

# OKLAHOMA STATUTES

## TITLE 7. BLIND PERSONS

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§7-6.5. Repealed by Laws 1978, c. 127, § 8, emerg. eff. March 31, 1978.

§7-7. Repealed by Laws 1978, c. 127, § 8, emerg. eff. March 31, 1978.

§7-8. Special library services to blind and physically handicapped persons.

A. The state plan for library services shall be amended in accordance with the Federal Library Services and Construction Act and applicable regulations to reflect the authority and duty of the

Division of Services for the Blind and Visually Impaired of the State Department of Rehabilitation Services to provide special library services, including braille and recorded books, to blind and visually handicapped persons as provided by state law.

B. Special library services for blind and physically handicapped adults, children, and students shall be provided by the Division of Services for the Blind and Visually Impaired of the Department in accordance with the Federal Library Services and Construction Act, as amended, and applicable federal regulations relating thereto; and consistent with applicable statutes and regulations. The Commission for Rehabilitation Services shall, within the availability of state funds, annually make available for such special library services sufficient funds to earn the maximum available federal funds under the Federal Library Services and Construction Act and appropriations made in pursuance thereof by Congress.

C. All federal requirements for interlibrary cooperation and consultation shall be observed and entitlement of the Department of Libraries to receive federal funds for library services or construction shall not be impaired by any state law prescribing the duties, responsibilities and functions of the Division of Services for the Blind and Visually Impaired of the Department.

Added by Laws 1969, c. 290, § 2(b), (c), (d), emerg. eff. April 29, 1969. Amended by Laws 1993, c. 364, § 6, emerg. eff. June 11, 1993; Laws 2019, c. 51, § 1, eff. Nov. 1, 2019.

§7-11. Blind persons; canes, color.

No person, except those wholly or partially blind, shall carry or use on any street, highway, or in any other public place a cane or walking stick which is white in color, or white tipped with red.

Laws 1949, p. 47, § 1.

§7-12. Duty of drivers of vehicles.

Any driver of a vehicle who knowingly approaches within fifteen (15) feet of a person who is in the roadway or at an intersection and who is wholly or partially blind and who is carrying a cane or walking stick white in color, or white tipped with red, or who is using a dog guide wearing a specialized harness, or who is wholly or partially deaf and is using a signal dog wearing an orange identifying collar, or who is physically handicapped and is using a service dog, shall immediately come to a full stop and take such precautions before proceeding as may be necessary to avoid accident or injury to the person wholly or partially blind, deaf or physically handicapped. For purposes of this section, a "dog guide" means any dog that is specially trained to guide a blind person.

Added by Laws 1949, p. 47, § 2, emerg. eff. June 6, 1949. Amended by Laws 1997, c. 57, § 1, eff. Nov. 1, 1997; Laws 1998, c. 108, § 1, eff. Nov. 1, 1998; Laws 2002, c. 141, § 1, eff. Nov. 1, 2002.

§7-13. Penalty.

Any person, other than a person wholly or partially blind, who shall carry a cane or walking stick such as is described in this act, contrary to the provisions of this act, or who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail not exceeding three (3) months, or by fine not exceeding One Hundred Dollars (\$100.00), or by both such fine and imprisonment. Laws 1949, p. 47, § 3.

§7-15. Earned income disregarded in determining need of assistance.

The first Five Hundred Dollars (\$500.00) per month of earned income of a blind applicant for or recipient of assistance pursuant to the laws of this state administered by the Department of Human Services shall:

1. Not be deemed income or resources of such applicant or recipient;
2. Be disregarded in determining the need of the applicant or recipient; and
3. Not be deducted from the amount of assistance which any applicant or recipient otherwise would receive.

Added by Laws 1951, p. 160, § 1. Amended by Laws 1999, c. 16, § 1, emerg. eff. April 5, 1999.

§7-16. Earned income defined - Deductions in determining.

Earned income of a blind applicant for or recipient of assistance, for the purposes of this act, shall be net remuneration for employment or self-employment of the applicant or recipient, including the cash value of all remuneration paid in any medium other than cash. Such earned income shall include all net income from salaries, wages, or commission paid to the applicant or recipient, and all net income from a business or profession owned or practiced by the applicant or recipient. In computing net income, the following deductions shall be made from the gross income of the applicant or recipient from salaries, wages, commission, sales, and fees: (1) expenses of all transportation incident to employment, unless such expenses are reimbursed by the employer; (2) cost of meals and lodging while away from home on business incident to employment, unless such expense is reimbursed by the employer; (3) dues to trade or professional organizations; (4) cost of merchandise sold in carrying on business; (5) salaries, wages, commissions, and fees paid by the applicant or recipient in carrying on his business or profession; (6) interest on indebtedness incurred in carrying on business or profession; (7) taxes on property used in business or profession; (8) cost of repairs, rent, and service charges on property used in business or profession; (9) allowance for

depreciation of property used in business or profession; (10) cost of telephone service used in business or profession; (11) cost of supplies used in business or profession; (12) bad debts resulting from sales of merchandise or equipment used in business or profession.

Laws 1951, p. 160, § 2.

§7-17. Repealed by Laws 1989, c. 154, § 2, operative July 1, 1989.

§7-19.1. Public conveyances and public accommodations - Guide, signal, or service dogs - Identification of dog - Definitions.

A. Any blind, physically handicapped, deaf or hard-of-hearing person who is a passenger on any common carrier, airplane, motor vehicle, railroad train, motorbus, streetcar, boat, or any other public conveyance or mode of transportation operating within this state or any dog trainer from a recognized training center when in the act of training guide, signal, or service dogs shall be entitled to have with him or her a guide, signal, or service dog specially trained or being trained for that purpose, without being required to pay an additional charge therefor, but shall be liable as hereafter set forth in subsection B of this section.

B. A blind, physically handicapped, deaf or hard-of-hearing person and his or her guide, signal, or service dog or a dog trainer from a recognized training center in the act of training guide, signal, or service dogs shall not be denied admittance to or refused access to any of the following because of such dog: Any street, highway, sidewalk, walkway, any common carrier, airplane, motor vehicle, railroad train, motor bus, streetcar, boat, or any other public conveyance or mode of transportation, hotel, motel, or other place of lodging, public building maintained by any unit or subdivision of government, building to which the general public is invited, college dormitory and other educational facility, restaurant or other place where food is offered for sale to the public, or any other place of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited within the State of Oklahoma. Such blind, physically handicapped, deaf or hard-of-hearing person or dog trainer from a recognized training center in the act of training guide, signal, or service dogs shall not be required to pay any additional charges for his or her guide, signal, or service dog, but shall be liable for any damage done to the premises by such dog.

C. A dog used by a deaf or hard-of-hearing person shall be required to wear an orange identifying collar.

D. For the purposes of this section and Section 113.1 of Title 41 of the Oklahoma Statutes:

1. "Physically handicapped person" means any person who has a physical impairment which severely and permanently restricts mobility of two or more extremities, or who is so severely disabled as to be unable to move without the aid of a wheelchair;

2. "Service dog" means any dog individually trained to the physically handicapped person's requirements; and

3. "Signal dog" means any dog trained to alert a deaf or hard-of-hearing person to intruders or sounds.

Added by Laws 1968, c. 9, § 1, emerg. eff. Feb. 6, 1968. Amended by Laws 1981, c. 41, § 1; Laws 1985, c. 19, § 1, eff. Nov. 1, 1985; Laws 1988, c. 71, § 1, emerg. eff. March 25, 1988; Laws 1989, c. 154, § 3, operative July 1, 1989; Laws 1992, c. 122, § 1, emerg. eff. April 23, 1992; Laws 1998, c. 246, § 3, eff. Nov. 1, 1998.

§7-19.2. Penalty.

Any person, or persons, firm, association, or corporation, or the agent of any person, firm, association, or corporation, who shall violate the provisions of Section 19.1 of this title shall be guilty of a misdemeanor.

Laws 1968, c. 9, § 2, emerg. eff. Feb. 6, 1968; Amended by Laws 1985, c. 19, § 2, eff. Nov. 1, 1985.

§7-21. Repealed by Laws 1998, c. 107, § 8, eff. July 1, 1998.

§7-22. Adult Blind Market Revolving Fund - Use - Expenditures.

There is hereby created in the State Treasury a revolving fund to be known as the Adult Blind Market Revolving Fund of the Oklahoma Public Welfare Commission to be administered by and under the direction of the Oklahoma Public Welfare Commission. Said fund shall consist of all appropriations made for such purpose and all net earnings or profits derived from its use as authorized by law. Said fund shall be used for the purpose of creating, establishing and maintaining a market for the product of blind workers of Oklahoma and may be used to purchase such products for resale, and for no other purpose. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims submitted to the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1935, p. 38, § 3, emerg. eff. April 27, 1935. Amended by Laws 1979, c. 30, § 62, emerg. eff. April 6, 1979; Laws 2012, c. 304, § 31.

§7-31. Repealed by Laws 1941, p. 17, § 3.

§7-32. Repealed by Laws 1941, p. 17, § 3.

§7-33. Repealed by Laws 1941, p. 17, § 3.

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- §7-45. Repealed by Laws 1941, p. 17, § 3.
- §7-46. Repealed by Laws 1941, p. 17, § 3.

§7-71. Activities to promote business opportunities - Vending facilities - Gambling.

A. For purposes of assisting blind persons to become self-supporting, the State Department of Rehabilitation Services is hereby authorized to carry on activities to promote business opportunities for individuals who are blind, including, but not limited to, the licensing and establishment of such persons as operators of vending facilities in public and other buildings. Facilities shall maximize job opportunities for other persons who are blind.

B. The Department shall be the sole state licensing agency for the purpose of implementing and carrying out the provisions of the Act of Congress known as the Randolph-Sheppard Act (20 USCA Sections 107-107f), and amendments thereto, providing for the licensing of individuals who are blind to operate vending facilities in federal buildings, or any other Acts of Congress which may be hereafter enacted. Provided, that no game of chance or gambling machine shall be operated. The Division of Services for the Blind and Visually Impaired of the Department shall administer this program.

Added by Laws 1937, p. 55, § 1. Amended by Laws 1978, c. 127, § 1, emerg. eff. March 31, 1978; Laws 1997, c. 89, § 1, emerg. eff. April

11, 1997; Laws 1998, c. 107, § 1, eff. July 1, 1998; Laws 2019, c. 51, § 2, eff. Nov. 1, 2019.

§7-72. Definitions.

For purposes of Chapter 4 of this title:

1. "Vending facility" means automatic vending machines, cafeterias, snackbars, cart service, shelters, counters, and such other appropriate auxiliary equipment which may be operated by blind licensees and which is necessary for the sale of newspapers, periodicals, confections, tobacco products, food, beverages, and other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws;

2. "Net proceeds" means the amount remaining from the sale of articles or services of vending facilities, and any vending machine or other income accruing to blind vendors after deducting the cost of such sale and other expenses, excluding set-aside charges required to be paid by such vendors;

3. "Blind person" means a person having a visual acuity not to exceed 20/200 in the better eye, with correcting lenses, or visual acuity greater than 20/200 but with limitation in the field of vision such that the widest diameter of visual field subtends an angle no greater than twenty degrees (20°); and

4. "Satisfactory site" means an area fully accessible to vending facility patrons, with sufficient electrical, plumbing, heating, and ventilation outlets for the location and operation of a vending facility in accordance with applicable health laws and building codes, to contain space necessary for proper vending facility service.

Added by Laws 1937, p. 55, § 2. Amended by Laws 1978, c. 127, § 2, emerg. eff. March 31, 1978; Laws 1997, c. 89, § 2, emerg. eff. April 11, 1997; Laws 1998, c. 107, § 2, eff. July 1, 1998.

§7-73. Operation of vending facilities on state or county property - License - Free space - Exceptions.

A. It shall be the duty of the board of county commissioners of each county and the governing boards of all state institutions, state agencies and state or county public trust authorities, with regard to the premises of county or state property under their respective jurisdictions or the premises of property leased by them in whole or in part, to give priority to vending facilities operated by licensed blind operators and established by the State Department of Rehabilitation Services. Governing boards shall observe such priority by entering into an agreement with the Department. Operators shall be licensed by the Department.

B. Governing boards shall make available free of any charge, fee, assessment or commission on sales adequate space with sufficient



electrical, plumbing, heating and ventilation outlets for the operation of a vending facility on satisfactory sites. Governing boards shall provide free of any charge, fee, assessment or commission on sales the use of utilities needed to operate a vending facility.

C. The provisions of this section shall not apply to the operation of fairgrounds, exposition centers, trade/consumer show facilities, pari-mutuel horse racing facilities as licensed by the Oklahoma Horse Racing Commission, parks, golf courses, hospitals operated by county trust authorities, commissaries for the benefit of persons lawfully confined in the county jail under the custody of the county sheriff or the State Capitol Building and grounds; provided, that vending machines within the State Capitol Building shall be subject to the provisions of subsections A and B of this section. Added by Laws 1937, p. 56, § 3, emerg. eff. April 29, 1937. Amended by Laws 1978, c. 127, § 3, emerg. eff. March 31, 1978; Laws 1997, c. 89, § 3, emerg. eff. April 11, 1997; Laws 2000, c. 331, § 1, eff. Nov. 1, 2000; Laws 2016, c. 91, § 1, eff. Nov. 1, 2016; Laws 2017, c. 263, § 1.

§7-74. Repealed by Laws 1998, c. 107, § 8, eff. July 1, 1998.

§7-75. Payments into set-aside fund - Reimbursement for initial stock of merchandise.

A. Every vending facility operator shall be required to pay monthly into the set-aside fund as provided for in the Randolph-Sheppard Act (20 U.S.C., Section 107.b(3)). The Department is hereby authorized to fix the amount to be paid by such operator, which amount shall be based upon the performance of the facility and the ability of the operator to pay. The amount shall be on a sliding scale of zero percent (0%) to not more than twelve percent (12%) of the net proceeds of the vending facility during any one (1) month, and shall be paid to the Department.

B. Any operator who is furnished an initial stock of merchandise by the Department shall be required to reimburse the Department for all amounts so expended. Such reimbursement shall be payable in monthly installments of not less than two percent (2%) nor more than five percent (5%) of the gross sales of the vending facility during any one (1) month, until all amounts expended by the Department for such purpose are repaid in full.

Added by Laws 1937, p. 56, § 6. Amended by Laws 1937, p. 56, § 1; Laws 1978, c. 127, § 5, emerg. eff. March 31, 1978; Laws 1997, c. 89, § 6, emerg. eff. April 11, 1997; Laws 1998, c. 107, § 3, eff. July 1, 1998.

§7-76. Repealed by Laws 1978, c. 127, § 8, emerg. eff. March 31, 1978.

§7-77. Repealed by Laws 1998, c. 107, § 8, eff. July 1, 1998.

§7-78. State Committee of Blind Vendors.

There is hereby created a committee of five (5) vendors who are blind to be known as the State Committee of Blind Vendors. The Department of Rehabilitation Services shall provide for the biennial election of the Committee which, to the extent possible, shall be fully representative of all vendors who are blind in the state program on the basis of such factors as geography and the vending facility type with a goal of providing for proportional representation of vendors who are blind on federal property and vendors who are blind on other property. The Committee shall have the responsibility of participation with the Department in major administrative decisions and policy and program development decisions affecting the overall administration of the state's vending facility program, receiving and transmitting to the Department grievances at the request of vendors who are blind, and serve as advocates for vendors in connection with such grievances. The Committee shall actively participate in the development and administration of a transfer and promotion system for licensees who are blind, and for their training and retraining.

Added by Laws 1978, c. 127, § 7, emerg. eff. March 31, 1978. Amended by Laws 1997, c. 89, § 7, emerg. eff. April 11, 1997.

§7-81. Repealed by Laws 1978, c. 127, § 8, emerg. eff. March 31, 1978.

§7-82. Repealed by Laws 1978, c. 127, § 8, emerg. eff. March 31, 1978.

§7-101. Repealed by Laws 1973, c. 20, § 10, operative July 1, 1973.

§7-102. Repealed by Laws 1973, c. 20, § 10, operative July 1, 1973.

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