

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1837

By: Kerbs

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 22 O.S.
8 2021, Sections 171.3, 471.6, as amended by Section 5,
9 Chapter 277, O.S.L. 2022, 983, as amended by Section
10 5, Chapter 350, O.S.L. 2022, 991a, 1111.2, 1115.1,
11 1115.1A, and 1115.5 (22 O.S. Supp. 2022, Sections
12 471.6 and 983), which relate to custody of persons
13 subject to immigration detainer request, final
14 eligibility hearing, imprisonment or recommendation
15 of suspension of driving privileges for failure to
16 pay fines, costs, fees or assessments, sentencing
17 powers of court, failure to appear for arraignment,
18 release on personal recognizance, release on personal
19 recognizance for traffic violation, and power and
20 duties relative to suspension of driving privilege;
21 modifying name of responsible agency; amending 42
22 O.S. 2021, Sections 90, 91, and 91A, which relate to
23 notice preparers to register and submit annual fee
24 and liens on personal property; modifying name of
responsible agency; amending Section 6, Chapter 282,
O.S.L. 2022 (47 O.S. Supp. 2022, Section 3-106),
which relates to Service Oklahoma Revolving Fund;
creating petty cash fund; directing use of funds;
allowing certain determination of amount; providing
for certain prohibition; authorizing certain
administration of fund; amending 47 O.S. 2021,
Section 6-101, as amended by Section 37, Chapter 282,
O.S.L. 2022 (47 O.S. Supp. 2022, Section 6-101),
which relates to class requirements for driver
licenses; modifying length of issuance for commercial
learner permits; amending 47 O.S. 2021, Section 6-
105, as amended by Section 42, Chapter 282, O.S.L.
2022 (47 O.S. Supp. 2022, Section 6-105), which
relates to graduated class D licenses; modifying name
of responsible agency; modifying time frame for
possessing learner permit; requiring certain notice;

1 amending 47 O.S. 2021, Section 6-110, as amended by
2 Section 49, Chapter 282, O.S.L. 2022 (47 O.S. Supp.
3 2022, Section 6-110), which relates to examination of
4 applicants; modifying requirements for certain
5 criminal history check; requiring submission of
6 criminal history check by certain date; amending 47
7 O.S. 2021, Section 6-111, as amended by Section 1,
8 Chapter 200, O.S.L. 2022 (47 O.S. Supp. 2022, Section
9 6-111), which relates to issuance of driver license
10 or identification card; removing certain exemption;
11 amending 47 O.S. 2021, Section 6-113, which relates
12 to restricted licenses; modifying name of responsible
13 agency; amending 47 O.S. 2021, Section 6-116, as
14 amended by Section 56, Chapter 282, O.S.L. 2022 (47
15 O.S. Supp. 2022, Section 6-116), which relates to
16 notice of change of address or name; requiring
17 application for replacement of driver license or
18 identification card within certain time frame;
19 deleting certain notice requirement; amending 47 O.S.
20 2021, Section 6-205.1, as amended by Section 1,
21 Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2022, Section
22 6-205.1), which relates to periods of revocation;
23 modifying name of responsible agency; amending 47
24 O.S. 2021, Section 6-211, as amended by Section 2,
Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2022, Section
6-211), which relates to right of appeal to district
court; modifying name of responsible agency; 47 O.S.
2021, Section 156.1, which relates to the use of
state owned motor vehicles for private use; modifying
list of employees who may make certain use of state
owned vehicles; amending 47 O.S. 2021, Sections 752,
753, as amended by Section 6, Chapter 376, O.S.L.
2022, and 754, as amended by Section 7, Chapter 376,
O.S.L. 2022 (47 O.S. Supp. 2022, Sections 753 and
754), which relate to administration of tests,
refusal to submit to test and filed report; requiring
certain report be made available to the Director of
Service Oklahoma; modifying name of responsible
agency; revising time frame for revocation or denial
of driving privilege; amending 47 O.S. 2021, Section
761, which relates to the operation of a motor
vehicle while impaired; modifying name of responsible
agency; amending 47 O.S. 2021, Sections 802, 803,
804, 805, and 806, which relate to administration and
enforcement, school license, instructor's license,
license fees, and suspension or revocation of
license; modifying name of responsible agency;

1 amending 47 O.S. 2021, Section 1109, as amended by
2 Section 121, Chapter 282, O.S.L. 2022 (47 O.S. Supp.
3 2022, Section 1109), which relates to the
4 confidentiality of information; requiring certain
5 records related to boats and motors be confidential;
6 amending 47 O.S. 2021, Section 1135.5, as amended by
7 Section 3, Chapter 397, O.S.L. 2022 (47 O.S. Supp.
8 2022, Section 1135.5), which relates to special
9 license plates; modifying issuance requirements for
10 certain license plates; amending 47 O.S. 2021,
11 Section 1140, as amended by Section 174, Chapter 282,
12 O.S.L. 2022 (47 O.S. Supp. 2022, Section 1140), which
13 relates to Service Oklahoma locations; providing for
14 certain residency requirement; requiring certain
15 notification; allowing certain licensed operators to
16 sell or transfer license; requiring certain approval;
17 setting certain guidelines for sale; allowing
18 branding and physical standardization to transfer in
19 certain instances; amending 63 O.S. 2021, Section 1-
20 229.13, which relates to the sale of tobacco,
21 nicotine or vapor products to persons under age;
22 modifying name of responsible agency; amending 70
23 O.S. 2021, Section 19-115, which relates to
24 coordinator of driver education programs; modifying
responsible agency; amending 75 O.S. 2021, Section
250.4, which relates to compliance with act;
modifying inclusions; repealing 47 O.S. 2021, Section
2-106, as amended by Section 28, Chapter 282, O.S.L.
2022 (47 O.S. Supp. 2022, Section 2-106), which
relates to the Driver License Services Division;
repealing 47 O.S. 2021, Section 1114.2, as amended by
Section 131, Chapter 282, O.S.L. 2022 (47 O.S. Supp.
2022, Section 1114.2), which relates to Driver
License Services Division and residency requirements
for licensed operators; providing an effective date;
and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 2021, Section 171.3, is
amended to read as follows:

1 Section 171.3 A. A law enforcement agency that has custody of
2 a person who is subject to an immigration detainer request issued by
3 the United States Immigration and Customs Enforcement shall:

4 1. Comply with, honor and fulfill any request made in the
5 immigration detainer request provided by the United States
6 Immigration and Customs Enforcement; and

7 2. Inform the person identified in the immigration detainer
8 request that he or she is being held pursuant to an immigration
9 detainer request issued by the United States Immigration and Customs
10 Enforcement.

11 B. A law enforcement agency shall not be required to perform a
12 duty imposed by subsection A of this section with respect to a
13 person who has provided proof that the person is a citizen of the
14 United States. Such proof may include:

15 1. An Oklahoma driver license or identification card issued by
16 ~~the Department of Public Safety~~ Service Oklahoma on or after
17 November 1, 2007; or

18 2. State- or federal government-issued identification.

19 C. As used in this section:

20 1. "Immigration detainer request" means a federal government
21 request to a local entity to maintain temporary custody of an alien,
22 including a United States Department of Homeland Security Form I-247
23 document or a similar successor form; and

1 2. "Law enforcement agency" means any state, county or
2 municipal agency or department which maintains custody of persons
3 accused of, charged with or convicted of any criminal offense. This
4 term includes, but shall not be limited to, peace officers,
5 sheriffs, deputy sheriffs, jailers, correctional officers, agents,
6 employees or contractors of a law enforcement agency.

7 SECTION 2. AMENDATORY 22 O.S. 2021, Section 471.6, as
8 amended by Section 5, Chapter 277, O.S.L. 2022 (22 O.S. Supp. 2022,
9 Section 471.6), is amended to read as follows:

10 Section 471.6 A. The drug court judge shall conduct a hearing
11 as required by subsection F of Section 471.4 of this title to
12 determine final eligibility by considering:

13 1. Whether the offender voluntarily consents to the program
14 requirements;

15 2. Whether to accept the offender based upon the findings and
16 recommendations of the drug court investigation authorized by
17 Section 471.4 of this title;

18 3. Whether there is a written plea agreement, and if so,
19 whether the terms and conditions of the written negotiated plea
20 between the district attorney, the defense attorney and the offender
21 are appropriate and consistent with the penalty provisions and
22 conditions of other similar cases;

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1 4. Whether there is an appropriate treatment program available
2 to the offender and whether there is a recommended treatment plan;
3 and

4 5. Any information relevant to determining eligibility;
5 provided, however, an offender shall not be denied admittance to any
6 drug court program based upon an inability to pay court costs or
7 other costs or fees.

8 B. At the hearing to determine final eligibility for the drug
9 court program, the judge shall not grant any admission of any
10 offender to the program when:

11 1. The required treatment plan and plea agreement have not been
12 completed;

13 2. The program funding or availability of treatment has been
14 exhausted;

15 3. The treatment program or drug court team is unwilling to
16 accept the offender;

17 4. The offender does not meet the presumptive eligibility
18 criteria of the program; or

19 5. The offender is inappropriate for admission to the program,
20 in the discretion of the judge.

21 C. At the final eligibility hearing, if evidence is presented
22 that was not discovered by the drug court investigation, the
23 district attorney or the defense attorney may make an objection and
24 may ask the court to withdraw the plea agreement previously

1 negotiated. The court shall determine whether to proceed and
2 overrule the objection, to sustain the objection and transfer the
3 case for traditional criminal prosecution or to require further
4 negotiations of the plea or punishment provisions. The decision of
5 the judge for or against eligibility and admission shall be final.

6 D. When the court accepts the treatment plan with the written
7 plea agreement, the offender, upon entering the plea as agreed by
8 the parties, shall be ordered and escorted immediately into the
9 program. The offender must have voluntarily signed the necessary
10 court documents before the offender may be admitted to treatment.

11 The court documents shall include:

12 1. Waiver of the offender's rights to speedy trial;

13 2. A written plea agreement which sets forth the offense
14 charged, the penalty to be imposed for the offense in the event of a
15 breach of the agreement and the penalty to be imposed, if any, in
16 the event of a successful completion of the treatment program;
17 provided, however, incarceration shall be prohibited when the
18 offender completes the treatment program;

19 3. A written treatment plan which is subject to modification at
20 any time during the program; and

21 4. A written performance contract requiring the offender to
22 enter the treatment program as directed by the court and participate
23 until completion, withdrawal or removal by the court.

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1 E. If admission into the drug court program is denied, the
2 criminal case shall be returned to the traditional criminal docket
3 and shall proceed as provided for any other criminal case.

4 F. At the time an offender is admitted to the drug court
5 program, any bail or undertaking on behalf of the offender shall be
6 exonerated.

7 G. The period of time during which an offender may participate
8 in the active treatment portion of the drug court program shall be
9 not less than six (6) months nor more than twenty-four (24) months
10 and may include a period of supervision not less than six (6) months
11 nor more than one (1) year following the treatment portion of the
12 program. The period of supervision may be extended by order of the
13 court for not more than six (6) months. No treatment dollars shall
14 be expended on the offender during the extended period of
15 supervision. If the court orders that the period of supervision
16 shall be extended, the drug court judge, district attorney, the
17 attorney for the offender and the supervising staff for the drug
18 court program shall evaluate the appropriateness of continued
19 supervision on a quarterly basis. All participating treatment
20 providers shall be certified by the Department of Mental Health and
21 Substance Abuse Services and shall be selected and evaluated for
22 performance-based effectiveness annually by the Department of Mental
23 Health and Substance Abuse Services. Treatment programs shall be
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1 designed to be completed within twelve (12) months and shall have
2 relapse prevention and evaluation components.

3 H. The drug court judge shall order the offender to pay court
4 costs, treatment costs, drug testing costs, a program user fee not
5 to exceed Twenty Dollars (\$20.00) per month and necessary
6 supervision fees, unless the offender is indigent. The drug court
7 judge shall establish a schedule for the payment of costs and fees.
8 The cost for treatment, drug testing and supervision shall be set by
9 the treatment and supervision providers respectively and made part
10 of the court's order for payment. User fees shall be set by the
11 drug court judge within the maximum amount authorized by this
12 subsection and payable directly to the court clerk for the benefit
13 and administration of the drug court program. Treatment, drug
14 testing and supervision costs shall be paid to the respective
15 providers. The court clerk shall collect all other costs and fees
16 ordered and deposit such costs and fees with the county treasurer in
17 a drug court fund created and administered pursuant to subsection I
18 of Section 471.1 of this title. The remaining user fees shall be
19 remitted to the State Treasurer by the court clerk for deposit in
20 the Department of Mental Health and Substance Abuse Services' Drug
21 Abuse Education and Treatment Revolving Fund established pursuant to
22 Section 2-503.2 of Title 63 of the Oklahoma Statutes. Court orders
23 for costs and fees pursuant to this subsection shall not be limited
24 for purposes of collection to the maximum term of imprisonment for

1 which the offender could have been imprisoned for the offense, nor
2 shall any court order for costs and fees be limited by any term of
3 probation, parole, supervision, treatment or extension thereof.
4 Court orders for costs and fees shall remain an obligation of the
5 offender until fully paid; provided, however, once the offender has
6 successfully completed the drug court program, the drug court judge
7 shall have the discretion to expressly waive all or part of the
8 costs and fees provided for in this subsection if, in the opinion of
9 the drug court judge, continued payment of the costs and fees by the
10 offender would create a financial hardship for the offender.
11 Offenders who have not fully paid all costs and fees pursuant to
12 court order but who have otherwise successfully completed the drug
13 court program shall not be counted as an active drug court
14 participant for purposes of drug court contracts or program
15 participant numbers.

16 I. Notwithstanding any other provision of law, if the driving
17 privileges of the offender have been suspended, revoked, canceled or
18 denied by ~~the Department of Public Safety~~ Service Oklahoma and if
19 the drug court judge determines that no other means of
20 transportation for the offender is available, the drug court judge
21 may enter a written order requiring ~~the Department of Public Safety~~
22 Service Oklahoma to stay any and all such actions against the Class
23 D driving privileges of the offender; provided, the stay shall not
24 be construed to grant driving privileges to an offender who has not

1 | been issued a driver license by ~~the Department~~ Service Oklahoma or
2 | whose Oklahoma driver license has expired, in which case the
3 | offender shall be required to apply for and be found eligible for a
4 | driver license, pass all examinations, if applicable, and pay all
5 | statutory driver license issuance or renewal fees. The offender
6 | shall provide proof of insurance to the drug court judge prior to
7 | the judge ordering a stay of any driver license suspension,
8 | revocation, cancellation or denial. When a judge of a drug court
9 | enters a stay against an order by ~~the Department of Public Safety~~
10 | Service Oklahoma suspending or revoking the driving privileges of an
11 | offender, the time period set in the order by ~~the Department~~ Service
12 | Oklahoma for the suspension or revocation shall continue to run
13 | during the stay. When an offender has successfully completed the
14 | drug court program, the drug court judge shall maintain jurisdiction
15 | over the offender's driving privileges for one (1) year after the
16 | date on which the offender graduates from the drug court program.

17 | SECTION 3. AMENDATORY 22 O.S. 2021, Section 983, as
18 | amended by Section 5, Chapter 350, O.S.L. 2022 (22 O.S. Supp. 2022,
19 | Section 983), is amended to read as follows:

20 | Section 983. A. 1. Except in cases provided for in Section
21 | 983b of this title, when the judgment and sentence of a court,
22 | either in whole or in part, imposes fines, costs, fees, or
23 | assessments upon a defendant, the court at the time of sentencing
24 | shall require the defendant to complete under oath a form

1 promulgated by the Court of Criminal Appeals that provides current
2 information regarding the financial ability of the defendant to pay.

3 2. The information to be required on the form shall include,
4 but not be limited to, the individual and household income and
5 living expenses of the defendant, excluding child support and any
6 monies received from a federal or state government need-based or
7 disability assistance program, the number of dependents, a listing
8 of assets, excluding assets exempt from bankruptcy, child support
9 obligations, health, mental or behavioral health conditions that
10 diminish the ability of the defendant to pay restitution, and
11 additional court-related expenses to be paid by the defendant.

12 3. For purposes of this section, fines, costs, fees, and
13 assessments shall include all financial obligations imposed by the
14 court or required by law to be paid, excluding restitution or
15 payments to be made other than to the court clerk, and shall be
16 referred to as financial obligations.

17 B. 1. The court shall order the defendant to appear
18 immediately after sentencing at the office of the court clerk who
19 shall inform the defendant of the total amount of all financial
20 obligations that have been ordered by the court. If the defendant
21 states to the court clerk that he or she is unable to pay the
22 financial obligations immediately, the court clerk, based on the
23 verified information provided by the defendant, shall establish,
24 subject to approval of the court, a monthly installment plan that

1 will cause the financial obligations to be satisfied within no more
2 than seventy-two (72) months, unless extended by the court.

3 2. The court clerk shall advise the defendant orally and by
4 delivery of a form promulgated by the Court of Criminal Appeals,
5 that:

6 a. it is the obligation of the defendant to keep the
7 court clerk informed of the contact information of the
8 defendant until the financial obligations have been
9 paid. Such information shall include the current
10 mailing and physical addresses of the defendant,
11 telephone or cellular phone number of the defendant,
12 and the email address where the defendant may receive
13 notice from the court,

14 b. if the defendant is unable to pay the financial
15 obligations ordered by the court immediately or in the
16 installments recommended by the court clerk, the
17 defendant may request a cost hearing for the court to
18 determine the ability of the defendant to pay the
19 amount due and to request modification of the
20 installment plan, a reduction in the amount owed, or
21 waiver of payment of the amount owed, and

22 c. upon any subsequent change in circumstances affecting
23 the ability of the defendant to pay, the defendant may
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1 contact the court clerk and request additional cost
2 hearings before the court.

3 3. An order shall be filed in the case with the approval or
4 disapproval by the court of the payment plan. If the court does not
5 approve the payment plan recommended by the court clerk, the court
6 shall enter its order establishing the payment plan. The defendant
7 shall be notified by certified mail or personal service of the order
8 entered by the court and shall be given the opportunity for a cost
9 hearing.

10 4. The district court for each county and all municipal courts
11 shall set a regular time and courtroom for cost hearings.

12 C. If the defendant requests a cost hearing, the court clerk
13 shall set the hearing no later than sixty (60) days after
14 sentencing. In determining the ability of the defendant to pay, the
15 court shall rely on the verified information submitted by the
16 defendant on the form promulgated by the Court of Criminal Appeals
17 and any updates to the information. In addition, the court may make
18 inquiry of the defendant and consider any other evidence or
19 testimony concerning the ability of the defendant to pay.

20 D. 1. If at the initial cost hearing or any subsequent cost
21 hearing, the court determines that the defendant is unable to
22 immediately pay the financial obligations or the required
23 installments, the court may reduce the amount of the installments,
24 extend the payment plan beyond seventy-two (72) months, or waive

1 payment of all or part of the amount owed. The court may include a
2 financial incentive for accelerated payment. Additionally, the
3 court may order community service in lieu of payment. The defendant
4 shall receive credit for no less than two times the amount of the
5 minimum wage specified pursuant to state law for each hour of
6 community service.

7 2. If at any time due to a change in conditions the defendant
8 is unable to pay the financial obligations ordered by the court or
9 any installment, the defendant may request an additional cost
10 hearing.

11 E. If the court determines that a waiver of any of the
12 financial obligations is warranted, the court shall equally apply
13 the same percentage reduction to all fines, costs, fees, and
14 assessments, excluding restitution.

15 F. 1. If a defendant is delinquent in the payment of financial
16 obligations or an installment by more than sixty (60) days, the
17 court clerk shall notify the court which shall, within ten (10) days
18 thereafter, set a cost hearing for the court to determine if the
19 defendant is able to pay. The hearing shall be set on a date that
20 will allow the court clerk to issue a summons fourteen (14) days
21 prior to the cost hearing.

22 2. No less than fourteen (14) days prior to the cost hearing,
23 the court clerk shall issue one summons to the defendant to be
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1 served by United States mail to the mailing address of the defendant
2 on file in the case, substantially as follows:

3 SUMMONS

4 You are ORDERED to appear for a cost hearing at a specified time,
5 place, and date to determine if you are financially able but
6 willfully refuse or neglect to pay the fines, costs, fees, or
7 assessments or an installment due in Case No. _____.

8 You must be present at the hearing.

9 At any time before the date of the cost hearing, you may contact the
10 court clerk and pay the fines, costs, fees, or assessments or any
11 installment due.

12 THIS IS NOT AN ARREST WARRANT. However, if you fail to appear for
13 the cost hearing or to make the payment, the court will issue a
14 WARRANT for "FAILURE TO APPEAR-COST HEARING" and refer the case to a
15 court cost compliance liaison which will cause an additional thirty
16 percent (30%) administrative fee to be added to the amount owed.

17 3. If the defendant fails to appear at the cost hearing or pay
18 the amount due the court shall issue a warrant for FAILURE TO
19 APPEAR-COST HEARING and refer the case to the court cost compliance
20 program as provided in subsection K of this section.

21 4. Municipal courts, in lieu of mailing the summons provided
22 for in this subsection, may give the defendant personal notice at
23 the time of sentencing of a specific date, time, and place, not less
24 than sixty (60) nor more than one hundred twenty (120) days from the

1 date of sentencing to appear for a cost hearing if the fines, costs,
2 fees, and assessments remain unpaid.

3 G. If a defendant is found by a law enforcement officer to have
4 an outstanding warrant for FAILURE TO APPEAR-COST HEARING, the law
5 enforcement officer shall release the defendant and issue a citation
6 to appear pursuant to Section 209 of this title. If the defendant
7 fails to appear at the time and place cited by the law enforcement
8 officer, the court may issue a summons or warrant as provided in
9 Section 209 of this title. The provisions of this subsection shall
10 not apply to a municipal court if the municipal court has previously
11 provided personal service to the defendant of an opportunity for a
12 cost hearing.

13 H. In determining whether the defendant is able to pay
14 delinquent financial obligations or any installments due, the court
15 shall consider the criteria provided in subsection C of this
16 section.

17 I. Any defendant found guilty of an offense in any court of
18 this state may be imprisoned for nonpayment of his or her financial
19 obligations when the court finds after notice and hearing that the
20 defendant is financially able but willfully refuses or neglects to
21 pay the financial obligations owed. A sentence to pay a fine, cost,
22 fee, or assessment may be converted into a jail sentence only after
23 a hearing and a judicial determination, memorialized of record, that
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1 the defendant is able to satisfy the fine, cost, fee, or assessment
2 by payment, but refuses or neglects so to do.

3 J. In addition, the district court or municipal court, within
4 one hundred twenty (120) days from the date upon which the person
5 was originally ordered to make payment, and if the court finds and
6 memorializes into the record that the defendant is financially able
7 but willfully refuses to or neglects to pay the fines, costs, fees,
8 or assessments, or an installment due, may send notice of nonpayment
9 of any court ordered fine and costs for a moving traffic violation
10 to ~~the Department of Public Safety~~ Service Oklahoma with a
11 recommendation of suspension of driving privileges of the defendant
12 until the total amount of any fine and costs has been paid. Upon
13 receipt of payment of the total amount of the fine and costs for the
14 moving traffic violation, the court shall send notice thereof to ~~the~~
15 ~~Department~~ Service Oklahoma, if a nonpayment notice was sent as
16 provided for in this subsection. Notices sent to ~~the Department~~
17 Service Oklahoma shall be on forms or by a method approved by ~~the~~
18 ~~Department~~ Service Oklahoma.

19 K. All counties of the state shall fully utilize and
20 participate in the court cost compliance program. Cases shall be
21 referred to the court cost compliance program not less than thirty
22 (30) days nor more than sixty (60) days after the defendant fails to
23 appear for a cost hearing unless the defendant pays the amount owed
24 on the financial obligation, or an installment due. When the court

1 refers the case, the updated contact information on file shall be
2 forwarded to a court cost compliance liaison for collection
3 purposes.

4 L. The Court of Criminal Appeals shall implement procedures,
5 forms, and rules consistent with the provisions of this section for
6 methods of establishing payment plans of fines, costs, fees, and
7 assessments by indigents, which procedures, forms, and rules shall
8 be distributed to all district courts and municipal courts by the
9 Administrative Office of the Courts.

10 SECTION 4. AMENDATORY 22 O.S. 2021, Section 991a, is
11 amended to read as follows:

12 Section 991a. A. Except as otherwise provided in the Elderly
13 and Incapacitated Victim's Protection Program, when a defendant is
14 convicted of a crime and no death sentence is imposed, the court
15 shall either:

16 1. Suspend the execution of sentence in whole or in part, with
17 or without probation. The court, in addition, may order the
18 convicted defendant at the time of sentencing or at any time during
19 the suspended sentence to do one or more of the following:

20 a. to provide restitution to the victim as provided by
21 Section 991f et seq. of this title or according to a
22 schedule of payments established by the sentencing
23 court, together with interest upon any pecuniary sum
24 at the rate of twelve percent (12%) per annum, if the

1 defendant agrees to pay such restitution or, in the
2 opinion of the court, if the defendant is able to pay
3 such restitution without imposing manifest hardship on
4 the defendant or the immediate family and if the
5 extent of the damage to the victim is determinable
6 with reasonable certainty,

7 b. to reimburse any state agency for amounts paid by the
8 state agency for hospital and medical expenses
9 incurred by the victim or victims, as a result of the
10 criminal act for which such person was convicted,
11 which reimbursement shall be made directly to the
12 state agency, with interest accruing thereon at the
13 rate of twelve percent (12%) per annum,

14 c. to engage in a term of community service without
15 compensation, according to a schedule consistent with
16 the employment and family responsibilities of the
17 person convicted,

18 d. to pay a reasonable sum into any trust fund
19 established pursuant to the provisions of Sections 176
20 through 180.4 of Title 60 of the Oklahoma Statutes and
21 which provides restitution payments by convicted
22 defendants to victims of crimes committed within this
23 state wherein such victim has incurred a financial
24 loss,

- 1 e. to confinement in the county jail for a period not to
2 exceed six (6) months,
- 3 f. to confinement as provided by law together with a term
4 of post-imprisonment community supervision for not
5 less than three (3) years of the total term allowed by
6 law for imprisonment, with or without restitution;
7 provided, however, the authority of this provision is
8 limited to Section 843.5 of Title 21 of the Oklahoma
9 Statutes when the offense involved sexual abuse or
10 sexual exploitation; Sections 681, 741 and 843.1 of
11 Title 21 of the Oklahoma Statutes when the offense
12 involved sexual abuse or sexual exploitation; and
13 Sections 865 et seq., 885, 886, 888, 891, 1021,
14 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and
15 1123 of Title 21 of the Oklahoma Statutes,
- 16 g. to repay the reward or part of the reward paid by a
17 local certified crime stoppers program and the
18 Oklahoma Reward System. In determining whether the
19 defendant shall repay the reward or part of the
20 reward, the court shall consider the ability of the
21 defendant to make the payment, the financial hardship
22 on the defendant to make the required payment and the
23 importance of the information to the prosecution of
24 the defendant as provided by the arresting officer or

1 the district attorney with due regard for the
2 confidentiality of the records of the local certified
3 crime stoppers program and the Oklahoma Reward System.
4 The court shall assess this repayment against the
5 defendant as a cost of prosecution. The term
6 "certified" means crime stoppers organizations that
7 annually meet the certification standards for crime
8 stoppers programs established by the Oklahoma Crime
9 Stoppers Association to the extent those standards do
10 not conflict with state statutes. The term "court"
11 refers to all municipal and district courts within
12 this state. The "Oklahoma Reward System" means the
13 reward program established by Section 150.18 of Title
14 74 of the Oklahoma Statutes,

15 h. to reimburse the Oklahoma State Bureau of
16 Investigation for costs incurred by that agency during
17 its investigation of the crime for which the defendant
18 pleaded guilty, nolo contendere or was convicted
19 including compensation for laboratory, technical or
20 investigation services performed by the Bureau if, in
21 the opinion of the court, the defendant is able to pay
22 without imposing manifest hardship on the defendant,
23 and if the costs incurred by the Bureau during the
24

1 investigation of the defendant's case may be
2 determined with reasonable certainty,

3 i. to reimburse the Oklahoma State Bureau of
4 Investigation and any authorized law enforcement
5 agency for all costs incurred by that agency for
6 cleaning up an illegal drug laboratory site for which
7 the defendant pleaded guilty, nolo contendere or was
8 convicted. The court clerk shall collect the amount
9 and may retain five percent (5%) of such monies to be
10 deposited in the Court Clerk's Revolving Fund to cover
11 administrative costs and shall remit the remainder to
12 the Oklahoma State Bureau of Investigation to be
13 deposited in the OSBI Revolving Fund established by
14 Section 150.19a of Title 74 of the Oklahoma Statutes
15 or to the general fund wherein the other law
16 enforcement agency is located,

17 j. to pay a reasonable sum to the Crime Victims
18 Compensation Board, created by Section 142.2 et seq.
19 of Title 21 of the Oklahoma Statutes, for the benefit
20 of crime victims,

21 k. to reimburse the court fund for amounts paid to court-
22 appointed attorneys for representing the defendant in
23 the case in which the person is being sentenced,
24

- 1 1. to participate in an assessment and evaluation by an
2 assessment agency or assessment personnel certified by
3 the Department of Mental Health and Substance Abuse
4 Services pursuant to Section 3-460 of Title 43A of the
5 Oklahoma Statutes and, as determined by the
6 assessment, participate in an alcohol and drug
7 substance abuse course or treatment program or both,
8 pursuant to Sections 3-452 and 3-453 of Title 43A of
9 the Oklahoma Statutes, or as ordered by the court,
- 10 m. to be placed in a victims impact panel program, as
11 defined in subsection H of this section, or
12 victim/offender reconciliation program and payment of
13 a fee to the program of Seventy-five Dollars (\$75.00)
14 as set by the governing authority of the program to
15 offset the cost of participation by the defendant.
16 Provided, each victim/offender reconciliation program
17 shall be required to obtain a written consent form
18 voluntarily signed by the victim and defendant that
19 specifies the methods to be used to resolve the
20 issues, the obligations and rights of each person and
21 the confidentiality of the proceedings. Volunteer
22 mediators and employees of a victim/offender
23 reconciliation program shall be immune from liability

1 and have rights of confidentiality as provided in
2 Section 1805 of Title 12 of the Oklahoma Statutes,
3 n. to install, at the expense of the defendant, an
4 ignition interlock device approved by the Board of
5 Tests for Alcohol and Drug Influence. The device
6 shall be installed upon every motor vehicle operated
7 by the defendant, and the court shall require that a
8 notation of this restriction be affixed to the
9 defendant's driver license. The restriction shall
10 remain on the driver license not exceeding two (2)
11 years to be determined by the court. The restriction
12 may be modified or removed only by order of the court
13 and notice of any modification order shall be given to
14 ~~the Department of Public Safety~~ Service Oklahoma.
15 Upon the expiration of the period for the restriction,
16 ~~the Department of Public Safety~~ Service Oklahoma shall
17 remove the restriction without further court order.
18 Failure to comply with the order to install an
19 ignition interlock device or operating any vehicle
20 without a device during the period of restriction
21 shall be a violation of the sentence and may be
22 punished as deemed proper by the sentencing court. As
23 used in this paragraph, "ignition interlock device"
24 means a device that, without tampering or intervention

1 by another person, would prevent the defendant from
2 operating a motor vehicle if the defendant has a blood
3 or breath alcohol concentration of two-hundredths
4 (0.02) or greater,

- 5 o. to be confined by electronic monitoring administered
6 and supervised by the Department of Corrections or a
7 community sentence provider, and payment of a
8 monitoring fee to the supervising authority, not to
9 exceed Three Hundred Dollars (\$300.00) per month. Any
10 fees collected pursuant to this subparagraph shall be
11 deposited with the appropriate supervising authority.
12 Any willful violation of an order of the court for the
13 payment of the monitoring fee shall be a violation of
14 the sentence and may be punished as deemed proper by
15 the sentencing court. As used in this paragraph,
16 "electronic monitoring" means confinement of the
17 defendant within a specified location or locations
18 with supervision by means of an electronic device
19 approved by the Department of Corrections which is
20 designed to detect if the defendant is in the court-
21 ordered location at the required times and which
22 records violations for investigation by a qualified
23 supervisory agency or person,

- 1 p. to perform one or more courses of treatment, education
2 or rehabilitation for any conditions, behaviors,
3 deficiencies or disorders which may contribute to
4 criminal conduct including but not limited to alcohol
5 and substance abuse, mental health, emotional health,
6 physical health, propensity for violence, antisocial
7 behavior, personality or attitudes, deviant sexual
8 behavior, child development, parenting assistance, job
9 skills, vocational-technical skills, domestic
10 relations, literacy, education or any other
11 identifiable deficiency which may be treated
12 appropriately in the community and for which a
13 certified provider or a program recognized by the
14 court as having significant positive impact exists in
15 the community. Any treatment, education or
16 rehabilitation provider required to be certified
17 pursuant to law or rule shall be certified by the
18 appropriate state agency or a national organization,
- 19 q. to submit to periodic testing for alcohol,
20 intoxicating substance or controlled dangerous
21 substances by a qualified laboratory,
- 22 r. to pay a fee or costs for treatment, education,
23 supervision, participation in a program or any
24

- 1 combination thereof as determined by the court, based
2 upon the defendant's ability to pay the fees or costs,
3 s. to be supervised by a Department of Corrections
4 employee, a private supervision provider or other
5 person designated by the court,
6 t. to obtain positive behavior modeling by a trained
7 mentor,
8 u. to serve a term of confinement in a restrictive
9 housing facility available in the community,
10 v. to serve a term of confinement in the county jail at
11 night or during weekends pursuant to Section 991a-2 of
12 this title or for work release,
13 w. to obtain employment or participate in employment-
14 related activities,
15 x. to participate in mandatory day reporting to
16 facilities or persons for services, payments, duties
17 or person-to-person contacts as specified by the
18 court,
19 y. to pay day fines not to exceed fifty percent (50%) of
20 the net wages earned. For purposes of this paragraph,
21 "day fine" means the offender is ordered to pay an
22 amount calculated as a percentage of net daily wages
23 earned. The day fine shall be paid to the local
24 community sentencing system as reparation to the

1 community. Day fines shall be used to support the
2 local system,

3 z. to submit to blood or saliva testing as required by
4 subsection I of this section,

5 aa. to repair or restore property damaged by the
6 defendant's conduct, if the court determines the
7 defendant possesses sufficient skill to repair or
8 restore the property and the victim consents to the
9 repairing or restoring of the property,

10 bb. to restore damaged property in kind or payment of out-
11 of-pocket expenses to the victim, if the court is able
12 to determine the actual out-of-pocket expenses
13 suffered by the victim,

14 cc. to attend a victim-offender reconciliation program if
15 the victim agrees to participate and the offender is
16 deemed appropriate for participation,

17 dd. in the case of a person convicted of prostitution
18 pursuant to Section 1029 of Title 21 of the Oklahoma
19 Statutes, require such person to receive counseling
20 for the behavior which may have caused such person to
21 engage in prostitution activities. Such person may be
22 required to receive counseling in areas including but
23 not limited to alcohol and substance abuse, sexual
24

1 behavior problems or domestic abuse or child abuse
2 problems,

3 ee. in the case of a sex offender sentenced after November
4 1, 1989, and required by law to register pursuant to
5 the Sex Offender Registration Act, the court shall
6 require the person to comply with sex offender
7 specific rules and conditions of supervision
8 established by the Department of Corrections and
9 require the person to participate in a treatment
10 program designed for the treatment of sex offenders
11 during the period of time while the offender is
12 subject to supervision by the Department of
13 Corrections. The treatment program shall include
14 polygraph examinations specifically designed for use
15 with sex offenders for purposes of supervision and
16 treatment compliance, and shall be administered not
17 less than each six (6) months during the period of
18 supervision. The examination shall be administered by
19 a certified licensed polygraph examiner. The
20 treatment program must be approved by the Department
21 of Corrections or the Department of Mental Health and
22 Substance Abuse Services. Such treatment shall be at
23 the expense of the defendant based on the defendant's
24 ability to pay,

1 ff. in addition to other sentencing powers of the court,
2 the court in the case of a defendant being sentenced
3 for a felony conviction for a violation of Section 2-
4 402 of Title 63 of the Oklahoma Statutes which
5 involves marijuana may require the person to
6 participate in a drug court program, if available. If
7 a drug court program is not available, the defendant
8 may be required to participate in a community
9 sanctions program, if available,

10 gg. in the case of a person convicted of any false or
11 bogus check violation, as defined in Section 1541.4 of
12 Title 21 of the Oklahoma Statutes, impose a fee of
13 Twenty-five Dollars (\$25.00) to the victim for each
14 check, and impose a bogus check fee to be paid to the
15 district attorney. The bogus check fee paid to the
16 district attorney shall be equal to the amount
17 assessed as court costs plus Twenty-five Dollars
18 (\$25.00) for each check upon filing of the case in
19 district court. This money shall be deposited in the
20 Bogus Check Restitution Program Fund as established in
21 subsection B of Section 114 of this title.

22 Additionally, the court may require the offender to
23 pay restitution and bogus check fees on any other
24

1 bogus check or checks that have been submitted to the
2 Bogus Check Restitution Program, and

3 hh. any other provision specifically ordered by the court.

4 However, any such order for restitution, community service,
5 payment to a local certified crime stoppers program, payment to the
6 Oklahoma Reward System or confinement in the county jail, or a
7 combination thereof, shall be made in conjunction with probation and
8 shall be made a condition of the suspended sentence.

9 However, unless under the supervision of the district attorney,
10 the offender shall be required to pay Forty Dollars (\$40.00) per
11 month to the district attorney during the first two (2) years of
12 probation to compensate the district attorney for the costs incurred
13 during the prosecution of the offender and for the additional work
14 of verifying the compliance of the offender with the rules and
15 conditions of his or her probation. The district attorney may waive
16 any part of this requirement in the best interests of justice. The
17 court shall not waive, suspend, defer or dismiss the costs of
18 prosecution in its entirety. However, if the court determines that
19 a reduction in the fine, costs and costs of prosecution is
20 warranted, the court shall equally apply the same percentage
21 reduction to the fine, costs and costs of prosecution owed by the
22 offender;

23 2. Impose a fine prescribed by law for the offense, with or
24 without probation or commitment and with or without restitution or

1 service as provided for in this section, Section 991a-4.1 of this
2 title or Section 227 of Title 57 of the Oklahoma Statutes;

3 3. Commit such person for confinement provided for by law with
4 or without restitution as provided for in this section;

5 4. Order the defendant to reimburse the Oklahoma State Bureau
6 of Investigation for costs incurred by that agency during its
7 investigation of the crime for which the defendant pleaded guilty,
8 nolo contendere or was convicted including compensation for
9 laboratory, technical or investigation services performed by the
10 Bureau if, in the opinion of the court, the defendant is able to pay
11 without imposing manifest hardship on the defendant, and if the
12 costs incurred by the Bureau during the investigation of the
13 defendant's case may be determined with reasonable certainty;

14 5. Order the defendant to reimburse the Oklahoma State Bureau
15 of Investigation for all costs incurred by that agency for cleaning
16 up an illegal drug laboratory site for which the defendant pleaded
17 guilty, nolo contendere or was convicted. The court clerk shall
18 collect the amount and may retain five percent (5%) of such monies
19 to be deposited in the Court Clerk's Revolving Fund to cover
20 administrative costs and shall remit the remainder to the Oklahoma
21 State Bureau of Investigation to be deposited in the OSBI Revolving
22 Fund established by Section 150.19a of Title 74 of the Oklahoma
23 Statutes;

1 6. In the case of nonviolent felony offenses, sentence such
2 person to the Community Service Sentencing Program;

3 7. In addition to the other sentencing powers of the court, in
4 the case of a person convicted of operating or being in control of a
5 motor vehicle while the person was under the influence of alcohol,
6 other intoxicating substance or a combination of alcohol or another
7 intoxicating substance, or convicted of operating a motor vehicle
8 while the ability of the person to operate such vehicle was impaired
9 due to the consumption of alcohol, require such person:

10 a. to participate in an alcohol and drug assessment and
11 evaluation by an assessment agency or assessment
12 personnel certified by the Department of Mental Health
13 and Substance Abuse Services pursuant to Section 3-460
14 of Title 43A of the Oklahoma Statutes and, as
15 determined by the assessment, participate in an
16 alcohol and drug substance abuse course or treatment
17 program or both, pursuant to Sections 3-452 and 3-453
18 of Title 43A of the Oklahoma Statutes,

19 b. to attend a victims impact panel program, as defined
20 in subsection H of this section, and to pay a fee of
21 Seventy-five Dollars (\$75.00) as set by the governing
22 authority of the program and approved by the court, to
23 the program to offset the cost of participation by the
24

1 defendant, if in the opinion of the court the
2 defendant has the ability to pay such fee,

3 c. to both participate in the alcohol and drug substance
4 abuse course or treatment program, pursuant to
5 subparagraph a of this paragraph and attend a victims
6 impact panel program, pursuant to subparagraph b of
7 this paragraph,

8 d. to install, at the expense of the person, an ignition
9 interlock device approved by the Board of Tests for
10 Alcohol and Drug Influence, upon every motor vehicle
11 operated by such person and to require that a notation
12 of this restriction be affixed to the person's driver
13 license at the time of reinstatement of the license.
14 The restriction shall remain on the driver license for
15 such period as the court shall determine. The
16 restriction may be modified or removed by order of the
17 court and notice of the order shall be given to ~~the~~
18 ~~Department of Public Safety~~ Service Oklahoma. Upon
19 the expiration of the period for the restriction, ~~the~~
20 ~~Department of Public Safety~~ Service Oklahoma shall
21 remove the restriction without further court order.
22 Failure to comply with the order to install an
23 ignition interlock device or operating any vehicle
24 without such device during the period of restriction

1 shall be a violation of the sentence and may be
2 punished as deemed proper by the sentencing court, or
3 e. beginning January 1, 1993, to submit to electronically
4 monitored home detention administered and supervised
5 by the Department of Corrections, and to pay to the
6 Department a monitoring fee, not to exceed Seventy-
7 five Dollars (\$75.00) a month, to the Department of
8 Corrections, if in the opinion of the court the
9 defendant has the ability to pay such fee. Any fees
10 collected pursuant to this subparagraph shall be
11 deposited in the Department of Corrections Revolving
12 Fund. Any order by the court for the payment of the
13 monitoring fee, if willfully disobeyed, may be
14 enforced as an indirect contempt of court;

15 8. In addition to the other sentencing powers of the court, in
16 the case of a person convicted of prostitution pursuant to Section
17 1029 of Title 21 of the Oklahoma Statutes, require such person to
18 receive counseling for the behavior which may have caused such
19 person to engage in prostitution activities. Such person may be
20 required to receive counseling in areas including but not limited to
21 alcohol and substance abuse, sexual behavior problems or domestic
22 abuse or child abuse problems;

23 9. In addition to the other sentencing powers of the court, in
24 the case of a person convicted of any crime related to domestic

1 abuse, as defined in Section 60.1 of this title, the court may
2 require the defendant to undergo the treatment or participate in the
3 counseling services necessary to bring about the cessation of
4 domestic abuse against the victim. The defendant may be required to
5 pay all or part of the cost of the treatment or counseling services;

6 10. In addition to the other sentencing powers of the court,
7 the court, in the case of a sex offender sentenced after November 1,
8 1989, and required by law to register pursuant to the Sex Offenders
9 Registration Act, shall require the defendant to participate in a
10 treatment program designed specifically for the treatment of sex
11 offenders, if available. The treatment program will include
12 polygraph examinations specifically designed for use with sex
13 offenders for the purpose of supervision and treatment compliance,
14 provided the examination is administered by a certified licensed
15 polygraph examiner. The treatment program must be approved by the
16 Department of Corrections or the Department of Mental Health and
17 Substance Abuse Services. Such treatment shall be at the expense of
18 the defendant based on the ability of the defendant to pay;

19 11. In addition to the other sentencing powers of the court,
20 the court, in the case of a person convicted of abuse or neglect of
21 a child, as defined in Section 1-1-105 of Title 10A of the Oklahoma
22 Statutes, may require the person to undergo treatment or to
23 participate in counseling services. The defendant may be required
24

1 to pay all or part of the cost of the treatment or counseling
2 services;

3 12. In addition to the other sentencing powers of the court,
4 the court, in the case of a person convicted of cruelty to animals
5 pursuant to Section 1685 of Title 21 of the Oklahoma Statutes, may
6 require the person to pay restitution to animal facilities for
7 medical care and any boarding costs of victimized animals;

8 13. In addition to the other sentencing powers of the court, a
9 sex offender who is habitual or aggravated as defined by Section 584
10 of Title 57 of the Oklahoma Statutes and who is required to register
11 as a sex offender pursuant to the Sex Offenders Registration Act
12 shall be supervised by the Department of Corrections for the
13 duration of the registration period and shall be assigned to a
14 global position monitoring device by the Department of Corrections
15 for the duration of the registration period. The cost of such
16 monitoring device shall be reimbursed by the offender;

17 14. In addition to the other sentencing powers of the court, in
18 the case of a sex offender who is required by law to register
19 pursuant to the Sex Offenders Registration Act, the court may
20 prohibit the person from accessing or using any Internet social
21 networking website that has the potential or likelihood of allowing
22 the sex offender to have contact with any child who is under the age
23 of eighteen (18) years;

24

1 15. In addition to the other sentencing powers of the court, in
2 the case of a sex offender who is required by law to register
3 pursuant to the Sex Offenders Registration Act, the court shall
4 require the person to register any electronic mail address
5 information, instant message, chat or other Internet communication
6 name or identity information that the person uses or intends to use
7 while accessing the Internet or used for other purposes of social
8 networking or other similar Internet communication; or

9 16. In addition to the other sentencing powers of the court,
10 and pursuant to the terms and conditions of a written plea
11 agreement, the court may prohibit the defendant from entering,
12 visiting or residing within the judicial district in which the
13 defendant was convicted until after completion of his or her
14 sentence; provided, however, the court shall ensure that the
15 defendant has access to those services or programs for which the
16 defendant is required to participate as a condition of probation.
17 When seeking to enter the prohibited judicial district for personal
18 business not related to his or her criminal case, the defendant
19 shall be required to obtain approval by the court.

20 B. Notwithstanding any other provision of law, any person who
21 is found guilty of a violation of any provision of Section 761 or
22 11-902 of Title 47 of the Oklahoma Statutes or any person pleading
23 guilty or nolo contendere for a violation of any provision of such
24 sections shall be ordered to participate in, prior to sentencing, an

1 alcohol and drug assessment and evaluation by an assessment agency
2 or assessment personnel certified by the Department of Mental Health
3 and Substance Abuse Services for the purpose of evaluating the
4 receptivity to treatment and prognosis of the person. The court
5 shall order the person to reimburse the agency or assessor for the
6 evaluation. The fee shall be the amount provided in subsection C of
7 Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation
8 shall be conducted at a certified assessment agency, the office of a
9 certified assessor or at another location as ordered by the court.
10 The agency or assessor shall, within seventy-two (72) hours from the
11 time the person is assessed, submit a written report to the court
12 for the purpose of assisting the court in its final sentencing
13 determination. No person, agency or facility operating an alcohol
14 and drug substance abuse evaluation program certified by the
15 Department of Mental Health and Substance Abuse Services shall
16 solicit or refer any person evaluated pursuant to this subsection
17 for any treatment program or alcohol and drug substance abuse
18 service in which such person, agency or facility has a vested
19 interest; however, this provision shall not be construed to prohibit
20 the court from ordering participation in or any person from
21 voluntarily utilizing a treatment program or alcohol and drug
22 substance abuse service offered by such person, agency or facility.
23 If a person is sentenced to the custody of the Department of
24 Corrections and the court has received a written evaluation report

1 pursuant to this subsection, the report shall be furnished to the
2 Department of Corrections with the judgment and sentence. Any
3 evaluation report submitted to the court pursuant to this subsection
4 shall be handled in a manner which will keep such report
5 confidential from the general public's review. Nothing contained in
6 this subsection shall be construed to prohibit the court from
7 ordering judgment and sentence in the event the defendant fails or
8 refuses to comply with an order of the court to obtain the
9 evaluation required by this subsection.

10 C. When sentencing a person convicted of a crime, the court
11 shall first consider a program of restitution for the victim, as
12 well as imposition of a fine or incarceration of the offender. The
13 provisions of paragraph 1 of subsection A of this section shall not
14 apply to defendants being sentenced upon their third or subsequent
15 to their third conviction of a felony or, beginning January 1, 1993,
16 to defendants being sentenced for their second or subsequent felony
17 conviction for violation of Section 11-902 of Title 47 of the
18 Oklahoma Statutes, except as otherwise provided in this subsection.
19 In the case of a person being sentenced for his or her second or
20 subsequent felony conviction for violation of Section 11-902 of
21 Title 47 of the Oklahoma Statutes, the court may sentence the person
22 pursuant to the provisions of paragraph 1 of subsection A of this
23 section if the court orders the person to submit to electronically
24 monitored home detention administered and supervised by the

1 Department of Corrections pursuant to subparagraph e of paragraph 7
2 of subsection A of this section. Provided, the court may waive
3 these prohibitions upon written application of the district
4 attorney. Both the application and the waiver shall be made part of
5 the record of the case.

6 D. When sentencing a person convicted of a crime, the judge
7 shall consider any victim impact statements if submitted to the
8 jury, or the judge in the event a jury is waived.

9 E. Probation, for purposes of subsection A of this section, is
10 a procedure by which a defendant found guilty of a crime, whether
11 upon a verdict or plea of guilty or upon a plea of nolo contendere,
12 is released by the court subject to conditions imposed by the court
13 and subject to supervision by the Department of Corrections, a
14 private supervision provider or other person designated by the
15 court. Such supervision shall be initiated upon an order of
16 probation from the court, and shall not exceed two (2) years, unless
17 a petition alleging a violation of any condition of deferred
18 judgment or seeking revocation of the suspended sentence is filed
19 during the supervision, or as otherwise provided by law. In the
20 case of a person convicted of a sex offense, supervision shall begin
21 immediately upon release from incarceration or if parole is granted
22 and shall not be limited to two (2) years. Provided further, any
23 supervision provided for in this section may be extended for a
24 period not to exceed the expiration of the maximum term or terms of

1 the sentence upon a determination by the court or the Division of
2 Probation and Parole of the Department of Corrections that the best
3 interests of the public and the release will be served by an
4 extended period of supervision.

5 F. The Department of Corrections, or such other agency as the
6 court may designate, shall be responsible for the monitoring and
7 administration of the restitution and service programs provided for
8 by subparagraphs a, c and d of paragraph 1 of subsection A of this
9 section, and shall ensure that restitution payments are forwarded to
10 the victim and that service assignments are properly performed.

11 G. 1. The Department of Corrections is hereby authorized,
12 subject to funds available through appropriation by the Legislature,
13 to contract with counties for the administration of county Community
14 Service Sentencing Programs.

15 2. Any offender eligible to participate in the Program pursuant
16 to this section shall be eligible to participate in a county
17 Program; provided, participation in county-funded Programs shall not
18 be limited to offenders who would otherwise be sentenced to
19 confinement with the Department of Corrections.

20 3. The Department shall establish criteria and specifications
21 for contracts with counties for such Programs. A county may apply
22 to the Department for a contract for a county-funded Program for a
23 specific period of time. The Department shall be responsible for
24 ensuring that any contracting county complies in full with

1 specifications and requirements of the contract. The contract shall
2 set appropriate compensation to the county for services to the
3 Department.

4 4. The Department is hereby authorized to provide technical
5 assistance to any county in establishing a Program, regardless of
6 whether the county enters into a contract pursuant to this
7 subsection. Technical assistance shall include appropriate
8 staffing, development of community resources, sponsorship,
9 supervision and any other requirements.

10 5. The Department shall annually make a report to the Governor,
11 the President Pro Tempore of the Senate and the Speaker of the House
12 on the number of such Programs, the number of participating
13 offenders, the success rates of each Program according to criteria
14 established by the Department and the costs of each Program.

15 H. As used in this section:

16 1. "Ignition interlock device" means a device that, without
17 tampering or intervention by another person, would prevent the
18 defendant from operating a motor vehicle if the defendant has a
19 blood or breath alcohol concentration of two-hundredths (0.02) or
20 greater;

21 2. "Electronically monitored home detention" means
22 incarceration of the defendant within a specified location or
23 locations with monitoring by means of a device approved by the
24

1 Department of Corrections that detects if the person leaves the
2 confines of any specified location; and

3 3. "Victims impact panel program" means a program conducted by
4 a corporation registered with the Secretary of State in Oklahoma for
5 the sole purpose of operating a victims impact panel program. The
6 program shall include live presentations from presenters who will
7 share personal stories with participants about how alcohol, drug
8 abuse, the operation of a motor vehicle while using an electronic
9 communication device or the illegal conduct of others has personally
10 impacted the lives of the presenters. A victims impact panel
11 program shall be attended by persons who have committed the offense
12 of driving, operating or being in actual physical control of a motor
13 vehicle while under the influence of alcohol or other intoxicating
14 substance, operating a motor vehicle while the ability of the person
15 to operate such vehicle was impaired due to the consumption of
16 alcohol or any other substance or operating a motor vehicle while
17 using an electronic device or by persons who have been convicted of
18 furnishing alcoholic beverage to persons under twenty-one (21) years
19 of age, as provided in Sections 6-101 and 6-120 of Title 37A of the
20 Oklahoma Statutes. Persons attending a victims impact panel program
21 shall be required to pay a fee of Seventy-five Dollars (\$75.00) to
22 the provider of the program. A certificate of completion shall be
23 issued to the person upon satisfying the attendance and fee
24 requirements of the victims impact panel program. The certificate

1 of completion shall contain the business identification number of
2 the program provider. A certified assessment agency, certified
3 assessor or provider of an alcohol and drug substance abuse course
4 shall be prohibited from providing a victims impact panel program
5 and shall further be prohibited from having any proprietary or
6 pecuniary interest in a victims impact panel program. The provider
7 of the victims impact panel program shall carry general liability
8 insurance and maintain an accurate accounting of all business
9 transactions and funds received in relation to the victims impact
10 panel program. Beginning October 1, 2020, and each October 1
11 thereafter, the provider of the victims impact panel program shall
12 provide to the District Attorneys Council the following:

- 13 a. proof of registration with the Oklahoma Secretary of
14 State,
- 15 b. proof of general liability insurance,
- 16 c. end-of-year financial statements prepared by a
17 certified public accountant,
- 18 d. a copy of federal income tax returns filed with the
19 Internal Revenue Service,
- 20 e. a registration fee of One Thousand Dollars
21 (\$1,000.00). The registration fee shall be deposited
22 in the District Attorneys Council Revolving Fund
23 created in Section 215.28 of Title 19 of the Oklahoma
24 Statutes, and

1 f. a statement certifying that the provider of the
2 victims impact panel program has complied with all of
3 the requirements set forth in this paragraph.

4 I. A person convicted of a felony offense or receiving any form
5 of probation for an offense in which registration is required
6 pursuant to the Sex Offenders Registration Act, shall submit to
7 deoxyribonucleic acid (DNA) testing for law enforcement
8 identification purposes in accordance with Section 150.27 of Title
9 74 of the Oklahoma Statutes and the rules promulgated by the
10 Oklahoma State Bureau of Investigation for the OSBI Combined DNA
11 Index System (CODIS) Database. Subject to the availability of
12 funds, any person convicted of a misdemeanor offense of assault and
13 battery, domestic abuse, stalking, possession of a controlled
14 substance prohibited under the Uniform Controlled Dangerous
15 Substances Act, outraging public decency, resisting arrest, escape
16 or attempting to escape, eluding a police officer, Peeping Tom,
17 pointing a firearm, threatening an act of violence, breaking and
18 entering a dwelling place, destruction of property, negligent
19 homicide or causing a personal injury accident while driving under
20 the influence of any intoxicating substance, or any alien unlawfully
21 present under federal immigration law, upon arrest, shall submit to
22 DNA testing for law enforcement identification purposes in
23 accordance with Section 150.27 of Title 74 of the Oklahoma Statutes
24 and the rules promulgated by the Oklahoma State Bureau of

1 Investigation for the OSBI Combined DNA Index System (CODIS)
2 Database. Any defendant sentenced to probation shall be required to
3 submit to testing within thirty (30) days of sentencing either to
4 the Department of Corrections or to the county sheriff or other
5 peace officer as directed by the court. Defendants who are
6 sentenced to a term of incarceration shall submit to testing in
7 accordance with Section 530.1 of Title 57 of the Oklahoma Statutes,
8 for those defendants who enter the custody of the Department of
9 Corrections or to the county sheriff, for those defendants sentenced
10 to incarceration in a county jail. Convicted individuals who have
11 previously submitted to DNA testing under this section and for whom
12 a valid sample is on file in the OSBI Combined DNA Index System
13 (CODIS) Database at the time of sentencing shall not be required to
14 submit to additional testing. Except as required by the Sex
15 Offenders Registration Act, a deferred judgment does not require
16 submission to DNA testing.

17 Any person who is incarcerated in the custody of the Department
18 of Corrections after July 1, 1996, and who has not been released
19 before January 1, 2006, shall provide a blood or saliva sample prior
20 to release. Every person subject to DNA testing after January 1,
21 2006, whose sentence does not include a term of confinement with the
22 Department of Corrections shall submit a blood or saliva sample.
23 Every person subject to DNA testing who is sentenced to unsupervised
24 probation or otherwise not supervised by the Department of

1 Corrections shall submit for blood or saliva testing to the sheriff
2 of the sentencing county.

3 J. Samples of blood or saliva for DNA testing required by
4 subsection I of this section shall be taken by employees or
5 contractors of the Department of Corrections, peace officers, or the
6 county sheriff or employees or contractors of the sheriff's office.
7 The individuals shall be properly trained to collect blood or saliva
8 samples. Persons collecting blood or saliva for DNA testing
9 pursuant to this section shall be immune from civil liabilities
10 arising from this activity. All collectors of DNA samples shall
11 ensure the collection of samples are mailed to the Oklahoma State
12 Bureau of Investigation within ten (10) days of the time the subject
13 appears for testing or within ten (10) days of the date the subject
14 comes into physical custody to serve a term of incarceration. All
15 collectors of DNA samples shall use sample kits provided by the OSBI
16 and procedures promulgated by the OSBI. Persons subject to DNA
17 testing who are not received at the Lexington Assessment and
18 Reception Center shall be required to pay a fee of Fifteen Dollars
19 (\$15.00) to the agency collecting the sample for submission to the
20 OSBI Combined DNA Index System (CODIS) Database. Any fees collected
21 pursuant to this subsection shall be deposited in the revolving
22 account or the service fee account of the collection agency or
23 department.

24

1 K. When sentencing a person who has been convicted of a crime
2 that would subject that person to the provisions of the Sex
3 Offenders Registration Act, neither the court nor the district
4 attorney shall be allowed to waive or exempt such person from the
5 registration requirements of the Sex Offenders Registration Act.

6 SECTION 5. AMENDATORY 22 O.S. 2021, Section 1111.2, is
7 amended to read as follows:

8 Section 1111.2 The arresting officer shall indicate on the
9 citation the date of the arraignment, and the defendant shall appear
10 in person or by counsel at the stated time and place for
11 arraignment. If the defendant fails to appear in court in person or
12 by counsel for arraignment on the charge against him, or fails to
13 arrange with the court within the time designated on the citation
14 for a future appearance, the cash bail, if cash bail has been
15 deposited by the defendant, shall be forfeited. If a license to
16 operate a motor vehicle has been deposited under subsection ~~(b)~~ B of
17 Section 1111 of this title, the court clerk shall immediately
18 forward to ~~the Department of Public Safety~~ Service Oklahoma the
19 operator's license attached to an official notification form
20 furnished by ~~the Department of Public Safety~~ Service Oklahoma,
21 advising that the defendant failed to appear; in addition, on motion
22 of the district attorney, the court shall issue a bench warrant for
23 the arrest of the defendant. If a license has been deposited under
24 subsection ~~(a)~~ A of Section 1111 of this title and the out-of-state

1 defendant's personal check is not honored, the court clerk shall
2 immediately forward to ~~the Department of Public Safety Service~~
3 Oklahoma the license stating that the check has not been honored.
4 If bail has been forfeited, on motion of the district attorney, the
5 court shall issue a bench warrant. Provided, however, that bail
6 forfeiture shall not be construed as a plea of guilty or admission
7 in any civil action that may thereafter arise by reason of said
8 occurrence.

9 SECTION 6. AMENDATORY 22 O.S. 2021, Section 1115.1, is
10 amended to read as follows:

11 Section 1115.1 A. In addition to other provisions of law for
12 posting bail, any person, whether a resident of this state or a
13 nonresident, who is arrested by a law enforcement officer solely for
14 a misdemeanor violation of a state traffic law or municipal traffic
15 ordinance, shall be released by the arresting officer upon personal
16 recognizance if:

17 1. The arrested person has been issued a valid license to
18 operate a motor vehicle by this state, another state jurisdiction
19 within the United States, which is a participant in the Nonresident
20 Violator Compact or any party jurisdiction of the Nonresident
21 Violator Compact;

22 2. The arresting officer is satisfied as to the identity of the
23 arrested person;

24

1 3. The arrested person signs a written promise to appear as
2 provided for on the citation, unless the person is unconscious or
3 injured and requires immediate medical treatment as determined by a
4 treating physician; and

5 4. The violation does not constitute:

6 a. a felony, or

7 b. negligent homicide, or

8 c. driving or being in actual physical control of a motor
9 vehicle while impaired or under the influence of
10 alcohol or other intoxicating substances, unless the
11 person is unconscious or injured and requires
12 immediate medical treatment as determined by a
13 treating physician, or

14 d. eluding or attempting to elude a law enforcement
15 officer, or

16 e. operating a motor vehicle without having been issued a
17 valid driver license, or while the driving privilege
18 and driver license is under suspension, revocation,
19 denial or cancellation, or

20 f. an arrest based upon an outstanding warrant, or

21 g. a traffic violation coupled with any offense stated in
22 subparagraphs a through f of this paragraph.

1 B. If the arrested person is eligible for release on personal
2 recognizance as provided for in subsection A of this section, then
3 the arresting officer shall:

4 1. Designate the traffic charge;

5 2. Record information from the arrested person's driver license
6 on the citation form, including the name, address, date of birth,
7 personal description, type of driver license, driver license number,
8 issuing state, and expiration date;

9 3. Record the motor vehicle make, model and tag information;

10 4. Record the date and time on the citation on which, or before
11 which, the arrested person promises to contact, pay, or appear at
12 the court, as applicable to the court; and

13 5. Permit the arrested person to sign a written promise to
14 contact, pay, or appear at the court, as provided for in the
15 citation.

16 The arresting officer shall then release the person upon personal
17 recognizance based upon the signed promise to appear. The citation
18 shall contain a written notice to the arrested person that release
19 upon personal recognizance based upon a signed written promise to
20 appear for arraignment is conditional and that failure to timely
21 appear for arraignment shall result in the suspension of the
22 arrested person's driving privilege and driver license in this
23 state, or in the nonresident's home state pursuant to the
24 Nonresident Violator Compact.

1 C. The court, or the court clerk as directed by the court, may
2 continue or reschedule the date and time of arraignment upon request
3 of the arrested person or the attorney for that person. If the
4 arraignment is continued or rescheduled, the arrested person shall
5 remain on personal recognizance and written promise to appear until
6 such arraignment, in the same manner and with the same consequences
7 as if the continued or rescheduled arraignment was entered on the
8 citation by the arresting officer and signed by the defendant. An
9 arraignment may be continued or rescheduled more than one time.
10 Provided, however, the court shall require an arraignment to be had
11 within a reasonable time. It shall remain the duty of the defendant
12 to appear for arraignment unless the citation is satisfied as
13 provided for in subsection D of this section.

14 D. A defendant released upon personal recognizance may elect to
15 enter a plea of guilty or nolo contendere to the violation charged
16 at any time before the defendant is required to appear for
17 arraignment by indicating such plea on the copy of the citation
18 furnished to the defendant or on a legible copy thereof, together
19 with the date of the plea and signature. The defendant shall be
20 responsible for assuring full payment of the fine and costs to the
21 appropriate court clerk. Payment of the fine and costs may be made
22 by personal, cashier's, traveler's, certified or guaranteed bank
23 check, postal or commercial money order, or other form of payment
24 approved by the court in an amount prescribed as bail for the

1 offense. Provided, however, the defendant shall not use currency
2 for payment by mail. If the defendant has entered a plea of guilty
3 or nolo contendere as provided for in this subsection, such plea
4 shall be accepted by the court and the amount of the fine and costs
5 shall be:

6 1. As prescribed in Section 1115.3 of this title as bail for
7 the violation; or

8 2. In case of a municipal violation, as prescribed by municipal
9 ordinance for the violation charged; or

10 3. In the absence of such law or ordinance, then as prescribed
11 by the court.

12 E. 1. If, pursuant to the provisions of subsection D of this
13 section, the defendant does not timely elect to enter a plea of
14 guilty or nolo contendere and fails to timely appear for
15 arraignment, the court may issue a warrant for the arrest of the
16 defendant and the municipal or district court clerk, within one
17 hundred twenty (120) calendar days from the date the citation was
18 issued by the arresting officer, shall notify ~~the Department of~~
19 ~~Public Safety~~ Service Oklahoma that:

20 a. the defendant was issued a traffic citation and
21 released upon personal recognizance after signing a
22 written promise to appear for arraignment as provided
23 for in the citation,
24

- 1 b. the defendant has failed to appear for arraignment
2 without good cause shown,
3 c. the defendant has not posted bail, paid a fine, or
4 made any other arrangement with the court to satisfy
5 the citation, and
6 d. the citation has not been satisfied as provided by
7 law.

8 Additionally, the court clerk shall request ~~the Department of Public~~
9 ~~Safety~~ Service Oklahoma to either suspend the defendant's driving
10 privilege and driver license to operate a motor vehicle in this
11 state, or notify the defendant's home state and request suspension
12 of the defendant's driving privilege and driver license in
13 accordance with the provisions of the Nonresident Violator Compact.
14 Such notice and request shall be on a form approved or furnished by
15 ~~the Department of Public Safety~~ Service Oklahoma.

16 2. The court clerk shall not process the notification and
17 request provided for in paragraph 1 of this subsection if, with
18 respect to such charges:

- 19 a. the defendant was arraigned, posted bail, paid a fine,
20 was jailed, or otherwise settled the case, or
21 b. the defendant was not released upon personal
22 recognizance upon a signed written promise to appear
23 as provided for in this section or if released, was
24

1 not permitted to remain on such personal recognizance
2 for arraignment, or

3 c. the violation relates to parking or standing, or

4 d. a period of one hundred twenty (120) calendar days or
5 more has elapsed from the date the citation was issued
6 by the arresting officer.

7 F. Following receipt of the notice and request from the court
8 clerk for driving privilege and driver license suspension as
9 provided for in subsection E of this section, ~~the Department of~~
10 ~~Public Safety~~ Service Oklahoma shall proceed as provided for in
11 Section 1115.5 of this title.

12 G. The municipal or district court clerk shall maintain a
13 record of each request for driving privilege and driver license
14 suspension submitted to ~~the Department of Public Safety~~ Service
15 Oklahoma pursuant to the provisions of this section. When the court
16 or court clerk receives appropriate bail or payment of the fine and
17 costs, settles the citation, makes other arrangements with the
18 defendant, or otherwise closes the case, the court clerk shall
19 furnish proof thereof to such defendant, if the defendant personally
20 appears, or shall mail such proof by first class mail, postage
21 prepaid, to the defendant at the address noted on the citation or at
22 such other address as is furnished by the defendant. Additionally,
23 the court or court clerk shall notify the home jurisdiction of the
24 defendant as listed on the citation, if such jurisdiction is a

1 member of the Nonresident Violator Compact, and shall, in all other
2 cases, notify ~~the Department~~ Service Oklahoma, of the resolution of
3 the case. The form of proof and the procedures for notification
4 shall be approved by ~~the Department of Public Safety~~ Service
5 Oklahoma. Provided, however, the court or court clerk's failure to
6 furnish such proof or notice in the manner provided for in this
7 subsection shall in no event create any civil liability upon the
8 court, the court clerk, the State of Oklahoma or any political
9 subdivision thereof, or any state department or agency or any
10 employee thereof but duplicate proof shall be furnished to the
11 person entitled thereto upon request.

12 SECTION 7. AMENDATORY 22 O.S. 2021, Section 1115.1A, is
13 amended to read as follows:

14 Section 1115.1A A. In addition to other provisions of law for
15 posting bail, any person, whether a resident of this state or a
16 nonresident, who is arrested by a law enforcement officer solely for
17 a misdemeanor violation of a state traffic law or municipal traffic
18 ordinance, shall be released by the arresting officer upon personal
19 recognizance if:

20 1. The arrested person has been issued a valid license to
21 operate a motor vehicle by this state, another state jurisdiction
22 within the United States, which is a participant in the Nonresident
23 Violator Compact or any party jurisdiction of the Nonresident
24 Violator Compact;

1 2. The arresting officer is satisfied as to the identity of the
2 arrested person and certifies the date and time and the location of
3 the violation, as evidenced by the electronic signature of the
4 officer;

5 3. The arrested person acknowledges, as evidenced by the
6 electronic signature of the person, a written promise to appear as
7 provided for on the citation, unless the person is unconscious or
8 injured and requires immediate medical treatment as determined by a
9 treating physician; and

10 4. The violation does not constitute:

- 11 a. a felony,
- 12 b. negligent homicide,
- 13 c. driving or being in actual physical control of a motor
14 vehicle while impaired or under the influence of
15 alcohol or other intoxicating substances, unless the
16 person is unconscious or injured and requires
17 immediate medical treatment as determined by a
18 treating physician,
- 19 d. eluding or attempting to elude a law enforcement
20 officer,
- 21 e. operating a motor vehicle without having been issued a
22 valid driver license or while the driving privilege
23 and driver license is under suspension, revocation,
24 denial or cancellation,

1 f. an arrest based upon an outstanding warrant, or

2 g. a traffic violation coupled with any offense stated in
3 subparagraphs a through f of this paragraph.

4 B. If the arrested person is eligible for release on personal
5 recognizance as provided for in subsection A of this section, then
6 the arresting officer shall on the citation:

7 1. Designate the traffic charge;

8 2. Record information from the driver license of the arrested
9 person on the citation form, including the name, address, date of
10 birth, physical description, type of driver license, driver license
11 number, issuing state, and expiration date;

12 3. Record the motor vehicle make, model and tag information;

13 4. Record the date and time on which, or before which, the
14 arrested person promises, as evidenced by the electronic signature
15 of the person, to contact, pay, or appear at the court, as
16 applicable to the court;

17 5. Record the electronic signature of the arrested person which
18 shall serve as evidence and acknowledgment of a promise to contact,
19 pay, or appear at the court, as provided for in the citation; and

20 6. Record the electronic signature of the arrested person which
21 shall serve as evidence to certify the date and time and the
22 location that the arrested person was served with a copy of the
23 citation and notice to appear,

24

1 after which, the arresting officer shall then release the person
2 upon personal recognizance based upon the acknowledged promise to
3 appear. The citation shall contain a written notice to the arrested
4 person that release upon personal recognizance based upon an
5 acknowledged promise to appear, as evidenced by the electronic
6 signature of the person, for arraignment is conditional and that
7 failure to timely appear for arraignment shall result in the
8 suspension of the driving privilege and driver license of the
9 arrested person in this state, or in the home state of the
10 nonresident pursuant to the Nonresident Violator Compact.

11 C. The court, or the court clerk as directed by the court, may
12 continue or reschedule the date and time of arraignment at the
13 discretion of the court or upon request of the arrested person or
14 the attorney for that person. If the arraignment is continued or
15 rescheduled, the arrested person shall remain on personal
16 recognizance and acknowledged promise to appear until such
17 arraignment, in the same manner and with the same consequences as if
18 the continued or rescheduled arraignment was entered on the citation
19 by the arresting officer and electronically signed by the defendant.
20 An arraignment may be continued or rescheduled more than one time.
21 Provided, however, the court shall require an arraignment to be had
22 within a reasonable time. It shall remain the duty of the defendant
23 to appear for arraignment unless the citation is satisfied as
24 provided for in subsection D of this section.

1 D. A defendant released upon personal recognizance may elect to
2 enter a plea of guilty or nolo contendere to the violation charged
3 at any time before the defendant is required to appear for
4 arraignment by indicating such plea on the copy of the citation
5 furnished to the defendant or on a legible copy, together with the
6 date of the plea and signature of the defendant, or such plea may be
7 entered by the defendant using an electronic method provided by the
8 court for such purposes, either through the website of the court or
9 otherwise. The defendant shall be responsible for assuring full
10 payment of the fine and costs to the appropriate court clerk.
11 Payment of the fine and costs may be made by personal, cashier's,
12 traveler's, certified or guaranteed bank check, postal or commercial
13 money order, or other form of payment approved by the court in an
14 amount prescribed as bail for the offense. Provided, however, the
15 defendant shall not use currency for payment by mail. Payment of
16 the fine and costs which is not accompanied by a written plea of
17 guilty or nolo contendere shall constitute a plea of nolo contendere
18 entered by the defendant as allowed by law, and shall function as a
19 written, dated and signed citation form acceptable to the court. A
20 plea of guilty or nolo contendere as provided for in this subsection
21 shall be accepted by the court and the amount of the fine and costs
22 shall be:

23 1. As prescribed in Section 1115.3 of this title as bail for
24 the violation;

1 2. In case of a municipal violation, as prescribed by municipal
2 ordinance for the violation charged; or

3 3. In the absence of such law or ordinance, then as prescribed
4 by the court.

5 E. 1. If, pursuant to the provisions of subsection D of this
6 section, the defendant does not timely elect to enter a plea of
7 guilty or nolo contendere and fails to timely appear for
8 arraignment, the court may issue a warrant for the arrest of the
9 defendant. The municipal or district court clerk, within one
10 hundred twenty (120) calendar days from the date the citation was
11 issued by the arresting officer, shall notify ~~the Department of~~
12 ~~Public Safety~~ Service Oklahoma that:

- 13 a. the defendant was issued a traffic citation and
14 released upon personal recognizance after
15 acknowledging a written promise to appear for
16 arraignment as provided for in the citation,
- 17 b. the defendant has failed to appear for arraignment
18 without good cause shown,
- 19 c. the defendant has not posted bail, paid a fine, or
20 made any other arrangement with the court to satisfy
21 the citation, and
- 22 d. the citation has not been satisfied as provided by
23 law.

24

1 Additionally, the court clerk shall request ~~the Department of Public~~
2 ~~Safety~~ Service Oklahoma to either suspend the driving privilege and
3 driver license of the defendant to operate a motor vehicle in this
4 state, or notify the home state of the defendant and request
5 suspension of the driving privilege and driver license of the
6 defendant in accordance with the provisions of the Nonresident
7 Violator Compact. The notice and request shall be on a form
8 approved or furnished by ~~the Department of Public Safety~~ Service
9 Oklahoma.

10 2. The court clerk shall not process the notification and
11 request provided for in paragraph 1 of this subsection if, with
12 respect to such charges:

- 13 a. the defendant was arraigned, posted bail, paid a fine,
14 was jailed, or otherwise settled the case,
- 15 b. the defendant was not released upon personal
16 recognizance upon an acknowledged written promise to
17 appear as provided for in this section or if released,
18 was not permitted to remain on such personal
19 recognizance for arraignment,
- 20 c. the violation relates to parking or standing, or
- 21 d. a period of one hundred twenty (120) calendar days or
22 more has elapsed from the date the citation was issued
23 by the arresting officer.

24

1 F. Following receipt of the notice and request from the court
2 clerk for driving privilege and driver license suspension as
3 provided for in subsection E of this section, ~~the Department of~~
4 ~~Public Safety~~ Service Oklahoma shall proceed as provided for in
5 Section 1115.5 of this title.

6 G. The municipal or district court clerk shall maintain a
7 record of each request for driving privilege and driver license
8 suspension submitted to ~~the Department of Public Safety~~ Service
9 Oklahoma pursuant to the provisions of this section. When the court
10 or court clerk receives appropriate bail or payment of the fine and
11 costs, settles the citation, makes other arrangements with the
12 defendant, or otherwise closes the case, the court clerk shall
13 furnish proof thereof to the defendant, if the defendant personally
14 appears, or shall mail such proof by first-class mail, postage
15 prepaid, to the defendant at the address noted on the citation or at
16 such other address as is furnished by the defendant or by email if
17 the defendant has furnished an email address for such purposes.
18 Additionally, the court or court clerk shall notify the home
19 jurisdiction of the defendant as listed on the citation, if such
20 jurisdiction is a member of the Nonresident Violator Compact, and
21 shall, in all other cases, notify ~~the Department~~ Service Oklahoma of
22 the resolution of the case. The form of proof and the procedures
23 for notification shall be approved by ~~the Department of Public~~
24 ~~Safety~~ Service Oklahoma. Provided however, failure by the court or

1 court clerk to furnish such proof or notice in the manner provided
2 for in this subsection shall in no event create any civil liability
3 upon the court, the court clerk, the State of Oklahoma or any
4 political subdivision thereof, or any state department or agency or
5 any employee thereof but duplicate proof shall be furnished to the
6 person entitled to such proof or notice upon request.

7 H. For purposes of this section, "electronic signature" shall
8 have the same meaning as defined in Section 15-102 of Title 12A of
9 the Oklahoma Statutes.

10 SECTION 8. AMENDATORY 22 O.S. 2021, Section 1115.5, is
11 amended to read as follows:

12 Section 1115.5 A. 1. Following receipt of notification and a
13 request for driving privilege suspension from a municipal or
14 district court clerk as provided for in Section 1115.1 of this title
15 or Section 1 of this act, ~~the Department of Public Safety Service~~
16 Oklahoma shall:

- 17 a. suspend the privilege of the person to operate a motor
18 vehicle in this state; or
19 b. request suspension of the driving privilege of the
20 person in the state which issued the license as
21 provided by the Nonresident Violator Compact.

22 A person whose license is subject to suspension pursuant to this
23 section may avoid the effective date of the suspension or, if
24 suspended, shall be eligible for reinstatement, if otherwise

1 eligible, upon meeting the requirements of subsection C of this
2 section.

3 2. ~~The Department of Public Safety~~ Service Oklahoma may decline
4 to initiate such suspension action if the request is discovered to
5 be improper or questionable.

6 3. ~~The Department~~ Service Oklahoma shall not be required to
7 issue more than one suspension of the driving privilege of a person
8 in the event multiple requests for suspensions are received from a
9 court clerk based upon the failure of the person to appear at a
10 particular time and date on multiple charges.

11 B. Following receipt of a request from another jurisdiction for
12 the suspension of the driving privilege of an Oklahoma resident as
13 provided by the Nonresident Violator Compact, ~~the Department of~~
14 ~~Public Safety~~ Service Oklahoma, if the request appears to be valid,
15 shall initiate suspension of the privilege of the person to operate
16 a motor vehicle in this state. If suspended, such suspension shall
17 remain in effect until the person meets the requirements of
18 subsection C of this section.

19 C. 1. A person whose license is subject to suspension in this
20 state pursuant to the provisions of this section may avoid the
21 effective date of suspension, or if suspended in this state, shall
22 be eligible for reinstatement, if otherwise eligible, upon:

23 a. making application therefore to ~~the Department of~~
24 ~~Public Safety~~ Service Oklahoma, and

- 1 b. showing proof from the court or court clerk that the
2 person has entered an appearance in the case which was
3 the basis for the suspension action and was released
4 by the court as provided for by the Nonresident
5 Violator Compact or consistent provisions, and
- 6 c. submitting with the application the fees, as provided
7 for in Section 6-212 of Title 47 of the Oklahoma
8 Statutes. The fees shall be remitted to the State
9 Treasurer to be credited to the General Revenue Fund
10 of the State Treasury;

11 2. Upon reinstatement, ~~the Department of Public Safety Service~~
12 Oklahoma may remove any record of the suspension and reinstatement
13 as provided for in this section from the file of the individual
14 licensee and maintain an internal record of the suspension and
15 reinstatement for fiscal and other purposes.

16 D. Any person whose driving privilege is suspended or subject
17 to suspension in this state pursuant to the provisions of this
18 section, at any time, may informally present specific reasons or
19 documentation to ~~the Department of Public Safety Service Oklahoma~~ to
20 show that such suspension may be unwarranted. ~~The Department of~~
21 Public Safety Service Oklahoma may stay the suspension or suspension
22 action pending receipt of further information or documentation from
23 the person or from the jurisdiction requesting such suspension, or
24 pending review of the record, or other inquiry. If ~~the Department~~

1 ~~of Public Safety Service Oklahoma~~ determines the suspension is
2 unwarranted, the suspension action shall be withdrawn or vacated
3 without the requirement of a processing fee and a reinstatement fee
4 and ~~the Department of Public Safety Service Oklahoma~~ shall
5 accordingly notify the jurisdiction which requested the suspension.
6 If, however, the request for suspension appears valid, ~~the~~
7 ~~Department of Public Safety Service Oklahoma~~ shall proceed with
8 suspension of the driving privilege of the person and the person
9 shall have the right to appeal as provided for by Section 6-211 of
10 Title 47 of the Oklahoma Statutes. Provided, however, the court
11 shall not consider modification, but shall either sustain or vacate
12 the order of suspension of ~~the Department of Public Safety Service~~
13 ~~Oklahoma~~ based upon the records on file with ~~the Department of~~
14 ~~Public Safety Service Oklahoma~~, the law and other relevant evidence.

15 SECTION 9. AMENDATORY 42 O.S. 2021, Section 90, is
16 amended to read as follows:

17 Section 90. A person or persons charging a fee for the
18 preparation or assistance in preparation of notices required by
19 Chapter 2 of Title 42 of the Oklahoma Statutes, other than a person
20 licensed under Title 5 of the Oklahoma Statutes, shall register with
21 and submit a fifty-dollar annual fee to ~~the Oklahoma Tax Commission~~
22 ~~Service Oklahoma~~; provided, however, such requirements shall not
23 apply to a lawful possessor or employee of a lawful possessor of the
24 property for which such notices are issued. All documentation

1 related to notices prepared by a person required to register
2 pursuant to this section shall include the name of the person. A
3 penalty of One Hundred Dollars (\$100.00) shall be imposed upon a
4 person who prepares or assists in the preparation of notices in
5 violation of the requirements of this section. ~~The Oklahoma Tax~~
6 ~~Commission~~ Service Oklahoma shall promulgate rules to effectuate the
7 requirements of this section.

8 SECTION 10. AMENDATORY 42 O.S. 2021, Section 91, is
9 amended to read as follows:

10 Section 91. A. 1. a. This section applies to every
11 vehicle, all-terrain vehicle, utility vehicle, manufactured home,
12 motorcycle, boat, outboard motor, or trailer that has a certificate
13 of title issued by ~~the Oklahoma Tax Commission~~ Service Oklahoma or
14 by a federally recognized Indian tribe in the State of Oklahoma,
15 except as otherwise provided in subsection D of this section. This
16 section does not apply to farm equipment as defined in Section 91.2
17 of this title. The items of personal property to which this section
18 applies are collectively referred to as "Section 91 Personal
19 Property". If personal property is apparently covered both by this
20 section and by Sections 191 through 200 of this title, the
21 procedures set out in this section shall apply instead of Sections
22 191 through 200 of this title.

23 b. Salvage pools as defined in Section 591.2 of Title 47
24 of the Oklahoma Statutes and class AA licensed wrecker

1 services taking possession of a vehicle pursuant to an
2 agreement with or at the direction of, or dispatched
3 by, a state or local law enforcement or government
4 agency, or pursuant to the abandoned vehicle renewal
5 provisions of Section 954A of Title 47 of the Oklahoma
6 Statutes, shall not be subject to the provisions of
7 this section, but shall be subject to the provisions
8 of Section 91A of this title. Unless otherwise
9 provided by this subparagraph, class AA licensed
10 wrecker services performing consensual tows shall be
11 subject to the provisions of this section.

12 2. Any person who, while lawfully in possession of an article
13 of Section 91 Personal Property, renders any service to the owner
14 thereof by furnishing storage, rental space, material, labor or
15 skill for the protection, improvement, safekeeping, towing, right to
16 occupy space, storage or carriage thereof, has a special lien
17 thereon, dependent on possession, for the compensation, if any,
18 which is due to such person from the owner for such service.

19 3. This special lien shall be subordinate to any perfected
20 security interest unless the claimant complies with the requirements
21 of this section. Failure to comply with any requirements of this
22 section shall result in denial of any title application and cause
23 the special lien to be subordinate to any perfected lien. Upon such
24 denial, the applicant shall be entitled to one resubmission of the

1 title application within fifteen (15) business days of receipt of
2 the denial, and proceed to comply with the requirements of this
3 section. In the event of a denial, the Notice of Possessory Lien
4 and the Notice of Sale may be mailed on the same day in separate
5 envelopes and storage charges shall only be charged from the date of
6 resubmission. "Failure to comply" includes, but is not limited to:

- 7 a. failure to timely provide additional documentation
8 supporting or verifying any entry on submitted forms as
9 requested by ~~the Tax Commission~~ Service Oklahoma,
10 including but not limited to United States Postal
11 Service proof of return receipt requested such as Form
12 3811 or United States Postal Service electronic
13 equivalent,
- 14 b. failure to provide the documentation supporting lawful
15 possession as defined in paragraph 3 of subsection H of
16 this section,
- 17 c. claimant or the agent being other than the individual
18 who provided the service giving rise to the special
19 lien, as in paragraph 2 of this subsection,
- 20 d. claimant not being in possession of the vehicle,
- 21 e. notice of lien not filed in accordance with paragraph 4
22 of this subsection, or

1 f. foreclosure notification and proceedings not
2 accomplished in accordance with paragraph 6 of this
3 ~~section~~ subsection.

4 4. Any person claiming the special lien provided in paragraph 2
5 of this subsection shall mail a notice of such lien, no later than
6 sixty (60) days after the first services are rendered, by regular,
7 first-class United States mail, and by certified mail, return
8 receipt requested, to all interested parties who reside at separate
9 locations. If services provided are pursuant to a contract
10 primarily for the purpose of storage or rental of space, the
11 beginning date of the sixty-day period provided in the previous
12 sentence shall be the first day of the first period or partial
13 period for which rental or storage charges remain unpaid. The
14 notice shall be in writing and shall contain, but not be limited to,
15 the following:

- 16 a. a statement that the notice is a Notice of Possessory
17 Lien,
18 b. the complete legal name, physical and mailing address,
19 and telephone number of the claimant,
20 c. the complete legal name, physical and mailing address
21 of the person who requested that the claimant render
22 service to the owner by furnishing material, labor or
23 skill, storage, or rental space, or the date the
24

1 property was abandoned if the claimant did not render
2 any other service,

3 d. a description of the article of personal property,
4 including a photograph if the property is Section 91
5 Personal Property, and the complete physical and
6 mailing address of the location of the article of
7 personal property,

8 e. an itemized statement describing the date or dates the
9 labor or services were performed and material
10 furnished, and the charges claimed for each item, the
11 totals of which shall equal the total compensation
12 claimed,

13 f. a statement by the claimant that the materials, labor
14 or skill furnished, or arrangement for storage or
15 rental of space, was authorized by the owner of the
16 personal property and was in fact provided or
17 performed, and written proof of authority to perform
18 the work, labor or service, or that the property was
19 abandoned by the owner if the claimant did not render
20 any other service, and that storage or rental fees
21 will accrue as allowed by law, and

22 g. the signature of the claimant which shall be notarized
23 and, if applicable, the signature of the claimant's
24 attorney. If the claimant is a business, then the

1 name of the contact person representing the business
2 must be shown. In place of an original signature and
3 notary seal, a digital or electronic signature or seal
4 shall be accepted.

5 5. For services rendered or vehicles abandoned on or after
6 November 1, 2005, storage charges or charges for rental of space,
7 unless agreed to by contract as part of an overall transaction or
8 arrangement that was primarily for the purpose of storage of the
9 Section 91 Personal Property or rental of space, may only be
10 assessed beginning with the day that the Notice of Possessory Lien
11 is mailed as evidenced by certified mail. Provided, however, in the
12 case of contractual charges incurred for storage or rental of space
13 in an overall transaction primarily for the purpose of storage or
14 rental, charges subject to the special lien may only be assessed
15 beginning with a date not more than sixty (60) days prior to the day
16 that the Notice of Possessory Lien is mailed, and shall accrue only
17 at the regular periodic rate for storage or rental as provided in
18 the contract, adjusted for partial periods of storage or rental.
19 The maximum allowable compensation for storage shall not exceed the
20 fees established by the Corporation Commission for nonconsensual
21 tows.

22 6. The lien may be foreclosed by a sale of such personal
23 property upon the notice and in the manner following: The Notice of
24 Sale shall be in writing and shall contain, but not be limited to:

- 1 a. a statement that the notice is a Notice of Sale,
2 b. the names of all interested parties known to the
3 claimant,
4 c. a description of the property to be sold, including a
5 photograph if the property is Section 91 Personal
6 Property and if the condition of such property has
7 materially changed since the mailing of Notice of
8 Possessory Lien required pursuant to paragraph 4 of
9 this subsection,
10 d. a notarized statement of the nature of the work, labor
11 or service performed, material furnished, or storage
12 or rental of space, and the date thereof, and the name
13 of the person who authorized the work, labor or
14 service performed, or the storage or rental
15 arrangement, and written proof of authority to perform
16 the work, labor or service, or that the property was
17 abandoned if the claimant did not render any other
18 service,
19 e. the date, time, and exact physical location of sale,
20 f. the name, complete physical address, mailing address,
21 and telephone number of the party foreclosing such
22 lien. If the claimant is a business, then the name of
23 the contact person representing the business must be
24 shown. In place of an original signature and notary

1 seal, a digital or electronic signature or seal shall
2 be accepted, and

3 g. itemized charges which shall equal the total
4 compensation claimed.

5 7. Such Notice of Sale shall be posted in two public places in
6 the county where the property is to be sold at least ten (10) days
7 before the time therein specified for such sale, and a copy of the
8 notice shall be mailed to all interested parties at their last-known
9 post office address by regular, first-class United States mail and
10 by certified mail, return receipt requested, at least ten (10) days
11 before the date of the sale. If the item of personal property is a
12 manufactured home, notice shall also be sent by certified mail to
13 the county treasurer and to the county assessor of the county where
14 the manufactured home is located.

15 8. Interested parties shall include all owners of the article
16 of personal property as indicated by the certificate of title issued
17 by ~~the Tax Commission~~ Service Oklahoma or by a federally recognized
18 Indian tribe in the State of Oklahoma; lien debtors, if any, other
19 than the owners; any lienholder whose lien is noted on the face of
20 the certificate of title; and any other person having any interest
21 in the article of personal property, of whom the claimant has actual
22 notice.

23 9. Any interested party shall be permitted to inspect and
24 verify the services rendered by the claimant prior to the sale of

1 the article of personal property during normal business hours. The
2 lienholder shall be allowed to retrieve the Section 91 Personal
3 Property without being required to bring the title into the
4 lienholder's name, if the lienholder provides proof it is a
5 lienholder and any payment due the claimant for lawful charges where
6 the claimant has complied with the requirements of this section.
7 Upon the release of personal property to an insurer or
8 representative of the insurer, wrecker operators shall be exempt
9 from all liability and shall be held harmless for any losses or
10 claims of loss.

11 10. The claimant or any other person may in good faith become a
12 purchaser of the property sold.

13 11. Proceedings for foreclosure under this act shall be
14 commenced no sooner than ten (10) days and no later than thirty (30)
15 days after the Notice of Possessory Lien has been mailed as
16 evidenced by certified mail. The date actually sold shall be within
17 sixty (60) days from the date of the Notice of Sale as evidenced by
18 certified mail.

19 B. 1. a. Any person who is induced by means of a check or other
20 form of written order for immediate payment of money
21 to deliver up possession of an article of personal
22 property on which the person has a special lien
23 created by subsection A of this section, which check
24 or other written order is dishonored, or is not paid

1 when presented, shall have a lien for the amount
2 thereof upon the personal property.

3 b. The person claiming such lien shall, within thirty
4 (30) days from the date of dishonor of the check or
5 other written order for payment of money, file in the
6 office of the county clerk of the county in which the
7 property is situated a sworn statement that:

8 (1) the check or other written order for immediate
9 payment of money, copy thereof being attached,
10 was received for labor, material or supplies for
11 producing or repairing an article of personal
12 property, or for other specific property-related
13 services covered by this section,

14 (2) the check or other written order was not paid,
15 and

16 (3) the uttering of the check or other written order
17 constituted the means for inducing the person,
18 one possessed of a special lien created by
19 subsection A of this section upon the described
20 article of personal property, to deliver up the
21 article of personal property.

22 2. a. Any person who renders service to the owner of an
23 article of personal property by furnishing storage,
24 rental space, material, labor, or skill for the

1 protection, improvement, safekeeping, towing, right to
2 occupy space, storage, or carriage thereof shall have
3 a special lien on such property pursuant to this
4 section if such property is removed from the person's
5 possession, without such person's written consent or
6 without payment for such service.

7 b. The person claiming such lien shall, within five (5)
8 days of such nonauthorized removal, file in the office
9 of the county clerk of the county in which the
10 property is located, a sworn statement including:

11 (1) that services were rendered on or in relation to
12 the article of personal property by the person
13 claiming such lien,

14 (2) that the property was in the possession of the
15 person claiming the lien but such property was
16 removed without his or her written consent,

17 (3) an identifying description of the article of
18 personal property on which the service was
19 rendered, and

20 (4) that the debt for the services rendered on or in
21 relation to the article of personal property was
22 not paid. Provided, if the unpaid total amount
23 of the debt for services rendered on or in
24 relation to the article of personal property is

1 unknown, an approximated amount of the debt due
2 and owing shall be included in the sworn
3 statement but such approximated debt may be
4 amended within thirty (30) days of such filing to
5 reflect the actual amount of the debt due and
6 owing.

7 3. The enforcement of the lien shall be within sixty (60) days
8 after filing the lien in the manner provided by law for enforcing
9 the lien of a security agreement and provided that the lien shall
10 not affect the rights of innocent, intervening purchasers without
11 notice.

12 C. If the person who renders service to the owner of an article
13 of personal property to which this section applies relinquishes or
14 loses possession of the article due to circumstances described in
15 subparagraph a of paragraph 1 or subparagraph a of paragraph 2 of
16 subsection B of this section, the person claiming the lien shall be
17 entitled to possession of the article until the amount due is paid,
18 unless the article is possessed by a person who became a bona fide
19 purchaser. Entitlement to possession shall be in accordance with
20 the following:

21 1. The claimant may take possession of an article pursuant to
22 this subsection only if the person obligated under the contract for
23 services has signed an acknowledgement of receipt of a notice that
24

1 the article may be subject to repossession. The notice and
2 acknowledgement pursuant to this subsection shall be:

- 3 a. in writing and separate from the written contract for
4 services, or
- 5 b. printed on the written contract for services, credit
6 agreement or other document which displays the notice
7 in bold-faced, capitalized and underlined type, or is
8 separated from surrounding written material so as to
9 be conspicuous with a separate signature line;

10 2. The claimant may require the person obligated under the
11 contract for services to pay the costs of repossession as a
12 condition for reclaiming the article only to the extent of the
13 reasonable fair market value of the services required to take
14 possession of the article;

15 3. The claimant shall not transfer to a third party or to a
16 person who performs repossession services, a check, money order, or
17 credit card transaction that is received as payment for services
18 with respect to an article and that is returned to the claimant
19 because of insufficient funds or no funds, because the person
20 writing the check, issuing the money order, or credit cardholder has
21 no account or because the check, money order, or credit card account
22 has been closed. A person violating this paragraph shall be guilty
23 of a misdemeanor; and

24

1 4. An article that is repossessed pursuant to this subsection
2 shall be promptly delivered to the location where the services were
3 performed. The article shall remain at the services location at all
4 times until the article is lawfully returned to the record owner or
5 a lienholder or is disposed of pursuant to this section.

6 D. 1. If a vehicle, all-terrain vehicle, utility vehicle,
7 manufactured home, motorcycle, boat, outboard motor, or trailer has
8 a certificate of title issued by ~~the Tax Commission~~ Service Oklahoma
9 or by a federally recognized Indian tribe in the State of Oklahoma,
10 but there is no active lien recorded on the certificate of title,
11 Section 91A of this title will apply instead of this section.

12 Likewise, if there is an active lien recorded on the certificate of
13 title but the lien is over fifteen (15) years old and the property
14 is not a manufactured home, Section 91A of this title will apply
15 instead of this section.

16 2. If personal property that otherwise would be covered by this
17 section has been registered by ~~the Tax Commission~~ Service Oklahoma
18 or by a federally recognized Indian tribe in the State of Oklahoma,
19 and there is a lien of record but no certificate of title has been
20 issued, Section 91A of this title will apply instead of this
21 section.

22 3. If personal property otherwise would be covered by this
23 section, but the services were rendered or the property was
24

1 abandoned prior to November 1, 2005, Section 91A of this title will
2 apply instead of this section.

3 E. A person who knowingly makes a false statement of a material
4 fact regarding the furnishing of storage, rental space, material,
5 labor or skill for the protection, improvement, safekeeping, towing,
6 right to occupy space, storage or carriage thereof in a proceeding
7 under this section, or attempts to use or uses the provisions of
8 this section to foreclose an owner or lienholder's interest in a
9 vehicle knowing that any of the statements made in the proceeding
10 are false, upon conviction, shall be guilty of a felony.

11 F. Upon receipt of notice of legal proceedings, ~~the Tax~~
12 ~~Commission~~ Service Oklahoma shall cause the sale process to be put
13 on hold until notice of resolution of court proceedings is received
14 from the court. If such notice of commencement of court proceedings
15 is not filed with ~~the Tax Commission~~ Service Oklahoma, the
16 possessory lien sale process may continue.

17 G. No possessory lien sale shall be held on a Sunday.

18 H. For purposes of this section:

19 1. "Possession" includes actual possession and constructive
20 possession;

21 2. "Constructive possession" means possession by a person who,
22 although not in actual possession, does not have an intention to
23 abandon property, knowingly has both power and the intention at a
24

1 given time to exercise dominion or control over the property, and
2 who holds claim to such thing by virtue of some legal right;

3 3. "Lawfully in possession" means a person has documentation
4 from the owner or the owner's authorized agent, or an insurance
5 company or its authorized agent, authorizing the furnishing of
6 material, labor or storage, or that the property was authorized to
7 be towed to a repair facility. If the person lacks such
8 documentation, he or she shall not be lawfully in possession of the
9 Section 91 Personal Property and shall not be entitled to a special
10 lien as set forth in this section; and

11 4. "Itemized charges" means total parts, total labor, total
12 towing fees, total storage fees, total processing fees and totals of
13 any other fee groups, the sum total of which shall equal the
14 compensation claimed.

15 I. For purposes of this section, the United States Postal
16 Service approved electronic equivalent of proof of return receipt
17 requested Form 3811 shall satisfy return receipt requested
18 documentation requirements.

19 J. If a person claiming a special lien pursuant to this section
20 fails to comply with any of the requirements of this section, any
21 interested party may proceed against the person claiming such lien
22 for all damages arising therefrom, including conversion, if the
23 article of personal property has been sold. If the notice or
24 notices required by this section shall be shown to be knowingly

1 false or fraudulent, the interested party shall be entitled to
2 treble damages. The prevailing party shall be entitled to all
3 costs, including reasonable attorney fees.

4 K. This section shall apply to all actions or proceedings that
5 commence on or after the effective date of this act.

6 SECTION 11. AMENDATORY 42 O.S. 2021, Section 91A, is
7 amended to read as follows:

8 Section 91A. A. 1. a. This section applies to all types
9 of personal property other than:

10 (1) farm equipment as defined in Section 91.2 of this
11 title, and

12 (2) "Section 91 Personal Property" as defined in
13 Section 91 of this title.

14 b. This section applies to any vehicle, all-terrain
15 vehicle, utility vehicle, manufactured home,
16 motorcycle, boat, outboard motor, or trailer that is
17 excluded from coverage under subsection A of Section
18 91 of this title because the personal property:

19 (1) does not have a certificate of title,

20 (2) has a certificate of title but does not have an
21 active lien recorded on the certificate of title,

22 (3) has a certificate of title that is not issued by
23 ~~the Oklahoma Tax Commission~~ Service Oklahoma or
24

1 by a federally recognized Indian tribe in the
2 State of Oklahoma, or

3 (4) is otherwise excluded by subparagraph b of
4 paragraph 1 of subsection A of Section 91 of this
5 title or subsection D of Section 91 of this
6 title.

7 c. If personal property has a certificate of title, or
8 would be required to have a certificate of title under
9 Oklahoma law, and is apparently covered both by this
10 section and by Sections 191 through 200 of this title,
11 the procedures set out in this section shall apply
12 instead of Sections 191 through 200 of this title. If
13 personal property without a certificate of title and
14 not required to be titled under Oklahoma law is
15 covered both by this section and Sections 191 through
16 200 of this title, the procedures set out in Sections
17 191 through 200 of this title shall apply instead of
18 this section.

19 2. a. Any person who, while lawfully in possession of an
20 article of personal property to which this section
21 applies, renders any service to the owner thereof by
22 furnishing storage, rental space, material, labor or
23 skill for the protection, improvement, safekeeping,
24 towing, right to occupy space, storage or carriage

1 thereof, has a special lien thereon, dependent on
2 possession, for the compensation, if any, which is due
3 to such person from the owner for such service.
4 Charges owed under a contract primarily for the
5 purpose of storage or rental of space shall be accrued
6 only at the regular periodic rate for storage or
7 rental as provided in the contract, adjusted for
8 partial periods of storage or rental.

9 b. Except for Class AA licensed wrecker towing charges,
10 the special lien shall be subordinate to any perfected
11 security interest unless the claimant complies with
12 the requirements of this section. Failure to comply
13 with any requirements of this section shall result in
14 denial of any title application and cause the special
15 lien to be subordinate to any perfected lien. Upon
16 such denial, the applicant shall be entitled to one
17 resubmission of the title application within thirty
18 (30) business days of receipt of the denial, and
19 proceed to comply with the requirements of this
20 section. "Failure to comply" includes, but is not
21 limited to:

- 22 (1) failure to timely provide additional
23 documentation supporting or verifying any entry
24

1 on submitted forms as requested by ~~the Tax~~
2 ~~Commission~~ Service Oklahoma,

3 (2) failure to provide the documentation supporting
4 lawful possession as outlined in paragraph 3 of
5 subsection H of this section,

6 (3) claimant being other than the individual who
7 provided the service giving rise to the special
8 lien, as in subparagraph a of this paragraph,

9 (4) claimant not being in possession of the vehicle,
10 or

11 (5) notification and proceedings not accomplished in
12 accordance with subparagraph c of this paragraph,
13 and paragraph 3 of this subsection.

14 c. Any person claiming a lien under this section shall
15 request, within five (5) business days of performing
16 any service or work on the property, ~~the Tax~~
17 ~~Commission~~ Service Oklahoma or other appropriate
18 license agency to furnish the name and address of the
19 current owner of and any lienholder upon the property.
20 ~~The Motor Vehicle Division of the Tax Commission~~
21 Service Oklahoma or an appropriate license agency
22 shall respond in person or by mail to the lien
23 claimant within ten (10) business days of the receipt
24 of the request for information. ~~The Tax Commission~~

1 Service Oklahoma shall render assistance to ascertain
2 ownership, if needed. The lien claimant shall send,
3 within seven (7) business days of receipt of the
4 requested information from ~~the Oklahoma Tax Commission~~
5 Service Oklahoma or other license agency, a notice of
6 the location of the property by certified mail with
7 return receipt requested, postage prepaid, to the
8 owner and any lienholder of the vehicle at the
9 addresses furnished. The lien claimant may charge
10 Twenty Dollars (\$20.00) for processing plus the cost
11 of postage if the notice is timely sent pursuant to
12 the requirements of this subparagraph in addition to
13 fees regulated by the Oklahoma Corporation Commission
14 for licensed wreckers. If the lien claimant is unable
15 to meet the time requirements due to a lack of or an
16 altered vehicle identification number on the property,
17 the lien claimant shall proceed diligently to obtain
18 the proper vehicle identification number and shall
19 meet the time requirements on the notice once the
20 vehicle identification number is known. If the lien
21 claimant is required to send additional notices
22 because of change of ownership or lienholder after it
23 has timely complied with the requirements of this
24 subparagraph, the lien claimant shall remain in

1 compliance if such additional notices are sent within
2 the required time periods from the date of discovery
3 of the new owners or lienholders. The notice shall be
4 in writing and shall contain, but not be limited to,
5 the following:

- 6 (1) a statement that the notice is a Notice of
7 Possessory Lien,
- 8 (2) the complete legal name, physical and mailing
9 address, and telephone number of the claimant,
- 10 (3) the complete legal name, physical and mailing
11 address of the person who requested that the
12 claimant render service to the owner by
13 furnishing material, labor or skill, storage, or
14 rental space, or the date the property was
15 abandoned if the claimant did not render any
16 other service,
- 17 (4) a description of the article of personal
18 property, and the complete physical and mailing
19 address of the location of the article of
20 personal property,
- 21 (5) the nature of the work, labor or service
22 performed, material furnished, or the storage or
23 rental arrangement, and the date thereof, and
24 written proof of authority to perform the work,

1 labor or service provided that, in the case of a
2 law enforcement directed tow, the logbook entry
3 prescribed in OAC 595:25-5-5 or the tow ticket as
4 defined by the Corporation Commission shall serve
5 as written proof of authority,

6 (6) the signature of the claimant which shall be
7 notarized and, if applicable, the signature of
8 the claimant's attorney. If the claimant is a
9 business, the name of the contact person
10 representing the business shall be shown. In
11 place of an original signature and notary seal, a
12 digital or electronic signature or seal shall be
13 accepted, and

14 (7) an itemized statement describing the date or
15 dates the labor or services were performed and
16 material furnished and the charges claimed for
17 each item, the totals of which shall equal the
18 total compensation claimed.

19 The lien claimant shall not be required to send the
20 notice required in this subparagraph if the property
21 is released to an interested party before the notice
22 is mailed and no additional charges or fees continue
23 to accrue. If a law enforcement agency has the
24 property towed to a law enforcement facility, the

1 person claiming a lien under this section shall not be
2 required to send notice until the property is released
3 by law enforcement to the claimant or the date which
4 claimant starts charging storage, whichever is
5 earlier. A lien claimant shall have an extension of
6 ten (10) business days to send the notice required in
7 this subparagraph if a state of emergency has been
8 declared in the county in which the property is
9 located.

10 d. Subparagraphs b and c of this paragraph shall not
11 apply to salvage pools as defined in Section 591.2 of
12 Title 47 of the Oklahoma Statutes.

13 3. The lien may be foreclosed by a sale of such personal
14 property upon the notice and in the manner following: The notice
15 shall be in writing and shall contain, but not be limited to:

- 16 a. the names of the owner and any other known party or
17 parties who may claim any interest in the property,
- 18 b. a description of the property to be sold, including a
19 visual inspection or a photograph if the property is a
20 motor vehicle, and the physical location of the
21 property,
- 22 c. the nature of the work, labor or service performed,
23 material furnished, or the storage or rental
24 arrangement, and the date thereof, and written proof

1 of authority to perform the work, labor or service
2 provided. In the case of a law enforcement directed
3 tow, the logbook entry prescribed in OAC 595:25-5-5 or
4 the tow ticket as defined by the Corporation
5 Commission, shall serve as written proof of authority,

6 d. the time and place of sale,

7 e. the name, telephone number, physical address and
8 mailing address of the claimant, and agent or
9 attorney, if any, foreclosing such lien. If the
10 claimant is a business, then the name of the contact
11 person representing the business must be shown. In
12 place of an original signature and notary seal, a
13 digital or electronic signature or seal shall be
14 accepted, and

15 f. itemized charges which shall equal the total
16 compensation claimed.

17 4. a. Such Notice of Sale shall be posted in two public
18 places in the county where the property is to be sold
19 at least ten (10) days before the time therein
20 specified for such sale, and a copy of the notice
21 shall be mailed to the owner and any other party
22 claiming any interest in the property, if known, at
23 their last-known post office address, by certified
24 mail, return receipt requested, at least ten (10) days

1 before the time therein specified for such sale. If
2 the item of personal property is a manufactured home,
3 notice shall also be sent by certified mail to the
4 county treasurer and to the county assessor of the
5 county where the manufactured home is located.

6 b. In the case of any item of personal property without a
7 certificate of title and not required to be titled
8 under Oklahoma law, a party who claims any interest in
9 the property shall include all owners of the property;
10 any secured party who has an active financing
11 statement on file with the county clerk of Oklahoma
12 County listing one or more owners of the property by
13 legal name as debtors and indicating a collateral
14 description that would include the property; and any
15 other person having any interest in the personal
16 property, of whom the claimant has actual notice.

17 c. In the case of personal property subject to this
18 section for which a certificate of title has been
19 issued by any jurisdiction, a party who claims any
20 interest in the property shall include all owners of
21 the article of personal property as indicated by the
22 certificate of title; lien debtors, if any, other than
23 the owners; any lienholder whose lien is noted on the
24 face of the certificate of title; and any other person

1 having any interest in the article of personal
2 property, of whom the claimant has actual notice.

3 d. When the jurisdiction of titling for a vehicle, all-
4 terrain vehicle, motorcycle, boat, outboard motor, or
5 trailer that is five (5) model years old or newer, or
6 a manufactured home that is fifteen (15) model years
7 old or newer, cannot be determined by ordinary means,
8 the claimant, the agent of the claimant, or the
9 attorney of the claimant, shall request, in writing,
10 that ~~the Oklahoma Tax Commission Motor Vehicle~~
11 ~~Division~~ Service Oklahoma ascertain the jurisdiction
12 where the vehicle or manufactured home is titled. ~~The~~
13 ~~Oklahoma Tax Commission Motor Vehicle Division~~ Service
14 Oklahoma shall, within fourteen (14) days from the
15 date the request is received, provide information as
16 to the jurisdiction where the personal property is
17 titled. If ~~the Oklahoma Tax Commission Motor Vehicle~~
18 ~~Division~~ Service Oklahoma is unable to provide the
19 information, it shall provide notice that the record
20 is not available.

21 e. When personal property is of a type that Oklahoma law
22 requires to be titled, the owner of record of that
23 property is unknown, and the jurisdiction of titling
24 and owner of record cannot be determined by ordinary

1 means and also, if applicable, cannot be determined in
2 accordance with the preceding subparagraph, then the
3 special lien may be foreclosed by publication of a
4 legal notice in a legal newspaper in the county where
5 the personal property is located, as defined in
6 Section 106 of Title 25 of the Oklahoma Statutes.
7 Such notice shall include the description of the
8 property by year, make, vehicle identification number
9 if available from the property, the name of the
10 individual who may be contacted for information, and
11 the telephone number of that person or the address
12 where the vehicle is located. The legal notice shall
13 be published once per week for three (3) consecutive
14 weeks. As soon as circumstances exist as described in
15 the first sentence of this subparagraph, the first
16 date of publication may occur even if the special lien
17 has not accrued for over thirty (30) days. The first
18 date available for public sale of the vehicle is the
19 day following publication of the final notice, but no
20 fewer than thirty (30) days after the lien has
21 accrued. When the owner of record is unknown, the
22 Notice of Sale nevertheless must be completed and
23 mailed to any known interested party by certified
24 mail. For purposes of this paragraph, interested

1 parties shall include all persons described in
2 subparagraph b or subparagraph c of this paragraph,
3 whichever is applicable, with the exception of any
4 owner who is unknown. Except in circumstances
5 described in paragraph 7 of this subsection that
6 provide for a shorter time period, the Notice of Sale
7 shall be posted in two public places in the county
8 where the property is to be sold at least ten (10)
9 days before the time therein specified for such sale,
10 and the Notice of Sale shall not be mailed until at
11 least thirty (30) days after the lien has accrued.

12 5. The lienor or any other person may in good faith become a
13 purchaser of the property sold.

14 6. Proceedings for foreclosure under this act shall not be
15 commenced until thirty (30) days after the lien has accrued, except
16 as provided elsewhere in Oklahoma law.

17 7. Notwithstanding any other provision of law, proceedings for
18 foreclosures for the storage of junk vehicles towed and stored
19 pursuant to Section 955 of Title 47 of the Oklahoma Statutes by
20 Class AA wreckers listed with the Motor Vehicle Division of the
21 Department of Public Safety, may be commenced five (5) days after
22 the lien has accrued. For purposes of this paragraph, "junk
23 vehicles" means any vehicle that is more than ten (10) years old if
24 the cost of a comparable vehicle would be less than Three Hundred

1 Dollars (\$300.00) as quoted in the latest edition of the National
2 Automobile Dealers Association Official Used Car Guide or latest
3 monthly edition of any other nationally recognized published
4 guidebook, adjusting to the condition of the vehicle.

5 B. 1. a. Any person who is induced by means of a check or other
6 form of written order for immediate payment of money
7 to deliver up possession of an article of personal
8 property on which the person has a special lien
9 created by subsection A of this section, which check
10 or other written order is dishonored, or is not paid
11 when presented, shall have a lien for the amount
12 thereof upon the personal property.

13 b. The person claiming such lien shall, within thirty
14 (30) days from the date of dishonor of the check or
15 other written order for payment of money, file in the
16 office of the county clerk of the county in which the
17 property is situated a sworn statement that:

18 (1) the check or other written order for immediate
19 payment of money, copy thereof being attached,
20 was received for labor, material or supplies for
21 producing or repairing an article of personal
22 property, or for other specific property-related
23 services covered by this section,
24

1 (2) the check or other written order was not paid,
2 and
3 (3) the uttering of the check or other written order
4 constituted the means for inducing the person,
5 one possessed of a special lien created by
6 subsection A of this section upon the described
7 article of personal property, to deliver up the
8 article of personal property.

9 2. a. Any person who renders service to the owner of an
10 article of personal property by furnishing storage,
11 rental space, material, labor, or skill for the
12 protection, improvement, safekeeping, towing, right to
13 occupy space, storage, or carriage thereof shall have
14 a special lien on such property pursuant to this
15 section if such property is removed from the person's
16 possession, without such person's written consent or
17 without payment for such service.

18 b. The person claiming such lien shall, within five (5)
19 days of such nonauthorized removal, file in the office
20 of the county clerk of the county in which the
21 property is located, a sworn statement including:

22 (1) that services were rendered on or in relation to
23 the article of personal property by the person
24 claiming such lien,

- 1 (2) that the property was in the possession of the
2 person claiming the lien but such property was
3 removed without his or her written consent,
4 (3) an identifying description of the article of
5 personal property on or in relation to which the
6 service was rendered, and
7 (4) that the debt for the services rendered on or in
8 relation to the article of personal property was
9 not paid. Provided, if the unpaid total amount
10 of the debt for services rendered on or in
11 relation to the article of personal property is
12 unknown, an approximated amount of the debt due
13 and owing shall be included in the sworn
14 statement but such approximated debt may be
15 amended within thirty (30) days of such filing to
16 reflect the actual amount of the debt due and
17 owing.

18 3. The enforcement of the lien shall be within sixty (60) days
19 after filing the lien in the manner provided by law for enforcing
20 the lien of a security agreement and provided that the lien shall
21 not affect the rights of innocent, intervening purchasers without
22 notice.

23 C. If the person who renders service to the owner of an article
24 of personal property to which this section applies relinquishes or

1 loses possession of the article due to circumstances described in
2 subparagraph a of paragraph 1 or subparagraph a of paragraph 2 of
3 subsection B of this section, the person claiming the lien shall be
4 entitled to possession of the article until the amount due is paid,
5 unless the article is possessed by a person who became a bona fide
6 purchaser. Entitlement to possession shall be in accordance with
7 the following:

8 1. The claimant may take possession of an article pursuant to
9 this subsection only if the person obligated under the contract for
10 services has signed an acknowledgment of receipt of a notice that
11 the article may be subject to repossession. The notice and
12 acknowledgment pursuant to this subsection shall be:

- 13 a. in writing and separate from the written contract for
14 services, or
- 15 b. printed on the written contract for services, credit
16 agreement or other document which displays the notice
17 in bold-faced, capitalized and underlined type, or is
18 separated from surrounding written material so as to
19 be conspicuous with a separate signature line;

20 2. The claimant may require the person obligated under the
21 contract for services to pay the costs of repossession as a
22 condition for reclaiming the article only to the extent of the
23 reasonable fair market value of the services required to take
24 possession of the article;

1 3. The claimant shall not transfer to a third party or to a
2 person who performs repossession services, a check, money order, or
3 credit card transaction that is received as payment for services
4 with respect to an article and that is returned to the claimant
5 because of insufficient funds or no funds, because the person
6 writing the check, issuing the money order, or credit cardholder has
7 no account or because the check, money order, or credit card account
8 has been closed. A person violating this paragraph shall be guilty
9 of a misdemeanor; and

10 4. An article that is repossessed pursuant to this subsection
11 shall be promptly delivered to the location where the services were
12 performed. The article shall remain at the services location at all
13 times until the article is lawfully returned to the record owner or
14 a lienholder or is disposed of pursuant to this section.

15 D. 1. This section applies if a vehicle, all-terrain vehicle,
16 manufactured home, motorcycle, boat, outboard motor, or trailer has
17 a certificate of title issued by ~~the Tax Commission~~ Service Oklahoma
18 or by a federally recognized Indian tribe in Oklahoma, but there is
19 no active lien recorded on the certificate of title.

20 2. This section applies if a vehicle, all-terrain vehicle,
21 utility vehicle, motorcycle, boat, outboard motor or trailer has a
22 certificate of title issued by ~~the Tax Commission~~ Service Oklahoma
23 or by a federally recognized Indian tribe in Oklahoma, and there is
24

1 an active lien recorded on the certificate of title, but the lien is
2 over fifteen (15) years old.

3 3. This section applies if personal property to which Section
4 91 of this title otherwise would apply has been registered by ~~the~~
5 ~~Tax Commission~~ Service Oklahoma or by a federally recognized Indian
6 tribe in the State of Oklahoma, and there is a lien of record but no
7 certificate of title has been issued.

8 4. This section applies if personal property to which Section
9 91 of this title otherwise would apply has not been registered by
10 either ~~the Tax Commission~~ Service Oklahoma or a federally recognized
11 Indian tribe in the State of Oklahoma, and no certificate of title
12 has been issued, but there is a lien of record.

13 5. This section applies to personal property that otherwise
14 would be covered by Section 91 of this title, except that the
15 services were rendered or the property was abandoned prior to
16 November 1, 2005.

17 6. This section applies to a vehicle, all-terrain vehicle,
18 utility vehicle, manufactured home, motorcycle, boat, outboard
19 motor, or trailer for which ownership cannot be determined by
20 ordinary means or by ~~the Oklahoma Tax Commission Motor Vehicle~~
21 ~~Division~~ Service Oklahoma, as provided in subparagraphs d and e of
22 paragraph 4 of subsection A of this section, as applicable.

23

24

1 7. This section applies to items of personal property that are
2 not required by Oklahoma law to be titled, and that do not have a
3 certificate of title.

4 8. This section applies to salvage pools as defined in Section
5 591.2 of Title 47 of the Oklahoma Statutes.

6 9. This section applies to class AA licensed wrecker services
7 taking possession of a vehicle pursuant to an agreement with, or at
8 the direction of, or dispatched by a state or local law enforcement
9 or government agency, or pursuant to the abandoned vehicle removal
10 provisions of Section 954A of Title 47 of the Oklahoma Statutes with
11 respect to all types of personal property, regardless of whether
12 that personal property has a certificate of title.

13 10. For a vehicle abandoned at a salvage pool, if the cost of
14 repairing the vehicle for safe operation on the highway does not
15 exceed sixty percent (60%) of the fair market value of the vehicle
16 as defined in Section 1111 of Title 47 of the Oklahoma Statutes, a
17 salvage title shall not be required.

18 E. A person who knowingly makes a false statement of a material
19 fact regarding the furnishing of storage, rental space, material,
20 labor or skill for the protection, improvement, safekeeping, towing,
21 right to occupy space, storage or carriage thereof in a proceeding
22 under this section, or attempts to use or uses the provisions of
23 this section to foreclose an owner or lienholder's interest in a
24

1 vehicle knowing that any of the statements made in the proceeding
2 are false, upon conviction, shall be guilty of a felony.

3 F. Upon receipt of notice of legal proceedings, ~~the Tax~~
4 ~~Commission~~ Service Oklahoma shall cause the sale process to be put
5 on hold until notice of resolution of court proceedings is received
6 from the court. If such notice of commencement of court proceedings
7 is not filed with ~~the Tax Commission~~ Service Oklahoma, the
8 possessory lien sale process may continue.

9 G. No possessory lien sale shall be held on a Sunday.

10 H. For purposes of this section:

11 1. "Possession" includes actual possession and constructive
12 possession;

13 2. "Constructive possession" means possession by a person who,
14 although not in actual possession, does not have an intention to
15 abandon property, knowingly has both power and the intention at a
16 given time to exercise dominion or control over the property, and
17 who holds claim to such thing by virtue of some legal right;

18 3. "Lawfully in possession" means a person has documentation
19 from the owner or the owner's authorized agent, or an insurance
20 company or its authorized agent, authorizing the furnishing of
21 material, labor or storage, or that the property was authorized to
22 be towed to a repair facility.

23 Class AA wrecker services taking possession of a vehicle
24 pursuant to an agreement with, or at the direction of, or dispatched

1 by, a state or local law enforcement or government agency, or
2 pursuant to the abandoned vehicle removal provisions of Section 954A
3 of Title 47 of the Oklahoma Statutes, shall be considered lawfully
4 in possession of the vehicle. If the person lacks such
5 documentation, the procedures established by this section shall not
6 apply; and

7 4. "Itemized charges" means total parts, total labor, total
8 towing fees, total storage fees, total processing fees and totals of
9 any other fee groups, the sum total of which shall equal the
10 compensation claimed.

11 I. For purposes of this section, the United States Postal
12 Service approved electronic equivalent of proof of return receipt
13 requested Form 3811 shall satisfy return receipt requested
14 documentation requirements.

15 J. If a person claiming a special lien pursuant to this section
16 fails to comply with any of the requirements of this section, any
17 interested party may proceed against the person claiming such lien
18 for all damages arising therefrom, including conversion, if the
19 article of personal property has been sold. If the notice or
20 notices required by this section shall be shown to be knowingly
21 false or fraudulent, the interested party shall be entitled to
22 treble damages. The prevailing party shall be entitled to all
23 costs, including reasonable attorney fees.

24

1 K. Any interested party shall be permitted to visually inspect
2 and verify the services rendered by the claimant prior to the sale
3 of the article of property during normal business hours. If the
4 claimant fails to allow any interested party to inspect the
5 property, the interested party shall mail a request for inspection
6 by certified mail, return receipt requested, to the claimant.
7 Within three (3) business days of receipt of the request for
8 inspection, the claimant shall mail a photograph of the property, by
9 certified mail, return receipt requested, and a date of inspection
10 within five (5) business days from the date of the notice to
11 inspect. The lienholder shall be allowed to retrieve the property
12 without being required to bring the title into the lienholder's
13 name, if the lienholder provides proof it is a lienholder and any
14 payment due the claimant for lawful charges where the claimant has
15 complied with this section. Upon the release of personal property
16 to an insurer or representative of the insurer, wrecker operators
17 shall be exempt from all liability and shall be held harmless for
18 any losses or claims of loss. In the event any law enforcement
19 agency places a hold on the property, the party wanting to inspect
20 or photograph the property shall obtain permission from the law
21 enforcement agency that placed the hold on the property before
22 inspecting or photographing.

23 L. This section shall apply to all actions or proceedings that
24 commence on or after the effective date of this act.

1 SECTION 12. AMENDATORY Section 6, Chapter 282, O.S.L.
2 2022 (47 O.S. Supp. 2022, Section 3-106), is amended to read as
3 follows:

4 Section 3-106 A. There is hereby created in the State Treasury
5 a revolving fund for Service Oklahoma to be designated the "Service
6 Oklahoma Revolving Fund". The fund shall be a continuing fund, not
7 subject to fiscal year limitations. All monies accruing to the
8 credit of said fund are hereby appropriated and shall be budgeted
9 and expended by Service Oklahoma for the restricted purposes of the
10 monies as prescribed by law. Expenditures from said fund shall be
11 made upon warrants issued by the State Treasurer against claims
12 filed as prescribed by law with the Director of the Office of
13 Management and Enterprise Services for approval and payment.

14 B. There is hereby created in the State Treasury a revolving
15 fund for Service Oklahoma to be designated the "Service Oklahoma
16 Reimbursement Fund". The fund shall be a continuing fund, not
17 subject to fiscal year limitations. All monies accruing to the
18 credit of said fund are hereby appropriated and shall be budgeted
19 and expended by Service Oklahoma for the restricted purposes of the
20 monies as prescribed by law. Expenditures from said fund shall be
21 made upon warrants issued by the State Treasurer against claims
22 filed as prescribed by law with the Director of the Office of
23 Management and Enterprise Services for approval and payment.

24

1 C. There is hereby created in the State Treasury a revolving
2 fund for Service Oklahoma, to be designated the "Service Oklahoma
3 Computer Imaging System Revolving Fund". The fund shall be a
4 continuing fund not subject to fiscal year limitations. All monies
5 accruing to the credit of said fund are hereby appropriated and
6 shall be budgeted and expended by Service Oklahoma for the purpose
7 of implementing, developing, administering, and maintaining the
8 computer imaging system of Service Oklahoma. Expenditures from said
9 fund shall be made upon warrants issued by the State Treasurer
10 against claims filed as prescribed by law with the Director of the
11 Office of Management and Enterprise Services for approval and
12 payment.

13 D. There is hereby created a petty cash fund for Service
14 Oklahoma. The fund shall be used by Service Oklahoma to operate
15 cash drawers as necessary. The amount of the petty cash fund shall
16 be determined by the Director of Service Oklahoma and the Director
17 of the Office of Management and Enterprise Services. Purchases from
18 the petty cash fund shall be prohibited. The Director of the Office
19 of Management and Enterprise Services shall be authorized to
20 prescribe forms, systems, and procedures for the administration of
21 the petty cash fund.

22 SECTION 13. AMENDATORY 47 O.S. 2021, Section 6-101, as
23 amended by Section 37, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022,
24 Section 6-101), is amended to read as follows:

1 Section 6-101. A. No person, except those hereinafter
2 expressly exempted in Sections 6-102 and 6-102.1 of this title,
3 shall operate any motor vehicle upon a highway in this state unless
4 the person has a valid Oklahoma driver license for the class of
5 vehicle being operated under the provisions of this title. No
6 person shall be permitted to possess more than one valid license at
7 any time, except as provided in paragraph 4 of subsection F of this
8 section.

9 B. 1. No person shall operate a Class A commercial motor
10 vehicle unless the person is eighteen (18) years of age or older and
11 holds a valid Class A commercial license, except as provided in
12 paragraph 5 of this subsection and subsection F of this section.
13 Any person holding a valid Class A commercial license shall be
14 permitted to operate motor vehicles in Classes A, B, C and D, except
15 as provided for in paragraph 4 of this subsection.

16 2. No person shall operate a Class B commercial motor vehicle
17 unless the person is eighteen (18) years of age or older and holds a
18 valid Class B commercial license, except as provided in paragraph 5
19 of subsection F of this section. Any person holding a valid Class B
20 commercial license shall be permitted to operate motor vehicles in
21 Classes B, C and D, except as provided for in paragraph 4 of this
22 subsection.

23 3. No person shall operate a Class C commercial motor vehicle
24 unless the person is eighteen (18) years of age or older and holds a

1 valid Class C commercial license, except as provided in subsection F
2 of this section. Any person holding a valid Class C commercial
3 license shall be permitted to operate motor vehicles in Classes C
4 and D, except as provided for in paragraph 4 of this subsection.

5 4. No person under twenty-one (21) years of age shall be
6 licensed to operate any motor vehicle which is required to be
7 placarded for hazardous materials pursuant to 49 C.F.R., Part 172,
8 subpart F, except as provided in subsection F of this section;
9 provided, a person eighteen (18) years of age or older may be
10 licensed to operate a farm vehicle which is required to be placarded
11 for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F,
12 except as provided in subsection F of this section.

13 5. A person at least seventeen (17) years of age who
14 successfully completes all examinations required by law may be
15 issued by Service Oklahoma:

- 16 a. a restricted Class A commercial license which shall
17 grant to the licensee the privilege to operate a Class
18 A or Class B commercial motor vehicle for harvest
19 purposes or a Class D motor vehicle, or
- 20 b. a restricted Class B commercial license which shall
21 grant to the licensee the privilege to operate a Class
22 B commercial motor vehicle for harvest purposes or a
23 Class D motor vehicle.

24

1 6. No person shall operate a Class D motor vehicle unless the
2 person is sixteen (16) years of age or older and holds a valid Class
3 D license, except as provided for in Section 6-102 or 6-105 of this
4 title. Any person holding a valid Class D license shall be
5 permitted to operate motor vehicles in Class D only.

6 C. Any person issued a driver license pursuant to this section
7 may exercise the privilege thereby granted upon all streets and
8 highways in this state.

9 D. No person shall operate a motorcycle or motor-driven cycle
10 without having a valid Class A, B, C or D license with a motorcycle
11 endorsement. Except as otherwise provided by law, any new applicant
12 for an original driver license shall be required to successfully
13 complete a written examination, vision examination and driving
14 examination for a motorcycle as prescribed by the Department of
15 Public Safety, in conjunction with Service Oklahoma, and a certified
16 state-approved motorcycle basic rider course approved by the
17 Department, in conjunction with Service Oklahoma, if the applicant
18 is seventeen (17) years of age or younger to be eligible for a
19 motorcycle endorsement thereon. The written examination and driving
20 examination for a motorcycle shall be waived by Service Oklahoma
21 upon verification that the person has successfully completed a
22 certified Motorcycle Safety Foundation rider course approved by the
23 Department, in conjunction with Service Oklahoma.

1 E. Except as otherwise provided by law, any person who lawfully
2 possesses a valid Oklahoma driver license which is eligible for
3 renewal shall be required to successfully complete a written
4 examination, vision examination and driving examination for a
5 motorcycle as prescribed by the Department, in conjunction with
6 Service Oklahoma, and a certified state-approved motorcycle basic
7 rider course approved by the Department, in conjunction with Service
8 Oklahoma, if the person is seventeen (17) years of age or younger to
9 be eligible for a motorcycle endorsement. The written examination
10 and driving examination for a motorcycle shall be waived by Service
11 Oklahoma upon verification that the person has successfully
12 completed a certified Motorcycle Safety Foundation rider course
13 approved by the Department, in conjunction with Service Oklahoma.

14 F. 1. Any person eighteen (18) years of age or older may apply
15 for a restricted Class A, B or C commercial learner permit. Service
16 Oklahoma, after the applicant has passed all parts of the
17 examination for a Class D license and has successfully passed all
18 parts of the examination for a Class A, B or C commercial license
19 other than the driving examination, may issue to the applicant a
20 commercial learner permit which shall entitle the person having
21 immediate lawful possession of the commercial learner permit and a
22 valid Oklahoma driver license or provisional driver license pursuant
23 to Section 6-212 of this title to operate a Class A, B or C
24 commercial motor vehicle upon the public highways solely for the

1 purpose of behind-the-wheel training in accordance with rules
2 promulgated by the Department.

3 2. This commercial learner permit shall be issued for a period
4 ~~as provided in Section 6-115 of this title of one hundred eighty~~
5 ~~(180) days, which may be renewed one time for an additional one~~
6 ~~hundred eighty (180) days~~ one (1) year; provided, such commercial
7 learner permit may be suspended, revoked, canceled, denied or
8 disqualified at the discretion of the Department, with notice to
9 Service Oklahoma, for violation of the restrictions, for failing to
10 give the required or correct information on the application or for
11 violation of any traffic laws of this state pertaining to the
12 operation of a motor vehicle. Except as otherwise provided, the
13 lawful possessor of a commercial learner permit who has been issued
14 a commercial learner permit for a minimum of fourteen (14) days may
15 have the restriction requiring an accompanying driver removed by
16 satisfactorily completing a driver's examination; provided, the
17 removal of a restriction shall not authorize the operation of a
18 Class A, B or C commercial motor vehicle if such operation is
19 otherwise prohibited by law.

20 3. No person shall apply for and Service Oklahoma shall not
21 issue an original Class A, B or C driver license until the person
22 has been issued a commercial learner permit and held the permit for
23 at least fourteen (14) days. Any person who currently holds a Class
24 B or C license and who wishes to apply for another class of

1 commercial driver license shall be required to apply for a
2 commercial learner permit and to hold the permit for at least
3 fourteen (14) days before applying for the Class A or B license, as
4 applicable. Any person who currently holds a Class A, B or C
5 license and who wishes to add an endorsement or remove a restriction
6 for which a skills examination is required shall be required to
7 apply for a commercial learner permit and to hold the permit for at
8 least fourteen (14) days before applying for the endorsement.

9 4. A commercial learner permit shall be issued by Service
10 Oklahoma as a separate and unique document which shall be valid only
11 in conjunction with a valid Oklahoma driver license or provisional
12 driver license pursuant to Section 6-212 of this title, both of
13 which shall be in the possession of the person to whom they have
14 been issued whenever that person is operating a commercial motor
15 vehicle as provided in this subsection.

16 5. After one renewal of a commercial learner permit, as
17 provided in paragraph 2 of this subsection, a commercial permit
18 shall not be renewed again. Any person who has held a commercial
19 learner permit for the initial issuance period and one renewal
20 period shall not be eligible for and Service Oklahoma shall not
21 issue another renewal of the permit; provided, the person may
22 reapply for a new commercial learner permit, as provided for in this
23 subsection.

24 G. 1. For purposes of this title:

1 a. "REAL ID Compliant Driver License" or "Identification
2 Card" means a driver license or identification card
3 issued by the State of Oklahoma that has been
4 certified by the United States Department of Homeland
5 Security (USDHS) as compliant with the requirements of
6 the REAL ID Act of 2005, Public Law No. 109-13. A
7 REAL ID Compliant Driver License or Identification
8 Card and the process through which it is issued
9 incorporate a variety of security measures designed to
10 protect the integrity and trustworthiness of the
11 license or card. A REAL ID Compliant Driver License
12 or Identification Card will be clearly marked on the
13 face indicating that it is a compliant document, and

14 b. "REAL ID Noncompliant Driver License" or
15 "Identification Card" means a driver license or
16 identification card issued by the State of Oklahoma
17 that has not been certified by the United States
18 Department of Homeland Security (USDHS) as being
19 compliant with the requirements of the REAL ID Act. A
20 REAL ID Noncompliant Driver License or Identification
21 Card will be clearly marked on the face indicating
22 that it is not compliant with the federal REAL ID Act
23 and is not acceptable for official federal purposes.
24 The driver license or identification card will have a

1 unique design or color indicator that clearly
2 distinguishes it from a compliant license or card.

3 2. Original Driver License and Identification Card Issuance:

- 4 a. Application for an original REAL ID Compliant or REAL
5 ID Noncompliant Driver License or Identification Card
6 shall be made to Service Oklahoma.
- 7 b. Service Oklahoma employees shall perform all document
8 recognition and other requirements needed for approval
9 of an original REAL ID Compliant or REAL ID
10 Noncompliant Driver License or Identification Card
11 application.
- 12 c. Upon approval of an original REAL ID Compliant or REAL
13 ID Noncompliant Driver License or Identification Card
14 application, the applicant may take the approved
15 application document to a licensed operator to receive
16 a temporary driver license or identification card.
- 17 d. The licensed operator shall process the approved REAL
18 ID Compliant or REAL ID Noncompliant Driver License or
19 Identification Card application and upon payment shall
20 provide the applicant a temporary driver license or
21 identification card. A temporary driver license or
22 identification card shall afford the holder the
23 privileges otherwise granted by the specific class of
24 driver license or identification card for the period

1 of time listed on the temporary driver license or
2 identification card or the period of time prior to the
3 applicant receiving a REAL ID Compliant or REAL ID
4 Noncompliant Driver License or Identification Card,
5 whichever time period is shorter.

6 3. REAL ID Compliant Driver License and Identification Card

7 Renewal and Replacement:

- 8 a. Application for renewal or replacement of a REAL ID
9 Compliant Driver License or Identification Card may be
10 made to Service Oklahoma or to a licensed operator;
11 provided, such licensed operator is authorized to
12 process ~~application~~ applications for REAL ID Compliant
13 Driver Licenses and Identification Cards. A licensed
14 operator may process the voluntary downgrade of a REAL
15 ID Compliant Commercial Driver License to any lower
16 class license upon request of the licensee; provided,
17 no additional endorsements or restrictions are placed
18 on the license.
- 19 b. Service Oklahoma employees or authorized licensed
20 operators shall perform all document recognition and
21 other requirements needed for approval of a renewal or
22 replacement REAL ID Compliant Driver License or
23 Identification Card application.

1 c. Upon approval of a renewal or replacement REAL ID
2 Compliant Driver License or Identification Card
3 application, the applicant may receive a temporary
4 driver license or identification card from Service
5 Oklahoma or an authorized licensed operator.

6 d. A temporary driver license or identification card
7 acquired under the provisions of this paragraph shall
8 afford the holder the privileges otherwise granted by
9 the specific class of driver license or identification
10 card being renewed or replaced for the period of time
11 listed on the temporary driver license or
12 identification card or the period of time prior to the
13 applicant receiving a REAL ID Compliant Driver License
14 or Identification Card, whichever time period is
15 shorter.

16 e. For purposes of this title, an application for a REAL
17 ID Compliant Driver License or Identification Card by
18 an individual with a valid Oklahoma-issued driver
19 license or identification card shall be considered a
20 renewal of a REAL ID Compliant Driver License or
21 Identification Card.

22 4. REAL ID Noncompliant Driver License and Identification Card

23 Renewal and Replacement:
24

- 1 a. Application for renewal or replacement of a REAL ID
2 Noncompliant Driver License or Identification Card may
3 be made to Service Oklahoma or to a licensed operator.
4 A licensed operator may process the voluntary
5 downgrade of a REAL ID Noncompliant Commercial Driver
6 License to any lower class license upon request of the
7 licensee; provided, no additional endorsements or
8 restrictions are added to the license.
- 9 b. Service Oklahoma employees or licensed operators shall
10 perform all document recognition and other
11 requirements needed for approval of a renewal or
12 replacement REAL ID Noncompliant Driver License or
13 Identification Card application.
- 14 c. Upon approval of a renewal or replacement REAL ID
15 Noncompliant Driver License or Identification Card
16 application, the applicant may receive a temporary
17 driver license or identification card from Service
18 Oklahoma or a licensed operator.
- 19 d. A temporary driver license or identification card
20 acquired under the provisions of this paragraph shall
21 afford the holder the privileges otherwise granted by
22 the specific class of driver license or identification
23 card being renewed or replaced for the period of time
24 listed on the temporary driver license or

1 identification card or the period of time prior to the
2 applicant receiving a REAL ID Noncompliant Driver
3 License or Identification Card, whichever time period
4 is shorter.

5 H. 1. The fee charged for an approved application for an
6 original Oklahoma REAL ID Compliant or REAL ID Noncompliant Driver
7 License or an approved application for the addition of an
8 endorsement to a current valid Oklahoma REAL ID Compliant or REAL ID
9 Noncompliant Driver License shall be assessed in accordance with the
10 following schedule:

11	Class A Commercial Learner	
12	Permit	\$25.00
13	Class A Commercial License	\$25.00
14	Class B Commercial Learner	
15	Permit	\$15.00
16	Class B Commercial License	\$15.00
17	Class C Commercial Learner	
18	Permit	\$15.00
19	Class C Commercial License	\$15.00
20	Class D License	\$ 4.00
21	Motorcycle Endorsement	\$ 4.00

22 2. Notwithstanding the provisions of Section 1104 of this
23 title, all monies collected from the fees charged for Class A, B and
24

1 C commercial licenses pursuant to the provisions of this subsection
2 shall be deposited in the General Revenue Fund of this state.

3 I. The fee charged for any failed examination shall be Four
4 Dollars (\$4.00) for any license classification. Notwithstanding the
5 provisions of Section 1104 of this title, all monies collected from
6 such examination fees pursuant to the provisions of this subsection
7 shall be deposited in the General Revenue Fund of this state.

8 J. In addition to any fee charged pursuant to the provisions of
9 subsection H of this section, the fee charged for the issuance or
10 renewal of a REAL ID Noncompliant Driver License shall be in
11 accordance with the following schedule; provided, that any applicant
12 who has a CDL Learner Permit shall be charged only the replacement
13 fee for the issuance of the license:

14	License Class	4-year	8-year
15	Class A Commercial Learner		
16	Permit	\$56.50	\$113.00
17	Class A Commercial License	\$56.50	\$113.00
18	Class B Commercial Learner		
19	Permit	\$56.50	\$113.00
20	Class B Commercial License	\$56.50	\$113.00
21	Class C Commercial Learner		
22	Permit	\$46.50	\$93.00
23	Class C Commercial License	\$46.50	\$93.00
24	Class D License	\$38.50	\$77.00

1 K. In addition to any fee charged pursuant to the provisions of
 2 subsection H of this section, the fee charged for the issuance or
 3 renewal of a REAL ID Compliant Driver License shall be in accordance
 4 with the following schedule; provided, that any applicant who has a
 5 CDL Learner Permit shall be charged only the replacement fee for the
 6 issuance of the license:

License Class	4-year	8-year
REAL ID Compliant Class A		
Commercial Learner Permit	\$56.50	\$113.00
REAL ID Compliant Class A		
Commercial License	\$56.50	\$113.00
REAL ID Compliant Class B		
Commercial Learner Permit	\$56.50	\$113.00
REAL ID Compliant Class B		
Commercial License	\$56.50	\$113.00
REAL ID Compliant Class C		
Commercial Learner Permit	\$46.50	\$93.00
REAL ID Compliant Class C		
Commercial License	\$46.50	\$93.00
REAL ID Compliant Class D		
License	\$38.50	\$77.00

22 L. A commercial learner permit may be renewed one time for a
 23 period of one hundred eighty (180) days. The cost for the renewed
 24 permit shall be the same as for the original permit.

1 M. Notwithstanding the provisions of Section 1104 of this
2 title, of each fee charged pursuant to the provisions of subsections
3 J, K and L of this section:

4 1. Five Dollars and fifty cents (\$5.50) of a 4-year license or
5 Eleven Dollars (\$11.00) of an 8-year license shall be deposited to
6 the Trauma Care Assistance Revolving Fund created in Section 1-
7 2530.9 of Title 63 of the Oklahoma Statutes;

8 2. Six Dollars and seventy-five cents (\$6.75) of a 4-year
9 license or Thirteen Dollars and fifty cents (\$13.50) of an 8-year
10 license shall be deposited to the Department of Public Safety
11 Computer Imaging System Revolving Fund to be used solely for the
12 purpose of administration and maintenance of the computerized
13 imaging system of the Department through October 31, 2022.

14 Beginning November 1, 2022, Six Dollars and seventy-five cents
15 (\$6.75) of a 4-year license or Thirteen Dollars and fifty cents
16 (\$13.50) of an 8-year license shall be deposited to the Service
17 Oklahoma Computer Imaging System Revolving Fund to be used solely
18 for the purpose of administration and maintenance of the
19 computerized imaging system of Service Oklahoma;

20 3. Ten Dollars (\$10.00) of a 4-year license or Twenty Dollars
21 (\$20.00) of an 8-year license shall be deposited to the Department
22 of Public Safety Revolving Fund for all original or renewal
23 issuances of licenses through October 31, 2022. Beginning November
24 1, 2022, Ten Dollars (\$10.00) of a 4-year license or Twenty Dollars

1 (\$20.00) of an 8-year license shall be deposited to the Service
2 Oklahoma Revolving Fund for all original or renewal issuances of
3 licenses; and

4 4. Five Dollars (\$5.00) of a 4-year license or Six Dollars
5 (\$6.00) of an 8-year license shall be deposited to the State Public
6 Safety Fund created in Section 2-147 of this title.

7 N. All original and renewal driver licenses shall expire as
8 provided in Section 6-115 of this title.

9 O. Any person sixty-two (62) years of age or older during the
10 calendar year of issuance or renewal of a Class D license or
11 motorcycle endorsement shall be charged the following prorated fee:

	4-year	8-year
12 Age 62	\$21.25	\$42.50
13 Age 63	\$17.50	\$35.00
14 Age 64	\$13.75	\$27.50
15 Age 65	-0-	

16 P. No person who has been honorably discharged from active
17 service in any branch of the Armed Forces of the United States or
18 Oklahoma National Guard and who has been certified by the United
19 States Department of Veterans Affairs, its successor or the Armed
20 Forces of the United States to be a disabled veteran in receipt of
21 compensation at the one-hundred-percent rate for a permanent
22 disability sustained through military action or accident resulting
23 from disease contracted while in such active service and registered
24

1 with the veterans registry created by the Oklahoma Department of
2 Veterans Affairs shall be charged a fee for the issuance,
3 replacement or renewal of an Oklahoma driver license; provided, that
4 if a veteran has been previously exempt from a fee pursuant to this
5 subsection, no registration with the veterans registry shall be
6 required.

7 Q. In accordance with the provisions of subsection G of this
8 section, Service Oklahoma is authorized to promulgate rules for the
9 issuance and renewal of driver licenses authorized pursuant to the
10 provisions of Sections 6-101 through 6-309 of this title; provided,
11 that no such rules applicable to the issuance or renewal of REAL ID
12 Noncompliant Driver Licenses shall create more stringent standards
13 than such rules applicable as of January 1, 2017, unless directly
14 related to a specific change in statutory law concerning standards
15 for REAL ID Noncompliant Driver Licenses. Applications, upon forms
16 approved by Service Oklahoma, for such licenses shall be handled, in
17 accordance with the provisions of subsection G of this section, by
18 the licensed operator; provided, Service Oklahoma is authorized to
19 assume these duties in any county of this state. Each licensed
20 operator accepting applications for driver licenses shall receive
21 Six Dollars (\$6.00) for a 4-year REAL ID Noncompliant Driver License
22 or Twelve Dollars (\$12.00) for an 8-year REAL ID Noncompliant Driver
23 License or Ten Dollars (\$10.00) for a 4-year REAL ID Compliant
24 Driver License or Twenty Dollars (\$20.00) for an 8-year REAL ID

1 Compliant Driver License to be deducted from the total collected for
2 each license or renewal application accepted. The fees received by
3 the licensed operator, authorized by this subsection, shall be used
4 for operating expenses.

5 R. Notwithstanding the provisions of Section 1104 of this title
6 and subsection Q of this section and except as provided in
7 subsections H and M of this section, the first Sixty Thousand
8 Dollars (\$60,000.00) of all monies collected pursuant to this
9 section shall be paid by the Oklahoma Tax Commission to the State
10 Treasurer to be deposited in the General Revenue Fund of the State
11 Treasury.

12 The next Five Hundred Thousand Dollars (\$500,000.00) of monies
13 collected pursuant to this section shall be paid by the Tax
14 Commission to the State Treasurer to be deposited each fiscal year
15 under the provisions of this section to the credit of the Department
16 of Public Safety Restricted Revolving Fund for the purpose of the
17 Statewide Law Enforcement Communications System. All other monies
18 collected in excess of Five Hundred Sixty Thousand Dollars
19 (\$560,000.00) each fiscal year shall be apportioned as provided in
20 Section 1104 of this title, except as otherwise provided in this
21 section.

22 S. Service Oklahoma shall retain the images displayed on
23 licenses and identification cards issued pursuant to the provisions
24

1 of Sections 6-101 through 6-309 of this title which may be used
2 only:

3 1. By a law enforcement agency for purposes of criminal
4 investigations, missing person investigations or any law enforcement
5 purpose which is deemed necessary by the Commissioner of Public
6 Safety;

7 2. By the driver licensing agency of another state for its
8 official purpose; and

9 3. As provided in Section 2-110 of this title.

10 All agencies approved by the Oklahoma Law Enforcement
11 Telecommunications System (OLETS) or the National Law Enforcement
12 Telecommunications System (NLETS) to receive photographs or
13 computerized images may obtain them through OLETS or through NLETS.
14 Photographs or computerized images may be obtained by law
15 enforcement one inquiry at a time.

16 The computer system and related equipment acquired for this
17 purpose must conform to industry standards for interoperability and
18 open architecture. The Department of Public Safety may promulgate
19 rules to implement the provisions of this subsection.

20 T. No person may hold more than one state-issued or territory-
21 issued REAL ID Compliant Driver License or REAL ID Compliant
22 Identification Card from Oklahoma or any other state or territory.
23 Service Oklahoma shall not issue a REAL ID Compliant Driver License
24 to a person who has been previously issued a REAL ID Compliant

1 Driver License or REAL ID Compliant Identification Card until such
2 license or identification card has been surrendered to Service
3 Oklahoma by the applicant. Service Oklahoma may promulgate rules
4 related to the issuance of replacement REAL ID Compliant Driver
5 Licenses in the event of loss or theft.

6 U. Upon the effective date of this act and ending on April 30,
7 2023, in addition to the amounts provided in subsection Q of this
8 section, a licensed operator shall receive Five Dollars (\$5.00) for
9 each processed application for a REAL ID Compliant 4-year Driver
10 License and Ten Dollars (\$10.00) for each processed application for
11 a REAL ID Compliant 8-year Driver License. Any additional amounts
12 provided pursuant to this subsection shall not be retained by
13 Service Oklahoma.

14 SECTION 14. AMENDATORY 47 O.S. 2021, Section 6-105, as
15 amended by Section 42, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022,
16 Section 6-105), is amended to read as follows:

17 Section 6-105. A. Unless a legal custodial parent or legal
18 guardian has filed an objection to licensure pursuant to Section 6-
19 103.1 of this title, any person under eighteen (18) years of age who
20 is in compliance with or not subject to Section 6-107.3 of this
21 title may be permitted to operate:

22 1. A Class D motor vehicle under the graduated driver license
23 provisions prescribed in subsections B through E of this section;

24

1 2. A motorcycle under the provisions prescribed in subsection H
2 of this section; or

3 3. A farm vehicle under the provisions prescribed in subsection
4 I of this section.

5 B. Any person who is at least fifteen (15) years of age may
6 drive during a session in which the driver is being instructed in a
7 driver education course, as set out in subparagraphs a, b, c, d and
8 e of paragraph 1 of subsection C of this section, by a certified
9 driver education instructor who is seated in the right front seat of
10 the motor vehicle.

11 C. Any person:

12 1. Who is at least fifteen and one-half (15 1/2) years of age
13 and is currently receiving instruction in or has successfully
14 completed driver education. For purposes of this section, the term
15 "driver education" shall mean:

16 a. a prescribed secondary school driver education course,
17 as provided for in Sections 19-113 through 19-121 of
18 Title 70 of the Oklahoma Statutes,

19 b. a driver education course, certified by Service
20 Oklahoma, in conjunction with the Department of Public
21 Safety, from a parochial, private, or other nonpublic
22 secondary school,

23 c. a commercial driver training course, as defined by
24 Sections 801 through 808 of this title,

1 d. a parent-taught driver education course, certified by
2 Service Oklahoma, in conjunction with the Department
3 of Public Safety. ~~The Department~~ Service Oklahoma
4 shall promulgate rules for any parent-taught driver
5 education course, or

6 e. a driver education course certified by a state other
7 than Oklahoma; or

8 2. Who is at least sixteen (16) years of age,

9 may, upon successfully passing all parts of the driver license
10 examination administered by Service Oklahoma, or an approved written
11 examination proctor, except the driving examination, be issued a
12 learner permit which will grant the permittee the privilege to
13 operate a Class D motor vehicle upon the public highways only
14 between the hours of 5:00 a.m. and 10:00 p.m. and while accompanied
15 by a licensed driver who is at least twenty-one (21) years of age
16 and who is actually occupying a seat beside the permittee; provided,
17 the written examination for a learner permit may be waived by
18 Service Oklahoma upon verification that the person has successfully
19 completed driver education.

20 D. 1. Any person:

21 a. who has applied for, been issued, and has possessed a
22 learner permit for a minimum of ~~six (6) months~~ one
23 hundred and eighty (180) days, and
24

1 b. whose custodial legal parent or legal guardian
2 certifies to Service Oklahoma by sworn affidavit that
3 the person has received a minimum of fifty (50) hours
4 of actual behind-the-wheel training, of which at least
5 ten (10) hours of such training was at night, from a
6 licensed driver who was at least twenty-one (21) years
7 of age and who was properly licensed to operate a
8 Class D motor vehicle for a minimum of two (2) years,
9 may be issued an intermediate Class D license upon successfully
10 passing all parts of the driver license examinations administered by
11 Service Oklahoma; provided, the written examination, if it has not
12 previously been administered or waived, may be waived by Service
13 Oklahoma upon verification that the person has successfully
14 completed driver education or the driving examination may be waived
15 by Service Oklahoma upon successful passage of the examination
16 administered by a certified designated examiner, as provided for in
17 Section 6-110 of this title. However, notwithstanding the date of
18 issuance of the learner permit, if the person has been convicted of
19 a traffic offense which is reported on the driving record of that
20 person, the time period specified in subparagraph a of this
21 paragraph shall be recalculated to begin from the date of conviction
22 for the traffic offense, and must elapse before that person may be
23 issued an intermediate Class D license. If the person has been
24 convicted of more than one traffic offense which is reported on the

1 driving record of that person, the time period specified in
2 subparagraph a of this paragraph shall be recalculated to begin from
3 the most recent date of conviction, and must elapse before that
4 person may be issued an intermediate Class D license.

5 2. A person who has been issued an intermediate Class D license
6 under the provisions of this subsection:

7 a. shall be granted the privilege to operate a Class D
8 motor vehicle upon the public highways:

9 (1) only between the hours of 5:00 a.m. and 10:00
10 p.m., except for driving to and from work,
11 school, school activities, and church activities,
12 or

13 (2) at any time, if a licensed driver who is at least
14 twenty-one (21) years of age is actually
15 occupying a seat beside the intermediate Class D
16 licensee, or if the intermediate Class D licensee
17 is a farm or ranch resident, and is operating a
18 motor vehicle while engaged in farming or
19 ranching operations outside the limits of a
20 municipality, or driving to and from work,
21 school, school activities, or church activities,
22 and

23 b. shall not operate a motor vehicle with more than one
24 passenger unless:

- 1 (1) all passengers live in the same household as the
- 2 custodial legal parent or legal guardian, or
- 3 (2) a licensed driver at least twenty-one (21) years
- 4 of age is actually occupying a seat beside the
- 5 intermediate Class D licensee.

6 E. Any person who has been issued an intermediate Class D
7 license for a minimum of:

8 1. One (1) year; or

9 2. ~~Six (6) months~~ One hundred and eighty (180) days, if the
10 person has completed both the driver education and the parent-
11 certified behind-the-wheel training provisions of subparagraph b of
12 paragraph 1 of subsection D of this section,
13 may be issued a Class D license. However, notwithstanding the date
14 of issuance of the Class D license, if the person has been convicted
15 of a traffic offense which is reported on the driving record of that
16 person, the time periods specified in paragraph 1 or 2 of this
17 subsection, as applicable, shall be recalculated to begin from the
18 date of conviction for the traffic offense, and must elapse before
19 that person may be issued a Class D license. If the person has been
20 convicted of more than one traffic offense which is reported on the
21 driving record of that person, the time periods specified in
22 paragraph 1 or 2 of this subsection, as applicable, shall be
23 recalculated to begin from the most recent date of conviction, and
24 must elapse before that person may be issued a Class D license.

1 F. Learner permits and intermediate Class D licenses shall be
2 issued for the same period as all other driver licenses. The
3 licenses may be suspended or canceled at the discretion of the
4 Department, with notice to Service Oklahoma, for violation of
5 restrictions, for failing to give the required or correct
6 information on the application, for knowingly giving false or
7 inaccurate information on the application or any subsequent
8 documentation related to the granting of driving privileges, for
9 using a hand-held electronic device while operating a motor vehicle
10 for non-life-threatening emergency purposes or for violation of any
11 traffic laws of this state pertaining to the operation of a motor
12 vehicle.

13 G. Service Oklahoma shall promulgate rules establishing
14 procedures for removal of learner permit and intermediate Class D
15 license restrictions from the permit or license upon the permittee
16 or licensee qualifying for a less restricted or an unrestricted
17 license.

18 H. Any person fourteen (14) years of age or older may apply for
19 a restricted Class D license with a motorcycle-only restriction.
20 After the person has successfully passed all parts of the motorcycle
21 examination other than the driving examination, has successfully
22 completed a certified state-approved motorcycle basic rider course
23 approved by the Department of Public Safety, in conjunction with
24 Service Oklahoma, and has met all requirements provided for in the

1 rules of the Department and Service Oklahoma, Service Oklahoma shall
2 issue to the person a restricted Class D license with a motorcycle-
3 only restriction which shall grant to the person, while having the
4 license in the person's immediate possession, the privilege to
5 operate a motorcycle or motor-driven cycle:

6 1. With a piston displacement not to exceed three hundred (300)
7 cubic centimeters;

8 2. Between the hours of 4:30 a.m. to 9:00 p.m. only;

9 3. While wearing approved protective headgear; and

10 4. While accompanied by and receiving instruction from any
11 person who is at least twenty-one (21) years of age and who is
12 properly licensed pursuant to the laws of this state to operate a
13 motorcycle or motor-driven cycle, and who has visual contact with
14 the restricted licensee.

15 The restricted licensee may apply on or after thirty (30) days
16 from date of issuance of the restricted Class D license with a
17 motorcycle-only restriction to have the restriction of being
18 accompanied by a licensed driver removed by successfully completing
19 the driving portion of an examination.

20 The written examination and driving examination for a restricted
21 Class D license with a motorcycle-only endorsement shall be waived
22 by Service Oklahoma upon verification that the person has
23 successfully completed a certified state-approved motorcycle basic
24 rider course approved by the Department and Service Oklahoma.

1 I. Service Oklahoma may in its discretion issue a special
2 permit to any person who has attained the age of fourteen (14)
3 years, authorizing such person to operate farm vehicles between the
4 farm and the market to haul commodities grown on the farm; provided,
5 that the special permit shall be temporary and shall expire not more
6 than thirty (30) days after the issuance of the special permit.
7 Special permits shall be issued only to farm residents and shall be
8 issued only during the time of the harvest of the principal crops
9 grown on such farm. Provided, however, Service Oklahoma shall not
10 issue a special permit pursuant to this subsection until Service
11 Oklahoma is fully satisfied after the examination of the application
12 and other evidence furnished in support thereof, that the person is
13 physically and mentally developed to such a degree that the
14 operation of a motor vehicle by the person would not be inimical to
15 public safety.

16 J. As used in this section:

17 1. "Hand-held electronic device" means a mobile telephone or
18 electronic device with which a user engages in a telephone call,
19 plays or stores media, including but not limited to music and video,
20 or sends or reads a text message while requiring the use of at least
21 one hand; and

22 2. "Using a hand-held electronic device" means engaging any
23 function on an electronic device.

24

1 K. All driver education courses provided for in paragraph 1 of
2 subsection C of this section shall include education regarding the
3 dangers of texting while driving and the effects of being under the
4 influence of alcohol or other intoxicating substance while driving.

5 SECTION 15. AMENDATORY 47 O.S. 2021, Section 6-110, as
6 amended by Section 49, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022,
7 Section 6-110), is amended to read as follows:

8 Section 6-110. A. 1. Service Oklahoma shall establish
9 procedures to ensure every applicant for an original Class A, B, C
10 or D license and for any endorsements thereon is examined by Service
11 Oklahoma, or an approved written examination proctor, except as
12 otherwise provided in Section 6-101 et seq. of this title or as
13 provided in paragraph 2 of this subsection or in subsections D and E
14 of this section. Service Oklahoma is authorized to approve and
15 enter into agreements with local school districts, the Oklahoma
16 Department of Career and Technology Education, or institutions of
17 higher education to act as approved written examination proctors
18 with regard to any written examination required by this section.
19 The examination shall include a test of the applicant's:

- 20 a. eyesight,
- 21 b. ability to read and understand highway signs
22 regulating, warning and directing traffic,
- 23 c. knowledge of the traffic laws of this state including
24 a portion on bicycle and motorcycle safety, and

1 d. ability, by actual demonstration, to exercise ordinary
2 and reasonable control in the operation of a motor
3 vehicle. The actual demonstration shall be conducted
4 in the type of motor vehicle for the class of driver
5 license being applied for.

6 The Department of Public Safety, in conjunction with Service
7 Oklahoma, may create a knowledge test that may be taken on the
8 Internet by an applicant applying for a Class D license.

9 Any licensee seeking to apply for a driver license of another class
10 which is not covered by the licensee's current driver license shall
11 be considered an applicant for an original license for that class.

12 2. Service Oklahoma shall have the authority to waive the
13 requirement of any part of the examination required in paragraph 1
14 of this subsection for those applicants whose driving record meets
15 the standards set by the Department of Public Safety and surrender
16 either of the following:

17 a. a valid unexpired driver license issued by any state
18 or country for the same type or types of vehicles, or

19 b. an expired driver license that:

20 (1) is not expired more than six (6) months past the
21 expiration date listed on the driver license, and

22 (2) is not a Class A, B or C commercial driver
23 license or commercial driver license permit.
24

1 3. Service Oklahoma shall accept skills test results from
2 another state for Class A, B or C license applicants who have
3 successfully completed commercial motor vehicle driver training in
4 that state and successfully passed the skills test in that state;
5 provided, Service Oklahoma shall not accept skills test results from
6 another state when the applicant has not successfully completed
7 commercial motor vehicle driver training in that state. Nothing in
8 this section shall be construed to prohibit Service Oklahoma from
9 administering the skills test to any applicant who has successfully
10 completed commercial vehicle driver training in another state.

11 4. All applicants requiring a hazardous materials endorsement
12 shall be required, for the renewal of the endorsement, to
13 successfully complete the examination and to submit to a security
14 threat assessment performed by the Transportation Security
15 Administration of the Department of Homeland Security as required by
16 and pursuant to 49 C.F.R., Part 1572, which shall be used to
17 determine whether the applicant is eligible for renewal of the
18 endorsement pursuant to federal law and regulation.

19 5. Service Oklahoma, or an approved written examination
20 proctor, shall give the complete examination as provided for in this
21 section within thirty (30) days from the date the application is
22 received, and the examination shall be given at a location within
23 one hundred (100) miles of the residence of the applicant. Service
24 Oklahoma shall make every effort to make the examination locations

1 and times convenient for applicants. Service Oklahoma shall
2 consider giving the examination at various school sites if the
3 district board of education for the district in which the site is
4 located agrees and if economically feasible and practicable.

5 B. Any person holding a valid Oklahoma Class D license or
6 provisional driver license pursuant to Section 6-212 of this title
7 and applying for a Class A, B or C commercial license shall be
8 required to successfully complete all examinations as required for
9 the specified class. Failure to submit to Service Oklahoma
10 federally required medical certification information pursuant to 49
11 C.F.R., Part 391.41 et seq. shall result in an automatic downgrade
12 of a commercial license to a Class D license. Provided, however,
13 once the required medical certification information has been
14 received by Service Oklahoma, the license shall be reinstated to the
15 classification of the commercial license prior to the downgrade and
16 the holder of such a license shall not be required to reapply.

17 C. Except as provided in subsection E of Section 6-101 of this
18 title, any person holding a valid Oklahoma Class A, B or C
19 commercial license shall, upon time for renewal thereof, be entitled
20 to a Class D license without any type of testing or examination,
21 except for any endorsements thereon as otherwise provided for by
22 Section 6-110.1 of this title.

23 D. 1. Any certified driver education instructor who is
24 currently an operator or an employee of a commercial driver training

1 school in this state or any driver education instructor employed by
2 any school district in this state shall be eligible to apply to be a
3 designated examiner of Service Oklahoma for the purposes of
4 administering the Class D driving skills portion of the Oklahoma
5 driving examination to any person who has been issued a learner
6 permit.

7 2. The Department of Public Safety, in conjunction with Service
8 Oklahoma, shall adopt a curriculum of required courses and training
9 to be offered to applicants who are qualified to apply to be a
10 designated examiner. The courses and training for certification
11 shall meet the same standards as required for driver examiners of
12 Service Oklahoma.

13 3. Each person applying to be a designated examiner shall be
14 required to pay an initial designated examiner certification fee of
15 One Thousand Dollars (\$1,000.00). Upon successful completion of
16 training prescribed by paragraph 2 of this subsection, the person
17 shall be required to pay an annual designated examiner certification
18 fee of Five Hundred Dollars (\$500.00). If an applicant for the
19 designated examiner program is employed by an Oklahoma public school
20 system that offers driver education, and he or she administers the
21 skills test only to students enrolled in a public school driver
22 education program, the certification fee may be waived by Service
23 Oklahoma. Each designated examiner certification shall expire on
24 the last day of the calendar year and may be renewed upon

1 application to Service Oklahoma. The designated examiner
2 certification fees collected by Service Oklahoma pursuant to this
3 subsection shall be deposited to the credit of the Department of
4 Public Safety Restricted Revolving Fund to be used for the purposes
5 of this subsection, through October 31, 2022. Beginning November 1,
6 2022, the designated examiner certification fees collected by
7 Service Oklahoma pursuant to this subsection shall be deposited to
8 the credit of the Service Oklahoma Revolving Fund. No designated
9 examiner certification fee shall be refunded in the event that
10 certification is denied, suspended or revoked.

11 4. A designated examiner may charge a fee for each Class D
12 driving skills examination given, whether the person being examined
13 passes or fails the examination.

14 5. Service Oklahoma shall ~~conduct an annual complete nationwide~~
15 ~~criminal history background check on~~ require each designated
16 examiner and a ~~complete nationwide~~ driver education instructor
17 applicant to submit to an electronic national criminal history
18 background record check on each designated examiner applicant
19 pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes. On
20 or before December 1, 2024, Service Oklahoma shall require each
21 designated examiner and driver education instructor to submit to an
22 electronic national criminal history record check pursuant to
23 Section 150.9 of Title 74 of the Oklahoma Statutes. The fees for
24 the ~~background~~ record check shall be borne by the designated

1 examiner, ~~or~~ designated examiner applicant, driver education
2 instructor, or driver education instructor applicant.

3 6. The Department of Public Safety, in conjunction with Service
4 Oklahoma, shall promulgate rules to implement and administer the
5 provisions of this subsection.

6 E. 1. Upon application and approval of Service Oklahoma, any
7 public or private commercial truck driving school that has or
8 maintains a program instructing students for a Class A, B or C
9 license, public transit agency or state, county or municipal
10 government agency in this state shall be authorized to hire or
11 employ designated examiners approved by Service Oklahoma to be
12 third-party examiners of the Class A, B or C driving skills portion
13 of the Oklahoma driving examination. All designated examiners must
14 successfully have completed the courses and training as outlined in
15 paragraph 2 of this subsection. Service Oklahoma shall be required
16 to approve at least one public transit agency that has or maintains
17 a program instructing students for a Class A, B or C license to hire
18 or employ third-party examiners pursuant to this section. It shall
19 be permissible for any public transit agency operating in the State
20 of Oklahoma to utilize the third-party examiners hired or employed
21 by a public transit agency approved by Service Oklahoma.

22 2. The Department of Public Safety, in conjunction with Service
23 Oklahoma, shall adopt a curriculum of required courses and training
24 to be offered to third-party examiners. The courses and training

1 for certification shall meet the same standards as required for
2 commercial driver examiners of Service Oklahoma.

3 3. Service Oklahoma shall require each third-party examiner
4 applicant and commercial school driver education instructor
5 applicant to submit to an electronic national criminal history
6 record check pursuant to Section 150.9 of Title 74 of the Oklahoma
7 Statutes. On or before December 1, 2022, Service Oklahoma shall
8 require each third-party examiner or commercial school driver
9 education instructor to submit to an electronic national criminal
10 history record check pursuant to Section 150.9 of Title 74 of the
11 Oklahoma Statutes. The fees for the background check shall be borne
12 by the third-party examiner, third-party examiner applicant,
13 commercial school driver education instructor or commercial school
14 driver education instructor applicant.

15 F. Service Oklahoma shall promulgate rules to:

16 1. Implement and administer the provisions of this section
17 based on requirements set forth in Section 383.75 of Title 49 of the
18 Code of Federal Regulations;

19 2. Establish a process to inform any school, public transit
20 agency, examiner, or state, county or municipal government agency,
21 who has been denied, within forty-five (45) days from the denial;

22 3. Create an appeal process for any school, public transit
23 agency, examiner, or state, county or municipal government agency
24 denied; and

1 4. If the initial application for approval was denied, limit
2 the number of times an individual school, public transit agency,
3 individual examiner applicant, or state, county or municipal
4 government agency may reapply in a calendar year to two
5 reapplications.

6 SECTION 16. AMENDATORY 47 O.S. 2021, Section 6-111, as
7 amended by Section 1, Chapter 200, O.S.L. 2022 (47 O.S. Supp. 2022,
8 Section 6-111), is amended to read as follows:

9 Section 6-111. A. 1. The Department of Public Safety shall,
10 upon payment of the required fee, issue to every applicant
11 qualifying therefor a Class A, B, C or D driver license or
12 identification card as applied for, which license or card shall bear
13 thereon a distinguishing alphanumeric identification assigned to the
14 licensee or cardholder, date of issuance and date of expiration of
15 the license or card, the full legal name, signature or computerized
16 signature, date of birth, residence address, unless specified as an
17 exception in the Code of Federal Regulations per 6 C.F.R., Section
18 37.17, sex, a computerized color image of the licensee or cardholder
19 taken in accordance with Department rules and security features as
20 determined by the Department. The image shall depict a full front
21 unobstructed view of the entire face of the licensee or cardholder;
22 provided, a commercial learner permit shall not bear the image of
23 the licensee. When any person is issued both a driver license and
24 an identification card, the Department shall ensure the information

1 on both the license and the card are the same, unless otherwise
2 provided by law.

3 2. A driver license or identification card issued by the
4 Department on or after March 1, 2004, shall bear thereon the county
5 of residence of the licensee or cardholder.

6 3. The Department may cancel the distinguishing number, when
7 that distinguishing number is another person's Social Security
8 number, assign a new distinguishing alphanumeric identification, and
9 issue a new license or identification card without charge to the
10 licensee or cardholder.

11 4. The Department may promulgate rules for inclusion of the
12 height and a brief description of the licensee or cardholder on the
13 face of the card or license identifying the licensee or cardholder
14 as deaf or hard-of-hearing.

15 5. It is unlawful for any person to apply, adhere, or otherwise
16 attach to a driver license or identification card any decal,
17 sticker, label, or other attachment. Any law enforcement officer is
18 authorized to remove and dispose of any unlawful decal, sticker,
19 label, or other attachment from the driver license of a person. The
20 law enforcement officer, the employing agency of the officer, the
21 Department of Public Safety, and the State of Oklahoma shall be
22 immune from any liability for any loss suffered by the licensee,
23 cardholder, or the owner of the decal, sticker, label, or other
24

1 attachment caused by the removal and destruction of the decal,
2 sticker, label, or other attachment.

3 6. The Department of Public Safety may develop by rule a
4 procedure which complies with the provisions of subsection G of
5 Section 6-101 of this title whereby a person may apply for a renewal
6 or replacement Oklahoma Class D license or Oklahoma identification
7 card.

8 B. 1. The Department may issue or authorize the issuance of a
9 temporary permit or license to an applicant for a driver license
10 permitting such applicant to operate a motor vehicle while the
11 Department is completing its investigation and determination of all
12 facts relative to such applicant's privilege to receive a license,
13 or while a permanent driver license is being produced and delivered
14 to the applicant. Such permit or license must be in the immediate
15 possession of the driver while operating a motor vehicle, and it
16 shall be invalid when the applicant's permanent driver license has
17 been issued and delivered or for good cause has been refused.

18 2. The Department may issue or authorize the issuance of a
19 temporary identification card to an applicant, permitting the holder
20 the privileges otherwise granted by identification cards, while a
21 permanent driver license is being provided and delivered to the
22 applicant. Such card shall be invalid when the applicant's
23 permanent identification card has been issued and delivered, or for
24 good cause has been refused.

1 C. 1. The Department may issue a restricted commercial driver
2 license to drivers eighteen (18) years of age or older for any of
3 the following specific farm-related service industries:

- 4 a. farm retail outlets and suppliers,
- 5 b. agri-chemical businesses,
- 6 c. custom harvesters, and
- 7 d. livestock feeders.

8 The applicant shall have held a valid driver license for at
9 least one (1) year. Applicants with more than two (2) years of
10 driving experience shall have a good driving record for the most
11 recent two (2) years and shall meet all the requirements for a
12 commercial driver license. The restricted commercial driver license
13 shall not exceed the maximum total days that federal law allows.
14 ~~Applicants for the restricted commercial driver license shall be~~
15 ~~exempt from the knowledge and skills test.~~ Application of the
16 restricted commercial driver license does not have to be used in
17 consecutive days; use of permit shall be declared at application.

18 2. A "good driving record" as used in this subsection shall
19 mean an applicant:

- 20 a. has not had more than one license,
- 21 b. has not had any license suspended, revoked, or
22 canceled,

1 c. has not had any conviction for any type of
2 disqualifying offenses or serious traffic violations,
3 or

4 d. has not had any conviction for a violation of state or
5 local law relating to motor vehicle traffic control,
6 other than a parking violation, arising in connection
7 with any traffic accident, and has no record of an
8 accident in which they were at fault.

9 3. The restricted commercial driver license shall not be valid
10 for operators of commercial motor vehicles beyond one hundred fifty
11 (150) miles from the place of business or the farm currently being
12 served. Such license shall be limited to Class B or C vehicles.
13 Holders of such licenses who transport hazardous materials which are
14 required to be placarded shall be limited to the following:

15 a. diesel fuel in quantities of one thousand (1,000)
16 gallons or less,

17 b. liquid fertilizers in vehicles with total capacities
18 of three thousand (3,000) gallons or less, and

19 c. solid fertilizers that are not mixed with any organic
20 substance.

21 No other placarded hazardous materials shall be transported by
22 holders of such licenses.

23 D. The Department may issue a non-domiciled commercial learner
24 permit or a non-domiciled commercial driver license to:

1 1. An H2A-Temporary Agricultural worker lawfully present in the
2 United States as indicated on an original, valid and unexpired I-94
3 immigration status document issued by the United States Customs and
4 Immigration Service; and

5 2. A J-1 Exchange Visitor Program participant lawfully present
6 in the United States as indicated on a valid and unexpired J-1
7 Visitor Visa issued by the United States Customs and Immigration
8 Service and who is enrolled in an agricultural education training
9 program.

10 A person applying for such permit or license must comply with
11 all testing and licensing requirements in accordance with applicable
12 federal regulations, state laws and Department rules. The issued
13 license shall be valid until the expiration of the visa for the non-
14 domiciled worker. The Department may promulgate rules for the
15 implementation of the process to carry out the provisions of this
16 section.

17 E. 1. The Department shall develop a procedure whereby a
18 person applying for an original, renewal or replacement Class A, B,
19 C or D driver license or identification card who is required to
20 register as a convicted sex offender with the Department of
21 Corrections pursuant to the provisions of the Sex Offenders
22 Registration Act and who the Department of Corrections designates as
23 an aggravated or habitual offender pursuant to subsection J of
24

1 Section 584 of Title 57 of the Oklahoma Statutes shall be issued a
2 license or card bearing the words "Sex Offender".

3 2. The Department shall notify every person subject to
4 registration under the provisions of Section 1-101 et seq. of this
5 title who holds a current Class A, B, C or D driver license or
6 identification card that such person is required to surrender the
7 license or card to the Department within one hundred eighty (180)
8 days from the date of the notice.

9 3. Upon surrendering the license or card for the reason set
10 forth in this subsection, application may be made with the
11 Department for a replacement license or card bearing the words "Sex
12 Offender".

13 4. Failure to comply with the requirements set forth in such
14 notice shall result in cancellation of the person's license or card.
15 Such cancellation shall be in effect for one (1) year, after which
16 time the person may make application with the Department for a new
17 license or card bearing the words "Sex Offender". Continued use of
18 a canceled license or card shall constitute a misdemeanor and shall,
19 upon conviction thereof, be punishable by a fine of not less than
20 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars
21 (\$200.00). When an individual is no longer required to register as
22 a convicted sex offender with the Department of Corrections pursuant
23 to the provisions of the Sex Offenders Registration Act, the
24

1 individual shall be eligible to receive a driver license or
2 identification card which does not bear the words "Sex Offender".

3 F. Nothing in subsection E of this section shall be deemed to
4 impose any liability upon or give rise to a cause of action against
5 any employee, agent or official of the Department of Corrections for
6 failing to designate a sex offender as an aggravated or habitual
7 offender pursuant to subsection J of Section 584 of Title 57 of the
8 Oklahoma Statutes.

9 G. A person subject to an order for the installation of an
10 ignition interlock device shall be required by the Department to
11 submit their driver license for a replacement. The replacement
12 driver license shall bear the words "Interlock Required" and such
13 designation shall remain on the driver license for the duration of
14 the order requiring the ignition interlock device. The replacement
15 license shall be subject to the same expiration and renewal
16 procedures provided by law. Upon completion of the requirements for
17 the interlock device, a person may apply for a replacement driver
18 license.

19 H. The Department shall develop a procedure whereby a person
20 applying for an original, renewal or replacement Class D driver
21 license who has been granted modified driving privileges under this
22 title shall be issued a Class D driver license which identifies the
23 license as a modified license.

24

1 SECTION 17. AMENDATORY 47 O.S. 2021, Section 6-113, is
2 amended to read as follows:

3 Section 6-113. A. ~~The Department of Public Safety~~ Service
4 Oklahoma, upon issuing a ~~driver's~~ driver license, shall have the
5 authority whenever good cause appears to impose restrictions
6 suitable to the licensee's driving ability with respect to the type
7 of or special mechanical control devices required on a motor vehicle
8 which the licensee may operate or such other restrictions applicable
9 to the licensee as Service Oklahoma, in conjunction with the
10 Department of Public Safety, may determine to be appropriate to
11 assure the safe operation of a motor vehicle by the licensee.

12 B. ~~The Department~~ Service Oklahoma may either issue a special
13 restricted license or may set forth such restrictions upon the usual
14 license form.

15 C. ~~The Department~~ Service Oklahoma may, upon receiving
16 satisfactory evidence of any violation of the restrictions of such
17 license, suspend or revoke the same but the licensee shall be
18 entitled to a hearing as upon a suspension or revocation under this
19 chapter.

20 D. It is a misdemeanor for any person to operate a motor
21 vehicle in any manner in violation of the restrictions imposed in a
22 restricted license issued to him or her.

23
24

1 SECTION 18. AMENDATORY 47 O.S. 2021, Section 6-116, as
2 amended by Section 56, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022,
3 Section 6-116), is amended to read as follows:

4 Section 6-116. A. Whenever any person, after applying for or
5 receiving a driver license or identification card, shall:

6 1. Change the mailing address named in such application;

7 2. Change the residence address displayed on the license or
8 card issued to the person;

9 3. Move from the person's previous county; or

10 4. Change the name of a licensee by marriage or otherwise,
11 such person shall ~~notify Service Oklahoma as provided in subsection~~
12 ~~B of this section~~ apply for a replacement of the driver license or
13 identification card with Service Oklahoma in accordance with the
14 provisions of Section 6-114 of this title within ten (10) days of
15 the change.

16 B. ~~Within ten (10) days such person shall notify Service~~
17 ~~Oklahoma in writing of the number of any driver license and~~
18 ~~identification card then held by the person and, as applicable:~~

19 1. ~~Both the old and new mailing addresses;~~

20 2. ~~Both the old and new residence addresses;~~

21 3. ~~Both the old and new counties of residence; or~~

22 4. ~~Both the former and new names.~~

23 C. Service Oklahoma shall not:

24

1 1. Change a county of residence unless the person specifically
2 notifies Service Oklahoma of such change; and

3 2. Presume that a new mailing address which is a different
4 county than the old mailing address means that the person has
5 changed his or her county of residence, and shall not change the
6 county of residence unless specifically notified of such change.

7 SECTION 19. AMENDATORY 47 O.S. 2021, Section 6-205.1, as
8 amended by Section 1, Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2022,
9 Section 6-205.1), is amended to read as follows:

10 Section 6-205.1 A. The driving privilege of a person who is
11 convicted of any offense as provided in paragraph 2 of subsection A
12 of Section 6-205 of this title, or a person who has refused to
13 submit to a test or tests as provided in Section 753 of this title,
14 or a person whose alcohol concentration is subject to the provisions
15 of Section 754 of this title shall be revoked or denied by ~~the~~
16 ~~Department of Public Safety~~ Service Oklahoma for the following
17 period, as applicable:

18 1. The first license revocation pursuant to paragraph 2 of
19 subsection A of Section 6-205 of this title or Section 753 or 754 of
20 this title, within ten (10) years preceding the date of arrest
21 relating thereto, shall be for a period of no less than one hundred
22 eighty (180) days and until the person completes the Impaired Driver
23 Accountability Program in accordance with the rules of the Board of
24 Tests for Alcohol and Drug Influence. The period of revocation and

1 the Impaired Driver Accountability Program shall run concurrently
2 and each shall be for no less than one hundred eighty (180) days;

3 2. A revocation pursuant to paragraph 2 of subsection A of
4 Section 6-205 of this title or Section 753 or 754 of this title
5 shall be for a period of no less than one (1) year and until the
6 person completes the Impaired Driver Accountability Program in
7 accordance with the rules of the Board of Tests for Alcohol and Drug
8 Influence, if within ten (10) years preceding the date of arrest
9 relating thereto, as shown by the records of ~~the Department~~ Service
10 Oklahoma:

- 11 a. a prior revocation commenced pursuant to paragraph 2
12 or 6 of subsection A of Section 6-205 of this title or
13 Section 753 or 754 of this title, or
- 14 b. the record of the person reflects a prior conviction
15 in another jurisdiction which did not result in a
16 revocation of Oklahoma driving privileges, for a
17 violation substantially similar to paragraph 2 of
18 subsection A of Section 6-205 of this title, and the
19 person was not a resident or a licensee of Oklahoma at
20 the time of the offense resulting in the conviction.

21 The period of revocation and the Impaired Driver Accountability
22 Program shall run concurrently and each shall be for no less than
23 one (1) year;

24

1 3. A revocation pursuant to paragraph 2 of subsection A of
2 Section 6-205 of this title or Section 753 or 754 of this title
3 shall be for a period of no less than two (2) years and until the
4 person completes the Impaired Driver Accountability Program in
5 accordance with the rules of the Board of Tests for Alcohol and Drug
6 Influence, if within ten (10) years preceding the date of arrest
7 relating thereto, as shown by the records of ~~the Department~~ Service

8 Oklahoma:

- 9 a. two or more prior revocations commenced pursuant to
10 paragraph 2 or 6 of subsection A of Section 6-205 of
11 this title or Section 753 or 754 of this title,
- 12 b. two or more current enrollments in or previous
13 completions of the Impaired Driver Accountability
14 Program,
- 15 c. the record of the person reflects two or more prior
16 convictions in another jurisdiction which did not
17 result in a revocation of Oklahoma driving privileges,
18 for a violation substantially similar to paragraph 2
19 of subsection A of Section 6-205 of this title, and
20 the person was not a resident or a licensee of
21 Oklahoma at the time of the offense resulting in the
22 conviction, or
- 23 d. any combination of two or more prior revocations,
24 current enrollments in or previous completions of the

1 Impaired Driver Accountability Program, or convictions
2 as described in subparagraphs a, b and c of this
3 paragraph.

4 The period of revocation and the Impaired Driver Accountability
5 Program shall run concurrently and each shall be for no less than
6 two (2) years; or

7 4. The revocation of the driving privilege of any person under
8 Section 6-205, 6-205.1, 753, or 754 of this title shall not run
9 concurrently with any other revocation of driving privilege under
10 Section 6-205, 6-205.1, 753, or 754 of this title resulting from a
11 different incident.

12 B. The driving privilege of a person who is convicted of any
13 offense as provided in paragraph 3 or 6 of subsection A of Section
14 6-205 of this title shall be revoked or denied by ~~the Department of~~
15 ~~Public Safety~~ Service Oklahoma for the following period, as
16 applicable:

17 1. The first license revocation shall be for one hundred eighty
18 (180) days, which shall be modified upon request; provided, any
19 modification under this paragraph shall apply to Class D driver
20 licenses only;

21 2. A revocation shall be for a period of one (1) year if within
22 ten (10) years preceding the date of arrest relating thereto, as
23 shown by the records of ~~the Department~~ Service Oklahoma:

- 1 a. a prior revocation commenced pursuant to paragraph 2,
2 3 or 6 of subsection A of Section 6-205 of this title,
3 or Section 753 or 754 of this title,
4 b. a prior revocation commenced pursuant to paragraph 2,
5 3 or 6 of subsection A of Section 6-205 of this title
6 or Section 753 or 754 of this title, or current
7 enrollment in or previous completion of the Impaired
8 Driver Accountability Program, or
9 c. the record of the person reflects a prior conviction
10 in another jurisdiction which did not result in a
11 revocation of Oklahoma driving privileges, for a
12 violation substantially similar to paragraph 2, 3 or 6
13 of subsection A of Section 6-205 of this title, and
14 the person was not a resident or a licensee of
15 Oklahoma at the time of the offense resulting in the
16 conviction.

17 Such period shall not be modified; or

18 3. A revocation shall be for a period of three (3) years if
19 within ten (10) years preceding the date of arrest relating thereto,
20 as shown by the records of ~~the Department~~ Service Oklahoma:

- 21 a. two or more prior revocations commenced pursuant to
22 paragraph 2 or 6 of subsection A of Section 6-205 of
23 this title, or Section 753 or 754 of this title,
24

- 1 b. two or more prior revocations commenced pursuant to
2 paragraph 2 or 6 of subsection A of Section 6-205 of
3 this title or Section 753 or 754 of this title, or two
4 or more current enrollments in or previous completions
5 of the Impaired Driver Accountability Program,
- 6 c. the record of the person reflects two or more prior
7 convictions in another jurisdiction which did not
8 result in a revocation of Oklahoma driving privileges,
9 for a violation substantially similar to paragraph 2
10 or 6 of subsection A of Section 6-205 of this title,
11 and the person was not a resident or licensee of
12 Oklahoma at the time of the offense resulting in the
13 conviction, or
- 14 d. any combination of two or more prior revocations,
15 current enrollments in or previous completions of the
16 Impaired Driver Accountability Program, or convictions
17 as described in subparagraphs a and b or c of this
18 paragraph.

19 Such period shall not be modified.

20 The revocation of the driving privilege of any person under this
21 subsection shall not run concurrently with any other withdrawal of
22 driving privilege resulting from a different incident and which
23 requires the driving privilege to be withdrawn for a prescribed
24 amount of time. A denial based on a conviction of any offense as

1 provided in paragraph 6 of subsection A of Section 6-205 of this
2 title shall become effective on the first day the convicted person
3 is otherwise eligible to apply for and be granted driving privileges
4 if the person was not eligible to do so at the time of the
5 conviction.

6 C. For the purposes of this section:

7 1. The term "conviction" includes a juvenile delinquency
8 adjudication by a court or any notification from a court pursuant to
9 Section 6-107.1 of this title; and

10 2. The term "revocation" includes a denial of driving
11 privileges by ~~the Department~~ Service Oklahoma.

12 D. Each period of revocation in subsection A of this section
13 shall be mandatory and neither ~~the Department~~ Service Oklahoma nor
14 any court shall grant driving privileges based upon hardship or
15 otherwise for the duration of that period, except under the Impaired
16 Driver Accountability Program in accordance with the rules of the
17 Board of Tests for Alcohol and Drug Influence.

18 E. Any appeal of a revocation or denial of driving privileges
19 in subsection A of this section shall be governed by Section 6-211
20 of this title.

21 SECTION 20. AMENDATORY 47 O.S. 2021, Section 6-211, as
22 amended by Section 2, Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2022,
23 Section 6-211), is amended to read as follows:

24

1 Section 6-211. A. Any person denied driving privileges, or
2 whose driving privilege has been canceled, denied, suspended or
3 revoked by ~~the Department~~ Service Oklahoma, except where such
4 cancellation, denial, suspension or revocation is mandatory, under
5 the provisions of Section 6-205 of this title, or disqualified by
6 ~~the Department~~ Service Oklahoma, under the provisions of Section 6-
7 205.2 or 761 of this title, shall have the right of appeal to the
8 district court as hereinafter provided. Proceedings before the
9 district court shall be exempt from the provisions of the Oklahoma
10 Pleading and Discovery codes, except that the appeal shall be by
11 petition, without responsive pleadings. The district court is
12 hereby vested with original jurisdiction to hear the petition.

13 B. A person whose driving privilege is denied, canceled,
14 revoked or suspended due to inability to meet standards prescribed
15 by law, or due to an out-of-state conviction or violation, or due to
16 an excessive point accumulation on the traffic record, or for an
17 unlawful license issued, may appeal in the county in which the
18 person resides.

19 C. Any person whose driving privilege is canceled, denied,
20 suspended or revoked may appeal to the district court in the county
21 in which the offense was committed upon which ~~the Department~~ Service
22 Oklahoma based its order.

23 D. A person whose driving privilege is subject to revocation
24 pursuant to Section 753 or 754 of this title may appeal to the

1 district court in the county in which the arrest occurred relating
2 to the test refusal or test result, as shown by the records of ~~the~~
3 ~~Department~~ Service Oklahoma.

4 E. The petition shall be filed within thirty (30) days after
5 the notice of revocation, pursuant to Section 753 or 754 of this
6 title, has been served upon the person by ~~the Department of Public~~
7 ~~Safety~~ Service Oklahoma. The petition shall contain a
8 description of the facts and circumstances of the underlying
9 incident sufficient to determine the arresting law enforcement
10 agency and the date of the incident. It shall be the duty of the
11 district court to enter an order setting the matter for hearing not
12 less than thirty (30) days and not more than sixty (60) days from
13 the date the petition is filed. A certified copy of petition and
14 order for hearing shall be served forthwith by the petitioner ~~upon~~
15 ~~the Commissioner of Public Safety~~ to the office of Service Oklahoma
16 by certified mail at ~~the Department of Public Safety~~ Service
17 Oklahoma, Oklahoma City, Oklahoma.

18 F. Upon a hearing relating to a revocation or disqualification
19 pursuant to a conviction for an offense enumerated in Section 6-205,
20 6-205.2 or 761 of this title, the court shall not consider the
21 propriety or merits of the revocation or disqualification action,
22 except to correct the identity of the person convicted as shown by
23 records of ~~the Department~~ Service Oklahoma.

24

1 G. When the records of the Department do not reflect receipt of
2 a sworn report of a law enforcement officer stating that the officer
3 had reasonable grounds to believe the petitioner had been driving or
4 was in actual physical control of a motor vehicle upon the public
5 roads, highways, streets, turnpikes, or other public place of this
6 state while under the influence of alcohol, any other intoxicating
7 substance, or the combined influence of alcohol and any other
8 intoxicating substance, the court shall, upon application by ~~the~~
9 ~~Department~~ Service Oklahoma, stay the appeal for one hundred eighty
10 (180) days from the date of the arrest as alleged in the petition,
11 or until the sworn report is received by ~~the Department~~ Service
12 Oklahoma. If the records of ~~the Department~~ Service Oklahoma do not
13 reflect receipt of the sworn report described in this subsection at
14 the expiration of the stay, the court shall enter an order directing
15 ~~the Department~~ Service Oklahoma to take no action upon receipt of
16 the sworn report related to the arrest as described in the petition.
17 In no event shall a court award costs or fees, including attorney
18 fees, based upon the records of ~~the Department~~ Service Oklahoma that
19 do not reflect the receipt of the sworn report as described in this
20 subsection.

21 H. The court shall take testimony and examine the facts and
22 circumstances, including all of the records on file in the office of
23 ~~the Department of Public Safety~~ Service Oklahoma relative to the
24 offense committed and the driving record of the person, and

1 determine from the facts, circumstances, and records whether or not
2 the petitioner is entitled to driving privileges or shall be subject
3 to the order of denial, cancellation, suspension or revocation
4 issued by ~~the Department~~ Service Oklahoma. In case the court finds
5 that the order was not justified, the court may sustain the appeal,
6 vacate the order of ~~the Department~~ Service Oklahoma and direct that
7 driving privileges be restored to the petitioner, if otherwise
8 eligible.

9 I. The testimony of any hearing pursuant to this section shall
10 be taken by the court stenographer and preserved for the purpose of
11 appeal and, in case ~~the Department~~ Service Oklahoma files notice of
12 appeal from the order of the court as provided herein, the court
13 shall order and direct the court clerk to prepare and furnish a
14 complete transcript of all pleadings and proceedings, together with
15 a complete transcript taken at the hearing at no cost to ~~the~~
16 ~~Department~~ Service Oklahoma, except the cost of transcribing.

17 J. Upon ~~the Department's~~ Service Oklahoma's receipt of a
18 petition challenging ~~the Department's~~ Service Oklahoma's action
19 against the driving privileges of any person under this title, ~~the~~
20 ~~Department~~ Service Oklahoma shall withhold taking the action which
21 is the subject of the appeal or stay the order which is the subject
22 of the appeal. During the pendency of the appeal, ~~the Department~~
23 Service Oklahoma shall grant or restore driving privileges to the
24 person if the person is otherwise eligible.

1 K. An appeal may be taken by the person or by ~~the Department~~
2 Service Oklahoma from the order or judgment of the district court to
3 the Supreme Court of the State of Oklahoma as otherwise provided by
4 law.

5 SECTION 21. AMENDATORY 47 O.S. 2021, Section 156.1, is
6 amended to read as follows:

7 Section 156.1 A. It shall be unlawful for any state official,
8 officer or employee, except any essential employees approved by the
9 Governor and those officers or employees authorized in subsection B
10 of this section, to ride to or from the place of residence of the
11 employee in a state-owned or state-leased automobile, truck or
12 pickup, except in the performance of the official duty of the
13 employee, or to use or permit the use of any such automobile, truck,
14 ambulance or pickup for other personal or private purposes. Any
15 person convicted of violating the provisions of this section shall
16 be guilty of a misdemeanor and shall be punished by a fine of not
17 more than One Hundred Dollars (\$100.00) or by imprisonment in the
18 county jail for a period to not exceed thirty (30) days, or by both
19 said fine and imprisonment, and in addition thereto, shall be
20 discharged from state employment.

21 B. 1. Any state employee, other than the individuals provided
22 for in paragraph 2 of this subsection and any employee of the
23 Department of Public Safety who is ~~an employee in the Driver License~~
24 ~~Examining Division or the Driver Compliance Division or a wrecker~~

1 inspector or auditor of the Wrecker Services Division as provided
2 for in paragraph 3 of this subsection, who receives emergency
3 telephone calls regularly at the residence of the employee when the
4 employee is not on duty and is regularly called upon to use a
5 vehicle after normal work hours in response to such emergency calls,
6 may be permitted to use a vehicle belonging to the state to provide
7 transportation between the residence of the employee and the
8 assigned place of employment, provided such distance does not exceed
9 seventy-five (75) miles in any round trip or is within the county
10 where the assigned place of employment is located. Provided
11 further, an employee may be permitted to use a state-owned or state-
12 leased vehicle to provide temporary transportation between a
13 specific work location other than the assigned place of employment
14 and the residence of the employee, if such use shall result in a
15 monetary saving to the agency, and such authorization shall not be
16 subject to the distance or area restrictions provided for in this
17 paragraph. Authorization for temporary use of a state-owned or
18 state-leased vehicle for a specific project shall be in writing
19 stating the justification for this use and the saving expected to
20 result. Such authorization shall be valid for not to exceed sixty
21 (60) days. Any state entity other than law enforcement that avails
22 itself of this provision shall keep a monthly record of all
23 participating employees, the number of emergency calls received and
24

1 the number of times that a state vehicle was used in the performance
2 of such emergency calls.

3 2. Any employee of the Department of Public Safety, Oklahoma
4 Department of Corrections, Oklahoma State Bureau of Narcotics and
5 Dangerous Drugs Control, Oklahoma State Bureau of Investigation,
6 Alcoholic Beverage Laws Enforcement Commission, Oklahoma Horse
7 Racing Commission, Oklahoma Department of Agriculture, Food, and
8 Forestry, Office of the Inspector General within the Department of
9 Human Services or Office of the State Fire Marshal, who is a law
10 enforcement officer or criminalist, Public Information officer,
11 Special Investigator or Assistant Director of the Oklahoma State
12 Bureau of Investigation, CLEET-certified Investigator for a state
13 board or any employee of a district attorney who is a law
14 enforcement officer, may be permitted to use a state-owned or state-
15 leased vehicle to provide transportation between the residence of
16 the employee and the assigned place of employment and between the
17 residence and any location other than the assigned place of
18 employment to which the employee travels in the performance of the
19 official duty of the employee.

20 3. Any employee of the Department of Public Safety who is ~~an~~
21 ~~employee in the Driver License Examining Division, an employee of~~
22 ~~the Driver Compliance Division,~~ a wrecker inspector or auditor of
23 the Wrecker Services Division, or a noncommissioned pilot may be
24 permitted, as determined by the Commissioner, to use a state-owned

1 or state-leased vehicle to provide transportation between the
2 residence of the employee and the assigned place of employment and
3 between the residence and any location other than the assigned place
4 of employment to which the employee travels in the performance of
5 the official duty of the employee.

6 4. The Director, department heads and other essential employees
7 of the Department of Wildlife Conservation, as authorized by the
8 Wildlife Conservation Commission, may be permitted to use a state-
9 owned or state-leased vehicle to provide transportation between the
10 residence of the employee and the assigned place of employment and
11 between the residence and any location other than the assigned place
12 of employment to which the employee travels in the performance of
13 the official duty of the employee.

14 5. The Director, department heads, emergency responders and
15 other essential employees of the Department of Corrections, as
16 authorized by the Director, may be permitted to use a state-owned or
17 state-leased vehicle to provide transportation between the residence
18 of the employee and the assigned place of employment and between the
19 residence and any location other than the assigned place of
20 employment to which the employee travels in the performance of the
21 official duty of the employee.

22 6. Designated Examiner Auditors, Designated Examiner
23 Supervisors, Commercial Driver License Examiners, Commercial Driver
24 License Auditors, Commercial Driver License Supervisors, and Driver

1 License Supervisors, as employees of Service Oklahoma, may be
2 permitted, as determined by the Director of Service Oklahoma, to use
3 a state-owned or state-leased vehicle to provide transportation
4 between the residence of the employee and the assigned place of
5 employment and between the residence and any location other than the
6 assigned place of employment to which the employee travels in the
7 performance of the official duty of the employee.

8 C. The principal administrator of the state agency with which
9 the employee is employed shall so designate the status of the
10 employee in writing or provide a copy of the temporary authorization
11 to the Governor, the President Pro Tempore of the Senate and the
12 Speaker of the House of Representatives. Such employee status
13 report shall also be provided to the State Fleet Manager of the
14 Division of Fleet Management if the motor vehicle for emergency use
15 is provided by said Division.

16 SECTION 22. AMENDATORY 47 O.S. 2021, Section 752, is
17 amended to read as follows:

18 Section 752. A. Only a licensed medical doctor, licensed
19 osteopathic physician, licensed chiropractic physician, registered
20 nurse, licensed practical nurse, physician's assistant, certified by
21 any state's appropriate licensing authority, an employee of a
22 hospital or other health care facility authorized by the hospital or
23 health care facility to withdraw blood, or individuals licensed in
24 accordance with Section 1-2505 of Title 63 of the Oklahoma Statutes

1 as an Intermediate Emergency Medical Technician, an Advanced
2 Emergency Medical Technician or a Paramedic, acting within the scope
3 of practice prescribed by their medical director, acting at the
4 request of a law enforcement officer may withdraw blood for the
5 purpose of having a determination made of its concentration of
6 alcohol or the presence or concentration of other intoxicating
7 substance. Only qualified persons authorized by the Board may
8 collect breath, saliva or urine, or administer tests of breath under
9 the provisions of this title.

10 B. If the person authorized to withdraw blood as specified in
11 subsection A of this section is presented with a written statement:

12 1. Authorizing blood withdrawal signed by the person whose
13 blood is to be withdrawn;

14 2. Signed by a duly authorized peace officer that the person
15 whose blood is to be withdrawn has agreed to the withdrawal of
16 blood;

17 3. Signed by a duly authorized peace officer that the person
18 whose blood is to be withdrawn has been placed under arrest and that
19 the officer has probable cause to believe that the person, while
20 intoxicated, has operated a motor vehicle in such manner as to have
21 caused the death or serious physical injury of another person, or
22 the person has been involved in a traffic accident and has been
23 removed from the scene of the accident that resulted in the death or
24 great bodily injury, as defined in subsection B of Section 646 of

1 Title 21 of the Oklahoma Statutes, of any person to a hospital or
2 other health care facility outside the State of Oklahoma before the
3 law enforcement officer was able to effect an arrest for such
4 offense; or

5 4. In the form of an order from a district court that blood be
6 withdrawn, the person authorized to withdraw the blood and the
7 hospital or other health care facility where the withdrawal occurs
8 may rely on such a statement or order as evidence that the person
9 has consented to or has been required to submit to the clinical
10 procedure and shall not require the person to sign any additional
11 consent or waiver form. In such a case, the person authorized to
12 perform the procedure, the employer of such person and the hospital
13 or other health care facility shall not be liable in any action
14 alleging lack of consent or lack of informed consent.

15 C. No person specified in subsection A of this section, no
16 employer of such person and no hospital or other health care
17 facility where blood is withdrawn shall incur any civil or criminal
18 liability as a result of the proper withdrawal of blood when acting
19 at the request of a law enforcement officer by the provisions of
20 Section 751 or 753 of this title, or when acting in reliance upon a
21 signed statement or court order as provided in this section, if the
22 act is performed in a reasonable manner according to generally
23 accepted clinical practice. No person specified in subsection A of
24 this section shall incur any civil or criminal liability as a result

1 of the proper collection of breath, saliva or urine when acting at
2 the request of a law enforcement officer under the provisions of
3 Section 751 or 753 of this title or when acting pursuant to a court
4 order.

5 D. The blood, breath, saliva or urine specimens obtained shall
6 be tested by the appropriate test as determined by the Board, or
7 tested by a laboratory that is exempt from the Board rules pursuant
8 to Section 759 of this title, to determine the alcohol concentration
9 thereof, or the presence or concentration of any other intoxicating
10 substance which might have affected the ability of the person tested
11 to operate a motor vehicle safely.

12 E. When blood is withdrawn for testing of its alcohol
13 concentration or other intoxicating substance presence or
14 concentration, at the request of a law enforcement officer, a
15 sufficient quantity of the same specimen shall be obtained to enable
16 the tested person, at his or her own option and expense, to have an
17 independent analysis made of such specimen. The excess blood
18 specimen shall be retained by a laboratory approved by the Board in
19 accordance with the rules and regulations of the Board or by a
20 laboratory that is exempt from the Board rules pursuant to Section
21 759 of this title, for sixty (60) days from the date of collection.
22 At any time within that period, the tested person or his or her
23 attorney may direct that such blood specimen be sent or delivered to
24 a laboratory of his or her own choosing and approved by the Board

1 for an independent analysis. Neither the tested person, nor any
2 agent of such person, shall have access to the additional blood
3 specimen prior to the completion of the independent analysis, except
4 the analyst performing the independent analysis and agents of the
5 analyst.

6 F. The costs of collecting blood specimens for the purpose of
7 determining the alcohol or other intoxicating substance thereof, by
8 or at the direction of a law enforcement officer, shall be borne by
9 the law enforcement agency employing such officer; provided, if the
10 person is convicted for any offense involving the operation of a
11 motor vehicle while under the influence of or while impaired by
12 alcohol or an intoxicating substance, or both, as a direct result of
13 the incident which caused the collection of blood specimens, an
14 amount equal to the costs shall become a part of the court costs of
15 the person and shall be collected by the court and remitted to the
16 law enforcement agency bearing the costs. The cost of collecting,
17 retaining and sending or delivering to an independent laboratory the
18 excess specimens of blood for independent analysis at the option of
19 the tested person shall also be borne by such law enforcement
20 agency. The cost of the independent analysis of such specimen of
21 blood shall be borne by the tested person at whose option such
22 analysis is performed. The tested person, or his or her agent,
23 shall make all necessary arrangements for the performance of such
24

1 independent analysis other than the forwarding or delivery of such
2 specimen.

3 G. Tests of blood or breath for the purpose of determining the
4 alcohol concentration thereof, and tests of blood for the purpose of
5 determining the presence or concentration of any other intoxicating
6 substance therein, under the provisions of this title, whether
7 administered by or at the direction of a law enforcement officer or
8 administered independently, at the option of the tested person, on
9 the excess specimen of such person's blood to be considered valid
10 and admissible in evidence under the provisions of this title, shall
11 have been administered in accordance with Section 759 of this title.

12 H. Any person who has been arrested for any offense arising out
13 of acts alleged to have been committed while the person was
14 operating or in actual physical control of a motor vehicle while
15 under the influence of alcohol, any other intoxicating substance or
16 the combined influence of alcohol and any other intoxicating
17 substance who is not requested by a law enforcement officer to
18 submit to a test shall be entitled to have an independent test of
19 his or her blood for the purpose of determining its alcohol
20 concentration or the presence or concentration of any other
21 intoxicating substance therein, performed by a person of his or her
22 own choosing who is qualified as stipulated in this section. The
23 arrested person shall bear the responsibility for making all
24 necessary arrangements for the administration of such independent

1 test and for the independent analysis of any specimens obtained, and
2 bear all costs thereof. The failure or inability of the arrested
3 person to obtain an independent test shall not preclude the
4 admission of other competent evidence bearing upon the question of
5 whether such person was under the influence of alcohol, or any other
6 intoxicating substance or the combined influence of alcohol and any
7 other intoxicating substance.

8 I. Any agency or laboratory certified by the Board or any
9 agency or laboratory that is exempt from the Board rules pursuant to
10 Section 759 of this title, which analyses blood shall make available
11 a written report of the results of the test administered by or at
12 the direction of the law enforcement officer to:

- 13 1. The tested person, or his or her attorney;
- 14 2. The Commissioner of Public Safety; ~~and~~
- 15 3. The Director of Service Oklahoma; and
- 16 4. The Fatality Analysis Reporting System (FARS) analyst of the
17 state, upon request.

18 The results of the tests provided for in this title shall be
19 admissible in all civil actions, including administrative hearings
20 regarding driving privileges.

21 SECTION 23. AMENDATORY 47 O.S. 2021, Section 753, as
22 amended by Section 6, Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2022,
23 Section 753), is amended to read as follows:

24

1 Section 753. A. If a conscious person under arrest refuses to
2 submit to testing of his or her blood or breath for the purpose of
3 determining the alcohol concentration thereof, or to a test of his
4 or her blood, saliva or urine for the purpose of determining the
5 presence or concentration of any other intoxicating substance, or
6 the combined influence of alcohol and any other intoxicating
7 substance, none shall be given except upon the issuance of a search
8 warrant or unless the investigating officer has probable cause to
9 believe that the person under arrest, while intoxicated, has
10 operated the motor vehicle in such a manner as to have caused the
11 death or serious physical injury of any other person or persons. In
12 such event, such test otherwise authorized by law may be made in the
13 same manner as if a search warrant had been issued for such test or
14 tests. The sample shall be taken in a medically acceptable manner
15 as authorized by Section 752 of this title. The ~~Commissioner of~~
16 ~~Public Safety~~ Director of Service Oklahoma, upon the receipt of a
17 sworn report of the law enforcement officer that the officer had
18 reasonable grounds to believe the arrested person had been driving
19 or was in actual physical control of a motor vehicle upon the public
20 roads, highways, streets, turnpikes or other public place of this
21 state while under the influence of alcohol, any other intoxicating
22 substance, or the combined influence of alcohol and any other
23 intoxicating substance, or that the person had refused to submit to
24 the test or tests, shall revoke the license to drive and any

1 nonresident operating privilege for a period provided by Section 6-
2 205.1 of this title. If the person is a resident or nonresident
3 without a license or permit to operate a motor vehicle in this
4 state, the ~~Commissioner of Public Safety~~ Director of Service
5 Oklahoma shall deny to the person the issuance of a license or
6 permit for a period provided by Section 6-205.1 of this title
7 subject to a review as provided in Section 754 of this title. The
8 revocation or denial shall become effective forty-five (45) days
9 after the arrested person is given written notice thereof by the
10 officer or by ~~the Department of Public Safety~~ Service Oklahoma as
11 provided in Section 754 of this title.

12 B. ~~The Department~~ Service Oklahoma shall immediately reinstate
13 the driving privilege of the person if:

14 1. The arrested person was required to submit to the testing of
15 his or her blood or breath pursuant to the provisions of a search
16 warrant despite his or her refusal to submit to testing; and

17 2. ~~The Department~~ Service Oklahoma receives a written blood or
18 breath test report that reflects the arrested person did not have
19 any measurable quantity of alcohol, or any other intoxicating
20 substance, or the combination of alcohol and any other intoxicating
21 substance in the blood or breath of the arrested person.

22 SECTION 24. AMENDATORY 47 O.S. 2021, Section 754, as
23 amended by Section 7, Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2022,
24 Section 754), is amended to read as follows:

1 Section 754. A. The sworn report of the officer stating the
2 officer had reasonable grounds to believe the arrested person had
3 been driving or was in actual physical control of a motor vehicle
4 upon the public roads, highways, streets, turnpikes or other public
5 place of this state while under the influence of alcohol, any other
6 intoxicating substance or the combined influence of alcohol and any
7 other intoxicating substance, shall be submitted by mail, by
8 electronic means approved by ~~the Department~~ Service Oklahoma, or in
9 person to ~~the Department~~ Service Oklahoma within seventy-two (72)
10 hours of the issuance of the report. The failure of the officer to
11 timely file this report shall not affect the authority of ~~the~~
12 ~~Department~~ Service Oklahoma to revoke the driving privilege of the
13 arrested person. However, ~~the Department~~ Service Oklahoma shall
14 take no action on a sworn report as described in this section if the
15 sworn report is not received by ~~the Department~~ Service Oklahoma
16 after the expiration of one hundred eighty (180) days of the arrest
17 of the person.

18 B. Upon receipt of a written blood or breath test report
19 reflecting that the arrested person, if under twenty-one (21) years
20 of age, had any measurable quantity of alcohol in the blood or
21 breath of the person, or, if the arrested person is twenty-one (21)
22 years of age or older, a blood or breath alcohol concentration of
23 eight-hundredths (0.08) or more, accompanied by a sworn report from
24 a law enforcement officer that the officer had reasonable grounds to

1 believe the arrested person had been operating or was in actual
2 physical control of a motor vehicle while under the influence of
3 alcohol as prohibited by law, ~~the Department~~ Service Oklahoma shall
4 revoke or deny the driving privilege of the arrested person for a
5 period as provided by Section 6-205.1 of this title, unless the
6 person has successfully completed or is currently participating in
7 the Impaired Driver Accountability Program in relation to the arrest
8 which is the subject of the report. Revocation or denial of the
9 driving privilege of the arrested person shall become effective
10 ~~thirty (30)~~ forty-five (45) days after the arrested person is given
11 written notice thereof by the officer ~~as provided in this section~~ or
12 ~~by the Department as provided in Section 2-116 of this title~~ Service
13 Oklahoma.

14 C. The appeal hearing before the district court shall be
15 conducted in accordance with Section 6-211 of this title. The
16 hearing shall cover the issues of whether the officer had reasonable
17 grounds to believe the person had been operating or was in actual
18 physical control of a vehicle upon the public roads, highways,
19 streets, turnpikes or other public place of this state while under
20 the influence of alcohol, any other intoxicating substance or the
21 combined influence of alcohol and any other intoxicating substance
22 as prohibited by law, and whether the person was placed under
23 arrest.

24

1 1. If the revocation or denial is based upon a breath or blood
2 test result and a sworn report from a law enforcement officer, the
3 scope of the hearing shall also cover the issues as to whether:

- 4 a. if timely requested by the person, the person was not
5 denied a breath or blood test,
- 6 b. the specimen was obtained from the person within two
7 (2) hours of the arrest of the person,
- 8 c. the person, if under twenty-one (21) years of age, was
9 advised that driving privileges would be revoked or
10 denied if the test result reflected the presence of
11 any measurable quantity of alcohol,
- 12 d. the person, if twenty-one (21) years of age or older,
13 was advised that driving privileges would be revoked
14 or denied if the test result reflected an alcohol
15 concentration of eight-hundredths (0.08) or more, and
- 16 e. the test result in fact reflects the alcohol
17 concentration.

18 2. If the revocation or denial is based upon the refusal of the
19 person to submit to a breath or blood test, reflected in a sworn
20 report by a law enforcement officer, the scope of the hearing shall
21 also include whether:

- 22 a. the person refused to submit to the test or tests, and

1 b. the person was informed that driving privileges would
2 be revoked or denied if the person refused to submit
3 to the test or tests.

4 D. After the hearing, the district court shall order the
5 revocation or denial either rescinded or sustained.

6 SECTION 25. AMENDATORY 47 O.S. 2021, Section 761, is
7 amended to read as follows:

8 Section 761. A. Any person who operates a motor vehicle while
9 his or her ability to operate such motor vehicle is impaired by the
10 consumption of alcohol, or any other substance, other than alcohol,
11 which is capable of being ingested, inhaled, injected or absorbed
12 into the human body and is capable of adversely affecting the
13 central nervous system, vision, hearing or other sensory or motor
14 functions shall be subject to a fine of not less than One Hundred
15 Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or
16 imprisonment in the county jail for not more than six (6) months, or
17 by both such fine and imprisonment.

18 B. Upon the receipt of any person's record of conviction of
19 driving while impaired, when such conviction has become final, ~~the~~
20 ~~Department of Public Safety~~ Service Oklahoma shall suspend the
21 driving privilege of such person, as follows:

22 1. The first suspension shall be for thirty (30) days;
23
24

1 2. The second suspension shall be for a period of six (6)
2 months, which may be modified; provided, any modification under this
3 paragraph shall apply to Class D motor vehicles only; and

4 3. The third or subsequent suspension shall be for twelve (12)
5 months, which may be modified; provided, any modification under this
6 paragraph shall apply to Class D motor vehicles only.

7 Provided, however, ~~the Department~~ Service Oklahoma shall not
8 suspend such privilege pursuant to this subsection if said person's
9 driving privilege has been revoked based upon a test result or test
10 refusal pursuant to Section 753 or Section 754 of this title arising
11 from the same circumstances which resulted in the conviction.

12 C. The violations as set out in this section shall not be
13 bondable under Section 1115.3 of Title 22 of the Oklahoma Statutes.

14 D. Any person who is found guilty of a violation of the
15 provisions of this section or pleading guilty or nolo contendere for
16 a violation of any provision of this section shall be ordered to
17 participate in, prior to sentencing, an alcohol and drug assessment
18 and evaluation by an assessment agency or assessment personnel
19 certified by the Department of Mental Health and Substance Abuse
20 Services for the purpose of evaluating the receptivity to treatment
21 and prognosis of the person. The court shall order the person to
22 reimburse the agency or assessor for the assessment and evaluation.
23 The fee for an assessment and evaluation shall be the amount
24 provided in subsection C of Section 3-460 of Title 43A of the

1 Oklahoma Statutes. The evaluation shall be conducted at a certified
2 assessment agency, the office of a certified assessor or at another
3 location as ordered by the court. The agency or assessor shall,
4 within seventy-two (72) hours from the time the person is assessed,
5 submit a written report to the court for the purpose of assisting
6 the court in its final sentencing determination. If such report
7 indicates that the evaluation shows that the defendant would benefit
8 from a ten-hour or twenty-four-hour alcohol and drug substance abuse
9 course or a treatment program or both, the court shall, as a
10 condition of any sentence imposed, including a deferred sentence and
11 a suspended sentence, require the person to follow all
12 recommendations identified by the assessment and evaluation and
13 ordered by the court. No person, agency or facility operating an
14 alcohol and drug substance abuse evaluation program certified by the
15 Department of Mental Health and Substance Abuse Services shall
16 solicit or refer any person evaluated pursuant to this section for
17 any treatment program or alcohol and drug substance abuse service in
18 which such person, agency or facility has a vested interest;
19 however, this provision shall not be construed to prohibit the court
20 from ordering participation in or any person from voluntarily
21 utilizing a treatment program or alcohol and drug substance abuse
22 service offered by such person, agency or facility. Any evaluation
23 report submitted to the court pursuant to this subsection shall be
24 handled in a manner which will keep such report confidential from

1 the general public's review. Nothing contained in this subsection
2 shall be construed to prohibit the court from ordering judgment and
3 sentence and any other sanction authorized by law for failure or
4 refusal to comply with an order of the court.

5 SECTION 26. AMENDATORY 47 O.S. 2021, Section 802, is
6 amended to read as follows:

7 Section 802. A. ~~The Commissioner~~ Service Oklahoma, in
8 conjunction with the Department of Public Safety, shall adopt and
9 prescribe such regulations concerning the administration and
10 enforcement of Section 801 et seq. of this title as are necessary to
11 carry out the intent of this act and to protect the public. The
12 ~~Commissioner~~ Director of Service Oklahoma or his or her authorized
13 representative shall inspect the school facilities and equipment of
14 applicants and licensees and examine applicants for instructor's
15 licenses.

16 B. ~~The Commissioner~~ Service Oklahoma shall administer and
17 enforce the provisions of this act, and may call upon the State
18 Superintendent of Public Instruction for assistance in developing
19 and formulating appropriate regulations.

20 C. 1. ~~The Commissioner~~ Service Oklahoma, in conjunction with
21 the Department of Public Safety, may require that the course of
22 study for training students for Class A, B or C commercial licenses
23 shall include training on the recognition, prevention and reporting
24 of human trafficking. If required, ~~the Commissioner~~ Service

1 Oklahoma, in conjunction with the Department of Public Safety, shall
2 regularly review and update the training to take into account
3 changes and trends in human trafficking. ~~The Commissioner Service~~
4 Oklahoma shall collaborate with organizations that specialize in the
5 recognition and prevention of human trafficking.

6 2. ~~The Commissioner Service~~ Oklahoma, in conjunction with the
7 Department of Public Safety, may identify and establish industry
8 specific materials for use in the instruction required on the
9 recognition, prevention and effective reporting of human trafficking
10 by people training to obtain a Class A, B or C commercial license.

11 SECTION 27. AMENDATORY 47 O.S. 2021, Section 803, is
12 amended to read as follows:

13 Section 803. (A) No commercial driver training school shall be
14 established nor any such existing school continued on or after the
15 effective date of this act, unless such school applies for and
16 obtains from ~~the Commissioner Service~~ Oklahoma a license in the
17 manner and form prescribed by ~~the Commissioner Service~~ Oklahoma.

18 (B) Regulations adopted by ~~the Commissioner Service~~ Oklahoma,
19 in conjunction with the Department of Public Safety, shall state the
20 requirements for a school license, including requirements concerning
21 location, equipment, courses of instruction, instructors, previous
22 records of the school and instructors, financial statements,
23 schedule of fees and charges, character and reputation of the
24 operators and instructors, insurance in such sum and with such

1 provisions as ~~the Commissioner~~ Service Oklahoma, in conjunction with
2 the Department of Public Safety, deems necessary to protect
3 adequately the interests of the public, and such other matters as
4 ~~the Commissioner~~ Service Oklahoma may prescribe for the protection
5 of the public.

6 (C) Every school offering instruction for a restricted Class D
7 license for persons fifteen and one-half (15 1/2) years old as
8 defined in Section 6-105 of this title must provide for a minimum
9 number of hours of actual classroom and field driving instruction as
10 determined by ~~the Commissioner~~ Service Oklahoma, in conjunction with
11 the Department of Public Safety.

12 SECTION 28. AMENDATORY 47 O.S. 2021, Section 804, is
13 amended to read as follows:

14 Section 804. A. No person shall act as an instructor unless
15 such person applies for and obtains from ~~the Commissioner of Public~~
16 ~~Safety~~ Service Oklahoma a license in the manner and form prescribed
17 by ~~the Commissioner~~ Service Oklahoma.

18 B. Rules promulgated by ~~the Commissioner~~ Service Oklahoma, in
19 conjunction with the Department of Public Safety, shall state the
20 requirements for an instructor's license, including requirements
21 concerning moral character, physical condition, knowledge of the
22 courses of instruction, motor vehicle laws and safety principles and
23 practices, previous personnel and employment records, and such other
24 matters as ~~the Commissioner~~ Service Oklahoma, in conjunction with

1 the Department of Public Safety, may prescribe for the protection of
2 the public.

3 SECTION 29. AMENDATORY 47 O.S. 2021, Section 805, is
4 amended to read as follows:

5 Section 805. All licenses shall expire on the last day of the
6 calendar year and may be renewed upon application to ~~the~~
7 ~~Commissioner~~ Service Oklahoma as prescribed by ~~his~~ its regulation.
8 Each application for an original or renewal school license shall be
9 accompanied by a fee of Twenty-five Dollars (\$25.00). Each
10 application for an original or renewal instructor's license shall be
11 accompanied by a fee of Five Dollars (\$5.00). The license fees
12 collected pursuant to Sections 801 through 808 of this title shall
13 be remitted to the State Treasurer to be credited to the General
14 Revenue Fund in the State Treasury. No license fee shall be
15 refunded in the event that the license is rejected, suspended, or
16 revoked.

17 SECTION 30. AMENDATORY 47 O.S. 2021, Section 806, is
18 amended to read as follows:

19 Section 806. ~~The Commissioner~~ Service Oklahoma may cancel,
20 suspend, revoke, or refuse to issue or renew a school or
21 instructor's license in any case where ~~he~~ it finds the licensee or
22 applicant has not complied with, or has violated, any of the
23 provisions of this ~~Act~~ act or any regulation adopted by ~~the~~
24 ~~Commissioner~~ Service Oklahoma hereunder. Any canceled, suspended or

1 revoked license shall be returned to ~~the Commissioner~~ Service
2 Oklahoma by the licensee, and its holder shall not be eligible to
3 apply for a license under this act until three (3) months have
4 elapsed since the date of suspension or revocation.

5 SECTION 31. AMENDATORY 47 O.S. 2021, Section 1109, as
6 amended by Section 121, Chapter 282, O.S.L. 2022 (47 O.S. Supp.
7 2022, Section 1109), is amended to read as follows:

8 Section 1109. A. All information contained in certificates of
9 title, applications therefor, vehicle registration records, records
10 related to boats and motors, and computer data files is hereby
11 declared to be confidential information and shall not be copied by
12 anyone or disclosed to anyone other than employees of Service
13 Oklahoma or the Corporation Commission in the regular course of
14 their employment, except as provided in subsection B of this
15 section. As used in this section, "personal information" means
16 information that identifies an individual including name, address
17 (excluding the five-digit ZIP code) and telephone number, but does
18 not include information on vehicular accidents, driving violations
19 and driver's status.

20 B. Personal information referred to in subsection A of this
21 section shall be disclosed for use in connection with matters of
22 motor vehicle or driver safety and theft, motor vehicle emissions,
23 motor vehicle product alterations, recalls or advisories, and
24 removal of non-owner records from the original owner records of

1 motor vehicle manufacturers to carry out the purpose of Titles I and
2 IV of the Anti Car Theft Act of 1992, the Automobile Information
3 Disclosure Act (15 U.S.C., Section 1231 et seq.), the Clean Air Act
4 (42 U.S.C., Section 7401 et seq.) and Chapters 301, 305 and 321-331
5 of Title 49 of the United States Code and may be disclosed as
6 follows:

7 1. For use by any governmental agency, including but not
8 limited to any court or law enforcement agency, in carrying out its
9 functions, or any private person or entity acting on behalf of a
10 federal, state or local governmental agency in carrying out its
11 functions. Information relating to motor vehicle insurance,
12 including the insurer and insurance policy numbers, may be released
13 to law enforcement officers investigating an accident pursuant to
14 the provisions of Section 10-104 of this title;

15 2. For use by any motor vehicle manufacturer or an authorized
16 representative thereof in connection with matters of motor vehicle
17 or driver safety and theft, motor vehicle emissions, motor vehicle
18 product alterations, recalls or advisories, performance monitoring
19 of motor vehicles, motor vehicle parts and dealers, motor vehicle
20 market research activities, including survey research, and removal
21 of non-owner records from the original owner records of motor
22 vehicle manufacturers. The confidentiality of the information shall
23 be protected, as set out above, and used only for the purpose
24 stated; provided, further, that Service Oklahoma or the Corporation

1 Commission shall be authorized to review the use of and the measures
2 employed to safeguard the information; and provided, further, that
3 the manufacturer or representative shall bear the cost incurred by
4 Service Oklahoma or the Corporation Commission in the production of
5 the information requested. If the confidentiality provisions, as
6 set out above, are violated, the provisions of subsection D of
7 Section 205 of Title 68 of the Oklahoma Statutes shall apply and the
8 privilege of obtaining information shall be terminated. Any
9 manufacturer or representative violating the provisions of this
10 paragraph, upon conviction, shall be punishable by a fine not to
11 exceed Fifty Thousand Dollars (\$50,000.00);

12 3. For use by any person compiling and publishing motor vehicle
13 statistics, provided that such statistics do not disclose the names
14 and addresses of individuals. Such information shall be provided
15 upon payment of a reasonable fee as determined by Service Oklahoma
16 or the Corporation Commission;

17 4. For use by a wrecker or towing service licensed pursuant to
18 the provisions of Section 951 et seq. of this title for use in
19 providing notice to the owners and secured parties of towed or
20 impounded vehicles, upon payment of a fee of One Dollar (\$1.00) per
21 vehicle record page to Service Oklahoma, the Corporation Commission
22 or any licensed operator;

23 5. For use by a legitimate business or its agents, employees,
24 or contractors for use in the normal course of business, upon

1 payment of a fee of One Dollar (\$1.00) per vehicle record page to
2 Service Oklahoma, the Corporation Commission or any licensed
3 operator, but only:

4 a. to verify the accuracy of personal information
5 submitted by the individual to whom the information
6 pertains to the business or its agents, employees, or
7 contractors, or

8 b. to obtain the correct information, if such information
9 submitted by the individual to whom the information
10 pertains to the business is not correct, or is no
11 longer correct, but only for the purposes of
12 preventing fraud by, pursuing legal remedies against,
13 or recovering on a debt or security interest against
14 the individual;

15 6. For use in connection with any civil, criminal,
16 administrative or arbitral proceeding in any federal, state or local
17 court or agency or before any self-regulatory body, including the
18 service of process, investigation in anticipation of litigation, and
19 the execution or enforcement of judgments and orders, or pursuant to
20 an order of a federal, state or local court, upon payment of a fee
21 of One Dollar (\$1.00) per vehicle record page to Service Oklahoma,
22 the Corporation Commission or any licensed operator;

23 7. For use by any insurer or insurance support organization, or
24 by a self-insured entity, or its agents, employees, or contractors,

1 in connection with claims investigation activities, anti-fraud
2 activities, rating or underwriting, upon payment of a fee of One
3 Dollar (\$1.00) per vehicle record page to Service Oklahoma, the
4 Corporation Commission or any licensed operator;

5 8. For use by any licensed private investigative agency or
6 licensed security service for any purpose permitted under this
7 subsection, upon payment of a fee of One Dollar (\$1.00) per vehicle
8 record page to Service Oklahoma, the Corporation Commission or any
9 licensed operator;

10 9. For use by a requester, upon payment of a fee of One Dollar
11 (\$1.00) per vehicle record page to Service Oklahoma, the Corporation
12 Commission or any licensed operator, if the requester demonstrates
13 that it has obtained the written consent of the individual to whom
14 the information pertains;

15 10. For use in connection with the operation of private toll
16 transportation facilities; or

17 11. For furnishing the name and address of all commercial
18 entities who have current registrations of any particular model of
19 vehicle; provided, this exception shall not allow the release of
20 personal information pursuant to the provisions of the Driver's
21 Privacy Protection Act, 18 U.S.C., Sections 2721 through 2725.

22 Service Oklahoma shall collect a reasonable fee to recover the
23 costs of providing the data. As used in this section, the term
24 "vehicle record page" means a computer-generated printout of the

1 motor vehicle inquiry screen. Information provided on the motor
2 vehicle inquiry screen printout shall include the current vehicle
3 owner name and address, vehicle make, model and year, identifying
4 numbers for the vehicle license plate, certificate of title and
5 vehicle identification number, relevant dates relating to the
6 vehicle registration and certificate of title, lienholder
7 information and lien status.

8 C. In addition to the information provided on the vehicle
9 record page, Service Oklahoma or the Corporation Commission may,
10 upon written request, release to any requester authorized by the
11 provisions of this section to obtain individual motor vehicle
12 information, corresponding copies of vehicle certificates of title,
13 applications therefor, vehicle registration records and computer
14 data files.

15 There shall be an informational search and retrieval fee of Five
16 Dollars (\$5.00) per vehicle computer record search. If Service
17 Oklahoma or the Corporation Commission performs a manual search, the
18 fee shall be Seven Dollars and fifty cents (\$7.50) per vehicle.
19 Service Oklahoma is authorized to promulgate rules whereby licensed
20 operators, when requesting such documentation in the performance of
21 their duties, are exempt from this retrieval fee. Certified copies
22 of vehicle certificates of title and applications therefor shall be
23 included within the informational search and retrieval by Service
24 Oklahoma or the Corporation Commission for a fee of Ten Dollars

1 (\$10.00). Such duly certified copies may be received in evidence
2 with the same effect as the original when the original is not in the
3 possession or under the control of the party desiring to use the
4 same.

5 D. Requesters authorized by this section to receive information
6 shall submit to Service Oklahoma, the Corporation Commission or any
7 licensed operator an affidavit supported by such documentation as
8 Service Oklahoma or the Corporation Commission may require, on a
9 form prescribed by Service Oklahoma or the Corporation Commission
10 certifying that the information is requested for a lawful and
11 legitimate purpose and will not be further disseminated.

12 E. Notwithstanding the foregoing, Service Oklahoma or the
13 Corporation Commission may allow the release of information from its
14 motor vehicle records upon magnetic tape consisting only of the
15 following information:

- 16 1. The date of the certificate of title;
- 17 2. The certificate of title number;
- 18 3. The type of title issued for the vehicle;
- 19 4. The odometer reading from the certificate of title;
- 20 5. The year in which the vehicle was manufactured;
- 21 6. The vehicle identification number for the vehicle;
- 22 7. The make of the vehicle; and
- 23 8. The location in which the vehicle is registered.

24

1 Service Oklahoma or the Corporation Commission shall allow the
2 release of such information upon payment of a reasonable fee to be
3 determined by Service Oklahoma or the Corporation Commission. The
4 information released as authorized by this subsection may only be
5 used for purposes of detecting odometer rollback or odometer
6 tampering, for determining the issuance in this state or any other
7 state of salvage or rebuilt titles for vehicles or for determining
8 whether a vehicle has been reported stolen in this state or any
9 other state.

10 F. Notwithstanding the provisions of this section or of Section
11 205 of Title 68 of the Oklahoma Statutes, Service Oklahoma or the
12 Corporation Commission may inform a secured party that taxes and
13 fees are delinquent with respect to a vehicle upon which the secured
14 party has a perfected lien.

15 G. Fees received by a licensed operator pursuant to the
16 provisions of this section shall not be included in the maximum sum
17 that may be retained by licensed operators as compensation pursuant
18 to the provisions of Section 1143 of this title.

19 H. All funds collected by the Tax Commission pursuant to the
20 provisions of this section shall be deposited in the Oklahoma Tax
21 Commission Revolving Fund. Beginning January 1, 2023, all funds
22 collected by Service Oklahoma pursuant to the provisions of this
23 section shall be deposited in the Service Oklahoma Revolving Fund.
24 All funds collected by the Corporation Commission pursuant to the

1 provisions of this section shall be apportioned as provided in
2 subsection C of Section 1161 of this title.

3 I. It is further provided that the provisions of this section
4 shall be strictly interpreted and shall not be construed as
5 permitting the disclosure of any other information contained in the
6 files and records of Service Oklahoma or the Corporation Commission.

7 J. It shall be unlawful for any person to commit any of the
8 following acts:

9 1. To knowingly obtain or disclose personal information from a
10 motor vehicle record for any use not expressly permitted by this
11 section; or

12 2. To make false representation to obtain any personal
13 information from an individual's motor vehicle record.

14 Any violation of the provisions of this section shall constitute
15 a misdemeanor and shall be punishable by the imposition of a fine
16 not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment
17 in the county jail for a term not exceeding one (1) year, or by both
18 such fine and imprisonment. Where applicable, a person convicted of
19 a violation of the provisions of this section shall be removed or
20 dismissed from office or state employment. No liability whatsoever,
21 civil or criminal, shall attach to any member or employee of Service
22 Oklahoma or the Corporation Commission for any error or omission in
23 the disclosure of such information.

24

1 SECTION 32. AMENDATORY 47 O.S. 2021, Section 1135.5, as
2 amended by Section 3, Chapter 397, O.S.L. 2022 (47 O.S. Supp. 2022,
3 Section 1135.5), is amended to read as follows:

4 Section 1135.5 A. Service Oklahoma is hereby authorized to
5 design and issue appropriate official special license plates to
6 persons wishing to demonstrate support and provide financial
7 assistance as provided by this section.

8 Special license plates shall not be transferred to any other
9 person but shall be removed from the vehicle upon transfer of
10 ownership and retained. The special license plate may then be used
11 on another vehicle but only after such other vehicle has been
12 registered for the current year with a licensed operator.

13 Special license plates shall be renewed each year by Service
14 Oklahoma or a licensed operator, unless authorized by Service
15 Oklahoma to be renewed for a period greater than one (1) year.
16 Service Oklahoma shall notify by mail all persons issued special
17 license plates. The notice shall contain all necessary information
18 and shall contain instructions for the renewal procedure upon
19 presentation to a licensed operator or Service Oklahoma. The
20 license plates shall be issued on a staggered system.

21 Service Oklahoma is hereby directed to develop and implement a
22 system whereby licensed operators are permitted to accept
23 applications for special license plates authorized under this
24 section. The licensed operator shall confirm the applicant's

1 eligibility, if applicable, collect and deposit any amount
2 specifically authorized by law, accept and process the necessary
3 information directly into such system and generate a receipt
4 accordingly. For performance of these duties, licensed operators
5 shall retain the fee provided in Section 1141.1 of this title for
6 registration of a motor vehicle. The licensed operator fees for
7 acceptance of applications and renewals shall be paid out of the
8 Oklahoma Tax Commission Reimbursement Fund. Beginning January 1,
9 2023, the licensed operator fees for acceptance of applications and
10 renewals shall be paid out of the Service Oklahoma Reimbursement
11 Fund.

12 If fewer than ~~one hundred~~ fifty of any type of special license
13 plates authorized prior to January 1, 2004, are issued prior to
14 January 1, 2006, Service Oklahoma shall discontinue issuance and
15 renewal of that type of special license plate. Any such authorized
16 special license plate registrant shall be allowed to display the
17 license plate upon the designated vehicle until the registration
18 expiration date. After such time the expired special license plate
19 shall be removed from the vehicle.

20 For special license plates authorized on or after July 1, 2004,
21 no special license plates shall be developed or issued by Service
22 Oklahoma until Service Oklahoma receives one hundred prepaid
23 applications therefor. The prepaid applications must be received by
24 Service Oklahoma within one hundred eighty (180) days of the

1 effective date of the authorization or the authority to issue shall
2 be null and void. In the event one hundred prepaid applications are
3 not received by Service Oklahoma within such prescribed time period
4 any payment so received shall be refunded accordingly.

5 B. The special license plates provided by this section are as
6 follows:

7 1. University or College Supporter License Plate - such plates
8 shall be designed and issued to any person wishing to demonstrate
9 support to any state-supported or private university or college. As
10 provided in this section, an amount of the fee collected shall be
11 apportioned as provided in Section 1104.1 of this title;

12 2. Environmental Awareness License Plate - such plates shall be
13 designed, subject to the criteria to be presented to Service
14 Oklahoma by the Department of Environmental Quality in consultation
15 with the Oklahoma Arts Council, and issued to any person wishing to
16 demonstrate support to implement the statewide general public
17 environmental education program created pursuant to the provisions
18 of the Oklahoma Environmental Quality Code. Such plates shall be
19 designed and issued to any person in any combination of numbers and
20 letters from one to a maximum of seven, as for personalized license
21 plates. A dealer's license plate issued pursuant to Section 1116.1
22 or 1128 of this title may be designated an Environmental Awareness
23 License Plate upon payment of the fee imposed by this section and
24 any other registration fees required by the Oklahoma Vehicle License

1 and Registration Act. As provided in this section, an amount of the
2 fee collected shall be apportioned pursuant to Section 1104.2 of
3 this title;

4 3. Firefighter License Plate - such plates shall be designed
5 for any career or retired firefighter, volunteer or paid.

6 Firefighters may apply for firefighter plates for up to four
7 vehicles with a rated capacity of one (1) ton or less or for a
8 motorcycle upon proof of a fire department membership by either an
9 identification card or letter from the chief of the fire department.
10 Retirees who are eligible for such plates shall provide proof of
11 eligibility upon initial application, but shall not be required to
12 provide proof of eligibility annually. The surviving spouse of any
13 deceased firefighter, if the spouse has not since remarried, may
14 apply for a firefighter license plate for one vehicle with a rated
15 carrying capacity of one (1) ton or less or for a motorcycle upon
16 proof that the deceased firefighter was a member of a fire
17 department by either an identification card or letter from the chief
18 of the fire department. The license plate shall be designed in
19 consultation with the Oklahoma Firefighters Association.

20 As provided in this section, an amount of the fee collected
21 shall be deposited to the Oklahoma State Firemen's Museum Building &
22 Memorial Fund for support of the Oklahoma Firefighters Museum and
23 the Oklahoma Fallen and Living Firefighters Memorial;

24

1 4. Wildlife Conservation License Plate - such plates shall be
2 designed, subject to the criteria to be presented to Service
3 Oklahoma by the Oklahoma Department of Wildlife Conservation in
4 consultation with the Oklahoma Arts Council, and issued to any
5 person wishing to demonstrate support for wildlife conservation in
6 this state through the Wildlife Diversity Fund, provided for in
7 Section 3-310 of Title 29 of the Oklahoma Statutes. Such plates may
8 be designed and issued to any person as for personalized license
9 plates.

10 As provided in this section, an amount of the fee collected
11 shall be apportioned pursuant to subsection D of Section 3-310 of
12 Title 29 of the Oklahoma Statutes;

13 5. Child Abuse Prevention License Plate - such plates shall be
14 designed, subject to the criteria to be presented to Service
15 Oklahoma by the Office of Child Abuse Prevention in the State
16 Department of Health and the Oklahoma Committee to Prevent Child
17 Abuse, and issued to any person wishing to demonstrate support for
18 the prevention of child abuse.

19 As provided in this section, an amount of the fee collected
20 shall be deposited in the Child Abuse Prevention Fund;

21 6. United States Olympic Committee Supporter License Plate -
22 such plates shall be designed and issued to any person wishing to
23 demonstrate support for the United States Olympic Committee. The
24 plates shall be issued to any person in any combination of numbers

1 and letters from one to a maximum of seven, as for personalized
2 license plates. The plate shall contain the official United States
3 Olympic Committee logo. Service Oklahoma shall be authorized, if
4 necessary, to enter into a licensing agreement with the United
5 States Olympic Committee for any licensing fees which may be
6 required in order to use the United States Olympic Committee logo or
7 design. The licensing agreement shall provide for a payment of not
8 more than Twenty-five Dollars (\$25.00) for each license plate
9 issued;

10 7. Oklahoma History License Plate - such plates shall be
11 designed and issued to any person wishing to demonstrate interest in
12 Oklahoma history. As provided in this section, an amount of the fee
13 collected shall be deposited to the Oklahoma Historical Society
14 Revolving Fund to be used for educational purposes;

15 8. Historic Route 66 License Plate - such:

16 a. vehicle plates shall be designed to honor historic
17 Route 66, also known as the "Mother Road". As
18 provided in this section, an amount of the fee
19 collected for each vehicle license plate shall be
20 apportioned to the Oklahoma Historical Society
21 Revolving Fund to be distributed to the Route 66
22 Museum located in Clinton, Oklahoma, and

23 b. motorcycle plates shall be designed in consultation
24 with the Oklahoma Route 66 Association, Inc. Service

1 Oklahoma shall be authorized to enter into a licensing
2 agreement with the Oklahoma Route 66 Association,
3 Inc., for any licensing fees which may be required in
4 order to use the Oklahoma Route 66 Association, Inc.,
5 logo or design. The licensing agreement shall provide
6 for a payment to the Oklahoma Route 66 Association,
7 Inc., of not more than Twenty Dollars (\$20.00) for
8 each motorcycle license plate issued;

9 9. Heart of the Heartland License Plate - such plates shall be
10 designed and issued to any person wishing to honor the victims of
11 the terrorist bombing attack on the Alfred P. Murrah Federal
12 Building in downtown Oklahoma City on April 19, 1995. As provided
13 in this section, an amount of the fee collected shall be deposited
14 in the Heart of the Heartland Scholarship Fund, as established in
15 Section 2282 of Title 70 of the Oklahoma Statutes;

16 10. Emergency Medical Technician License Plate - such plates
17 shall be designed and issued to any person who is an emergency
18 medical technician. Such persons may apply for an emergency medical
19 technician license plate for each vehicle with a rated carrying
20 capacity of one (1) ton or less upon proof of an emergency medical
21 technician's license. The license plate shall be designed in
22 consultation with the state association of emergency medical
23 technicians. As provided in this section, an amount of the fee
24 collected shall be apportioned to the Emergency Medical Personnel

1 Death Benefit Revolving Fund created in Section 1-2505.2 of Title 63
2 of the Oklahoma Statutes;

3 11. Fight Breast Cancer License Plate - such plates shall be
4 designed to demonstrate support for the prevention and treatment of
5 breast cancer in this state. As provided in this section, an amount
6 of the fee collected shall be apportioned to the Breast Cancer Act
7 Revolving Fund;

8 12. Crime Victims Awareness License Plate - such plates shall
9 be designed and issued to any person wishing to demonstrate
10 awareness of and support for victims of crimes. The license plates
11 shall be designed in consultation with the Oklahoma Crime Victims
12 Centre. As provided in this section, an amount of the fee collected
13 shall be apportioned to the Attorney General's Revolving Fund for
14 the Office of the Attorney General, which is hereby directed to use
15 such funds to contract with a statewide nonprofit organization to
16 provide services to crime victims;

17 13. Oklahoma Safe Kids Association License Plate - such plates
18 shall be designed and issued to any person wishing to demonstrate
19 support and awareness of the Oklahoma Safe Kids Association. The
20 license plate shall be designed in consultation with the Oklahoma
21 Safe Kids Association. As provided in this section, an amount of
22 the fee collected shall be deposited in the Children's Hospital -
23 Oklahoma Safe Kids Association Revolving Fund to be distributed to
24 the Oklahoma Safe Kids Association program;

1 14. Four-H Club License Plate - such plates shall be designed,
2 subject to criteria to be presented to Service Oklahoma by the Four-
3 H Foundation, and issued to any person wishing to demonstrate
4 support of the Four-H Club. Such plates may be designed and issued
5 to any person as for personalized license plates. As provided in
6 this section, an amount of the fee collected shall be apportioned to
7 the OSU Extension Service License Plate Revolving Fund created in
8 Section 1104.4 of this title;

9 15. Agricultural Awareness License Plate - such plates shall be
10 designed, subject to criteria to be presented to Service Oklahoma,
11 by the Oklahoma Department of Agriculture, Food, and Forestry in
12 consultation with the Oklahoma Arts Council, and issued to any
13 person wishing to demonstrate support of the Department's Ag in the
14 Classroom Education Program. As provided in this section, an amount
15 of the fee collected shall be apportioned as provided in Section
16 1104.3 of this title;

17 16. Oklahoma Statehood Centennial License Plate - such plates
18 shall be designed and issued to any person wishing to commemorate
19 the centennial of Oklahoma's admission to statehood in 1907. The
20 license plates shall be designed in consultation with the Oklahoma
21 Capitol Complex and Centennial Commemoration Commission. As
22 provided in this section, an amount of the fee collected shall be
23 deposited in the Oklahoma Department of Commerce Revolving Fund
24 created in Section 5012 of Title 74 of the Oklahoma Statutes;

1 17. Support Education License Plate - such plates shall be
2 designed, subject to criteria to be presented to Service Oklahoma by
3 the State Department of Education in consultation with the Oklahoma
4 Arts Council, and issued to any person wishing to demonstrate
5 support for education in this state. All licensed operators shall
6 display a sample of the Support Education License plate in the area
7 of the business accessed by the public. Twenty-three Dollars
8 (\$23.00) of the fee collected shall be apportioned as follows:

- 9 a. five percent (5%) shall be deposited to the Education
10 Reform Revolving Fund,
- 11 b. five percent (5%) shall be deposited to the Higher
12 Education Revolving Fund,
- 13 c. five percent (5%) shall be deposited to the State
14 Career Technology Fund, and
- 15 d. eighty-five percent (85%) shall be deposited to the
16 Teachers' Retirement Benefit Fund as set forth in
17 Section 17-108 of Title 70 of the Oklahoma Statutes.

18 However, when the Teachers' Retirement Benefit Fund attains a
19 seventy percent (70%) funded ratio based on an annual actuarial
20 valuation as required by law, the amount of the fee shall be
21 apportioned equally pursuant to subparagraphs a, b and c of this
22 paragraph;

23 18. Retired Oklahoma Highway Patrol Officers License Plate -
24 such plates shall be designed and issued to any retired officer of

1 the Oklahoma Highway Patrol. The license plate shall have the
2 legend "Oklahoma" and shall contain, in the center of the plate, the
3 Highway Patrol Officers patch using the same colors and pattern as
4 used in the patch. Centered on the bottom of the license plate
5 shall be the word "Retired". The letters "TRP" shall be used in
6 combination with three numbers on either side of the insignia or
7 emblem. The color of the letters and numbers shall be brown.
8 Retirees who are eligible for such plates shall provide proof of
9 eligibility upon initial application, but shall not be required to
10 provide proof of eligibility annually. The surviving spouse of any
11 deceased retired officer of the Oklahoma Highway Patrol, if the
12 spouse has not since remarried, or if remarried, the remarriage is
13 terminated by death, divorce, or annulment, may apply for a Retired
14 Oklahoma Highway Patrol Officers license plate. As provided in this
15 section, an amount of the fee collected shall be deposited into the
16 Law Enforcement Retirement Fund;

17 19. Boy Scouts of America Supporter License Plate - such plates
18 shall be designed and issued to any person wishing to demonstrate
19 support for the Boy Scouts of America. The plates shall be issued
20 to any person in any combination of numbers and letters from one to
21 a maximum of seven, as for personalized license plates. The plate
22 shall contain the official Boy Scouts of America logo. Service
23 Oklahoma shall be authorized, if necessary, to enter into a
24 licensing agreement with the Boy Scouts of America for any licensing

1 fees which may be required in order to use the Boy Scouts of America
2 logo or design. The licensing agreement shall provide for a payment
3 to the Boy Scouts of America of not more than Twenty Dollars
4 (\$20.00) for each license plate issued;

5 20. Urban Forestry and Beautification License Plate - such
6 plates shall be designed, subject to criteria to be presented to
7 Service Oklahoma, by the Oklahoma Department of Agriculture, Food,
8 and Forestry in consultation with nonprofit organizations in this
9 state that develop and operate programs to encourage urban forestry
10 and beautification, and issued to any person wishing to demonstrate
11 support of such programs. As provided in this section, an amount of
12 the fee collected shall be apportioned as provided in Section 1104.5
13 of this title;

14 21. Oklahoma State Parks Supporter License Plate - such plates
15 shall be designed, subject to criteria to be presented to ~~Serve~~
16 Service Oklahoma by the Oklahoma Tourism and Recreation Department,
17 and issued to any person wishing to demonstrate support for the
18 Oklahoma state parks system. Twenty-three Dollars (\$23.00) of the
19 fee collected shall be deposited in the Oklahoma Tourism and
20 Recreation Department Revolving Fund. Such money shall be
21 designated for and may only be expended for the support of Oklahoma
22 state parks;

23 22. Adoption Creates Families License Plate - such plates shall
24 be issued to any person wishing to demonstrate support of pregnant

1 women who are committed to placing their children for adoption and
2 wishing to provide assistance to guardians, adoptive parents and
3 other created families to assist in the adoption and placement of
4 children in permanent, safe homes. The license plates shall be
5 designed and final terminology delivered in consultation with the
6 Oklahoma Adoption Coalition and the Department of Human Services.
7 Twenty-five Dollars (\$25.00) of the fee collected shall be deposited
8 in a revolving fund established in the State Treasury for and to be
9 used by the Department of Human Services for the implementation of
10 the Investing in Stronger Oklahoma Families Act specifically for
11 created families;

12 23. Choose Life License Plate - such plates shall be designed,
13 subject to criteria presented to Service Oklahoma, by Choose Life,
14 Inc., and issued to any person who wishes to demonstrate support of
15 organizations that encourage adoption as a positive choice for women
16 with unplanned pregnancies. As provided in this section, an amount
17 of the fee collected shall be deposited in the Choose Life
18 Assistance Program Revolving Fund established in Section 1104.6 of
19 this title;

20 24. Future Farmers of America License Plate - such plates shall
21 be designed and issued to persons wishing to demonstrate support for
22 the Oklahoma FFA (formerly known as Future Farmers of America). The
23 license plates shall be designed in consultation with the Oklahoma
24 FFA Foundation Board of Directors. As provided in this section, an

1 amount of the fee collected shall be apportioned as provided in
2 Section 1104.7 of this title;

3 25. Lions Club License Plate - such plates shall be designed
4 and issued to persons wishing to demonstrate support for the Lions
5 Club of Oklahoma. The plates shall be issued to any person in any
6 combination of numbers and letters from one to a maximum of seven,
7 as for personalized license plates. The license plates shall be
8 designed in consultation with the Oklahoma Lions Service Foundation
9 and shall contain the official logo of the International Association
10 of Lions Clubs. Service Oklahoma shall be authorized to enter into
11 a licensing agreement with the Oklahoma Lions Service Foundation.
12 The licensing agreement shall provide for a payment to the Oklahoma
13 Lions Service Foundation of not more than Ten Dollars (\$10.00) for
14 each license plate issued;

15 26. Color Oklahoma License Plate - such plates shall be
16 designed, subject to criteria to be presented to Service Oklahoma by
17 the Oklahoma Native Plant Society, and issued to any person wishing
18 to demonstrate support for preserving and planting wildflowers and
19 native plants in Oklahoma and to promote Oklahoma's wildflower
20 heritage through education. As provided in this section, an amount
21 of the fee collected shall be apportioned as provided in Section
22 1104.8 of this title;

23 27. Girl Scouts of the United States of America Supporter
24 License Plate - such plates shall be designed and issued to any

1 person wishing to demonstrate support for the Girl Scouts of the
2 United States of America. The plates shall be issued to any person
3 in any combination of numbers and letters from one to a maximum of
4 seven, as for personalized license plates. The plate shall contain
5 the official Girl Scouts of the United States of America logo.
6 Service Oklahoma shall be authorized, if necessary, to enter into a
7 licensing agreement with the Girl Scouts of the United States of
8 America for any licensing fees which may be required in order to use
9 the Girl Scouts of the United States of America logo or design. The
10 licensing agreement shall provide for a payment to the Girl Scouts
11 of Magic Empire Council, acting on behalf of all Oklahoma Girl Scout
12 councils, of not more than Twenty Dollars (\$20.00) for each license
13 plate issued;

14 28. Oklahoma City Memorial Marathon License Plate - such plates
15 shall be designed and issued to any person wishing to demonstrate
16 support for the Oklahoma City Memorial Marathon. The plate shall be
17 designed in consultation with the Oklahoma City Memorial Marathon.
18 Service Oklahoma shall be authorized to enter into a licensing
19 agreement with the Oklahoma City Memorial Marathon for any licensing
20 fees which may be required in order to use the Oklahoma City
21 Memorial Marathon logo or design. The licensing agreement shall
22 provide for a payment to the Oklahoma City Memorial Marathon of not
23 more than Twenty Dollars (\$20.00) for each license plate issued;

24

1 29. Oklahoma Scenic Rivers License Plate - such plates shall be
2 designed to demonstrate support for the Oklahoma Scenic Rivers. The
3 plates shall be designed in consultation with the Oklahoma Scenic
4 Rivers Commission. Twenty-five Dollars (\$25.00) of the fee shall be
5 apportioned to the Oklahoma Scenic Rivers Commission;

6 30. Fight Cancer License Plate - such plates shall be designed
7 to demonstrate support for the Oklahoma Central Cancer Registry.
8 The plate shall contain the American Cancer Society logo. The
9 American Cancer Society logo shall be used in accordance with the
10 American Cancer Society's branding guidelines and shall only be
11 utilized to support the Oklahoma Central Cancer Registry. Twenty
12 Dollars (\$20.00) of the fee shall be apportioned to the Oklahoma
13 Central Cancer Registry Revolving Fund;

14 31. Animal Friendly License Plate - such plates shall be
15 designed and issued to any person wishing to demonstrate support for
16 controlling the overpopulation of dogs and cats through educational
17 and sterilization efforts. The plates shall be designed in
18 consultation with the Veterinary Medical Association. Twenty
19 Dollars (\$20.00) of the fee collected shall be designated by the
20 purchaser of the plate to be deposited in the Oklahoma Pet
21 Overpopulation Fund created in Section 2368.13 of Title 68 of the
22 Oklahoma Statutes or the Animal Friendly Revolving Fund created in
23 Section 1104.10 of this title;

24

1 32. Patriot License Plate - such plates shall be designed in
2 consultation with the Military Department of Oklahoma and issued to
3 any person wishing to demonstrate support for Oklahoma residents who
4 are members of the Oklahoma National Guard and deployed on active
5 duty. The plates shall be issued to any person in any combination
6 of numbers and letters from one to a maximum of seven, as for
7 personalized license plates. As provided in this section, a portion
8 of the fee collected shall be deposited in the Patriot License Plate
9 Revolving Fund created in Section 1104.11 of this title;

10 33. Global War on Terrorism License Plate - such plate shall be
11 designed in consultation with the Military Department of Oklahoma
12 and issued to any person wishing to demonstrate support for Oklahoma
13 residents who are members of the Armed Forces of the United States
14 or Oklahoma National Guard that have served in the Global War on
15 Terrorism. The plate shall be issued to any person in any
16 combination of numbers and letters from one to a maximum of six. As
17 provided in this section, a portion of the fee collected shall be
18 deposited in the Oklahoma National Guard Museum Fund created in
19 Section 235.1 of Title 44 of the Oklahoma Statutes;

20 34. Boys and Girls Clubs of America Supporter License Plate -
21 such plates shall be designed and issued to any person wishing to
22 demonstrate support for the Boys and Girls Clubs of America. The
23 plates shall be issued to any person in any combination of numbers
24 and letters from one to a maximum of seven, as for personalized

1 license plates. The plate shall contain the official Boys and Girls
2 Clubs of America logo. Service Oklahoma, if necessary, may enter
3 into a licensing agreement with the Boys and Girls Clubs of America
4 for any licensing fees which may be required in order to use the
5 Boys and Girls Clubs of America logo or design. The licensing
6 agreement shall provide for a payment to the Boys and Girls Clubs of
7 America of not more than Twenty Dollars (\$20.00) for each license
8 plate issued;

9 35. Oklahoma Quarter Horse License Plate - such plates shall be
10 designed and issued to any person wishing to demonstrate support for
11 the American Quarter Horse in Oklahoma. The plate shall be designed
12 in consultation with the Oklahoma Quarter Horse Association. As
13 provided in this section, a portion of the fee collected shall be
14 deposited in the Oklahoma Quarter Horse Revolving Fund created in
15 Section 1104.12 of this title;

16 36. Oklahoma Association for the Deaf License Plate - such
17 plates shall be designed in consultation with the Oklahoma
18 Association for the Deaf and issued to any person wishing to
19 demonstrate support for Oklahoma residents who are deaf. The plates
20 shall be issued to any person in any combination of numbers and
21 letters from one to a maximum of seven, as for personalized license
22 plates. As provided in this section, a portion of the fee collected
23 shall be deposited in the Oklahoma Association for the Deaf License
24 Plate Revolving Fund created in Section 1104.15 of this title;

1 37. Oklahoma City Zoo License Plate - such plates shall be
2 issued to any person wishing to demonstrate support for the Oklahoma
3 City Zoo. The license plates shall be designed in consultation with
4 the Oklahoma Zoological Society, Inc. As provided in this section,
5 an amount of the fee collected shall be deposited in the Oklahoma
6 Zoological Society Revolving Fund created in Section 1104.13 of this
7 title;

8 38. March of Dimes License Plate - such plates shall be issued
9 to persons wishing to demonstrate support for the March of Dimes
10 mission to improve the health of babies by preventing birth defects,
11 premature birth and infant mortality. The license plates shall be
12 designed in consultation with the Oklahoma Chapter March of Dimes.
13 As provided in this section, an amount of the fee collected shall be
14 deposited in the Oklahoma Prevent Birth Defects, Premature Birth and
15 Infant Mortality Fund established in Section 1104.14 of this title;

16 39. Support Our Troops Supporter License Plate - such plates
17 shall be designed and issued to any person wishing to demonstrate
18 support for Support Our Troops Incorporated. The plates shall be
19 issued to any person in any combination of numbers and letters from
20 one to a maximum of six. The plate shall contain the official
21 Support Our Troops Incorporated logo which includes the mark
22 "Support Our Troops" across the bottom of the plate. Service
23 Oklahoma, if necessary, may enter into a licensing agreement with
24 Support Our Troops Incorporated for any licensing fees which may be

1 required in order to use the Support Our Troops Incorporated logo or
2 design. The licensing agreement shall provide for a payment to
3 Support Our Troops Incorporated of Twenty-five Dollars (\$25.00) for
4 each license plate issued;

5 40. Folds of Honor Supporter License Plate - such plates shall
6 be authorized to be designed and issued to any person wishing to
7 demonstrate support for the Oklahoma City Chapter of Folds of Honor
8 Incorporated, a nonprofit charitable organization exempt from
9 taxation pursuant to the provisions of the Internal Revenue Code, 26
10 U.S.C., Section 501(c)(3), providing educational scholarships to
11 spouses and children of America's fallen and disabled military
12 service members. The plates shall be issued to any person in any
13 combination of numbers and letters from one to a maximum of six.
14 Such person may apply for a Folds of Honor Supporter license plate
15 for a motorcycle; provided, the license plate for motorcycles may be
16 of similar design to the license plate for motor vehicles or may be
17 a new design in order to meet space requirements for a motorcycle
18 license plate. The plate shall be designed in consultation with the
19 Oklahoma City Chapter of Folds of Honor Incorporated and shall
20 contain the official Folds of Honor Incorporated logo which includes
21 the mark "Folds of Honor" across the bottom of the plate. Service
22 Oklahoma, if necessary, may enter into a licensing agreement with
23 Folds of Honor Incorporated for any licensing fees which may be
24 required in order to use the Folds of Honor Incorporated logo or

1 design. The licensing agreement shall provide for a payment to
2 Folds of Honor Incorporated of Twenty-five Dollars (\$25.00) for each
3 license plate issued. Subject to the provisions of subsection A of
4 this section, the Folds of Honor Supporter License Plate is hereby
5 reauthorized effective November 1, 2019;

6 41. Downed Bikers Association License Plate - such plates shall
7 be designed and issued to any person wishing to demonstrate support
8 for the Downed Bikers Association, a nonprofit charitable
9 organization exempt from taxation pursuant to the provisions of the
10 Internal Revenue Code, 26 U.S.C., Section 501(c)(3), which provides
11 emotional and financial support for downed bikers. The license
12 plate shall be designed in consultation with the Central Oklahoma
13 Chapter of the Downed Bikers Association and shall contain any
14 official logo or design of the organization. Service Oklahoma, if
15 necessary, may enter into a licensing agreement with the Downed
16 Bikers Association for any licensing fees which may be required in
17 order to use the organization's logo or design. The licensing
18 agreement shall provide for a payment to the Downed Bikers
19 Association of not more than Twenty Dollars (\$20.00) for each
20 license plate;

21 42. Armed Forces Veterans Motorcycle License Plate - such
22 plates shall be designed for use on a motorcycle in consultation
23 with A Brotherhood Aiming Toward Education of Oklahoma, Inc.
24 (ABATE), and issued to any honorably discharged former member of the

1 United States Armed Forces wishing to demonstrate support for the
2 Oklahoma National Guard Museum. Persons applying for such license
3 plate must show proof of past military service. As provided in this
4 section, a portion of the fee collected shall be deposited in the
5 Oklahoma National Guard Museum Fund created in Section 235.1 of
6 Title 44 of the Oklahoma Statutes;

7 43. Buffalo Soldier License Plate - such plates shall be issued
8 to any person wishing to honor and celebrate the history and
9 contribution of the Buffalo Soldiers. The license plates shall be
10 designed in consultation with the Lawton-Fort Sill Chapter of the
11 Buffalo Soldiers 9th and 10th (Horse) Cavalry Association. As
12 provided in this section, an amount of the fee collected shall be
13 deposited in the Buffalo Soldier License Plate Revolving Fund
14 created in Section 1104.16 of this title;

15 44. Prevent Blindness Oklahoma License Plate - such plates
16 shall be issued to any person wishing to provide financial support
17 for vision screening of school age children in this state. The
18 license plates shall be designed in consultation with Prevent
19 Blindness Oklahoma. As provided in this section, an amount of the
20 fee collected shall be deposited in the Prevent Blindness Oklahoma
21 License Plate Revolving Fund created in Section 1104.17 of this
22 title;

23 45. Oklahoma State Capitol Restoration License Plate - such
24 plates shall be designed and issued to any person wishing to

1 demonstrate support for restoration of the Oklahoma State Capitol
2 building. The license plates shall be designed in consultation with
3 the Friends of the Capitol corporation, created pursuant to Section
4 15.4 of Title 73 of the Oklahoma Statutes and the State Capitol
5 Preservation Commission created pursuant to Section 4102 of Title 74
6 of the Oklahoma Statutes. As provided in this section, an amount of
7 the fee collected shall be deposited in the Oklahoma Friends of the
8 Capitol License Plate Revolving Fund established in Section 1104.18
9 of this title;

10 46. Eastern Red Cedar Tree License Plate - such plates shall be
11 designed, subject to criteria to be presented to Service Oklahoma
12 and issued to any person wishing to demonstrate support for the
13 removal of Eastern Redcedar trees from lands in the state and to
14 develop marketable uses for the harvested trees. The license plate
15 shall be designed in consultation with the Oklahoma Department of
16 Agriculture, Food, and Forestry. Twenty-three Dollars (\$23.00) of
17 the fee collected shall be deposited in the Eastern Redcedar
18 Revolving Fund created in Section 18-407 of Title 2 of the Oklahoma
19 Statutes. The money shall be designated for and may only be
20 expended for the purposes as set forth in the Eastern Redcedar
21 Management Act;

22 47. Pancreatic Cancer Research License Plate - such plates
23 shall be issued to any person wishing to provide financial support
24 for the University of Oklahoma Foundation, Pancreatic Cancer

1 Research Fund. The plates shall be issued to any person in any
2 combination of numbers and letters from one to a maximum of six.
3 The license plates shall be designed in consultation with the
4 University of Oklahoma Foundation, Pancreatic Cancer Research Fund.
5 As provided in this section, an amount of the fee collected shall be
6 deposited in the Pancreatic Cancer Research License Plate Revolving
7 Fund created in Section 1104.19 of this title;

8 48. Alzheimer's Research License Plate - such plates shall be
9 issued to any person wishing to provide financial support for the
10 Oklahoma Chapter of the Alzheimer's Association. The license plates
11 shall be designed in consultation with the Oklahoma Chapter of the
12 Alzheimer's Association. As provided in this section, an amount of
13 the fee collected shall be deposited in the Alzheimer's Research
14 License Plate Revolving Fund created in Section 1104.20 of this
15 title;

16 49. Hospice and Palliative Care License Plate - such plates
17 shall be issued to any person wishing to provide financial support
18 for the Oklahoma Hospice and Palliative Care Association. The
19 license plates shall be designed in consultation with the Oklahoma
20 Hospice and Palliative Care Association. As provided in this
21 section, an amount of the fee collected shall be deposited in the
22 Hospice and Palliative Care License Plate Revolving Fund created in
23 Section 1104.21 of this title;

24

1 50. Juvenile Diabetes Research License Plate - such plates
2 shall be issued to any person wishing to provide financial support
3 for the Oklahoma Chapters of the Juvenile Diabetes Research
4 Foundation. The license plates shall be designed in consultation
5 with the Oklahoma Chapters of the Juvenile Diabetes Research
6 Foundation. As provided in this section, an amount of the fee
7 collected shall be deposited in the Juvenile Diabetes Research
8 License Plate Revolving Fund created in Section 1104.22 of this
9 title;

10 51. Deer Creek Schools Foundation License Plate - such plates
11 shall be issued to any person wishing to provide financial support
12 for the Deer Creek Schools Foundation. The license plates shall be
13 designed in consultation with the Deer Creek Schools Foundation.
14 The plates shall be issued to any person in any combination of
15 numbers and letters from one to a maximum of seven, as for
16 personalized license plates. As provided in this section, an amount
17 of the fee collected shall be deposited in the Deer Creek Schools
18 Foundation License Plate Revolving Fund created in Section 1104.23
19 of this title;

20 52. Lupus Awareness and Education License Plate - such plates
21 shall be issued to any person wishing to provide financial support
22 for the Lupus Foundation of Oklahoma. The license plates shall be
23 designed in consultation with the Lupus Foundation of Oklahoma. As
24 provided in this section, an amount of the fee collected shall be

1 deposited in the Oklahoma Lupus License Plate Revolving Fund created
2 in Section 1104.24 of this title. Subject to the provisions of
3 subsection A of this section, the Lupus Awareness and Education
4 License Plate is hereby reauthorized effective November 1, 2018;

5 53. Chiefs of Police License Plate - such plates shall be
6 issued to any person wishing to provide financial support for the
7 Oklahoma Association of Chiefs of Police for a vehicle or motorcycle
8 in any combination of numbers and letters from one to a maximum of
9 seven, as for personalized license plates. The license plates shall
10 be designed in consultation with the Oklahoma Association of Chiefs
11 of Police. The license plate for a motorcycle may be of similar
12 design as space permits or a new design in order to meet the space
13 requirements of a motorcycle license plate. Service Oklahoma shall
14 be authorized to enter into a licensing agreement with the Oklahoma
15 Association of Chiefs of Police for any licensing fees which may be
16 required in order to use the association's logo or design. The
17 licensing agreement shall provide for a payment to the Oklahoma
18 Association of Chiefs of Police of not more than Twenty Dollars
19 (\$20.00) for each license plate issued. Subject to the provisions
20 of subsection A of this section, the Chiefs of Police License Plate
21 is hereby reauthorized effective November 1, 2015;

22 54. Crossings Christian School License Plate - such plates
23 shall be designed and issued to any person wishing to demonstrate
24 support for Crossings Christian School located in Oklahoma City.

1 The license plates shall be designed in consultation with the
2 administration of Crossings Christian School. Service Oklahoma
3 shall be authorized to enter into a licensing agreement with
4 Crossings Christian School for any licensing fees which may be
5 required in order to use the school's logo or design. The licensing
6 agreement shall provide for a payment to the Crossings Christian
7 School of not more than Twenty Dollars (\$20.00) for each license
8 plate issued;

9 55. Hilldale Education Foundation License Plate - such plates
10 shall be designed and issued to any person wishing to demonstrate
11 support for the Hilldale Education Foundation. The license plates
12 shall be designed in consultation with the administration of the
13 Hilldale Education Foundation. Service Oklahoma shall be authorized
14 to enter into a licensing agreement with the Hilldale Education
15 Foundation for any licensing fees which may be required in order to
16 use the foundation's logo or design. The licensing agreement shall
17 provide for a payment to the Hilldale Education Foundation of not
18 more than Twenty Dollars (\$20.00) for each license plate issued;

19 56. Oklahoma Nurses License Plate - such plates shall be issued
20 to any person licensed pursuant to the Oklahoma Nursing Practice Act
21 and providing such documentation of current licensure as may be
22 required by Service Oklahoma. The license plates shall be designed
23 in consultation with the Oklahoma Nurses Association. As provided
24 in this section, an amount of the fee collected shall be deposited

1 in the Oklahoma Nurses License Plate Revolving Fund created in
2 Section 1104.26 of this title;

3 57. Oklahoma Sports Hall of Fame License Plate - such plates
4 shall be issued to any person wishing to demonstrate support for the
5 Oklahoma Sports Hall of Fame. The license plates shall be designed
6 in consultation with the administration of the Oklahoma Sports Hall
7 of Fame. Service Oklahoma shall be authorized to enter into a
8 licensing agreement with the Oklahoma Sports Hall of Fame for any
9 licensing fees which may be required in order to use the Hall of
10 Fame's logo or design. The licensing agreement shall provide for a
11 payment to the Oklahoma Sports Hall of Fame of not more than Twenty
12 Dollars (\$20.00) for each license plate issued;

13 58. Childhood Cancer Awareness License Plate - such plates
14 shall be issued to any person wishing to demonstrate support for the
15 Oklahoma Children's Cancer Association. The license plates shall be
16 designed in consultation with the administration of the Oklahoma
17 Children's Cancer Association. Service Oklahoma shall be authorized
18 to enter into a licensing agreement with the Oklahoma Children's
19 Cancer Association for any licensing fees which may be required in
20 order to use the Oklahoma Children's Cancer Association's logo or
21 design. The licensing agreement shall provide for a payment to the
22 Oklahoma Children's Cancer Association of not more than Twenty
23 Dollars (\$20.00) for each license plate issued;

24

1 59. Oklahoma Educational Television Authority License Plate -
2 such plates shall be designed and issued to any person wishing to
3 demonstrate support for the Oklahoma Educational Television
4 Authority and such plates shall be designed in consultation with the
5 Authority. As provided in this section, an amount of the fee
6 collected shall be deposited in The Educational Television Authority
7 Revolving Fund created in Section 156 of Title 62 of the Oklahoma
8 Statutes;

9 60. Remembering Fallen Heroes License Plate - such plates shall
10 be designed and issued to any person wishing to demonstrate support
11 for Concerns of Police Survivors, Inc. Such plates shall be
12 designed in consultation with the Oklahoma chapter of Concerns of
13 Police Survivors, Inc. As provided in this section, an amount of
14 the fee collected shall be deposited in the Oklahoma Concerns of
15 Police Survivors License Plate Revolving Fund created in Section
16 1104.27 of this title;

17 61. Disabled American Veterans License Plate - such plates
18 shall be designed in consultation with the Disabled American
19 Veterans Department of Oklahoma and issued to any member of the
20 organization wishing to demonstrate support. Service Oklahoma shall
21 be authorized to enter into a licensing agreement with the Disabled
22 American Veterans Department of Oklahoma for any licensing fees
23 which may be required in order to use the organization's logo or
24 design. The licensing agreement shall provide for a payment to the

1 Disabled American Veterans Department of Oklahoma of not more than
2 Twenty Dollars (\$20.00) for each license plate issued. The plates
3 shall incorporate a numbering system agreed upon by the Disabled
4 American Veterans Department of Oklahoma and Service Oklahoma;

5 62. Owasso Rams Supporter License Plate - such plates shall be
6 designed and issued to any person wishing to demonstrate support for
7 the Owasso Rams, and shall be designed in consultation with
8 representatives of Owasso Schools. The plates shall be issued to
9 any person in any combination of numbers and letters from one to a
10 maximum of seven, as for personalized license plates. As provided
11 in this section, an amount of the fee collected shall be deposited
12 in the Education Reform Revolving Fund created in Section 34.89 of
13 Title 62 of the Oklahoma Statutes;

14 63. Collinsville Cardinals Supporter License Plate - such
15 plates shall be designed and issued to any person wishing to
16 demonstrate support for the Collinsville Cardinals, and shall be
17 designed in consultation with representatives of Collinsville
18 Schools. The plates shall be issued to any person in any
19 combination of numbers and letters from one to a maximum of seven,
20 as for personalized license plates. As provided in this section, an
21 amount of the fee collected shall be deposited in the Education
22 Reform Revolving Fund created in Section 34.89 of Title 62 of the
23 Oklahoma Statutes;

24

1 64. Sperry Pirates Supporter License Plate - such plates shall
2 be designed and issued to any person wishing to demonstrate support
3 for the Sperry Pirates, and shall be designed in consultation with
4 representatives of Sperry Schools. The plates shall be issued to
5 any person in any combination of numbers and letters from one to a
6 maximum of seven, as for personalized license plates. As provided
7 in this section, an amount of the fee collected shall be deposited
8 in the Education Reform Revolving Fund created in Section 34.89 of
9 Title 62 of the Oklahoma Statutes;

10 65. Skiatook Bulldogs Supporter License Plate - such plates
11 shall be designed and issued to any person wishing to demonstrate
12 support for the Skiatook Bulldogs, and shall be designed in
13 consultation with representatives of Skiatook Schools. The plates
14 shall be issued to any person in any combination of numbers and
15 letters from one to a maximum of seven, as for personalized license
16 plates. As provided in this section, an amount of the fee collected
17 shall be deposited in the Education Reform Revolving Fund created in
18 Section 34.89 of Title 62 of the Oklahoma Statutes;

19 66. Rejoice Christian Eagles Supporter License Plate - such
20 plates shall be designed and issued to any person wishing to
21 demonstrate support for the Rejoice Christian Eagles, and shall be
22 designed in consultation with representatives of Rejoice Christian
23 Schools. The plates shall be issued to any person in any
24 combination of numbers and letters from one to a maximum of seven,

1 as for personalized license plates. As provided in this section, an
2 amount of the fee collected shall be deposited in the Education
3 Reform Revolving Fund created in Section 34.89 of Title 62 of the
4 Oklahoma Statutes;

5 67. East Central Cardinals Supporter License Plate - such
6 plates shall be designed and issued to any person wishing to
7 demonstrate support for the East Central Cardinals, and shall be
8 designed in consultation with representatives of East Central
9 Schools. The plates shall be issued to any person in any
10 combination of numbers and letters from one to a maximum of seven,
11 as for personalized license plates. As provided in this section, an
12 amount of the fee collected shall be deposited in the Education
13 Reform Revolving Fund created in Section 34.89 of Title 62 of the
14 Oklahoma Statutes;

15 68. Southeast Spartans Supporter License Plate - such plates
16 shall be designed and issued to any person wishing to demonstrate
17 support for the Southeast Spartans, and shall be designed in
18 consultation with the Southeast High School Alumni Association. The
19 plates shall be issued to any person in any combination of numbers
20 and letters from one to a maximum of seven, as for personalized
21 license plates. As provided in this section, an amount of the fee
22 collected shall be deposited in the Education Reform Revolving Fund
23 created in Section 34.89 of Title 62 of the Oklahoma Statutes;

24

1 69. Sooner State ABATE License Plate - such plates shall be
2 issued to any person wishing to provide financial support for Sooner
3 State ABATE. The license plates shall be designed in consultation
4 with Sooner State ABATE. The plates shall be issued to any person
5 in any combination of numbers and letters from one to a maximum of
6 seven, as for personalized plates. The license plate for a
7 motorcycle may be of similar design as space permits or a new design
8 in order to meet the space requirements of a motorcycle license
9 plate. Service Oklahoma shall be authorized to enter into a
10 licensing agreement with Sooner State ABATE for any licensing fees,
11 which may be required in order to use the association's logo or
12 design. The licensing agreement shall provide for a payment to
13 Sooner State ABATE of not more than Twenty Dollars (\$20.00) for each
14 license plate issued. Subject to the provisions of subsection A of
15 this section, the Sooner State ABATE License Plate is hereby
16 reauthorized effective November 1, 2019;

17 70. Oklahoma License to Educate License Plate - such plates
18 shall be designed and issued to any person wishing to demonstrate
19 support for Oklahoma educators. Such plates shall be designed in
20 consultation with the State Department of Education. As provided in
21 this section, an amount of the fee collected shall be deposited in
22 the Oklahoma Teacher Recruitment Revolving Fund created in Section
23 6-132 of Title 70 of the Oklahoma Statutes;

24

1 71. Piedmont Education Foundation License Plate - such plates
2 shall be designed and issued to any person wishing to demonstrate
3 support for the Piedmont Public Schools Education Foundation. Such
4 plates shall be designed in consultation with the Foundation. As
5 provided in this section, an amount of the fee collected shall be
6 deposited in the Piedmont Public Schools Education Foundation
7 License Plate Revolving Fund created in Section 1104.28 of this
8 title;

9 72. The Pride of Oklahoma License Plate - such plates shall be
10 designed and issued to any person wishing to demonstrate support for
11 the University of Oklahoma Marching Band and shall be designed in
12 consultation with the University of Oklahoma Marching Band. Service
13 Oklahoma shall be authorized to enter into a licensing agreement
14 with the University of Oklahoma or the University of Oklahoma
15 Marching Band for any licensing fees which may be required in order
16 to use the applicable logo or design. The licensing agreement shall
17 provide for a payment to the Pride of Oklahoma Fund at the
18 University of Oklahoma Foundation, Inc. of not more than Twenty
19 Dollars (\$20.00) for each license plate issued;

20 73. Jenks Trojans License Plate - such plates shall be designed
21 and issued to any person wishing to demonstrate support for the
22 Jenks School District. The license plates shall be designed in
23 consultation with the administration of the Jenks School District.
24 Service Oklahoma shall be authorized to enter into a licensing

1 agreement with the Jenks School District for any licensing fees
2 which may be required in order to use the school district's logo or
3 design. The licensing agreement shall provide for a payment to the
4 Jenks School District of not more than Twenty Dollars (\$20.00) for
5 each license plate issued;

6 74. Bixby Spartans License Plate - such plates shall be
7 designed and issued to any person wishing to demonstrate support for
8 the Bixby School District. The license plates shall be designed in
9 consultation with the administration of the Bixby School District.
10 Service Oklahoma shall be authorized to enter into a licensing
11 agreement with the Bixby School District for any licensing fees
12 which may be required in order to use the school district's logo or
13 design. The licensing agreement shall provide for a payment to the
14 Bixby School District of not more than Twenty Dollars (\$20.00) for
15 each license plate issued;

16 75. Oklahoma Aeronautics Commission License Plate - such plates
17 shall be designed and issued to any person wishing to demonstrate
18 support for the Oklahoma aviation industry and to promote awareness
19 of aviation and aerospace. Such plates shall be designed in
20 consultation with the Oklahoma Aeronautics Commission and shall be
21 issued to any person in any combination of numbers and letters from
22 one to a maximum of seven, as for personalized license plates.
23 Twenty-four Dollars (\$24.00) of the fee collected shall be deposited
24 in the Oklahoma Aeronautics Commission Revolving Fund, for

1 expenditure as provided in Section 91 of Title 3 of the Oklahoma
2 Statutes;

3 76. Ducks Unlimited License Plate - such plates shall be
4 designed and issued to any person wishing to demonstrate support for
5 Ducks Unlimited. Such plates shall be designed in consultation with
6 Ducks Unlimited. Service Oklahoma shall be authorized to enter into
7 a licensing agreement with Ducks Unlimited for any licensing fee
8 which may be required in order to use the Ducks Unlimited logo or
9 design. The licensing agreement shall provide for a payment to
10 Ducks Unlimited of not more than Twenty Dollars (\$20.00) for each
11 license plate issued;

12 77. Prisoner of War and Missing in Action License Plate - such
13 plates shall be issued to any person wishing to increase awareness
14 of those who are currently prisoners of war or missing in action and
15 provide financial support for current veterans. The license plates
16 shall be designed in consultation with Rolling Thunder Oklahoma. As
17 provided in this section, an amount of the fee collected shall be
18 deposited in the Prisoner of War and Missing in Action License Plate
19 Revolving Fund created in Section 1104.29 of this title;

20 78. Woodward Boomers License Plate - such plates shall be
21 designed and issued to any person wishing to demonstrate support for
22 the Woodward School District. The license plates shall be designed
23 in consultation with the administration of the Woodward School
24 District. Service Oklahoma shall be authorized to enter into a

1 licensing agreement with the Woodward School District for any
2 licensing fees which may be required in order to use the school
3 district's logo or design. The licensing agreement shall provide
4 for a payment to the Woodward School District of not more than
5 Twenty Dollars (\$20.00) for each license plate issued;

6 79. Clinton Public School Foundation License Plate - such
7 plates shall be designed and issued to any person wishing to
8 demonstrate support for the Clinton Public School Foundation. The
9 license plates shall be designed in consultation with the Clinton
10 Public School Foundation. Service Oklahoma shall be authorized to
11 enter into a licensing agreement with the Clinton Public School
12 Foundation for any licensing fees which may be required in order to
13 use the school foundation's logo or design. The licensing agreement
14 shall provide for a payment to the Clinton Public School Foundation
15 of not more than Twenty Dollars (\$20.00) for each license plate
16 issued;

17 80. Navajo School Foundation License Plate - such plates shall
18 be issued to any person wishing to demonstrate support for the
19 Navajo School Foundation. The license plates shall be designed in
20 consultation with the administration of the Navajo School
21 Foundation. Service Oklahoma shall be authorized to enter into a
22 licensing agreement with the Navajo School Foundation for any
23 licensing fees which may be required in order to use the
24 Foundation's logo or design. The licensing agreement shall provide

1 for a payment to the Navajo School Foundation of not more than
2 Twenty Dollars (\$20.00) for each license plate issued;

3 81. Oklahoma Music Hall of Fame Inc. License Plate - such
4 plates shall be designed in consultation with the Oklahoma Music
5 Hall of Fame Inc. and issued to any member of the organization
6 wishing to demonstrate support. Service Oklahoma shall be
7 authorized to enter into a licensing agreement with the Oklahoma
8 Music Hall of Fame Inc. for any licensing fees which may be required
9 in order to use the organization's logo or design. The licensing
10 agreement shall provide for a payment to the Oklahoma Music Hall of
11 Fame Inc. of not more than Twenty Dollars (\$20.00) for each license
12 plate issued. The plates shall incorporate a numbering system
13 agreed upon by the Oklahoma Music Hall of Fame Inc. and Service
14 Oklahoma. Subject to the provisions of subsection A of this
15 section, the Oklahoma Music Hall of Fame Inc. License Plate is
16 hereby reauthorized effective November 1, 2019;

17 82. Techlahoma Foundation License Plate - such plates shall be
18 issued to any person wishing to provide financial support for the
19 Techlahoma Foundation. The license plate shall be designed in
20 consultation with the Techlahoma Foundation. The plate shall be
21 issued to any person in any combination of numbers and letters from
22 one to a maximum of seven, as for personalized license plates.
23 Service Oklahoma shall be authorized to enter into a licensing
24 agreement with the Techlahoma Foundation for any licensing fees,

1 which may be required in order to use the association's logo or
2 design. The licensing agreement shall provide for a payment to the
3 Techlahoma Foundation of not more than Twenty Dollars (\$20.00) for
4 each license plate issued;

5 83. Bethany Public Schools Foundation License Plate - such
6 plates shall be issued to any person wishing to demonstrate support
7 for the Bethany Public Schools Foundation. The license plates shall
8 be designed in consultation with the administration of the Bethany
9 Public Schools Foundation. Service Oklahoma shall be authorized to
10 enter into a licensing agreement with the Bethany Public Schools
11 Foundation for any licensing fees which may be required in order to
12 use the Foundation's logo or design. The licensing agreement shall
13 provide for a payment to the Bethany Public Schools Foundation of
14 not more than Twenty Dollars (\$20.00) for each license plate issued;

15 84. Cystic Fibrosis Foundation License Plate - such plates
16 shall be issued to any person wishing to demonstrate support for the
17 Cystic Fibrosis Foundation. The license plates shall be designed in
18 consultation with the administration of the Cystic Fibrosis
19 Foundation. Service Oklahoma shall be authorized to enter into a
20 licensing agreement with the Cystic Fibrosis Foundation for any
21 licensing fees which may be required in order to use the
22 Foundation's logo or design. The licensing agreement shall provide
23 for a payment to the Cystic Fibrosis Foundation of not more than
24 Twenty Dollars (\$20.00) for each license plate issued;

1 85. Down Syndrome Association of Central Oklahoma License Plate
2 - such plates shall be designed and issued to any person wishing to
3 demonstrate support for the Down Syndrome Association of Central
4 Oklahoma. Such plates shall be designed in consultation with the
5 Association. As provided in this section, an amount of the fee
6 collected shall be deposited in the Down Syndrome Association of
7 Central Oklahoma License Plate Revolving Fund created in Section
8 1104.30 of this title;

9 86. Elk City Education Foundation License Plate - such plates
10 shall be designed and issued to any person wishing to demonstrate
11 support for the Elk City Education Foundation. Such plates shall be
12 designed in consultation with the Foundation. As provided in this
13 section, an amount of the fee collected shall be deposited in the
14 Elk City Education Foundation License Plate Revolving Fund created
15 in Section 1104.31 of this title;

16 87. A Brotherhood Aiming Toward Education of Oklahoma (ABATE)
17 License Plate - such plates shall be designed and issued to any
18 person wishing to provide financial support for ABATE of Oklahoma.
19 Such plates shall be designed in consultation with ABATE of
20 Oklahoma. The plates shall be issued to any person in any
21 combination of numbers and letters from one to a maximum of seven,
22 as for personalized plates. The license plate for a motorcycle may
23 be of similar design as space permits or a new design in order to
24 meet the space requirements of a motorcycle license plate. Service

1 Oklahoma shall be authorized to enter into a licensing agreement
2 with ABATE of Oklahoma for any licensing fees which may be required
3 in order to use the ABATE of Oklahoma logo or design. The licensing
4 agreement shall provide for a payment to ABATE of Oklahoma of not
5 more than Twenty Dollars (\$20.00) for each license plate issued;

6 88. Downed Bikers Association License Plate - such plates shall
7 be designed for a vehicle or motorcycle in any combination of
8 numbers and letters from one to a maximum of seven, as for
9 personalized license plates, and issued to any person wishing to
10 demonstrate support for the Downed Bikers Association, a nonprofit
11 charitable organization exempt from taxation pursuant to the
12 provisions of the Internal Revenue Code, 26 U.S.C., Section
13 501(c) (3), which provides emotional and financial support for downed
14 bikers. The license plate shall be designed in consultation with
15 the Central Oklahoma Chapter of the Downed Bikers Association and
16 shall contain any official logo or design of the organization. The
17 license plate for a motorcycle may be of similar design as space
18 permits or a new design in order to meet the space requirements of a
19 motorcycle license plate. Service Oklahoma, if necessary, may enter
20 into a licensing agreement with the Downed Bikers Association for
21 any licensing fees which may be required in order to use the
22 organization's logo or design. The licensing agreement shall
23 provide for a payment to the Downed Bikers Association of not more
24 than Twenty Dollars (\$20.00) for each license plate;

1 89. Eagle Scout License Plate - such plates shall be designed
2 to demonstrate support for Eagle Scouts and shall include the Eagle
3 Scout logo. Plates may be issued to any person who can show proof
4 of having obtained the rank of Eagle Scout. Service Oklahoma shall
5 be authorized to enter into a licensing agreement with the various
6 Oklahoma local councils for any licensing fees which may be required
7 in order to use the applicable logo or design. The licensing
8 agreement shall provide for a payment of not more than Twenty
9 Dollars (\$20.00) for each license plate issued to the specific
10 Oklahoma local area Council designated by the applicant;

11 90. Extraordinary Educators License Plate - such plates shall
12 be designed and issued to any person wishing to provide financial
13 support for common education in Oklahoma. Such plates shall be
14 designed in consultation with the State Department of Education.
15 The plates shall be issued to any person in any combination of
16 numbers and letters from one to a maximum of seven, as for
17 personalized license plates. As provided in this section, an amount
18 of the fee collected shall be deposited in the Extraordinary
19 Educators License Plate Revolving Fund created in Section 1104.32 of
20 this title;

21 91. Former Oklahoma Legislator License Plate - such plates
22 shall be designed and issued to any person who previously served as
23 a member of the Oklahoma House of Representatives or Oklahoma State
24 Senate. The license plates shall be designed in consultation with

1 the Oklahoma Historical Society. As provided in this section, an
2 amount of the fee collected shall be deposited in the Oklahoma
3 Historical Society Capital Improvement and Operations Revolving Fund
4 created in Section 1.10a of Title 53 of the Oklahoma Statutes.
5 Service Oklahoma shall create and maintain a list of former members
6 of the Oklahoma House of Representatives and Oklahoma State Senate
7 eligible to be issued such plates; provided, that no former member
8 of the Oklahoma House of Representatives and Oklahoma State Senate
9 shall be eligible to possess more than two of such plates at any one
10 time. Service Oklahoma shall confer as needed with the Chief Clerk
11 of the Oklahoma House of Representatives and the Secretary of the
12 Oklahoma State Senate to confirm that such list is complete and
13 accurate;

14 92. Monarch Butterfly License Plate - such plates shall be
15 designed and issued to any person wishing to demonstrate support for
16 the operations of the Nature Conservancy of Oklahoma. Such plates
17 shall be designed in consultation with the Oklahoma Chapter of the
18 Nature Conservancy. Service Oklahoma shall be authorized to enter
19 into a licensing agreement with the Nature Conservancy of Oklahoma
20 for any licensing fees which may be required in order to use the
21 foundation's logo or design. The plates shall be issued to any
22 person in any combination of numbers and letters from one to a
23 maximum of seven, as for personalized license plates. The licensing
24 agreement shall provide for a payment to the Nature Conservancy of

1 Oklahoma of not more than Twenty Dollars (\$20.00) for each license
2 plate issued;

3 93. Oklahoma Tennis Foundation License Plate - such plates
4 shall be designed and issued to any person wishing to demonstrate
5 support for the Oklahoma Tennis Foundation. The license plates
6 shall be designed in consultation with the Oklahoma Tennis
7 Foundation. Service Oklahoma shall be authorized to enter into a
8 licensing agreement with the Oklahoma Tennis Foundation for any
9 licensing fees which may be required in order to use the
10 foundation's logo or design. The licensing agreement shall provide
11 for a payment to the Oklahoma Tennis Foundation of not more than
12 Twenty Dollars (\$20.00) for each license plate issued;

13 94. Oklahoma Veterans of Foreign Wars License Plate - such
14 plates shall be designed to honor the Oklahoma Veterans of Foreign
15 Wars and shall be issued to any resident of this state upon proof of
16 membership in the Oklahoma Veterans of Foreign Wars organization.
17 The license plates shall be designed in consultation with the
18 Oklahoma Veterans of Foreign Wars organization. Service Oklahoma
19 shall be authorized to enter into a licensing agreement with the
20 Oklahoma Veterans of Foreign Wars organization for any licensing
21 fees which may be required in order to use the organization's logo
22 or design. The licensing agreement shall provide for a payment to
23 the Oklahoma Veterans of Foreign Wars organization of not more than
24 Twenty Dollars (\$20.00) for each license plate issued. Service

1 Oklahoma shall reinstate any Veterans of Foreign Wars license plates
2 issued prior to November 1, 2021, and shall reimburse any individual
3 who held a Veterans of Foreign Wars License Plate on October 31,
4 2021, for fees incurred for the replacement of such plate;

5 95. Oklahoma Women Veterans Organization License Plate - such
6 plates shall be designed and issued to any female veteran of any
7 branch of the United States Armed Forces wishing to demonstrate
8 support for the Oklahoma Women Veterans Organization. The license
9 plates shall be designed in consultation with the Oklahoma Women
10 Veterans Organization. Service Oklahoma shall be authorized to
11 enter into a licensing agreement with the Oklahoma Women Veterans
12 Organization for any licensing fees which may be required in order
13 to use the organization's logo or design. The licensing agreement
14 shall provide for a payment to the Oklahoma Women Veterans
15 Organization of not more than Twenty Dollars (\$20.00) for each
16 license plate issued;

17 96. FIRST (For Inspiration and Recognition of Science and
18 Technology) License Plate - such plates shall be issued to any
19 person wishing to demonstrate support for FIRST Robotics Programs.
20 The license plates shall be designed in consultation with the
21 administration of FIRST. Service Oklahoma shall be authorized to
22 enter into a licensing agreement with FIRST for any licensing fees
23 which may be required in order to use the FIRST logo or design. The
24

1 licensing agreement shall provide for a payment to FIRST of not more
2 than Twenty Dollars (\$20.00) for each license plate issued;

3 97. Pittsburg State University License Plate - such plates
4 shall be designed and issued to any person wishing to demonstrate
5 support for the Pittsburg State University. The license plates
6 shall be designed in consultation with Pittsburg State University.
7 Service Oklahoma shall be authorized to enter into a licensing
8 agreement with Pittsburg State University for any licensing fees
9 which may be required in order to use the school foundation's logo
10 or design. The licensing agreement shall provide for a payment to
11 the Pittsburg State University of not more than Twenty Dollars
12 (\$20.00) for each license plate issued;

13 98. Historic Greenwood District License Plate - such plates
14 shall be issued to persons wishing to demonstrate support for the
15 Historic Greenwood District Juneteenth Festival held in the Historic
16 Greenwood District in Tulsa, Oklahoma. The plates shall be issued
17 to any person in any combination of numbers and letters from one to
18 a maximum of seven, as for personalized license plates. The license
19 plates shall be designed in consultation with the Black Wall Street
20 Chamber of Commerce. Service Oklahoma shall be authorized to enter
21 into a licensing agreement with the Historic Greenwood District
22 Juneteenth Festival for any licensing fees which may be required in
23 order to use the Festival's logo or design. For each license plate
24 issued, the licensing agreement shall provide for a payment of

1 Twenty-five Dollars (\$25.00) of the fee collected to the Historic
2 Greenwood District Juneteenth Festival and an additional Two Dollars
3 (\$2.00) of the fee collected shall be deposited in the Public School
4 Classroom Support Revolving Fund, for expenditure as provided in
5 Section 1-123 of Title 70 of the Oklahoma Statutes;

6 99. Oklahoma Veterans of Foreign Wars Auxiliary License Plate -
7 such plates shall be designed to honor the Oklahoma Veterans of
8 Foreign Wars Auxiliary and issued to any resident of this state upon
9 proof of membership in the Oklahoma Veterans of Foreign Wars
10 Auxiliary organization in this state. The license plates shall be
11 designed in consultation with the Oklahoma Veterans of Foreign Wars
12 Auxiliary organization. Service Oklahoma shall be authorized to
13 enter into a licensing agreement with the Oklahoma Veterans of
14 Foreign Wars Auxiliary organization for any licensing fees which may
15 be required in order to use the organization's logo or design. The
16 licensing agreement shall provide for a payment to the Oklahoma
17 Veterans of Foreign Wars Auxiliary organization of not more than
18 Twenty Dollars (\$20.00) for each license plate issued;

19 100. Transportation to Transportation License Plate - such
20 plates shall be designed and issued to persons wishing to support
21 county roads and bridges. The license plates shall be designed in
22 consultation with the Association of County Commissioners of
23 Oklahoma. Twenty Dollars (\$20.00) of the fee collected shall be
24 paid to the county treasurer for the county in which the license

1 plate was purchased to be credited to the County Highway Fund
2 created pursuant to Section 1503 of Title 69 of the Oklahoma
3 Statutes;

4 101. Blue Star Mothers License Plate - such plates shall be
5 designed and issued to any person showing proof of membership in an
6 Oklahoma Chapter of Blue Star Mothers of America, Inc. The license
7 plates shall be designed in consultation with Blue Star Mothers of
8 America, Inc., Oklahoma Chapter One. Service Oklahoma shall be
9 authorized to enter into a licensing agreement with Blue Star
10 Mothers of America, Inc., Oklahoma Chapter One for any licensing
11 fees which may be required in order to use the Blue Star Mothers of
12 America logo or design. The licensing agreement shall provide for a
13 payment to Blue Star Mothers of America, Inc., Oklahoma Chapter One
14 of not more than Twenty Dollars (\$20.00) for each license plate
15 issued;

16 102. Stillwater Public Schools License Plate - such plates
17 shall be designed and issued to any person wishing to demonstrate
18 support for the Stillwater School District. The license plates
19 shall be designed in consultation with the administration of the
20 Stillwater School District. Service Oklahoma shall be authorized to
21 enter into a licensing agreement with the Stillwater School District
22 for any licensing fees which may be required in order to use the
23 school district's logo or design. The licensing agreement shall
24

1 provide for a payment to the Stillwater School District of not more
2 than Twenty Dollars (\$20.00) for each license plate issued;

3 103. Oklahoma Golf License Plate - such plates shall be
4 designed and issued to any person wishing to demonstrate support for
5 the sport of golf in Oklahoma. The license plates shall be designed
6 in consultation with the South Central Section of the Professional
7 Golfers' Association of America and issued to any person wishing to
8 demonstrate support for the sport of golf in Oklahoma. Service
9 Oklahoma shall be authorized to enter into a licensing agreement
10 with the South Central Section of the Professional Golfers'
11 Association of America for any licensing fees which may be required
12 in order to use the organization's logo or design. The licensing
13 agreement shall provide for a payment to the South Central Section
14 of the Professional Golfers' Association of America of not more than
15 Twenty Dollars (\$20.00) for each license plate issued;

16 104. Paramedic License Plate - such plates shall be designed
17 and issued to any person who is a paramedic. Such persons may apply
18 for a paramedic license plate for each vehicle with a rated carrying
19 capacity of one (1) ton or less or a motorcycle upon proof of a
20 paramedic license. The license plates shall be designed in
21 consultation with the Oklahoma State University-Oklahoma City
22 Paramedicine Program and the Oklahoma Emergency Medical Technicians
23 Association. The letters "PM" shall be placed on the plate followed
24 by four random numbers, or such numbers as requested by such persons

1 applying for the plate. Twenty Dollars (\$20.00) of the fees
2 collected shall be deposited in the Emergency Medical Personnel
3 Death Benefit Revolving Fund created in Section 1-2505.2 of Title 63
4 of the Oklahoma Statutes. Subject to the provisions of subsection A
5 of this section, the Paramedic License Plate is hereby reauthorized
6 effective November 1, 2022;

7 105. National Defense Service Medal License Plate - such plates
8 shall be designed and issued to those persons who have received the
9 National Defense Service Medal and wish to demonstrate support for
10 the Oklahoma Department of Veterans Affairs. The license plates
11 shall be designed in consultation with the Oklahoma Department of
12 Veterans Affairs. Service Oklahoma shall be authorized to enter
13 into a licensing agreement with the Oklahoma Department of Veterans
14 Affairs for any licensing fees which may be required in order to use
15 the Department's logo or design. The licensing agreement shall
16 provide for a payment to the Oklahoma Department of Veterans Affairs
17 of not more than Twenty Dollars (\$20.00) for each license plate
18 issued;

19 106. University of Oklahoma RUF/NEKS License Plate - such
20 plates shall be designed and issued to any past or present member of
21 the University of Oklahoma RUF/NEKS upon providing proof of
22 membership in the organization as may be required by Service
23 Oklahoma. The license plates shall be designed in consultation with
24 the University of Oklahoma RUF/NEKS. Service Oklahoma shall be

1 authorized to enter into a licensing agreement with the University
2 of Oklahoma RUF/NEKS for any licensing fees which may be required in
3 order to use the organization's logo or design. The licensing
4 agreement shall provide for a payment to the University of Oklahoma
5 RUF/NEKS Scholarship Fund of not more than Twenty Dollars (\$20.00)
6 for each license plate issued;

7 107. Tulsa Community College License Plate - such plates shall
8 be issued to persons wishing to support Tulsa Community College.
9 The plates shall be designed in consultation with Tulsa Community
10 College. Service Oklahoma shall be authorized to enter into a
11 licensing agreement with Tulsa Community College for any licensing
12 fees which may be required in order to use the organization's logo
13 or design. The licensing agreement shall provide for a payment to
14 Tulsa Community College of not more than Twenty Dollars (\$20.00) for
15 each license plate issued;

16 108. Guthrie Street Kings License Plate - such plates shall be
17 designed and issued to any person wishing to demonstrate support for
18 the Guthrie Street Kings. The license plates shall be designed in
19 consultation with the Guthrie Street Kings. Service Oklahoma shall
20 be authorized to enter into a licensing agreement with the Guthrie
21 Street Kings for any licensing fees which may be required in order
22 to use the organization's logo or design. The licensing agreement
23 shall provide for a payment to the Guthrie Street Kings of not more
24 than Twenty Dollars (\$20.00) for each license plate issued;

1 109. Epilepsy Foundation License Plate - such plates shall be
2 designed and issued to any person wishing to demonstrate support for
3 the Epilepsy Foundation. The license plates shall be designed in
4 consultation with the Epilepsy Foundation of Oklahoma. Service
5 Oklahoma shall be authorized to enter into licensing agreements with
6 the Epilepsy Foundation for any licensing fees which may be required
7 in order to use the organization's logo or design. The licensing
8 agreement shall provide for a payment to the Epilepsy Foundation of
9 not more than Twenty Dollars (\$20.00) for each license plate issued;

10 110. America First License Plate - such plates shall be
11 designed and issued to any person wishing to demonstrate support for
12 the proclamation of "America First". The license plates shall be
13 designed in consultation with Warriors for Freedom and the Honoring
14 America's Warriors Foundations. Service Oklahoma shall be
15 authorized to enter into licensing agreements with the Warriors for
16 Freedom and Honoring America's Warriors Foundations for any
17 licensing fees which may be required in order to use the
18 Foundations' logos or designs. The licensing agreements shall
19 provide for a payment to the Honoring America's Warriors Foundation
20 of not more than Ten Dollars (\$10.00) and a payment to the Warriors
21 for Freedom Foundation of not more than Ten Dollars (\$10.00) for
22 each license plate issued;

23 111. Diabetes Awareness License Plate - such plates shall be
24 designed and issued to any person wishing to provide financial

1 support for Diabetes Solutions of Oklahoma. The license plates
2 shall be designed in consultation with Diabetes Solutions of
3 Oklahoma. ~~The Tax Commission~~ Service Oklahoma shall be authorized
4 to enter into licensing agreements with Diabetes Solutions of
5 Oklahoma for any licensing fees which may be required in order to
6 use the Diabetes Solutions of Oklahoma logos or designs. The
7 licensing agreements shall provide for a deposit to the Diabetes
8 Awareness License Plate Revolving Fund established in Section ~~4~~
9 1104.33 of this ~~act~~ title;

10 112. Alliance of Mental Health Providers of Oklahoma License
11 Plate - such plates shall be designed and issued to any person
12 wishing to demonstrate support for the Alliance of Mental Health
13 Providers of Oklahoma. The license plates shall be designed in
14 consultation with the Alliance of Mental Health Providers of
15 Oklahoma. ~~The Tax Commission~~ Service Oklahoma shall be authorized
16 to enter into licensing agreements with the Alliance of Mental
17 Health Providers of Oklahoma for any licensing fees which may be
18 required in order to use the organization's logo or design. The
19 licensing agreement shall provide for a payment to the Alliance of
20 Mental Health Providers of Oklahoma of not more than Twenty Dollars
21 (\$20.00) for each license plate issued; and

22 113. Stillwater Public Schools License Plate - such plates
23 shall be designed and issued to any person wishing to demonstrate
24 support for the Stillwater School District. The license plates

1 shall be designed in consultation with the administration of the
2 Stillwater School District. ~~The Tax Commission~~ Service Oklahoma
3 shall be authorized to enter into a licensing agreement with the
4 Stillwater School District for any licensing fees which may be
5 required in order to use the school district's logo or design. The
6 licensing agreement shall provide for a payment to the Stillwater
7 School District of not more than Twenty Dollars (\$20.00) for each
8 license plate issued.

9 C. The fee for such plates shall be Thirty-five Dollars
10 (\$35.00) per year of renewal and shall be in addition to all other
11 registration fees provided by the Oklahoma Vehicle License and
12 Registration Act. The fee shall be apportioned as follows:

13 1. Twenty Dollars (\$20.00) per year of renewal or any other
14 amount as provided in this title of the fee shall be apportioned as
15 provided or deposited in a fund as specified within the paragraph
16 authorizing the special license plate;

17 2. Eight Dollars (\$8.00) per year of renewal of the fee shall
18 be deposited in the Oklahoma Tax Commission Reimbursement Fund to be
19 used for the administration of the Oklahoma Vehicle License and
20 Registration Act. Beginning January 1, 2023, Eight Dollars (\$8.00)
21 per year of renewal of the fee shall be deposited in the Service
22 Oklahoma Reimbursement Fund to be used for the administration of the
23 Oklahoma Vehicle License and Registration Act; and

24

1 3. Any remaining amounts of the fee shall be apportioned as
2 provided in Section 1104 of this title.

3 SECTION 33. AMENDATORY 47 O.S. 2021, Section 1140, as
4 amended by Section 174, Chapter 282, O.S.L. 2022 (47 O.S. Supp.
5 2022, Section 1140), is amended to read as follows:

6 Section 1140. A. The Service Oklahoma Operator Board shall
7 adopt rules prescribing minimum qualifications and requirements for
8 locating Service Oklahoma locations and for persons applying for a
9 license to operate a designated Service Oklahoma location. Such
10 qualifications and requirements shall include, but not be limited
11 to, the following:

12 1. Necessary job skills and experience;

13 2. Minimum office hours;

14 3. Provision for sufficient staffing, equipment, office space
15 and parking to provide maximum efficiency and maximum convenience to
16 the public;

17 4. Obtainment of a faithful performance surety bond as provided
18 for by law;

19 5. That the applicant has not been convicted of a felony and
20 that no felony charges are pending against the applicant;

21 6. That the location specified in the individual's application
22 for a license to operate a designated Service Oklahoma location not
23 be owned by a member of Service Oklahoma or an employee of Service
24 Oklahoma or any person related to a member of Service Oklahoma or an

1 employee of Service Oklahoma within the third degree ~~by~~ of
2 consanguinity, marriage, or adoption and that the location not be
3 within a three-mile radius of an existing licensed operator unless
4 the applicant is assuming the location of an operating licensed
5 operator;

6 7. That a single website, designated by Service Oklahoma, will
7 be used for the distribution of services provided by Service
8 Oklahoma with motor vehicle services to be fulfilled by licensed
9 operators;

10 8. That licensed operators will attend all required training
11 provided by Service Oklahoma; and

12 9. That there should be at least one Service Oklahoma location
13 in each county.

14 B. 1. Any person making application to the Service Oklahoma
15 Operator Board for the purpose of obtaining a license to operate a
16 designated Service Oklahoma location shall pay, when submitting the
17 application, a nonrefundable application fee of One Hundred Dollars
18 (\$100.00). All such application fees shall be deposited in the
19 Oklahoma Tax Commission Revolving Fund. Beginning January 1, 2023,
20 all such application fees shall be deposited in the Service Oklahoma
21 Revolving Fund.

22 2. Any person making application to the Service Oklahoma
23 Operator Board for the purpose of obtaining a license to operate a
24 designated Service Oklahoma location must meet standardization and

1 branding requirements established by the Service Oklahoma Operator
2 Board, upon recommendations from Service Oklahoma. Upon approval,
3 the person must either pay a fee to Service Oklahoma for all costs
4 related to meeting the standardization and branding requirements or
5 obtain approval from the Service Oklahoma Operator Board that the
6 location meets all standardization and branding requirements. All
7 such fees shall be deposited in the Service Oklahoma Revolving Fund.
8 The amount of the license fee will be determined by the Service
9 Oklahoma Operator Board. This provision shall not apply to any
10 existing Service Oklahoma location.

11 3. Any person making application to the Service Oklahoma
12 Operator Board shall have been a resident of the State of Oklahoma
13 for a period of six (6) months prior to submitting an application
14 for a license to operate a designated Service Oklahoma location. If
15 a licensed operator moves his or her residence to a place outside
16 the State of Oklahoma, the licensed operator shall provide notice to
17 the Service Oklahoma Operator Board and sell his or her license
18 within ninety (90) days of such notice.

19 C. Upon application by a person to serve as a licensed
20 operator, the Service Oklahoma Operator Board is authorized to make
21 a determination whether such person and such location meets the
22 criteria and guidelines established by the Service Oklahoma Operator
23 Board and, if such be the case, may issue a license to operate a
24 designated Service Oklahoma location.

1 D. 1. A licensed operator may be permitted, upon application,
2 to sell or transfer an existing license to operate a designated
3 Service Oklahoma location. Any sale or transfer of a license is
4 subject to approval of the Service Oklahoma Operator Board. In
5 order to sell or transfer an existing licensed operator license, the
6 licensed operator shall meet the following guidelines and
7 requirements:

8 a. the licensed operator shall be in good standing with
9 the Service Oklahoma Operator Board,

10 b. the licensed operator shall have held a licensed
11 operator license, issued by the Service Oklahoma
12 Operator Board, for a minimum of five (5) years, and

13 c. the licensed operator shall provide the Service
14 Oklahoma Operator Board evidence that the proposed
15 buyer or transferee of the licensed operator ~~licensee~~
16 license meets the qualifications and requirements set
17 forth in subsection A of this section, has the ability
18 to meet all financial requirements and terms of any
19 current existing contract between the licensed
20 operator and Service Oklahoma, and agrees to the
21 onboarding and training requirements of Service
22 Oklahoma, as established by Service Oklahoma and the
23 Service Oklahoma Operator Board.

24

1 2. The purchase price of a licensed operator license shall be
2 agreed upon by the licensed operator and the individual purchasing
3 the license to operate a designated Service Oklahoma location.
4 However, the purchaser or transferee agrees to pay a transfer fee to
5 Service Oklahoma in the amount of three percent (3%) of the last
6 annual gross revenue from fees retained at the Service Oklahoma
7 location to be purchased, not to exceed Fifteen Thousand Dollars
8 (\$15,000.00). The transfer fee shall be deposited in the Service
9 Oklahoma Revolving Fund.

10 3. Upon receipt of the application to sell or transfer an
11 existing licensed operator license, the Service Oklahoma Operator
12 Board ~~will~~ shall determine whether the licensed operator license may
13 be sold or transferred on the condition that the existing location
14 is in good standing and the new licensee meets the requirements
15 outlined in Section 1140 et seq. of this title.

16 4. The Service Oklahoma Operator Board may, at its discretion,
17 buy back a licensed operator license from a licensed operator who
18 desires to sell or transfer its licensed operator license but has
19 held a licensed operator license issued by Service Oklahoma for less
20 than five (5) years. The purchase price for such a license ~~will~~
21 shall be one-half (1/2) times the most recent annual gross revenue
22 from fees retained of that Service Oklahoma location, not to exceed
23 Two Hundred Thousand Dollars (\$200,000.00).

24

1 5. a. Licensed operators issued a license to operate a
2 designated Service Oklahoma location on January 1,
3 2023, may be permitted, upon application, to sell or
4 transfer their existing license within the first five
5 (5) years. Any sale or transfer of such a license is
6 subject to the approval of the Service Oklahoma
7 Operator Board. In order to sell or transfer the
8 existing license within the first five (5) years, the
9 licensed operator shall meet the following guidelines
10 and requirements:

11 (1) the licensed operator shall be in good standing
12 with the Service Oklahoma Operator Board, and

13 (2) the licensed operator shall provide the Service
14 Oklahoma Operator Board evidence that the
15 proposed buyer or transferee of the licensed
16 operator license meets the qualifications and
17 requirements set forth in this section, has the
18 ability to meet all financial requirements and
19 terms of any current existing contract between
20 the licensed operator and Service Oklahoma, and
21 agrees to the onboarding and training
22 requirements of Service Oklahoma, as established
23 by Service Oklahoma and the Service Oklahoma
24 Operator Board.

1 b. The branding and physical standardization exemption
2 specified in this section shall not transfer to the
3 buyer or transferee, unless:

4 (1) the licensed operator submitted a contingent
5 resignation and the buyer or transferee submitted
6 a related application to the Oklahoma Tax
7 Commission prior to May 19, 2022, or

8 (2) the buyer or transferee is related to the
9 licensed operator within the third degree of
10 consanguinity, marriage, or adoption.

11 E. 1. Licensed operators shall be subject to all laws relating
12 to licensed operators and shall be subject to removal for cause by
13 the Service Oklahoma Operator Board. Any action taken by Service
14 Oklahoma to revoke a license shall be pursuant to and in accordance
15 with the provisions of the Administrative Procedures Act. For the
16 purposes of this section, "for cause" shall be defined as follows:

17 a. repeated violations of written contracts, rules,
18 regulations and statutes pertaining to licensed
19 operators after written warning by the Service
20 Oklahoma Operator Board and an opportunity to correct
21 such violations,

22 b. failure of the licensed operator to promptly remit
23 funds owed to Service Oklahoma upon written demand,
24

- c. being charged with a felony crime involving dishonesty or moral turpitude,
- d. failure to timely file state and federal income tax returns, or
- e. any act of official misconduct as set forth in Section 93 of Title 51 of the Oklahoma Statutes.

In the event a license is revoked by the Service Oklahoma Operator Board for cause, the Service Oklahoma location operated by the licensed operator will be permanently closed and the licensed operator shall not be entitled to any compensation.

Motor license agents and licensed operators in good standing as of November 1, 2022, shall be exempt from the branding and physical standardization requirements to be established by the Service Oklahoma Operator Board, with the recommendation of the Director of Service Oklahoma.

2. A license to operate a designated Service Oklahoma location may be revoked by the Service Oklahoma Operator Board for failure to meet the standards for customer satisfaction established by the Service Oklahoma Operator Board. In the event of revocation, the licensed operator shall sell his or her license to operate a Service Oklahoma location to Service Oklahoma at a rate of one-half (1/2) times the most recent annual gross revenue from fees retained of that Service Oklahoma location, not to exceed Two Hundred Thousand Dollars (\$200,000.00).

1 F. All licensed operators shall be licensed by and under the
2 supervision of Service Oklahoma; provided, any ~~agent~~ licensed
3 operator authorized to issue registrations pursuant to the
4 International Registration Plan shall also be under the supervision
5 of the Corporation Commission, subject to rules promulgated by the
6 Corporation Commission pursuant to the provisions of subsection E of
7 Section 1166 of this title. Service Oklahoma shall be the holder of
8 all licenses and has the right to approve and revoke such licenses.
9 After obtaining a license, any such licensed operator shall furnish
10 and file with Service Oklahoma a bond in such amount as may be fixed
11 by Service Oklahoma. Such licensed operator shall be removable at
12 the will of Service Oklahoma. Such licensed operator shall perform
13 all duties and do such things in the administration of the laws of
14 this state as shall be enjoined upon and required by the Service
15 Oklahoma Operator Board. Provided, Service Oklahoma may operate a
16 Service Oklahoma location in any county where a vacancy occurs, as
17 determined by Service Oklahoma.

18 G. In the event of a vacancy due to the death of a licensed
19 operator, the licensed operator's designee or a licensed operator
20 location employee shall immediately notify Service Oklahoma. A
21 licensed operator may designate an individual to continue to operate
22 the Service Oklahoma location upon the death of the licensed
23 operator. The designee shall apply to obtain a license to operate
24 the vacant licensed operator location with the Service Oklahoma

1 Operator Board within thirty (30) days of the licensed operator's
2 death. In the event that no designee is designated or that the
3 designee fails to apply to be a licensed operator with Service
4 Oklahoma within thirty (30) days, Service Oklahoma may take any and
5 all action it deems appropriate in order to provide for the orderly
6 transition and the maintenance of operations of the Service Oklahoma
7 location, as permitted by law.

8 H. When an application for registration is made with Service
9 Oklahoma, the Corporation Commission or a licensed operator, a
10 registration fee of One Dollar and seventy-five cents (\$1.75) shall
11 be collected for each license plate or decal issued. Such fees
12 shall be in addition to the registration fees on motor vehicles, and
13 when an application for registration is made to the licensed
14 operator, such licensed operator shall retain a fee as provided in
15 Section 1141.1 of this title. When the fee is paid by a person
16 making application directly with Service Oklahoma or the Corporation
17 Commission, as applicable, the registration fees shall be in the
18 same amount as provided for licensed operators and the fee provided
19 by Section 1141.1 of this title shall be deposited in the Oklahoma
20 Tax Commission Revolving Fund or as provided in Section 1167 of this
21 title, as applicable. Beginning January 1, 2023, the fee provided
22 by Section 1141.1 of this title shall be deposited in the Service
23 Oklahoma Revolving Fund or as provided in Section 1167 of this
24 title, as applicable. Service Oklahoma shall prepare schedules of

1 registration fees and charges for titles which shall include the
2 fees for such licensed operators and all fees and charges paid by a
3 person shall be listed separately on the application and
4 registration and totaled on the application and registration. The
5 licensed operators shall charge only such fees as are specifically
6 provided for by law, and all such authorized fees shall be posted in
7 such a manner that any person shall have notice of all fees that are
8 imposed by law.

9 I. Any licensed operator shall be responsible for all costs
10 incurred by Service Oklahoma when relocating an existing Service
11 Oklahoma location. The Service Oklahoma Operator Board may waive
12 payment of such costs in case of unforeseen business or emergency
13 conditions beyond the control of the licensed operator.

14 J. Any existing contracts by or between any motor license agent
15 and the Oklahoma Tax Commission shall be assigned to Service
16 Oklahoma. All existing motor license agents in good standing with
17 the Oklahoma Tax Commission will be offered a subsequent contract
18 from Service Oklahoma to become a licensed operator to take effect
19 on January 1, 2023. The contract between existing motor license
20 agents and Service Oklahoma shall be agreed to no later than
21 December 31, 2022. In the event an existing motor license agent
22 declines to enter into the subsequent contract with Service Oklahoma
23 to become a licensed operator, that motor license agent may continue
24 to conduct business pursuant to the existing contract through

1 December 31, 2025, so long as that motor license agent remains in
2 good standing with Service Oklahoma in accordance with the terms of
3 the existing contract.

4 SECTION 34. AMENDATORY 63 O.S. 2021, Section 1-229.13,
5 is amended to read as follows:

6 Section 1-229.13 It is unlawful for any person to sell, give or
7 furnish in any manner any tobacco product, nicotine product or vapor
8 product to another person who is under twenty-one (21) years of age,
9 or to purchase in any manner a tobacco product, nicotine product or
10 vapor product on behalf of any such person. It shall not be
11 unlawful for an employee under twenty-one (21) years of age to
12 handle tobacco products, nicotine products or vapor products when
13 required in the performance of the employee's duties.

14 B. A person engaged in the sale or distribution of tobacco
15 products, nicotine products or vapor products shall demand proof of
16 age from a prospective purchaser or recipient if an ordinary person
17 would conclude on the basis of appearance that the prospective
18 purchaser may be under twenty-one (21) years of age.

19 If an individual engaged in the sale or distribution of tobacco
20 products, nicotine products or vapor products has demanded proof of
21 age from a prospective purchaser or recipient who is not under
22 twenty-one (21) years of age, the failure to subsequently require
23 proof of age shall not constitute a violation of this subsection.

24

1 C. 1. When a person violates subsection A or B of this
2 section, the Alcoholic Beverage Laws Enforcement (ABLE) Commission
3 shall impose an administrative fine of:

4 a. not more than One Hundred Dollars (\$100.00) for the
5 first offense,

6 b. not more than Two Hundred Dollars (\$200.00) for the
7 second offense within a two-year period following the
8 first offense,

9 c. not more than Three Hundred Dollars (\$300.00) for a
10 third offense within a two-year period following the
11 first offense. In addition to any other penalty, the
12 store's license to sell tobacco products or nicotine
13 products or the store's sales tax permit for a store
14 that is predominantly engaged in the sale of vapor
15 products in which the sale of other products is merely
16 incidental may be suspended for a period not exceeding
17 thirty (30) days, or

18 d. not more than Three Hundred Dollars (\$300.00) for a
19 fourth or subsequent offense within a two-year period
20 following the first offense. In addition to any other
21 penalty, the store's license to sell tobacco products
22 or nicotine products or the store's sales tax permit
23 for a store that is predominantly engaged in the sale
24 of vapor products in which the sale of other products

1 is merely incidental may be suspended for a period not
2 exceeding sixty (60) days.

3 2. When it has been determined that a penalty shall include a
4 license or permit suspension, the ABLE Commission shall notify the
5 Oklahoma Tax Commission, and the Tax Commission shall suspend the
6 store's license to sell tobacco products or nicotine products or the
7 store's sales tax permit for a store that is predominantly engaged
8 in the sale of vapor products in which the sale of other products is
9 merely incidental at the location where the offense occurred for the
10 period of time prescribed by the ABLE Commission.

11 3. Proof that the defendant demanded, was shown, and reasonably
12 relied upon proof of age shall be a defense to any action brought
13 pursuant to this section. A person cited for violating this section
14 shall be deemed to have reasonably relied upon proof of age, and
15 such person shall not be found guilty of the violation if such
16 person proves that:

- 17 a. the individual who purchased or received the tobacco
18 product, nicotine product or vapor product presented a
19 driver license or other government-issued photo
20 identification purporting to establish that such
21 individual was twenty-one (21) years of age or older,
22 or
23 b. the person cited for the violation confirmed the
24 validity of the driver license or other government-

1 issued photo identification presented by such
2 individual by performing a transaction scan by means
3 of a transaction scan device.

4 Provided, that this defense shall not relieve from liability any
5 person cited for a violation of this section if the person failed to
6 exercise reasonable diligence to determine whether the physical
7 description and picture appearing on the driver license or other
8 government-issued photo identification was that of the individual
9 who presented it. The availability of the defense described in this
10 subsection does not affect the availability of any other defense
11 under any other provision of law.

12 D. If the sale is made by an employee of the owner of a store
13 at which tobacco products, nicotine products or vapor products are
14 sold at retail, the employee shall be guilty of the violation and
15 shall be subject to the fine. Each violation by any employee of an
16 owner of a store licensed to sell tobacco products or nicotine
17 products or permitted to sell vapor products shall be deemed a
18 violation against the owner for purposes of a license suspension
19 pursuant to subsection C of this section. Each violation by an
20 employee of a store predominantly engaged in the sale of vapor
21 products in which the sale of other products is merely incidental
22 shall be deemed a violation against the owner for purposes of a
23 sales tax permit suspension pursuant to the provisions of subsection
24 C of this section. An owner of a store licensed to sell tobacco

1 products or nicotine products or permitted to sell vapor products
2 shall not be deemed in violation of the provisions of the Prevention
3 of Youth Access to Tobacco Act for any acts constituting a violation
4 by any person, when the violation occurs prior to actual employment
5 of the person by the storeowner or the violation occurs at a
6 location other than the owner's retail store. For purposes of
7 determining the liability of a person controlling franchises or
8 business operations in multiple locations, for any violations of
9 subsection A or B of this section, each individual franchise or
10 business location shall be deemed a separate entity.

11 E. On or before December 15, 1997, the ABLE Commission shall
12 adopt rules establishing a method of notification of storeowners
13 when an employee of such storeowner has been determined to be in
14 violation of this section by the ABLE Commission or convicted of a
15 violation by a municipality.

16 F. 1. Upon failure of the employee to pay the administrative
17 fine within ninety (90) days of the day of the assessment of such
18 fine, the ABLE Commission shall notify ~~the Department of Public~~
19 ~~Safety~~ Service Oklahoma, and ~~the Department~~ Service Oklahoma shall
20 suspend or not issue a driver license to the employee until proof of
21 payment has been furnished to ~~the Department of Public Safety~~
22 Service Oklahoma.

23 2. Upon failure of a storeowner to pay the administrative fine
24 within ninety (90) days of the assessment of the fine, the ABLE

1 Commission shall notify the Tax Commission, and the Tax Commission
2 shall suspend the store's license to sell tobacco products or
3 nicotine products or the store's sales tax permit for a store that
4 is predominantly engaged in the sale of vapor products in which the
5 sale of other products is merely incidental until proof of payment
6 has been furnished to the Oklahoma Tax Commission.

7 G. Cities and towns may enact and municipal police officers may
8 enforce ordinances prohibiting and penalizing conduct under
9 provisions of this section, but the provisions of municipal
10 ordinances shall be the same as provided for in this section, and
11 the penalty provisions under such ordinances shall not be more
12 stringent than those of this section.

13 H. County sheriffs may enforce the provisions of the Prevention
14 of Youth Access to Tobacco Act.

15 SECTION 35. AMENDATORY 70 O.S. 2021, Section 19-115, is
16 amended to read as follows:

17 Section 19-115. A. The establishment, conduct and scope of the
18 driver education program for secondary schools shall be the program
19 established by rules adopted and promulgated by the State Board of
20 Education, subject to the requirements and exceptions set forth in
21 Section 19-113 et seq. of this title. Said program shall be
22 established and maintained only in accordance with such rules and
23 laws. The State Superintendent of Public Instruction shall prepare
24 an administrative budget from funds made available under this

1 article, which budget shall be approved by the State Board of
2 Education. It shall be the responsibility of the State
3 Superintendent of Public Instruction to appoint supervisors of
4 safety education and the necessary clerical personnel.

5 B. The State Department of Education shall designate or employ
6 a state coordinator of driver education programs to provide
7 oversight of all driver education programs throughout the state.
8 The responsibilities of such coordinator shall include, but not be
9 limited to:

- 10 1. Assuring quality driver education programs in this state;
- 11 2. Serving as a liaison between the State Department of
12 Education and ~~the Department of Public Safety~~ Service Oklahoma;
- 13 3. Promoting driver safety throughout the state; and
- 14 4. Coordinating the activities of the supervisors of safety
15 education and the necessary clerical staff.

16 SECTION 36. AMENDATORY 75 O.S. 2021, Section 250.4, is
17 amended to read as follows:

18 Section 250.4 A. 1. Except as is otherwise specifically
19 provided in this subsection, each agency is required to comply with
20 Article I of the Administrative Procedures Act.

21 2. The Corporation Commission shall be required to comply with
22 the provisions of Article I of the Administrative Procedures Act
23 except for subsections A, B, C and E of Section 303 of this title
24 and Section 306 of this title. To the extent of any conflict or

1 inconsistency with Article I of the Administrative Procedures Act,
2 pursuant to Section 35 of Article IX of the Oklahoma Constitution,
3 it is expressly declared that Article I of the Administrative
4 Procedures Act is an amendment to and alteration of Sections 18
5 through 34 of Article IX of the Oklahoma Constitution.

6 3. The Oklahoma Military Department shall be exempt from the
7 provisions of Article I of the Administrative Procedures Act to the
8 extent it exercises its responsibility for military affairs.
9 Military publications, as defined in Section 801 of Title 44 of the
10 Oklahoma Statutes, shall be exempt from the provisions of Article I
11 and Article II of the Administrative Procedures Act, except as
12 provided in Section 251 of this title.

13 4. The Oklahoma Ordnance Works Authority, the Northeast
14 Oklahoma Public Facilities Authority, the Oklahoma Office of
15 Homeland Security and the Board of Trustees of the Oklahoma College
16 Savings Plan shall be exempt from Article I of the Administrative
17 Procedures Act.

18 5. The Transportation Commission and the Department of
19 Transportation shall be exempt from Article I of the Administrative
20 Procedures Act to the extent they exercise their authority in
21 adopting standard specifications, special provisions, plans, design
22 standards, testing procedures, federally imposed requirements and
23 generally recognized standards, project planning and programming,
24 and the operation and control of the State Highway System.

1 6. The Oklahoma State Regents for Higher Education shall be
2 exempt from Article I of the Administrative Procedures Act with
3 respect to:

- 4 a. prescribing standards of higher education,
- 5 b. prescribing functions and courses of study in each
6 institution to conform to the standards,
- 7 c. granting of degrees and other forms of academic
8 recognition for completion of the prescribed courses,
- 9 d. allocation of state-appropriated funds, and
- 10 e. fees within the limits prescribed by the Legislature.

11 7. Institutional governing boards within The Oklahoma State
12 System of Higher Education shall be exempt from Article I of the
13 Administrative Procedures Act.

- 14 8. a. The Commissioner of Public Safety and the Director of
15 Service Oklahoma shall be exempt from Sections 303.1,
16 304, 307.1, 308 and 308.1 of this title insofar as it
17 is necessary to promulgate rules pursuant to the
18 Oklahoma Motor Carrier Safety and Hazardous Materials
19 Transportation Act, and to maintain a current
20 incorporation of federal motor carrier safety and
21 hazardous material regulations, ~~or pursuant to Chapter~~
22 ~~6 of Title 47 of the Oklahoma Statutes, to maintain a~~
23 ~~current incorporation of federal commercial driver~~
24 ~~license regulations, for which the Commissioner has no~~

1 ~~discretion when the state is mandated to promulgate~~
2 ~~rules identical to federal rules and regulations.~~

3 b. Such rules may be adopted by the Commissioner and
4 shall be deemed promulgated twenty (20) days after
5 notice of adoption is published in "The Oklahoma
6 Register". Such publication need not set forth the
7 full text of the rule but may incorporate the federal
8 rules and regulations by reference.

9 c. Such copies of promulgated rules shall be filed with
10 the Secretary as required by Section 251 of this
11 title.

12 d. For any rules for which the Commissioner has
13 discretion to allow variances, tolerances or
14 modifications from the federal rules and regulations,
15 the Commissioner shall fully comply with Article I of
16 the Administrative Procedures Act.

17 9. The Council on Judicial Complaints shall be exempt from
18 Section 306 of Article I of the Administrative Procedures Act, with
19 respect to review of the validity or applicability of a rule by an
20 action for declaratory judgment, or any other relief based upon the
21 validity or applicability of a rule, in the district court or by an
22 appellate court. A party aggrieved by the validity or applicability
23 of a rule made by the Council on Judicial Complaints may petition
24

1 the Court on the Judiciary to review the rules and issue opinions
2 based upon them.

3 10. The Department of Corrections, State Board of Corrections,
4 county sheriffs and managers of city jails shall be exempt from
5 Article I of the Administrative Procedures Act with respect to:

6 a. prescribing internal management procedures for the
7 management of the state prisons, county jails and city
8 jails and for the management, supervision and control
9 of all incarcerated prisoners, and

10 b. prescribing internal management procedures for the
11 management of the probation and parole unit of the
12 Department of Corrections and for the supervision of
13 probationers and parolees.

14 11. The State Board of Education shall be exempt from Article I
15 of the Administrative Procedures Act with respect to prescribing
16 subject matter standards as provided for in Section 11-103.6a of
17 Title 70 of the Oklahoma Statutes.

18 B. As specified, the following agencies or classes of agency
19 activities are not required to comply with the provisions of Article
20 II of the Administrative Procedures Act:

21 1. The Oklahoma Tax Commission, except as provided in
22 subsection G of Section 1140 of Title 47 of the Oklahoma Statutes;

23 2. The Commission for Human Services;

24 3. The Oklahoma Ordnance Works Authority;

- 1 4. The Corporation Commission;
- 2 5. The Pardon and Parole Board;
- 3 6. The Midwestern Oklahoma Development Authority;
- 4 7. The Grand River Dam Authority;
- 5 8. The Northeast Oklahoma Public Facilities Authority;
- 6 9. The Council on Judicial Complaints;
- 7 10. The Board of Trustees of the Oklahoma College Savings Plan;
- 8 11. The supervisory or administrative agency of any penal,
9 mental, medical or eleemosynary institution, only with respect to
10 the institutional supervision, custody, control, care or treatment
11 of inmates, prisoners or patients therein; provided, that the
12 provisions of Article II shall apply to and govern all
13 administrative actions of the Oklahoma Alcohol Prevention, Training,
14 Treatment and Rehabilitation Authority;
- 15 12. The Board of Regents or employees of any university,
16 college, or other institution of higher learning;
- 17 13. The Oklahoma Horse Racing Commission, its employees or
18 agents only with respect to hearing and notice requirements on the
19 following classes of violations which are an imminent peril to the
20 public health, safety and welfare:
 - 21 a. any rule regarding the running of a race,
 - 22 b. any violation of medication laws and rules,

- c. any suspension or revocation of an occupation license by any racing jurisdiction recognized by the Commission,
- d. any assault or other destructive acts within Commission-licensed premises,
- e. any violation of prohibited devices, laws and rules, or
- f. any filing of false information;

14. The Commissioner of Public Safety and the Director of Service Oklahoma only with respect to driver license hearings and hearings conducted pursuant to the provisions of Section 2-115 of Title 47 of the Oklahoma Statutes;

15. The Administrator of the Department of Securities only with respect to hearings conducted pursuant to provisions of the Oklahoma Take-over Disclosure Act of 1985;

16. Hearings conducted by a public agency pursuant to Section 962 of Title 47 of the Oklahoma Statutes;

17. The Oklahoma Military Department;

18. The University Hospitals Authority, including all hospitals or other institutions operated by the University Hospitals Authority;

19. The Oklahoma Health Care Authority Board and the Administrator of the Oklahoma Health Care Authority; and

20. The Oklahoma Office of Homeland Security.

1 SECTION 37. REPEALER 47 O.S. 2021, Sections 2-106, as
2 amended by Section 28, Chapter 282, O.S.L. 2022, and 1114.2, as
3 amended by Section 131, Chapter 282, O.S.L. 2022 (47 O.S. Supp.
4 2022, Sections 2-106 and 1114.2), are hereby repealed.

5 SECTION 38. This act shall become effective July 1, 2023.

6 SECTION 39. It being immediately necessary for the preservation
7 of the public peace, health or safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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11 59-1-5144 JBH 01/15/23

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