCED

7 An Act relating to licensed lenders; stating certain  
8 preemption; proscribing certain activities by certain  
9 entities; prohibiting certain disincentives for  
10 certain lenders; authorizing certain ordinances;  
11 providing right to civil action for certain  
12 violations; providing certain grandfather provision  
13 for certain businesses; construing certain  
14 provisions; providing for codification; and providing  
15 an effective date.

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

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

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

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

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

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

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

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

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

19 C. No municipality or other political subdivision of this state  
20 shall create any disincentive for any lender authorized and licensed  
21 to make loans under Section 3-102 et seq. of Title 14A of the  
22 Oklahoma Statutes from engaging in lending practices authorized by  
23 Section 3-102 et seq. of Title 14A of the Oklahoma Statutes.

24 D. A municipality may adopt any ordinance relating to:  
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1           1. Sales tax on merchandise or taxable services sold by such  
2 business or person within the jurisdiction of the municipality;

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

5           3. Signage, parking and hours of operation consistent with  
6 surrounding businesses; and

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

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

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

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

6           3. Nothing in this section shall be construed to release the  
7 protected grandfather clause provided in paragraph 1 of this  
8 subsection for reason of a change in ownership or named licensee, a  
9 name change of the business, or a temporary inability to occupy the  
10 business premises due to damage or loss of use resulting from an  
11 accident, natural occurrence or other occupancy restriction not the  
12 fault of the owner or business licensee.

13           SECTION 2. This act shall become effective November 1, 2020.

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