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State Regulations for Buses

Oklahoma

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OKLAHOMA STATUTES
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§47-1-101. Definition of words and phrases.

The following words and phrases when used in this title shall, for the purpose of this title, have the meanings respectively ascribed to them in this chapter, except when the context otherwise requires or other definitions are provided. Section captions are a part of this chapter.

Added by Laws 1961, p. 315, § 1-101, eff. Sept. 1, 1961. Amended by Laws 1981, c. 295, § 1, emerg. eff. June 29, 1981.

§47-1-101.1. Ancient vehicle. Ancient vehicle.

A motor vehicle owned by a resident of this state, which is thirty (30) years of age or older, based upon the date of manufacture thereof, and which travels on highways of this state primarily incidental to historical or exhibition purposes only.
Added by Laws 1985, c. 305, § 12, emerg. eff. July 24, 1985.

§47-1-102. Arterial street.

Any U.S. or state-numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.
Laws 1961, p. 315, § 1-102.

§47-1-103. Authorized emergency vehicles - Equipment.

A. When equipped as prescribed in subsection B of this section:

1. Vehicles of fire departments;
 2. Ambulances or vehicles specified pursuant to subsection B of Section 1-2512 of Title 63 of the Oklahoma Statutes of licensed ambulance service providers;
 3. State vehicles of law enforcement agencies;
 4. County vehicles of sheriffs and full-time commissioned deputies and vehicles designated by the sheriff for support of the sheriff's office including privately owned vehicles driven by the sheriff and full-time, part-time and reserve commissioned deputies; provided the audible sirens and flashing red lights equipped on such privately owned vehicles are used only in a law enforcement capacity and in the course of duty;
 5. Municipal vehicles of police departments;
 6. Vehicles owned and operated by the United States Marshals Service or the Federal Bureau of Investigation;
 7. Vehicles of Oklahoma National Guard units designated by the Adjutant General for support to civil authorities; or
 8. Vehicles owned and operated by any local organization for emergency management as defined by Section 683.3 of Title 63 of the Oklahoma Statutes,
- are authorized emergency vehicles.

B. All vehicles prescribed in subsection A of this section shall be equipped with sirens capable of giving audible signals as required by the provisions of Section 12-218 of this title and flashing red lights as authorized by the provisions of Section 12-218 of this title.

Added by Laws 1961, p. 315, § 1-103, eff. Sept. 1, 1961. Amended by Laws 1976, c. 284, § 1, emerg. eff. June 17, 1976; Laws 1983, c. 220, § 1, eff. Nov. 1, 1983; Laws 1984, c. 29, § 1, eff. Nov. 1, 1984; Laws 1987, c. 74, § 1, eff. Nov. 1, 1987; Laws 1991, c. 167, § 1, eff. July 1, 1991; Laws 2003, c. 329, § 58, emerg. eff. May 29, 2003;

Laws 2005, c. 190, § 6, eff. Sept. 1, 2005; Laws 2007, c. 120, § 2, eff. Nov. 1, 2007.

§47-1-103.1. Automobile.

Automobile.

Every motor vehicle of the type constructed and used for the transportation of persons for purposes other than for hire or compensation. This shall include all vehicles of the station wagon type whether the same are called station wagons, or ranch wagons, van wagons, except those used for commercial purposes, suburbans, town and country, or by any other name, except when owned and used as a school bus or motor bus by a school district or a religious corporation or society as elsewhere provided by law.

Added by Laws 1985, c. 305, § 13, emerg. eff. July 24, 1985.

§47-1-103.2. Autocycle

A. An autocycle is any motor vehicle having:

1. A seat or saddle for the use of each rider;
2. Three wheels in contact with the ground, but excluding a tractor;

3. A combustion engine with a piston or rotor displacement of one hundred fifty cubic centimeters (150 cu cm) or greater;

4. For each occupant, safety belts or safety shoulder harnesses which shall be of a type and shall be installed pursuant to 49 C.F.R., Section 571.208 et seq.; and

5. All equipment required by the provisions of Article II et seq. of Chapter 12 of this title, with respect to equipment on vehicles.

B. An autocycle shall be registered as a motor vehicle.

C. The operator of an autocycle shall not be required to have an "M" endorsement on the Class D License pursuant to Section 6-110.1 of this title.

Added by Laws 2015, c. 148, § 1, eff. Nov. 1, 2015. Amended by Laws 2016, c. 223, § 1, eff. Nov. 1, 2016.

§47-1-104. Bicycle, electric-assisted bicycle, and motorized bicycle.

A. A bicycle is a device upon which any person or persons may ride, propelled solely by human power through a belt, chain, or gears, and having two or more wheels, excluding mopeds.

B. An electric-assisted bicycle is any bicycle with:

1. Two or three wheels; and

2. Fully operative pedals for human propulsion and equipped with an electric motor with a power output of not more than seven hundred fifty (750) watts that meets the requirements of one of the following three classes:

- a. "Class 1 electric-assisted bicycle" shall mean an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty (20) miles per hour,
- b. "Class 2 electric-assisted bicycle" shall mean an electric-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour, and
- c. "Class 3 electric-assisted bicycle" shall mean an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight (28) miles per hour.

An electric-assisted bicycle shall meet the manufacturing and equipment requirements adopted by the Consumer Product Safety Commission for bicycles and shall operate in such a manner that the electric motor disengages or ceases to function when the rider stops pedaling or the brakes are applied.

C. A motorized bicycle is any bicycle having:

- 1. Fully operative pedals for propulsion by human power;
- 2. A power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged; and
- 3. A combustion engine with a piston or rotor displacement of eighty (80 cu cm) cubic centimeters or less, regardless of the number of chambers in the engine, which is capable of propelling the bicycle at a maximum design speed of not more than thirty-five (35) miles per hour on level ground.

D. As used in this title, the term "bicycle" shall include tricycles, quadcycles, or similar human-powered devices, electric-assisted bicycles, and motorized bicycles unless otherwise specifically indicated.

Added by Laws 1961, p. 315, § 1-104, eff. Sept. 1, 1961. Amended by Laws 2003, c. 411, § 1, eff. Nov. 1, 2003; Laws 2004, c. 521, § 1, eff. Nov. 1, 2004; Laws 2006, c. 173, § 1, eff. July 1, 2006; Laws 2007, c. 330, § 1; Laws 2012, c. 319, § 1, eff. Nov. 1, 2012; Laws 2019, c. 43, § 1, eff. Nov. 1, 2019.

§47-1-105. Bus.

"Bus" shall mean every motor vehicle designed for carrying more than eight passengers and used for the transportation of persons; and every motor vehicle designed and used for the transportation of persons for compensation. As used in this section, "Bus" shall not include a vehicle authorized for use pursuant to the Oklahoma

Transportation Network Company Services Act as defined in Section 1011 of this title.

Added by Laws 1961, p. 316, § 1-105. Amended by Laws 2017, c. 122, § 1, eff. Nov. 1, 2017.

§47-1-105.1. Church bus.

Church bus.

A "church bus" is any bus operated by a nonprofit religious organization which transports persons including school-age children to and from religious activities.

Added by Laws 2003, c. 411, § 2, eff. Nov. 1, 2003.

§47-1-106. Business district.

The territory contiguous to and including a highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.

Laws 1961, p. 316, § 1-106.

§47-1-107. Cancellation of driver's license.

The annulment or termination by formal action of the Department of a person's driver's license because of some error or defect in the license or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.

Laws 1961, p. 316, § 1-107.

§47-1-107.1. Class A commercial motor vehicle.

Class A Commercial Motor Vehicle.

Any combination of vehicles, except a Class D motor vehicle, with a gross combined weight rating of twenty-six thousand one (26,001) or more pounds provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand (10,000) pounds. Added by laws 1990, c. 219, § 1, eff. Jan 1, 1991.

§47-1-107.2. Class B commercial motor vehicle.

Class B Commercial Motor Vehicle.

Any single vehicle, except a Class D motor vehicle, with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds, or any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds gross vehicle weight rating. This class shall apply to a bus with a gross vehicle weight rating of twenty-six

thousand one (26,001) or more pounds and designed to transport sixteen or more persons, including the driver.

Added by Laws 1990, c. 219, § 2, eff. Jan. 1, 1991.

§47-1-107.3. Class C commercial motor vehicle.

Class C Commercial Motor Vehicle.

Any single vehicle or combination of vehicles, other than a Class A or Class B vehicle as defined in this title, which is:

1. Required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F; or

2. Designed by the manufacturer to transport sixteen or more persons, including the driver.

Added by Laws 1990, c. 219, § 3, eff. Jan. 1, 1991. Amended by Laws 1992, c. 217, § 1, eff. July 1, 1992.

§47-1-107.4. Class D motor vehicle.

CLASS D MOTOR VEHICLE

A. A Class D motor vehicle is any motor vehicle or combination of vehicles which:

1. Regardless of weight:

a. is marked and used as an authorized emergency vehicle, as defined in Section 1-103 of this title, or

b. is designed and used solely as a recreational vehicle;

2. Is a single or combination vehicle with a gross combined weight rating of less than twenty-six thousand one (26,001) pounds;

3. Is a single or combination farm vehicle with a gross combined weight rating of more than twenty-six thousand one (26,001) pounds if:

a. it is entitled to be registered with a farm tag and has a farm tag attached thereto,

b. it is controlled and operated by a farmer, his or her family or employees,

c. it is used to transport either agricultural products, farm machinery, farm supplies or any combination of those materials to or from a farm,

d. it is not used in the operations of a common or contract motor carrier, and

e. it is used within one hundred fifty (150) air miles of the person's farm or as otherwise provided by federal law; or

4. Is operated by a licensed driver employed by a unit of local government that operates a commercial motor vehicle within the boundaries of that unit of local government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting, if:

- a. the properly licensed employee who ordinarily operates a commercial vehicle for these purposes is unable to operate the vehicle, or
- b. the employing governmental entity determines that a snow or ice emergency requires additional assistance.

B. A Class D Motor Vehicle shall not include any vehicle which is:

1. Designed to carry sixteen or more passengers, including the driver; or

2. Required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F; provided, a farm vehicle, as defined in paragraph 3 of subsection A of this section, which is required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F, shall be considered to be a Class D motor vehicle.

Added by Laws 1990, c. 219, § 4, eff. Jan. 1, 1991. Amended by Laws 1991, c. 162, § 1, emerg. eff. May 7, 1991; Laws 1991, c. 335, § 12, emerg. eff. June 15, 1991; Laws 1997, c. 193, § 5, eff. Nov. 1, 1997; Laws 2002, c. 397, § 3, eff. Nov. 1, 2002; Laws 2009, c. 388, § 1, eff. Nov. 1, 2009; Laws 2010, c. 228, § 1, eff. Nov. 1, 2010.

NOTE: Laws 1991, c. 63, § 1 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991.

§47-1-108. Commercial operator or driver.

Commercial Operator or Driver.

Every person who operates, drives or is in actual physical control of a Class A, B or C commercial motor vehicle, as defined in Sections 1-107.1, 1-107.2 and 1-107.3 of this title.

Added by Laws 1961, p. 316, § 1-108, eff. Sept. 1, 1961. Amended by Laws 1969, c. 123, § 1, emerg. eff. April 3, 1969; Laws 1995, c. 23, § 1, eff. Nov. 1, 1995.

§47-1-108.1. Tillerman.

"Tillerman" shall mean every person who is physically located on a Class A, B or C commercial motor vehicle in which they are steering or assisting in steering by remote control or other means, any axle, including a vehicle being towed by a motor vehicle, and shall possess the appropriate class of license for the vehicle being operated as required by Section 6-101 of Title 47 of the Oklahoma Statutes.

Added by Laws 2017, c. 65, § 1, eff. Nov. 1, 2017.

§47-1-108.2. Steerman.

"Steerman" shall mean every person who is not physically located on a Class A, B or C commercial motor vehicle in which they are steering or assisting in steering by remote control or other means, any axle, including a vehicle being towed by a motor vehicle, and shall be exempt from the requirement to possess a Class A, B or C

commercial driver license and shall only be required to possess a valid driver license.

Added by Laws 2017, c. 66, § 1, eff. Nov. 1, 2017.

§47-1-109. Commissioner.

The Commissioner of the Department of Public Safety of the State of Oklahoma.

Laws 1961, p. 316, § 1-109.

§47-1-110. Controlled - Access highway.

Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Laws 1961, p. 316, § 1-110.

§47-1-111. Cross walk.

(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Laws 1961, p. 316, § 1-111.

§47-1-112. Dealer.

Every person engaged in the business of buying, selling or exchanging vehicles of a type to be registered hereunder and who has an established place of business for such purpose in this state.

Laws 1961, p. 316, § 1-112.

§47-1-113. Department.

The Department of Public Safety of this state, acting directly or through its duly authorized officers and agents.

Laws 1961, p. 316, § 1-113.

§47-1-114. Driver and driver license.

A. "Driver" means any person who drives, operates or is in actual physical control of a vehicle.

B. "Driver license" means a document issued by the Department of Public Safety or the driver licensing agency of another state or country which grants to the person named thereon the privilege to drive, operate or be in actual physical control of a motor vehicle. The term shall include an intermediate Class D driver license, a learner permit and commercial learner permit.

Added by Laws 1961, p. 316, § 1-114. Amended by Laws 2013, c. 259, § 1, eff. Nov. 1, 2013.

§47-1-114A. Electric personal assistive mobility device.

Electric Personal Assistive Mobility Device.

"Electric personal assistive mobility device" means a self-balancing, two nontandem-wheeled device, designed to transport only one person, having an electric propulsion system with an average of seven hundred fifty (750) watts (1 h.p.), and a maximum speed of less than twenty (20) miles per hour on a paved level surface when powered solely by such a propulsion system while ridden by an operator who weighs one hundred seventy (170) pounds.

Added by Laws 2002, c. 58, § 1, emerg. eff. April 11, 2002.

§47-1-115. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-116. Established place of business.

The place actually occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of his business is transacted.

Laws 1961, p. 316, § 1-116.

§47-1-117. Explosives.

Explosives shall have the same meaning as defined in 49 C.F.R., Part 173.

Added by Laws 1961, p. 316, § 1-117, eff. Sept. 1, 1961. Amended by Laws 1992, c. 192, § 5, emerg. eff. May 11, 1992; Laws 2004, c. 390, § 2, eff. July 1, 2004.

§47-1-118. Farm tractor.

Every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines and other implements of husbandry.

Laws 1961, p. 317, § 1-118. d

§47-1-119. Flammable substance.

Flammable substance shall include any liquid, gas, or other material as defined in 49 C.F.R., Part 173.

Added by Laws 1961, p. 317, § 1-119, eff. Sept. 1, 1961. Amended by Laws 2004, c. 390, § 3, eff. July 1, 2004.

§47-1-120. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-120.1. Gross combination weight rating (GCWR).

Gross Combination Weight Rating (GCWR).

The value specified by the manufacturer as the loaded weight of a combination or articulated vehicle. In the absence of a value

specified by the manufacturer, the gross combination weight rating shall be determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and any load thereon.

Added by Laws 1990, c. 219, § 5, eff. Jan. 1, 1991.

§47-1-121. Gross vehicle weight rating (GVWR).

Gross Vehicle Weight Rating (GVWR).

The gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.

Amended by Laws 1990, c. 219, § 6, eff. Jan. 1, 1991.

§47-1-122. Highway.

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Laws 1961, p. 317, § 1-122.

§47-1-123. Manufactured home.

"Manufactured home" means and includes every vehicle defined as a manufactured home in paragraph 14 of Section 1102 of this title.

Added by Laws 1961, p. 317, § 1-123, eff. Sept. 1, 1961. Amended by Laws 1981, c. 118, § 4; Laws 2005, c. 50, § 1, eff. Nov. 1, 2005.

§47-1-124. Identifying number.

The numbers, and letters if any, on a vehicle designated by the Oklahoma Tax Commission for the purpose of identifying the vehicle.

Laws 1961, p. 317, § 1-124.

§47-1-125. Implement of husbandry.

Implement of Husbandry. Every device, whether it is self-propelled, designed and adapted so as to be used exclusively for agricultural, horticultural or livestock-raising operations or for lifting or carrying an implement of husbandry and, in either case, not subject to registration if operated upon the highways.

1. Farm wagon type tank trailers of not over one thousand two hundred (1,200) gallons capacity, used during the liquid fertilizer season as field storage "nurse tanks" supplying the fertilizer to a field applicator and moved on highways only for bringing the fertilizer from a local source of supply to farms or field or from one farm or field to another, shall be considered implements of husbandry for purposes of this title.

2. Trailers or semitrailers owned by a person engaged in the business of farming and used exclusively for the purpose of transporting farm products to market or for the purpose of transporting to the farm material or things to be used thereon shall also be considered implements of husbandry for purposes of this

title. Provided, no truck or semitrailer with an axle weight of twenty thousand (20,000) pounds or more, which is used to haul manure and operated on the public roads or highways of this state shall be considered an implement of husbandry for the purposes of this title.

3. Utility-type, all-terrain vehicles with a maximum curb weight of one thousand five hundred (1,500) pounds which are equipped with metal front or rear carrying racks when used for agricultural, horticultural or livestock-raising operations shall be considered implements of husbandry for purposes of this title.

Added by Laws 1961, p. 317, § 1-125, eff. Sept. 1, 1961. Amended by Laws 1970, c. 163, § 1, emerg. eff. April 9, 1970; Laws 1993, c. 211, § 1, eff. Sept. 1, 1993; Laws 1995, c. 27, § 1, eff. July 1, 1995; Laws 2001, c. 112, § 1, emerg. eff. April 18, 2001.

§47-1-126. Intersection.

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Laws 1961, p. 317, § 1-126.

§47-1-127. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-128. License to operate a motor vehicle.

License to operate a motor vehicle.

A. Any valid driver license or permit to operate a motor vehicle issued under the laws of this state including any temporary license or instruction permit, the lawful possession of which by a resident of this state shall be evidence that the resident has been granted the privilege to operate a motor vehicle.

B. Any nonresident's operating privilege as defined in Section 1-138 of this title, which is evidenced by the lawful possession of a valid driver license or permit to operate a motor vehicle issued under the laws of another state.

Added by Laws 1961, p. 317, § 1-128, eff. Sept. 1, 1961. Amended by Laws 1995, c. 23, § 2, eff. Nov. 1, 1995.

§47-1-129. Lienholder.

A person holding a security interest in a vehicle.
Laws 1961, p. 318, § 1-129.

§47-1-130. Local authorities.

Every county, municipal and other local board or body having authority to enact laws relating to traffic under the Constitution and laws of this state.
Laws 1961, p. 318, § 1-130.

§47-1-131. Mail.

To deposit in the United States mails properly addressed and with postage prepaid.
Laws 1961, p. 318, § 1-131.

§47-1-132. Manufacturer.

Every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder at an established place of business in this state.
Laws 1961, p. 318, § 1-132.

§47-1-133. Metal tire.

Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.
Laws 1961, p. 318, § 1-133.

§47-1-133.1. Repealed by Laws 2004, c. 521, § 20, eff. Nov. 1, 2004.

§47-1-133.2. Moped.

Moped.

A "moped" is any motor-driven cycle with a motor which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty-five (35) miles per hour on level ground. If an internal combustion engine is used, the displacement shall not exceed fifty (50) cubic centimeters, and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

Added by Laws 2003, c. 411, § 4, eff. Nov. 1, 2003. Amended by Laws 2019, c. 315, § 1, eff. Nov. 1, 2019.

§47-1-133.3. Motorized scooter.

Motorized scooter.

A. A "motorized scooter" is any vehicle having:

1. Not more than three wheels in contact with the ground;
2. Handlebars and a foot support or seat for the use of the operator;

3. A power source that is capable of propelling the vehicle at a maximum design speed of not more than twenty-five (25) miles per hour on level ground, and:

- a. if the power source is a combustion engine, has a piston or rotor displacement of thirty-five cubic centimeters (35 cu cm) or less regardless of the number of chambers in the power source,
- b. if the power source is electric, has a power output of not more than one thousand (1,000) watts.

B. For purposes of this section, an electric personal assistive mobility device, as defined in Section 1-114A of this title, bicycle, electric-assisted bicycle, or motorized bicycle, as defined in Section 1-104 of this title, shall not be considered a motorized scooter.

C. A motorized scooter shall not be required to be registered under the laws of this state. The operator of a motorized scooter shall not be required to possess a driver license or to comply with the vehicle insurance or financial responsibility laws of this state. Added by Laws 2003, c. 411, § 5, eff. Nov. 1, 2003. Amended by Laws 2004, c. 521, § 2, eff. Nov. 1, 2004.

§47-1-134. Motor vehicle.

Motor vehicle.

A. A motor vehicle is:

1. Any vehicle which is self-propelled; or
2. Any vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

B. As used in this title, the term "motor vehicle" shall not include:

1. Implements of husbandry, as defined in Section 1-125 of this title;
2. Electric personal assistive mobility devices as defined in Section 1-114A of this title;
3. Motorized wheelchairs, as defined in Section 1-136.3 of this title;
4. Vehicles moved solely by human or animal power; or
5. Electric-assisted bicycles as defined in Section 1-104 of this title.

Added by Laws 1961, p. 318, § 1-134, eff. Sept. 1, 1961. Amended by Laws 1978, c. 304, § 1; Laws 1981, c. 103, § 1; Laws 2002, c. 58, § 2, emerg. eff. April 11, 2002; Laws 2003, c. 411, § 6, eff. Nov. 1, 2003; Laws 2005, c. 50, § 2, eff. Nov. 1, 2005; Laws 2019, c. 43, § 2, eff. Nov. 1, 2019.

§47-1-134.1. Low-speed electrical vehicle.

"Low-speed electrical vehicle" means any four-wheeled electrical vehicle that is powered by an electric motor that draws current from

rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour and is manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R. 571.500.

Added by Laws 2001, c. 243, § 1, eff. Nov. 1, 2001.

§47-1-135. Motorcycle.

Motorcycle.

A motorcycle is any motor vehicle having:

1. A seat or saddle for the use of each rider;
2. Not more than three wheels in contact with the ground, but excluding a tractor; and
3. A combustion engine with a piston or rotor displacement of one hundred fifty cubic centimeters (150 cu cm) or greater.

Added by Laws 1961, p. 318, § 1-135, eff. Sept. 1, 1961. Amended by Laws 1978, c. 304, § 2; Laws 2004, c. 521, § 3, eff. Nov. 1, 2004; Laws 2010, c. 228, § 2, eff. Nov. 1, 2010.

§47-1-136. Motor-driven cycle.

Motor-driven cycle.

A motor-driven cycle is any motor vehicle having:

1. A power source that:
 - a. if the power source is a combustion engine, has a piston or rotor displacement of greater than thirty-five cubic centimeters (35 cu cm) but less than one hundred fifty cubic centimeters (150 cu cm) regardless of the number of chambers in the power source,
 - b. if the power source is electric, has a power output of greater than one thousand (1,000) watts; and
2. A seat or saddle for the use of each rider; and
3. Not more than three wheels in contact with the ground.

Added by Laws 1961, p. 318, § 1-136, eff. Sept. 1, 1961. Amended by Laws 1978, c. 304, § 3; Laws 1981, c. 103, § 2; Laws 1985, c. 305, § 10, emerg. eff. July 24, 1985; Laws 2003, c. 411, § 7, eff. Nov. 1, 2003; Laws 2004, c. 521, § 4, eff. Nov. 1, 2004.

§47-1-136.1. Repealed by Laws 2005, c. 394, § 19, emerg. eff. June 6, 2005.

§47-1-136.2. Repealed by Laws 2004, c. 521, § 21, eff. Nov. 1, 2004.

§47-1-136.3. Motorized wheelchair.

Motorized wheelchair.

A motorized wheelchair is any self-propelled vehicle, designed for and used by a person with a disability, that is incapable of a speed in excess of eight (8) miles per hour.

Added by Laws 2003, c. 411, § 8, eff. Nov. 1, 2003.

§47-1-137. Nonresident.

Every person who is not a resident of this state.
Laws 1961, p. 318, § 1-137.

§47-1-138. Nonresident's operating privilege.

The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state.
Laws 1961, p. 318, § 1-138.

§47-1-139. Official traffic - Control devices.

All signs, barricades, signals, markings and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.
Laws 1961, p. 318, § 1-139.

§47-1-140. Operator or driver.

Operator or Driver.

Every person, including a commercial operator or driver, as defined in Section 1-108 of this title, who operates, drives or is in actual physical control of a motor vehicle or who is exercising control over or steering a vehicle being towed by a motor vehicle.
Added by Laws 1961, p. 318, § 1-140, eff. Sept. 1, 1961. Amended by Laws 1995, c. 23, § 3, eff. Nov. 1, 1995.

§47-1-140.1. "Other intoxicating substance" defined.

For purposes of this title, "other intoxicating substance" means any controlled dangerous substance, as defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes, or any other substance, other than alcohol, which is capable of being ingested, inhaled, injected, or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing, or other sensory or motor function.
Added by Laws 1999, c. 106, § 1 emerg. eff. April 19, 1999.

§47-1-141. Owner.

A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such

conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Code.

Laws 1961, p. 318, § 1-141.

§47-1-142. Park, parking, and public parking lot.

(a) Park or parking means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(b) A public parking lot is any parking lot on right-of-way dedicated to public use or owned by the state or a political subdivision thereof.

Laws 1961, p. 318, § 1-142; Laws 1968, c. 148, § 1, emerg. eff. April 9, 1968.

§47-1-143. Pedestrian.

Any person afoot.

Laws 1961, p. 318, § 1-143.

§47-1-144. Person.

Every natural person, firm, copartnership, association or corporation.

Laws 1961, p. 318, § 1-144.

§47-1-145. Pneumatic tire.

Every tire in which compressed air is designed to support the load.

Laws 1961, p. 319, § 1-145.

§47-1-146. Pole trailer.

Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Laws 1961, p. 319, § 1-146.

§47-1-147. Police officer.

Every sheriff, constable, policeman, highway patrolman, and any other officer who is authorized to direct or regulate traffic or make arrests for violations of state traffic laws and municipal ordinances.

Laws 1961, p. 319, § 1-147.

§47-1-148. Private road or driveway.

Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
Laws 1961, p. 319, § 1-148.

§47-1-149. Railroad.

Railroad.

A carrier of persons or property upon cars operated upon stationary rails.

Added by Laws 1961, p. 319, § 1-149. Amended by Laws 2001, c. 131, § 1, eff. July 1, 2001.

§47-1-150. Railroad sign or signal.

Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
Laws 1961, p. 319, § 1-150.

§47-1-151. Railroad train.

Railroad train.

A steam engine, diesel, electric or other motor, with or without cars coupled thereto, operated upon rails.

Added by Laws 1961, p. 319, § 1-151. Amended by Laws 2001, c. 131, § 2, eff. July 1, 2001.

§47-1-152. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-152.1. Recreational vehicle.

Recreational Vehicle.

For the sole purpose of the classification of vehicles as provided in Sections 1-107.1 through 1-107.4 of this title, a recreational vehicle shall be deemed to be a Class D motor vehicle, provided such vehicle is a self-propelled or towed vehicle that is equipped to serve as temporary living quarters for recreational, camping or travel purposes and is used solely as a family or personal conveyance.

Added by Laws 1990, c. 219, § 7, eff. June 1, 1990. Amended by Laws 1995, c. 23, § 4, eff. Nov. 1, 1995.

§47-1-153. Registration.

The registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

Laws 1961, p. 319, § 1-153.

§47-1-154. Residence district.

The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

Laws 1961, p. 319, § 1-154.

§47-1-155. Revocation of driving privilege.

The termination by formal action of the Department of a person's privilege to operate a motor vehicle on the public highways. Such action shall include the requirement of the surrender to the Department of said person's driver license.

Laws 1961, p. 319, § 1-155, eff. Sept. 1, 1961; Laws 1994, c. 218, § 1, eff. April 1, 1995.

§47-1-156. Right-of-way.

The privilege of the immediate use of the roadway.

Laws 1961, p. 319, § 1-156.

§47-1-157. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-158. Roadway and shoulder.

(a) Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

(b) Shoulder. The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

Laws 1961, p. 319, § 1-158.

§47-1-159. Safety zone.

The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Added by Laws 1961, p. 319, § 1-159, eff. Sept. 1, 1961.

§47-1-160. School bus.

Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school, provided, however, that this definition of school bus shall not be extended to include buses normally used in city transit which may be used part time for

transportation of school children within such cities during some portion of the day.

Added by Laws 1961, p. 319, § 1-160, eff. Sept. 1, 1961.

§47-1-161. Security.

Cash, certificates of deposit issued by financial institutions located within the state, or corporate security bond deposited with the Commissioner of Public Safety to secure payment of a judgment or judgments arising out of a motor vehicle accident which occurred prior to the demand for posting of security.

Added by Laws 1961, p. 320, § 1-161, eff. Sept. 1, 1961. Amended by Laws 1998, c. 85, § 1, eff. July 1, 1998.

§47-1-162. Semitrailer.

Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Laws 1961, p. 320, § 1-162.

§47-1-163. Sidewalk.

That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

Laws 1961, p. 320, § 1-163.

§47-1-164. Solid tire.

Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

Laws 1961, p. 320, § 1-164.

§47-1-165. Special mobilized machinery.

Special purpose machines, either self-propelled or drawn as trailers or semitrailers, which derive no revenue from the transportation of persons or property, whose use of the highways is only incidental, and whose useful revenue producing service is performed at destinations in an area away from the traveled surface of an established open highway, and which carry no load other than their own weight, which cannot be divided for all practical purposes. This definition shall include a truck or truck tractor when used while drawing special mobilized machinery but this shall not be construed as exempting from license and registration the pulling unit truck or truck tractor as required by the motor vehicle license and registration.

Laws 1961, p. 320, § 1-165; Laws 1970, c. 61, § 1, emerg. eff. March 16, 1970.

§47-1-166. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-167. Stand or standing.

Means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

Laws 1961, p. 320, § 1-167.

§47-1-168. State.

A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada.

Laws 1961, p. 320, § 1-168.

§47-1-169. Stop.

When required means complete cessation from movement.

Laws 1961, p. 320, § 1-169.

§47-1-170. Stop or stopping.

When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic-control sign or signal.

Laws 1961, p. 320, § 1-170.

§47-1-171. Street.

The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Laws 1961, p. 320, § 1-171.

§47-1-172. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-173. Suspension of driving privilege.

The temporary withdrawal by formal action of the Department of a person's privilege to operate a motor vehicle on the public highways. Such action shall include the requirement of the surrender to the Department of said person's driver license.

Laws 1961, p. 320, § 1-173, eff. Sept. 1, 1961; Laws 1994, c. 218, § 2, eff. April 1, 1995.

§47-1-173.1. Tank vehicle.

Tank Vehicle.

Any commercial motor vehicle designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than one hundred nineteen (119) gallons and an

aggregate rated capacity of one thousand (1,000) or more gallons that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand (1,000) or more gallons that is temporarily attached to a flatbed trailer is not considered a tank vehicle. Such vehicles include but are not limited to cargo tanks and portable tanks as defined by 49 C.F.R., Part 171; provided, a commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand (1,000) or more gallons that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

Added by Laws 1990, c. 219, § 8, eff. Jan. 1, 1991. Amended by Laws 1992, c. 217, § 2, eff. July 1, 1992; Laws 2012, c. 207, § 1, emerg. eff. May 8, 2012.

§47-1-174. Taxicab.

Taxicab shall mean and include any motor vehicle for hire, designed to carry eight (8) persons or less, operated upon any street or highway, or on call or demand, accepting or soliciting passengers indiscriminately for transportation for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported. This classification shall not include:

1. Motor vehicles of eight-passenger capacity or less operated by the owner where the cost of operation is shared by fellow workmen between their homes and the place of regular daily employment, when not operated for more than two trips per day;

2. Motor vehicles operated by the owner where the cost of operation is shared by the passengers on a "share the expense plan";

3. Motor vehicles transporting students from the public school system when the motor vehicle is so transporting under contract with public, private or parochial school board or governing body, or

4. Motor vehicles operating pursuant to the Oklahoma Transportation Network Company Act as provided for in Section 1011 of this title.

Added by Laws 1961, p. 320, § 1-174, eff. Sept. 1, 1961. Amended by Laws 1993, c. 11, § 1, eff. Sept. 1, 1993; Laws 2017, c. 67, § 1, eff. Nov. 1, 2017.

§47-1-175. Through highway.

Every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right of way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this act.

Laws 1961, p. 321, § 1-175.

§47-1-176. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-177. Traffic.

Traffic.

Pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together, while using any highway for purposes of travel.

Added by Laws 1961, p. 321, § 1-177. Amended by Laws 2001, c. 131, § 3, eff. July 1, 2001.

§47-1-178. Traffic control signal.

Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Laws 1961, p. 321, § 1-178.

§47-1-179. Traffic lane.

The portion of the traveled way for the movement of a single line of vehicles.

Laws 1961, p. 321, § 1-179.

§47-1-180. Trailer.

Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle, provided however, the definition of trailer herein shall not include implements of husbandry as defined in Section 1-125 of this chapter.

Laws 1961, p. 321, § 1-180.

§47-1-181. Transporter.

Transporter.

Every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling or distributing plant to dealers or sales agents of a manufacturer or from the place of business of a dealer, sales agent or auto auction to a place of business of the same or another dealer, sales agent or auto auction.

Added by Laws 1961, p. 321, § 1-181. Amended by Laws 1999, c. 125, § 1, emerg. eff. April 26, 1999.

§47-1-181.1. Travel trailer.

Travel Trailer.

Any vehicular portable structure built on a chassis which is not propelled by its own power but is towed by another vehicle and is

used as a temporary dwelling for travel, recreational or vacational use. A travel trailer shall have a body width not exceeding eight (8) feet in travel mode and an overall length not exceeding forty (40) feet, including the hitch or coupling.

Added by Laws 1990, c. 219, § 9, eff. June 1, 1990.

§47-1-182. Truck.

Every motor vehicle designed, used or maintained primarily for the transportation of property.

Laws 1961, p. 321, § 1-182.

§47-1-183. Truck tractor.

(a) Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn; and

(b) For the purposes of paragraph 3 of subsection (c) of Section 14-103 of this title, the term truck-tractor shall also include oil field rig-up trucks when towing a trailer or semitrailer.

Amended by Laws 1985, c. 290, § 1, operative July 1, 1985.

§47-1-184. Turnpike and turnpike authority.

Turnpike and Turnpike Authority.

A. The words "Turnpike Authority", "Transportation Authority", or "Authority" shall mean the Oklahoma Transportation Authority, created by Section 1703 of Title 69 of the Oklahoma Statutes, or, if the Authority shall be abolished, the board, body, or commission succeeding to the principal functions thereof or to whom the powers given by this act to the Authority shall be given by law.

B. A turnpike is a limited access grade separated expressway financed and operated by the Oklahoma Transportation Authority upon which a toll is charged for the use thereof.

Added by Laws 1961, p. 321, § 1-184. Amended by Laws 2001, c. 131, § 4, eff. July 1, 2001.

§47-1-185. Urban district.

The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter of a mile or more.

Laws 1961, p. 321, § 1-185.

§47-1-186. Vehicle.

Vehicle.

A. A vehicle is any device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

B. As used in this title, the term "vehicle" shall not include:

1. Implements of husbandry, as defined in Section 1-125 of this title;

2. Electric personal assistive mobility devices, as defined in Section 1-114A of this title; or

3. Motorized wheelchairs, as defined in Section 1-136.3 of this title.

Added by Laws 1961, p. 321, § 1-186, eff. Sept. 1, 1961. Amended by Laws 2002, c. 58, § 3, emerg. eff. April 11, 2002; Laws 2003, c. 411, § 9, eff. Nov. 1, 2003; Laws 2005, c. 50, § 3, eff. Nov. 1, 2005.

§47-2-101. Creation of Department of Public Safety and Office of Commissioner of Public Safety - Powers and authority - Chief officer - Services for Governor and Lieutenant Governor.

(a) A department of the government of this state to be known as the "Department of Public Safety" is hereby created, and offices for the Department shall be furnished by the Office of Management and Enterprise Services. The Department of Public Safety shall be under the control and supervision of the Commissioner of Public Safety, which office and position is hereby created.

The Commissioner shall have such powers and authority as may be granted by the provisions of the Uniform Vehicle Code or as may otherwise be provided by law.

(b) The Governor shall be the chief officer of the Department of Public Safety and the Commissioner of Public Safety shall execute the lawful orders of the Governor and shall be responsible to him for the operation and administration of said Department. The Commissioner of Public Safety shall provide personal security and protection, transportation, and communications capabilities for the Governor, the Governor's immediate family, and the Lieutenant Governor. The Commissioner is authorized to provide necessary communications equipment to said persons even if said persons are not on state property or in state vehicles. The Commissioner of Public Safety is hereby authorized to purchase or lease and equip motor vehicles for the use of the Governor and Lieutenant Governor. The purchase or lease price of any such motor vehicles and equipment shall be paid from any appropriation for motor vehicles made to the Department of Public Safety.

Added by Laws 1961, p. 322, § 2-101, eff. Sept. 1, 1961. Amended by Laws 1967, c. 35, § 1, emerge. eff. March 23, 1967; Laws 1983, c. 302, § 1, emerg. eff. June 23, 1983; Laws 1983, c. 304, § 20, eff. July 1, 1983; Laws 1986, c. 19, § 1, emerg. eff. March 17, 1986; Laws 2012, c. 304, § 159.

§47-2-102. Commissioner of Public Safety - Qualifications - Appointment - Vacancy - Expenses - Bond - Oath.

A. 1. The Department shall be under the control of an executive officer to be known as the "Commissioner of Public Safety", who shall

be appointed by the Governor with the advice and consent of the Senate.

2. The Commissioner of Public Safety shall be a professional law enforcement officer with ten (10) years' experience in the field of law enforcement or with five (5) years' experience in the field of law enforcement and a graduate of a four-year college with a degree in law enforcement administration, law, criminology or a related science.

3. Any vacancy in the office of the Commissioner shall be filled in the same manner as the original appointment is made.

4. The Commissioner shall be allowed the actual and necessary expenses incurred in the performance of official duties of the Commissioner while away from the office.

B. The Commissioner of Public Safety, after appointment and before entering upon the discharge of duties, shall take and subscribe to the oath of office required by the Constitution. Bonding of the Commissioner of Public Safety and other employees of the Department will be provided under the provisions of Section 85.26 of Title 74 of the Oklahoma Statutes.

C. The Commissioner of Public Safety shall be eligible to participate in either the Oklahoma Public Employees Retirement System or in the Oklahoma Law Enforcement Retirement System and shall make an irrevocable election in writing to participate in one of the two retirement systems.

D. Any employee of the Department of Public Safety appointed to the position of Commissioner shall have the ability to return to the previous position of the employee without any loss of rights, privileges or benefits immediately upon completion of the duties as Commissioner, provided the employee is not otherwise disqualified due to disciplinary reasons, termination of employment or inability to effectively lead the agency.

Added by Laws 1961, p. 322, § 2-102, eff. Sept. 1, 1961. Amended by Laws 1967, c. 20, § 1, emerg. eff. Feb. 23, 1967; Laws 1970, c. 221, § 1, emerg. eff. April 15, 1970; Laws 1973, c. 224, § 1, emerg. eff. May 24, 1973; Laws 1974, c. 291, § 1, operative July 1, 1974; Laws 1975, c. 321, § 1, operative July 1, 1975; Laws 1976, c. 242, § 1, operative July 1, 1976; Laws 1977, c. 249, § 1, operative July 1, 1977; Laws 1978, c. 209, § 1, eff. July 1, 1978; Laws 1978, c. 271, § 1, operative July 1, 1978; Laws 1979, c. 267, § 1, eff. July 1, 1979; Laws 1980, c. 350, § 1, eff. July 1, 1980; Laws 1981, c. 264, § 13, eff. July 1, 1981; Laws 1982, c. 352, § 9, operative July 1, 1982; Laws 1983, c. 286, § 9, operative July 1, 1983; Laws 2002, c. 397, § 4, eff. Nov. 1, 2002; Laws 2003, c. 199, § 5, eff. Nov. 1, 2003; Laws 2005, c. 190, § 7, eff. Sept. 1, 2005; Laws 2018, c. 60, § 1, eff. Nov. 1, 2018.

§47-2-103. Organization of Department.

A. The Commissioner shall organize the Department of Public Safety as prescribed by law and in such manner as may be deemed necessary and proper to segregate and conduct the work of the Department. The Commissioner shall appoint assistants, deputies, officers, investigators and other employees as may be necessary to carry out the provisions of this title.

B. Unless otherwise provided by law, salaries and traveling expenses of employees of the Department and the cost of equipment for the Department shall be paid from the appropriations made to the Department of Public Safety.

C. The Commissioner is authorized to purchase and maintain motor vehicles and other equipment for use by the employees of the Department.

Added by Laws 1961, p. 322, § 2-103, eff. Sept. 1, 1961. Amended by Laws 1965, c. 429, § 1, emerg. eff. July 8, 1965; Laws 1988, c. 98, § 1, operative July 1, 1988; Laws 1998, c. 32, § 1, emerg. eff. April 1, 1998; Laws 1998, c. 245, § 1, July 1, 1998.

§47-2-104. Commissioner to appoint subordinates - Salaries.

A. The Commissioner, subject to the Merit System laws, if applicable, shall appoint a Chief of Administration and such other deputies, subordinates, officers, investigators and other employees as may be necessary to implement the provisions of this title. Any employee of the Department of Public Safety appointed to the position of Chief of Administration who is otherwise statutorily eligible shall have a right to return to the previous position of the employee without any loss of rights, privileges or benefits immediately upon completion of the duties as Chief of Administration, provided the employee is not otherwise disqualified.

B. When traveling with the Governor or at his or her request:

1. Those personnel assigned by the Commissioner for executive security shall be allowed their actual and necessary traveling expenses, upon claims approved by the Commissioner, and shall receive, in addition to base salary, an additional One Hundred Seventy-five Dollars (\$175.00) per month; and

2. Those personnel serving as noncommissioned pilots in the Department of Public Safety shall be allowed their actual and necessary traveling expenses, upon claims approved by the Commissioner.

C. Any person appointed to the position of Chief of Administration of the Department of Public Safety shall be eligible for retirement participation as a member of the Highway Patrol Division in the Oklahoma Law Enforcement Retirement System if such person at the time of appointment satisfies the age qualifications of an Oklahoma Highway Patrolman as provided in subsection B of Section 2-105 of this title, and is otherwise eligible to participate in the retirement program; otherwise, the Chief of Administration shall

participate in the Oklahoma Public Employees Retirement upon appointment. However, the Chief of Administration shall be eligible for participation in only one retirement system and shall elect in writing the system in which the Chief of Administration intends to participate.

D. The salaries of the employees of the Department of Public Safety shall be governed by and in accordance with the procedures established by the Office of Management and Enterprise Services, unless otherwise provided by law.

Added by Laws 1961, p. 323, § 2-104, eff. Sept. 1, 1961. Amended by Laws 1961, p. 311, § 1; Laws 1965, c. 429, § 2; Laws 1967, c. 349, § 1, emerg. eff. May 18, 1967; Laws 1969, c. 284, § 1, emerg. eff. April 25, 1969; Laws 1970, c. 244, § 1, eff. July 1, 1970; Laws 1971, c. 354, § 1, operative July 1, 1971; Laws 1972, c. 234, § 1, operative July 1, 1972; Laws 1973, c. 224, § 2, emerg. eff. May 24, 1973; Laws 1974, c. 291, § 2, operative July 1, 1974; Laws 1975, c. 321, § 2, operative July 1, 1975; Laws 1976, c. 242, § 2, operative July 1, 1976; Laws 1977, c. 249, § 2, operative July 1, 1977; Laws 1978, c. 271, § 2, operative July 1, 1978; Laws 1979, c. 267, § 2, eff. July 1, 1979; Laws 1980, c. 350, § 2, eff. July 1, 1980; Laws 1981, c. 340, § 13, eff. July 1, 1981; Laws 1982, c. 352, § 10, operative July 1, 1982; Laws 1983, c. 286, § 10, operative July 1, 1983; Laws 1986, c. 19, § 2, emerg. eff. March 17, 1986; Laws 1986, c. 279, § 9, operative July 1, 1986; Laws 1987, c. 205, § 67, operative July 1, 1987; Laws 1989, c. 295, § 11, operative July 1, 1989; Laws 1990, c. 258, § 60, operative July 1, 1990; Laws 1998, c. 395, § 2, eff. Sept. 1, 1998; Laws 1999, c. 1, § 12, emerg. eff. Feb. 24, 1999; Laws 2002, c. 397, § 5, eff. Nov. 1, 2002; Laws 2012, c. 304, § 160; Laws 2019, c. 290, § 1, emerg. eff. May 2, 2019.
NOTE: Laws 1983, c. 302, § 2 repealed by Laws 1986, c. 19, § 7, emerg. eff. March 17, 1986. Laws 1998, c. 245, § 2 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999.

§47-2-105. Personnel of Highway Patrol Division - Qualifications - Probationary period - Suspension or dismissal - Transfer - Grievances - Uniforms - Top-ranking officers - Training and expenses - Reinstatement.

A. The Commissioner of Public Safety, subject to the Oklahoma Personnel Act, shall appoint:

1. A Chief of the Oklahoma Highway Patrol Division with the rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol Division with the rank of Lieutenant Colonel, and subordinate officers and employees of the Oklahoma Highway Patrol Division, including Majors, Captains, Lieutenants, and Highway Patrolmen with the rank of Trooper, who shall comprise the Oklahoma Highway Patrol Division of the Department of Public Safety; provided, any officer appointed to a commissioned position prescribed in this paragraph which is

unclassified pursuant to Section 840-5.5 of Title 74 of the Oklahoma Statutes shall have a right of return to the highest previously held classified commissioned position within the Highway Patrol Division of the Department of Public Safety without any loss of rights, privileges or benefits immediately upon completion of the duties in the unclassified commissioned position;

2. A Captain, Lieutenants, and Patrolmen who shall comprise the Marine Enforcement Section of the Oklahoma Highway Patrol Division of the Department of Public Safety;

3. A Captain, Lieutenants, and Patrolmen, who shall comprise the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety; and

4. Communications Coordinators, Communications Superintendents, Communications Supervisors, Communications Dispatchers, Radio Technicians and Tower Maintenance Officers shall comprise the Communications Division of the Department of Public Safety.

B. 1. The Commissioner, when appointing commissioned officers and employees to the positions set out in subsection A of this section, shall determine, in consultation with the Director of the Office of Management and Enterprise Services, minimum qualifications and shall select such officers and employees only after examinations to determine their physical and mental qualifications for such positions. The content of the examinations shall be prescribed by the Commissioner, and all such appointees shall satisfactorily complete a course of training in operations and procedures as prescribed by the Commissioner.

2. No person shall be appointed to any position set out in subsection A of this section unless the person is a citizen of the United States of America, of good moral character, and:

- a. for commissioned officer positions, shall be at least twenty-one (21) years of age but less than forty-six (46) years of age, and shall possess:
 - (1) an associate's degree or a minimum of sixty-two (62) successfully completed semester hours from an accredited college or university as denoted in the Database of Accredited Postsecondary Institutions and Programs provided by the U.S. Department of Education and whose hours are transferable between such recognized institutions, or
 - (2) shall have successfully completed thirty-two (32) semester hours from an accredited college or university as denoted in the Database of Accredited Postsecondary Institutions and Programs provided by the U.S. Department of Education and whose hours are transferable between such recognized institutions and have three (3) years

of honorable active military or reserve military service,

- b. applicants with prior military service, shall receive up to ten (10) semester hours for each year of honorable service in any active military or reserve military service up to a maximum of three (3) years or thirty (30) semester hours, and
- c. for any such position in the Communications Division, a person shall be at least eighteen (18) years of age and shall possess a high school diploma or General Educational Development equivalency certificate.

3. No commissioned officer of the Department shall, while in such position, be a candidate for any political office or take part in or contribute any money or other thing of value, directly or indirectly, to any political campaign or to any candidate for public office. Anyone convicted of violating the provisions of this paragraph shall be guilty of a misdemeanor and shall be punished as provided by law.

4. The Commissioner or any employee of the Department shall not be a candidate for any political office, or in any way be active or participate in any political contest of any Primary, General, or Special Election, except to cast a ballot. No commissioned officer of the Department, while in the performance of the officer's assigned duty of providing security and protection, shall be considered as participating in a political campaign. The provisions of this paragraph shall not be construed to preclude a commissioned officer of the Oklahoma Highway Patrol Division of the Department of Public Safety from being a candidate for a position on a local board of education.

5. Drunkenness or being under the influence of intoxicating substances shall be sufficient grounds for the removal of any commissioned officer of the Department, in and by the manner provided for in this section.

C. 1. Upon initial appointment to the position of Cadet Highway Patrolman or Probationary Communications Dispatcher, the appointed employee shall be required to serve an initial probationary period of twelve (12) months. The Commissioner may extend the probationary period for up to three (3) additional months provided that the employee and the Office of Management and Enterprise Services are notified in writing as to such action and the reasons thereof. During such probationary period, the employee may be terminated at any time and for any reason at the discretion of the Commissioner. Retention in the service after expiration of the initial probationary period shall entitle such employee to be classified as a permanent employee and the employee shall be so classified. No permanent employee may be discharged or removed except as provided for in this section.

2. A commissioned officer of the Oklahoma Highway Patrol Division may be promoted during the initial probationary period if such officer satisfactorily completes all training requirements prescribed by the Commissioner.

D. 1. No permanent employee, as provided for in this section, who is a commissioned officer of the Department, may be suspended without pay or dismissed unless the employee has been notified in writing by the Commissioner of such intended action and the reasons thereof. No such notice shall be given by the Commissioner unless sworn charges or statements have been obtained to justify the action.

2. Whenever such charges are preferred, the Commissioner may suspend the accused pending the hearing and final determination of such charges. If the charges are not sustained in whole or in part, the accused shall be entitled to pay during the period of such suspension. If the charges are sustained in whole or in part, the accused shall not receive any pay for the period of such suspension.

3. Commissioned officers of the Department of Public Safety are not entitled to appeal intra-agency transfer to the Oklahoma Merit Protection Commission pursuant to the Oklahoma Personnel Act unless transfer is in violation of Section 840-2.5 or 840-2.9 of Title 74 of the Oklahoma Statutes.

4. The Department of Public Safety shall follow the uniform grievance procedure established and adopted by the Office of Management and Enterprise Services for permanent classified employees, except for those employees who are commissioned officers of the Department. The Department of Public Safety shall establish and adopt a proprietary grievance procedure for commissioned officers of the Department which is otherwise in compliance with the provisions of Section 840-6.2 of Title 74 of the Oklahoma Statutes.

E. 1. The Commissioner is hereby authorized to purchase and issue uniforms and necessary equipment for all commissioned officers of the Highway Patrol Division of the Department. All uniforms and equipment shall be used only in the performance of the official duties of such officers and shall remain the property of the Department, except as provided in Section 2-150 of this title.

2. Each commissioned officer of the Highway Patrol Division of the Department of Public Safety shall be entitled to reimbursement of expenses pursuant to the State Travel Reimbursement Act while away from the assigned area of the officer as designated by the Chief of the Oklahoma Highway Patrol Division, when such expense is incurred in the service of the state.

F. 1. The positions with the rank of Colonel and Lieutenant Colonel of the Oklahoma Highway Patrol Division shall be filled from the body of commissioned officers of the Oklahoma Highway Patrol Division and appointment to said position shall be based on qualifications, previous record as a commissioned officer of the Oklahoma Highway Patrol Division, length of service, years of

experience within the Oklahoma Highway Patrol Division or other service as prescribed in this subsection, and efficiency of service performed.

2. In addition to the requirements of paragraph 1 of this subsection, the position of Chief of the Oklahoma Highway Patrol Division shall be based on one of the following:

- a. one (1) year of experience in any combination:
 - (1) as Commissioner of Public Safety,
 - (2) as Assistant Commissioner of Public Safety, or
 - (3) as Assistant Chief,
- b. two (2) years of experience in any combination:
 - (1) as Deputy Chief or higher rank, or
 - (2) if the experience was prior to April 21, 2006, as Major or higher rank,
- c. four (4) years of experience in any combination:
 - (1) as Major or higher rank, or
 - (2) if the experience was prior to April 21, 2006, as Captain or higher rank, or
- d. six (6) years of experience in any combination:
 - (1) as Captain or higher rank, or
 - (2) if the experience was prior to April 21, 2006, as First Lieutenant or higher rank.

3. In addition to the requirements of paragraph 1 of this subsection, the position of Deputy Chief of the Oklahoma Highway Patrol Division shall be based on one of the following:

- a. one (1) year of experience in any combination:
 - (1) as Commissioner of Public Safety,
 - (2) as Assistant Commissioner of Public Safety, or
 - (3) as Colonel,
- b. two (2) years of experience in any combination:
 - (1) as Major or higher rank, or
 - (2) if the experience was prior to April 21, 2006, as Captain or higher rank, or
- c. four (4) years of experience in any combination:
 - (1) as Captain or higher rank, or
 - (2) if the experience was prior to April 21, 2006, as Highway Patrol First Lieutenant or higher rank.

G. The Commissioner of Public Safety is hereby authorized to send employees of the Department of Public Safety to schools such as Northwestern University Center for Public Safety, Southern Police Institute, the FBI National Academy, the Institute of Police Technology and Management, or to any other schools of similar training which would be conducive to improving the efficiency of the Oklahoma Highway Patrol Division and the Department of Public Safety. While an employee is attending a school, the Commissioner is authorized to permit the employee to use a state-owned vehicle and to use a fuel-purchasing card for any expenses related to the operation

of the vehicle. In addition, while an employee is attending the FBI National Academy, a one-time expense allowance of Two Thousand Dollars (\$2,000.00) for uniforms, fees, travel, room and board, and other related expenses shall be paid to the employee by the Department; provided, the employee shall not be further compensated through the State Travel Reimbursement Act, and, if any other agency reimburses the employee for any expenses, the reimbursement shall be given to the Department. All purchases made by the employee with the expense allowance shall be considered property of the employee.

H. 1. Any former commissioned officer of the Department whose separation from the Department was at such officer's own request and not a result of such officer's own actions contrary to the policy of the Department or was not as a result of the retirement of that officer from the Department may make application for reinstatement as a commissioned officer of the division or section of the Department in which such officer was previously employed, provided such reinstated officer will be able to complete twenty (20) years of credited service by the time the reinstated officer reaches sixty-two (62) years of age. The Commissioner may waive the requirements of possessing the number of semester hours or degree as required in subsection B of this section for any former commissioned officer making application for reinstatement as a commissioned officer of the Department. The Commissioner may require the applicant for reinstatement to attend selected courses of instruction, as prescribed by the Commissioner.

2. In the event of future hostilities wherein the Congress of the United States declares this nation in a state of war with a foreign nation, including military service brought about by the Vietnam War, any period of military service served by a commissioned officer of the Department shall be considered as continued service with such Department, provided such commissioned officer returns to duty with the Department within sixty (60) days after release from military service.

Added by Laws 1961, p. 323, § 2-105, eff. Sept. 1, 1961. Amended by Laws 1961, p. 311, § 2; Laws 1965, c. 108, § 1, emerg. eff. May 12, 1965; Laws 1965, c. 429, § 3, emerg. eff. July 8, 1965; Laws 1967, c. 199, §§ 1, 2; Laws 1967, c. 349, § 2, emerg. eff. May 18, 1967; Laws 1969, c. 284, § 2, emerg. eff. April 25, 1969; Laws 1970, c. 244, § 2, eff. July 1, 1970; Laws 1971, c. 354, § 2, operative July 1, 1971; Laws 1973, c. 224, § 6, emerg. eff. May 24, 1973; Laws 1974, c. 291, § 3, operative July 1, 1974; Laws 1975, c. 321, § 3, operative July 1, 1975; Laws 1976, c. 242, § 3, operative July 1, 1976; Laws 1977, c. 249, § 3, operative July 1, 1977; Laws 1978, c. 271, § 3, operative July 1, 1978; Laws 1980, c. 357, § 1, eff. July 1, 1980; Laws 1981, c. 340, § 14, eff. July 1, 1981; Laws 1982, c. 352, § 11, operative July 1, 1982; Laws 1983, c. 302, § 3, emerg. eff. June 23, 1983; Laws 1984, c. 264, § 10, operative July 1, 1984; Laws 1986, c.

19, § 3, emerg. eff. March 17, 1986; Laws 1986, c. 279, § 10, operative July 1, 1986; Laws 1989, c. 295, § 12, operative July 1, 1989; Laws 1990, c. 315, § 1, eff. July 1, 1990; Laws 1992, c. 2, § 1, emerg. eff. March 18, 1992; Laws 1994, c. 218, § 3, eff. July 1, 1994; Laws 1998, c. 245, § 3, eff. July 1, 1998; Laws 2000, c. 195, § 1, eff. July 1, 2000; Laws 2000, c. 378, § 1, eff. Jan. 1, 2001; Laws 2001, c. 435, § 1, eff. July 1, 2001; Laws 2003, c. 461, § 3, eff. July 1, 2003; Laws 2004, c. 5, § 29, emerg. eff. March 1, 2004; Laws 2004, c. 418, § 3, eff. July 1, 2004; Laws 2006, c. 81, § 1, emerg. eff. April 21, 2006; Laws 2007, c. 62, § 6, emerg. eff. April 30, 2007; Laws 2009, c. 310, § 1, eff. July 1, 2009; Laws 2010, c. 60, § 1, eff. Nov. 1, 2010; Laws 2011, c. 104, § 1, eff. Nov. 1, 2011; Laws 2012, c. 304, § 161; Laws 2014, c. 228, § 1, eff. July 1, 2014; Laws 2017, c. 282, § 1, eff. Nov. 1, 2017.
NOTE: Laws 2003, c. 279, § 1 repealed by Laws 2004, c. 5, § 30, emerg. eff. March 1, 2004.

§47-2-105.1. Repealed by Laws 1988, c. 290, § 25, operative July 1, 1988.

§47-2-105.2. Highway Patrol Academies.

The Department of Public Safety is authorized to conduct Highway Patrol Academies as may be required and within the funds available to the Department. Provided, however, that no such academy shall be commenced nor shall any funds be expended for an academy until:

1. The academy has been approved for implementation by the Contingency Review Board; or

2. The Legislature has authorized the academy.

Added by Laws 1981, c. 264, § 8, emerg. eff. June 25, 1981. Amended by Laws 2001, c. 89, § 1, eff. July 1, 2001; Laws 2003, c. 279, § 2, emerg. eff. May 26, 2003.

§47-2-105.3. Repealed by Laws 1998, c. 245, § 10, eff. July 1, 1998.

§47-2-105.3a. Executive security.

A. Upon receipt from the Oklahoma State Bureau of Investigation of an investigative report pursuant to paragraph 9 of Section 150.2 of Title 74 of the Oklahoma Statutes, the Commissioner of Public Safety or a designee shall determine what, if any, executive security will be provided to the official by the Department of Public Safety. Nothing in this subsection shall preclude the Commissioner from providing temporary executive security to an official of this state or of any political subdivision of the state, if essential, prior to the receipt of the investigative report from the Oklahoma State Bureau of Investigation.

B. The Commissioner of Public Safety may, upon the request of a state agency head, appoint and commission qualified individuals to

provide executive security for that agency. The Commissioner shall determine the qualifications of the individuals, the authority level and the time period for the appointment and commission.

C. The Commissioner of Public Safety shall, at the direction of the Governor, provide executive security for political candidates, foreign elected or appointed officials, visiting public officials, or any other person for whom executive security is deemed necessary by the Governor.

Added by Laws 1996, c. 281, § 2, emerg. eff. June 5, 1996. Amended by Laws 2003, c. 199, § 6, eff. Nov. 1, 2003.

§47-2-105.4. Salaries.

A. The annual salaries for the Commissioner of Public Safety, the Assistant Commissioner of Public Safety and the commissioned officers within the Highway Patrol Division shall be in accordance and conformity with the findings for Department of Public Safety law enforcement personnel of the State of Oklahoma Total Remuneration Study of 2013, exclusive of longevity pay, as authorized by Section 840-2.18 of Title 74 of the Oklahoma Statutes, expense allowance, as authorized by Section 2-130 of this title, and irregular shift pay, as authorized by Section 2-130.1 of this title.

B. The provisions of this section shall supersede all existing laws covering the salaries for the Commissioner of Public Safety, the Assistant Commissioner of Public Safety and the commissioned officers in the Highway Patrol Division of the Department of Public Safety.

C. Nothing in this section shall be construed to prohibit a reduction in pay or salary due to involuntary leave without pay as authorized in Section 840-2.27C of Title 74 of the Oklahoma Statutes. Added by Laws 1988, c. 290, § 21, operative July 1, 1988. Amended by Laws 1989, c. 295, § 13, operative July 1, 1989; Laws 1990, c. 258, § 59, operative July 1, 1990; Laws 1992, c. 118, § 1, emerg. eff. April 23, 1992; Laws 1992, c. 367, § 20, eff. July 1, 1992; Laws 1993, c. 190, § 1, emerg. eff. May 24, 1993; Laws 1994, c. 239, § 1; Laws 1996, c. 57, § 3, eff. July 1, 1996; Laws 1996, c. 300, § 1, eff. July 1, 1996; Laws 1997, c. 201, § 1, eff. Nov. 1, 1997; Laws 1998, c. 245, § 4, eff. Jan. 1, 1999; Laws 1999, c. 120, § 1, emerg. eff. April 26, 1999; Laws 2000, c. 37, § 10, eff. Oct. 1, 2000; Laws 2001, c. 435, § 2, eff. July 1, 2001; Laws 2004, c. 161, § 1, eff. Jan. 1, 2005; Laws 2006, c. 81, § 2, eff. April 21, 2006; Laws 2006, 2nd Ex.Sess., c. 83, § 2, eff. Oct. 1, 2006; Laws 2011, c. 335, § 2; Laws 2014, c. 135, § 1, eff. July 1, 2014.

§47-2-105.4A. Size and Weight Enforcement Section of Oklahoma Highway Patrol Division created - Additional members of Highway Patrol - Purchase and maintenance of vehicles and equipment - Training.

There is hereby created within the Oklahoma Highway Patrol Division the Size and Weight Enforcement Section. The Commissioner of Public Safety shall employ a minimum of twenty-five additional members of the Oklahoma Highway Patrol, one Captain and eight Lieutenants and shall assign the twenty-five members of the Oklahoma Highway Patrol, one Captain and eight Lieutenants to the Size and Weight Enforcement Section. The Size and Weight Enforcement Section shall have the primary duty of the enforcement of the provisions of Section 14-101 et seq. of this title.

Said Commissioner shall purchase and maintain the necessary motor vehicle equipment, portable scales and other items of equipment and supplies and shall provide proper training necessary for the enforcement of the provisions of Section 14-101 et seq. of this title.

Added by Laws 1949, p. 321, § 11, emerg. eff. May 31, 1949. Amended by Laws 1957, p. 439, § 1, emerg. eff. June 5, 1957; Laws 1967, c. 369, § 3, emerg. eff. May 22, 1967; Laws 1971, c. 129, § 1, emerg. eff. May 5, 1971; Laws 1979, c. 267, § 4, eff. July 1, 1979; Laws 1982, c. 352, § 17, emerg. eff. June 2, 1982; Laws 1992, c. 195, § 1, eff. July 1, 1992. Renumbered from § 116.11 of this title by Laws 2001, c. 131, § 17, eff. July 1, 2001. Amended by Laws 2015, c. 99, § 1, eff. Nov. 1, 2015.

§47-2-105.4B. Bomb Squad Section.

A. There is hereby created within the Highway Patrol Division the Bomb Squad Section which shall consist of such employees the Commissioner of Public Safety deems necessary to carry out the provisions of Section 122.2 of Title 63 of the Oklahoma Statutes.

B. The Commissioner is authorized to purchase and maintain necessary equipment and supplies and shall provide proper training necessary for the enforcement of the provisions of this section.

Added by Laws 2003, c. 168, § 4, eff. July 1, 2003.

§47-2-105.4C. Authorization to engage in part-time employment.

Any Highway Patrol officer or other law enforcement officer employed as a full-time-equivalent (FTE) of the Department of Public Safety and otherwise prohibited by law or Department policy from obtaining part-time employment as a law enforcement officer with any other law enforcement agency shall hereby be authorized to engage in such part-time employment for the duration of any furlough period imposed by the Commissioner of Public Safety or otherwise required by law. Any previous restriction on such officers relating to outside employment shall be reinstated no longer than two weeks following the end of any furlough status as determined by the Commissioner of Public Safety.

Added by Laws 2010, c. 72, § 1, emerg. eff. April 9, 2010.

§47-2-105.5. Controlled substance screenings of applicants.

All applicants, including reinstatements, for all commissioned officer positions within the Department of Public Safety shall, prior to initial appointment or reinstatement, be required to submit to and successfully pass a controlled substance screening conducted by a National Institute on Drug Abuse (NIDA) certified laboratory. The Commissioner of Public Safety shall establish the necessary procedures to implement this requirement; provided, the results of any such screening shall be considered exempt law enforcement records as prescribed in Section 24A.8 of Title 51 of the Oklahoma Statutes. The Commissioner of Public Safety is authorized to expend the funds necessary to accomplish these screenings.

Added by Laws 1990, c. 315, § 2, eff. July 1, 1990. Amended by Laws 1998, c. 245, § 5, eff. July 1, 1998; Laws 2004, c. 418, § 5, eff. July 1, 2004.

§47-2-105.6. Marine Enforcement Section - Powers, duties, responsibilities and authority - Salaries.

A. There is hereby created within the Oklahoma Highway Patrol Division of the Department of Public Safety a Marine Enforcement Section which shall consist of such employees as may be necessary to enforce the provisions of Section 4001 et seq., Section 4101 et seq., and Section 4200 et seq. of Title 63 of the Oklahoma Statutes. All commissioned officers of the Marine Enforcement Section as designated by the Commissioner shall have the authority to stop and board any vessel subject to Section 4001 et seq. of Title 63 of the Oklahoma Statutes and make any necessary arrest for violations of Section 4001 et seq. of Title 63 of the Oklahoma Statutes or the rules promulgated by the Department of Public Safety or the Department of Wildlife Conservation or take any other action within their lawful authority. Any statutory references to the Oklahoma Lake Patrol Division or the Lake Patrol Section of the Oklahoma Highway Patrol Division shall mean the Marine Enforcement Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

B. All commissioned officers of the Marine Enforcement Section of the Oklahoma Highway Patrol Division of the Department of Public Safety shall have, in addition to their primary duty as prescribed in subsection A of this section, a secondary duty to enforce all state statutes, to make arrests for violations and to perform other duties as prescribed by the Commissioner.

C. The annual salaries for the commissioned officers within the Marine Enforcement Section of the Oklahoma Highway Patrol Division of the Department of Public Safety shall be in accordance and conformity with Section 2-105.4 of this title.

D. The provisions of this section shall supersede all existing laws covering the salaries for the commissioned officers in the

Marine Enforcement Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

Added by Laws 1998, c. 245, § 6, eff. July 1, 1998. Amended by Laws 2000, c. 37, § 11, eff. Oct. 1, 2000; Laws 2000, c. 195, § 2, eff. July 1, 2000; Laws 2001, c. 435, § 3, eff. July 1, 2001; Laws 2004, c. 161, § 2, eff. Jan. 1, 2005; Laws 2005, c. 1, § 44, emerg. eff. March 15, 2005; Laws 2006, c. 81, § 3, eff. April 21, 2006; Laws 2006, 2nd Ex. Sess., c. 83, § 3, eff. Oct. 1, 2006; Laws 2011, c. 104, § 2, eff. Nov. 1, 2011; Laws 2015, c. 99, § 2, eff. Nov. 1, 2015.

NOTE: Laws 2004, c. 364, § 1 repealed by Laws 2005, c. 1, § 45, emerg. eff. March 15, 2005.

§47-2-105.6A. Repealed by Laws 2003, c. 461, § 20, eff. July 1, 2003.

§47-2-105.7. Capitol Patrol Section - Authority - Reclassification - Salaries - Application.

A. There is hereby created within the Oklahoma Highway Patrol Division of the Department of Public Safety a Capitol Patrol Section which shall consist of such employees as may be necessary to provide law enforcement services to all state buildings and properties, including grounds appurtenant thereto, within Oklahoma County and Tulsa County. All commissioned officers of the Capitol Patrol Section as designated by the Commissioner shall have the authority to enforce all parking, traffic, and criminal laws within Oklahoma County and Tulsa County, and shall have the authority to perform other law enforcement duties within the state as prescribed by the Commissioner of Public Safety.

B. A Patrolman shall not be promoted to the position of Capitol Patrol Sergeant.

C. Any officer of the Capitol Patrol Section of the Oklahoma Highway Patrol Division may request reclassification to the equivalent lateral position, rank, and salary within the Oklahoma Highway Patrol Division and shall be reclassified to the position if the officer:

1. Meets the requirements of paragraph 2 of subsection B of Section 2-105 of this title. Provided, the officer shall be exempt from the maximum age limitation;

2. Satisfactorily completes a course of training as prescribed by the Commissioner; and

3. Serves a twelve-month probationary period which shall commence upon entering the course of training required by paragraph 2 of this subsection.

Such reclassified officer shall be subject to reassignment as determined by the Chief of the Oklahoma Highway Patrol Division.

D. All commissioned officers of the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety shall have, in addition to their primary duty as prescribed in subsection A of this section, a secondary duty to enforce all state statutes, to make arrests for violations and to perform other duties as prescribed by the Commissioner of Public Safety in accordance with Section 2-117 of this title.

E. The Office of Management and Enterprise Services and the Oklahoma Capitol Improvement Authority shall provide office and operations space for the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

F. The annual salaries of personnel comprising this section shall be in accordance and conformity with the findings for Department of Public Safety law enforcement personnel of the State of Oklahoma Total Remuneration Study of 2013.

G. The provisions of this section shall supersede all existing laws covering the salaries for the commissioned officers in the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

Added by Laws 1998, c. 245, § 7, eff. Jan. 1, 1999. Amended by Laws 2000, c. 37, § 12, eff. Oct. 1, 2000; Laws 2000, c. 378, § 2, eff. Jan. 1, 2001; Laws 2001, c. 435, § 4, eff. July 1, 2001; Laws 2004, c. 161, § 3, eff. Jan. 1, 2005; Laws 2004, c. 354, § 1, eff. July 1, 2004; Laws 2006, c. 81, § 4, emerg. eff. April 21, 2006; Laws 2006, 2nd Ex.Sess., c. 83, § 4, eff. Oct. 1, 2006; Laws 2012, c. 304, § 162; Laws 2014, c. 135, § 2, eff. July 1, 2014.

§47-2-105.8. Communications Section - Salaries.

A. There is hereby created within the Oklahoma Highway Patrol Division of the Department of Public Safety, the Communications Section.

B. An employee may be promoted to the position of Communications Coordinator.

C. The annual salaries of personnel comprising this section shall be in accordance and conformity with the findings for Department of Public Safety law enforcement personnel of the State of Oklahoma Total Remuneration Study of 2013.

D. The provisions of this section shall supersede all existing laws covering the salaries for the positions in the Communications Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

Added by Laws 1998, c. 245, § 8, eff. July 1, 1998. Amended by Laws 2000, c. 37, § 13, eff. Oct. 1, 2000; Laws 2000, c. 195, § 3, eff. July 1, 2000; Laws 2004, c. 161, § 4, eff. Jan. 1, 2005; Laws 2006, 2nd Ex. Sess., c. 83, § 5, eff. Oct. 1, 2006; Laws 2014, c. 135, § 3, eff. July 1, 2014; Laws 2015, c. 99, § 3, eff. Nov. 1, 2015.

§47-2-105A. Repealed by Laws 2007, c. 62, § 33, emerg. eff. April 30, 2007.

§47-2-105B. Position of Chaplain.

Subject to the availability of funds, the Commissioner of Public Safety or the Chief of the Highway Patrol Division is authorized to employ a Chaplain within the Department of Public Safety for the purpose of providing counseling services to employees or immediate family members thereof when such counseling services are needed as a direct result of such employee's performance of official duties and to carry out any other duties and responsibilities assigned by the Commissioner or the Chief of the Oklahoma Highway Patrol. The position of Chaplain shall be an unclassified position with salary and benefits set by the Commissioner not to exceed the salary of a Highway Patrolmen at the rank of Trooper with fifteen (15) years of service to the Department of Public Safety. "Chaplain" means an ordained or authorized pastor, minister, priest or other ecclesiastical dignitary of any denomination who has been duly ordained or authorized by the church to which such person belongs. Added by Laws 2003, c. 461, § 5, eff. July 1, 2003.

§47-2-106. Driver License Examining Division - Driver Compliance Division.

A. There is hereby established in the Department of Public Safety the Driver License Services Division and the Driver Compliance Division and such other divisions as the Commissioner of Public Safety may direct.

B. The Driver License Services Division shall consist of noncommissioned classified employees of the Department who may administer tests for the purpose of issuing driver licenses pursuant to Section 6-101 et seq. of this title.

C. Any employee appointed to the position of Driver License Examiner shall be not less than twenty-one (21) nor more than sixty-five (65) years of age and any person appointed to the position of Senior Driver License Examiner shall have held the position of Driver License Examiner with the Department for not less than three (3) years immediately preceding such appointment.

D. 1. Any person appointed to any position created pursuant to this section shall:

- a. be a citizen of the State of Oklahoma,
- b. be of good moral character,
- c. possess a high school diploma or General Educational Development equivalency certificate, and
- d. meet physical and mental standards as the Commissioner may prescribe. The scope of the physical and mental examinations for persons appointed as a Driver License

Examiner or Senior Driver License Examiner shall be as prescribed by the Commissioner.

2. Any person appointed to the position of Driver License Examiner shall be required to complete satisfactorily a course of training as prescribed by the Commissioner.

E. Drunkenness, being under the influence of an intoxicating substance or any conduct not becoming an officer or public employee shall be sufficient grounds for the removal of any employee appointed pursuant to this section.

F. The annual salaries of personnel comprising this section shall be in accordance and conformity with the findings for Department of Public Safety law enforcement personnel of the State of Oklahoma Total Remuneration Study of 2013.

Added by Laws 1961, p. 325, § 2-106, eff. Sept. 1, 1961. Amended by Laws 1961, p. 313, § 3, emerg. eff. Aug. 7, 1961; Laws 1965, c. 429, § 4, emerg. eff. July 8, 1965; Laws 1967, c. 199, § 3; Laws 1967, c. 349, §§ 3, 4, emerg. eff. May 18, 1967; Laws 1969, c. 284, § 3, emerg. eff. April 25, 1969; Laws 1970, c. 244, § 3, eff. July 1, 1970; Laws 1971, c. 354, § 3, operative July 1, 1971; Laws 1972, c. 234, § 2, operative July 1, 1972; Laws 1973, c. 224, § 3, emerg. eff. May 24, 1973; Laws 1974, c. 291, § 4, operative July 1, 1974; Laws 1975, c. 321, § 4, operative July 1, 1975; Laws 1976, c. 242, § 4, operative July 1, 1976; Laws 1977, c. 249, § 4, operative July 1, 1977; Laws 1978, c. 271, § 4, operative July 1, 1978; Laws 1979, c. 267, § 3, eff. July 1, 1979; Laws 1980, c. 350, § 3, eff. July 1, 1980; Laws 1981, c. 340, § 15, eff. July 1, 1981; Laws 1982, c. 352, § 12, operative July 1, 1982; Laws 1987, c. 205, § 68, operative July 1, 1987; Laws 2002, c. 397, § 6, eff. Nov. 1, 2002; Laws 2006, 2nd Ex.Sess., c. 83, § 6, eff. Oct. 1, 2006; Laws 2007, c. 326, § 2, eff. Nov. 1, 2007; Laws 2014, c. 135, § 4, eff. July 1, 2014; Laws 2015, c. 99, § 4, eff. Nov. 1, 2015.

§47-2-106.1. Permit clerks and supervisor.

Subject to the Merit System laws, the Commissioner of Public Safety is hereby authorized to employ a supervisor of permit clerks, headquarters permit clerks and additional permit clerks, who shall have the duty to issue oversize and/or overweight permits in accordance with the terms of Chapter 14 of this title and to collect the fees therefor and to remit the same to the Oklahoma Tax Commission.

Laws 1949, p. 321, § 12; Laws 1957, p. 439, § 2; Laws 1971, c. 129, § 2, emerg. eff. May 5, 1971; Laws 1972, c. 234, § 3, operative July 1, 1972; Laws 1974, c. 291, § 7, operative July 1, 1974; Laws 1975, c. 321, § 7, operative July 1, 1975; Laws 1976, c. 242, § 7, operative July 1, 1976; Laws 1977, c. 249, § 7, operative July 1, 1977; Laws 1978, c. 271, § 5, operative July 1, 1978; Laws 1979, c. 267, § 5, eff. July 1, 1979; Laws 1980, c. 350, § 4, eff. July 1, 1980; Laws

1981, c. 340, § 16, eff. July 1, 1981. Renumbered from Section 116.12 of this title by Laws 2001, c. 131, § 17, eff. July 1, 2001.

§47-2-106.2A. Transfer of powers and duties.

All the powers, duties, functions, records, employees, property, matters pending and funds of the Department of Highways, the Highway Safety Coordinating Committee and the Railroad Maintenance Authority are hereby transferred to the Department of Transportation. Effective July 1, 1993, all powers, duties, functions, records, employees, matters pending and funds of the Department of Transportation that were transferred to the Department because of the abolishment of the Highway Safety Coordinating Committee shall be transferred to the Department of Public Safety, pursuant to Section 3 of this act. Except as specifically directed by the Legislature the State Department of Transportation shall not fund, directly or indirectly, any railroad, mass transit, public transportation, marine, waterways or aeronautics construction, operations or maintenance with dedicated gasoline taxes, appropriated highway construction or maintenance funds or other highway funds; provided, however, that nothing herein contained shall be construed to prevent the Department of Transportation from applying for, accepting, receiving, administering or expending monies appropriated for the specific purpose of matching federal grants now or hereafter made available for transportation planning or improvements in nonhighway transportation modes. The Department of Transportation shall not issue bonds which constitute an obligation or debt of the state or a pledge of the faith and credit of the state, except as specifically authorized by the Legislature. Any change of agency name/names on signs, equipment, vehicles or other property shall be accomplished as said signs, equipment, vehicles or other property are replaced in inventory or as required through normal wear and tear. An accurate, current inventory of all properties shall be maintained by the Department of Transportation.

Added by Laws 1976, c. 218, § 9. Amended by Laws 1977, c. 128, § 1, emerg. eff. June 3, 1977; Laws 1993, c. 81, § 2, eff. July 1, 1993. Renumbered from § 4009 of Title 69 by Laws 2007, c. 62, § 26, emerg. eff. April 30, 2007.

§47-2-106.2B. Transfer of powers and duties to Department of Public Safety.

All powers, duties, functions, records, employees, property, matters pending and funds of the Oklahoma Highway Safety Office of the Oklahoma Department of Transportation and the former Oklahoma Highway Safety Coordinating Committee are hereby transferred to the Oklahoma Department of Public Safety.

Added by Laws 1993, c. 81, § 3, eff. July 1, 1993. Renumbered from § 4009.1 of Title 69 by Laws 2007, c. 62, § 27, emerg. eff. April 30, 2007.

§47-2-106.2C. Traffic safety-related projects - Incentives.

Notwithstanding any other provision of law, the Oklahoma Highway Safety Office of the Department of Public Safety may provide incentives, as permitted by federal regulations, to the public and any law enforcement agencies of the state for the purpose of promoting increased participation in traffic safety-related projects. The incentives shall be purchased only with federal funds, if available.

Added by Laws 2003, c. 461, § 16, eff. July 1, 2003. Renumbered from § 4009.2 of Title 69 by Laws 2007, c. 62, § 28, emerg. eff. April 30, 2007.

§47-2-106.3. Fraudulent Documents Identification Unit.

Subject to the availability of funding, the Department of Public Safety shall establish a Fraudulent Documents Identification (FDI) Unit for the primary purpose of investigating and apprehending persons or entities that participate in the sale or distribution of fraudulent documents used for identification purposes. The unit shall additionally specialize in fraudulent identification documents created and prepared for persons who are unlawfully residing within the State of Oklahoma. The Department shall employ sufficient employees to investigate and implement an FDI Unit.

Added by Laws 2007, c. 112, § 12, eff. Nov. 1, 2007. Renumbered from Title 47, § 151.2 by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008.

§47-2-107. Traveling expenses of assistants and other employees - Equipment.

In addition to the salaries or wages of assistants or other employees in the Department of Public Safety when deemed necessary in connection with the discharge of their duties respectively assigned or delegated to them, such assistants or employees shall be allowed and paid traveling expenses incurred in the discharge of their respective duties, in accordance with the provisions of the State Travel Reimbursement Act, Sections 500.1 through 500.19 of Title 74 of the Oklahoma Statutes, which shall be paid from the same fund and in the same manner as the payment of all other salaries and expenses of the Department; provided, however, when deemed necessary by the Commissioner of Public Safety, it shall be and he is hereby authorized and empowered to purchase motor vehicles and other equipment for use by said Department. The Commissioner of Public Safety shall prepare and deliver to the Governor, President Pro Tempore of the Senate, and the Speaker of the House of

Representatives a current vehicle fleet management and replacement plan and a complete inventory of all vehicles in use by the Department on the first legislative day of each year. The provisions of this act are to supersede all existing law; provided only that all provisions of this section are subject to provisions of general law governing appropriation, expenditure and availability of funds. Laws 1961, p. 326, § 2-107, eff. Sept. 1, 1961; Laws 1970, c. 96, § 1, emerg. eff. March 30, 1970; Laws 1971, c. 19, § 1, emerg. eff. March 16, 1971; Laws 1973, c. 220, § 5, emerg. eff. May 24, 1973; Laws 1975, c. 231, § 6, emerg. eff. May 30, 1975; Laws 1976, c. 241, § 7, emerg. eff. June 15, 1976; Laws 1979, c. 243, § 11, emerg. eff. June 1, 1979; Laws 1982, c. 352, § 13, emerg. eff. June 2, 1982; Laws 1993, c. 181, § 2, eff. Sept. 1, 1993.

§47-2-108. Powers and duties of commissioner.

A. The Commissioner is hereby vested with the power and is charged with the duty of observing, administering, and enforcing the provisions of this title and of all laws regulating the operation of vehicles or the use of the highways, the enforcement and administration of which are now or hereafter vested in the Department. The Commissioner may appoint any employee of the Department to serve as the personal representative of the Commissioner for the purpose of fulfilling any such duty or combination of duties.

B. The Commissioner is hereby authorized to adopt and enforce such rules as may be necessary to carry out the provisions of this act and any other laws the enforcement and administration of which are vested in the Department.

C. The Commissioner may adopt an official seal for the use of the Department.

D. The Commissioner may adopt an authorized facsimile signature of the Commissioner, and may appoint any employee of the Department to serve as the personal representative of the Commissioner for the purpose of affixing the authorized facsimile signature of the Commissioner to administrative letters, notices, and orders to enforce the provisions of the law. Provided, however, it shall be unlawful and shall constitute the crime of forgery to affix or endorse the facsimile signature of the Commissioner, as herein provided, to any instrument, voucher, check, claim, or draft for the payment of money due and owing to the State of Oklahoma. In lieu of the signature of the Commissioner or the authorized facsimile signature of the Commissioner, the Commissioner may direct and authorize any employee of the Department to affix the signature of the employee to administrative letters, notices, and orders to enforce the provisions of the law.

Added by Laws 1961, p. 327, § 2-108, eff. Sept. 1, 1961. Amended by Laws 2004, c. 130, § 6, emerg. eff. April 20, 2004.

§47-2-108.1. Interlocal agreements.

The Commissioner of Public Safety may enter into interlocal agreements with any other government agency or any state educational institution which is a member of The Oklahoma State System of Higher Education, as prescribed in Section 3201 of Title 70 of the Oklahoma Statutes, for the use of space for the purpose of providing governmental services as required by law of the Department of Public Safety. Such agreements shall be exempt from The Oklahoma Central Purchasing Act, and Sections 63, 94 and subsection C of Section 129.4 of Title 74 of the Oklahoma Statutes.

Added by Laws 2008, c. 319, § 1, eff. Nov. 1, 2008. Amended by Laws 2011, c. 335, § 3; Laws 2012, c. 304, § 163.

§47-2-108.2. Contracts incident to real estate gifted to state - Construction of gun range.

The Commissioner of Public Safety shall have the exclusive rights to enter into all contracts incident to real estate gifted to the state for use by the Department of Public Safety in rural Pottawatomie County adjacent to the Wes Watkins Reservoir, hereafter referred to as "the premises", including any and all architectural, engineering, design consultant, construction manager, and construction contracts concerning construction of a gun range on the premises.

The Department shall have exclusive jurisdiction, custody, responsibility and control over all construction, repair, maintenance, management and operation of the premises and all fixtures thereon incident to the gun range.

In the construction, repair, maintenance, and operation of the gun range, the Department and the premises shall be exempt from any and all real estate construction requirements and provisions, to the extent they could be applicable to the acquisition of goods or services incident to the construction, repair, maintenance and operation, as set forth in the Oklahoma Statutes, including but not limited to Sections 101 through 138 and Sections 202 through 220 of Title 61 of the Oklahoma Statutes, and subsections B, C and E of Section 63 and Sections 85.1 through 85.45j of Title 74 of the Oklahoma Statutes.

Added by Laws 2008, c. 319, § 2, eff. Nov. 1, 2008.

§47-2-108.3. Vehicle ownership and registration information.

A. In an effort to improve the public safety of all citizens of this state, a more uniform and expeditious method of obtaining ownership and registration information of all motor vehicles operating on the roads and highways of this state is required. Any method developed shall be conducted in accordance with subsection B of this section.

B. In addition to the powers and duties prescribed by law, the Commissioner of Public Safety shall be authorized to direct the Department of Public Safety to develop a proposal for an intergovernmental cooperative agreement pursuant to paragraph 1 of subsection D of Section 1221 of Title 74 of the Oklahoma Statutes between the Department and all tribal governments that issue tribal license plates and maintain ownership and registration information. Added by Laws 2011, c. 188, § 1, eff. Nov. 1, 2011.

§47-2-108.4. Oklahoma Incident Management Team Advisory Committee

A. There is hereby created within the Oklahoma Department of Public Safety the Oklahoma Incident Management Team Advisory Committee. The purpose of the Committee shall be to:

1. Advise and assist the Commissioner in the development of setting of goals, objectives and priorities with respect to state-sponsored all-hazard emergency incident management team functions;

2. Advise and assist the Commissioner in establishing standards and credentialing guidelines for emergency incident management functions and responders within the Team Advisory Committee's scope of authority; and

3. Provide a forum for discussion of issues between the organizations within the Team Advisory Committee.

B. The Team Advisory Committee shall be composed of the following seven (7) members as follows:

1. The Commissioner of Health, or designee;

2. The Director of the Oklahoma Forestry Services, or designee;

3. The Commissioner of the Oklahoma Department of Public Safety, or designee;

4. The Director of the Oklahoma Office of Homeland Security, or designee;

5. The Director of the Office of Emergency Management, or designee;

6. One member appointed by the Oklahoma Fire Chiefs Association to represent a statewide association of fire chiefs in this state; and

7. The Director of the Oklahoma State University Fire Safety Training, or designee.

In addition to the seven (7) members, membership may be expanded by a majority vote of the Committee.

C. The members of the Team Advisory Committee shall receive no compensation or travel reimbursement.

D. A majority of the Team Advisory Committee shall constitute a quorum to transact official business.

E. The members of the Team Advisory Committee may elect from among its membership a chair and vice chair to preside at all meetings.

F. The Committee shall meet within ninety (90) days after the effective date of this act and shall meet at least twice a year or more frequently at the discretion of the chair.

Added by Laws 2016, c. 143, § 1, eff. Nov. 1, 2016.

§47-2-108.5. Oklahoma State Award Program Committee – Oklahoma Medal of Valor and Oklahoma Purple Heart.

A. 1. There is hereby created the Oklahoma State Award Program Committee. The purpose of the Committee is to create, establish eligibility requirements and make recommendation for awarding the Oklahoma Medal of Valor for meritorious service and the Oklahoma Purple Heart for serious line of duty injuries for law enforcement and public safety members employed by municipal, county, state and employees of federal agencies working in Oklahoma.

2. There is hereby established the Oklahoma Medal of Valor and the Oklahoma Purple Heart, along with authorized appurtenances, for award by the Governor, in the name of the state, to any person who has demonstrated meritorious achievement, or a distinct act of courage, or who has incurred injury or wounds, while performing or actively engaged in public service activities. The Oklahoma Purple Heart is limited to law enforcement and public safety members employed by municipal, county, state and employees of federal agencies working in Oklahoma.

3. The purpose of each award is to formally recognize extraordinary acts of valor by public safety members and citizens of Oklahoma who engage in extraordinary acts of bravery and valor and to formally recognize public safety members in Oklahoma who have been seriously injured in the line of duty.

B. The members of the Oklahoma State Award Program (OSAP) Committee shall have experience in the field of public safety and public service. The OSAP Committee shall be composed of nine (9) members as follows:

1. The Lieutenant Governor, who shall serve as chair;
 2. The Adjutant General of the Oklahoma National Guard;
 3. The Commissioner of the Department of Public Safety;
 4. The Director of the Department of Corrections;
 5. The Director of the Department of Transportation;
 6. The President of the Oklahoma Sheriffs' Association;
 7. The President of the Oklahoma Association of Chiefs of Police;
 8. The President of the Oklahoma State Firefighters Association;
- and
9. The President of the Oklahoma Sheriffs and Peace Officers Association.

C. Except at any meeting to select recipients of the Oklahoma Medal of Valor and the Oklahoma Purple Heart, each member, other than the chair, may be represented by a designee; provided, the designee

must be an active member in good standing with the agency or association to which the appointed member belongs. The Chairman reserves the right to appoint an advisory board to collect, review and make initial award recommendations to the OSAP committee. The advisory board will be comprised of designees from the nine-member OSAP committee.

D. The Committee shall conduct its first meeting no later than ninety (90) calendar days after the appointment of the last member. The Committee shall meet at the direction of the chair, and shall normally meet not less than once each year and not more than three times each year.

E. A majority of the members shall constitute a quorum to conduct business.

F. The members of the Committee shall serve without compensation, except that the members may be reimbursed for reasonable and necessary expenses arising from Committee activities or business. Such expenses shall be paid by the respective agencies at which the member is employed at the time the expense is incurred.

G. No member of the OSAP Committee shall solicit, seek or request individuals to submit individuals for awards. OSAP Committee members may explain the program to interested individuals. The Committee may secure directly from any department or agency such information as the Committee deems necessary to carry out its duties.

H. The Commissioner of the Department of Public Safety shall promulgate rules to establish the following:

1. Design of the Oklahoma Medal of Valor and the Oklahoma Purple Heart and any authorized appurtenances proposed by the Adjutant General;

2. Criteria for eligibility for award of the Oklahoma Medal of Valor and the Oklahoma Purple Heart proposed by the Adjutant General;

3. Criteria for the proper wear of the Oklahoma Medal of Valor and the Oklahoma Purple Heart proposed by the Adjutant General;

4. Method of purchasing the Oklahoma Medal of Valor and the Oklahoma Purple Heart;

5. Order of precedence relating to other state awards; and

6. Other rules deemed necessary to carry out the provisions of this act.

I. The Committee shall consider candidates for award for the Oklahoma Medal of Valor and the Oklahoma Purple Heart only from the applications received. The OSAP Committee may go into executive session to deliberate and select recommended recipients. The Chair shall present to the Governor the names of recommendations as Medal recipients.

J. The Committee shall not disclose any information which may compromise an ongoing law enforcement investigation or information that is otherwise required by law to be kept confidential. Only the final recommendation for receipt of the Oklahoma Medal of Valor and

the Oklahoma Purple Heart shall be subject to the Oklahoma Open Records Act.

K. The Oklahoma Medal of Valor and the Oklahoma Purple Heart may not be awarded to any person who was not selected by the Committee.

L. The award of the Oklahoma Medal of Valor and the Oklahoma Purple Heart may be rescinded for suitable cause. The Chair, with the consent of the Committee, shall forward the recommendation for rescission to the Governor. The final decision to rescind must be approved by the Governor.

M. The Oklahoma Medal of Valor and the Oklahoma Purple Heart may be awarded posthumously and may be presented to such representative of the deceased's family as may be deemed appropriate by the Governor.

Added by Laws 2017, c. 17, § 1, eff. Nov. 1, 2017.

§47-2-109. Commissioner to prescribe forms.

The Commissioner shall prescribe and provide suitable forms of applications, driver licenses and all other forms requisite or deemed necessary to carry out the provisions of this title and any other laws the enforcement and administration of which are vested in the Department.

Added by Laws 1961, p. 327, § 2-109, eff. Sept. 1, 1961. Amended by Laws 1995, c. 23, § 5, eff. Nov. 1, 1995.

§47-2-109.1. Charging and collection of fees - Forms of payment.

A. The Commissioner of Public Safety shall charge and collect the fees required to be paid to the Department of Public Safety.

B. Payments for any fees required to be paid by any person to the Department of Public Safety, except as otherwise provided by law, may be made by:

1. The person's personal or company check, as prescribed by rules of the Department;

2. Cash, if paid in person;

3. Money order or certified check; or

4. A nationally recognized credit card issued to the person.

The Commissioner may add an amount equal to four percent (4%) of the amount of such payment as a convenience fee for credit card payments. Such convenience fee shall be deposited in the State Treasury to the credit of the Department of Public Safety Revolving Fund. For purposes of this paragraph, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate or by any other name, issued with or without fee by the issuer for the use of the cardholder in obtaining goods, services, or anything else of value on credit which is accepted by more than one thousand merchants in this state. The Commissioner shall determine which nationally recognized credit cards will be

accepted; provided, however, the Commissioner must ensure that no loss of state revenue will occur by the use of such card.

Added by Laws 2001, c. 100, § 1, eff. Nov. 1, 2001. Amended by Laws 2002, c. 397, § 7, eff. Nov. 1, 2002.

§47-2-110. Authority to administer oaths and acknowledge signatures - Release of records - Confidentiality of certain information.

A. Officers and employees of the Department of Public Safety designated by the Commissioner, for the purpose of administering the motor vehicle laws, are authorized to administer oaths and acknowledge signatures and shall do so without fee.

B. The Commissioner and such officers of the Department as the Commissioner may designate are hereby authorized to prepare under the seal of the Department and deliver upon request a certified copy of any record of the Department, charging a fee of Three Dollars (\$3.00) for each record so certified, and every such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof. A certification fee shall be charged:

1. Only if the person requesting the record specifically requests that the record be certified; and

2. In addition to the copying and reproduction fees provided by the Oklahoma Open Records Act or any other applicable law.

C. The Commissioner and any other officers of the Department as the Commissioner may designate are hereby authorized to provide a copy of any record required to be maintained by the Department at no charge to any of the following government agencies when requested in the performance of official governmental duties:

1. The driver license agency of any other state;

2. Any court, district attorney or municipal prosecutor in this state or any other state;

3. Any law enforcement agency in this state or any other state or any federal agency empowered by law to make arrests for public offenses;

4. Any public school district in this state for purposes of providing the Motor Vehicle Report of a currently employed school bus driver or person making application for employment as a school bus driver;

5. The Department of Human Services for the purpose of providing the Motor Vehicle Report to ascertain the suitability of any person being considered by the Department of Human Services for placement of a child in foster care or for adoption of the child;

6. The Office of Juvenile Affairs for the purpose of providing the Motor Vehicle Report to ascertain the suitability of any person being considered by the Office of Juvenile Affairs for placement of a child in foster care;

7. Any nonprofit provider exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986

and contracted by the Developmental Disabilities Services Division of the Oklahoma Department of Human Services; or

8. Any state agency in this state.

D. Any record required to be maintained by the Department may be released to any other entity free of charge when the release of the record would be for the benefit of the public, as determined by the Commissioner or a designee of the Commissioner.

E. The following records shall be provided by the Department to any authorized recipient, pursuant to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725, upon payment of the appropriate fees for the records:

1. A Motor Vehicle Report, as defined in Section 6-117 of this title; and

2. A copy of any driving record related to the Motor Vehicle Report.

F. 1. The provisions of subsections B, D, and E of this section and the Oklahoma Open Records Act shall not apply to the release of personal information from any driving record of any person. Such personal information shall be confidential except as provided for in this subsection or in the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725. Upon written request to the Commissioner of Public Safety by a law enforcement agency or another state's or country's driver licensing agency for personal information on a specific individual, as named or otherwise identified in the written request, to be used in the official capacity of the agency, the Commissioner may release such personal information to the agency pursuant to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725. Provided, the provisions of this subsection or any other provision of this title shall not be construed to keep audio or video recordings of the Department of Public Safety confidential beyond any exceptions provided for in the Oklahoma Open Records Act.

2. For the purposes of this subsection, "personal information" means information which identifies a person, including but not limited to a photograph or image in computerized format of the person, fingerprint image in computerized format, signature or signature in computerized format, social security number, residence address, mailing address, and medical or disability information. Added by Laws 1961, p. 327, § 2-110, eff. Sept. 1, 1961. Amended by Laws 1983, c. 286, § 11, operative July 1, 1983; Laws 1999, c. 80, § 1, eff. Nov. 1, 1999; Laws 2000, c. 342, § 1, eff. July 1, 2000; Laws 2001, c. 361, § 2, eff. July 1, 2001; Laws 2002, c. 86, § 2, emerg. eff. April 17, 2002; Laws 2004, c. 130, § 7, emerg. eff. April 20, 2004; Laws 2005, c. 199, § 1, eff. Nov. 1, 2005; Laws 2012, c. 242, § 3; Laws 2013, c. 15, § 24, emerg. eff. April 8, 2013; Laws 2014, c. 266, § 1, eff. Nov. 1, 2014.

NOTE: Laws 2012, c. 255, § 1 repealed by Laws 2013, c. 15, § 25, emerg. eff. April 8, 2013.

§47-2-111. Records of Department.

A. All records of the Department, other than those declared by law to be confidential for the use of the Department, shall be open to public inspection during office hours.

B. The Commissioner shall supervise the maintaining of all records of the Department and shall adopt rules concerning the destruction and retention of records. Records of the Department shall not be subject to the provisions of:

1. Sections 305 through 317 of Title 67 of the Oklahoma Statutes or be transferred to the custody or control of the State Archives Commission;

2. Section 590 of Title 21 of the Oklahoma Statutes; or

3. The Records Management Act, Sections 201 through 215 of Title 67 of the Oklahoma Statutes.

The Commissioner may, pursuant to an adopted rule, order destruction of records deemed to be no longer of value to the Department in carrying out the powers and duties of the Department.

C. 1. The Commissioner may cause any or all records kept by the Department of Public Safety to be photographed, microphotographed, photostated, reproduced on film, or stored on computer storage medium. The film or reproducing material shall be of durable material, and the device used to reproduce the records on the film or reproducing material shall accurately reproduce and perpetuate the original records in all detail.

2. The photostatic copy, photograph, microphotograph, photographic film or computerized image of the original records shall be deemed to be an original record for all purposes and shall be admissible as evidence in all courts or administrative agencies. A facsimile, exemplification, or certified copy thereof shall be deemed to be a transcript, exemplification, or certified copy of the original.

3. The photostatic copies, photographs, microphotographs, reproductions on film, or computerized images shall be placed in conveniently accessible files and provisions made for preserving, examining, and using the copies, photographs, microphotographs, reproductions on film and computerized images. The Commissioner of Public Safety is empowered to authorize the disposal, archival storage, or destruction of the original records or papers.

Added by Laws 1961, p. 327, § 2-111, eff. Sept. 1, 1961. Amended by Laws 2000, c. 342, § 2, eff. July 1, 2000; Laws 2005, c. 199, § 2, eff. Nov. 1, 2005; Laws 2007, c. 62, § 7, emerg. eff. April 30, 2007; Laws 2007, c. 326, § 3, eff. Nov. 1, 2007.

§47-2-112. Authority to grant or refuse applications - Confiscation of documents.

The Department shall examine and determine the genuineness, regularity and legality of every application, driver license and any other application lawfully made to the Department, and may in all cases make investigation as may be deemed necessary or require additional information, and shall reject any such application if not satisfied of the genuineness, regularity or legality thereof or the truth of any statement contained therein, or for any other reason, when authorized by law. If a person making application to the Department presents any document to the Department which the Department has reason to believe is false, fraudulent, or being used by a person not authorized to use such document, the Department shall confiscate the document until such time it is determined by the Department whether the document is false, fraudulent, or being used by a person not authorized to use such document.

Added by Laws 1961, p. 327, § 2-112, eff. Sept. 1, 1961. Amended by Laws 1995, c. 23, § 6, eff. Nov. 1, 1995; Laws 2003, c. 461, § 6, eff. July 1, 2003.

§47-2-113. Seizure of documents and plates.

The Department is hereby authorized to take possession of any certificate of title, registration card, permit, license or registration plate issued by the State of Oklahoma upon expiration, revocation, cancellation or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued. Laws 1961, p. 328, § 2-113.

§47-2-114. Distribution of synopsis of laws.

The Department may publish a synopsis or summary of the laws of this state regulating the operation of vehicles and may deliver a copy thereof to any person.

Added by Laws 1961, p. 328, § 2-114, eff. Sept. 1, 1961. Amended by Laws 1995, c. 23, § 7, eff. Nov. 1, 1995.

§47-2-115. Department may summon witnesses and take testimony.

(a) The Commissioner and officers of the Department designated by him shall have authority to summon witnesses to give testimony under oath or to give written deposition upon any matter under the jurisdiction of the Department. Such summons may require the production of relevant books, papers and records.

(b) Every such summons shall be served at least five (5) days before the return date, either by personal service made by any person over eighteen (18) years of age or by registered mail, but return acknowledgement is required to prove such latter service. Failure to obey such a summons so served shall constitute a misdemeanor. The fees for the attendance and travel of witnesses shall be the same as

for witnesses before the district court and shall be paid from the Public Safety Fund.

(c) The district court, where not otherwise provided, shall have jurisdiction, upon application by the Commissioner, to enforce all lawful orders of the Commissioner under this section.

Laws 1961, p. 328, § 2-115.

§47-2-116. Giving of notice.

Whenever the Department of Public Safety is authorized or required to give any notice under this act or other law regulating the operation of vehicles, unless a different method of giving such notice is otherwise expressly prescribed, such notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of such notice in an envelope with first class postage prepaid, addressed to such person at the address as shown by the records of the Department. The giving of notice by mail is complete upon the expiration of ten (10) days after such deposit of said notice. Proof of the giving of notice in either such manner may be made by the certificate of any officer or employee of the Department or affidavit of any person over eighteen (18) years of age, naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof. Failure of the person to receive notice because of failure to notify the Department of a change in his or her current mailing address, as required by Section 6-116 of this title, shall not be sufficient grounds for the person to protest the notice.

Added by Laws 1961, p. 328, § 2-116, eff. Sept. 1, 1961. Amended by Laws 1986, c. 279, § 11, operative July 1, 1986; Laws 2007, c. 326, § 4, eff. Nov. 1, 2007; Laws 2017, c. 392, § 3, eff. Nov. 1, 2017; Laws 2019, c. 400, § 1, eff. Nov. 1, 2019.

§47-2-117. Police authority of Department - Traffic-related enforcement authority on National System of Interstate and Defense Highways - Special traffic-related enforcement in municipalities.

A. The Commissioner of Public Safety and each officer of the Department of Public Safety, as designated and commissioned by the Commissioner, are hereby declared to be peace officers of the State of Oklahoma and shall be so deemed and taken in all courts having jurisdiction of offenses against the laws of the state. Such officers shall have the powers and authority now and hereafter vested by law in other peace officers, including the right and power of search and seizure, except the serving or execution of civil process, and the right and power to investigate and prevent crime and to enforce the criminal laws of this state.

B. In addition to the powers and authority prescribed in subsection A of this section, the officers of the Department shall have the following authority, responsibilities, powers and duties:

1. To enforce the provisions of this title and any other law regulating the operation of vehicles or the use of the highways, including, but not limited to, the Motor Carriers Act of this state, or any other laws of this state by the direction of the Governor;
2. To arrest without writ, rule, order or process any person detected by them in the act of violating any law of the state;
3. When the officer is in pursuit of a violator or suspected violator and is unable to arrest such violator or suspected violator within the limits of the jurisdiction of the Oklahoma Highway Patrol Division, to continue in pursuit of such violator or suspected violator into whatever part of the state may be reasonably necessary to effect the apprehension and arrest of the same, and to arrest such violator or suspected violator wherever the violator may be overtaken;
4. To assist in the location of stolen property, including livestock and poultry or the carcasses thereof, and to make any inspection necessary of any truck, trailer or contents thereof in connection therewith;
5. At all times to direct all traffic in conformance with law and, in the event of a fire, or other emergency, or to expedite traffic, or to insure safety, to direct traffic as conditions may require, notwithstanding the provisions of law;
6. To require satisfactory proof of ownership of the contents of any motor vehicle, including livestock, poultry or the carcasses thereof. In the event that the proof of ownership is not satisfactory, it shall be the duty of the officer to take the motor vehicle, driver, and the contents of the motor vehicle into custody and deliver the same to the sheriff of the county wherein the cargo, motor vehicle and driver are taken into custody;
7. When on duty, upon reasonable belief that any vehicle is being operated in violation of any provisions of this title, or any other law regulating the operation of vehicles, to require the driver thereof to stop and exhibit his or her driver license and the certificate of registration issued for the vehicle, if required to be carried in the vehicle pursuant to paragraph 3 of subsection A of Section 1113 of this title, and submit to an inspection of such vehicle, the license plates and certificate of registration thereon, if applicable, or to any inspection and test of the equipment of such vehicle;
8. To inspect any vehicle of a type required to be registered hereunder in any public garage or repair shop or in any place where such vehicles are held for sale or wrecking, for the purpose of locating stolen vehicles and investigating the title and registration thereof;
9. To serve all warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways and

bench warrants issued for nonpayment of fines and costs for moving traffic violations;

10. To investigate and report traffic collisions on all interstate and defense highways and on all highways outside of incorporated municipalities, and may investigate traffic collisions within any incorporated municipality upon request of the local law enforcement agency, and to secure testimony of witnesses or of persons involved;

11. To investigate reported thefts of motor vehicles, trailers and semitrailers;

12. To stop and inspect any motor vehicle or trailer for such mechanical tests as may be prescribed by the Commissioner to determine the roadworthiness of the vehicle. Any vehicle which may be found to be unsafe for use on the highways may be ordered removed from said highway until such alterations or repairs have been made that will render said vehicle serviceable for use on the highway;

13. To stop and inspect the contents of all motor vehicles to ascertain whether or not the provisions of all general laws are being observed;

14. To enforce the laws of the state relating to the registration and licensing of motor vehicles;

15. To enforce the laws relating to the operation and use of vehicles on the highway;

16. To enforce and prevent, on the roads of the state highway system, the violation of the laws relating to the size, weight, and speed of commercial motor vehicles and all laws designed for the protection of the highway pavements and structures on such highways;

17. To investigate and report to the Corporation Commission and the Oklahoma Tax Commission violation of their rules and the laws governing the transportation of persons and property by motor transportation companies and all other motor carriers for hire;

18. To investigate and report violations of all laws relating to the collection of excise taxes on motor vehicle fuels;

19. To regulate the movement of traffic on the roads of the state highway system;

20. Whenever possible, to determine persons causing or responsible for the breaking, damaging, or destruction of any improved surfaced roadway, structure, sign, marker, guardrail, or any other appurtenance constructed or maintained by the Department of Transportation, and to arrest persons responsible thereof and to bring them before the proper officials for prosecution;

21. To investigate incidents involving an employee of the Department, when such incidents are related to the performance of the duties of the employee; and

22. To initiate or assist in manhunts and fugitive apprehensions.

C. Whenever any person is arrested by a patrol officer for a traffic violation the provisions of Sections 16-101 through 16-114 of this title shall apply.

D. 1. Except as provided in this subsection, the powers and duties conferred on the Commissioner and officers of the Department of Public Safety shall not limit the powers and duties of sheriffs or other peace officers of the state or any political subdivision of the state.

2. The Oklahoma Highway Patrol Division shall have primary law enforcement authority respecting traffic-related offenses upon the National System of Interstate and Defense Highways, and may have special law enforcement authority on those portions of the federal-aid primary highways and the state highway system which are located within the boundaries and on the outskirts of a municipality, and designated by the Commissioner of Public Safety for such special law enforcement authority. As used in this subsection "outskirts of a municipality" means and shall be determined by presence of the following factors:

- a. low land use density,
- b. absence of any school or residential subdivision requiring direct ingress or egress from the highway, and
- c. a scarcity of retail or commercial business abutting the highway.

3. The Commissioner may designate any portion of the National System of Interstate and Defense Highways, and those portions of the federal-aid primary highways and the state highway system which are located within the boundaries of and on the outskirts of a municipality for special traffic-related enforcement by the Oklahoma Highway Patrol Division and issue a written notice to any other law enforcement agency affected thereby. Upon receipt of such notice, the affected law enforcement agency shall not regulate traffic nor enforce traffic-related statutes or ordinances upon such designated portion of the National System of Interstate and Defense Highways or such designated portions of the federal-aid primary highways and the state highway system without prior coordination and written approval of the Commissioner.

E. 1. Any of the following persons may request the Commissioner to investigate the traffic-related enforcement practices of a municipal law enforcement agency whose jurisdiction includes portions of the federal-aid primary highways, the state highway system, or both located within the boundaries of and on the outskirts of the municipality:

- a. the district attorney in whose jurisdiction the municipality is located,
- b. a majority of the county commissioners, by resolution, of the county in which the municipality is located,

- c. the State Auditor and Inspector,
- d. the State Attorney General, or
- e. a state legislator in whose district the municipality is located.

2. The request shall state that the requesting party believes the enforcement practices are being conducted:

- a. within the boundaries of and on the outskirts of the municipality, and
- b. for the purpose of generating more than fifty percent (50%) of the revenue needed for the operation of the municipality.

3. Upon receipt of a request pursuant to this subsection, the Commissioner may investigate the traffic-related enforcement practices of the municipal law enforcement agency and the receipts and expenditures of the municipality. The law enforcement agency, the municipality, and the requesting party shall cooperate fully with the Commissioner in such an investigation. Upon the completion of the investigation, the Commissioner shall submit a report of the results of the investigation to the Attorney General, who shall make a determination within sixty (60) days of receipt of the report as to whether the enforcement practices of the municipal law enforcement agency are being conducted as provided in subparagraphs a and b of paragraph 2 of this subsection. Upon a determination that the enforcement practices are not being conducted in such a manner, the Attorney General shall notify the Commissioner in writing, and the Commissioner shall take no action to make a designation as provided in paragraph 3 of subsection D of this section. Upon a determination that the enforcement practices are being conducted as provided in subparagraphs a and b of paragraph 2 of this subsection, the Attorney General shall notify the Commissioner in writing, and the Commissioner shall make the designation of special traffic-related enforcement as provided in paragraph 3 of subsection D of this section, which shall stay in force for such time as determined by the Commissioner. The Department of Public Safety shall adopt rules to uniformly implement the procedures for initiating, investigating and reporting to the Attorney General the results of a request under the provisions of this subsection and the criteria for determining the length of time the designation of special traffic-related enforcement shall be in force.

F. Nothing in this section shall limit a member of the Oklahoma Highway Patrol Division from requesting assistance from any other law enforcement agency nor limit officers of such agency from rendering the requested assistance. The officer and the law enforcement agency responding to the request of the member of the Oklahoma Highway Patrol Division or sheriff's department shall have the same rights and immunities as are possessed by the Oklahoma Highway Patrol Division.

G. No state official shall have any power, right, or authority to command, order, or direct any commissioned law enforcement officer of the Department of Public Safety to perform any duty or service contrary to the provisions of this title or any other laws of this state.

Added by Laws 1961, p. 328, § 2-117, eff. Sept. 1, 1961. Amended by Laws 1982, c. 16, § 1, emerg. eff. March 23, 1982; Laws 1987, c. 6, § 15, emerg. eff. March 16, 1987; Laws 1990, c. 259, § 4, eff. Sept. 1, 1990; Laws 1996, c. 324, § 4; Laws 2003, c. 404, § 1, eff. Nov. 1, 2003; Laws 2004, c. 418, § 6, eff. July 1, 2004; Laws 2005, c. 190, § 8, eff. Sept. 1, 2005; Laws 2007, c. 62, § 8, emerg. eff. April 30, 2007; Laws 2007, c. 348, § 1, eff. Nov. 1, 2007; Laws 2014, c. 228, § 2, eff. July 1, 2014.

§47-2-117.1. Investigation and report of violation of rules and regulations governing transportation of persons and property.

A. It shall be the duty of the Oklahoma Tax Commission to investigate and report to the Corporation Commission and the Department of Public Safety violations of their rules and regulations and the laws governing the transportation of persons and property by motor transportation companies and all other motor carriers for hire.

B. It shall be the duty of the Corporation Commission to investigate and report to the Oklahoma Tax Commission and the Department of Public Safety violations of their rules and regulations and the laws governing the transportation of persons and property by motor transportation companies and all other motor carriers for hire. Added by Laws 1987, c. 6, § 16, emerg. eff. March 16, 1987.

§47-2-118. Administration of Division of Highway Patrol.

(a) The Commissioner shall require that the Division of Highway Patrol properly patrol the highways of this state and cooperate with sheriffs and police officers in enforcing the laws regulating the operation of vehicles and the use of highways.

(b) The Commissioner may establish a school for the training and education of the members of said Division in traffic regulation, the promotion of traffic safety and enforcement of the laws regulating the operation of vehicles and the use of the highways.

(c) All members of said Division when on duty shall be dressed in distinctive uniform and display a badge of office. Laws 1961, p. 330, § 2-118.

§47-2-119. Badge of authority - Penalties.

The Commissioner shall issue to each member of the Division of Highway Patrol a badge of authority with the seal of this state in the center thereof, with the words "Oklahoma Highway Patrol" encircling said seal and below the designation of the position held

by the member to whom issued. Every such badge shall be numbered or each number shall otherwise display a distinctive serial number.

1. Neither the Commissioner nor any other person shall issue any such badge to any person who is not a duly appointed and acting member of said Division.

2. Any person who without authority wears the badge of a member of said Division, or a badge of similar design which would tend to deceive anyone, is guilty of a misdemeanor.

3. Any person who impersonates a member of said Division or other officer or employee of the Department with intent to deceive anyone, or who without authority wears a uniform likely to be confused with the official uniform of any such officer, is guilty of a misdemeanor.

Laws 1961, p. 330, § 2-119.

§47-2-120. Transportation for Attorney General.

The Department of Public Safety is authorized to provide radio-equipped transportation for the Attorney General of the State of Oklahoma.

Laws 1971, c. 227, § 4, emerg. eff. June 12, 1971.

§47-2-121. Legal division.

The Department of Public Safety shall establish or provide for a Legal Division and the Commissioner may employ attorneys as needed, which may be on full-time or part-time basis, which attorneys, in addition to advising the Commissioner, Highway Patrol and other Department personnel on legal matters, may appear for and represent the Commissioner, Highway Patrol and Department in administrative hearings and other legal actions and proceedings. Provided, that it shall continue to be the duty of the Attorney General to give his official opinion to the Commissioner and to prosecute and defend actions therefor, if requested to do so.

Laws 1971, c. 354, § 7, operative July 1, 1971.

§47-2-122. Receipt of funds - Law enforcement training centers - Drug Abuse Resistance Education Program - Petty cash fund.

A. The Commissioner of Public Safety is authorized to receive funds from gifts, federal and state agency sources, state and local agency employees, and tuition and fees for room and meals from users of the Robert R. Lester Training Center and other training facilities of the Department of Public Safety. All amounts collected shall be deposited in the State Treasury to the credit of the Department of Public Safety Revolving Fund.

B. The Commissioner or designee is authorized to receive contributions, gifts and donations for the sole benefit and operation of the education programs of the Department including, but not limited to, the Drug Abuse Resistance Education (D.A.R.E.) Program.

All monies received by the Commissioner or designee pursuant to this subsection shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund and shall be expended by the Department solely for the purposes of the operation of the education programs of the Department. All other property received by the Commissioner or designee pursuant to this subsection shall be held by the Department in trust under the terms and conditions imposed by the donors, and title to any and all property acquired, granted or donated to the Department shall be taken in the name of the state to be held for the use and benefit of such education programs of the Department under the conditions of the grants or donations. Provided, however, no real property shall be accepted by the Commissioner or designee for the purposes of this subsection.

C. There is hereby created a petty cash fund for the Department of Public Safety. Said fund shall be used by the Department to operate cash drawers as necessary. The amount of the petty cash fund shall be determined by the Director of the Office of Management and Enterprise Services and the Commissioner of Public Safety. Purchases from the petty cash fund shall be prohibited. The Director of the Office of Management and Enterprise Services shall be authorized to prescribe forms, systems and procedures for the administration of the petty cash fund.

Added by Laws 1972, c. 84, § 4, emerg. eff. March 28, 1972. Amended by Laws 1983, c. 286, § 12, operative July 1, 1983; Laws 1987, c. 5, § 148, emerg. eff. March 11, 1987; Laws 1988, c. 290, § 11, operative July 1, 1988; Laws 1990, c. 258, § 62, operative July 1, 1990; Laws 1994, c. 218, § 4, eff. July 1, 1994; Laws 1997, c. 211, § 1, eff. Nov. 1, 1997; Laws 2002, c. 397, § 8, eff. Nov. 1, 2002; Laws 2011, c. 335, § 4; Laws 2012, c. 283, § 2, eff. July 1, 2012; Laws 2012, c. 304, § 164.

§47-2-122.1. Acquisition of federal funds.

All funds appropriated to the Department of Public Safety may be used and expended in conjunction or cooperation with any federal agency or instrumentality under such terms and conditions considered appropriate or necessary by the Commissioner of Public Safety to obtain grants or federal aid assistance in accordance with state law. The Department of Public Safety is hereby authorized to collect, receive and use any and all grants, reimbursements, or court-ordered forfeitures made available through any agency or instrumentality of the federal government, provided, however, such funds shall be deposited in the State Treasury and disbursed in accordance with the agreement between the Department of Public Safety and the applicable federal agency or instrumentality.

Added by Laws 1988, c. 290, § 23, operative July 1, 1988.

§47-2-122.2. Employee performance program - Recognition awards.

A. The Commissioner of Public Safety is authorized to establish an employee performance recognition program that encourages outstanding job performance and productivity within the Department of Public Safety. The Commissioner is authorized to expend funds for:

1. The purchase of recognition awards to be presented to work units or individual employees having exceptional job performance records or other significant contributions to the operation of the Department; and

2. A formal ceremony or banquet where the awards may be presented.

B. Recognition awards may consist of distinctive wearing apparel, service pins, plaques, writing pens, or other distinguished awards of a value not exceeding One Hundred Fifty Dollars (\$150.00) per award to recognize the achievement of the work unit or individual employee. In addition to recognition awards, the Commissioner may establish an employee benefit program not exceeding Twenty-five Thousand Dollars (\$25,000.00) each fiscal year for cash awards to recognize outstanding performance in the workplace by Department employees.

Added by Laws 2000, c. 146, § 1, eff. Nov. 1, 2000.

§47-2-122.3. Ownership, training and use of canines.

A. The Legislature finds and declares that it is in the public interest:

1. For the Department of Public Safety to acquire, house and train canines to assist in explosives detection, to seek out and discover controlled dangerous substances, to perform drug interdiction, to perform patrol activities, to perform article searches, to provide officer protection, and to engage in tracking in order to assist in the apprehension and arrest of criminals or those reasonably believed to be criminals or engaged in a criminal activity; and

2. To kennel each canine with its full-time trainer-handler, who shall be the primary caregiver of the canine.

B. The Commissioner of Public Safety is hereby authorized, and it is hereby deemed to be a public function of the Department of Public Safety:

1. To own, train and use canines for the purposes described in subsection A of this section;

2. To house each canine of the Department with the particular trainer-handler of the canine; and

3. To pay from any monies available to the Department for the construction and repair expenses of a kennel for each canine of the Department on the private property of the trainer-handler of the canine.

C. Construction and repair expenses of a kennel shall include, but not be limited to, minor improvements to the real property of the

trainer-handler, such as a necessary concrete slab for the kennel floor, kennel water line and spigot, kennel fencing, and shelter, all of which may be affixed to the real property of the trainer-handler. Fixtures to real property approved herein may also include a drainage and septic system for sanitary purposes, but only in the case which is the result of numerous canines, such as those used for tracking, kenneled at a particular location.

D. Any kennel facilities authorized by this section shall only be used for the kenneling of, caring for, and training of state-owned canines and shall be reasonable in both size and cost.

E. Any expenditure made under the provisions of this section shall be overseen and approved by the Commissioner, or his or her designee, prior to being incurred, unless the Commissioner specifically provides an exception; provided, under all circumstances the Commissioner shall retain complete control over the expenditures and shall establish internal procedures and guidelines for the expenditures and the eligibility of anyone to receive such expenditures.

Added by Laws 2008, c. 297, § 1, emerg. eff. June 2, 2008.

§47-2-123. Sale and auction of used vehicles, used emergency vehicle equipment, and forfeited property.

A. The Department of Public Safety is hereby authorized to make available for sale used vehicles and used emergency vehicle equipment to any federal, state, county or municipal agency, public school district, or any reserve deputy, reserve officer, or firefighter who furnishes their own vehicle for the performance of their duty.

B. The Department of Public Safety is hereby authorized to make available for sale at public auction any used vehicles, used emergency vehicle equipment, and any property forfeited to the Department.

C. The Department of Public Safety shall promulgate rules for the sale and auction of used vehicles, used emergency vehicle equipment, and forfeited property.

Added by Laws 1974, c. 283, § 5, emerg. eff. May 29, 1974. Amended by Laws 1979, c. 45, § 1, eff. Oct. 1, 1979; Laws 1983, c. 304, § 21, eff. July 1, 1983; Laws 1995, c. 47, § 1, eff. Nov. 1, 1995; Laws 2001, c. 90, § 1, eff. July 1, 2001; Laws 2009, c. 216, § 1, eff. Nov. 1, 2009.

§47-2-124. Law Enforcement Telecommunications Systems Division - Creation.

A. There is hereby created within the Department of Public Safety an Oklahoma Law Enforcement Telecommunication Systems Division.

B. The Division shall:

1. Operate and maintain an on-line, realtime computer system and a statewide law enforcement data communication network;

2. Utilize and distribute information on vehicle registration, driver records, criminals and the commission of crimes;

3. Be responsible for the coordination of user agencies with the National Crime Information Center in Washington, D.C., and the National Law Enforcement Telecommunication System, or its successor;

4. Be the central access and control point for Oklahoma's input, retrieval and exchange of law enforcement information in the National Crime Information Center and the National Law Enforcement Telecommunication System; and

5. Provide user agencies a data communication network, in order to exchange and distribute law enforcement data rapidly, and training in the use of the Oklahoma Law Enforcement Telecommunication Systems.

C. The statewide law enforcement data communications network shall be a part of the Oklahoma Government Telecommunications Network (OGTN) created in Section 34.23 of Title 62 of the Oklahoma Statutes; provided, however, the Department of Public Safety may continue to operate, maintain and enhance the statewide law enforcement data communications network; provided, however, the Department of Public Safety shall submit all plans for the enhancement of the statewide law enforcement communications network to the Office of Management and Enterprise Services for review and approval. The Department of Public Safety shall participate with the Office of Management and Enterprise Services in joint efforts to provide services for the OGTN.

D. All criminal justice agencies disseminating criminal history information derived from the National Crime Information Center's criminal history file shall maintain a record of dissemination in accordance with federal law as well as rules promulgated by the National Crime Information Center and the Commissioner of Public Safety.

E. The Oklahoma Law Enforcement Telecommunication Systems Division shall have the authority to audit state and local law enforcement and criminal justice agencies to ensure compliance with federal laws as well as rules of the Department of Public Safety which pertain to the Oklahoma Law Enforcement Telecommunication Systems.

Added by Laws 1975, c. 324, § 1, emerg. eff. June 12, 1975. Amended by Laws 1992, c. 268, § 3, eff. Sept. 1, 1992; Laws 2002, c. 397, § 9, eff. Nov. 1, 2002; Laws 2012, c. 304, § 165.

§47-2-124.1. Arrest warrant identification information - Dissemination.

A. The Office of the Administrative Director of the Courts shall provide to the Department of Public Safety current computerized

arrest warrant identification information for dissemination to the users of the Oklahoma Law Enforcement Telecommunication Systems.

B. The Commissioner of the Department of Public Safety shall have the authority to audit state and local law enforcement agencies to ensure compliance with applicable state and federal laws pertaining to the dissemination of arrest warrant identification information.

C. No cause of action shall arise, nor shall any liability be imposed against any personnel within the Office of the Administrative Director of the Courts, the district courts, the offices of the district court clerks or any personnel of the Department of Public Safety for communicating or delivering information or data pursuant to the provisions of this section, if such communication or delivery was performed in good faith and without fraudulent intent and in accordance with the established standards and guidelines.

Added by Laws 1994, c. 181, § 1, eff. Sept. 1, 1994.

§47-2-125. Deposit and expenditure of funds.

The Commissioner of Public Safety shall assess and collect costs and fees from subscribers to the Oklahoma Law Enforcement Telecommunication System (OLETS), to be deposited in the State Treasury to the credit of the Department of Public Safety Restricted Revolving Fund. Such costs and fees expended from the fund shall be for personnel, recurring user fees, necessary hardware and accessories, installation of equipment, maintenance and operational expenses for OLETS. If a county sheriff offers hosting services of end users that allows for a connection to OLETS, the sheriff may assess and collect fees for the itemized actual costs of providing personnel, reoccurring user fees, necessary hardware and accessories, installation of equipment, maintenance, training and operational expenses for the utilization of the hosting data system and shall provide the terms and itemized costs in an inter-local agreement between both parties. The agreement shall be filed with the office of the county clerk and in the offices of each governmental entity involved. Fees generated through this section shall be deposited in the Sheriff's Service Fee Account for the sole use of the purposes outlined in this section.

Added by Laws 1975, c. 324, § 2, emerg. eff. June 12, 1975. Amended by Laws 1976, c. 241, § 9, emerg. eff. June 15, 1976; Laws 1983, c. 286, § 13, operative July 1, 1983; Laws 1987, c. 5, § 149, emerg. eff. March 11, 1987; Laws 1988, c. 290, § 12, operative July 1, 1988; Laws 2012, c. 283, § 3, eff. July 1, 2012; Laws 2017, c. 265, § 1, eff. Nov. 1, 2017; Laws 2019, c. 344, § 1, eff. Nov. 1, 2019.

§47-2-126. Rules.

The Commissioner of Public Safety may promulgate rules as may be necessary to carry out the provisions of Sections 2-124 through 2-129 of this title.

Added by Laws 1975, c. 324, § 3, emerg. eff. June 12, 1975. Amended by Laws 2002, c. 397, § 10, eff. Nov. 1, 2002.

§47-2-127. Repealed by Laws 1983, c. 304, § 182, eff. July 1, 1983.

§47-2-128. Transfer of personnel and assets.

All personnel employed by the Commission on Criminal and Traffic Law Enforcement System and all funds, records, equipment, furniture, fixtures, files and supplies of whatsoever kind and character now under the jurisdiction and control of the Commission are hereby transferred to the Department of Public Safety. All employees so transferred shall be in the classified service of the Merit System of Personnel Administration and shall be transferred at present salaries with all accrued annual and sick leave.

Laws 1975, c. 324, § 5, emerg. eff. June 12, 1975.

§47-2-129. Custody and dissemination of confidential and privileged information.

A. Any person charged with the custody and dissemination of confidential and privileged information or in receipt of such information from the statewide law enforcement data communications network provided for in Section 2-124 of this title shall neither divulge nor disclose any such information except to federal, state, county or city law enforcement or criminal justice agencies.

B. Any person charged with the custody and dissemination of confidential and privileged information shall not without authorization utilize the Oklahoma Law Enforcement Telecommunication System for any reason.

C. Any person violating the provisions of this section upon conviction shall be deemed guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year.

Added by Laws 1975, c. 324, § 6, emerg. eff. June 12, 1975. Amended by Laws 1992, c. 268, § 4, eff. Sept. 1, 1992; Laws 1993, c. 25, § 1, eff. Sept. 1, 1993.

§47-2-130. Expense allowance for certain employees.

A. An expense allowance of One Hundred Fifty Dollars (\$150.00) per month for maintenance and cleaning of uniforms, continuing law enforcement education, purchase of practice ammunition, and other related expenses shall be paid to all commissioned law enforcement officers of the Department of Public Safety.

B. An expense allowance of One Hundred Dollars (\$100.00) per month for maintenance and cleaning of uniforms, continuing law

enforcement education, purchase of practice ammunition, and other related expenses shall be paid to each of the following employees:

1. Cadets while members of a patrol academy or during employment while on provisional or probationary status; and
2. Law enforcement personnel on provisional or probationary status.

C. An expense allowance of One Hundred Dollars (\$100.00) per month for maintenance and cleaning of uniforms and other related expenses shall be paid to all other uniformed employees of the Department of Public Safety.

Laws 1978, c. 270, § 5, emerg. eff. May 10, 1978; Laws 1980, c. 350, § 6, eff. July 1, 1980; Laws 1982, c. 352, § 14, operative July 1, 1982; Laws 1983, c. 286, § 14, operative July 1, 1983; Laws 1988, c. 290, § 13, operative July 1, 1988; Laws 1992, c. 302, § 2, eff. July 1, 1992.

§47-2-130.1. Additional compensation for irregular shift hours and twenty-four-hour call employees.

Subject to the availability of funds, the Commissioner of Public Safety is authorized to pay up to an additional Fifty Dollars (\$50.00) per month to any employee of the Department who works irregular shift hours or who is subject to twenty-four-hour call. Added by Laws 1983, c. 286, § 15, operative July 1, 1983.

§47-2-131. Repealed by Laws 1995, c. 294, § 4, eff. July 1, 1995.

§47-2-132. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003.

§47-2-133. Psychological Services Division - Director - Internship program.

A. There is hereby established in the Department of Public Safety a Division to be known as the Psychological Services Division. The Commissioner of Public Safety is authorized to appoint a Director of Psychological Services and to employ such clerical, support personnel and interns on a full-time or part-time basis as may be necessary to perform the duties imposed upon the Division.

B. The Director of Psychological Services shall possess a doctorate in psychology, shall be licensed by the State Board of Examiners of Psychologists and shall have not less than five (5) years' experience in law enforcement.

C. Prior to the establishment of any psychology internship program, the Director of Psychological Services shall submit a plan for such program to the State Board of Examiners of Psychologists for approval. Such program shall meet all requirements of the rules and regulations of the Board.

Added by Laws 1985, c. 305, § 16, emerg. eff. July 24, 1985.

§47-2-134. Repealed by Laws 1998, c. 245, § 10, eff. July 1, 1998.

§47-2-135. Repealed by Laws 1998, c. 245, § 10, eff. July 1, 1998.

§47-2-136. Repealed by Laws 1998, c. 245, § 10, eff. July 1, 1998.

§47-2-140. Repealed by Laws 1998, c. 245, § 11, eff. Jan. 1, 1999.

§47-2-140.1. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.2. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.3. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.4. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.5. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.6. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.7. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.8. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.9. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.10. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.11. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-141. Repealed by Laws 1998, c. 245, § 12, eff. Jan. 1, 1999.

§47-2-142. Computer Imaging System Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Department of Public Safety, to be designated the "Computer

Imaging System Revolving Fund". The fund shall be a continuing fund not subject to fiscal year limitations. All monies accruing to the credit of said fund are hereby appropriated and shall be budgeted and expended by the Department for the exclusive purpose of implementing, developing, administering, and maintaining the computer imaging system of the Department of Public Safety. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2001, c. 361, § 8, eff. July 1, 2001. Amended by Laws 2012, c. 304, § 166.

§47-2-143. Department of Public Safety Patrol Vehicle Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Department of Public Safety, to be designated the "Department of Public Safety Patrol Vehicle Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended by the Department for the purpose of purchasing, equipping, and maintaining of patrol vehicles and patrol aircraft and for any other purpose related to the duties and responsibilities of the Transportation Division of the Department, as well as any other operational expenses of the Oklahoma Highway Patrol. No monies shall be expended from this fund without expressed authorization by the Legislature. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1997, c. 179, § 3, emerg. eff. May 12, 1997.

Renumbered from § 854.1 of this title by Laws 2001, c. 435, § 15, eff. July 1, 2001. Amended by Laws 2003, c. 461, § 7, eff. July 1, 2003; Laws 2011, c. 226, §2; Laws 2011, c. 335, § 5; Laws 2012, c. 304, § 167.

NOTE: Editorially renumbered from § 2-142 of this title to avoid duplication in numbering.

§47-2-144.1. Department of Public Safety Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Department of Public Safety to be designated the Department of Public Safety Revolving Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all money received by the Department of Public Safety from:

1. Sale of surplus property;

2. Insurance and other reimbursements for damaged, lost or stolen property;

3. Reimbursement for services of Department personnel as approved by the Department if such personnel are representing the Department or are in any uniform of the Department;

4. Reimbursement for supplies or facsimile or data transmissions or for contractual services or products not otherwise provided by law;

5. Fees and costs paid by subscribers to the Oklahoma Law Enforcement Telecommunications Systems;

6. Refund of federal gasoline tax;

7. Reimbursements by federal, state and municipal government agencies for the use of Department of Public Safety airplanes;

8. Fees from users of the Robert R. Lester Training Center or other Department of Public Safety training facilities;

9. Federal funds, unless otherwise provided by federal law or regulation; and

10. Any other funds received pursuant to law and designated for deposit into the fund.

B. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Public Safety for the operating expenses of the Department.

C. The Director of the Office of the Office of Management and Enterprise Services shall provide a distinct numbering system for the identification and tracking of the expenditures of the various programs budgeted from the revolving fund.

D. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2002, c. 397, § 14, eff. Nov. 1, 2002. Amended by Laws 2005, c. 361, § 2, eff. Nov. 1, 2005; Laws 2011, c. 335, § 6; Laws 2012, c. 283, § 4, eff. July 1, 2012; Laws 2012, c. 304, § 168.

§47-2-145. Department of Public Safety Restricted Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Department of Public Safety, to be designated the "Department of Public Safety Restricted Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of said fund are hereby appropriated and shall be budgeted and expended by the Department of Public Safety for the restricted purposes of the monies as prescribed by law. Expenditures from said funds shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. Any statutory references to the Department of Public Safety Revolving Fund shall mean the Department of Public Safety Restricted Revolving Fund, as provided for in this section, whenever the expenditure of the monies is restricted by law.

C. The Department of Public Safety shall transfer all funds, for which expenditure is restricted by law, from the Department of Public Safety Revolving Fund to the Department of Public Safety Restricted Revolving Fund.

Added by Laws 2011, c. 308, § 1, eff. July 1, 2011. Amended by Laws 2012, c. 304, § 169.

§47-2-146. Department of Public Safety Patrol Academy Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Department of Public Safety, to be designated the "Department of Public Safety Patrol Academy Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of said fund are hereby appropriated and shall be budgeted and expended by the Department of Public Safety for the exclusive purpose of Oklahoma Highway Patrol Trooper Academies. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2011, c. 308, § 2, eff. July 1, 2011. Amended by Laws 2012, c. 304, § 170.

§47-2-147. State Public Safety Fund.

A. There is hereby created in the State Treasury a fund to be designated as the "State Public Safety Fund". The fund shall be subject to legislative appropriation and shall consist of revenues deposited to such fund by Section 1113.2 of Title 47 of the Oklahoma Statutes and of such other revenues as may be provided by law.

B. The State Public Safety Fund shall be utilized by the Legislature through appropriations to support public safety in Oklahoma.

Added by Laws 2016, c. 359, § 2.

§47-2-150. Weapons, badges and official license plates - Retention after retirement.

A. A commissioned officer of the Oklahoma Highway Patrol Division of the Department of Public Safety shall be entitled to receive upon retirement, by reason of length of service or physical disability, the continued custody and possession of the sidearm and badge carried by the retired officer immediately prior to retirement. In addition to the sidearm carried by the retired officer immediately prior to retirement, the retired officer may purchase the rifle or

shotgun, or both, issued to the retired officer immediately prior to retirement. The cost to the retired officer of purchasing the weapon or weapons shall be the price the Department paid at the time of purchase, and upon payment of that price, the retired officer shall be entitled to ownership of the weapon or weapons. Any records regarding the ownership of each weapon transferred shall be modified to reflect the transfer to the retired officer. Proceeds from the purchase of the weapon or weapons shall be deposited in the Department of Public Safety Revolving Fund.

B. A commissioned officer of the Oklahoma Highway Patrol Division of the Department of Public Safety shall be entitled to receive, upon retirement, the continued custody and possession of the official license plate issued for the vehicle that was assigned to the retired officer immediately prior to retirement, provided the license plate shall not be placed on any motor vehicle. The provisions of this subsection shall apply to any officer retiring on or after April 1, 1993, if the official license plate is available.

C. Custody and possession of the sidearm, one complete uniform, badge and official license plate of a commissioned officer of the Oklahoma Highway Patrol Division of the Department of Public Safety who dies during his or her appointment may be awarded by the Commissioner to the spouse or next of kin of the deceased officer, provided the license plate shall not be placed on any motor vehicle. Added by Laws 1967, c. 2, § 1, emerg. eff. Feb. 1, 1967. Amended by Laws 1980, c. 357, § 22, eff. July 1, 1980; Laws 1986, c. 279, § 12, operative July 1, 1986; Laws 1988, c. 267, § 27, operative July 1, 1988; Laws 1993, c. 277, § 3, eff. July 1, 1993; Laws 1994, c. 194, § 2, eff. Sept. 1, 1994; Laws 1995, c. 16, § 1, eff. Nov. 1, 1995; Laws 1996, c. 181, § 1, eff. Nov. 1, 1996; Laws 2000, c. 378, § 4, eff. Jan. 1, 2001. Renumbered from § 2-313 of this title by Laws 2000, c. 378, § 5, eff. Jan. 1, 2001. Amended by Laws 2007, c. 62, § 9, emerg. eff. April 30, 2007; Laws 2011, c. 104, § 3, eff. Nov. 1, 2011; Laws 2015, c. 292, § 1, eff. Nov. 1, 2015.

§47-2-201. Repealed by Laws 2000, c. 189, § 14, eff. July 1, 2000.

§47-2-300. Definitions.

As used in Section 2-300 et seq. of this title:

1. "System" means the Oklahoma Law Enforcement Retirement System;
2. "Act" means Section 2-300 et seq. of this title;
3. "Board" means the Oklahoma Law Enforcement Retirement Board of the System;
4. "Executive Director" means the managing officer of the System employed by the Board;
5. "Fund" means the Oklahoma Law Enforcement Retirement Fund;
6. a. "Member" means:

- (1) all commissioned law enforcement officers of the Oklahoma Highway Patrol Division of the Department of Public Safety who have obtained certification from the Council on Law Enforcement Education and Training, and all cadets of a Patrol Academy of the Department of Public Safety,
 - (2) law enforcement officers and criminalists of the Oklahoma State Bureau of Investigation,
 - (3) law enforcement officers of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control designated to perform duties in the investigation and prevention of crime and the enforcement of the criminal laws of this state,
 - (4) law enforcement officers of the Oklahoma Alcoholic Beverage Laws Enforcement Commission designated to perform duties in the investigation and prevention of crime and the enforcement of the criminal laws of this state,
 - (5) employees of the Communications Section of the Oklahoma Highway Patrol Division, radio technicians, and tower technicians of the Department of Public Safety, who are employed in any such capacity as of June 30, 2008, and who remain employed on or after July 1, 2008, until a termination of service, or until a termination of service with an election of a vested benefit from the System, or until retirement. Effective July 1, 2008, a person employed for the first time as an employee of the Department of Public Safety in the Communications Division as an information systems telecommunication technician of the Department of Public Safety shall not be a member of the System,
 - (6) park rangers of the Oklahoma Tourism and Recreation Department and any park manager or park supervisor of the Oklahoma Tourism and Recreation Department who was employed in such a position prior to July 1, 1985, and who elects on or before September 1, 1996, to participate in the System, and
 - (7) inspectors of the Board of Pharmacy.
- b. Effective July 1, 1987, a member does not include a "leased employee" as defined under Section 414(n)(2) of the Internal Revenue Code of 1986, as amended. Effective July 1, 1999, any individual who agrees with the participating employer that the individual's services are to be performed as a leased employee or an

independent contractor shall not be a member regardless of any classification as a common-law employee by the Internal Revenue Service or any other governmental agency, or any court of competent jurisdiction.

- c. All persons who shall be offered a position of a commissioned law enforcement officer as an employee of one of the agencies described in subparagraph a of this paragraph shall participate in the System upon the person meeting the requisite post-offer-pre-employment physical examination standards which shall be subject to the following requirements:

- (1) all such persons shall be of good moral character, free from deformities, mental or physical conditions, or disease and alcohol or drug addiction which would prohibit the person from performing the duties of a law enforcement officer,
- (2) the physical-medical examination shall pertain to age, sight, hearing, agility and other conditions the requirements of which shall be established by the Board,
- (3) the person shall be required to meet the conditions of this subsection prior to the beginning of actual employment but after an offer of employment has been tendered by a participating employer,
- (4) the Board shall have authority to deny or revoke membership of any person submitting false information in such person's membership application, and
- (5) the Board shall have final authority in determining eligibility for membership in the System, pursuant to the provisions of this subsection;

7. "Normal retirement date" means the date at which the member is eligible to receive the unreduced payments of the member's accrued retirement benefit. Such date shall be the first day of the month coinciding with or following the date the member:

- a. completes twenty (20) years of vesting service, or
- b. attains sixty-two (62) years of age with ten (10) years of vesting service, or
- c. attains sixty-two (62) years of age, if:
 - (1) the member has been transferred to this System from the Oklahoma Public Employees Retirement System on or after July 1, 1981, and

- (2) the member would have been vested had the member continued to be a member of the Oklahoma Public Employees Retirement System.

With respect to distributions under the System made for calendar years beginning on or after January 1, 2005, the System shall apply the minimum distribution incidental benefit requirements, incidental benefit requirements, and minimum distribution requirements of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, in accordance with the final regulations under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, which were issued in April 2002 and June 2004, notwithstanding any provision of the System to the contrary. With respect to distributions under the System made for calendar years beginning on or after January 1, 2001, through December 31, 2004, the System shall apply the minimum distribution requirements and incidental benefit requirements of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, in accordance with the regulations under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, which were proposed in January 2001, notwithstanding any provision of the System to the contrary.

Effective July 1, 1989, notwithstanding any other provision contained herein to the contrary, in no event shall commencement of distribution of the accrued retirement benefit of a member be delayed beyond April 1 of the calendar year following the later of: (1) the calendar year in which the member reaches seventy and one-half (70 1/2) years of age; or (2) the actual retirement date of the member. The preceding sentence does not allow deferral of benefit commencement beyond the age of sixty-five (65).

Effective September 8, 2009, notwithstanding anything to the contrary of the System, the System, which as a governmental plan (within the meaning of Section 414(d) of the Internal Revenue Code of 1986, as amended), is treated as having complied with Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, for all years to which Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, applies to the System if the System complies with a reasonable and good faith interpretation of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended.

A member who was required to join the System effective July 1, 1980, because of the transfer of the employing agency from the Oklahoma Public Employees Retirement System to the System, and was not a member of the Oklahoma Public Employees Retirement System on the date of such transfer shall be allowed to receive credit for prior law enforcement service rendered to this state, if the member is not receiving or eligible to receive retirement credit or benefits for such service in any other public retirement system, upon payment to the System of the employee contribution the member would have been subject to had the member been a member of the System at the time, plus five percent (5%) interest. Service credit received pursuant to

this paragraph shall be used in determining the member's retirement benefit, and shall be used in determining years of service for retirement or vesting purposes;

8. "Actual paid base salary" means the salary received by a member, excluding payment for any accumulated leave or uniform allowance. Salary shall include any amount of nonelective salary reduction under Section 414(h) of the Internal Revenue Code of 1986;

9. "Final average salary" means the average of the highest thirty (30) consecutive complete months of actual paid gross salary. Gross salary shall include any amount of elective salary reduction under Section 457 of the Internal Revenue Code of 1986, as amended, and any amount of nonelective salary reduction under Section 414(h) of the Internal Revenue Code of 1986, as amended. Effective July 1, 1992, gross salary shall include any amount of elective salary reduction under Section 125 of the Internal Revenue Code of 1986, as amended. Effective July 1, 1998, gross salary shall include any amount of elective salary reduction not includable in the gross income of the member under Section 132(f)(4) of the Internal Revenue Code of 1986, as amended. Effective July 1, 1998, for purposes of determining a member's compensation, any contribution by the member to reduce his or her regular cash remuneration under Section 132(f)(4) of the Internal Revenue Code of 1986, as amended, shall be treated as if the member did not make such an election. Only salary on which required contributions have been made may be used in computing the final average salary. Gross salary shall not include severance pay.

In addition to other applicable limitations, and notwithstanding any other provision to the contrary, for plan years beginning on or after July 1, 2002, the annual gross salary of each "Noneligible Member" taken into account under the System shall not exceed the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA") annual salary limit. The EGTRRA annual salary limit is Two Hundred Thousand Dollars (\$200,000.00), as adjusted by the Commissioner for increases in the cost of living in accordance with Section 401(a)(17)(B) of the Internal Revenue Code of 1986, as amended. The annual salary limit in effect for a calendar year applies to any period, not exceeding twelve (12) months, over which salary is determined ("determination period") beginning in such calendar year. If a determination period consists of fewer than twelve (12) months, the EGTRRA salary limit will be multiplied by a fraction, the numerator of which is the number of months in the determination period, and the denominator of which is twelve (12). For purposes of this section, a "Noneligible Member" is any member who first became a member during a plan year commencing on or after July 1, 1996.

For plan years beginning on or after July 1, 2002, any reference in the System to the annual salary limit under Section 401(a)(17) of

the Internal Revenue Code of 1986, as amended, shall mean the EGTRRA salary limit set forth in this provision.

Effective January 1, 2008, gross salary for a plan year shall also include gross salary, as described above, for services, but paid by the later of two and one-half (2 1/2) months after a member's severance from employment or the end of the calendar year that includes the date the member terminated employment, if it is a payment that, absent a severance from employment, would have been paid to the member while the member continued in employment with the employer.

Effective January 1, 2008, any payments not described above shall not be considered gross salary if paid after severance from employment, even if they are paid by the later of two and one-half (2 1/2) months after the date of severance from employment or the end of the calendar year that includes the date of severance from employment, except payments to an individual who does not currently perform services for the employer by reason of qualified military service within the meaning of Section 414(u)(5) of the Internal Revenue Code of 1986, as amended, to the extent these payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the employer rather than entering qualified military service.

Effective January 1, 2008, back pay, within the meaning of Section 1.415(c)-2(g)(8) of the Income Tax Regulations, shall be treated as gross salary for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included in this definition.

Effective for years beginning after December 31, 2008, gross salary shall also include differential wage payments under Section 414(u)(12) of the Internal Revenue Code of 1986, as amended;

10. "Credited service" means the period of service used to determine the amount of benefits payable to a member. Credited service shall consist of the period during which the member participated in the System or the predecessor Plan as an active employee in an eligible membership classification, plus any service prior to the establishment of the predecessor Plan which was credited under the predecessor Plan and for law enforcement officers and criminalists of the Oklahoma State Bureau of Investigation and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control who became members of the System on July 1, 1980, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1980, and for members of the Communications and Lake Patrol Divisions of the Oklahoma Department of Public Safety, who became members of the System on July 1, 1981, any service credited under the predecessor Plan or the Oklahoma Public Employees Retirement System as of June 30, 1981, and for law enforcement officers of the Alcoholic Beverage Laws Enforcement Commission who became members of

the System on July 1, 1982, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1982, and for park rangers of the Oklahoma Tourism and Recreation Department who became members of the System on July 1, 1985, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1985, and for inspectors of the Oklahoma State Board of Pharmacy who became members of the System on July 1, 1986, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1986, for law enforcement officers of the Oklahoma Capitol Patrol Division of the Department of Public Safety who became members of the System effective July 1, 1993, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1993, and for all commissioned officers in the Gunsmith/Ammunition Reloader Division of the Department of Public Safety who became members of the System effective July 1, 1994, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1994, and for the park managers or park supervisors of the Oklahoma Tourism and Recreation Department who were employed in such a position prior to July 1, 1985, and who elect to become members of the System effective September 1, 1996, any service transferred pursuant to subsection C of Section 2-309.6 of this title and any service purchased pursuant to subsection B of Section 2-307.2 of this title. Effective August 5, 1993, an authorized leave of absence shall include a period of absence pursuant to the Family and Medical Leave Act of 1993;

11. "Disability" means a physical or mental condition which, in the judgment of the Board, totally and presumably permanently prevents the member from engaging in the usual and customary duties of the occupation of the member and thereafter prevents the member from performing the duties of any occupation or service for which the member is qualified by reason of training, education or experience. A person is not under a disability when capable of performing a service to the employer, regardless of occupation, providing the salary of the employee is not diminished thereby;

12. "Limitation year" means the year used in applying the limitations of Section 415 of the Internal Revenue Code of 1986, which year shall be the calendar year;

13. "Line of duty" means any action which a member whose primary function is crime control or reduction or enforcement of the criminal law is obligated or authorized by rule, regulations, condition of employment or service, or law to perform, including those social, ceremonial, or athletic functions to which the member is assigned, or for which the member is compensated, by the agency the member serves;

14. "Personal injury" or "injury" means any traumatic injury as well as diseases which are caused by or result from such an injury, but not occupational diseases;

15. "Catastrophic nature" means consequences of an injury that permanently prevent an individual from performing any gainful work;

16. "Traumatic injury" means a wound or a condition of the body caused by external force, including injuries inflicted by bullets, explosives, sharp instruments, blunt objects or other physical blows, chemicals, electricity, climatic conditions, infectious diseases, radiation, and bacteria, but excluding stress and strain; and

17. "Beneficiary" means the individual designated by the member on a beneficiary designation form supplied by the Oklahoma Law Enforcement Retirement System, or if there is no designated beneficiary or if the designated beneficiary predeceases the member, the estate of the member. If the member's spouse is not designated as the sole primary beneficiary, the member's spouse must sign a consent.

Added by Laws 1980, c. 357, § 4, eff. July 1, 1980. Amended by Laws 1981, c. 227, § 1, operative July 1, 1981; Laws 1982, c. 328, § 1, operative July 1, 1982; Laws 1985, c. 296, § 1, emerg. eff. July 24, 1985; Laws 1986, c. 253, § 1, operative July 1, 1986; Laws 1987, c. 236, § 160, emerg. eff. July 20, 1987; Laws 1988, c. 267, § 20, operative July 1, 1988; Laws 1989, c. 209, § 1, eff. July 1, 1989; Laws 1990, c. 337, § 8; Laws 1991, c. 323, § 4, emerg. eff. June 12, 1991; Laws 1992, c. 390, § 5, emerg. eff. June 9, 1992; Laws 1993, c. 277, § 1, eff. July 1, 1993; Laws 1994, c. 44, § 1, eff. July 1, 1994; Laws 1995, c. 1, § 15, emerg. eff. March 2, 1995; Laws 1995, c. 294, § 1, eff. July 1, 1995; Laws 1996, c. 60, § 1, eff. July 1, 1996; Laws 1999, c. 257, § 22, eff. July 1, 1999; Laws 2000, c. 377, § 5, eff. July 1, 2000; Laws 2001, c. 5, § 14, emerg. eff. March 21, 2001; Laws 2002, c. 399, § 1, eff. July 1, 2002; Laws 2003, c. 3, § 27, emerg. eff. March 19, 2003; Laws 2003, c. 406, § 3, eff. July 1, 2003; Laws 2004, c. 5, § 31, emerg. eff. March 1, 2004; Laws 2004, c. 542, § 1, eff. July 1, 2004; Laws 2005, c. 142, § 1, emerg. eff. May 5, 2005; Laws 2006, 2nd Ex.Sess., c. 46, § 18, eff. July 1, 2006; Laws 2007, c. 62, § 10, emerg. eff. April 30, 2007; Laws 2008, c. 177, § 7, eff. July 1, 2008; Laws 2009, c. 169, § 7, emerg. eff. May 11, 2009; Laws 2010, c. 437, § 8, emerg. eff. June 9, 2010; Laws 2011, c. 141, § 1, emerg. eff. April 29, 2011; Laws 2011, c. 262, § 9, eff. July 1, 2011; Laws 2015, c. 383, § 1, emerg. eff. June 4, 2015.

NOTE: Laws 1987, c. 231, § 6 repealed by Laws 1989, c. 136, § 3, eff. Jan. 1, 1990, and by Laws 1990, c. 337, § 26. Laws 1989, c. 136, § 1 repealed by Laws 1990, c. 337, § 26. Laws 1993, c. 157, § 1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1994, c. 2, § 13 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 2000, c. 287, § 13 repealed by Laws 2001, c. 5, § 15, emerg. eff. March 21, 2001. Laws 2002, c. 238, § 1 repealed by Laws 2003, c. 3, § 28, emerg. eff. March 19, 2003. Laws 2003, c. 456, § 1 repealed by Laws 2004, c. 5, § 32, emerg. eff. March 1, 2004.

§47-2-301. Establishment - Law Enforcement Retirement Fund - Retirement Medical Benefit Fund - Right to benefits.

There is hereby established a System for the payment of retirement benefits and certain medical and hospital expenses of members of the Oklahoma Law Enforcement Retirement System. Effective July 1, 2014, the System intends to satisfy Section 401(a) of the Internal Revenue Code of 1986, as amended from time to time, by meeting the requirements of Section 414(d) of the Internal Revenue Code of 1986, as amended from time to time. Such System shall constitute an amendment and continuation of the Retirement and Pension Plan of the Department of Public Safety and members in the Retirement and Pension Plan on June 30, 1980, shall continue as members of the Oklahoma Law Enforcement Retirement System. There is established in the State Treasury a special fund designated as the "Oklahoma Law Enforcement Retirement Fund" for the benefit of members of the System and certain dependents of deceased members of the System. Such fund shall be a continuation, under a new name, of the Retirement and Pension Fund of the Department of Public Safety.

There is hereby created the Retirement Medical Benefit Fund. The fund shall be maintained as a subaccount of the Oklahoma Law Enforcement Retirement Fund. The Retirement Medical Benefit Fund is composed of all assets which may be contributed to this subaccount to pay the retirement system's portion of the monthly retiree health insurance premium benefit described by Section 1316.2 of Title 74 of the Oklahoma Statutes. Such monthly retiree health insurance premium benefit is in addition to, and subordinate to, the retirement benefits provided by this System. All such allocated assets and any earnings thereon in the Retirement Medical Benefit Fund shall be held for the exclusive purpose of providing retiree medical benefits. The Retirement Medical Benefit Fund is to be administered in accordance with the requirements of Section 401(h) of the Internal Revenue Code of 1986, as amended from time to time. It shall be impossible, at any time prior to the satisfaction of all liabilities for these benefits, for any part of this subaccount to be used for or diverted to, any purpose other than the providing of the retiree health insurance premium benefit and the payment of necessary and appropriate related expenses. Notwithstanding the provisions of Section 401(a)(2) of the Internal Revenue Code of 1986, as amended from time to time, effective July 1, 2014, upon the satisfaction of all liabilities under the Oklahoma Law Enforcement Retirement System to provide Section 401(h) medical benefits, any amount remaining in such separate subaccount must be returned to the employer. Effective July 1, 2014, in the event an individual's interest in the medical benefits subaccount is forfeited prior to the termination of the Oklahoma Law Enforcement Retirement System, an amount equal to the amount of the forfeiture must be applied as soon as possible to reduce employer contributions to fund the medical benefits described

in Section 401(h). The Board of Trustees may promulgate such rules as are necessary to implement the funding and administration of the fund pursuant to the provisions of this subsection. All contributions to fund the retiree health insurance benefit shall be made on the basis of a generally accepted actuarial method. Notwithstanding anything contained herein to the contrary, the aggregate of contributions to provide retiree health insurance benefits and life insurance, if any, shall not exceed twenty-five percent (25%) of the aggregate contributions made to fund all benefits under this System, other than contributions to fund past service costs. For this purpose, "life insurance" means, as to any member, the in-service death benefit that would be payable upon the member's death, but only to the extent that the lump-sum value of such death benefit would exceed the lump-sum value of the member's accrued benefit at the date of the member's death.

Appointment to any position within a covered agency which comes under this System shall not jeopardize the rights of any person who has previously qualified for membership under this System, provided that the individual contributions are continued, and such person remains a member of this System. Any person who has previously qualified for membership under the System who voluntarily seeks and accepts appointment to any position within a covered agency which is not a covered position excludes the member from further participation in this System; provided, this provision shall not apply to any person who is a member of the System and who, on or before June 30, 2002, has already accepted appointment to a position which is not a covered position of the System nor shall it apply if that person seeks and accepts any other position within a covered agency which is not a covered position of the System.

Added by Laws 1961, p. 330, § 2-301, eff. Sept. 1, 1961. Amended by Laws 1967, c. 56, § 1, emerg. eff. April 14, 1967; Laws 1980, c. 357, § 3, eff. July 1, 1980; Laws 1981, c. 227, § 2, operative July 1, 1981; Laws 1982, c. 328, § 2, operative July 1, 1982; Laws 1988, c. 267, § 21, operative July 1, 1988; Laws 1992, c. 376, § 4, eff. July 1, 1992; Laws 1996, c. 55, § 2, eff. July 1, 1996; Laws 2002, c. 399, § 2, eff. July 1, 2002; Laws 2003, c. 3, § 29, emerg. eff. March 19, 2003; Laws 2015, c. 171, § 1, emerg. eff. April 27, 2015.

NOTE: Laws 2002, c. 238, § 2 repealed by Laws 2003, c. 3, § 30, emerg. eff. March 19, 2003.

§47-2-301.1. Termination or partial termination of System.

(1) In the event the System is terminated or partially terminated the right of all participants or in the event of partial termination the rights of the affected participants, whether retired or otherwise, shall become fully vested.

(2) In the event of termination of the System, the Board shall distribute the net assets of the fund, allowing a period of not less

than six (6) nor more than nine (9) months for dissolution of disability claims, as follows:

(a) First, accumulated contributions shall be allocated to each respective participant, former participant, retired member joint annuitant or beneficiary then receiving payments. If these assets are insufficient for this purpose, they shall be allocated to each such person in the proportion which his accumulated contributions bear to the total of all such participants' accumulated contributions. For purposes of this section, contribution means payment into the System by an employer or employee for the benefit of an individual employee.

(b) The balance of such assets, if any, remaining after making the allocations provided in subparagraph (a) of this section shall be disposed of by allocating to each person then having an interest in the fund the excess of his retirement income under the System less the retirement income which is equal to the actuarial equivalent of the amount allocated to him under subparagraph (a) of this section. Such allocation shall be made with the full amount of the remaining assets to be allocated to the persons in each group in the following order of precedence:

- (i) those retired members, joint annuitants or beneficiaries receiving benefits,
- (ii) those members eligible to retire,
- (iii) those members eligible for early retirement,
- (iv) former participants electing to receive a vested benefit, and
- (v) all other members.

In the event the balance of the fund remaining after all allocations have been made with respect to all retirement income in a preceding group is insufficient to allocate the full actuarial equivalent of such retirement income to all persons in the group for which it is then being applied, such balance of the fund shall be allocated to each person in such group in the proportion which the actuarial equivalent of the retirement income allocable to him pursuant to such group bears to the total actuarial equivalent of the retirement income so allocable to all persons in such group.

Provided no discrimination in value results, the Board shall distribute the amounts so allocated in one of the following manners as the Board in their discretion may determine:

- (i) by continuing payment of benefits as they become due, or
- (ii) by paying, in cash, the amount allocated to any such person.

Laws 1978, c. 310, § 1, emerg. eff. May 11, 1978; Laws 1980, c. 357, § 5, eff. July 1, 1980.

§47-2-302. Application for membership - Assistant Commissioner as member of System - Make-up contributions by certain employees.

A. Any person eligible to become a member of the System shall file a written application therefor with the Board, and shall continue thereafter as a member of the System so long as the employee meets membership requirements. For the purposes of computing contributions, employee contributions, pensions and annuities, the Assistant Commissioner of the Department of Public Safety shall be classified and categorized as a member of the System.

B. The Board may, after a hearing held for such purpose, allow employees of the Department of Public Safety who were hired by the Department after September 30, 1939, and prior to July 1, 1981, to pay to the System an amount equal to what the employee would have paid to the System if the employee had been enrolled in the System from the time of first employment. The Board shall determine any interest due on the amount paid pursuant to this subsection. Any payments allowed pursuant to this subsection shall be made prior to January 1, 1982.

Laws 1961, p. 331, § 2-302; Laws 1975, c. 365, § 1, operative July 1, 1975; Laws 1980, c. 357, § 6, eff. July 1, 1980; Laws 1981, c. 227, § 3, operative July 1, 1981.

§47-2-303. Law Enforcement Retirement Board.

A. There shall be an "Oklahoma Law Enforcement Retirement Board" to administer the fund of the System. The Board shall be composed of the Commissioner of Public Safety or his designee, the Director of the Office of Management and Enterprise Services or his designee, three members to be appointed by the Governor one of whom shall be a retired member of the System, one member to be appointed by the Speaker of the House of Representatives, one member to be appointed by the President Pro Tempore of the Senate, two members of the Highway Patrol Division and one member of the Communication Division of the Department of Public Safety, one member of the Oklahoma State Bureau of Investigation, one member of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and one member of the Alcoholic Beverage Laws Enforcement Commission, elected by and from the membership of the System. The terms of elected members of the Board now serving shall expire on June 30, 1980. The present Board shall conduct an election for the selection of elected members of the Board, prior to the operative date of this act. One member of the Oklahoma Highway Patrol and the member of the Oklahoma State Bureau of Investigation, initially elected, shall serve through June 30, 1982, the member of the Oklahoma Alcoholic Beverage Control Board, initially elected, shall serve through June 30, 1984, and the remaining elected members shall serve through June 30, 1983. Members subsequently elected shall serve for terms of three (3) years.

B. 1. The initial term of office of the member appointed to the Board by the Speaker of the House of Representatives and the member appointed to the Board by the President Pro Tempore of the Senate shall expire on January 3, 1989. The members thereafter appointed by the Speaker of the House of Representatives and by the President Pro Tempore of the Senate shall serve terms of office of four (4) years.

2. The member appointed by the Governor serving on the Board on the operative date of this act shall serve the remainder of the unexpired term of the member. The member appointed by the Governor to fill that position after the expiration of the term of office of the member serving on the operative date of this act shall serve through January 13, 1991. The members thereafter appointed by the Governor shall serve a term of office of four (4) years which is coterminous with the term of office of the office of the appointing authority.

3. The initial term of office of the two additional appointments to the Board by the Governor shall expire on January 14, 1991. The members thereafter appointed by the Governor shall serve terms of office of four (4) years which are coterminous with the term of office of the office of the appointing authority.

4. Vacancies shall be filled for the unexpired term of office in the same manner as the original appointment was made.

C. The members appointed to the Board by the Speaker of the House of Representatives, by the President Pro Tempore of the Senate and by the Governor or a member who is a designee of an ex officio member of the Board shall:

1. Have demonstrated professional experience in investment or funds management, public funds management, public or private pension fund management or retirement system management; or

2. Have demonstrated experience in the banking profession and have demonstrated professional experience in investment or funds management; or

3. Be licensed to practice law in this state and have demonstrated professional experience in commercial matters; or

4. Be licensed by the Oklahoma Accountancy Board to practice in this state as a public accountant or a certified public accountant.

The appointing authorities, in making appointments that conform to the requirements of this subsection, shall give due consideration to balancing the appointments among the criteria specified in paragraphs 1 through 4 of this subsection.

D. No member of the Board shall be a lobbyist registered in this state as provided by law.

E. Notwithstanding any of the provisions of this section to the contrary, any person serving as an appointed member of the Board on the operative date of this act shall be eligible for reappointment when the term of office of the member expires.

F. Every two (2) years, one of the members of the Board shall be selected by the Board as president and another member as secretary of the Board.

G. Any member of the Board elected by the membership of the System may be recalled for cause at a special election held for that purpose by the members of the System. Such an election shall be called and held by the president and secretary of the Board upon a written request therefor signed by not less than one-third (1/3) of the members of the System and shall be held pursuant to notice given to all members of the System stating the date for such election which shall not be less than ten (10) days from the date of the issuance of such notice. All members of the System shall be entitled to vote by secret ballot and, if two-thirds (2/3) or more of the membership of the System vote for his recall, the elected member of the Board designated in such request, notice and secret ballot shall cease to be a member of the Board and the president and secretary of the Board shall call and hold a special election by the members of the System to fill the remainder of the term of the member so recalled.

H. The Oklahoma Law Enforcement Retirement System shall retain an Executive Director and shall establish the Executive Director's compensation. The Executive Director shall be the managing and administrative officer of the System and as such shall have charge of the office, records and supervision and direction of the employees of the System. The Executive Director shall be responsible for the overall operations and to perform duties specified in Section 2-300 of this title and as specified by the Board. The Executive Director shall be subject to the policy directions of the Board and may employ such persons as are deemed necessary to administer the System.

Added by Laws 1961, p. 331, § 2-303, eff. Sept. 1, 1961. Amended by Laws 1975, c. 365, § 2, operative July 1, 1975; Laws 1979, c. 241, § 4, operative July 1, 1979; Laws 1980, c. 357, § 7, eff. July 1, 1980; Laws 1982, c. 328, § 3, operative July 1, 1982; Laws 1986, c. 11, § 1, eff. July 1, 1986; Laws 1987, c. 236, § 161, emerg. eff. July 20, 1987; Laws 1988, c. 321, § 20, operative July 1, 1988; Laws 1995, c. 294, § 2, eff. July 1, 1995; Laws 2009, c. 169, § 8, emerg. eff. May 11, 2009; Laws 2012, c. 304, § 171.

§47-2-303.1. Duties of board - Investments - Liability insurance - Investment managers - Custodial services - Reports - Legal services - Confidentiality.

A. The Oklahoma Law Enforcement Retirement Board shall discharge its duties with respect to the System solely in the interest of the participants and beneficiaries and:

1. For the exclusive purpose of:

a. providing benefits to participants and their beneficiaries, and

b. defraying reasonable expenses of administering the System;

2. With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

3. By diversifying the investments of the System so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and

4. In accordance with the laws, documents and instruments governing the System.

B. The Board may procure insurance indemnifying the members of the Board from personal loss or accountability from liability resulting from a member's action or inaction as a member of the Board.

C. The Board may establish an investment committee. The investment committee shall be composed of not more than five (5) members of the Board appointed by the president of the Board. The committee shall make recommendations to the full Board on all matters related to the choice of custodians and managers of the assets of the System, on the establishment of investment and fund management guidelines, and in planning future investment policy. The committee shall have no authority to act on behalf of the Board in any circumstances whatsoever. No recommendation of the committee shall have effect as an action of the Board nor take effect without the approval of the Board as provided by law.

D. The Board shall retain qualified investment managers to provide for the investment of the monies of the System. The investment managers shall be chosen by a solicitation of proposals on a competitive bid basis pursuant to standards set by the Board. Subject to the overall investment guidelines set by the Board, the investment managers shall have full discretion in the management of those monies of the System allocated to the investment managers. The Board shall manage those monies not specifically allocated to the investment managers. The monies of the System allocated to the investment managers shall be actively managed by the investment managers, which may include selling investments and realizing losses if such action is considered advantageous to longer term return maximization. Because of the total return objective, no distinction shall be made for management and performance evaluation purposes between realized and unrealized capital gains and losses.

E. All assets of the System shall be held in trust for the exclusive purpose of providing benefits for the members and beneficiaries of the System, including defraying reasonable expenses of administering the System, and shall not be encumbered for or diverted to any other purposes. Funds and revenues for investment by the investment managers or the Board shall be placed with a custodian

selected by the Board. The custodian shall be a bank or trust company offering pension fund master trustee and master custodial services, and any related custodial agreement or trust agreement is incorporated herein by reference. The custodian shall be chosen by a solicitation of proposals on a competitive bid basis pursuant to standards set by the Board. In compliance with the investment policy guidelines of the Board, the custodian bank or trust company shall be contractually responsible for ensuring that all monies of the System are invested in income-producing investment vehicles at all times. If a custodian bank or trust company has not received direction from the investment managers of the System as to the investment of the monies of the System in specific investment vehicles, the custodian bank or trust company shall be contractually responsible to the Board for investing the monies in appropriately collateralized short-term interest-bearing investment vehicles. Any assets of the System may be invested in a collective investment fund or in a group trust provided the investment in such collective investment fund or group trust is in compliance with the provisions of Rev. Rul. 81-100, as further amended by Rev. Rul. 2004-67, Rev. Rul. 2008-40, and Rev. Rul. 2011-1, or any successor ruling, regulation, or similar pronouncement. Each such collective investment fund or group trust is adopted with respect to any monies invested therein, as part of the System, its trust and custodial agreement, and the provisions of such trust agreement or such declaration of trust and related adoption, participation, investment management, subtrust or other agreements, as amended from time to time, with respect to any monies invested therein, are incorporated by reference into the System, its trust agreement(s) or custodial agreement(s), upon approval by the Board.

F. Prior to August 1 of each year, the Board shall develop a written investment plan for the System.

G. The Board shall compile a quarterly financial report of all the funds of the System on a fiscal year basis. The report shall be compiled pursuant to uniform reporting standards prescribed by the Oklahoma State Pension Commission for all state retirement systems. The report shall include several relevant measures of investment value, including acquisition cost and current fair market value with appropriate summaries of total holdings and returns. The report shall contain combined and individual rate of returns of the investment managers by category of investment, over periods of time. The Board shall include in the quarterly reports all commissions, fees or payments for investment services performed on behalf of the Board. The report shall be distributed to the Governor, the Oklahoma State Pension Commission, the Legislative Service Bureau, the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

H. After July 1 and before October 31 of each year, the Board shall publish widely an annual report presented in simple and easily understood language pursuant to uniform reporting standards prescribed by the Oklahoma State Pension Commission for all state retirement systems. The report shall be submitted to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Oklahoma State Pension Commission and the members of the System. The annual report shall cover the operation of the System during the past fiscal year, including income, disbursements, and the financial condition of the System at the end of the fiscal year. The annual report shall also contain the information issued in the quarterly reports required pursuant to subsection G of this section as well as a summary of the results of the most recent actuarial valuation to include total assets, total liabilities, unfunded liability or over funded status, contributions and any other information deemed relevant by the Board. The annual report shall be written in such a manner as to permit a readily understandable means for analyzing the financial condition and performance of the System for the fiscal year. The annual financial statements must be audited and filed in accordance with the requirements set forth for financial statement audits in Section 212A of Title 74 of the Oklahoma Statutes.

I. The Board may retain an attorney licensed to practice law in this state. The attorney shall serve at the pleasure of the Board for such compensation as set by the Board. The Attorney General shall furnish such legal services as may be requested by the Board.

J. All information, documents and copies thereof contained in a member's retirement file shall be given confidential treatment and shall not be made public by the System without the prior written consent of the member to which it pertains, but shall be subject only to court order. Provided, the System, its employees or attorneys, may use such records in defense of any action brought against the System.

K. Effective July 1, 1999, the Board is hereby authorized to do all acts and things necessary and proper to carry out the purpose of the System and to make the least costly amendments and changes, if any, as may be necessary to qualify the System under the applicable sections of the Internal Revenue Code of 1986, as amended.

L. The Executive Director and such employees of the System as the Executive Director may designate are hereby authorized to prepare certified copies of records of the System and every such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof.

M. On or after July 1, 2011, the Board may permit, effective for applicable notices, elections and consents provided or made for a member, beneficiary, alternate payee or individual entitled to benefits under the System, the use of electronic media to provide

applicable notices and make such elections and consents as described in Section 1.401(a)-21 of the Income Tax Regulations.

N. The Board shall develop such procedures and may require such information from the distributing plan as it deems necessary to reasonably conclude that a potential rollover contribution is a valid rollover contribution under Section 1.401(a)(31)-1, Q&A-14(b)(2), of the Income Tax Regulations.

Added by Laws 1988, c. 321, § 21, operative July 1, 1988. Amended by Laws 1992, c. 354, § 3; Laws 1995, c. 81, § 5, eff. July 1, 1995; Laws 1996, c. 290, § 4, eff. July 1, 1996; Laws 2000, c. 377, § 6, eff. July 1, 2000; Laws 2001, c. 5, § 16, emerg. eff. March 21, 2001; Laws 2002, c. 391, § 6, eff. July 1, 2002; Laws 2003, c. 3, § 31, emerg. eff. March 19, 2003; Laws 2004, c. 536, § 14, eff. July 1, 2004; Laws 2005, c. 142, § 2, emerg. eff. May 5, 2005; Laws 2011, c. 379, § 5, eff. Sept. 1, 2011; Laws 2012, c. 52, § 1, emerg. eff. April 16, 2012; Laws 2013, c. 119, § 1, eff. Nov. 1, 2013; Laws 2015, c. 171, § 2, emerg. eff. April 27, 2015.

NOTE: Laws 2000, c. 287, § 14 repealed by Laws 2001, c. 5, § 17, emerg. eff. March 21, 2001. Laws 2002, c. 399, § 3 repealed by Laws 2003, c. 3, § 32, emerg. eff. March 19, 2003.

§47-2-303.2. Duties of fiduciaries.

A. A fiduciary with respect to the Oklahoma Law Enforcement Retirement System shall not cause the System to engage in a transaction if the fiduciary knows or should know that such transaction constitutes a direct or indirect:

1. sale or exchange, or leasing of any property from the System to a party in interest for less than adequate consideration or from a party in interest to the System for more than adequate consideration;
2. lending of money or other extension of credit from the System to a party in interest without the receipt of adequate security and a reasonable rate of interest, or from a party in interest to the System with provision of excessive security or an unreasonably high rate of interest;
3. furnishing of goods, services or facilities from the System to a party in interest for less than adequate consideration, or from a party in interest to the System for more than adequate consideration; or
4. transfer to, or use by or for the benefit of, a party in interest of any assets of the System for less than adequate consideration.

B. A fiduciary with respect to the Oklahoma Law Enforcement Retirement System shall not:

1. deal with the assets of the System in the fiduciary's own interest or for the fiduciary's own account;
2. in the fiduciary's individual or any other capacity act in any transaction involving the System on behalf of a party whose

interests are adverse to the interests of the System or the interests of its participants or beneficiaries; or

3. receive any consideration for the fiduciary's own personal account from any party dealing with the System in connection with a transaction involving the assets of the System.

C. A fiduciary with respect to the Oklahoma Law Enforcement Retirement System may:

1. invest all or part of the assets of the System in deposits which bear a reasonable interest rate in a bank or similar financial institution supervised by the United States or a state, if such bank or other institution is a fiduciary of such plan; or

2. provide any ancillary service by a bank or similar financial institution supervised by the United States or a state, if such bank or other institution is a fiduciary of such plan.

D. A person or a financial institution is a fiduciary with respect to the Oklahoma Law Enforcement Retirement System to the extent that the person or the financial institution:

1. exercises any discretionary authority or discretionary control respecting management of the Oklahoma Law Enforcement Retirement System or exercises any authority or control respecting management or disposition of the assets of the System;

2. renders investment advice for a fee or other compensation, direct or indirect, with respect to any monies or other property of the System, or has any authority or responsibility to do so; or

3. has any discretionary authority or discretionary responsibility in the administration of the System.

Added by Laws 1988, c. 321, § 22, operative July 1, 1988.

§47-2-303.3. Certain benefits exempt from legal process.

A. Except as otherwise provided by this section, any annuity, benefits, fund, property, or rights created by or accruing to any person pursuant to the provisions of Sections 2-300 through 2-313 of this title shall not be subject to execution, garnishment or attachment, and shall be unassignable, except as specifically provided by Sections 2-300 through 2-313 of this title.

Notwithstanding the foregoing, effective August 5, 1997, the Board may approve any offset of a member's benefit to pay a judgment or settlement against the member for a crime involving the System or for a breach of the member's fiduciary duty to the System, provided such offset is in accordance with the requirements of Section 401(a)(13) of the Internal Revenue Code of 1986, as amended.

B. 1. The provisions of subsection A of this section shall not apply to a qualified domestic order as provided pursuant to this subsection.

2. The term "qualified domestic order" means an order issued by a district court of this state pursuant to the domestic relation laws of the State of Oklahoma which relates to the provision of marital

property rights to a spouse or former spouse of a member or provision of support for a minor child or children and which creates or recognizes the existence of the right of an alternate payee, or assigns to an alternate payee the right, to receive a portion of the benefits payable with respect to a member of the System.

3. For purposes of the payment of marital property, to qualify as an alternate payee, a spouse or former spouse must have been married to the related member for a period of not less than thirty (30) continuous months immediately preceding the commencement of the proceedings from which the qualified domestic order issues.

4. A qualified domestic order is valid and binding on the Board and the related member only if it meets the requirements of this subsection.

5. A qualified domestic order shall clearly specify:

- a. the name and last-known mailing address (if any) of the member and the name and mailing address of the alternate payee covered by the order,
- b. the amount or percentage of the member's benefits to be paid by the System to the alternate payee,
- c. the number of payments or period to which such order applies,
- d. the characterization of the benefit as to marital property rights or child support, and
- e. each plan to which such order applies.

6. A qualified domestic order meets the requirements of this subsection only if such order:

- a. does not require the System to provide any type or form of benefit, or any option not otherwise provided under state law as relates to the System,
- b. does not require the System to provide increased benefits, and
- c. does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee pursuant to another order previously determined to be a qualified domestic order or an order recognized by the System as a valid order prior to the effective date of this act.

7. A qualified domestic order shall not require payment of benefits to an alternate payee prior to the actual retirement date of the related member.

8. The alternate payee shall have a right to receive benefits payable to a member of the System under the Oklahoma Law Enforcement Deferred Option Plan provided for pursuant to Section 2-305.2 of this title, but only to the extent such benefits have been credited or paid into the member's Oklahoma Law Enforcement Deferred Option Plan account during the term of the marriage.

9. The obligation of the System to pay an alternate payee pursuant to a qualified domestic order shall cease upon the death of the related member.

10. This subsection shall not be subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C.A. Section 1001, et seq., as amended from time to time, or rules and regulations promulgated thereunder, and court cases interpreting said act.

11. The Oklahoma Law Enforcement Retirement Board shall promulgate such rules as are necessary to implement the provisions of this subsection.

12. An alternate payee who has acquired beneficiary rights pursuant to a valid qualified domestic order must fully comply with all provisions of the rules promulgated by the Board pursuant to this subsection in order to continue receiving his or her benefit.

Added by Laws 1985, c. 296, § 2, emerg. eff. July 24, 1985. Amended by Laws 1989, c. 249, § 42, eff. Jan. 1, 1989; Laws 1993, c. 322, § 12, emerg. eff. June 7, 1993; Laws 1998, c. 198, § 7, eff. Nov. 1, 1998; Laws 1999, c. 257, § 23, eff. July 1, 1999; Laws 2000, c. 287, § 15, eff. July 1, 2000; Laws 2008, c. 177, § 8, eff. July 1, 2008.

§47-2-303.4. Deposits of contributions and dedicated revenues - Warrants and vouchers.

A. All employee and employer contributions and dedicated revenues shall be deposited in the Oklahoma Law Enforcement Retirement Fund in the State Treasury. The Board shall have the responsibility for the management of the Oklahoma Law Enforcement Retirement Fund, and may transfer monies used for investment purposes by the Oklahoma Law Enforcement Retirement System from the Oklahoma Law Enforcement Retirement Fund in the State Treasury to the custodian bank or trust company of the System.

B. All benefits payable pursuant to the provisions of the Oklahoma Law Enforcement Retirement System, refunds of contribution and overpayments, and all administrative expenses in connection with the System shall be paid from the Oklahoma Law Enforcement Retirement Fund upon warrants or vouchers signed by two persons designated by the Board. The Board may transfer monies from the custodian bank or trust company of the System to the Oklahoma Law Enforcement Retirement Fund in the State Treasury for the purposes specified in this subsection.

Added by Laws 1988, c. 321, § 23, operative July 1, 1988.

§47-2-303.5. Acceptance of gifts or gratuities.

The members of the Oklahoma Law Enforcement Retirement Board, the chief administrative officer and the employees of the System shall not accept gifts or gratuities from an individual organization with a value in excess of Fifty Dollars (\$50.00) per year. The provisions

of this section shall not be construed to prevent the members of the Board, the chief administrative officer or the employees of the System from attending educational seminars, conferences, meetings or similar functions which are paid for, directly or indirectly, by more than one organization.

Added by Laws 1988, c. 321, § 24, operative July 1, 1988.

§47-2-304. Contributions to fund - Amount - Deduction by employer - Pick-up of member contributions.

A. The Department of Public Safety, the Oklahoma State Bureau of Investigation, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Control Board, the Oklahoma Tourism and Recreation Department and the State Board of Pharmacy shall make contributions to the fund as follows:

The Department of Public Safety, Oklahoma State Bureau of Investigation, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Control Board, the Oklahoma Tourism and Recreation Department and the State Board of Pharmacy shall contribute to the fund an amount equal to eleven percent (11%) of the actual paid base salary of each member.

B. Each member of the System shall make contributions to the fund in an amount equal to eight percent (8%) of the actual paid base salary of the member.

Member contributions shall be deducted by each participating employer for such benefits as the Board is by law authorized to administer and shall be remitted monthly, or as the Board may otherwise provide, for deposit in the fund.

C. Each employer shall pick up under the provisions of Section 414(h) (2) of the Internal Revenue Code of 1986 and pay the contribution which the member is required by law to make to the System for all compensation earned after December 31, 1989. Although the contributions so picked up are designated as member contributions, such contributions shall be treated as contributions being paid by the employer in lieu of contributions by the member in determining tax treatment under the Internal Revenue Code of 1986 and such picked up contributions shall not be includable in the gross income of the member until such amounts are distributed or made available to the member or the beneficiary of the member. The member, by the terms of this System, shall not have any option to choose to receive the contributions so picked up directly and the picked up contributions must be paid by the employer to the System.

Member contributions which are picked up shall be treated in the same manner and to the same extent as member contributions made prior to the date on which member contributions were picked up by the participating employer. Member contributions so picked up shall be included in gross salary for purposes of determining benefits and contributions under the System.

The employer shall pay the member contributions from the same source of funds used in paying salary to the member, by effecting an equal cash reduction in gross salary of the member.

Added by Laws 1961, p. 331, § 2-304, eff. Sept. 1, 1961. Amended by Laws 1972, c. 57, § 1, operative July 1, 1972; Laws 1975, c. 365, § 3, operative July 1, 1975; Laws 1980, c. 357, § 8, eff. July 1, 1980; Laws 1982, c. 328, § 4, operative July 1, 1982; Laws 1986, c. 253, § 2, operative July 1, 1986; Laws 1988, c. 321, § 25, operative July 1, 1988; Laws 1989, c. 136, § 2, eff. Jan. 1, 1990; Laws 2012, c. 307, § 1, eff. Nov. 1, 2012.

§47-2-304.1. Mobilization for state or national emergencies - Reduction of employer contribution prohibited.

Members of the Oklahoma Law Enforcement Retirement System responding to mobilization for state or national emergencies may not have the employer contribution reduced during their period of service in the Oklahoma National Guard or Reserve.

Added by Laws 2002, c. 332, § 1, eff. July 1, 2002.

§47-2-305. Retirement and retirement pay - Reemployment - Disability benefits.

A. Except as otherwise provided in this title, at any time after attaining normal retirement date, any member of the Oklahoma Law Enforcement Retirement System upon application for unreduced retirement benefits made and approved, may retire, and, during the remainder of the member's lifetime, receive annual retirement pay, payable in equal monthly payments, equal to two and one-half percent (2 1/2%) of the final average salary times years of credited service. If such retired member is reemployed by a state agency in a position which is not covered by the System, such retired member shall continue to receive in-service distributions from the System. Prior to September 19, 2002, if such retired member was reemployed by a state agency in a position which is covered by the System, such member shall continue to receive in-service distributions from the System and shall not accrue any further credited service. If such a member is reemployed by a state agency in a position which is covered by the System on or after September 19, 2002, such member's monthly retirement payments shall be suspended until such member retires and is not reemployed by a state agency in a position which is covered by the System.

B. Beginning July 1, 1994, members who retired or were eligible to retire prior to July 1, 1980, or their surviving spouses shall receive annual retirement pay, payable in equal monthly payments, equal to the greater of their current retirement pay, or two and one-half percent (2 1/2%) of the actual paid gross salary being currently paid to a highway patrol officer, at the time each such monthly

retirement payment is made, multiplied by the retired member's years of credited service.

C. Except as otherwise provided by this subsection, members of the System whose salary is set by statute who have retired after completion of the mandatory twenty (20) years of service, and those members with statutory salaries who retire after reaching the mandatory twenty-year retirement, or those members that had to retire due to a service-connected disability and were unable to complete the mandatory twenty-year retirement pursuant to subsection E of this section, shall receive an annual retirement pay, payable in equal monthly installments, based upon the greater of either:

1. The top base salary currently paid to the highest nonsupervisory position in the participating agency, at the time each such monthly retirement payment is made, multiplied by two and one-half percent (2 1/2%) multiplied by the number of years of credited service and fraction thereof for the following positions:

- a. Oklahoma Highway Patrolman,
- b. Communications Dispatcher,
- c. Capitol Patrolman,
- d. Lake Patrolman, and
- e. Oklahoma State Bureau of Investigation - Special Agent or Criminalist; or

2. The member's final average salary as set forth in paragraph 9 of Section 2-300 of this title, multiplied by two and one-half percent (2 1/2%), and multiplied by the number of years of credited service and fraction thereof.

No member of the System retired prior to July 1, 2002, shall receive a benefit less than the amount the member is receiving as of June 30, 2002.

The provisions of paragraph 1 of this subsection shall not be applicable to any member whose first participating service with the System occurs on or after November 1, 2012.

D. Other members of the System whose retirement benefit is not otherwise prescribed by this section who have retired after completion of the mandatory twenty (20) years of service, and those members who retire after reaching the mandatory twenty-year retirement, or those members that had to retire due to a service-connected disability and were unable to complete the mandatory twenty-year retirement pursuant to subsection E of this section, shall receive an annual retirement pay, payable in equal monthly payments, based upon the greater of either:

1. The actual average salary currently paid to the highest nonsupervisory position in the participating agency, at the time each such monthly payment is made, multiplied by two and one-half percent (2 1/2%), multiplied by the number of years of credited service and fraction thereof for the following positions:

- a. Alcoholic Beverage Laws Enforcement Commission - ABLE Commission Agent III,
- b. Oklahoma State Bureau of Narcotics and Dangerous Drugs Control - Narcotics Agent III,
- c. Oklahoma Tourism and Recreation Department - Park Ranger II,
- d. State Board of Pharmacy - Pharmacy Inspector,
- e. University of Oklahoma - Police Officer, and
- f. Oklahoma State University - Police Officer; or

2. The other member's final average salary as set forth in paragraph 9 of Section 2-300 of this title, multiplied by two and one-half percent (2 1/2%), multiplied by the number of years of credited service and fraction thereof.

No member of the System retired prior to July 1, 2002, shall receive a benefit less than the amount the member is receiving as of June 30, 2002. The participating employer must certify to the System in writing the actual average gross salary currently paid to the highest nonsupervisory position. The Board of Trustees shall promulgate such rules as are necessary to implement the provisions of this section.

The provisions of paragraph 1 of this subsection shall not be applicable to any member whose first participating service with the System occurs on or after May 24, 2013.

E. A member who meets the definition of disability as defined in paragraph 11 of Section 2-300 of this title by direct reason of the performance of the member's duties as an officer shall receive a monthly benefit equal to the greater of fifty percent (50%) of final average salary or two and one-half percent (2 1/2%) of final average salary multiplied by the number of years of the member's credited service. If such member participates in the Oklahoma Law Enforcement Deferred Option Plan pursuant to Section 2-305.2 of this title, then such member's disability pension provided pursuant to this subsection shall be reduced to account for such member's participation in the Oklahoma Law Enforcement Deferred Option Plan.

F. A member who meets the definition of disability as defined in paragraph 11 of Section 2-300 of this title and whose disability is by means of personal and traumatic injury of a catastrophic nature and in the line of duty, shall receive a monthly benefit equal to:

- 1. Two and one-half percent (2 1/2%);
- 2. Multiplied by:
 - a. twenty (20) years of service, regardless of the actual number of years of credited service performed by the member prior to the date of disability, if the member had performed less than twenty (20) years of service, or

- b. the actual number of years of service performed by the member if the member had performed twenty (20) or more years of service;
- 3. Multiplied by a final average salary equal to:
 - a. the salary which the member would have received pursuant to statutory salary schedules in effect upon the date of the disability for twenty (20) years of service prior to disability. The final average salary for a member who performed less than twenty (20) years of service prior to disability shall be computed assuming that the member was paid the highest salary allowable pursuant to the law in effect at the time of the member's disability based upon twenty (20) years of service and with an assumption that the member was eligible for any and all increases in pay based upon rank during the entire period. If the salary of a member is not prescribed by a specific salary schedule upon the date of the member's disability, the final average salary for the member shall be computed by the member's actual final average salary or the highest median salary amount for a member whose salary was prescribed by a specific salary schedule upon the date of the member's disability, whichever final average salary amount would be greater, or
 - b. the actual final average salary of the member if the member had performed twenty (20) or more years of service prior to disability.

If such member participates in the Oklahoma Law Enforcement Deferred Option Plan pursuant to Section 2-305.2 of this title, such member's disability pension provided pursuant to this subsection shall be adjusted as provided in Section 2-305.2 of this title to account for such member's participation in the Oklahoma Law Enforcement Deferred Option Plan.

G. A member who meets the definition of disability as defined in Section 2-300 of this title and whose disability occurred prior to the member's normal retirement date but after completing three (3) years of vesting service and not by reason of the performance of the member's duties or as a result of the member's willful negligence shall receive a monthly benefit equal to two and one-half percent (2 1/2%) of final average salary multiplied by the number of years of the member's credited service.

H. Payment of a disability pension shall commence as of the first day of the month coinciding or next following the date of retirement and shall continue as long as the member meets the definition of total and permanent disability provided in this section.

I. For the purpose of determining the member's disability under subsection E, F or G of this section, the member shall be required by the Board to be examined by a minimum of two recognized physicians selected by the Board to determine the extent of the member's injury or illness. The examining physicians shall furnish the Board a detailed written report of the injury or illness of the examined member establishing the extent of disability and the possibilities of the disabled member being returned to his or her regular duties or an alternate occupation or service covered by the System after a normal recuperation period. The Board shall require all retired disabled members who have not attained their normal retirement date to submit to a physical examination once each year for a minimum of three (3) years following retirement. The Board shall select a minimum of two physicians to examine the retired members and pay for their services from the fund. Any retired disabled member found no longer disabled by the examining physicians to perform the occupation of the member or an alternate occupation or service covered by the System shall be required to return to duty and complete twenty (20) years of service as provided in subsection A of this section, or forfeit all his or her rights and claims under Section 2-300 et seq. of this title.

J. The disability benefit under this section shall be for the lifetime of the member unless such member is found no longer disabled pursuant to subsection I of this section. Such member shall not be entitled to the retirement benefit pursuant to subsection A of this section unless such member returns to active duty and is eligible for a retirement benefit as provided in subsection A of this section.

K. At the postoffer, preemployment physical examination required under paragraph 6 of Section 2-300 of this title, the physician selected by the Board shall determine the extent to which a new member is disabled. If a member is determined to be partially disabled, the physician shall assign a percentage of disability to such partial disability. If such member then becomes entitled to a disability benefit under either subsection E or subsection G of this section, the benefit payable shall be reduced by the percentage which such member was determined to be disabled at the postoffer, preemployment physical unless the Board makes a determination that the initially determined percentage of disability at the preemployment physical examination is unrelated to the reason for the disability currently sought pursuant to subsection E or subsection G of this section. Upon employment, the member shall disclose to the Board any disability payments received from any source. The amount of disability to be paid to any member cannot exceed one hundred percent (100%) disability from all sources. The provisions of this subsection shall apply only to members whose effective date of membership is on or after July 1, 2000.

L. In addition to the pension provided for under subsection F of this section, if said member has one or more children under the age

of eighteen (18) years or under the age of twenty-two (22) years if the child is enrolled full time in and is regularly attending a public or private school or any institution of higher education, Four Hundred Dollars (\$400.00) a month shall be paid from said Fund for the support of each surviving child to the member or person having the care and custody of such children until each child reaches the age of eighteen (18) years or reaches the age of twenty-two (22) years if the child is enrolled full time in and is regularly attending a public or private school or any institution of higher education.

M. Notwithstanding any other provisions in Section 2-300 through 2-315 of this title, in order to be eligible to receive disability benefits, a member who meets the definition of disability as defined in paragraph 11 of Section 2-300 of this title shall file the member's completed application for disability benefits with the System before such member's date of termination from service and provide such additional information that the System's rules require within six (6) months of the System's receipt of such application. If the member's completed application for disability benefits is not filed with the System before the member's date of termination from service or such additional information as is required under the System's rules is not provided within six (6) months of the System's receipt of such application, such member shall be eligible only for such other benefits as are available to members of the System and shall not be eligible to receive any disability benefits. For good cause shown, the Board of Trustees may waive the requirement that the disability application be filed before the member's date of termination from service. In no event shall a member be eligible to receive any disability benefit if the member's completed application is filed more than six (6) months after the member's date of termination from service.

N. If the requirements of Section 2-305.1C of this title are satisfied, a member who, by reason of disability or attainment of normal retirement date or age, is separated from service as a public safety officer with the member's participating employer may elect to have payment made directly to the provider for qualified health insurance premiums by deduction from his or her monthly disability benefit or monthly retirement payment, after December 31, 2006, in accordance with Section 402(1) of the Internal Revenue Code of 1986, as amended.

Added by Laws 1961, p. 332, § 2-305, eff. Sept. 1, 1961. Amended by Laws 1967, c. 199, § 4; Laws 1975, c. 365, § 4, operative July 1, 1975; Laws 1980, c. 357, § 9, eff. July 1, 1980; Laws 1981, c. 227, § 4, operative July 1, 1981; Laws 1982, c. 328, § 5, operative July 1, 1982; Laws 1985, c. 296, § 3, emerg. eff. July 24, 1985; Laws 1988, c. 267, § 22, operative July 1, 1988; Laws 1994, c. 351, § 5, eff. July 1, 1994; Laws 1996, c. 315, § 1, eff. July 1, 1996; Laws 2000,

c. 377, § 7, eff. July 1, 2000; Laws 2002, c. 399, § 4, eff. July 1, 2002; Laws 2003, c. 3, § 33, emerg. eff. March 19, 2003; Laws 2003, c. 406, § 4, eff. July 1, 2003; Laws 2004, c. 542, § 2, eff. July 1, 2004; Laws 2006, 2nd Ex. Sess., c. 46, § 19, eff. July 1, 2006; Laws 2007, c. 152, § 7, eff. July 1, 2007; Laws 2009, c. 169, § 9, emerg. eff. May 11, 2009; Laws 2010, c. 438, § 10, emerg. eff. June 9, 2010; Laws 2012, c. 307, § 2, eff. Nov. 1, 2012; Laws 2013, c. 119, § 2, eff. Nov. 1, 2013; Laws 2013, c. 318, § 1, emerg. eff. May 24, 2013; Laws 2017, c. 49, § 1, emerg. eff. April 24, 2017; Laws 2018, c. 44, § 3, eff. Nov. 1, 2018.

NOTE: Laws 2002, c. 332, § 2 repealed by Laws 2003, c. 3, § 34, emerg. eff. March 19, 2003.

§47-2-305.1. Computation of benefits - Increase in benefits.

A. On July 1, 1988, a member who retired prior to July 1, 1985, or the surviving spouse of such a member or the surviving spouse of a member who became deceased prior to July 1, 1985, shall receive retirement benefits computed in accordance with the provisions of Section 2-305 of Title 47 of the Oklahoma Statutes. For the purpose of the computation, the final average salary shall be Two Thousand Two Hundred Seventeen Dollars (\$2,217.00).

B. Except for those persons specified in subsection A of this section, any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 1988, shall receive a three percent (3%) increase in said benefits on July 1, 1988. Added by Laws 1985, c. 296, § 4, emerg. eff. July 24, 1985. Amended by Laws 1988, c. 267, § 23, operative July 1, 1988.

§47-2-305.1A. Direct rollover of distribution - Definitions - Notice - Election.

A. This section applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the System to the contrary that would otherwise limit a Distributee's election hereunder, a Distributee, including a nonspouse designated beneficiary, to the extent permitted under paragraph 3 of subsection B of this section, may elect, at the time and in the manner prescribed by the Board, to have any portion of an Eligible Rollover Distribution paid directly to an Eligible Retirement Plan specified by the Distributee in a Direct Rollover.

B. As used in this section:

1. "Eligible Rollover Distribution" means any distribution of all or any portion of the balance to the credit of the Distributee, except that an Eligible Rollover Distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Distributee or the joint lives (or life expectancies) of the Distributee and the Distributee's designated

beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended; and the portion of any distribution that is not includable in gross income. A portion of a distribution shall not fail to be an Eligible Rollover Distribution merely because the portion consists of after-tax member contributions which are not includable in gross income. However, such portion may be transferred only:

- a. from January 1, 2002, through December 31, 2006:
 - (1) to an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code of 1986, as amended, or
 - (2) in a direct trustee-to-trustee transfer, to a qualified trust which is part of a defined contribution plan that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includable in gross income and the portion of such distribution which is not so includable, and
- b. on or after January 1, 2007:
 - (1) to an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code of 1986, as amended, or
 - (2) in a direct trustee-to-trustee transfer to a qualified trust or an annuity contract described in Section 403(b) of the Internal Revenue Code of 1986, as amended, and such trust or contract provides for separate accounting for amounts so transferred (and earnings thereon), including separately accounting for the portion of such distribution which is includable in gross income and the portion of such distribution which is not so includable.

Effective for distributions after December 31, 2007, such after-tax portion may also be directly transferred to a Roth individual retirement account or annuity described in Section 408A of the Internal Revenue Code of 1986, as amended, ("Roth IRA"), subject to any limitations described in Section 408A(c) of the Internal Revenue Code of 1986, as amended;

2. "Eligible Retirement Plan" means an individual retirement account described in Section 408(a) of the Internal Revenue Code of 1986, as amended, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code of 1986, as amended, an annuity plan described in Section 403(a) of the Internal Revenue Code of 1986, as amended, or a qualified trust described in Section 401(a) of the Internal Revenue Code of 1986, as amended, that accepts the

Distributee's Eligible Rollover Distribution. Effective January 1, 2002, an Eligible Retirement Plan shall also mean an annuity contract described in Section 403(b) of the Internal Revenue Code of 1986, as amended, and an eligible plan under Section 457(b) of the Internal Revenue Code of 1986, as amended, which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from the System. Effective for distributions after December 31, 2007, an Eligible Retirement Plan includes a Roth IRA, subject to any limitations under Section 408A(c) of the Internal Revenue Code of 1986, as amended. Effective for distributions after December 18, 2015, an Eligible Retirement Plan includes a SIMPLE IRA in accordance with Section 408(p)(1)(B) of the Internal Revenue Code of 1986, as amended, for purposes of a rollover contribution to such SIMPLE IRA, but only if such rollover contribution is made after December 18, 2015, and only if such rollover contribution occurs after the two-year period described in Section 72(t)(6) of the Internal Revenue Code of 1986, as amended;

3. "Distributee" means an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic order, as defined in subsection B of Section 2-303.3 of this title, are Distributees with regard to the interest of the spouse or the former spouse. A Distributee also includes the member's nonspouse designated beneficiary (and certain trusts described in Section 402(c)(11)(B) of the Internal Revenue Code of 1986, as amended), pursuant to Section 401(a)(9)(E) of the Internal Revenue Code of 1986, as amended, who may elect any portion of a payment to be made in a Direct Rollover only to an individual retirement account or annuity (other than an endowment contract) described in Section 408(a) or (b) of the Internal Revenue Code of 1986, as amended, ("IRA") (including, effective for distributions after December 18, 2015, a SIMPLE IRA, but only if such contribution occurs after the two-year period described in Code Section 72(t)(6) and is made in accordance with the Protecting Americans from Tax Hikes Act of 2015), or, effective for distributions after December 31, 2007, to a Roth IRA, that is established on behalf of such nonspouse designated beneficiary for the purpose of receiving the distribution and that will be treated as an inherited IRA pursuant to the provisions of Section 402(c)(11) of the Internal Revenue Code of 1986, as amended. Also, in this case, the determination of any required minimum distribution under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, that is ineligible for rollover shall be made in accordance with Notice 2007-7, Q&A 17 and 18, 2007-5 Internal Revenue Bulletin 395. The required minimum distribution rules of Section 401(a)(9)(B) (other than clause

iv thereof) of the Internal Revenue Code of 1986, as amended, apply to the transferee IRA; and

4. "Direct Rollover" means a payment by the System to the Eligible Retirement Plan specified by the Distributee.

C. At least thirty (30) days before and, effective for years beginning after December 31, 2006, not more than one hundred eighty (180) days before the date of distribution, the Distributee (other than a nonspouse designated beneficiary prior to July 1, 2010) must be provided with a notice of rights which satisfies Section 402(f) of the Internal Revenue Code of 1986, as amended, as to rollover options and tax effects. Such distribution may commence less than thirty (30) days after the notice is given, provided that:

1. The Board clearly informs the Distributee that the Distributee has a right to a period of at least thirty (30) days after receiving the notice to consider the decision of whether or not to elect a distribution; and

2. The Distributee, after receiving the notice, affirmatively elects a distribution.

D. For distributions made after December 31, 2006, but prior to July 1, 2010, a distribution with respect to a nonspouse designated beneficiary shall be made in accordance with Notice 2007-7, Q&A 15, 2007-5 Internal Revenue Bulletin 395. Effective for plan years beginning after December 31, 2009, a distribution with respect to a nonspouse designated beneficiary shall be subject to Sections 401(a) (31), 402(f) and 3405(c) of the Internal Revenue Code of 1986, as amended.

E. Effective for distributions after December 31, 2014, for purposes of determining the portion of a disbursement of benefits from the System to a Distributee that is not includable in gross income under Section 72 of the Internal Revenue Code of 1986, as amended, the guidance under I.R.S. Notice 2014-54 shall be followed. Added by Laws 1999, c. 257, § 25, eff. July 1, 1999. Amended by Laws 2000, c. 287, § 16, eff. July 1, 2000; Laws 2003, c. 406, § 5, eff. July 1, 2003; Laws 2007, c. 152, § 8, eff. July 1, 2007; Laws 2008, c. 177, § 9, eff. July 1, 2008; Laws 2010, c. 437, § 9, emerg. eff. June 9, 2010; Laws 2011, c. 141, § 2, emerg. eff. April 29, 2011; Laws 2012, c. 52, § 2, emerg. eff. April 16, 2012; Laws 2015, c. 171, § 3, emerg. eff. April 27, 2015; Laws 2017, c. 113, § 1, emerg. eff. April 26, 2017.

§47-2-305.1B. Trustee-to-trustee transfer - Treatment of trust - Rules.

A. An individual who has been designated, pursuant to Section 401(a) (9) (E) of the Internal Revenue Code of 1986, as amended, as the beneficiary of a deceased member and who is not the surviving spouse of the member, may elect, in accordance with Section 402(c) (11) of the Internal Revenue Code of 1986, as amended, to have a direct

trustee-to-trustee transfer of any portion of such beneficiary's distribution from the Oklahoma Law Enforcement Retirement System made only to an individual retirement account or individual retirement annuity (other than an endowment contract) described in Section 408(a) or (b) of the Internal Revenue Code of 1986, as amended (IRA) (including, effective for distributions after December 18, 2015, a SIMPLE IRA, but only if such contribution occurs after the two-year period described in Section 72(t)(6) of the Internal Revenue Code of 1986, as amended, and is made in accordance with the Protecting Americans from Tax Hikes Act of 2015), or, effective for distributions after December 31, 2007, to a Roth individual retirement account or annuity described in Section 408A of the Internal Revenue Code of 1986, as amended (Roth IRA), that is established on behalf of such designated individual for the purpose of receiving the distribution. If such transfer is made, then:

1. For distributions made after December 31, 2006, but prior to July 1, 2010, the transfer is treated as an eligible rollover distribution for purposes of Section 402(c)(11) of the Internal Revenue Code of 1986, as amended. For plan years beginning after December 31, 2009, the transfer is treated as an eligible rollover distribution;

2. The transferee IRA is treated as an inherited individual retirement account or an inherited individual retirement annuity (within the meaning of Section 408(d)(3)(C) of the Internal Revenue Code of 1986, as amended), and must be titled in the name of the deceased member, for the benefit of the beneficiary; and

3. The required minimum distribution rules of Section 401(a)(9)(B), other than clause iv thereof, of the Internal Revenue Code of 1986, as amended, apply to the transferee IRA.

B. A trust maintained for the benefit of one or more designated beneficiaries shall be treated in the same manner as a designated beneficiary.

C. The Board shall promulgate such rules as are necessary to implement the provisions of this section.

Added by Laws 2007, c. 152, § 9, eff. July 1, 2007. Amended by Laws 2009, c. 169, § 10, emerg. eff. May 11, 2009; Laws 2010, c. 437, § 10, emerg. eff. June 9, 2010; Laws 2011, c. 141, § 3, emerg. eff. April 29, 2011; Laws 2012, c. 52, § 3, emerg. eff. April 16, 2012; Laws 2017, c. 113, § 2, emerg. eff. April 26, 2017.

§47-2-305.1C. Direct payments for qualified health insurance premiums - Definitions - Rules.

A. A member who is an eligible retired public safety officer and who wishes to have direct payments made toward the member's qualified health insurance premiums from the member's monthly disability benefit or monthly retirement payment must make a written election in accordance with Section 402(1) of the Internal Revenue Code of 1986,

as amended, on the form provided by the Oklahoma Law Enforcement Retirement System, as follows:

1. The election must be made after the member separates from service as a public safety officer with the member's participating employer;

2. The election shall only apply to distributions from the System after December 31, 2006, and to amounts not yet distributed to the eligible retired public safety officer;

3. Direct payments for an eligible retired public safety officer's qualified health insurance premiums can only be made from the member's monthly disability benefit or monthly retirement payment from the System and cannot be made from the Oklahoma Law Enforcement Deferred Option Plan; and

4. The aggregate amount of the exclusion from an eligible retired public safety officer's gross income is Three Thousand Dollars (\$3,000.00) per calendar year.

B. As used in this section:

1. "Eligible retired public safety officer" is a member who, by reason of disability or attainment of normal retirement date or age, is separated from service as a public safety officer with the member's participating employer;

2. "Public safety officer" means a member serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, chaplain, or a member of a rescue squad or ambulance crew; and

3. "Qualified health insurance premiums" means premiums for coverage for the eligible retired public safety officer, the eligible retired public safety officer's spouse, and dependents, as defined in Section 152 of the Internal Revenue Code of 1986, as amended, by an accident or health plan or a qualified long-term care insurance contract, as defined in Section 7702B(b) of the Internal Revenue Code of 1986, as amended. The health plan does not have to be sponsored by the eligible retired public safety officer's former participating employer.

C. The Board shall promulgate such rules as are necessary to implement the provisions of this section.

Added by Laws 2007, c. 152, § 10, eff. July 1, 2007. Amended by Laws 2013, c. 16, § 1; Laws 2014, c. 37, § 1, emerg. eff. April 9, 2014.

§47-2-305.2. Deferred option plans.

A. In lieu of terminating employment and accepting a service retirement pension pursuant to Section 2-305 of this title, any member of the Oklahoma Law Enforcement Retirement System who has not less than twenty (20) years of participating service and who is eligible to receive a service retirement pension may make an irrevocable election to participate in the Oklahoma Law Enforcement

Deferred Option Plan and defer the receipts of benefits in accordance with the provisions of this section.

B. For purposes of this section, participating service shall include service credit recognized pursuant to paragraphs (c) and (d) of Section 2-307, subsection B of Section 2-307.2, and Sections 2-309.1, 2-309.2, 2-309.3, 2-309.4, 2-309.5 and 2-309.6 of this title but for eligibility purposes only.

C. The duration of participation in the Oklahoma Law Enforcement Deferred Option Plan for a member shall not exceed five (5) years. Participation in the Oklahoma Law Enforcement Deferred Option Plan must begin the first day of a month and end on the last day of the month. At the conclusion of a member's participation in the Oklahoma Law Enforcement Deferred Option Plan, the member shall terminate employment as a member of the Oklahoma Law Enforcement Retirement System, and shall start receiving the member's accrued monthly retirement benefit from the System. Such a member may continue to receive in-service distributions of such member's accrued monthly retirement benefit from the System if the member is reemployed by a state agency only if such reemployment is in a position not covered under the System.

D. When a member begins participation in the Oklahoma Law Enforcement Deferred Option Plan, the contribution of the member shall cease. The employer contributions shall continue to be paid in accordance with Section 2-304 of this title. Employer contributions for members who elect the Oklahoma Law Enforcement Deferred Option Plan shall be credited equally to the Oklahoma Law Enforcement Retirement System and to the member's Oklahoma Law Enforcement Deferred Option Plan account. The monthly retirement benefits that would have been payable had the member elected to cease employment and receive a service retirement shall be paid into the member's Oklahoma Law Enforcement Deferred Option Plan account.

E. 1. A member who participates in this plan shall be eligible to receive cost of living increases.

2. A member who participates in this plan shall earn interest at a rate of two percentage points below the rate of return of the investment portfolio of the System, but no less than the actuarial assumed interest rate as certified by the actuary in the yearly evaluation report of the actuary. The actuarial assumed interest rate shall be seven and five-tenths percent (7.5%) until the Board amends the actuarial assumed interest rate prospectively by resolution. The interest shall be credited to the individual account balance of the member on an annual basis.

F. A member in the Oklahoma Law Enforcement Deferred Option Plan shall receive, at the option of the member:

1. A lump-sum payment from the account equal to the option account balance of the member, payable to the member;

2. A lump-sum payment from the account equal to the option account balance of the member, payable to the annuity provider which shall be selected by the member as a result of the research and investigation of the member; or

3. Any other method of payment if approved by the Board.

Notwithstanding any other provision contained herein to the contrary, commencement of distributions under the Oklahoma Law Enforcement Deferred Option Plan shall be no later than the time as set forth in paragraph 7 of Section 2-300 of this title.

If a member meets the definition of disability as defined in paragraph 11 of Section 2-300 of this title by direct reason of the performance of the member's duties, the payment from the account shall be an in-line-of-duty disability payment.

G. If the member dies during the period of participation in the Oklahoma Law Enforcement Deferred Option Plan, a lump-sum payment equal to the account balance of the member shall be paid to the designated beneficiary as defined in paragraph 17 of Section 2-300 of this title, or if there is no designated beneficiary or the designated beneficiary predeceases the member, to the estate of the member. If such member was receiving, or eligible to receive, an in-line-of-duty disability pension pursuant to subsection E or F of Section 2-305 of this title at the time of death, payment of the account balance shall be an in-line-of-duty disability payment.

H. In lieu of participating in the Oklahoma Law Enforcement Deferred Option Plan pursuant to subsections A, B, C, D, E and F of this section, a member may make an irrevocable election to participate in the Oklahoma Law Enforcement Deferred Option Plan pursuant to this subsection as follows:

1. For purposes of this subsection, the following definitions shall apply:

- a. "back drop date" means the date selected by the member which is up to five (5) years before the member elects to participate in the Oklahoma Law Enforcement Deferred Option Plan, but not before the date at which the member completes twenty (20) years of participating service,
- b. "termination date" means the date the member elects to participate in the Oklahoma Law Enforcement Deferred Option Plan pursuant to this subsection and the date the member terminates employment and starts receiving the member's accrued monthly retirement benefit from the System. Such termination has at all times included reemployment of a member by a state agency, but only in a position not covered under the System,
- c. "earlier attained participating service" means the participating service earned by a member as of the back drop date. Earlier attained participating service

cannot be reduced to less than twenty (20) years of participating service, and

- d. "deferred benefit balance" means all retirement benefits that would have been paid from the back drop date to the termination date, and one-half (1/2) of the employer contributions from the back drop date to the termination date, with interest based on how the benefit would have accumulated on a compound annual basis as if the member had participated in the Oklahoma Law Enforcement Deferred Option Plan pursuant to subsections A, B, C, D and E of this section from the back drop date to the termination date;

2. At the termination date, a member's monthly pension benefit shall be determined based on the earlier attained participating service and on the final average salary as of the back drop date. The member's individual deferred option account shall be credited with an amount equal to the deferred benefit balance; the member shall terminate employment and shall start receiving the member's accrued monthly retirement benefit from the System. The member shall, upon application filed with the Board, be refunded from the fund an amount equal to the accumulated contributions the member made to the fund from the back drop date to the termination date, but excluding any interest. Such termination has at all times included reemployment of a member by a state agency, but only in a position not covered under the System. The provisions of subsections B, C, E, F and G of this section shall apply to this subsection; and

3. A member may participate in the Oklahoma Law Enforcement Deferred Option Plan pursuant to this subsection even if the member has elected to participate in the Oklahoma Law Enforcement Deferred Option Plan pursuant to subsections A, B, C, D, E and F of this section. Such a member may select a back drop date which is up to five (5) years prior to the termination date, but not before the date at which the member completes twenty (20) years of participating service. Such a member's participation in the Oklahoma Law Enforcement Deferred Option Plan may not exceed five (5) years when combined with such a member's prior period of participation in the Oklahoma Law Enforcement Deferred Option Plan. The provisions of subsections B, C, E, F and G of this section shall apply to this subsection.

Added by Laws 1990, c. 247, § 2, eff. Oct. 1, 1990. Amended by Laws 1990, c. 334, § 3, operative July 1, 1990; Laws 1993, c. 157, § 2, eff. July 1, 1993; Laws 2003, c. 343, § 2, eff. July 1, 2003; Laws 2004, c. 5, § 33, emerg. eff. March 1, 2004; Laws 2004, c. 542, § 3, eff. July 1, 2004; Laws 2006, 2nd Ex. Sess., c. 46, § 20, eff. July 1, 2006; Laws 2010, c. 437, § 11, emerg. eff. June 9, 2010; Laws 2015, c. 171, § 4, emerg. eff. April 27, 2015.

NOTE: Laws 2003, c. 406, § 6 repealed by Laws 2004, c. 5, § 34, emerg. eff. March 1, 2004. Laws 2003, c. 456, § 2 repealed by Laws 2004, c. 5, § 35, emerg. eff. March 1, 2004.

§47-2-305.3. Increase in benefits.

Any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 1993, shall receive a two and one-half percent (2 1/2%) increase in said benefits on July 1, 1994. Added by Laws 1990, c. 340, § 21, eff. July 1, 1990. Amended by Laws 1994, c. 383, § 6, eff. July 1, 1994.

§47-2-305.4. Limitations on benefits and contributions under qualified plans of the Internal Revenue Code of 1986.

A. For limitation years prior to July 1, 2007, the limitations of Section 415 of the Internal Revenue Code of 1986, as amended, shall be computed in accordance with the applicable provisions of the System in effect at that time and, to the extent applicable, Revenue Ruling 98-1 and Revenue Ruling 2001-51, except as provided herein. Notwithstanding any other provision contained herein to the contrary, the benefits payable to a member from the Oklahoma Law Enforcement Retirement System provided by employer contributions (including contributions picked up by the employer under Section 414(h) of the Internal Revenue Code of 1986, as amended), shall be subject to the limitations of Section 415 of the Internal Revenue Code of 1986, as amended, in accordance with the provisions of this section and subsequent guidance. The limitations of this section shall apply in limitation years beginning on or after July 1, 2007, except as otherwise provided herein.

B. Except as provided herein, effective for limitation years ending after December 31, 2001, any accrued retirement benefit payable to a member as an annual benefit as described herein shall not exceed One Hundred Sixty Thousand Dollars (\$160,000.00), automatically adjusted under Section 415(d) of the Internal Revenue Code of 1986, as amended, for increases in the cost of living, as prescribed by the Secretary of the Treasury or the Secretary's delegate, effective January 1 of each calendar year and applicable to the limitation year ending with or within such calendar year. The automatic annual adjustment of the dollar limitation in this subsection under Section 415(d) of the Internal Revenue Code of 1986, as amended, shall apply to a member who has had a severance from employment.

1. The member's annual benefit is a benefit that is payable annually in the form of a straight life annuity. Except as provided herein, where a benefit is payable in a form other than a straight life annuity, the benefit shall be adjusted to an actuarially equivalent straight life annuity that begins at the same time as such other form of benefit and is payable on the first day of each month,

before applying the limitations of this section. For a member who has or will have distributions commencing at more than one annuity starting date, the annual benefit shall be determined as of each such annuity starting date (and shall satisfy the limitations of this section as of each such date), actuarially adjusting for past and future distributions of benefits commencing at the other annuity starting dates. For this purpose, the determination of whether a new starting date has occurred shall be made without regard to Section 1.401(a)-20, Q&A 10(d), and with regard to Section 1.415(b)-1(b)(1)(iii)(B) and (C) of the Income Tax Regulations.

2. No actuarial adjustment to the benefit shall be made for:

- a. survivor benefits payable to a surviving spouse under a qualified joint and survivor annuity to the extent such benefits would not be payable if the member's benefit were paid in another form,
- b. benefits that are not directly related to retirement benefits (such as a qualified disability benefit, preretirement incidental death benefits) and postretirement medical benefits, or
- c. the inclusion in the form of benefit of an automatic benefit increase feature, provided, the form of benefit is not subject to Section 417(e)(3) of the Internal Revenue Code of 1986, as amended, and would otherwise satisfy the limitations of this section, and the System provides that the amount payable under the form of benefit in any limitation year shall not exceed the limits of this section applicable at the annuity starting date, as increased in subsequent years pursuant to Section 415(d) of the Internal Revenue Code of 1986, as amended. For this purpose, an automatic benefit increase feature is included in a form of benefit if the form of benefit provides for automatic, periodic increases to the benefits paid in that form.

3. The determination of the annual benefit shall take into account Social Security supplements described in Section 411(a)(9) of the Internal Revenue Code of 1986, as amended, and benefits transferred from another defined benefit plan, other than transfers of distributable benefits pursuant to Section 1.411(d)-4, Q&A-3(c), of the Income Tax Regulations, but shall disregard benefits attributable to employee contributions or rollover contributions.

4. Effective for distributions in plan years beginning after December 31, 2003, the determination of actuarial equivalence of forms of benefit other than a straight life annuity shall be made in accordance with paragraph 5 or paragraph 6 of this subsection.

5. Benefit Forms Not Subject to Section 417(e)(3) of the Internal Revenue Code of 1986, as amended: The straight life annuity that is actuarially equivalent to the member's form of benefit shall

be determined under this paragraph 5 if the form of the member's benefit is either:

- a. a nondecreasing annuity (other than a straight life annuity) payable for a period of not less than the life of the member (or, in the case of a qualified preretirement survivor annuity, the life of the surviving spouse), or
- b. an annuity that decreases during the life of the member merely because of:
 - (1) the death of the survivor annuitant (but only if the reduction is not below fifty percent (50%) of the benefit payable before the death of the survivor annuitant), or
 - (2) the cessation or reduction of Social Security supplements or qualified disability payments (as defined in Section 411(a)(9) of the Internal Revenue Code of 1986, as amended).
- c. Limitation Years Beginning Before July 1, 2007. For limitation years beginning before July 1, 2007, the actuarially equivalent straight life annuity is equal to the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit computed using whichever of the following produces the greater annual amount:
 - (1) the interest rate and the mortality table or other tabular factor, each as set forth in subsection H of Section 2-303.1 of this title for adjusting benefits in the same form, and
 - (2) a five percent (5%) interest rate assumption and the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable) for that annuity starting date.
- d. Limitation Year Beginning On January 1, 2008. For the limitation year beginning on January 1, 2008, the actuarially equivalent straight life annuity is equal to the greater of:
 - (1) the annual amount of the straight life annuity, if any, payable to the member under the System commencing at the same annuity starting date as the member's form of benefit, and
 - (2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five percent (5%) interest rate assumption and the

applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable) for that annuity starting date.

- e. Limitation Years Beginning On or After July 1, 2008. For limitation years beginning on or after July 1, 2008, the actuarially equivalent straight life annuity is equal to the greater of:
 - (1) the annual amount of the straight life annuity, if any, payable to the member under the System commencing at the same annuity starting date as the member's form of benefit, and
 - (2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five percent (5%) interest rate assumption and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance) for that annuity starting date.

6. Benefit Forms Subject to Section 417(e)(3) of the Internal Revenue Code of 1986, as amended: The straight life annuity that is actuarially equivalent to the member's form of benefit shall be determined under this paragraph if the form of the member's benefit is other than a benefit form described in paragraph 5 of this subsection. In this case, the actuarially equivalent straight life annuity shall be determined as follows:

- a. Annuity Starting Date on or after January 1, 2009. If the annuity starting date of the member's form of benefit is in the period beginning on January 1, 2009 through June 30, 2009, or in a plan year beginning after June 30, 2009, the actuarially equivalent straight life annuity is equal to the greatest of (1), (2) and (3):
 - (1) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using the interest rate and the mortality table or other tabular factor, each as set forth in the most recent actuarial valuation referenced in subsection H of Section 2-303.1 of this title prior to September 1, 2011, and effective September 1, 2011, in subsection L of this section, for adjusting benefits in the same form,

- (2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five and one-half percent (5.5%) interest rate assumption and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance), and
- (3) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using:
 - (a) the applicable interest rate under Section 417(e)(3) of the Internal Revenue Code of 1986, as amended, (and subsequent guidance), for the fourth calendar month preceding the plan year in which falls the annuity starting date for the distribution and the stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant, or as otherwise provided in the applicable guidance if the first day of the first plan year beginning after December 31, 2007, does not coincide with the first day of the applicable stability period, and
 - (b) the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance),divided by one and five one-hundredths (1.05).
- b. Annuity Starting Date in the Period Beginning on July 1, 2008 through December 31, 2008. If the annuity starting date of the member's form of benefit is in the period beginning on July 1, 2008, through December 31, 2008, the actuarially equivalent straight life annuity is equal to the greatest of (1), (2) and (3) of this subsection:
 - (1) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using the interest rate and the mortality table or other

tabular factor, each as set forth in subsection H of Section 2-303.1 of this title for adjusting benefits in the same form,

- (2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five and one-half percent (5.5%) interest rate assumption and the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable), and
- (3) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using:
 - (a) the adjusted first, second, and third segment rates under Section 417(e)(3)(C) and (D) of the Internal Revenue Code of 1986, as amended, applied under rules similar to the rules of Section 430(h)(2)(C) of the Internal Revenue Code of 1986, as amended, for the fourth calendar month preceding the plan year in which falls the annuity starting date for the distribution and the stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant, or as otherwise provided in the applicable guidance if the first day of the first plan year beginning after December 31, 2007, does not coincide with the first day of the applicable stability period, and
 - (b) the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable),

and divided by one and five one-hundredths (1.05).

- c. Annuity Starting Date in Plan Years Beginning in 2006 or 2007. If the annuity starting date of the member's form of benefit is in a Plan Year beginning in 2006 or 2007, the actuarially equivalent straight life annuity is equal to the greatest of (1), (2) and (3) of this subsection:

- (1) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using the

interest rate and the mortality table (or other tabular factor) each as set forth in subsection H of Section 2-303.1 of this title for adjusting benefits in the same form,

- (2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five and one-half percent (5.5%) interest rate assumption and the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable), and
- (3) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using:
 - (a) the rate of interest on thirty-year Treasury securities as specified by the Commissioner for the lookback month for the stability period specified herein. The lookback month applicable to the stability period is the fourth calendar month preceding the first day of the stability period, as specified herein. The stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant, and
 - (b) the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable),

divided by one and five one-hundredths (1.05).

d. Annuity Starting Date in Plan Years Beginning in 2004 or 2005.

- (1) If the annuity starting date of the member's form of benefit is in a plan year beginning in 2004 or 2005, the actuarially equivalent straight life annuity is equal to the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using whichever of the following produces the greater annual amount:
 - (a) the interest rate and the mortality table or other tabular factor, each as set forth in subsection H of Section 2-303.1 of this title for adjusting benefits in the same form, and

- (b) a five and one-half percent (5.5%) interest rate assumption and the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable).
- (2) If the annuity starting date of the member's benefit is on or after the first day of the first plan year beginning in 2004 and before December 31, 2004, the application of this subparagraph shall not cause the amount payable under the member's form of benefit to be less than the benefit calculated under the System, taking into account the limitations of this section, except that the actuarially equivalent straight life annuity is equal to the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using whichever of the following produces the greatest annual amount:
 - (a) the interest rate and mortality table or other tabular factor, each as set forth in subsection H of Section 2-203.1 of this title for adjusting benefits in the same form,
 - (b)
 - i. the rate of interest on thirty-year Treasury securities as specified by the Commissioner for the lookback month for the stability period specified herein. The lookback month applicable to the stability period is the fourth calendar month preceding the first day of the stability period, as specified herein. The stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant, and
 - ii. the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable), and
 - (c)
 - i. the rate of interest on thirty-year Treasury securities as specified by the Commissioner for the lookback month for the stability period specified herein. The lookback month applicable to the

stability period is the fourth calendar month preceding the first day of the stability period, as specified herein. The stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant (as in effect on the last day of the last plan year beginning before January 1, 2004, under provisions of the System then adopted and in effect), and

- ii. the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable).

C. If a member has less than ten (10) years of participation in the System and all predecessor pension and retirement systems, the dollar limitation otherwise applicable under subsection B of this section shall be multiplied by a fraction, the numerator of which is the number of the years of participation or part thereof, in the System of the member, but never less than one (1), and the denominator of which is ten (10).

D. Adjustment of Dollar Limitation for Benefit Commencement Before Sixty-two (62) Years of Age or After Sixty-five (65) Years of Age: Effective for benefits commencing in limitation years ending after December 31, 2001, the dollar limitation under subsection B of this section shall be adjusted if the annuity starting date of the member's benefit is before sixty-two (62) years of age or after sixty-five (65) years of age. If the annuity starting date is before sixty-two (62) years of age, the dollar limitation under subsection B of this section shall be adjusted under paragraph 1 of this subsection, as modified by paragraph 3 of this subsection, but subject to paragraph 4 of this subsection. If the annuity starting date is after sixty-five (65) years of age, the dollar limitation under subsection B of this section shall be adjusted under paragraph 2 of this subsection, as modified by paragraph 3 of this subsection.

1. Adjustment of Defined Benefit Dollar Limitation for Benefit Commencement Before Sixty-two (62) Years of Age:

- a. Limitation Years Beginning Before July 1, 2007. If the annuity starting date for the member's benefit is prior to sixty-two (62) years of age and occurs in a limitation year beginning before July 1, 2007, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial

equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using whichever of the following produces the smaller annual amount:

- (1) the interest rate and the mortality table or other tabular factor, each as set forth in subsection H of Section 2-303.1 of this title, or
- (2) a five percent (5%) interest rate assumption and the applicable mortality table as described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable).

b. Limitation Years Beginning On or After July 1, 2007.

- (1) System Does Not Have Immediately Commencing Straight Life Annuity Payable at Both Sixty-two (62) Years of Age and the Age of Benefit Commencement.

- (a) If the annuity starting date for the member's benefit is prior to sixty-two (62) years of age and occurs in the limitation year beginning on or after January 1, 2008, and the System does not have an immediately commencing straight life annuity payable at both sixty-two (62) years of age and the age of benefit commencement, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using a five percent (5%) interest rate assumption and the applicable mortality table for the annuity starting date as described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable) (and expressing the member's age based on completed calendar months as of the annuity starting date).

- (b) If the annuity starting date for the member's benefit is prior to sixty-two (62) years of age and occurs in a limitation year beginning

on or after January 1, 2009, and the System does not have an immediately commencing straight life annuity payable at both sixty-two (62) years of age and the age of benefit commencement, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using a five percent (5%) interest rate assumption and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance) (and expressing the member's age based on completed calendar months as the annuity starting date).

- (2) System Has Immediately Commencing Straight Life Annuity Payable at Both Sixty-two (62) Years of Age and the Age of Benefit Commencement. If the annuity starting date for the member's benefit is prior to sixty-two (62) years of age and occurs in a limitation year beginning on or after July 1, 2007, and the System has an immediately commencing straight life annuity payable at both sixty-two (62) years of age and the age of benefit commencement, the dollar limitation for the member's annuity starting date is the lesser of the limitation determined under division (1) of subparagraph b of this paragraph and the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) multiplied by the ratio of the annual amount of the immediately commencing straight life annuity under the System at the member's annuity starting date to the annual amount of the immediately commencing straight life annuity under the System at sixty-two (62) years of age, both determined without applying the limitations of this section.

- (3) Effective for limitation years commencing on or after January 1, 2014, notwithstanding any other provision of paragraph 1 of this subsection, the age-adjusted dollar limit applicable to a member shall not decrease on account of an increase in age or the performance of additional services.

2. Adjustment of Defined Benefit Dollar Limitation for Benefit Commencement After Sixty-five (65) Years of Age:

- a. Limitation Years Beginning Before July 1, 2007. If the annuity starting date for the member's benefit is after sixty-five (65) years of age and occurs in a limitation year beginning before July 1, 2007, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using whichever of the following produces the smaller annual amount:
 - (1) the interest rate and the mortality table or other tabular factor, each as set forth in subsection H of Section 2-303.1 of this title, or
 - (2) a five percent (5%) interest rate assumption and the applicable mortality table as described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable).
- b. Limitation Years Beginning On or After July 1, 2007.
 - (1) System Does Not Have Immediately Commencing Straight Life Annuity Payable at Both Sixty-five (65) Years of Age and the Age of Benefit Commencement.
 - (a) If the annuity starting date for the member's benefit is after sixty-five (65) years of age and occurs in the limitation year beginning on January 1, 2008, and the System does not have an immediately commencing straight life annuity payable at both sixty-five (65) years of age and the age of benefit commencement, the dollar limitation at the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under

subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using a five percent (5%) interest rate assumption and the applicable mortality table for the annuity starting date as described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable) (and expressing the member's age based on completed calendar months as of the annuity starting date).

- (b) If the annuity starting date for the member's benefit is after sixty-five (65) years of age and occurs in a limitation year beginning on or after January 1, 2009, and the System does not have an immediately commencing straight life annuity payable at both sixty-five (65) years of age and the age of benefit commencement, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using a five percent (5%) interest rate assumption and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance) (and expressing the member's age based on completed calendar months as of the annuity starting date).
- (2) System Has Immediately Commencing Straight Life Annuity Payable at Both Sixty-five (65) Years of Age and Age of Benefit Commencement. If the annuity starting date for the member's benefit is after sixty-five (65) years of age and occurs in a limitation year beginning on or after July 1, 2007, and the System has an immediately commencing straight life annuity payable at both sixty-five (65) years of age and the age of benefit commencement, the dollar limitation at the

member's annuity starting date is the lesser of the limitation determined under division (1) of subparagraph b of this paragraph and the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) multiplied by the ratio of the annual amount of the adjusted immediately commencing straight life annuity under the System at the member's annuity starting date to the annual amount of the adjusted immediately commencing straight life annuity under the System at sixty-five (65) years of age, both determined without applying the limitations of this section. For this purpose, the adjusted immediately commencing straight life annuity under the System at the member's annuity starting date is the annual amount of such annuity payable to the member, computed disregarding the member's accruals after sixty-five (65) years of age but including actuarial adjustments even if those actuarial adjustments are used to offset accruals; and the adjusted immediately commencing straight life annuity under the System at sixty-five (65) years of age is the annual amount of such annuity that would be payable under the System to a hypothetical member who is sixty-five (65) years of age and has the same accrued benefit as the member.

3. Notwithstanding the other requirements of this subsection, no adjustment shall be made to the dollar limitation under subsection B of this section to reflect the probability of a member's death between the annuity starting date and sixty-two (62) years of age, or between sixty-five (65) years of age and the annuity starting date, as applicable, if benefits are not forfeited upon the death of the member prior to the annuity starting date. To the extent benefits are forfeited upon death before the annuity starting date, such an adjustment shall be made. For this purpose, no forfeiture shall be treated as occurring upon the member's death if the System does not charge members for providing a qualified preretirement survivor annuity, as defined in Section 417(c) of the Internal Revenue Code of 1986, as amended, upon the member's death.

4. Notwithstanding any other provision to the contrary, for limitation years beginning on or after January 1, 1997, if payment begins before the member reached sixty-two (62) years of age, the reductions in the limitations in this subsection shall not apply to a

member who is a "qualified participant" as defined in Section 415(b) (2) (H) of the Internal Revenue Code of 1986, as amended.

E. Minimum Benefit Permitted: Notwithstanding anything else in this section to the contrary, the benefit otherwise accrued or payable to a member under this System shall be deemed not to exceed the maximum permissible benefit if:

1. The retirement benefits payable for a limitation year under any form of benefit with respect to such member under this System and under all other defined benefit plans (without regard to whether a plan has been terminated) ever maintained by a participating employer do not exceed Ten Thousand Dollars (\$10,000.00) multiplied by a fraction:

- a. the numerator of which is the member's number of credited years (or part thereof, but not less than one (1) year) of service, not to exceed ten (10), with the participating employer, and
- b. the denominator of which is ten (10); and

2. The participating employer (or a predecessor employer) has not at any time maintained a defined contribution plan in which the member participated (for this purpose, mandatory employee contributions under a defined benefit plan, individual medical accounts under Section 401(h) of the Internal Revenue Code of 1986, as amended, and accounts for postretirement medical benefits established under Section 419A(d) (1) of the Internal Revenue Code of 1986, as amended, are not considered a separate defined contribution plan).

F. In no event shall the maximum annual accrued retirement benefit of a member allowable under this section be less than the annual amount of such accrued retirement benefit, including early pension and qualified joint and survivor annuity amounts, duly accrued by the member as of the last day of the limitation year beginning in 1982, or as of the last day of the limitation year beginning in 1986, whichever is greater, disregarding any plan changes or cost-of-living adjustments occurring after July 1, 1982, as to the 1982 accrued amount, and May 5, 1986, as to the 1986 accrued amount.

G. If a member purchases service credit under this title from the System, which qualifies as "permissive service credit" pursuant to Section 415(n) of the Internal Revenue Code of 1986, as amended, the limitations of Section 415 of the Internal Revenue Code of 1986, as amended, may be met by either:

1. Treating the accrued benefit derived from such contributions as an annual benefit under subsection B of this section; or
2. Treating all such contributions as annual additions for purposes of Section 415(c) of the Internal Revenue Code of 1986, as amended.

H. If a member repays to the System any amounts received or refunded from the System because of the member's prior termination pursuant to paragraph 3 of subsection (b) of Section 2-307 of this title or any other amount which qualifies as a repayment under Section 415(k)(3) of the Internal Revenue Code of 1986, as amended, such repayment shall not be taken into account for purposes of Section 415 of the Internal Revenue Code of 1986, as amended, pursuant to Section 415(k)(3) of the Internal Revenue Code of 1986, as amended.

I. For limitation years beginning on or after January 1, 1995, subsection C of this section, paragraph 1 of subsection D of this section, and the proration provided under subparagraphs a and b of paragraph 1 of subsection E of this section, shall not apply to a benefit paid under the System as a result of the member becoming disabled by reason of personal injuries or sickness, or amounts received by the beneficiaries, survivors or estate of the member as the result of the death of the member.

J. For distributions made in limitation years beginning on or after January 1, 2000, the combined limit of repealed Section 415(e) of the Internal Revenue Code of 1986, as amended, shall not apply.

K. The Board is hereby authorized to revoke the special election previously made under Section 415(b)(10) of the Internal Revenue Code of 1986, as amended.

L. Effective September 1, 2011, the interest rate and mortality assumptions for the System used to determine the actuarial equivalence of a member's form of benefit shall be set by the State Board in a manner that precludes employer discretion, shall be based upon recommendations from independent professional advisors, and shall be published annually in the actuarial valuation.

M. All benefits payable from the Oklahoma Law Enforcement Retirement System including payments from the deferred option plans under Section 2-305.2 of this title shall be paid from the general assets of the Fund pursuant to subsection B of Section 2-303.4 of this title.

Added by Laws 1991, c. 323, § 5, emerg. eff. June 12, 1991. Amended by Laws 1999, c. 257, § 24, eff. July 1, 1999; Laws 2000, c. 287, § 17, eff. July 1, 2000; Laws 2003, c. 406, § 7, eff. July 1, 2003; Laws 2005, c. 142, § 3, emerg. eff. May 5, 2005; Laws 2006, 2nd Ex.Sess., c. 46, § 21, eff. July 1, 2006; Laws 2008, c. 177, § 10, eff. July 1, 2008; Laws 2009, c. 169, § 11, emerg. eff. May 11, 2009; Laws 2010, c. 437, § 12, emerg. eff. June 9, 2010; Laws 2011, c. 141, § 4, emerg. eff. April 29, 2011; Laws 2012, c. 52, § 4, emerg. eff. April 16, 2012; Laws 2012, c. 364, § 11; Laws 2013, c. 16, § 2; Laws 2014, c. 37, § 2, emerg. eff. April 9, 2014; Laws 2018, c. 22, § 1, eff. Nov. 1, 2018.

§47-2-305.5. Additional retirement benefit.

A. Except as provided by subsection B of this section, the Oklahoma Law Enforcement Retirement System shall pay to its retirees, who retire not later than June 30, 1997, or their beneficiaries, from assets of the retirement system, an additional amount, for the fiscal year ending June 30, 1998, based upon the number of years of credited service upon which the retirement benefit of the member was computed as follows:

1. One Hundred Fifty Dollars (\$150.00) for at least ten (10), but no more than fourteen (14) years of service;
2. Three Hundred Dollars (\$300.00) for at least fifteen (15), but no more than nineteen (19) years of service;
3. Four Hundred Fifty Dollars (\$450.00) for at least twenty (20), but no more than twenty-four (24) years of service; and
4. Six Hundred Dollars (\$600.00) for twenty-five (25) or more years of service.

B. The Oklahoma Law Enforcement Retirement System shall pay to retirees, who retire not later than June 30, 1997, with a disability retirement benefit and having less than ten (10) years of service, the sum of One Hundred Fifty Dollars (\$150.00).

C. For purposes of subsection A or B of this section, months of credited service in excess of a whole number of years shall be disregarded for purposes of determining the applicable payment amount.

D. The payment authorized by this section shall be distributed not later than August 1, 1997.

E. The payment authorized by this section shall not be a recurring benefit and shall only be made for the fiscal year ending June 30, 1998, and for no other fiscal year.

F. If a retiree has multiple beneficiaries, the amount prescribed by subsection A of this section shall be divided equally among the beneficiaries on a per capita basis.

Added by Laws 1997, c. 384, § 21, eff. July 1, 1997.

§47-2-305.6. Benefit adjustment - Restoration of Initial COLA Benefit.

A. For purposes of this section the following definitions shall apply:

1. "Initial COLA Benefit Date" means the later of the member's date of benefit commencement or January 1, 1981. This date is used in the definition of Initial COLA Benefit and Target COLA Benefit;
2. "Initial COLA Benefit" means the accrued retirement benefit which will be used as the base benefit for determining the Target COLA Benefit. The Initial COLA Benefit equals the benefit in payment status as of the Initial COLA Benefit Date. Furthermore, this benefit will reflect adjustment for military service credits, if any, granted after the Initial COLA Benefit Date;

3. "CPI-U" means the Consumer Price Index for all urban consumers for all goods and services, as published by the Bureau of Labor Statistics, U.S. Department of Labor. This is used as a measure of price inflation for the development of the Target COLA Benefit defined below; and

4. "Target COLA Benefit" is the Initial COLA Benefit adjusted to reflect price inflation as measured by CPI-U. The Target COLA Benefit is calculated for each eligible member to equal the member's Initial COLA Benefit multiplied by a ratio of (A) divided by (B) as follows:

(A) is the CPI-U as of July 1, 1997.

(B) is the CPI-U as of July 1 of the calendar year of the Initial COLA Benefit Date.

B. The Board shall, effective July 1, 1998, implement a benefit adjustment, to increase, if necessary, the retirement benefit for any person receiving benefits from the System as of June 30, 1997. This benefit adjustment is intended to restore one hundred percent (100%) of the loss of the Initial COLA Benefit, if any, due to price inflation, as measured by CPI-U. The benefit adjustment shall be one hundred percent (100%) of the amount by which the Target COLA Benefit is in excess, if any, of the June 1998 retirement benefit. Persons who retired after December 31, 1996 and before July 1, 1997, shall receive a benefit increase based on one-half (1/2) of the CPI-U change for the period beginning January 1, 1997 and before July 1, 1997.

C. Any increase in benefits a person is eligible to receive pursuant to subsection B of Section 2-305 of Title 47 of the Oklahoma Statutes, after June 30, 1998, shall be offset by the increase in benefits, if any, provided by this section.

Added by Laws 1998, c. 317, § 4, eff. July 1, 1998.

§47-2-305.7. Benefit increase - Offset.

A. Except as provided in subsection B of this section, any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 1999, who continues to receive benefits on or after July 1, 2000, shall receive a three percent (3%) increase in said benefits on July 1, 2000.

B. Any increase in benefits a person is eligible to receive pursuant to subsection B of Section 2-305 of Title 47 of the Oklahoma Statutes, after June 30, 1998, shall be offset by the increase in benefits, if any, provided by this section.

Added by Laws 2000, c. 377, § 8, eff. July 1, 2000.

§47-2-305.8. Increase in benefits - Amount - Offset.

A. Except as provided in subsection B of this section, any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 2001, who continues to receive

benefits on or after July 1, 2002, shall receive a five percent (5%) increase in said benefits on July 1, 2002.

B. Any increase in benefits a person is eligible to receive pursuant to Section 2-305 of Title 47 of the Oklahoma Statutes, after June 30, 2002, shall be offset by the increase in benefits, if any, provided by this section.

Added by Laws 2002, c. 394, § 4, eff. July 1, 2002.

§47-2-305.9. Law Enforcement Retirement System - Increase in benefits.

A. Except as provided in subsection B of this section, any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 2003, who continues to receive benefits on or after July 1, 2004, shall receive a four-percent increase in said benefits beginning in July 2004.

B. Any increase in benefits a person is eligible to receive pursuant to subsection B, C or D of Section 2-305 of Title 47 of the Oklahoma Statutes, after June 30, 2004, shall be offset by the increase in benefits, if any, provided by this section.

Added by Laws 2004, c. 536, § 15, eff. July 1, 2004.

§47-2-305.10. Increase in benefits - July 1, 2006.

A. Except as provided in subsection B of this section, any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 2005, who continues to receive benefits on or after July 1, 2006, shall receive a four-percent increase in said benefits beginning in July 2006.

B. Any increase in benefits a person is eligible to receive pursuant to subsection B, C or D of Section 2-305 of Title 47 of the Oklahoma Statutes, after June 30, 2006, shall be offset by the increase in benefits, if any, provided by this section.

Added by Laws 2006, 2nd Ex. Sess., c. 46, § 8, eff. July 1, 2006.

§47-2-305.11. Increase in benefits - July 1, 2008 - Offset.

A. Except as provided in subsection B of this section, any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 2007, who continues to receive benefits on or after July 1, 2008, shall receive a four-percent increase in said benefits beginning in July 2008.

B. Any increase in benefits a person is eligible to receive pursuant to subsection B, C or D of Section 2-305 of Title 47 of the Oklahoma Statutes, after June 30, 2008, shall be offset by the increase in benefits, if any, provided by this section.

Added by Laws 2008, c. 415, § 4, eff. July 1, 2008.

§47-2-306. Payments in case of death.

A. Upon the death of a retired member or upon the death of any member prior to retirement or other termination of covered employment, a monthly pension shall be paid which shall be in an amount as provided below:

1. If the member was not retired and death occurred as the direct result of the performance of the member's duties as an officer, an amount:

- a. equal to two and one-half percent (2 1/2%),
- b. multiplied by:
 - (1) twenty (20) years of service, regardless of the actual number of years of credited service performed by the member prior to the date of death if the member had performed less than twenty (20) years of service, or
 - (2) the actual number of years of service performed by the member if the member had performed twenty (20) or more years of service,
- c. multiplied by a final average salary equal to:
 - (1) the salary which the member would have received pursuant to statutory salary schedules in effect upon the date of death for twenty (20) years of service if the member did not actually perform twenty (20) years of service prior to death. The final average salary for a member who performed less than twenty (20) years of service prior to death shall be computed assuming that the member was paid the highest salary allowable pursuant to the law in effect at the time of the member's death based upon twenty (20) years of service and with an assumption that the member was eligible for any and all increases in pay based upon rank during the entire period. If the salary of a member is not prescribed by a specific salary schedule upon the date of the member's death, the final average salary for the member shall be computed by the member's actual final average salary or the highest median salary amount for a member whose salary was prescribed by a specific salary schedule upon the date of the member's death, whichever final average salary amount would be greater, or
 - (2) the actual final average salary of the member if the member had performed twenty (20) or more years of service prior to death; or

2. If the member was not retired and death occurred other than as the direct result of the performance of the member's duties as an officer, an amount equal to the monthly payments which would have

been received by the member under subsection E of Section 2-305 of this title had the member been totally disabled; or

3. If said member was retired for length of service, an amount equal to the member's monthly payments; or

4. If said member was receiving, or eligible to receive, a disability benefit pursuant to subsection E or F of Section 2-305 of this title, an amount equal to the member's monthly payments pursuant to subsection E or F of Section 2-305 of this title; or

5. If said member was receiving, or eligible to receive, a disability benefit pursuant to subsection G of Section 2-305 of this title, an amount equal to the member's monthly payments pursuant to subsection G of Section 2-305 of this title; or

6. If said member was retired for partial disability, an amount equal to the monthly payments which would have been received by said member had the member been totally disabled.

B. The pension provided for in subsection A of this section shall be paid:

1. Except as provided in paragraph 4 of this subsection, to the surviving spouse, provided the surviving spouse was married to the member at the time of the member's death, and continuously for the thirty (30) months immediately preceding the member's death, provided a surviving spouse of a member who died while in, or as a consequence of, the performance of the member's duty for the employer, shall not be subject to the thirty-month marriage requirement for survivor benefits; or

2. If there is no surviving spouse or upon the death of a spouse:

- a. to the person having the care and custody of any surviving child or children of said member for such time as such child or children are under the age of eighteen (18) years, or
- b. to the surviving child or children between the age of eighteen (18) and twenty-two (22) years if the child is enrolled full time in and is regularly attending a public or private school or any institution of higher education;

3. If there is no surviving spouse or children under the age of eighteen (18) years or under the age of twenty-two (22) years if the child is enrolled full time in and is regularly attending a public or private school or any institution of higher education, to the dependent parent or parents of said member, for life; or

4. In the event a surviving spouse remarried prior to June 7, 1993, and was a surviving spouse of a member who died while in, or as a consequence of, the performance of the member's duty for the employer, the surviving spouse shall be eligible to receive the pension benefits provided for in subsection A of this section.

To receive the pension benefits provided for in subsection A of this section the surviving spouse falling within this paragraph shall submit a written request for such benefits to the Oklahoma Law Enforcement Retirement System. The Oklahoma Law Enforcement Retirement System shall approve requests by surviving spouses meeting the requirements of this paragraph. Upon approval by the Oklahoma Law Enforcement Retirement System, the surviving spouse shall be entitled to the pension benefits provided for in subsection A of this section beginning from the date of approval forward. Pension benefits provided to surviving spouses falling within this paragraph shall not apply to alter any amount of pension benefits paid or due prior to the Oklahoma Law Enforcement Retirement System's approval of the remarried surviving spouse's written request for benefits.

No surviving spouse shall receive benefits from this section, Section 49-113 of Title 11 of the Oklahoma Statutes, or Section 50-117 of Title 11 of the Oklahoma Statutes as the surviving spouse of more than one member of the Oklahoma Firefighters Pension and Retirement System, the Oklahoma Police Pension and Retirement System, or the Oklahoma Law Enforcement Retirement System. The surviving spouse of more than one member shall elect which member's benefits he or she will receive.

C. In addition to the pension above provided for, if said member leaves a surviving spouse and one or more children under the age of eighteen (18) years or under the age of twenty-two (22) years if the child is enrolled full time in and is regularly attending a public or private school or any institution of higher education, Four Hundred Dollars (\$400.00) a month shall be paid from said Fund for the support of each surviving child to the person having the care and custody of such children during such time as said spouse remains alive and until each child reaches the age of eighteen (18) years or reaches the age of twenty-two (22) years if the child is enrolled full time in and is regularly attending a public or private school or any institution of higher education.

D. Upon the death of a retired member, the benefit payment for the month in which the retired member died, if not previously paid, shall be made to the beneficiary of the member or to the member's estate if there is no beneficiary. Such benefit payment shall be made in an amount equal to a full monthly benefit payment regardless of the day of the month in which the retired member died.

Added by Laws 1961, p. 333, § 2-306, eff. Sept. 1, 1961. Amended by Laws 1975, c. 365, § 5, operative July 1, 1975; Laws 1980, c. 357, § 10, eff. July 1, 1980; Laws 1985, c. 296, § 5, emerg. eff. July 24, 1985; Laws 1986, c. 253, § 3, operative July 1, 1986; Laws 1990, c. 340, § 22, eff. July 1, 1990; Laws 1993, c. 157, § 3, eff. July 1, 1993; Laws 1993, c. 322, § 14, emerg. eff. June 7, 1993; Laws 1994, c. 84, § 5, eff. July 1, 1994; Laws 1994, c. 351, § 6, eff. July 1, 1994; Laws 1995, c. 100, § 1, emerg. eff. April 13, 1995; Laws 1996,

c. 333, § 2, eff. July 1, 1996; Laws 1998, c. 419, § 7, eff. July 1, 1998; Laws 2000, c. 377, § 9, eff. July 1, 2000; Laws 2002, c. 399, § 5, eff. July 1, 2002; Laws 2004, c. 542, § 4, eff. July 1, 2004.
NOTE: Laws 1993, c. 126, § 7 repealed by Laws 1993, c. 322, § 31, emerg. eff. June 7, 1993. Laws 2000, c. 287, § 18 repealed by Laws 2001, c. 5, § 18, emerg. eff. March 21, 2001.

§47-2-306.1. Repealed by Laws 1985, c. 296, § 8, emerg. eff. July 24, 1985.

§47-2-306.2. Unpaid accumulated contributions - Payment to beneficiary or next of kin.

In the event the total retirement payments made to the member and his joint annuitant, if any, are less than the member's accumulated contributions, the difference shall be paid to the member's designated beneficiary or if no designated beneficiary survives, then to the member's nearest surviving next of kin as determined by law. Laws 1980, c. 357, § 12, eff. July 1, 1980.

§47-2-306.3. Death benefit.

Upon the death of an active or retired member, the Oklahoma Law Enforcement Retirement System shall pay to the designated beneficiary of the member as defined in paragraph 17 of Section 2-300 of this title or if there is no such designated beneficiary or if such designated beneficiary predeceases the member, to the estate of the member, the sum of Four Thousand Dollars (\$4,000.00) as a death benefit for those active or retired members who died prior to July 1, 1999. For those active or retired members who die on or after July 1, 1999, the sum shall be Five Thousand Dollars (\$5,000.00). Added by Laws 1987, c. 236, § 162, emerg. eff. July 20, 1987. Amended by Laws 1999, c. 167, § 5, eff. July 1, 1999; Laws 2002, c. 352, § 4, eff. July 1, 2002; Laws 2004, c. 542, § 5, eff. July 1, 2004; Laws 2014, c. 37, § 3, emerg. eff. April 9, 2014.

§47-2-307. Leaves of absence - Termination of employment - Reinstatement - Service in Armed Forces - Involuntary furloughs.

(a) In the event a member of the System obtains a leave of absence, of not to exceed ninety (90) days at any one time, because of injury or illness or for any personal reason other than the acceptance of other employment, the member's membership in the System shall not terminate and the period of such leave shall be counted toward retirement for length of service if, during such leave of absence or at the end thereof, the member shall pay to the Fund an amount equal to the contributions which would have been deducted from the member's salary during such period if such leave of absence had not been obtained, but if such contributions are not paid during such leave or made up within thirty (30) days after the end of such leave,

or if such leave of absence extends for more than ninety (90) days at any one time, the period of such leave shall not be counted toward length of service for retirement nor in computing the amount of any pension or any retirement pay or any other benefits hereunder.

(b) In the event a member of the System obtains a leave of absence for the purpose of accepting other employment, or if a member resigns and during such resignation accepts other employment, the member's membership in the System shall terminate as of the date of the beginning of such leave. Provided, that if the membership of a member of the System shall have been terminated either by such leave of absence or by termination of employment, and such former member is reemployed, the Board, upon application therefor made in the same manner as an original application for membership in the System, may reinstate such membership. Such reinstated member shall be allowed full credit toward retirement for all service credit accrued up to the time of termination of membership if, but only if:

1. Such application for reinstatement is made within three (3) years from the date of such termination of such membership;

2. Such reinstated member remains a member of the System for a period of five (5) consecutive years after reinstatement of membership;

3. Such reinstated member reimburses the Fund, at the time application for reinstatement is made, with the amount of any portion of the membership contribution which has been refunded to the member under the provisions of Section 2-308 of this title; and

4. A lump-sum payment for repayment of any amount received because of a member's prior termination may be repaid by:

- a. a cash lump-sum payment,
- b. a trustee-to-trustee transfer of non-Roth funds from a Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), and/or a Code Section 401(a) qualified plan,
- c. a direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA). Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase such service credit, or
- d. any combination of the above methods of payment.

The provisions of this subsection shall not apply to absences caused by such military service as may be considered as service for retirement for length of service under the provisions of subsection (c) of this section.

(c) In determining the eligibility of a member for retirement based upon length of service, any service in the Armed Forces of the United States or any component thereof between the 16th day of September, 1940, and the 30th day of June, 1954, and any service in the Armed Forces of the United States or any component thereof upon call of the President of the United States or of the Governor of the State of Oklahoma, together with such prior service, as would have been otherwise considered as service for retirement for length of service, shall be considered as service for length of service, provided that the member returns and files application for reinstatement as a member of the System within ninety (90) days after the member's release, or opportunity for release, from such Armed Forces or component thereof. The member's employing agency that is making contributions to the System on behalf of the member shall continue payment of contributions into the pension fund, to the same force and effect as though the member was in the actual employment of such agency at the same salary for a period not to exceed five (5) years. If such member shall have been refunded any portion of the membership contributions as provided in Section 2-308 of this title, the member shall be required to reimburse the Fund with the same amount at the time of the member's application for reinstatement in the System, before the reinstated member is given credit for accrued prior service. Provided, that in no event shall a member of the System who has entered such Armed Forces or component thereof prior to retirement be or become eligible for retirement for length of service unless the member shall thereafter have been reinstated as a member of the System as provided for herein, and thereafter remained a member for at least one (1) year after such reinstatement.

(d) Time spent on involuntary furlough by members pursuant to the rules of the Office of Management and Enterprise Services shall be credited.

(e) Notwithstanding any provisions herein to the contrary:

1. Contributions, benefits and service credit with respect to qualified military service shall be provided in accordance with Section 414(u) of the Internal Revenue Code of 1986, as amended, which is in accordance with the Uniformed Service Employment and Reemployment Rights Act of 1994, as amended (USERRA). The employer's contributions to the System for a member covered by USERRA are due when such a member makes up his or her contributions that were missed due to his or her qualified military service; and

2. Effective January 1, 2007, if any member dies while performing qualified military service (as defined in Section 414(u) of the Internal Revenue Code of 1986, as amended), the survivors of

the member are entitled to any additional benefits other than benefit accruals relating to the period of qualified military service provided under the System had the member resumed and then terminated employment on account of death.

Added by Laws 1961, p. 333, § 2-307, eff. Sept. 1, 1961. Amended by Laws 1980, c. 357, § 13, eff. July 1, 1980; Laws 1986, c. 253, § 4, operative July 1, 1986; Laws 1999, c. 257, § 26, eff. July 1, 1999; Laws 2003, c. 406, § 8, eff. July 1, 2003; Laws 2005, c. 142, § 4, emerg. eff. May 5, 2005; Laws 2006, 2nd Ex. Sess., c. 46, § 22, eff. July 1, 2006; Laws 2008, c. 177, § 11, eff. July 1, 2008; Laws 2009, c. 169, § 12, emerg. eff. May 11, 2009; Laws 2010, c. 437, § 13, emerg. eff. June 9, 2010; Laws 2012, c. 304, § 172; Laws 2016, c. 8, § 1, emerg. eff. April 5, 2016.

§47-2-307.1. Service credit for membership in Public Employees Retirement System - Time of application.

A. A member may receive service credit for not to exceed five (5) years of participating service accumulated by the member while an employee of a state agency if the member is not receiving or eligible to receive retirement benefits or credit for said service from the Oklahoma Public Employees Retirement System. To receive credit for said service prior to January 1, 1991, the employee and employer contributions for those years of service and interest of not to exceed five percent (5%) as determined by the Board shall be paid to the Board. Effective January 1, 1991, to receive credit for said service, the member shall pay the amount determined by the Board of Trustees pursuant to Section 19 of Enrolled Senate Bill No. 810 of the 2nd Session of the 42nd Oklahoma Legislature. Such service credit shall not be used in determining the eligibility of the member for retirement based upon length of service.

B. To receive credit for such service:

1. A member who became a member of the system prior to July 1, 1988, shall make application to the Board for such service prior to January 1, 1989; and

2. A member who becomes a member of the system after June 30, 1988, shall make application to the Board for such service within two (2) years of the date the member became a member of the system.

C. Such service credit may be paid by:

1. A cash lump-sum payment;

2. A trustee-to-trustee transfer of non-Roth funds from a Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), and/or a Code Section 401(a) qualified plan;

3. A direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is

maintained by an eligible employer described in Code Section 457(3)(1)(A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA). Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase such service credit; or

4. Any combination of the above methods of payment.

Added by Laws 1986, c. 253, § 5, operative July 1, 1986. Amended by Laws 1987, c. 236, § 163, emerg. eff. July 20, 1987; Laws 1988, c. 267, § 24, operative July 1, 1988; Laws 1990, c. 334, § 4, operative July 1, 1990; Laws 2003, c. 406, § 9, eff. July 1, 2003; Laws 2006, 2nd Ex. Sess., c. 46, § 23, eff. July 1, 2006; Laws 2016, c. 8, § 2, emerg. eff. April 5, 2016.

§47-2-307.2. Service credit for unused sick leave - Prorated service credit for sick or temporary disability time - Option to purchase service credit.

A. The total service credit of a member who retires, elects a Deferred Option Plan or terminates employment and elects a vested benefit shall include not to exceed one hundred thirty (130) days of unused sick leave accumulated while a member of the System. Effective July 1, 2008, a member who retires, elects a Deferred Option Plan or terminates employment and elects a vested benefit shall include not to exceed two hundred forty (240) days of unused sick leave accumulated while a member of the System. Such credit shall be added in terms of whole months. Twenty (20) days of unused sick leave shall equal one (1) month for purposes of service credit. If unused sick leave entitles a member to an additional year or fraction thereof of service credit, the member's employer shall reimburse the System for the cost of funding the additional reserve by paying the amount determined by the Board pursuant to Section 25 of this act. Each employer shall provide the System with adequate and timely information necessary to determine additional benefits and its cost under this section. This section shall apply to members retiring or vesting on or after July 1, 1985, and shall not be retroactive. The amount of accrued sick leave available for determination of a member's monthly benefit for purposes of the deferred option election shall be limited to the accrued sick leave available as of the effective date of the deferred option election, but not to exceed two hundred forty (240) days. The member's monthly benefit determined as of the effective date of the deferred option election shall not be adjusted for additional accrued sick leave earned by the member after the deferred option election.

B. Whenever any member is unable to perform the member's duties because of sickness or temporary disability caused or sustained while in the discharge of the member's duty as a member, is receiving a temporary total disability benefit under Section 1 et seq. of Title

85A of the Oklahoma Statutes, and does not purchase service credit as described below, such member shall only receive prorated service credit based on the contributions made by the member and the member's employer while the member is receiving a temporary total disability benefit under Section 1 et seq. of Title 85A of the Oklahoma Statutes. Whenever any member is unable to perform the member's duties because of sickness or temporary disability caused or sustained while in the discharge of the member's duty as a member and is receiving a temporary disability benefit under Section 1 et seq. of Title 85A of the Oklahoma Statutes, such member shall have the option to purchase service credit for the time related to such leave of absence for such sickness or temporary disability.

1. The payment for such purchase must be completed no later than three (3) years from the date the member commenced receipt of a temporary total disability benefit.

2. The purchase price shall be:

- a. the actual paid base salary that the member was entitled to immediately prior to the member's sickness or temporary disability minus any vacation or sick leave payments received by the member during such sickness or temporary disability, multiplied by,
- b. the following percent:
 - (1) eighteen percent (18%) for members who are suspended without pay, or
 - (2) eight percent (8%) for members who are not suspended without pay.

If such member has not been suspended without pay, the employer shall contribute, within three (3) months of the completion of the member's purchase of service credit, ten percent (10%) of the actual paid base salary that the member was entitled to immediately prior to the member's sickness or temporary disability minus any vacation or sick leave payments received by the member during such sickness or temporary disability.

3. The member may purchase such service credit through:

- a. a cash lump-sum payment,
- b. a trustee-to-trustee transfer of non-Roth funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), and/or a Code Section 401(a) qualified plan,
- c. a direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), a Code Section 401(a) qualified plan, and/or a Code Section

408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA). Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase such service credit, or

d. any combination of the above methods of payment.

Added by Laws 1985, c. 296, § 6, emerg. eff. July 24, 1985. Amended by Laws 1990, c. 340, § 23, eff. July 1, 1990; Laws 2006, 2nd Ex.Sess., c. 46, § 24, eff. July 1, 2006; Laws 2008, c. 177, § 12, eff. July 1, 2008; Laws 2016, c. 8, § 3, emerg. eff. April 5, 2016.

§47-2-307.3. Prior law enforcement service credit - Time of application.

A. Prior to January 1, 1991, upon payment to the Oklahoma Law Enforcement Retirement System of the employee contribution the member would have been subject to had the member been a member of the System at the time, plus five percent (5%) interest, any member of the System shall receive credit for not to exceed five (5) years of prior law enforcement service rendered in this state, if the member is not receiving or eligible to receive retirement credit or benefits for such service in any other public retirement system. Effective January 1, 1991, to receive credit for not to exceed five (5) years of prior law enforcement service rendered in this state, if the member is not receiving or eligible to receive retirement credit or benefits for such service in any other public retirement system, the member shall pay the amount determined by the Board pursuant to Section 2-307.5 of this title. Service credit received pursuant to this section shall be used in determining the member's retirement benefit but shall not be used in determining years of service for retirement or vesting purposes.

To receive credit for such service:

1. A member who became a member of the System prior to July 1, 1988, shall make application to the Board for such service prior to January 1, 1989; and

2. A member who becomes a member of the System after June 30, 1988, shall make application to the Board for such service within two (2) years of the date the member became a member of the System.

B. Upon payment to the Oklahoma Law Enforcement Retirement System of a sum equal to the employee contribution the member would have been subject to had the member been a member of the System at the time, plus five percent (5%) interest prior to January 1, 1991, or effective January 1, 1991, upon payment to the System of the amount determined by the Board pursuant to Section 2-307.5 of this title, any member of the System shall receive credit for not to exceed five (5) years of prior law enforcement service rendered in another state or with a federal law enforcement agency, either as a commissioned law enforcement officer or in a scientific or technical

field, if the member is not receiving or eligible to receive retirement credit or benefits for such service in any other public retirement system. Service credit received pursuant to this section shall be used in determining the member's retirement benefit but shall not be used in determining years of service for retirement or vesting purposes.

To receive credit for such service:

1. A member who became a member of the System prior to July 1, 1990, shall make application to the Board for such service prior to January 1, 1991; and

2. A member who became a member of the System after June 30, 1990, shall make application to the Board for such services within two (2) years of the date the member became a member of the System.

C. Such service credit may be paid by:

1. A cash lump-sum payment;

2. A trustee-to-trustee transfer of non-Roth funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e) (1) (A) and/or a Code Section 401(a) qualified plan;

3. A direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e) (1) (A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA). Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase such service credit; or

4. Any combination of the above methods of payment.

Added by Laws 1987, c. 236, § 164, emerg. eff. July 20, 1987. Amended by Laws 1988, c. 267, § 25, operative July 1, 1988; Laws 1990, c. 340, § 24, eff. July 1, 1990; Laws 1990, c. 334, § 5, operative July 1, 1990; Laws 2003, c. 406, § 10, eff. July 1, 2003; Laws 2006, 2nd Ex. Sess., c. 46, § 25, eff. July 1, 2006; Laws 2016, c. 8, § 4, emerg. eff. April 5, 2016.

§47-2-307.4. Military service credit.

A. Any member of the Oklahoma Law Enforcement Retirement System shall be entitled to prior service credit, not to exceed five (5) years, for those periods of military service on active duty prior to membership in the Oklahoma Law Enforcement Retirement System. Any active member of the Oklahoma Law Enforcement Retirement System whose initial membership in the System began on or after July 1, 2000, may receive up to five (5) years of prior military service credit as otherwise provided in this section, only upon payment of the amount determined by the Board in the manner as provided in Section 2-307.5

of this title. For members of the System hired on or after July 1, 2003, if the military service credit authorized by this subsection is used to compute the retirement benefit of the member and the member retires from the System, such military service credit shall not be used to compute the retirement benefit in any other retirement system created pursuant to the Oklahoma Statutes and the member may receive credit for such service only in the retirement system from which the member first retires.

B. For purposes of this section, "military service" means service in the Armed Forces of the United States by honorably discharged persons during the following time periods, as reflected on such person's Defense Department Form 214, as follows:

1. During the following periods, including the beginning and ending dates, and only for the periods served, from:

- a. April 6, 1917, to November 11, 1918, commonly referred to as World War I,
- b. September 16, 1940, to December 7, 1941, as a member of the 45th Division,
- c. December 7, 1941, to December 31, 1946, commonly referred to as World War II,
- d. June 27, 1950, to January 31, 1955, commonly referred to as the Korean Conflict or the Korean War,
- e. February 28, 1961, to May 7, 1975, commonly referred to as the Vietnam era, except that:
 - (1) for the period from February 28, 1961, to August 4, 1964, military service shall only include service in the Republic of Vietnam during that period, and
 - (2) for purposes of determining eligibility for education and training benefits, such period shall end on December 31, 1976, or
- f. August 1, 1990, to December 31, 1991, commonly referred to as the Gulf War, the Persian Gulf War, or Operation Desert Storm, but excluding any person who served on active duty for training only, unless discharged from such active duty for a service-connected disability;

2. During a period of war or combat military operation other than a conflict, war or era listed in paragraph 1 of this subsection, beginning on the date of Congressional authorization, Congressional resolution, or Executive Order of the President of the United States, for the use of the Armed Forces of the United States in a war or combat military operation, if such war or combat military operation lasted for a period of ninety (90) days or more, for a person who served, and only for the period served, in the area of responsibility of the war or combat military operation, but excluding a person who served on active duty for training only, unless discharged from such active duty for a service-connected disability, and provided that the

burden of proof of military service during this period shall be with the member, who must present appropriate documentation establishing such service.

C. An eligible member under subsection B of this section shall include only those persons who shall have served during the times or in the areas prescribed in subsection B of this section, and only if such person provides appropriate documentation in such time and manner as required by the System to establish such military service prescribed in this section, or for service pursuant to division (1) of subparagraph e of paragraph 1 of subsection B of this section, those persons who were awarded service medals, as authorized by the United States Department of Defense as reflected in the veteran's Defense Department Form 214, related to the Vietnam Conflict for service prior to August 5, 1964.

D. Service credit received pursuant to this section shall be used in determining the member's retirement benefit but shall not be used in determining years of service for retirement or vesting purposes.

E. Such service credit may be paid by:

1. A cash lump-sum payment;

2. A trustee-to-trustee transfer of non-Roth funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e) (1) (A), and/or a Code Section 401(a) qualified plan;

3. A direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e) (1) (A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA). Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase such service credit; or

4. Any combination of the above methods of payment.

Added by Laws 1987, c. 236, § 165, emerg. eff. July 20, 1987.

Amended by Laws 1990, c. 334, § 6, operative July 1, 1990; Laws 1998, c. 192, § 3, eff. July 1, 1998; Laws 2000, c. 311, § 2, eff. July 1, 2000; Laws 2003, c. 406, § 11, eff. July 1, 2003; Laws 2004, c. 302, § 3, emerg. eff. May 13, 2004; Laws 2006, 2nd Ex. Sess., c. 46, § 26, eff. July 1, 2006; Laws 2016, c. 8, § 5, emerg. eff. April 5, 2016.

§47-2-307.5. Transferred credited service - Computation of purchase price.

A. The Board shall adopt rules for computation of the purchase price for transferred credited service. These rules shall base the purchase price for each year purchased on the actuarial cost of the

incremental projected benefits to be purchased. The purchase price shall represent the present value of the incremental projected benefits discounted according to the member's age at the time of purchase. Incremental projected benefits shall be the difference between the projected benefit said member would receive without purchasing the transferred credited service and the projected benefit after purchase of the transferred credited service computed as of the earliest age at which the member would be able to retire. Said computation shall assume an unreduced benefit and be computed using interest and mortality assumptions consistent with the actuarial assumptions adopted by the Board for purposes of preparing the annual actuarial evaluation.

B. In the event that the member is unable to pay the purchase price provided for in this section by the due date, the Board shall permit the members to amortize the purchase price over a period not to exceed sixty (60) months. Said payments shall be made by payroll deductions unless the Board permits an alternate payment source. The amortization shall include interest in an amount not to exceed the actuarially assumed interest rate adopted by the Board for investment earnings each year. Any member who ceases to make payment, terminates, retires or dies before completing the payments provided for in this section shall receive prorated service credit for only those payments made, unless the unpaid balance is paid by said member, his or her estate or successor in interest within six (6) months after said member's death, termination of employment or retirement, provided no retirement benefits shall be payable until the unpaid balance is paid, unless said member or beneficiary affirmatively waives the additional six-month period in which to pay the unpaid balance. Notwithstanding anything herein to the contrary, lump-sum payments for a transferred credited service purchase may be made by a cash lump-sum payment; a trustee-to-trustee transfer of non-Roth funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), and/or a Code Section 401(a) qualified plan; a direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA); or a combination of the foregoing methods. Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase transferred credited service.

A member making installment payments shall have the option of making a lump-sum payment for the balance of the actuarial purchase

price with interest due through the date of payment by a cash lump-sum payment; a trustee-to-trustee transfer of non-Roth funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e) (1) (A), and/or a Code Section 401(a) qualified plan; a direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e) (1) (A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA); or a combination of the foregoing methods. Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase transferred credited service. The Board shall promulgate such rules as are necessary to implement the provisions of this subsection.

Added by Laws 1990, c. 340, § 25, eff. July 1, 1990. Amended by Laws 1993, c. 322, § 13, emerg. eff. June 7, 1993; Laws 2003, c. 406, § 12, eff. July 1, 2003; Laws 2004, c. 542, § 6, eff. July 1, 2004; Laws 2005, c. 142, § 5, emerg. eff. May 5, 2005; Laws 2006, 2nd Ex. Sess., c. 46, § 27, eff. July 1, 2006; Laws 2016, c. 8, § 6, emerg. eff. April 5, 2016.

§47-2-307.6. Repealed by Laws 1998, c. 256, § 11, eff. July 1, 1998.

§47-2-307.7. Reduction-in-force termination credit.

A. A member of the Oklahoma Law Enforcement Retirement System who has ten (10) or more years of full-time-equivalent employment with a participating employer, and who is terminated by a state agency or other state governmental entity because the member's position is eliminated through a reduction-in-force after July 1, 1998, and is within three (3) years of a normal retirement date as defined in paragraph 7 of Section 2-300 of this title may purchase termination credit of a period not to exceed the lesser of three (3) years or the number of years or months or both years and months required in order for the member to reach normal retirement date in the same period of time and with the same service credit which would have otherwise accrued if the termination had not occurred.

B. In order to receive the termination credit authorized by this section, the member shall be required to file an election with the System indicating an intent to purchase the credit. The member shall have a period of six (6) months from the date the member is terminated as described in subsection A of this section within which to file the election.

C. To purchase the termination credit, the member shall be required to make payment to the System of an amount equal to both the

employer and employee contributions which would have been paid to the System based upon the actual paid base salary as defined in paragraph 8 of Section 2-300 of this title, which was received by the member in the last full month that the member was employed by the state agency or other state governmental entity multiplied by the number of months required in order for the combination of the participating service and member's age to equal the amount required for the member to reach normal retirement date with an unreduced benefit as if the member had not been terminated.

D. The member must make full payment to the System of all required contribution amounts within sixty (60) days of filing the election to purchase the credit. The member must vest his or her benefits with a declared future retirement date as of the first month the member is eligible for normal retirement. Failure to make the full payment to the System of the required contribution amounts, for any reason, within the time prescribed, shall result in cancellation of the election provided pursuant to this section, and return of the purchase amount tendered, without interest. Notwithstanding anything herein to the contrary, termination credit purchases may be made by:

1. A cash lump-sum payment;
2. A trustee-to-trustee transfer of non-Roth funds from a Code Section 401(a) qualified plan;
3. A direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e) (1)(A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA). Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase such service credit; or
4. Any combination of the above methods of payment.

E. Purchased termination credit may only be used as service credit to qualify the member for normal retirement.

F. If the member chooses to retire at any time prior to the member's normal retirement date or returns to employment with a participating employer of the System at any time prior to retirement, the purchase of termination credit pursuant to this section shall be void and the System will return the purchase amount tendered, without interest.

G. In the event of the death of the member prior to retirement, the member's spouse, if otherwise eligible for benefits pursuant to Section 2-306 of this title, may elect to receive benefits which include the termination credit on the member's declared future retirement date, or may elect to receive a return of the purchase amount tendered, without interest.

Added by Laws 1998, c. 256, § 8, eff. July 1, 1998. Amended by Laws 2003, c. 406, § 13, eff. July 1, 2003; Laws 2004, c. 542, § 7, eff. July 1, 2004; Laws 2006, 2nd Ex. Sess., c. 46, § 28, eff. July 1, 2006; Laws 2016, c. 8, § 7, emerg. eff. April 5, 2016.

§47-2-308. Payments on termination of membership - Reemployment.

A. A member who terminates his service before normal retirement date, other than by death or disability, shall, upon application filed with the Board, be entitled to be refunded from the fund an amount equal to the accumulated contributions the member has made to the fund, but excluding any interest or any amount contributed by the state. If such member has completed ten (10) years of credited service at the date of termination, the member may elect a vested benefit in lieu of receiving his accumulated contributions.

If the member who has completed ten (10) or more years of credited service elects the vested benefit, the member shall be entitled to a monthly retirement annuity commencing on the member's normal retirement date to be determined as if the member's employment continued uninterrupted. The annual amount of such retirement annuity shall be equal to two and one-half percent (2 1/2%) of final average salary multiplied by the number of years of credited service. The death benefits provided for under Section 2-306 of this title shall apply to any member retiring under the provisions of this subsection.

B. A member who terminated service before the normal retirement date of such member and elected a vested benefit in lieu of receiving accumulated contributions may upon reemployment be allowed full credit toward retirement for all credited service accrued for the vested benefit. This subsection shall apply to employees of the Oklahoma State Bureau of Investigation, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety and the Oklahoma Alcoholic Beverage Control Board whose benefits had vested in the Oklahoma Public Employees Retirement System prior to the establishment of the Oklahoma Law Enforcement Retirement System. Upon reemployment of said employee by an agency whose employees are now members of the Oklahoma Law Enforcement Retirement System, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System all funds contributed by the individual member being reemployed and all funds contributed by the state for such member.

Added by Laws 1961, p. 335, § 2-308, eff. Sept. 1, 1961. Amended by Laws 1975, c. 365, § 6, operative July 1, 1975; Laws 1978, c. 310, § 2, emerg. eff. May 11, 1978; Laws 1980, c. 357, § 14, eff. July 1, 1980; Laws 1982, c. 328, § 6, operative July 1, 1982; Laws 2002, c. 399, § 6, eff. July 1, 2002.

§47-2-308.1. Election to defer commencement of retirement benefits.

Any member retiring under the provisions of the System shall have the opportunity to elect to defer the commencement of retirement benefits by one-year periods by an election in writing submitted to the Board not later than thirty (30) days prior to the member's normal retirement date or the member's actual retirement date, whichever is later. Such elections may be made successively but may not be deferred later than age sixty-five (65). Retirement benefits payable to members electing to defer the commencement of payments shall be increased by five percent (5%) of the amount that would otherwise be paid for each year payments are deferred. Laws 1978, c. 310, § 3, emerg. eff. May 11, 1978; Laws 1980, c. 357, § 15, eff. July 1, 1980.

§47-2-308.2. Actuarial investigation - Establishment of tables and rates - Actuarial valuation of assets and liabilities - Determination of employer contributions.

(1) At least once each five (5) years the actuary shall make an actuarial investigation of the experience of the System, including the mortality, service and compensation experience of members and beneficiaries. Based on the results of such investigation the actuary shall recommend for adoption by the Board such tables and rates as are required for the operation of the System and for the preparation of annual actuarial valuations.

(2) On the basis of such tables and rates as the Board shall adopt, the actuary shall prepare an annual actuarial valuation of the assets and liabilities of the System and certify the rates of contribution payable by the state under the provisions of law concerning the System.

(3) Subject to the funds available to the System, the employer contributions to the System shall be determined on the basis of the most recent actuarial valuation, which amount shall be calculated as the sum of the normal cost for the fiscal year plus the payment required to amortize the unfunded accrued liability by level dollar payments over fifteen (15) years from July 1, 2014.

Added by Laws 1978, c. 310, § 4, emerg. eff. May 11, 1978. Amended by Laws 1980, c. 357, § 16, eff. July 1, 1980; Laws 2014, c. 116, § 1, eff. July 1, 2014.

§47-2-309. Proceedings on claims - Appeal to district court.

Claims for pensions, retirement pay, medical expenses, hospital expenses, and any other allowances or benefits provided for under the System shall be allowed and paid only upon application therefor signed and verified by the affidavit of the person claiming to be entitled thereto, filed with the Board. All such claims shall be presented at the first regular meeting of the Board, or a special meeting called for that purpose by the President and Secretary of the Board, and no claim shall be approved or allowed except by vote of a

majority of the Board. The Board shall have full power and authority to determine all questions of eligibility for membership in the System, eligibility for retirement, eligibility to continue membership, injury, illness, disability, the extent of disability, the percentage of disability, ability or inability to perform the duties connected with any employment, age, length of service, credits for service, and, in connection with determining any such question, may secure and pay for the services of a minimum of two physicians or surgeons to make an examination of the member or applicant and report upon such matter. The proceedings of the Board shall be kept by the Secretary of the Board and reduced to writing in books kept for that purpose and shall include all claims filed, allowed or rejected and a copy of each resolution, action or order of the Board. Any objection to the allowance or disallowance of any claim presented to the Board shall be presented to the Board within thirty (30) days after notification of such allowance or disallowance, and, the Board shall set a date for hearing thereon and shall cause written notice of such hearing to be mailed to the claimant and to the contestant, if the contestant be one other than a member of the Board, not less than ten (10) days prior to such hearing, at which hearing evidence bearing upon the propriety and correctness of the claim may be introduced. Any and all evidence introduced upon such a hearing shall be taken and transcribed by, or under the supervision of, the Secretary of the Board, and a copy thereof, together with a copy of the order or decision of the Board, shall be kept as a part of the official record of the Board. Any person aggrieved by any action of the Board may appeal to the district court of Oklahoma County, Oklahoma, by filing in the office of the court clerk of said county, within thirty (30) days after the signing and filing of the Board's written decision or order in the matter, a petition setting forth such order or decision and the grounds upon which such appeal is taken, together with a true and complete transcript of the proceedings before the Board, and causing summons to be issued and served, as in civil actions, upon the President of the Board. Said district court is hereby vested with final appellate jurisdiction in such matters, shall try the same wholly upon the transcript of the proceedings before the Board, and shall act solely as an appellate court in such proceedings. Added by Laws 1961, p. 335, § 2-309, eff. Sept. 1, 1961. Amended by Laws 1975, c. 365, § 7, operative July 1, 1975; Laws 1980, c. 357, § 17, eff. July 1, 1980; Laws 1996, c. 315, § 2, eff. July 1, 1996.

§47-2-309.1. Officers of State Bureau of Investigation and Bureau of Narcotics and Dangerous Drugs Control - Transfer to System.

Officers of the Oklahoma State Bureau of Investigation and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control who become members of the System on July 1, 1980, shall cease accruing benefits in the Oklahoma Public Employees Retirement System as of

that date and shall commence accruing benefits under this System. The Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement System all funds contributed by the individual members being transferred and all funds contributed by the state for such members, no later than October 1980. Also, the Oklahoma Public Employees Retirement System shall give to the Oklahoma Law Enforcement System a certified statement of credited service accrued by such transferred members. Service accrued by officers of the Oklahoma State Bureau of Investigation and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control under the Oklahoma Public Employees Retirement System shall be treated as credited service under the Oklahoma Law Enforcement Retirement System.

Laws 1980, c. 357, § 18, eff. July 1, 1980.

§47-2-309.2. Employees of Communications Division and Waterways Patrol Division of Department of Public Safety - Transfer to System.

Employees of the Communications Division and Waterways Patrol Division of the Department of Public Safety who are members of the Oklahoma Public Employees Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits under the Oklahoma Law Enforcement Retirement System on July 1, 1981. On January 1, 1982, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System the actual amount contributed to the Oklahoma Public Employees Retirement System by the state and by each Communications Division and Waterways Patrol Division employee transferring to the Oklahoma Law Enforcement Retirement System and the retirement records of those transferring employees. Service accrued by employees of the Communications Division and Waterways Patrol Division of the Department of Public Safety under the Oklahoma Public Employees Retirement System shall be treated as credited service under the Oklahoma Law Enforcement Retirement System. Provided, however, that the cumulative total of credited service for such transferring employee shall not exceed the total time said employee could have accrued if his entire employment with the State of Oklahoma had been as an employee of the Department of Public Safety. Laws 1981, c. 227, § 6, operative July 1, 1981.

§47-2-309.3. Law enforcement officers of the Oklahoma Alcoholic Beverage Control Board - Transfer to System.

Law enforcement officers of the Oklahoma Alcoholic Beverage Control Board who are members of the Oklahoma Public Employees Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits under the Oklahoma Law Enforcement Retirement System on July 1, 1982. On January 1, 1983, the Oklahoma Public Employees

Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System the actual amount contributed to the Oklahoma Public Employees Retirement System by the state and by each law enforcement officer of the Oklahoma Alcoholic Beverage Control Board transferring to the Oklahoma Law Enforcement Retirement System and the retirement records of those transferring employees. Service accrued by said law enforcement officers of the Oklahoma Alcoholic Beverage Control Board under the Oklahoma Public Employees Retirement System shall be treated as credited service under the Oklahoma Law Enforcement Retirement System. Provided however, that the cumulative total of credited service for such transferring employee shall not exceed the total time said employee could have accrued if his entire employment with the State of Oklahoma had been as an employee of the Oklahoma Alcoholic Beverage Control Board.
Added by Laws 1982, c. 328, § 7, operative July 1, 1982.

§47-2-309.4. Park rangers - Transfer to System.

Park rangers of the Oklahoma Tourism and Recreation Department who are certified peace officers pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes and who are members of the Oklahoma Public Employees Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits under the Oklahoma Law Enforcement Retirement System on July 1, 1985. On January 1, 1986, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System the actual amount contributed to the Oklahoma Public Employees Retirement System by the state and by each park ranger of the Oklahoma Tourism and Recreation Department transferring to the Oklahoma Law Enforcement Retirement System and the retirement records of those transferring employees. Service accrued by said park rangers of the Oklahoma Tourism and Recreation Department under the Oklahoma Public Employees Retirement System shall be treated as credited service under the Oklahoma Law Enforcement Retirement System. Provided however, that the cumulative total of credited service for each such transferring employee shall not exceed the total time said employee could have accrued if his entire employment with the State of Oklahoma had been as an employee of the Oklahoma Tourism and Recreation Department.
Added by Laws 1985, c. 296, § 7, emerg. eff. July 24, 1985.

§47-2-309.5. Pharmacy board inspectors - Transfer to System.

Inspectors of the Oklahoma State Board of Pharmacy who are certified peace officers pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes and who are members of the Oklahoma Public Employees Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits under the Oklahoma Law Enforcement

Retirement System on July 1, 1986. On January 1, 1987, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System the actual amount contributed to the Oklahoma Public Employees Retirement System by the state and by each inspector of the Oklahoma State Board of Pharmacy transferring to the Oklahoma Law Enforcement Retirement System and the retirement records of those transferring employees. Service accrued by said inspectors of the Oklahoma State Board of Pharmacy under the Oklahoma Public Employees Retirement System shall be treated as credited service under the Oklahoma Law Enforcement Retirement System. Provided however, that the cumulative total of credited service for each such transferring employee shall not exceed the total time said employee could have accrued if his entire employment with the State of Oklahoma had been as an employee of the Oklahoma State Board of Pharmacy.

Added by Laws 1986, c. 253, § 6, operative July 1, 1986.

§47-2-309.6. Capitol patrol members and park managers and supervisors - Transfer to Oklahoma Law Enforcement Retirement System from Oklahoma Public Employees Retirement System.

A. For purposes of this section, "capitol patrol members" means law enforcement officers of the State Capitol Division of the Department of Public Safety employed on July 1, 1993, who, pursuant to the provisions of this act, transfer membership from the Oklahoma Public Employees Retirement System to the Oklahoma Law Enforcement Retirement System.

B. Capitol patrol members are hereby transferred from the Oklahoma Public Employees Retirement System to the Oklahoma Law Enforcement Retirement System subject to the following:

1. Effective July 1, 1993, capitol patrol members who are members of the Oklahoma Public Employees Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits in the Oklahoma Law Enforcement Retirement System;

2. Before January 1, 1994, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System the actual amount contributed to the Oklahoma Public Employees Retirement System from time to time by the capitol patrol members while members of the Oklahoma Public Employees Retirement System and the contributions by the participating employer or employers on behalf of each capitol patrol member to the Oklahoma Law Enforcement Retirement System along with the retirement records of said transferring capitol patrol members;

3. Service credit accrued by a capitol patrol member while a member of the Oklahoma Public Employees Retirement System shall be treated as credited service for such transferring capitol patrol member in the Oklahoma Law Enforcement Retirement System if the

capitol patrol member is not receiving or eligible to receive service credit or benefits from said service in any other public retirement system and the member has not received service credit for the same years of service pursuant to Sections 2-307.1, 2-307.3 and 2-307.4 of Title 47 of the Oklahoma Statutes. Provided, however, that the total of credited service for each transferring employee shall not exceed the credited service said employee could have accrued if his or her entire employment with an agency of the State of Oklahoma had been as an employee of the Department of Public Safety. Provided further, that only transferred credited service related to actual law enforcement service with the State Capitol Patrol Division of the Department of Public Safety will be included in the determination of a capitol patrol member's normal retirement date or vesting date; and

4. All service credit with the Oklahoma Public Employees Retirement System which is ineligible for transfer to the Law Enforcement Retirement System shall be canceled.

C. Any park manager or park supervisor of the Oklahoma Tourism and Recreation Department who was employed in such a position prior to July 1, 1985, and who elects on or before September 1, 1996, to participate in the Oklahoma Law Enforcement Retirement System is hereby transferred from the Oklahoma Public Employees Retirement System to the Oklahoma Law Enforcement Retirement System subject to the following:

1. Effective July 1, 1996, park managers and park supervisors who are members of the Oklahoma Public Employees Retirement System and who elect on or before September 1, 1996, to participate in the Oklahoma Law Enforcement Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits in the Oklahoma Law Enforcement Retirement System;

2. Before January 1, 1997, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System the actual amount contributed to the Oklahoma Public Employees Retirement System by the park manager or park supervisor while he or she was a member of the Oklahoma Public Employees Retirement System and the contributions by the participating employer or employers on behalf of each park manager or park supervisor who elects to become a member of the Oklahoma Law Enforcement Retirement System along with the retirement records of said transferring park manager or park supervisor;

3. To receive service credit accrued by such park manager or park supervisor prior to July 1, 1996, or prior to the date as of which the person making the election ceases to be a member of the Oklahoma Public Employees Retirement System, whichever date occurs last, the member shall pay the difference between the amount transferred by the Oklahoma Public Employees Retirement System to the Oklahoma Law Enforcement Retirement System in paragraph 2 of this

subsection and the amount determined by the Board of Trustees pursuant to Section 2-307.5 of this title. The park manager or park supervisor shall elect to either pay any difference to receive full credit for the years sought to be transferred or receive prorated service credit for only the amount received from the Oklahoma Public Employees Retirement System pursuant to this subsection. Such an election shall be made in writing, filed with the System prior to receiving the credit provided for in paragraph 10 of Section 2-300 of this title, and shall be irrevocable. Payments made by park managers or park supervisors pursuant to this paragraph shall be made on or before January 1, 1997;

4. Service credit accrued by a park manager or park supervisor while a member of the Oklahoma Public Employees Retirement System shall be treated as credited service for such transferring park managers or park supervisors in the Oklahoma Law Enforcement Retirement System if the park manager or park supervisor is not receiving or eligible to receive service credit or benefits from said service in any other public retirement system and the member has not received service credit for the same years of service pursuant to Sections 2-307.1, 2-307.3 and 2-307.4 of this title. Provided, however, that the total of credited service for each transferring employee shall not exceed the credited service the employee could have accrued if his or her entire employment with an agency of the State of Oklahoma had been as an employee of the Oklahoma Tourism and Recreation Department. Provided further, that only transferred credited service related to park ranger, park manager or park supervisor service with the Oklahoma Tourism and Recreation Department will be included in the determination of a park manager or park supervisor's normal retirement date or vesting date; and

5. All service credit with the Oklahoma Public Employees Retirement System which is ineligible for transfer to the Oklahoma Law Enforcement Retirement System shall be canceled. Added by Laws 1993, c. 277, § 2, eff. July 1, 1993. Amended by Laws 1996, c. 60, § 2, eff. July 1, 1996.

§47-2-309.7. Repealed by Laws 2007, c. 62, § 34, emerg. eff. April 30, 2007.

§47-2-309.8. Service credit.

A. Any state employee who is employed in a commissioned officer position of the Oklahoma Highway Patrol Division, the Oklahoma State Bureau of Investigation, the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement Commission, a Parks Ranger of the Tourism and Recreation Department, and a Pharmacy Inspector of the Pharmacy Board shall be eligible for service credit for employment prior to July 1, 1993, if the employee was in a commissioned officer position in the former Oklahoma Capitol

Patrol Division, the former Mansion Security, and the former Training Center Security of the Department of Public Safety and the employee was a full-time, active employee eligible for all state employee benefits.

B. An eligible member of the System shall receive credit for all prior service as provided in subsection A of this section, provided the member is not receiving or eligible to receive retirement credit or benefits for such service in any other public retirement system. Service credit received pursuant to this section shall be used in determining the years of service for retirement and vesting purposes.

C. To receive credit for such service, an eligible member, as provided in this section, who became a member of the System prior to July 1, 1993, shall make application to the Board in writing for such service prior to July 1, 2002.

Added by Laws 2000, c. 378, § 3, eff. July 1, 2000. Renumbered from § 309.8 of this title by Laws 2001, c. 131, § 18, eff. July 1, 2001. Amended by Laws 2001, c. 435, § 5, eff. July 1, 2001; Laws 2008, c. 177, § 13, eff. July 1, 2008.

§47-2-310. Repealed by Laws 2004, c. 542, § 8, eff. July 1, 2004.

§47-2-310.1. Injury in the line of duty - Injury Review Board - Paid leave - Accrual of leave and service credit, deductions.

A. Whenever any member currently working in a position identified by paragraph 6 of Section 2-300 of this title or Section 2-314 of this title and enrolled in the Oklahoma Law Enforcement Retirement System is injured in the line of duty, an Injury Review Board consisting of one member to be appointed by the member's employer, one member to be appointed by the Director of the Office of Management and Enterprise Services and one member to be appointed by the Governor shall convene to determine if the injured member was actually injured in the line of duty and whether the injured member should be granted leave because of the injury. The Injury Review Board may, in its discretion, grant the injured member leave when necessary, not to exceed one hundred sixty-five (165) working days for the illness or injury.

B. For the purpose of this section, "illness or injury" shall include any serious illness or serious injury caused by or contracted during the performance of the member's duty. Every state agency which employs persons eligible for membership in the Oklahoma Law Enforcement Retirement System shall participate in the joint promulgation of a rule which shall set out mutually agreeable guidelines for the categorization of an illness or injury as serious. Upon promulgation of the rule, each of the state agencies shall individually adopt the rule. The wording of the rule, as adopted and as amended by the agencies from time to time, shall remain in conformity for each of the state agencies.

C. The three-member Injury Review Board shall be convened following a written request submitted by the injured member to the injured member's employer. The employer shall forward the request to the Director of the Office of Management and Enterprise Services. The employer may submit the request on behalf of an injured member. The Director's appointee shall then convene and chair the Injury Review Board. The Injury Review Board may request the injured member to submit to an examination by a physician selected by the Board at the employer's expense to assist the Board in making a decision. A decision to grant or deny such paid leave shall be determined by concurrence in writing of not less than two Injury Review Board members. If granted, said leave shall be paid by the employing agency.

D. While such leave is being paid, the employee shall continue to accrue leave and service credit at the same rate as before the illness or injury. The employee's portion of health, dental, life and disability insurance premiums and the employee's contribution to the Oklahoma Law Enforcement Retirement System shall be deducted by the employing agency from the paid leave and remitted to the appropriate agencies, in the same manner as before the illness or injury.

Added by Laws 1988, c. 267, § 26, operative July 1, 1988. Amended by Laws 1995, c. 294, § 3, eff. July 1, 1995; Laws 2002, c. 399, § 7, eff. July 1, 2002; Laws 2003, c. 486, § 2, eff. July 1, 2003; Laws 2004, c. 418, § 7, eff. July 1, 2004; Laws 2006, 2nd Ex. Sess., c. 46, § 29, eff. July 1, 2006; Laws 2012, c. 304, § 173.

§47-2-310.2. Law Enforcement Retirement System members - Inability to perform duties - Administrative leave with pay - Transfer of temporary disability benefits.

Whenever any member of the Oklahoma Law Enforcement Retirement System currently working in a position identified by paragraph 6 of Section 2-300 of Title 47 of the Oklahoma Statutes who is enrolled in the Oklahoma Law Enforcement Retirement System is unable to perform the member's duties because of sickness or temporary disability caused or sustained while in the discharge of the member's duty as such member, notwithstanding the provisions of Section 840-2.21 of Title 74 of the Oklahoma Statutes or the provisions of Sections 11 and 12 of Title 85 of the Oklahoma Statutes, the member may be placed on administrative leave with pay by the employing agency for a period of ninety (90) days with the employing agency having the option of extending the leave period for up to an additional ninety (90) days, not to exceed a total of one hundred eighty (180) days. The member's salary and benefits shall continue to be paid by the employing agency without any decrease or disruption of said salary and benefits. If the recovery period is longer than one hundred eighty (180) days, the member shall use sick leave, annual leave or other authorized leave.

Should a member receiving a salary under this section be eligible to receive and should the salary of the member under this section exceed any temporary disability benefit paid to the member under Section 1 et seq. of Title 85 of the Oklahoma Statutes, the member shall transfer such temporary disability benefits under Section 1 et seq. of Title 85 of the Oklahoma Statutes to the employing agency while the member is sick or temporarily disabled.
Added by Laws 2006, 2nd Ex. Sess., c. 46, § 30, eff. July 1, 2006.
Renumbered from § 840-2.21A of Title 74 by Laws 2007, c. 62, § 29, emerg. eff. April 30, 2007.

§47-2-311. Repealed by Laws 1988, c. 321, § 45, operative July 1, 1988.

§47-2-312. Fraud - Penalties.

(a) No person shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of the System, in any attempt to defraud such System.

(b) Should any such change in records fraudulently made, or any mistake in records inadvertently made, result in any member or beneficiary of said System receiving or paying more or less than he would have been entitled to had the records been correct, then, on the discovery of such error, the Board shall correct such error and shall adjust payments which he should have paid or received.

(c) Any person violating any provisions of subsection (a) of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Laws 1961, p. 336, § 2-312; Laws 1980, c. 357, § 21, eff. July 1, 1980.

§47-2-313. Renumbered as § 2-150 of this title by Laws 2000, c. 378, § 5, eff. Jan. 1, 2001.

§47-2-314. Election for limited participation by certain universities.

A. The Board of Regents of the University of Oklahoma and/or the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges may make an irrevocable written election for the University of Oklahoma and/or Oklahoma State University to become participating employers in the Oklahoma Law Enforcement Retirement System for police officers who are CLEET certified and employed by the University of Oklahoma and/or Oklahoma State University. The Board of Regents of the University of Oklahoma and/or the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges shall send

written notice of the election to the Oklahoma Law Enforcement Retirement System.

B. Beginning the following month after the System receives the written notice, the University of Oklahoma and/or Oklahoma State University and all active police officers who are CLEET certified and hired on or after the date of the election shall participate in and make contributions to the System as other participating employers and members of the System.

C. Upon election by the Board, pursuant to subsection A of this section, active CLEET certified police employed prior to the date of the election and who were participating in the Teachers' Retirement System of Oklahoma, may, within three (3) months of the date of the election, make an irrevocable written election to participate in the Oklahoma Law Enforcement Retirement System and file the written election with the Teachers' Retirement System of Oklahoma and the Oklahoma Law Enforcement Retirement System. Such police officers who make the election to transfer shall be transferred to the Oklahoma Law Enforcement Retirement System subject to the following:

1. Upon the date of election of the police officer, the police officer shall cease accruing benefits in the Teachers' Retirement System of Oklahoma and shall commence accruing benefits in the Oklahoma Law Enforcement Retirement System;

2. Prior to the beginning of the month following receipt of the police officers' election by Teachers' Retirement System of Oklahoma, the Teachers' Retirement System of Oklahoma shall transfer to the Oklahoma Law Enforcement Retirement System all employee contributions and employer contributions plus accrued interest. The Teachers' Retirement System of Oklahoma shall also send to the Oklahoma Law Enforcement Retirement System the retirement records of the transferring police officer;

3. To receive service credit accrued by such police officer prior to the election, or prior to the date as of which the person making the election ceases to be a member of the Teachers' Retirement System of Oklahoma, whichever date occurs last, the member shall pay the difference between the amount transferred by the Teachers' Retirement System of Oklahoma to the Oklahoma Law Enforcement Retirement System in paragraph 2 of this subsection and the amount determined by the Board of Trustees pursuant to Section 2-307.5 of Title 47 of the Oklahoma Statutes. The police officer shall elect to either pay any difference to receive full credit for the years sought to be transferred or receive prorated service credit for only the amount received from the Teachers' Retirement System of Oklahoma pursuant to this subsection. Payments made by electing police officers pursuant to this paragraph shall be made pursuant to subsection B of Section 2-307.5 of Title 47 of the Oklahoma Statutes;

4. Service credit accrued by a police officer while a member of the Teachers' Retirement System of Oklahoma shall be treated as

credited service for such transferring police officer in the Teachers' Retirement System of Oklahoma if the police officer is not receiving or eligible to receive service credit or benefits from said service in any other public retirement system and the member has not received service credit for the same years of service pursuant to Sections 2-307.1, 2-307.3 and 2-307.4 of Title 47 of the Oklahoma Statutes. Provided further, that only transferred credited service related to police service with the University of Oklahoma or Oklahoma State University shall be included in the determination of a police officer's normal retirement date or vesting date; and

5. All service credit with the Teachers' Retirement System of Oklahoma which is ineligible for transfer to the Oklahoma Law Enforcement Retirement System shall be canceled.

D. Upon election by the Board, pursuant to subsection A of this section, active CLEET certified police officers employed prior to the date of the election and who were not participating in the Teachers' Retirement System of Oklahoma, may, within three (3) months of the date of the election, make an irrevocable written election to participate in the Oklahoma Law Enforcement Retirement System and file the written election with the Oklahoma Law Enforcement Retirement System. Beginning the following month after the System for such police officers receives the police officer's written election, the University of Oklahoma and/or Oklahoma State University and the electing police officer shall participate and make contributions to the System as other participating employers and members of the System.

Added by Laws 2001, c. 193, § 1, eff. July 1, 2001.

§47-2-315. Certain employees of Grand River Dam Authority - Election to participate

A. Members of the Oklahoma Public Employees Retirement System who are active Lake Patrolmen or Dispatchers of the Grand River Dam Authority on June 30, 2003, may make an irrevocable written election on or before January 1, 2004, to participate in the Oklahoma Law Enforcement Retirement System. Such patrolmen and dispatchers who make the election as provided by this section shall be subject to the following:

1. Upon the date the patrolman or dispatcher makes the election pursuant to this section, he or she shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits in the Oklahoma Law Enforcement Retirement System;

2. Prior to the beginning of the month following receipt of the patrolman's or dispatcher's election by the Oklahoma Public Employees Retirement System, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System all employee contributions and employer contributions including any amounts received by the Oklahoma Public Employees Retirement System

on behalf of a transferring member related to a purchase or transfer of credited service to the Oklahoma Public Employees Retirement System. The Oklahoma Public Employees Retirement System shall also send to the Oklahoma Law Enforcement Retirement System the retirement records of the transferring member;

3. To receive service credit accrued by such transferring member prior to the election, or prior to the date as of which the person making the election ceases to be a member of the Oklahoma Public Employees Retirement System, whichever date occurs last, the member shall make an irrevocable written election. The election shall be to either pay the difference between the amount transferred by the Oklahoma Public Employees Retirement System to the Oklahoma Law Enforcement Retirement System in paragraph 2 of this subsection and the amount determined by the Board of Trustees pursuant to Section 2-307.5 of Title 47 of the Oklahoma Statutes to receive full eligible credit for the years sought to be transferred or receive eligible prorated service credit for only the amount received from the Oklahoma Public Employees Retirement System pursuant to this subsection. Payments made by such transferring members pursuant to this paragraph shall be made pursuant to subsection B of Section 2-307.5 of Title 47 of the Oklahoma Statutes;

4. Service credit shall only be transferable pursuant to this section if the transferring member is not receiving or eligible to receive service credit or benefits from said service in any other public retirement system and has not received service credit for the same years of service pursuant to Sections 2-307.1, 2-307.3 and 2-307.4 of Title 47 of the Oklahoma Statutes. Provided further, that only transferred credited service related to Lake Patrol service as a patrolman or dispatcher with the Grand River Dam Authority and any other law enforcement related service, including service with the Department of Corrections as a correctional officer or probation and parole officer or any credited service that was purchased or transferred to the Oklahoma Public Employees Retirement System from the Oklahoma Law Enforcement Retirement System or the Oklahoma Police Pension and Retirement System, shall be included in the determination of an officer's normal retirement date or vesting date in the Oklahoma Law Enforcement Retirement System; and

5. All service credit with the Oklahoma Public Employees Retirement System which is ineligible for transfer to the Oklahoma Law Enforcement Retirement System shall be canceled.

B. The Grand River Dam Authority shall be a participating employer in the Oklahoma Law Enforcement Retirement System for all Grand River Dam Lake Patrolmen and Dispatchers who participate in the Oklahoma Law Enforcement Retirement System pursuant to the provisions of this section.

Added by Laws 2003, c. 459, § 8. Amended by Laws 2016, c. 297, § 23, eff. July 1, 2016.

§47-2-316. Oklahoma Blue Alert Act.

A. This act shall be known and may be cited as the "Oklahoma Blue Alert Act".

B. As used in this act, "law enforcement officer" means any duly appointed person who is charged with the responsibility of maintaining public order, safety and health by the enforcement of all laws, ordinances or orders of this state or any of its political subdivisions and who is authorized to bear arms in execution of his or her responsibilities including reserve force deputies, reserve municipal police officers and tribal law enforcement officers who are commissioned pursuant to an agreement authorized by Section 1221 of Title 74 of the Oklahoma Statutes.

C. The Department of Public Safety shall develop and implement a statewide blue alert system. The statewide blue alert system shall be designed to rapidly disseminate useful information in a predetermined manner to statewide media outlets.

D. The Commissioner of Public Safety shall be the statewide coordinator of the blue alert system. The Commissioner shall adopt rules and issue directives as necessary to ensure proper implementation of the alert. An Oklahoma Blue Alert shall be activated only in accordance with policies established by the Department of Public Safety and if all of the following conditions apply:

1. A law enforcement officer has been killed or seriously injured and the law enforcement agency investigating the incident has information identifying an individual as a suspect connected to the incident;

2. The law enforcement agency that is investigating the suspect determines that the suspect poses a serious risk or threat to the public and other law enforcement personnel;

3. The law enforcement agency investigating the suspect has obtained either:

- a. the name of the suspect,
- b. a detailed physical description of the suspect, or
- c. a description of the vehicle of the suspect, vehicle registration plate numbers or letters or partial vehicle registration plate numbers or letters; and

4. The law enforcement agency investigating the suspect recommends that the Department of Public Safety activate the Blue Alert.

E. The Commissioner may notify authorities and entities outside the State of Oklahoma upon verification that the criteria established under this section have been met.

F. The Commissioner shall annually review the function of the blue alert system and revise its criteria and procedures to provide for efficient and effective statewide public notification.

Added by Laws 2016, c. 200, § 1, eff. Nov. 1, 2016.

§47-4-101. Exceptions from provisions of this chapter.

This chapter does not apply to the following unless a title or registration has been issued on such vehicles under this act:

1. A vehicle moved solely by animal power;
2. An implement of husbandry, except as provided in Section 4-102 and 4-104 of this title;
3. Special mobilized machinery;
4. A self-propelled invalid wheel chair or tricycle.

Amended by Laws 1987, c. 224, § 12, eff. Nov. 1, 1987. Amended by Laws 1987, c. 224, § 12, eff. Nov. 1, 1987.

§47-4-102. Unauthorized use of vehicle - Punishment.

A. A person not entitled to possession of a vehicle who, without the consent of the owner and with intent to deprive the owner, temporarily or otherwise, of the vehicle or its possession, takes, uses or drives the vehicle shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed two (2) years.

B. A person not entitled to possession of an implement of husbandry who, without the consent of the owner and with intent to deprive the owner, temporarily or otherwise, of the implement of husbandry or its possession, takes, uses or drives the implement of husbandry shall, upon conviction, be guilty of a felony punishable in accordance with the provisions of Section 17-102 of this title.

Added by Laws 1961, p. 336, § 4-102, eff. Sept. 1, 1961. Amended by Laws 1987, c. 224, § 13, eff. Nov. 1, 1987; Laws 1997, c. 133, § 471, eff. July 1, 1999; Laws 2018, c. 116, § 16, eff. Nov. 1, 2018.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 471 from July 1, 1998, to July 1, 1999.

§47-4-103. Unauthorized use of a vehicle known to be stolen - Punishment.

A. A person not entitled to the possession of a vehicle who receives, possesses, conceals, sells, or disposes of it, knowing the vehicle to be stolen or converted under circumstances constituting a crime shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed two (2) years.

B. A person not entitled to the possession of an implement of husbandry who receives, possesses, conceals, sells or disposes of it, knowing the implement of husbandry to be stolen or converted under circumstances constituting a crime shall, upon conviction, be guilty of a felony punishable in accordance with the provisions of Section 17-102 of this title.

Added by Laws 1961, p. 336, § 4-103, eff. Sept. 1, 1961. Amended by Laws 1997, c. 133, § 472, eff. July 1, 1999; Laws 2009, c. 373, § 3, eff. Nov. 1, 2009; Laws 2018, c. 116, § 17, eff. Nov. 1, 2018.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 472 from July 1, 1998, to July 1, 1999.

§47-4-104. Damaging or tampering with vehicle or implement of husbandry.

(a) A person, who, with intent and without right to do so, injures or tampers with any vehicle or implement of husbandry or in any other manner damages any part or portion of said vehicle or implement of husbandry or any accessories, appurtenance or attachments thereto is guilty of a misdemeanor.

(b) A person, who, without right to do so and with intent to commit a crime, climbs into or upon a vehicle or implement of husbandry whether it is in motion or at rest, attempts to manipulate any of the levers, starting mechanism, brakes or other mechanism or device of a vehicle or implement of husbandry while the same is at rest and unattended, or sets in motion any vehicle or implement of husbandry while the same is at rest and unattended is guilty of a misdemeanor.

(c) This section shall not apply as stated in Section 11-1002 of this title.

Amended by Laws 1987, c. 224, § 14, eff. Nov. 1, 1987.

§47-4-105. Stolen, converted, recovered and unclaimed vehicles.

A. It shall be the duty of every sheriff, chief of police or peace officer to make immediate report to the Department of Public Safety of all vehicles reported to their respective jurisdictions as being stolen or recovered. Such report shall be made as prescribed by the Department.

B. An owner or a lienholder may report the theft of a vehicle, or its conversion if a crime, to the Department, but the Department may disregard the report of a conversion unless a warrant has been issued for the arrest of a person charged with the conversion. A person who has so reported the theft or conversion of a vehicle shall, forthwith after learning of its recovery, report the recovery to the Department.

C. An operator of a place of business for garaging, repairing, parking or storing vehicles for the public, in which a vehicle remains unclaimed for a period of thirty (30) days, shall, within five (5) days after the expiration of that period, report the vehicle as unclaimed to the Department. Such report shall be on a form prescribed by the Department.

A vehicle left by its owner whose name and address are known to the operator or employee of the operator is not considered unclaimed. A person who fails to report a vehicle as unclaimed in accordance

with this subsection forfeits all claims and liens for its garaging, parking or storing and is guilty of a misdemeanor punishable by a fine or not more than Twenty-five Dollars (\$25.00) for each day the failure to report continues.

D. The Department shall maintain and appropriately index cumulative public records of stolen, converted, recovered and unclaimed vehicles reported to it pursuant to this section. The Department may make and distribute weekly lists of such vehicles so reported to it to peace officers upon request without fee and to others for the fee, if any, the Department prescribes.

E. Any peace officer who has reason to believe or upon receiving information that a motor vehicle has been stolen shall have and is hereby vested with authority to confiscate and hold such vehicle until satisfactory proof of ownership is established. Provided, any vehicle that is towed by a licensed wrecker operator pursuant to the provisions of Section 954A of this title shall be returned to the licensed wrecker operator prior to any other claim or assertion of ownership.

Added by Laws 1961, p. 337, § 4-105, eff. Sept. 1, 1961. Amended by Laws 2003, c. 279, § 3, emerg. eff. May 26, 2003; Laws 2012, c. 197, § 1, eff. Nov. 1, 2012.

§47-4-106. False report of theft or conversion.

A person who knowingly makes a false report of the theft or conversion of a vehicle to a peace officer or to the Department is guilty of a misdemeanor.

Laws 1961, p. 337, § 4-106.

§47-4-107. Removed, falsified or unauthorized identification.

(a) Any person or persons who shall destroy, remove, cover, alter or deface, or cause to be destroyed, removed, covered, altered or defaced, the engine number or other distinguishing number of any vehicle in this state, without first giving notice of such act to the Oklahoma Tax Commission, upon such form as the Commission may prescribe, or any person who shall give a wrong description in any application for the registration of any vehicle in this state for the purpose of concealing or hiding the identity of such vehicle, shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years.

(b) A person who buys, receives, possesses, sells or disposes of a vehicle or an engine for a vehicle, knowing that the identification number of the vehicle or engine has been removed or falsified, shall, upon conviction, be guilty of a misdemeanor.

(c) A person who buys, receives, possesses, sells or disposes of a vehicle or an engine for a vehicle, with knowledge that the identification number of the vehicle or engine has been removed or

falsified and with intent to conceal or misrepresent the identity of the vehicle or engine, shall, upon conviction, be guilty of a felony.

(d) A person who removes a license plate from a vehicle or affixes to a vehicle a license plate not authorized by law for use on said vehicle with intent to conceal or misrepresent the identity of the vehicle or its owner shall, upon conviction, be guilty of a misdemeanor.

(e) As used in this section:

1. "Identification number" includes an identifying number, serial number, engine number or other distinguishing number or mark, placed on a vehicle or engine by its manufacturer or by authority of the Oklahoma Tax Commission or in accordance with the laws of another state or country;

2. "Remove" includes deface, cover and destroy;

3. "Falsify" includes alter and forge.

(f) An identification number may be placed on a vehicle or engine by its manufacturer in the regular course of business or placed or restored on a vehicle or engine by authority of the Oklahoma Tax Commission without violating this section; an identification number so placed or restored is not falsified.

Added by Laws 1961, p. 337, § 4-107, eff. Sept. 1, 1961. Amended by Laws 1981, c. 118, § 5; Laws 1984, c. 253, § 1, operative July 1, 1984; Laws 1997, c. 133, § 473, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 341, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 473 from July 1, 1998, to July 1, 1999.

§47-4-107a. Offenses in connection with trim tag plates - Exceptions - Penalties - Civil remedies - Definitions.

A. It shall be unlawful for any person to:

1. Knowingly and intentionally destroy, remove, cover, alter or deface, or cause to be destroyed, covered, removed, altered or defaced the trim tag plate of a motor vehicle manufactured from 1953 to 1977;

2. Knowingly affix a counterfeit trim tag plate to a motor vehicle;

3. Manufacture, offer for sale, sell, introduce, import or deliver for sale or use in this state a counterfeit trim tag plate; or

4. Offer for sale, sell, introduce, import or deliver for sale or use in this state a trim tag plate that was affixed to a motor vehicle at the time of manufacture but has since been removed or become dislodged.

B. Paragraph 1 of subsection A of this section shall not apply to:

1. Any person who engages in repair of a motor vehicle, provided that removal of the vehicle's trim tag plate is reasonably necessary

for repair of a part of the vehicle to which the trim tag plate is affixed, and provided that such trim tag plate is not intentionally destroyed, altered or defaced; or

2. Removal of a trim tag from a motor vehicle which is being junked or otherwise destroyed, if the removal is being done for historical documentation purposes by a person actively involved in judging events or for historical documentation of classic motor vehicles and reasonable precaution is taken to ensure that the tag is not sold or affixed to another motor vehicle.

C. Any person convicted of violating the provisions of this act shall be guilty of a misdemeanor. Any person convicted of violating the provisions of this act a second or subsequent time shall be guilty of a felony.

D. In addition to any other civil remedy available, a person defrauded as a result of a violation of this act may bring a civil action against any person who knowingly violated this act regardless of whether that person has been convicted of a violation of this act. A person defrauded as a result of a violation of this act may recover treble their actual compensatory damages. In any action brought pursuant to this subsection, the court may award reasonable costs, including costs of expert witnesses, and attorney fees to the prevailing party.

E. As used in this section:

1. "Trim tag plate" means a plate or tag affixed to a motor vehicle by the manufacturer which displays numbers, symbols, or codes that identify characteristics of the vehicle including, but not limited to, date of manufacture, body style, paint color, engine option, transmission option, trim option, general option, interior option, and interior color;

2. "Counterfeit trim tag plate" means:

- a. any trim tag plate manufactured by a person or entity other than the original manufacturer of a motor vehicle upon which the trim tag plate is designed to be affixed, unless the trim tag has been permanently stamped, in the same manner as other information on the trim tag, with the words "REPLACEMENT TAG" in letters measuring at least one-eighth (1/8) of an inch in height, or
- b. any trim tag plate which has been altered from its original manufactured condition so as to change any of its numbers, symbols, or codes; and

3. "Motor vehicle" means the same as defined in Section 1-134 of Title 47 of the Oklahoma Statutes.

Added by Laws 2007, c. 96, § 1, eff. Nov. 1, 2007.

§47-4-108. False statements of material facts - Punishment.

Any person who shall knowingly make any false statement of a material fact, either in his application for the certificate of title herein provided for, or in any assignment thereof, or who, with intent to procure or pass title to a motor vehicle which he knows, or has reason to believe, has been stolen, shall receive or transfer possession of the same from or to another, or who shall have in his possession any motor vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, shall be deemed guilty of a felony, and upon conviction thereof shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00), or imprisoned in the State Penitentiary for a period of not less than one (1) year nor more than ten (10) years, or by both such fine and imprisonment, at the discretion of the court. This provision shall not be exclusive of any other penalties prescribed by an existing or future law for the larceny or unauthorized taking of a motor vehicle.

Added by Laws 1961, p. 338, § 4-108, eff. Sept. 1, 1961. Amended by Laws 1997, c. 133, § 474, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 342, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 474 from July 1, 1998, to July 1, 1999.

§47-4-109. Altering or forging certificate of title - Punishment.

Any person who shall alter or forge, or cause to be altered or forged, any certificate of title issued by the Commission, pursuant to the provisions of this act, or any assignment thereof, or who shall hold or use any such certificate or assignment, knowing the same to have been altered or forged, shall be deemed guilty of a felony, and upon conviction thereof shall be liable to pay a fine of not less than Fifty Dollars (\$50.00), nor more than Five Thousand Dollars (\$5,000.00), or to imprisonment in the State Penitentiary for a period of not less than one (1) year, nor more than ten (10) years, or by both such fine and imprisonment, at the discretion of the court.

Added by Laws 1961, p. 338, § 4-109, eff. Sept. 1, 1961. Amended by Laws 1997, c. 133, § 475, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 343, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 475 from July 1, 1998, to July 1, 1999.

§47-4-110. Offenses in connection with certificates of title.

A. Except as otherwise authorized by law, it shall be unlawful for any person to commit any of the following acts:

1. To lend or to sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title or number plate issued

to or in the custody of the person so lending or permitting the use thereof;

2. To alter or in any manner change a certificate of title, registration certificate or number plate issued under the laws of this state or any other state;

3. To purchase identification or number plates on an assigned certificate of title. This paragraph shall be applicable to all persons except bona fide registered dealers in used motor vehicles who are holders of current and valid used motor vehicle dealers' licenses;

4. To sell or dispose of, in any manner, a used vehicle without delivering to the purchaser an Oklahoma certificate of title in such purchaser's name or one properly and completely assigned to the purchaser at the time of sale.

Anyone violating any of the provisions of this subsection, upon conviction, shall be guilty of a misdemeanor and shall be fined not less than Ten Dollars (\$10.00) and not to exceed One Hundred Dollars (\$100.00).

B. Except as otherwise authorized by law, no person shall:

1. Lend or sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title issued for a manufactured home, manufactured home registration receipt, Manufactured Home Registration Decal or excise tax receipt;

2. Alter or in any manner change a certificate of title issued for a manufactured home under the laws of this state or any other state;

3. Remove or alter a manufactured home registration receipt, Manufactured Home Registration Decal or excise tax receipt attached to a certificate of title or attach such receipts to a certificate of title with the intent to misrepresent the payment of the required excise tax and registration fees;

4. Purchase identification, manufactured home registration receipt, Manufactured Home Registration Decal or excise tax receipt on an assigned certificate of title.

Anyone violating the provisions of this subsection, upon conviction, shall be guilty of a felony.

C. Any violation of any portion of this section for which a specific penalty has not been imposed shall constitute a misdemeanor and upon conviction thereof the person having violated it shall be fined not less than Ten Dollars (\$10.00) and not to exceed One Hundred Dollars (\$100.00).

Added by Laws 1961, p. 338, § 4-110, eff. Sept. 1, 1961. Amended by Laws 1980, c. 85, § 1, eff. Jan. 1, 1981; Laws 1981, c. 118, § 6; Laws 1984, c. 253, § 2, operative July 1, 1984; Laws 1997, c. 133, § 476, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 476 from July 1, 1998, to July 1, 1999.

§47-4-111. Inspection of public garage or repair shop or place where vehicles are held for sale or wrecking for purpose of locating stolen vehicles and investigating title and registration thereof.

Any peace officer of the state may inspect any vehicle of a type required to be registered hereunder in any public garage or repair shop or in any place where such vehicles are held for sale or wrecking, for the purpose of locating stolen vehicles and investigating the title and registration thereof.

Added by Laws 1993, c. 113, § 2, eff. Sept. 1, 1993.

§47-5-101. Repealed by Laws 1963, c. 138, § 3, eff. June 4, 1963.

§47-6-101. See the following versions:

OS 47-6-101v1 (SB 259, Laws 2019, c. 314, § 1, effective **until** Nov. 1, 2020).

OS 47-6-101v2 (SB 259, Laws 2019, c. 314, § 2, effective **beginning** Nov. 1, 2020).

§47-6-101.1. Licenses for persons under twenty-one years of age.

A. Any license issued pursuant to Sections 6-101, 6-105 or 6-114 of this title to any person under twenty-one (21) years of age shall be of special design, easily recognizable as the license of such a person and shall include the language "UNDER 21" on the face of the license.

B. When a person who has been issued a license designated to be the license of a person under twenty-one (21) years of age attains the age of twenty-one (21) years, said person may obtain a replacement license without said designation upon payment of the fee required for a duplicate license and by furnishing proof satisfactory to the Department of Public Safety or the motor license agent that said person has attained the age of twenty-one (21) years.

Added by Laws 1985, c. 338, § 1, eff. Jan. 1, 1986. Amended by Laws 1992, c. 217, § 4, eff. July 1, 1992; Laws 1993, c. 97, § 2, eff. Sept. 1, 1993.

§47-6-101.2. Repealed by Laws 2007, c. 62, § 35, emerg. eff. April 30, 2007.

§47-6-101.3. Repealed by Laws 2007, c. 62, § 35, emerg. eff. April 30, 2007.

§47-6-101.4. Repealed by Laws 2007, c. 62, § 35, emerg. eff. April 30, 2007.

§47-6-101.5. Repealed by Laws 2007, c. 62, § 35, emerg. eff. April 30, 2007.

§47-6-101v1. Class requirements for driver licenses - Commercial motor vehicles - Commercial learner permit - Hazardous materials - Class D motor vehicles - Motorcycle endorsement - Restricted driver license - Fees - Expiration - Issuance and renewal - Allocation of monies - Identification photographs database.

THIS TEXT EFFECTIVE UNTIL NOV. 1, 2020. FOR TEXT EFFECTIVE BEGINNING NOV. 1, 2020, SEE OS 47-6-101v2.

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

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

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

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

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

5. A person at least seventeen (17) years of age who successfully completes all examinations required by law may be issued by the Department:

- a. a restricted Class A commercial license which shall grant to the licensee the privilege to operate a Class A or Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle, or
- b. a restricted Class B commercial license which shall grant to the licensee the privilege to operate a Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle.

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

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

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

E. Except as otherwise provided by law, any person who lawfully possesses a valid Oklahoma driver license which is eligible for renewal shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department, and a certified state-approved motorcycle basic rider course approved by the Department if the person is seventeen (17) years of age or younger to be eligible for a motorcycle endorsement. The written examination and driving examination for a motorcycle shall be waived by the Department of Public Safety upon verification that the person has successfully completed a certified Motorcycle Safety Foundation rider course approved by the Department.

F. 1. Any person eighteen (18) years of age or older may apply for a restricted Class A, B or C commercial learner permit. The Department, after the applicant has passed all parts of the examination for a Class D license and has successfully passed all parts of the examination for a Class A, B or C commercial license other than the driving examination, may issue to the applicant a

commercial learner permit which shall entitle the person having immediate lawful possession of the commercial learner permit and a valid Oklahoma driver license or provisional driver license pursuant to Section 6-212 of this title to operate a Class A, B or C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel training in accordance with rules promulgated by the Department.

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

3. No person shall apply for and the Department shall not issue an original Class A, B or C driver license until the person has been issued a commercial learner permit and held the permit for at least fourteen (14) days. Any person who currently holds a Class B or C license and who wishes to apply for another class of commercial driver license shall be required to apply for a commercial learner permit and to hold the permit for at least fourteen (14) days before applying for the Class A or B license, as applicable. Any person who currently holds a Class A, B or C license and who wishes to add an endorsement or remove a restriction for which a skills examination is required shall be required to apply for a commercial learner permit and to hold the permit for at least fourteen (14) days before applying for the endorsement.

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

5. After one renewal of a commercial learner permit, as provided in paragraph 2 of this subsection, a commercial permit shall not be renewed again. Any person who has held a commercial learner permit for the initial issuance period and one renewal period shall not be

eligible for and the Department shall not issue another renewal of the permit; provided, the person may reapply for a new commercial learner permit, as provided for in this subsection.

6. Enrollment in or successful completion of a commercial driver training school shall not be required for any commercial learner permit applicant who requests a skills examination for a Class A, B or C license, nor shall any student enrolled in a commercial driver training school be prohibited from taking a skills examination for a Class A, B or C license upon request with a Department of Public Safety examiner regardless of whether the person has completed the course, is still enrolled in the course to be completed or has voluntarily withdrawn from the course.

G. 1. For purposes of this title:

- a. "REAL ID Compliant Driver License" or "Identification Card" means a driver license or identification card issued by the State of Oklahoma that has been certified by the United States Department of Homeland Security (USDHS) as compliant with the requirements of the REAL ID Act of 2005, Public Law No. 109-13. A REAL ID Compliant Driver License or Identification Card and the process through which it is issued incorporate a variety of security measures designed to protect the integrity and trustworthiness of the license or card. A REAL ID Compliant Driver License or Identification Card will be clearly marked on the face indicating that it is a compliant document, and
- b. "REAL ID Noncompliant Driver License" or "Identification Card" means a driver license or identification card issued by the State of Oklahoma that has not been certified by the United States Department of Homeland Security (USDHS) as being compliant with the requirements of the REAL ID Act. A REAL ID Noncompliant Driver License or Identification Card will be clearly marked on the face indicating that it is not compliant with the federal REAL ID Act and is not acceptable for official federal purposes. The driver license or identification card will have a unique design or color indicator that clearly distinguishes it from a compliant license or card.

2. Original Driver License and Identification Card Issuance:

- a. Application for an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card shall be made to the Department of Public Safety.
- b. Department of Public Safety employees shall perform all document recognition and other requirements needed for approval of an original REAL ID Compliant or REAL ID

Noncompliant Driver License or Identification Card application.

- c. Upon approval of an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application, the applicant may take the approved application document to a motor license agent to receive a temporary driver license or identification card.
- d. The motor license agent shall process the approved REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application and upon payment shall provide the applicant a temporary driver license or identification card. A temporary driver license or identification card shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card, whichever time period is shorter.

3. REAL ID Compliant Driver License and Identification Card Renewal and Replacement:

- a. Application for renewal or replacement of a REAL ID Compliant Driver License or Identification Card may be made to the Department of Public Safety or to a motor license agent, provided such motor license agent is authorized to process application for REAL ID Compliant Driver Licenses and Identification Cards; and further provided, no motor license agent shall process an application for a Class A, B or C commercial license.
- b. Department of Public Safety employees or authorized motor license agents shall perform all document recognition and other requirements needed for approval of a renewal or replacement REAL ID Compliant Driver License or Identification Card application; provided, no motor license agent shall perform such document recognition and other requirements needed for approval of an application for a Class A, B or C commercial license.
- c. Upon approval of a renewal or replacement REAL ID Compliant Driver License or Identification Card application, the applicant may receive a temporary driver license or identification card from the Department of Public Safety or an authorized motor license agent.

- d. A temporary driver license or identification card acquired under the provisions of this paragraph shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card being renewed or replaced for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Compliant Driver License or Identification Card, whichever time period is shorter.
- e. For purposes of this title, an application for a REAL ID Compliant Driver License or Identification Card by an individual with a valid Oklahoma-issued driver license or identification card shall be considered a renewal of a REAL ID Compliant Driver License or Identification Card.

4. REAL ID Noncompliant Driver License and Identification Card Renewal and Replacement:

- a. Application for renewal or replacement of a REAL ID Noncompliant Driver License or Identification Card may be made to the Department of Public Safety or to a motor license agent; provided, no motor license agent shall process an application for a Class A, B or C commercial license.
- b. Department of Public Safety employees or motor license agents shall perform all document recognition and other requirements needed for approval of a renewal or replacement REAL ID Noncompliant Driver License or Identification Card application; provided, no motor license agent shall perform such document recognition and other requirements needed for approval of an application for a Class A, B or C commercial license.
- c. Upon approval of a renewal or replacement REAL ID Noncompliant Driver License or Identification Card application, the applicant may receive a temporary driver license or identification card from the Department of Public Safety or a motor license agent.
- d. A temporary driver license or identification card acquired under the provisions of this paragraph shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card being renewed or replaced for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Noncompliant Driver License or Identification Card, whichever time period is shorter.

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

Class A Commercial Learner Permit	\$25.00
Class A Commercial License	\$25.00
Class B Commercial Learner Permit	\$15.00
Class B Commercial License	\$15.00
Class C Commercial Learner Permit	\$15.00
Class C Commercial License	\$15.00
Class D License	\$ 4.00
Motorcycle Endorsement	\$ 4.00

2. Notwithstanding the provisions of Section 1104 of this title, all monies collected from the fees charged for Class A, B and C commercial licenses pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

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

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

Class A Commercial Learner Permit	\$56.50
Class A Commercial License	\$56.50
Class B Commercial Learner Permit	\$56.50
Class B Commercial License	\$56.50
Class C Commercial License	\$46.50
Class D License	\$38.50

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

REAL ID Compliant Class A Commercial Learner Permit	\$56.50
REAL ID Compliant Class A Commercial License	\$56.50
REAL ID Compliant Class B Commercial Learner Permit	\$56.50
REAL ID Compliant Class B Commercial License	\$56.50
REAL ID Compliant Class C Commercial License	\$46.50
REAL ID Compliant Class D License	\$38.50

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

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

1. Five Dollars and fifty cents (\$5.50) shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes;

2. Six Dollars and seventy-five cents (\$6.75) shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of the Department;

3. Ten Dollars (\$10.00) shall be deposited to the Department of Public Safety Revolving Fund for all original or renewal issuances of licenses;

4. Three Dollars (\$3.00) shall be deposited to the State Public Safety Fund created in Section 2-147 of this title; and

5. Two Dollars (\$2.00) of the fee provided for in subsection J of this section related to the issuance or renewal of a driver license by a motor license agent that does not process approved applications or renewals for REAL ID Compliant Driver Licenses and Identification Cards shall be deposited, in addition to the amount authorized by paragraph 4 of this subsection, to the State Public Safety Fund created in Section 2-147 of this title.

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

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

Age 62	\$21.25
Age 63	\$17.50
Age 64	\$13.75
Age 65	-0-

P. No person who has been honorably discharged from active service in any branch of the Armed Forces of the United States or Oklahoma National Guard and who has been certified by the United States Department of Veterans Affairs, its successor, or the Armed Forces of the United States to be a disabled veteran in receipt of compensation at the one-hundred-percent rate for a permanent disability sustained through military action or accident resulting from disease contracted while in such active service shall be charged a fee for the issuance or renewal of an Oklahoma driver license.

Q. In accordance with the provisions of subsection G of this section, the Department of Public Safety and the Oklahoma Tax Commission are authorized to promulgate rules for the issuance and renewal of driver licenses authorized pursuant to the provisions of

Sections 6-101 through 6-309 of this title; provided, that no such rules applicable to the issuance or renewal of REAL ID Noncompliant Driver Licenses shall create more stringent standards than such rules applicable as of January 1, 2017, unless directly related to a specific change in statutory law concerning standards for REAL ID Noncompliant Driver Licenses. Applications, upon forms approved by the Department of Public Safety, for such licenses shall be handled, in accordance with the provisions of subsection G of this section, by the motor license agents; provided, the Department of Public Safety is authorized to assume these duties in any county of this state. Each motor license agent accepting applications for driver licenses shall receive Four Dollars (\$4.00) to be deducted from the total collected for each license or renewal application accepted; in addition to such amount, each motor license agent that processes approved applications or renewals for REAL ID Compliant Driver Licenses shall receive Two Dollars (\$2.00) to be deducted from the total fee collected under the provisions of subsections J and K of this section for each license or renewal application accepted. The fees received by the motor license agent, authorized by this subsection, shall be used for operating expenses.

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

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

S. The Department of Public Safety shall retain the images displayed on licenses and identification cards issued pursuant to the provisions of Sections 6-101 through 6-309 of this title which may be used only:

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

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

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

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

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

T. No person may hold more than one state-issued or territory-issued REAL ID Compliant Driver License or REAL ID Compliant Identification Card from Oklahoma or any other state or territory. The Department shall not issue a REAL ID Compliant Driver License to a person who has been previously issued a REAL ID Compliant Driver License or REAL ID Compliant Identification Card until such license or identification card has been surrendered to the Department by the applicant. The Department may promulgate rules related to the issuance of replacement REAL ID Compliant Driver Licenses in the event of loss or theft.

Added by Laws 1961, p. 340, § 6-101, eff. Sept. 1, 1961. Amended by Laws 1963, c. 94, § 1, emerg. eff. May 27, 1963; Laws 1967, c. 396, § 1, emerg. eff. May 24, 1967; Laws 1968, c. 232, § 1, eff. Jan. 1, 1969; Laws 1975, c. 359, § 1, eff. Jan. 1, 1977; Laws 1977, c. 103, § 60, emerg. eff. May 30, 1977; Laws 1977, 1st Ex. Sess., c. 3, § 14, emerg. eff. June 21, 1977; Laws 1978, c. 304, § 4; Laws 1980, c. 357, § 23, eff. July 1, 1980; Laws 1983, c. 286, § 17, operative July 1, 1983; Laws 1985, c. 45, § 1, eff. Jan. 1, 1986; Laws 1985, c. 179, § 59, operative July 1, 1985; Laws 1987, c. 226, § 3, operative July 1, 1987; Laws 1988, c. 232, § 1, operative July 1, 1988; Laws 1989, c. 82, § 1, eff. Nov. 1, 1989; Laws 1990, c. 219, § 10, eff. Jan. 1, 1991; Laws 1992, c. 217, § 3, eff. July 1, 1992; Laws 1992, c. 373, § 6, eff. July 1, 1992; Laws 1993, c. 97, § 1, eff. Sept. 1, 1993; Laws 1993, c. 243, § 52, eff. Sept. 1, 1993; Laws 1994, c. 18, § 1, eff. Sept. 1, 1994; Laws 1995, c. 23, § 8, eff. Nov. 1, 1995; Laws 1996, c. 254, § 1, eff. Nov. 1, 1996; Laws 1997, c. 2, § 4, emerg. eff. Feb. 26, 1997; Laws 1999, c. 342, § 4, eff. Nov. 1, 1999; Laws 2000, c. 6, § 10, emerg. eff. March 20, 2000; Laws 2000, c. 342, § 3, eff. July 1, 2000; Laws 2001, c. 131, § 5, eff. July 1, 2001; Laws 2001, c. 361, § 3, eff. July 1, 2001; Laws 2002, c. 474, § 4, emerg. eff. June 6, 2002; Laws 2003, c. 3, § 35, emerg. eff. March 19, 2003; Laws 2003, c. 392, § 2, eff. July 1, 2003; Laws 2004, c. 521, § 5, eff. Nov. 1, 2004; Laws 2006, 2nd Ex. Sess., c. 44, § 23, eff. July 1, 2007; Laws 2009, c. 81, § 1, eff. Nov. 1, 2009; Laws 2012, c. 280, § 1, eff. Nov. 1, 2012; Laws 2013, c. 15, § 26, emerg. eff. April 8, 2013; Laws 2013, c. 104, § 1, eff. Nov. 1, 2013; Laws 2013, c. 259, § 2, eff. Nov. 1, 2013; Laws 2015, c. 97, § 1, eff. Nov. 1, 2015; Laws

2016, c. 180, § 1; Laws 2017, c. 1, § 1, emerg. eff. March 2, 2017; Laws 2019, c. 314, § 1.

NOTE: Laws 1974, c. 301, § 1 repealed by Laws 1977, c. 103, § 65, emerg. eff. May 30, 1977. Laws 1991, c. 162, § 2 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991. Laws 1991, c. 335, § 13 repealed by Laws 1992, c. 217, § 19, eff. July 1, 1992. Laws 1991, c. 216, § 46 and Laws 1992, c. 179, § 1 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992. Laws 1996, c. 203, § 1 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 1999, c. 278, § 2 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2002, c. 374, § 1 repealed by Laws 2003, c. 3, § 36, emerg. eff. March 19, 2003. Laws 2002, c. 397, § 15 repealed by Laws 2003, c. 3, § 37, emerg. eff. March 19, 2003. Laws 2012, c. 283, § 5 repealed by Laws 2013, c. 15, § 27, emerg. eff. April 8, 2013.

§47-6-101v2. Class requirements for driver licenses - Commercial motor vehicles - Commercial learner permit - Hazardous materials - Class D motor vehicles - Motorcycle endorsement - Restricted driver license - Fees - Expiration - Issuance and renewal - Allocation of monies - Identification photographs database.

THIS TEXT EFFECTIVE BEGINNING NOV. 1, 2020. FOR TEXT EFFECTIVE UNTIL NOV. 1, 2020, SEE OS 47-6-101v1.

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

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

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

3. No person shall operate a Class C commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class C commercial license, except as provided in subsection F of this section. Any person holding a valid Class C commercial

license shall be permitted to operate motor vehicles in Classes C and D, except as provided for in paragraph 4 of this subsection.

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

5. A person at least seventeen (17) years of age who successfully completes all examinations required by law may be issued by the Department:

- a. a restricted Class A commercial license which shall grant to the licensee the privilege to operate a Class A or Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle, or
- b. a restricted Class B commercial license which shall grant to the licensee the privilege to operate a Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle.

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

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

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

E. Except as otherwise provided by law, any person who lawfully possesses a valid Oklahoma driver license which is eligible for renewal shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department, and a certified state-

approved motorcycle basic rider course approved by the Department if the person is seventeen (17) years of age or younger to be eligible for a motorcycle endorsement. The written examination and driving examination for a motorcycle shall be waived by the Department of Public Safety upon verification that the person has successfully completed a certified Motorcycle Safety Foundation rider course approved by the Department.

F. 1. Any person eighteen (18) years of age or older may apply for a restricted Class A, B or C commercial learner permit. The Department, after the applicant has passed all parts of the examination for a Class D license and has successfully passed all parts of the examination for a Class A, B or C commercial license other than the driving examination, may issue to the applicant a commercial learner permit which shall entitle the person having immediate lawful possession of the commercial learner permit and a valid Oklahoma driver license or provisional driver license pursuant to Section 6-212 of this title to operate a Class A, B or C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel training in accordance with rules promulgated by the Department.

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

3. No person shall apply for and the Department shall not issue an original Class A, B or C driver license until the person has been issued a commercial learner permit and held the permit for at least fourteen (14) days. Any person who currently holds a Class B or C license and who wishes to apply for another class of commercial driver license shall be required to apply for a commercial learner permit and to hold the permit for at least fourteen (14) days before applying for the Class A or B license, as applicable. Any person who currently holds a Class A, B or C license and who wishes to add an endorsement or remove a restriction for which a skills examination is required shall be required to apply for a commercial learner permit

and to hold the permit for at least fourteen (14) days before applying for the endorsement.

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

5. After one renewal of a commercial learner permit, as provided in paragraph 2 of this subsection, a commercial permit shall not be renewed again. Any person who has held a commercial learner permit for the initial issuance period and one renewal period shall not be eligible for and the Department shall not issue another renewal of the permit; provided, the person may reapply for a new commercial learner permit, as provided for in this subsection.

6. Enrollment in or successful completion of a commercial driver training school shall not be required for any commercial learner permit applicant who requests a skills examination for a Class A, B or C license, nor shall any student enrolled in a commercial driver training school be prohibited from taking a skills examination for a Class A, B or C license upon request with a Department of Public Safety examiner regardless of whether the person has completed the course, is still enrolled in the course to be completed or has voluntarily withdrawn from the course.

G. 1. For purposes of this title:

- a. "REAL ID Compliant Driver License" or "Identification Card" means a driver license or identification card issued by the State of Oklahoma that has been certified by the United States Department of Homeland Security (USDHS) as compliant with the requirements of the REAL ID Act of 2005, Public Law No. 109-13. A REAL ID Compliant Driver License or Identification Card and the process through which it is issued incorporate a variety of security measures designed to protect the integrity and trustworthiness of the license or card. A REAL ID Compliant Driver License or Identification Card will be clearly marked on the face indicating that it is a compliant document, and
- b. "REAL ID Noncompliant Driver License" or "Identification Card" means a driver license or identification card issued by the State of Oklahoma that has not been certified by the United States Department of Homeland Security (USDHS) as being compliant with the requirements of the REAL ID Act. A REAL ID Noncompliant Driver License or Identification Card will be clearly marked on the face indicating that

it is not compliant with the federal REAL ID Act and is not acceptable for official federal purposes. The driver license or identification card will have a unique design or color indicator that clearly distinguishes it from a compliant license or card.

2. Original Driver License and Identification Card Issuance:

- a. Application for an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card shall be made to the Department of Public Safety.
- b. Department of Public Safety employees shall perform all document recognition and other requirements needed for approval of an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application.
- c. Upon approval of an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application, the applicant may take the approved application document to a motor license agent to receive a temporary driver license or identification card.
- d. The motor license agent shall process the approved REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application and upon payment shall provide the applicant a temporary driver license or identification card. A temporary driver license or identification card shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card, whichever time period is shorter.

3. REAL ID Compliant Driver License and Identification Card Renewal and Replacement:

- a. Application for renewal or replacement of a REAL ID Compliant Driver License or Identification Card may be made to the Department of Public Safety or to a motor license agent, provided such motor license agent is authorized to process application for REAL ID Compliant Driver Licenses and Identification Cards; and further provided, no motor license agent shall process an application for a Class A, B or C commercial license.
- b. Department of Public Safety employees or authorized motor license agents shall perform all document recognition and other requirements needed for approval of a renewal or replacement REAL ID Compliant Driver

License or Identification Card application; provided, no motor license agent shall perform such document recognition and other requirements needed for approval of an application for a Class A, B or C commercial license.

- c. Upon approval of a renewal or replacement REAL ID Compliant Driver License or Identification Card application, the applicant may receive a temporary driver license or identification card from the Department of Public Safety or an authorized motor license agent.
- d. A temporary driver license or identification card acquired under the provisions of this paragraph shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card being renewed or replaced for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Compliant Driver License or Identification Card, whichever time period is shorter.
- e. For purposes of this title, an application for a REAL ID Compliant Driver License or Identification Card by an individual with a valid Oklahoma-issued driver license or identification card shall be considered a renewal of a REAL ID Compliant Driver License or Identification Card.

4. REAL ID Noncompliant Driver License and Identification Card Renewal and Replacement:

- a. Application for renewal or replacement of a REAL ID Noncompliant Driver License or Identification Card may be made to the Department of Public Safety or to a motor license agent; provided, no motor license agent shall process an application for a Class A, B or C commercial license.
- b. Department of Public Safety employees or motor license agents shall perform all document recognition and other requirements needed for approval of a renewal or replacement REAL ID Noncompliant Driver License or Identification Card application; provided, no motor license agent shall perform such document recognition and other requirements needed for approval of an application for a Class A, B or C commercial license.
- c. Upon approval of a renewal or replacement REAL ID Noncompliant Driver License or Identification Card application, the applicant may receive a temporary

driver license or identification card from the Department of Public Safety or a motor license agent.

- d. A temporary driver license or identification card acquired under the provisions of this paragraph shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card being renewed or replaced for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Noncompliant Driver License or Identification Card, whichever time period is shorter.

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

Class A Commercial Learner Permit	\$25.00
Class A Commercial License	\$25.00
Class B Commercial Learner Permit	\$15.00
Class B Commercial License	\$15.00
Class C Commercial Learner Permit	\$15.00
Class C Commercial License	\$15.00
Class D License	\$ 4.00
Motorcycle Endorsement	\$ 4.00

2. Notwithstanding the provisions of Section 1104 of this title, all monies collected from the fees charged for Class A, B and C commercial licenses pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

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

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

Class A Commercial Learner Permit	\$56.50
Class A Commercial License	\$56.50
Class B Commercial Learner Permit	\$56.50
Class B Commercial License	\$56.50
Class C Commercial License	\$46.50
Class D License	\$38.50

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

REAL ID Compliant Class A Commercial Learner Permit	\$56.50
REAL ID Compliant Class A Commercial License	\$56.50
REAL ID Compliant Class B Commercial Learner Permit	\$56.50
REAL ID Compliant Class B Commercial License	\$56.50
REAL ID Compliant Class C Commercial License	\$46.50
REAL ID Compliant Class D License	\$38.50

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

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

1. Five Dollars and fifty cents (\$5.50) shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes;

2. Six Dollars and seventy-five cents (\$6.75) shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of the Department;

3. Ten Dollars (\$10.00) shall be deposited to the Department of Public Safety Revolving Fund for all original or renewal issuances of licenses;

4. Three Dollars (\$3.00) shall be deposited to the State Public Safety Fund created in Section 2-147 of this title; and

5. Two Dollars (\$2.00) of the fee provided for in subsection J of this section related to the issuance or renewal of a driver license by a motor license agent that does not process approved applications or renewals for REAL ID Compliant Driver Licenses and Identification Cards shall be deposited, in addition to the amount authorized by paragraph 4 of this subsection, to the State Public Safety Fund created in Section 2-147 of this title.

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

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

Age 62	\$21.25
Age 63	\$17.50
Age 64	\$13.75
Age 65	-0-

P. No person who has been honorably discharged from active service in any branch of the Armed Forces of the United States or Oklahoma National Guard and who has been certified by the United States Department of Veterans Affairs, its successor, or the Armed Forces of the United States to be a disabled veteran in receipt of compensation at the one-hundred-percent rate for a permanent disability sustained through military action or accident resulting from disease contracted while in such active service and registered with the veterans registry created by the Oklahoma Department of Veterans Affairs shall be charged a fee for the issuance or renewal of an Oklahoma driver license; provided, that if a veteran has been previously exempt from a fee pursuant to this subsection, no registration with the veterans registry shall be required.

Q. In accordance with the provisions of subsection G of this section, the Department of Public Safety and the Oklahoma Tax Commission are authorized to promulgate rules for the issuance and renewal of driver licenses authorized pursuant to the provisions of Sections 6-101 through 6-309 of this title; provided, that no such rules applicable to the issuance or renewal of REAL ID Noncompliant Driver Licenses shall create more stringent standards than such rules applicable as of January 1, 2017, unless directly related to a specific change in statutory law concerning standards for REAL ID Noncompliant Driver Licenses. Applications, upon forms approved by the Department of Public Safety, for such licenses shall be handled, in accordance with the provisions of subsection G of this section, by the motor license agents; provided, the Department of Public Safety is authorized to assume these duties in any county of this state. Each motor license agent accepting applications for driver licenses shall receive Four Dollars (\$4.00) to be deducted from the total collected for each license or renewal application accepted; in addition to such amount, each motor license agent that processes approved applications or renewals for REAL ID Compliant Driver Licenses shall receive Two Dollars (\$2.00) to be deducted from the total fee collected under the provisions of subsections J and K of this section for each license or renewal application accepted. The fees received by the motor license agent, authorized by this subsection, shall be used for operating expenses.

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

The next Five Hundred Thousand Dollars (\$500,000.00) of monies collected pursuant to this section shall be paid by the Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department

of Public Safety Restricted Revolving Fund for the purpose of the Statewide Law Enforcement Communications System. All other monies collected in excess of Five Hundred Sixty Thousand Dollars (\$560,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section.

S. The Department of Public Safety shall retain the images displayed on licenses and identification cards issued pursuant to the provisions of Sections 6-101 through 6-309 of this title which may be used only:

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

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

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

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

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

T. No person may hold more than one state-issued or territory-issued REAL ID Compliant Driver License or REAL ID Compliant Identification Card from Oklahoma or any other state or territory. The Department shall not issue a REAL ID Compliant Driver License to a person who has been previously issued a REAL ID Compliant Driver License or REAL ID Compliant Identification Card until such license or identification card has been surrendered to the Department by the applicant. The Department may promulgate rules related to the issuance of replacement REAL ID Compliant Driver Licenses in the event of loss or theft.

Added by Laws 1961, p. 340, § 6-101, eff. Sept. 1, 1961. Amended by Laws 1963, c. 94, § 1, emerg. eff. May 27, 1963; Laws 1967, c. 396, § 1, emerg. eff. May 24, 1967; Laws 1968, c. 232, § 1, eff. Jan. 1, 1969; Laws 1975, c. 359, § 1, eff. Jan. 1, 1977; Laws 1977, c. 103, § 60, emerg. eff. May 30, 1977; Laws 1977, 1st Ex. Sess., c. 3, § 14, emerg. eff. June 21, 1977; Laws 1978, c. 304, § 4; Laws 1980, c. 357, § 23, eff. July 1, 1980; Laws 1983, c. 286, § 17, operative July 1, 1983; Laws 1985, c. 45, § 1, eff. Jan. 1, 1986; Laws 1985, c. 179, § 59, operative July 1, 1985; Laws 1987, c. 226, § 3, operative July 1, 1987; Laws 1988, c. 232, § 1, operative July 1, 1988; Laws 1989, c.

82, § 1, eff. Nov. 1, 1989; Laws 1990, c. 219, § 10, eff. Jan. 1, 1991; Laws 1992, c. 217, § 3, eff. July 1, 1992; Laws 1992, c. 373, § 6, eff. July 1, 1992; Laws 1993, c. 97, § 1, eff. Sept. 1, 1993; Laws 1993, c. 243, § 52, eff. Sept. 1, 1993; Laws 1994, c. 18, § 1, eff. Sept. 1, 1994; Laws 1995, c. 23, § 8, eff. Nov. 1, 1995; Laws 1996, c. 254, § 1, eff. Nov. 1, 1996; Laws 1997, c. 2, § 4, emerg. eff. Feb. 26, 1997; Laws 1999, c. 342, § 4, eff. Nov. 1, 1999; Laws 2000, c. 6, § 10, emerg. eff. March 20, 2000; Laws 2000, c. 342, § 3, eff. July 1, 2000; Laws 2001, c. 131, § 5, eff. July 1, 2001; Laws 2001, c. 361, § 3, eff. July 1, 2001; Laws 2002, c. 474, § 4, emerg. eff. June 6, 2002; Laws 2003, c. 3, § 35, emerg. eff. March 19, 2003; Laws 2003, c. 392, § 2, eff. July 1, 2003; Laws 2004, c. 521, § 5, eff. Nov. 1, 2004; Laws 2006, 2nd Ex. Sess., c. 44, § 23, eff. July 1, 2007; Laws 2009, c. 81, § 1, eff. Nov. 1, 2009; Laws 2012, c. 280, § 1, eff. Nov. 1, 2012; Laws 2013, c. 15, § 26, emerg. eff. April 8, 2013; Laws 2013, c. 104, § 1, eff. Nov. 1, 2013; Laws 2013, c. 259, § 2, eff. Nov. 1, 2013; Laws 2015, c. 97, § 1, eff. Nov. 1, 2015; Laws 2016, c. 180, § 1; Laws 2017, c. 1, § 1, emerg. eff. March 2, 2017; Laws 2017, c. 229, § 8, eff. Nov. 1, 2020; Laws 2019, c. 314, § 2, eff. Nov. 1, 2020.

NOTE: Laws 1974, c. 301, § 1 repealed by Laws 1977, c. 103, § 65, emerg. eff. May 30, 1977. Laws 1991, c. 162, § 2 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991. Laws 1991, c. 335, § 13 repealed by Laws 1992, c. 217, § 19, eff. July 1, 1992. Laws 1991, c. 216, § 46 and Laws 1992, c. 179, § 1 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992. Laws 1996, c. 203, § 1 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 1999, c. 278, § 2 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2002, c. 374, § 1 repealed by Laws 2003, c. 3, § 36, emerg. eff. March 19, 2003. Laws 2002, c. 397, § 15 repealed by Laws 2003, c. 3, § 37, emerg. eff. March 19, 2003. Laws 2012, c. 283, § 5 repealed by Laws 2013, c. 15, § 27, emerg. eff. April 8, 2013.

§47-6-102. Persons exempt - Reciprocity agreements with foreign countries.

A. A nonresident who is sixteen (16) years of age or older may operate a motor vehicle in this state as authorized by the class, restrictions, and endorsements specified on the license, if the nonresident is:

1. Properly licensed in the home state or country to operate a commercial or noncommercial motor vehicle and who has immediate possession of a valid driver license issued by the home state or country; or

2. A member of the Armed Forces of the United States or the spouse or dependent of such member who has been issued and is in possession of a valid driver license issued by an overseas component of the Armed Forces of the United States.

B. A resident who is at least fifteen (15) years of age may operate a vehicle in this state without a driver license, if the resident is:

1. Operating a vehicle pursuant to subsection B of Section 6-105 of this title; or

2. Taking the driving skills examination as required by Section 6-110 of this title, when accompanied by a Driver License Examiner of the Department of Public Safety or by a designated examiner approved and certified by the Department.

C. Any person, while in the performance of official duties, may operate any class of motor vehicle if the person possesses any class of valid Oklahoma driver license or a valid driver license issued by another state, if the person is:

1. A member of the Armed Forces of the United States who is on active duty;

2. A member of the military reserves, not including United States reserve technician;

3. A member of the National Guard who is on active duty, including National Guard military technicians;

4. A member of the National Guard who is on part-time National Guard training, including National Guard military technicians; or

5. A member of the United States Coast Guard who is on active duty.

D. The Commissioner of Public Safety is hereby authorized to adopt rules as may be necessary to enter into reciprocity agreements with foreign countries. The rules shall specify that the driver license standards of the foreign country shall be comparable to those of this state. The rules shall also require foreign drivers, who are operating a motor vehicle in Oklahoma under such a reciprocity agreement, to comply with the compulsory motor vehicle liability insurance and financial responsibility laws of this state.

Added by Laws 1961, p. 341, § 6-102, eff. Sept. 1, 1961. Amended by Laws 1975, c. 200, § 1; Laws 1990, c. 219, § 11, eff. Jan. 1, 1991; Laws 1991, c. 162, § 4, emerg. eff. May 7, 1991; Laws 1992, c. 217, § 5, eff. July 1, 1992; Laws 1998, c. 345, § 1, eff. Nov. 1, 1998; Laws 2001, c. 131, § 6, eff. July 1, 2001; Laws 2002, c. 86, § 3, emerg. eff. April 17, 2002; Laws 2004, c. 418, § 8, eff. July 1, 2004; Laws 2005, c. 457, § 1, eff. Nov. 1, 2005; Laws 2006, c. 311, § 6, emerg. eff. June 8, 2006.

§47-6-102.1. Operation by persons with an agricultural exemption permit.

Any person that possesses an agricultural exemption permit pursuant to Section 1358.1 of Title 68 of the Oklahoma Statutes, while in the course of an agricultural or ranching operation owned by the person and while conducting business within the state, may operate a Class A, B or C commercial motor vehicle if the person

possesses any class of valid Oklahoma driver license. Provided, the provisions of this section shall not apply to the operation of any vehicle used for the transportation of any property for hire.
Added by Laws 2013, c. 104, § 2, eff. Nov. 1, 2013.

§47-6-103. Persons not to be licensed - Appeal.

A. Except as otherwise provided by law, the Department of Public Safety shall not issue a driver license to:

1. Any person who is under eighteen (18) years of age, except that the Department may issue a Class D license to any person who attains sixteen (16) years of age on or after August 15, 2000, and meets the requirements of Sections 6-105 and 6-107.3 of this title;

2. Any unemancipated person who is under eighteen (18) years of age and whose custodial legal parent or legal guardian does not approve the issuance of a license as required by Section 6-110.2 of this title or objects to the issuance of a license or permit by filing an objection pursuant to Section 6-103.1 of this title;

3. Any person whose driving privilege has been suspended, revoked, canceled or denied in this state or any other state or country until the driving privilege has been reinstated by the state or country withdrawing the privilege;

4. Any person who is classified as an excessive user of alcohol, any other intoxicating substance, or a combination of alcohol and any other intoxicating substance, and inimical to public safety, in accordance with rules promulgated by the Department, until all requirements granting or reinstating driving privileges are met, including, but not limited to, abstinence from the use of alcohol, any other intoxicating substance, or any combination of alcohol and any other intoxicating substance for a minimum of either twelve (12) months or eighteen (18) months, as determined by OAC 595:10-5, immediately preceding application for or application for reinstatement of driving privileges;

5. Any person who is required by Section 6-101 et seq. of this title to take an examination, unless the person shall have successfully passed the examination;

6. Any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

7. Any person who is physically deformed or who is afflicted with any mental disease or physical condition that would impair the driving ability of the person or when the Commissioner of Public Safety, from information concerning the person or from the records and reports on file in the Department of Public Safety, determines that the operation of a motor vehicle by such person on the highways would be inimical to public safety or welfare;

8. Any person who is a nonresident, as defined in Section 1-137 of this title;

9. Any alien unless such person presents valid documentation of identity and authorization for presence in the United States issued pursuant to the laws of the United States; provided, no license shall be issued to any alien whose documentation indicates the alien is a visitor or is not eligible to establish residency; or

10. Any person who possesses a valid license to operate a motor vehicle issued by another state until the other state license has been surrendered.

B. Any applicant who is denied a license under the provisions of subsection A of this section shall have the right to an appeal as provided in Section 6-211 of this title.

Added by Laws 1961, p. 341, § 6-103, eff. Sept. 1, 1961. Amended by Laws 1985, c. 45, § 2, eff. Jan. 1, 1986; Laws 1985, c. 338, § 2, eff. Jan. 1, 1986; Laws 1990, c. 219, § 12, eff. Jan. 1, 1991; Laws 1992, c. 217, § 6, eff. July 1, 1992; Laws 1996, c. 254, § 2, eff. Nov. 1, 1996; Laws 1997, c. 2, § 5, emerg. eff. Feb. 26, 1997; Laws 1997, c. 201, § 2, eff. Nov. 1, 1997; Laws 1999, c. 161, § 1, eff. Aug. 15, 2000; Laws 2000, c. 277, § 3, eff. Nov. 1, 2000; Laws 2002, c. 114, § 1, eff. Nov. 1, 2002; Laws 2003, c. 392, § 3, eff. July 1, 2003; Laws 2006, c. 311, § 7, emerg. eff. June 8, 2006; Laws 2007, c. 326, § 5, eff. Nov. 1, 2007.

NOTE: Laws 1996, c. 247, § 38 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997.

§47-6-103.1. Parental objection to licensing of unemancipated child.

A. Any legal custodial parent or legal guardian may prohibit the licensing of or cause the cancellation of a license previously issued to his or her unemancipated child by filing an objection with the Department of Public Safety on a form prescribed by the Department. The Department shall refuse to issue or shall cancel a license when an objection has been properly filed by a legal custodial parent or legal guardian. A license may not be issued and a previous license shall remain canceled until the objection is withdrawn by the legal custodial parent or legal guardian or until the child attains eighteen (18) years of age. A license canceled because a legal custodial parent or legal guardian has filed an objection may be reinstated only after a period of three (3) months. No fee shall be assessed by the Department for reinstatement of a license pursuant to the provisions of this act.

B. No legal custodial parent or legal guardian shall be found liable for negligent entrustment of an unemancipated child for failure to file an objection pursuant to the provisions of this section.

Added by Laws 1996, c. 254, § 3, eff. Nov. 1, 1996. Amended by Laws 2006, c. 311, § 8, emerg. eff. June 8, 2006.

§47-6-104. Repealed by Laws 1990, c. 219, § 47, eff. Jan. 1, 1991.

§47-6-105. Graduated Class D licenses – Motorcycle-only licenses – Farm vehicle special permits

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

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

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

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

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

C. Any person:

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

- a. a prescribed secondary school driver education course, as provided for in Sections 19-113 through 19-121 of Title 70 of the Oklahoma Statutes,
- b. a driver education course, certified by the Department of Public Safety, from a parochial, private, or other nonpublic secondary school,
- c. a commercial driver training course, as defined by Sections 801 through 808 of this title,
- d. a parent-taught driver education course, certified by the Department of Public Safety. The Department shall promulgate rules for any parent-taught driver education course, or
- e. a driver education course certified by a state other than Oklahoma; or

2. Who is at least sixteen (16) years of age, may, upon successfully passing all parts of the driver license examination administered by the Department except the driving examination, be issued a learner permit which will grant the permittee the privilege to operate a Class D motor vehicle upon the public highways only between the hours of 5:00 a.m. and 10:00 p.m. and while accompanied by a licensed driver who is at least twenty-one (21) years of age and who is actually occupying a seat beside the

permittee; provided, the written examination for a learner permit may be waived by the Department of Public Safety upon verification that the person has successfully completed driver education.

D. 1. Any person:

- a. who has applied for, been issued, and has possessed a learner permit for a minimum of six (6) months, and
- b. whose custodial legal parent or legal guardian certifies to the Department by sworn affidavit that the person has received a minimum of fifty (50) hours of actual behind-the-wheel training, of which at least ten (10) hours of such training was at night, from a licensed driver who was at least twenty-one (21) years of age and who was properly licensed to operate a Class D motor vehicle for a minimum of two (2) years,

may be issued an intermediate Class D license upon successfully passing all parts of the driver license examinations administered by the Department; provided, the written examination, if it has not previously been administered or waived, may be waived by the Department upon verification that the person has successfully completed driver education or the driving examination may be waived by the Department upon successful passage of the examination administered by a certified designated examiner, as provided for in Section 6-110 of this title. However, notwithstanding the date of issuance of the learner permit, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of this paragraph shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued an intermediate Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of this paragraph shall be recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued an intermediate Class D license.

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

- a. shall be granted the privilege to operate a Class D motor vehicle upon the public highways:
 - (1) only between the hours of 5:00 a.m. and 10:00 p.m., except for driving to and from work, school, school activities, and church activities, or
 - (2) at any time, if a licensed driver who is at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee, or if the intermediate Class D licensee is a farm or ranch resident, and is operating a motor vehicle while engaged in farming or ranching

operations outside the limits of a municipality, or driving to and from work, school, school activities, or church activities, and

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

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

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

1. One (1) year; or

2. Six (6) months, if the person has completed both the driver education and the parent-certified behind-the-wheel training provisions of subparagraph b of paragraph 1 of subsection D of this section,

may be issued a Class D license. However, notwithstanding the date of issuance of the Class D license, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time periods specified in paragraph 1 or 2 of this subsection, as applicable, shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued a Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time periods specified in paragraph 1 or 2 of this subsection, as applicable, shall be recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued a Class D license.

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

G. The Department of Public Safety shall promulgate rules establishing procedures for removal of learner permit and intermediate Class D license restrictions from the permit or license upon the permittee or licensee qualifying for a less restricted or an unrestricted license.

H. Any person fourteen (14) years of age or older may apply for a restricted Class D license with a motorcycle-only restriction.

After the person has successfully passed all parts of the motorcycle examination other than the driving examination, has successfully completed a certified state-approved motorcycle basic rider course approved by the Department, and has met all requirements provided for in the rules of the Department, the Department shall issue to the person a restricted Class D license with a motorcycle-only restriction which shall grant to the person, while having the license in the person's immediate possession, the privilege to operate a motorcycle or motor-driven cycle:

1. With a piston displacement not to exceed three hundred (300) cubic centimeters;
2. Between the hours of 4:30 a.m. to 9:00 p.m. only;
3. While wearing approved protective headgear; and
4. While accompanied by and receiving instruction from any person who is at least twenty-one (21) years of age and who is properly licensed pursuant to the laws of this state to operate a motorcycle or motor-driven cycle, and who has visual contact with the restricted licensee.

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

The written examination and driving examination for a restricted Class D license with a motorcycle-only endorsement shall be waived by the Department of Public Safety upon verification that the person has successfully completed a certified state-approved motorcycle basic rider course approved by the Department.

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

J. As used in this section:

1. "Hand-held electronic device" means a mobile telephone or electronic device with which a user engages in a telephone call, plays or stores media, including but not limited to music and video,

or sends or reads a text message while requiring the use of at least one hand; and

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

K. All driver education courses provided for in paragraph 1 of subsection C of this section shall include education regarding the dangers of texting while driving and the effects of being under the influence of alcohol or other intoxicating substance while driving. Added by Laws 1961, p. 342, § 6-105, eff. Sept. 1, 1961. Amended by Laws 1963, c. 272, § 1, emerg. eff. June 13, 1963; Laws 1969, c. 103, § 1, emerg. eff. April 1, 1969; Laws 1972, c. 61, § 1, emerg. eff. March 27, 1972; Laws 1980, c. 142, § 1, emerg. eff. April 7, 1980; Laws 1983, c. 286, § 18, operative July 1, 1983; Laws 1985, c. 45, § 3, eff. Jan. 1, 1986; Laws 1985, c. 179, § 60, operative July 1, 1985; Laws 1985, c. 338, § 3, eff. Jan. 1, 1986; Laws 1986, c. 107, § 1, eff. Nov. 1, 1986; Laws 1986, c. 259, § 55, operative July 1, 1986; Laws 1987, c. 204, § 120, operative July 1, 1987; Laws 1988, c. 298, § 47, operative July 1, 1988; Laws 1989, c. 207, § 2, eff. Nov. 1, 1989; Laws 1989, c. 353, § 11, emerg. eff. June 3, 1989; Laws 1990, c. 219, § 13, eff. Jan. 1, 1991; Laws 1993, c. 314, § 1, emerg. eff. June 7, 1993; Laws 1994, c. 2, § 14, emerg. eff. March 2, 1994; Laws 1996, c. 254, § 4, eff. Nov. 1, 1996; Laws 1997, c. 2, § 6, emerg. eff. Feb. 26, 1997; Laws 1999, c. 161, § 2, eff. Aug. 15, 2000; Laws 2000, c. 277, § 4, eff. Nov. 1, 2000; Laws 2001, c. 5, § 19, emerg. eff. March 21, 2001; Laws 2001, c. 185, § 1, eff. July 1, 2001; Laws 2001, c. 361, § 4, eff. July 1, 2001; Laws 2003, c. 392, § 4, eff. July 1, 2003; Laws 2004, c. 139, § 1, eff. Nov. 1, 2004; Laws 2005, c. 457, § 2, eff. Nov. 1, 2005; Laws 2006, c. 311, § 9, emerg. eff. June 8, 2006; Laws 2007, c. 328, § 1, eff. Nov. 1, 2007; Laws 2008, c. 83, § 1, eff. Nov. 1, 2008; Laws 2009, c. 99, § 1, eff. Nov. 1, 2009; Laws 2010, c. 341, § 1, eff. Nov. 1, 2010; Laws 2012, c. 280, § 2, eff. Nov. 1, 2012; Laws 2014, c. 199, § 1, eff. July 1, 2014; Laws 2015, c. 102, § 1, eff. Nov. 1, 2015; Laws 2016, c. 180, § 2; Laws 2016, c. 86, § 2; Laws 2017, c. 42, § 14.

NOTE: Laws 2001, c. 185, § 2 reads: "The provisions of subparagraph b of paragraph 2 of subsection A of Section 6-105 of Title 47 of the Oklahoma Statutes shall become effective November 1, 2001."

NOTE: Laws 1989, c. 82, § 2 repealed by Laws 1989, c. 353, § 14, emerg. eff. June 3, 1989. Laws 1993, c. 70, § 1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1996, c. 203, § 2 and Laws 1996, c. 247, § 39 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2000, c. 247, § 1 repealed by Laws 2001, c. 5, § 20, emerg. eff. March 21, 2001.

§47-6-105.1. Repealed by Laws 2007, c. 62, § 36, emerg. eff. April 30, 2007.

§47-6-105.2. Instructor permit.

1The Department of Public Safety may issue an instructor permit to any qualified secondary school driver education instructor as defined by the State Board of Education Rules and Regulations for Oklahoma High School Driver and Traffic Safety Education or any driver education instructor, certified by the Department of Public Safety, of a parochial, private, or other nonpublic secondary school upon a proper application to the State Board of Education or the Department of Public Safety in the case of secondary schools that are not regulated by the State Board of Education or a commercial driver training course instructor, as provided for in Sections 801 through 808 of Title 47 of the Oklahoma Statutes. The Department shall promulgate rules for the issuance of the permits. Any instructor as defined in this subsection who has been issued a permit may instruct any person who is at least fifteen and one-half (15 1/2) years of age or who is at least fifteen (15) years of age and of secondary school or higher educational standing while regularly enrolled and certified by the instructor as a student taking a prescribed course of secondary school driver education or a driver education course, certified by the Department of Public Safety, from a parochial, private, or other nonpublic secondary school or a commercial driver training course, as defined by Sections 801 through 808 of Title 47 of the Oklahoma Statutes, to operate a motor vehicle while accompanied by and receiving instruction from the instructor who is actually occupying a seat beside the driver.
Added by Laws 2005, c. 457, § 3, eff. Nov. 1, 2005.

§47-6-105.3. Issuance of identification card - Fees.

A. In addition to the licenses to operate motor vehicles, the Department of Public Safety may issue cards to Oklahoma residents for purposes of identification only. The identification cards shall be issued, renewed, replaced, canceled and denied in the same manner as driver licenses in this state. The application for an identification card by any person under the age of eighteen (18) years shall be signed and verified by a custodial legal parent or legal guardian, either in person before a person authorized to administer oaths or electronically if completing an online application, or a notarized affidavit signed by a custodial legal parent or legal guardian submitted before a person authorized to administer oaths by the person under the age of eighteen (18) years with the application. Except as otherwise provided in this section, the identification cards shall be valid for a period of four (4) years from the month of issuance; however, the identification cards issued to persons sixty-five (65) years of age or older shall be valid indefinitely from the month of issuance.

B. No person shall hold more than one state-issued or territory-issued REAL ID Compliant Driver License or REAL ID Compliant

Identification Card, as defined in subsection G of Section 6-101 of this title. The Department shall not issue a REAL ID Compliant Identification Card to any applicant who has been previously issued a REAL ID Compliant Driver License or REAL ID Compliant Identification Card unless such license or identification card has been surrendered to the Department by the applicant. The Department may promulgate rules related to the issuance of replacement REAL ID Compliant Identification Cards in the event of loss or theft.

C. The fee charged for the issuance, renewal, or replacement of a REAL ID Compliant Identification Card shall be Twenty-five Dollars (\$25.00). The fee charged for the issuance, renewal or replacement of a REAL ID Noncompliant Identification Card pursuant to this section shall be Twenty-five Dollars (\$25.00); however, no person sixty-five (65) years of age or older shall be charged a fee for an identification card. Of each fee charged pursuant to the provisions of this subsection:

1. Seven Dollars (\$7.00) shall be apportioned as provided in Section 1104 of this title;

2. Three Dollars (\$3.00) shall be credited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of the administration and maintenance of the computerized imaging system of the Department;

3. Ten Dollars (\$10.00) shall be deposited in the Department of Public Safety Revolving Fund;

4. Three Dollars (\$3.00) shall be deposited to the State Public Safety Fund created in Section 2-147 of this title; and

5.
 - a. Two Dollars (\$2.00) of the fee authorized by this subsection related to the issuance, renewal or replacement of an identification card by a motor license agent that does not process approved applications or renewals for REAL ID Compliant Driver Licenses or Identification Cards shall be deposited, in addition to the amount authorized by paragraph 4 of this subsection, to the State Public Safety Fund created in Section 2-147 of this title, or

- b. Two Dollars (\$2.00) of the fee authorized by this subsection related to the issuance, renewal or replacement of an identification card by a motor license agent that does process approved applications or renewals for REAL ID Compliant Driver Licenses or Identification Cards shall be retained by the motor license agent.

D. The Oklahoma Tax Commission is hereby authorized to reimburse, from funds available to that agency, each motor license agent issuing an identification card to a person sixty-five (65) years of age or older, an amount not to exceed One Dollar (\$1.00) for

each card or driver license so issued. The Tax Commission shall develop procedures for claims for reimbursement.

E. When a person makes application for a new identification card, or makes application to renew an identification card, and the person has been convicted of, or received a deferred judgment for, any offense required to register pursuant to the Sex Offenders Registration Act, the identification card shall be valid for a period of one (1) year from the month of issuance, but may be renewed yearly during the time the person is subject to registration on the Sex Offender Registry. The cost for such identification card shall be the same as for other identification cards and renewals.

Added by Laws 2005, c. 457, § 4, eff. Nov. 1, 2005. Amended by Laws 2006, c. 294, § 2, eff. July 1, 2006; Laws 2007, c. 1, § 27, emerg. eff. Feb. 22, 2007; Laws 2013, c. 116, § 1, eff. Nov. 1, 2013; Laws 2013, c. 259, § 3, eff. Nov. 1, 2013; Laws 2015, c. 266, § 1, eff. Nov. 1, 2015; Laws 2017, c. 1, § 2, emerg. eff. March 2, 2017.

NOTE: Laws 2006, c. 311, § 10 repealed by Laws 2007, c. 1, § 28, emerg. eff. Feb. 22, 2007.

§47-6-105v1. Graduated Class D licenses - Motorcycle-only licenses - Farm vehicle special permits.

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

1. A Class D motor vehicle under the graduated driver license provisions prescribed in subsections B through E of this section;
2. A motorcycle under the provisions prescribed in subsection H of this section; or
3. A farm vehicle under the provisions prescribed in subsection I of this section.

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

C. Any person:

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

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

- b. a driver education course, certified by the Department of Public Safety, from a parochial, private, or other nonpublic secondary school,
- c. a commercial driver training course, as defined by Sections 801 through 808 of this title,
- d. a parent-taught driver education course, certified by the Department of Public Safety. The Department shall promulgate rules for any parent-taught driver education course, or
- e. a driver education course certified by a state other than Oklahoma; or

2. Who is at least sixteen (16) years of age, may, upon successfully passing all parts of the driver license examination administered by the Department except the driving examination, be issued a learner permit which will grant the permittee the privilege to operate a Class D motor vehicle upon the public highways only between the hours of 5:00 a.m. and 10:00 p.m. and while accompanied by a licensed driver who is at least twenty-one (21) years of age and who is actually occupying a seat beside the permittee; provided, the written examination for a learner permit may be waived by the Department of Public Safety upon verification that the person has successfully completed driver education.

D. 1. Any person:

- a. who has applied for, been issued, and has possessed a learner permit for a minimum of six (6) months, and
- b. whose custodial legal parent or legal guardian certifies to the Department by sworn affidavit that the person has received a minimum of fifty (50) hours of actual behind-the-wheel training, of which at least ten (10) hours of such training was at night, from a licensed driver who was at least twenty-one (21) years of age and who was properly licensed to operate a Class D motor vehicle for a minimum of two (2) years,

may be issued an intermediate Class D license upon successfully passing all parts of the driver license examinations administered by the Department; provided, the written examination, if it has not previously been administered or waived, may be waived by the Department upon verification that the person has successfully completed driver education or the driving examination may be waived by the Department upon successful passage of the examination administered by a certified designated examiner, as provided for in Section 6-110 of this title. However, notwithstanding the date of issuance of the learner permit, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of this paragraph shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued an

intermediate Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of this paragraph shall be recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued an intermediate Class D license.

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

- a. shall be granted the privilege to operate a Class D motor vehicle upon the public highways:
 - (1) only between the hours of 5:00 a.m. and 10:00 p.m., except for driving to and from work, school, school activities, and church activities, or
 - (2) at any time, if a licensed driver who is at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee, or if the intermediate Class D licensee is a farm or ranch resident, and is operating a motor vehicle while engaged in farming or ranching operations outside the limits of a municipality, or driving to and from work, school, school activities, or church activities, and
- b. shall not operate a motor vehicle with more than one passenger unless:
 - (1) all passengers live in the same household as the custodial legal parent or legal guardian, or
 - (2) a licensed driver at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee.

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

1. One (1) year; or

2. Six (6) months, if the person has completed both the driver education and the parent-certified behind-the-wheel training provisions of subparagraph b of paragraph 1 of subsection D of this section,

may be issued a Class D license. However, notwithstanding the date of issuance of the Class D license, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time periods specified in paragraph 1 or 2 of this subsection, as applicable, shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued a Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time periods specified in paragraph 1 or 2 of this subsection, as applicable, shall be

recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued a Class D license.

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

G. The Department of Public Safety shall promulgate rules establishing procedures for removal of learner permit and intermediate Class D license restrictions from the permit or license upon the permittee or licensee qualifying for a less restricted or an unrestricted license.

H. Any person fourteen (14) years of age or older may apply for a restricted Class D license with a motorcycle-only restriction. After the person has successfully passed all parts of the motorcycle examination other than the driving examination and has met all requirements provided for in the rules of the Department, the Department shall issue to the person a restricted Class D license with a motorcycle-only restriction which shall grant to the person, while having the license in the person's immediate possession, the privilege to operate a motorcycle or motor-driven cycle:

1. With a piston displacement not to exceed three hundred (300) cubic centimeters;
2. Between the hours of 4:30 a.m. to 9:00 p.m. only;
3. While wearing approved protective headgear; and
4. While accompanied by and receiving instruction from any person who is at least twenty-one (21) years of age and who is properly licensed pursuant to the laws of this state to operate a motorcycle or motor-driven cycle, and who has visual contact with the restricted licensee.

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

The written examination and driving examination for a restricted Class D license with a motorcycle-only endorsement may be waived by the Department of Public Safety upon verification that the person has successfully completed a certified Motorcycle Safety Foundation rider course approved by the Department.

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

J. As used in this section:

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

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

K. All driver education courses provided for in paragraph 1 of subsection C of this section shall include education regarding the dangers of texting while driving and the effects of being under the influence of alcohol or other intoxicating substance while driving. Added by Laws 1961, p. 342, § 6-105, eff. Sept. 1, 1961. Amended by Laws 1963, c. 272, § 1, emerg. eff. June 13, 1963; Laws 1969, c. 103, § 1, emerg. eff. April 1, 1969; Laws 1972, c. 61, § 1, emerg. eff. March 27, 1972; Laws 1980, c. 142, § 1, emerg. eff. April 7, 1980; Laws 1983, c. 286, § 18, operative July 1, 1983; Laws 1985, c. 45, § 3, eff. Jan. 1, 1986; Laws 1985, c. 179, § 60, operative July 1, 1985; Laws 1985, c. 338, § 3, eff. Jan. 1, 1986; Laws 1986, c. 107, § 1, eff. Nov. 1, 1986; Laws 1986, c. 259, § 55, operative July 1, 1986; Laws 1987, c. 204, § 120, operative July 1, 1987; Laws 1988, c. 298, § 47, operative July 1, 1988; Laws 1989, c. 207, § 2, eff. Nov. 1, 1989; Laws 1989, c. 353, § 11, emerg. eff. June 3, 1989; Laws 1990, c. 219, § 13, eff. Jan. 1, 1991; Laws 1993, c. 314, § 1, emerg. eff. June 7, 1993; Laws 1994, c. 2, § 14, emerg. eff. March 2, 1994; Laws 1996, c. 254, § 4, eff. Nov. 1, 1996; Laws 1997, c. 2, § 6, emerg. eff. Feb. 26, 1997; Laws 1999, c. 161, § 2, eff. Aug. 15, 2000; Laws 2000, c. 277, § 4, eff. Nov. 1, 2000; Laws 2001, c. 5, § 19, emerg. eff. March 21, 2001; Laws 2001, c. 185, § 1, eff. July 1, 2001; Laws 2001, c. 361, § 4, eff. July 1, 2001; Laws 2003, c. 392, § 4, eff. July 1, 2003; Laws 2004, c. 139, § 1, eff. Nov. 1, 2004; Laws 2005, c. 457, § 2, eff. Nov. 1, 2005; Laws 2006, c. 311, § 9, emerg. eff. June 8, 2006; Laws 2007, c. 328, § 1, eff. Nov. 1, 2007; Laws

2008, c. 83, § 1, eff. Nov. 1, 2008; Laws 2009, c. 99, § 1, eff. Nov. 1, 2009; Laws 2010, c. 341, § 1, eff. Nov. 1, 2010; Laws 2012, c. 280, § 2, eff. Nov. 1, 2012; Laws 2014, c. 199, § 1, eff. July 1, 2014; Laws 2015, c. 102, § 1, eff. Nov. 1, 2015; Laws 2016, c. 86, § 2, eff. Nov. 1, 2016.

NOTE: Laws 2001, c. 185, § 2 reads: "The provisions of subparagraph b of paragraph 2 of subsection A of Section 6-105 of Title 47 of the Oklahoma Statutes shall become effective November 1, 2001."

NOTE: Laws 1989, c. 82, § 2 repealed by Laws 1989, c. 353, § 14, emerg. eff. June 3, 1989. Laws 1993, c. 70, § 1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1996, c. 203, § 2 and Laws 1996, c. 247, § 39 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2000, c. 247, § 1 repealed by Laws 2001, c. 5, § 20, emerg. eff. March 21, 2001.

§47-6-105v2. Graduated Class D licenses - Motorcycle-only licenses - Farm vehicle special permits.

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

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

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

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

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

C. Any person:

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

- a. a prescribed secondary school driver education course, as provided for in Sections 19-113 through 19-121 of Title 70 of the Oklahoma Statutes,
- b. a driver education course, certified by the Department of Public Safety, from a parochial, private, or other nonpublic secondary school,
- c. a commercial driver training course, as defined by Sections 801 through 808 of this title,

- d. a parent-taught driver education course, certified by the Department of Public Safety. The Department shall promulgate rules for any parent-taught driver education course, or
- e. a driver education course certified by a state other than Oklahoma; or

2. Who is at least sixteen (16) years of age, may, upon successfully passing all parts of the driver license examination administered by the Department except the driving examination, be issued a learner permit which will grant the permittee the privilege to operate a Class D motor vehicle upon the public highways only between the hours of 5:00 a.m. and 10:00 p.m. and while accompanied by a licensed driver who is at least twenty-one (21) years of age and who is actually occupying a seat beside the permittee; provided, the written examination for a learner permit may be waived by the Department of Public Safety upon verification that the person has successfully completed driver education.

D. 1. Any person:

- a. who has applied for, been issued, and has possessed a learner permit for a minimum of six (6) months, and
- b. whose custodial legal parent or legal guardian certifies to the Department by sworn affidavit that the person has received a minimum of fifty (50) hours of actual behind-the-wheel training, of which at least ten (10) hours of such training was at night, from a licensed driver who was at least twenty-one (21) years of age and who was properly licensed to operate a Class D motor vehicle for a minimum of two (2) years,

may be issued an intermediate Class D license upon successfully passing all parts of the driver license examinations administered by the Department; provided, the written examination, if it has not previously been administered or waived, may be waived by the Department upon verification that the person has successfully completed driver education or the driving examination may be waived by the Department upon successful passage of the examination administered by a certified designated examiner, as provided for in Section 6-110 of this title. However, notwithstanding the date of issuance of the learner permit, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of this paragraph shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued an intermediate Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of this paragraph shall be recalculated to begin from the most recent date of

conviction, and must elapse before that person may be issued an intermediate Class D license.

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

- a. shall be granted the privilege to operate a Class D motor vehicle upon the public highways:
 - (1) only between the hours of 5:00 a.m. and 10:00 p.m., except for driving to and from work, school, school activities, and church activities, or
 - (2) at any time, if a licensed driver who is at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee, or if the intermediate Class D licensee is a farm or ranch resident, and is operating a motor vehicle while engaged in farming or ranching operations outside the limits of a municipality, or driving to and from work, school, school activities, or church activities, and
- b. shall not operate a motor vehicle with more than one passenger unless:
 - (1) all passengers live in the same household as the custodial legal parent or legal guardian, or
 - (2) a licensed driver at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee.

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

1. One (1) year; or

2. Six (6) months, if the person has completed both the driver education and the parent-certified behind-the-wheel training provisions of subparagraph b of paragraph 1 of subsection D of this section,

may be issued a Class D license. However, notwithstanding the date of issuance of the Class D license, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time periods specified in paragraph 1 or 2 of this subsection, as applicable, shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued a Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time periods specified in paragraph 1 or 2 of this subsection, as applicable, shall be recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued a Class D license.

F. Learner permits and intermediate Class D licenses shall be issued for the same period as all other driver licenses. The licenses may be suspended or canceled at the discretion of the

Department for violation of restrictions, for failing to give the required or correct information on the application, for knowingly giving false or inaccurate information on the application or any subsequent documentation related to the granting of driving privileges, for using a hand-held electronic device while operating a motor vehicle for non-life-threatening emergency purposes or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle.

G. The Department of Public Safety shall promulgate rules establishing procedures for removal of learner permit and intermediate Class D license restrictions from the permit or license upon the permittee or licensee qualifying for a less restricted or an unrestricted license.

H. Any person fourteen (14) years of age or older may apply for a restricted Class D license with a motorcycle-only restriction. After the person has successfully passed all parts of the motorcycle examination other than the driving examination, has successfully completed a certified state-approved motorcycle basic rider course approved by the Department, and has met all requirements provided for in the rules of the Department, the Department shall issue to the person a restricted Class D license with a motorcycle-only restriction which shall grant to the person, while having the license in the person's immediate possession, the privilege to operate a motorcycle or motor-driven cycle:

1. With a piston displacement not to exceed three hundred (300) cubic centimeters;
2. Between the hours of 4:30 a.m. to 9:00 p.m. only;
3. While wearing approved protective headgear; and
4. While accompanied by and receiving instruction from any person who is at least twenty-one (21) years of age and who is properly licensed pursuant to the laws of this state to operate a motorcycle or motor-driven cycle, and who has visual contact with the restricted licensee.

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

The written examination and driving examination for a restricted Class D license with a motorcycle-only endorsement shall be waived by the Department of Public Safety upon verification that the person has successfully completed a certified state-approved motorcycle basic rider course approved by the Department.

I. The Department may in its discretion issue a special permit to any person who has attained the age of fourteen (14) years, authorizing such person to operate farm vehicles between the farm and the market to haul commodities grown on the farm; provided, that the

special permit shall be temporary and shall expire not more than thirty (30) days after the issuance of the special permit. Special permits shall be issued only to farm residents and shall be issued only during the time of the harvest of the principal crops grown on such farm. Provided, however, the Department shall not issue a special permit pursuant to this subsection until the Department is fully satisfied after the examination of the application and other evidence furnished in support thereof, that the person is physically and mentally developed to such a degree that the operation of a motor vehicle by the person would not be inimical to public safety.

J. As used in this section:

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

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

Added by Laws 1961, p. 342, § 6-105, eff. Sept. 1, 1961. Amended by Laws 1963, c. 272, § 1, emerg. eff. June 13, 1963; Laws 1969, c. 103, § 1, emerg. eff. April 1, 1969; Laws 1972, c. 61, § 1, emerg. eff. March 27, 1972; Laws 1980, c. 142, § 1, emerg. eff. April 7, 1980; Laws 1983, c. 286, § 18, operative July 1, 1983; Laws 1985, c. 45, § 3, eff. Jan. 1, 1986; Laws 1985, c. 179, § 60, operative July 1, 1985; Laws 1985, c. 338, § 3, eff. Jan. 1, 1986; Laws 1986, c. 107, § 1, eff. Nov. 1, 1986; Laws 1986, c. 259, § 55, operative July 1, 1986; Laws 1987, c. 204, § 120, operative July 1, 1987; Laws 1988, c. 298, § 47, operative July 1, 1988; Laws 1989, c. 207, § 2, eff. Nov. 1, 1989; Laws 1989, c. 353, § 11, emerg. eff. June 3, 1989; Laws 1990, c. 219, § 13, eff. Jan. 1, 1991; Laws 1993, c. 314, § 1, emerg. eff. June 7, 1993; Laws 1994, c. 2, § 14, emerg. eff. March 2, 1994; Laws 1996, c. 254, § 4, eff. Nov. 1, 1996; Laws 1997, c. 2, § 6, emerg. eff. Feb. 26, 1997; Laws 1999, c. 161, § 2, eff. Aug. 15, 2000; Laws 2000, c. 277, § 4, eff. Nov. 1, 2000; Laws 2001, c. 5, § 19, emerg. eff. March 21, 2001; Laws 2001, c. 185, § 1, eff. July 1, 2001; Laws 2001, c. 361, § 4, eff. July 1, 2001; Laws 2003, c. 392, § 4, eff. July 1, 2003; Laws 2004, c. 139, § 1, eff. Nov. 1, 2004; Laws 2005, c. 457, § 2, eff. Nov. 1, 2005; Laws 2006, c. 311, § 9, emerg. eff. June 8, 2006; Laws 2007, c. 328, § 1, eff. Nov. 1, 2007; Laws 2008, c. 83, § 1, eff. Nov. 1, 2008; Laws 2009, c. 99, § 1, eff. Nov. 1, 2009; Laws 2010, c. 341, § 1, eff. Nov. 1, 2010; Laws 2012, c. 280, § 2, eff. Nov. 1, 2012; Laws 2014, c. 199, § 1, eff. July 1, 2014; Laws 2015, c. 102, § 1, eff. Nov. 1, 2015; Laws 2016, c. 180, § 2.

NOTE: Laws 2001, c. 185, § 2 reads: "The provisions of subparagraph b of paragraph 2 of subsection A of Section 6-105 of Title 47 of the Oklahoma Statutes shall become effective November 1, 2001."

NOTE: Laws 1989, c. 82, § 2 repealed by Laws 1989, c. 353, § 14, emerg. eff. June 3, 1989. Laws 1993, c. 70, § 1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1996, c. 203, § 2 and Laws 1996, c. 247, § 39 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2000, c. 247, § 1 repealed by Laws 2001, c. 5, § 20, emerg. eff. March 21, 2001.

§47-6-106. Application for license.

A. 1. Every application for a driver license or identification card shall be made by the applicant upon a form furnished by the Department of Public Safety.

2. Every original, renewal, or replacement application for a driver license or identification card made by a male applicant who is at least sixteen (16) but less than twenty-six (26) years of age shall include a statement that by submitting the application, the applicant is consenting to registration with the Selective Service System. The pertinent information from the application shall be forwarded by the Department to the Data Management Center of the Selective Service System in order to register the applicant as required by law with the Selective Service System. Any applicant refusing to sign the consent statement shall be denied a driver license or identification card.

3. Except as provided for in subsections G and H of this section, every applicant for a driver license or identification card shall provide to the Department at the time of application a document showing proof of identity. The Department shall promulgate rules prescribing forms of primary and secondary identification acceptable for an original Oklahoma driver license.

B. Every applicant for a driver license shall provide the following information:

1. Full name;
2. Date of birth;
3. Sex;

4. Address of principal residence and county of such residence which shall be referenced on the REAL ID Compliant Driver License or Identification Card; proof of principal residency, as prescribed by rules promulgated by the Department, documenting provided address;

5. Current and complete mailing address to be maintained by the Department for the purpose of giving notice, if necessary, as required by Section 2-116 of this title;

6. Medical information, as determined by the Department, which shall assure the Department that the person is not prohibited from being licensed as provided by paragraph 7 of subsection A of Section 6-103 of this title;

7. Whether the applicant is deaf or hard-of-hearing;

8. A brief description of the applicant, as determined by the Department;

9. Whether the applicant has previously been licensed, and, if so, when and by what state or country, and whether any license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal;

10. Whether the applicant is an alien eligible to be considered for licensure and is not prohibited from licensure pursuant to paragraph 9 of subsection A of Section 6-103 of this title;

11. Whether the applicant has:

- a. previously been licensed and, if so, when and by what state or country, and
- b. held more than one license at the same time during the immediately preceding ten (10) years; and

12. Social Security number.

No person shall request the Department to use the Social Security number of that person as the driver license number. Upon renewal or replacement of any driver license issued after the effective date of this act, the licensee shall advise the Department or the motor license agent if the present driver license number of the licensee is the Social Security number of the licensee. If the driver license number is the Social Security number, the Department or the motor license agent shall change the driver license number to a computer-generated alphanumeric identification.

C. 1. In addition to the requirements of subsections A and B of this section, every applicant for a commercial driver license who is subject to the requirements of 49 C.F.R., Part 391, and is applying for an original, renewal, or replacement license, and every person who, upon or after May 8, 2012, is currently the holder of a commercial driver license and is subject to the requirements of 49 C.F.R., Part 391, and who does not apply for a renewal or replacement license prior to January 30, 2014, shall submit to the Department and maintain with the Department a current approved medical examination certificate signed by a licensed physician authorized to perform and approve medical examination certifications. The Department shall adopt rules for maintaining medical examination certificates pursuant to the requirements in 49 C.F.R., Parts 383 and 384. Any commercial driver licensee subject to the requirements of this paragraph who fails to maintain on file with the Department a current, approved medical examination certificate shall have the driving privileges of the person downgraded to a Class D driver license by the Department.

2. If the applicant is applying for an original commercial driver license in Oklahoma or is transferring a commercial driver license from another state to Oklahoma, the Department shall review the driving record of the applicant in other states for the immediately preceding ten (10) years, unless the record review has already been performed by the Department. As a result of the review, if it is determined by the Department that the applicant is subject

to a period of disqualification as prescribed by Section 6-205.2 of this title which has not yet been imposed, the Department shall impose the period of disqualification and the applicant shall serve the period of disqualification before a commercial driver license is issued to the applicant; provided, nothing in this paragraph shall be construed to prevent the issuance of a Class D driver license to the applicant.

3. If the applicant has or is applying for a hazardous material endorsement, the applicant shall submit to a security threat assessment performed by the Transportation Security Administration of the Department of Homeland Security as required by and pursuant to 49 C.F.R., Part 1572, which shall be used to determine whether the applicant is eligible for the endorsement pursuant to federal law and regulation.

4. The Department of Public Safety shall notify each commercial driving school of the passage of this section, and each commercial driving school shall notify prospective students of its school of the hazardous material endorsement requirement.

D. In addition to the requirements of subsections A and B of this section, every applicant shall be given an option on the application for issuance of a driver license or identification card or renewal pursuant to Section 6-115 of this title to provide an emergency contact person. The emergency contact information requested may include full name, address, and phone number. The emergency contact information shall be maintained by the Department and shall be used by the Department and law enforcement for emergency purposes only. A person listed as an emergency contact may request to be removed at any time. Any update to a change of name, address, or phone number may be made by the applicant listing the emergency contact person or by the person listed as the emergency contact.

E. Whenever application is received from a person previously licensed in another jurisdiction, the Department shall request a copy of the driving record from the other jurisdiction and, effective September 1, 2005, from all other jurisdictions in which the person was licensed within the immediately previous ten (10) years. When received, the driving record shall become a part of the driving record of the person in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

F. Whenever the Department receives a request for a driving record from another licensing jurisdiction, the record shall be forwarded without charge.

G. A person shall not apply for or possess more than one state-issued or territory-issued REAL ID Compliant Driver License or Identification Card pursuant to the provisions of Section 6-101 of this title. A valid and unexpired Oklahoma driver license shall serve as both primary and secondary proofs of identity whenever

application for a REAL ID Noncompliant Identification Card is submitted to the Department. The provisions of subsection B of Section 1550.42 of Title 21 of the Oklahoma Statutes shall not apply when issuing an identification card pursuant to the provisions of this subsection. The Department shall promulgate rules necessary to implement and administer the provisions of this subsection.

H. A valid and unexpired U.S. passport shall serve as both primary and secondary proofs of identity whenever application for a driver license or identification card is submitted to the Department. The Department shall promulgate rules necessary to implement and administer the provisions of this subsection.

Added by Laws 1961, p. 343, § 6-106, eff. Sept. 1, 1961. Amended by Laws 1985, c. 45, § 4, eff. Jan. 1, 1986; Laws 1989, c. 82, § 3, eff. Nov. 1, 1989; Laws 1990, c. 219, § 14, eff. Jan. 1, 1991; Laws 1992, c. 177, § 1, eff. Sept. 1, 1992; Laws 1997, c. 325, § 1, eff. July 1, 1997; Laws 1998, c. 323, § 14, eff. Oct. 1, 1998; Laws 1999, c. 1, § 13, emerg. eff. Feb. 24, 1999; Laws 2000, c. 189, § 1, eff. July 1, 2000; Laws 2000, c. 342, § 4, eff. July 1, 2000; Laws 2001, c. 5, § 21, emerg. eff. March 21, 2001; Laws 2001, c. 361, § 5, eff. July 1, 2001; Laws 2002, c. 114, § 2, eff. Nov. 1, 2002; Laws 2003, c. 392, § 5, eff. July 1, 2003; Laws 2004, c. 149, § 1, eff. Nov. 1, 2004; Laws 2004, c. 390, § 4, eff. July 1, 2004; Laws 2005, c. 394, § 1, emerg. eff. June 6, 2005; Laws 2006, c. 16, § 26, emerg. eff. March 29, 2006; Laws 2007, c. 326, § 6, eff. Nov. 1, 2007; Laws 2010, c. 154, § 1, eff. Nov. 1, 2010; Laws 2010, c. 277, § 1, eff. Nov. 1, 2010; Laws 2012, c. 207, § 2, emerg. eff. May 8, 2012; Laws 2014, c. 242, § 1, eff. Nov. 1, 2014; Laws 2016, c. 170, § 1, eff. Nov. 1, 2016; Laws 2017, c. 1, § 3, emerg. eff. March 2, 2017; Laws 2019, c. 302, § 1, eff. Nov. 1, 2019.

NOTE: Laws 1998, c. 246, § 19 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999. Laws 2000, c. 277, § 5 repealed by Laws 2001, c. 5, § 22, emerg. eff. March 21, 2001. Laws 2003, c. 234, § 2 repealed by Laws 2004, c. 5, § 37, emerg. eff. March 1, 2004. Laws 2004, c. 5, § 36 repealed by Laws 2004, c. 390, § 20, eff. July 1, 2004. Laws 2005, c. 36, § 1 repealed by Laws 2006, c. 16, § 27, emerg. eff. March 29, 2006.

§47-6-106.1. Renumbered as § 11-906.1 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.

§47-6-106.2. Renumbered as § 11-906.2 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.

§47-6-106.3. Renumbered as § 11-906.3 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.

§47-6-106.4. Renumbered as § 11-906.4 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.

§47-6-107. Restricted licenses for unemancipated persons under 18 - Signature of legal parent or guardian - Liability - Financial responsibility - Cancellation or suspension.

A. In addition to the requirements of Section 6-106 of this title, the application of any unemancipated person under the age of eighteen (18) years for a restricted license shall be signed and verified by the legal custodial parent or legal guardian of the applicant, either in person before a person authorized to administer oaths, electronically if completing an online application, or by a notarized affidavit signed by a custodial legal parent or legal guardian and submitted with the application by the person under the age of eighteen (18) years before a person authorized to administer oaths. The signature of the legal custodial parent or legal guardian shall be evidence that the legal custodial parent or legal guardian is willing to assume the obligation imposed under Section 1-101 et seq. of this title upon a person signing the application of a person under the age of eighteen (18) years. Provided, however, any unemancipated person under the age of eighteen (18) years who is in the permanent custody of the Department of Human Services, upon proof of financial responsibility in respect to the operation of a motor vehicle owned by him or her or if not the owner of a motor vehicle then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, shall not be required to have his or her application for restricted license signed or verified by another person.

B. Any negligence or willful misconduct of a person under the age of eighteen (18) years when driving a motor vehicle upon a highway with the knowledge and consent of the person who signed the application or notarized affidavit for the restricted license shall be imputed to the person who has signed the application or notarized affidavit. Such person shall be jointly and severally liable with the minor for any damages caused by such negligence or willful misconduct, except as otherwise provided in subsection C of this section.

C. In the event a person under the age of eighteen (18) years deposits, or there is deposited upon his or her behalf, proof of financial responsibility in respect to the operation of a motor vehicle owned by him or her or if not the owner of a motor vehicle then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, then the Department may accept the application of such person when signed by the legal custodial parent or the legal guardian of such person, and while such proof is

maintained the legal custodial parent or legal guardian shall not be subject to the liability imposed under subsection B of this section.

D. The Department may, at its discretion, cancel or suspend the license of any person under the age of eighteen (18) years for any unlawful act, negligence or misconduct while driving a motor vehicle.

E. As provided in Section 6-103.1 of this title, any legal custodial parent or legal guardian who has signed the application or notarized affidavit of a person under the age of eighteen (18) years for a license may thereafter file with the Department of Public Safety a verified written request that the license of that person so granted be canceled. The Department shall then cancel the license of the person and the legal custodial parent or legal guardian who signed the application or notarized affidavit of the person shall be relieved from the liability imposed under Section 1-101 et seq. of this title by reason of having signed the application on account of any subsequent negligence or willful misconduct of the person in operating a motor vehicle.

F. The Department of Public Safety upon receipt of satisfactory evidence of the death of the legal custodial parent or legal guardian who signed the application or notarized affidavit of a person under the age of eighteen (18) years for a license shall cancel the license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this chapter. This provision shall not apply in the event the person has attained the age of eighteen (18) years.

Added by Laws 1961, p. 343, § 6-107, eff. Sept. 1, 1961. Amended by Laws 1975, c. 343, § 1, emerg. eff. June 12, 1975; Laws 1978, c. 304, § 5; Laws 1979, c. 284, § 1, eff. July 1, 1979; Laws 1985, c. 45, § 5, eff. Jan. 1, 1986; Laws 1990, c. 219, § 15, eff. Jan. 1, 1991; Laws 2002, c. 397, § 16, eff. Nov. 1, 2002; Laws 2006, c. 311, § 11, emerg. eff. June 8, 2006; Laws 2008, c. 1, § 3; Laws 2015, c. 266, § 2, eff. Nov. 1, 2015; Laws 2016, c. 210, § 27, emerg. eff. April 26, 2016.

NOTE: Laws 2015, c. 96, § 1 repealed by Laws 2016, c. 210, § 28, emerg. eff. April 26, 2016.

§47-6-107.1. Recommendation of cancellation or denial of driving privileges of persons 20 or younger for certain alcohol or substance abuse offenses - Notification of Department.

A. When any district court, municipal court of record or any municipal court in a city or town in which the judge is an attorney licensed to practice law in this state has determined that a person under the age of eighteen (18) years has committed any offense described in subsection C of this section, or that a person eighteen (18), nineteen (19), or twenty (20) years of age has committed an offense described in Section 11-906.4 of this title, the court shall

notify the Department of Public Safety on a form prescribed by the Department as provided in Section 6-107.2 of this title.

B. The notice shall include the name, date of birth, physical description and, if known, the driver license number of the person. The notice shall contain an order to the Department to cancel or deny driving privileges for a specified period of time, except as otherwise provided by law, as follows:

1. For a period of six (6) months for a first offense;
2. For a period of one (1) year for a second offense;
3. For a period of two (2) years for a third or subsequent offense; or
4. In the discretion of the court, until the person attains twenty-one (21) years of age, if that period of time would be longer than the period of time provided in paragraph 1, 2 or 3 of this subsection.

Provided, however, if the person is less than sixteen (16) years of age at the time of the determination, and the person will be less than sixteen (16) years of age at the end of the period of cancellation or denial, the Department shall extend the period of cancellation or denial to the date the person attains sixteen (16) years of age.

The court shall send a copy of the notice to the person first class, postage prepaid.

C. In addition to the administrative revocation of driving privileges pursuant to Section 754 of this title, and the mandatory revocation of driving privileges pursuant to Section 6-205.1 of this title, this section applies to any crime, violation, infraction, traffic offense or other offense involving or relating to the possession, use, sale, purchase, transportation, distribution, manufacture, or consumption of beer, alcohol, or any beverage containing alcohol and to any crime, violation, infraction, traffic offense or other offense involving or relating to the possession, use, sale, purchase, transportation, distribution, manufacture, trafficking, cultivation, consumption, ingestion, inhalation, injection, or absorption of any controlled dangerous substance as defined by paragraph 8 of Section 2-101 of Title 63 of the Oklahoma Statutes or any substance which is capable of being ingested, inhaled, injected, or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing, or other sensory or motor functions.

Added by Laws 1988, c. 237, § 1, eff. Nov. 1, 1988. Amended by Laws 1989, c. 314, § 1, eff. Nov. 1, 1989; Laws 1993, c. 238, § 1, emerg. eff. May 26, 1993; Laws 1994, c. 387, § 1, eff. July 1, 1995; Laws 1996, c. 309, § 4, eff. Nov. 1, 1996; Laws 2006, c. 61, § 12, eff. July 1, 2006; Laws 2010, c. 345, § 1, eff. Nov. 1, 2010.

§47-6-107.2. Department to cancel or deny driving privileges pursuant to recommendation under Section 6-107.1 of this title - Petition for relief - Hearing - Modification or reinstatement of driving privileges.

A. The Department of Public Safety shall prepare and distribute a Notification form to be used by the courts, as provided in Section 6-107.1 of this title. In addition to any other authority to cancel or deny driving privileges, the Department of Public Safety shall, upon receipt of such completed Notification form from a court, cancel or deny all driving privileges of the person named in the Notification form without hearing, for a period of time recommended by the court.

B. Upon receipt of a second or subsequent Notification from a court relating to the same person, the Department shall cancel or deny driving privileges of the person for a period of two (2) years or until the person attains eighteen (18) years of age, whichever is longer.

C. Any person whose driving privileges are canceled or denied pursuant to this section may file a petition for relief based upon error or hardship.

1. The petition shall be filed in the district court which notified the Department pursuant to Section 6-107.1 of this title or, if the Notification originated in a municipal court, the petition shall be filed in the district court of the county in which the court is located. A copy of the Notification and a copy of the Department's action canceling or denying driving privileges pursuant to this section, shall be attached to the petition.

2. The district court shall conduct a hearing on the petition and may determine the matter de novo, without notice to the Department, and if applicable, without notice to the municipal court; provided, the district court shall not consider a collateral attack upon the merits of any conviction or determination which has become final.

3. The district court may deny the petition, or in its discretion, issue a written Order to the Department to increase or decrease the period of cancellation or denial to any period or issue a written Order to vacate the Department's action taken pursuant to this section, in its entirety. The content of the Order shall not grant or purport to grant any driving privileges to the person, however such order may direct the Department of Public Safety to do so if the person is otherwise eligible therefor.

D. Upon receipt of a written Order from the appropriate court, the Department shall modify or reinstate any driving privileges as provided in the Order.

Added by Laws 1988, c. 237, § 2, eff. Nov. 1, 1988. Amended by Laws 1989, c.314, § 2, eff. Nov. 1, 1989; Laws 1994, c. 387, § 2, eff. July 1, 1995.

§47-6-107.3. Licenses or permits for persons under 18 - Enrollment in school required - Reading proficiency testing.

A. The Department of Public Safety shall deny a license, restricted license, or instruction permit for the operation of a motor vehicle to any person under eighteen (18) years of age who does not, at the time of application, present documentation that such person:

1. a. is a student enrolled in a public or private secondary school, including any technology center school, of this state or any other state,
- b. has received a diploma or certificate of completion issued to the person from a secondary school of this state or any other state,
- c. is enrolled and making satisfactory progress in a program leading to a Certificate of High School Equivalency issued by the State Department of Education, or has obtained such certificate,
- d. is excused from such requirement pursuant to a lawful excuse as defined in subsection G of this section or due to circumstances beyond the control of the person, or
- e. is excused from such requirement pursuant to subsection C of this section; and

2. Has successfully passed the criterion-referenced reading test required for all eighth grade students or an alternative reading proficiency test approved by the State Department of Education, pursuant to the provisions of Section 1210.515 of Title 70 of the Oklahoma Statutes, demonstrating reading proficiency at the eighth-grade reading level, unless such student is excused from such requirement pursuant to the provisions of Section 1210.515 of Title 70 of the Oklahoma Statutes.

Provided, during the summer months when school is not in regular session, as established by the school district pursuant to Section 1-109 of Title 70 of the Oklahoma Statutes, a person under eighteen (18) years of age may satisfy the documentation requirement of this subsection by providing a notarized written statement from and signed by the legal custodial parent or legal guardian of the person to the Department of Public Safety stating that the person completed the immediately previous school year and is enrolled or intends to enroll for the immediately subsequent school year.

B. 1. A person under eighteen (18) years of age who is receiving education by other means, including education at home pursuant to Section 4 of Article XIII of the Oklahoma Constitution, shall satisfy the documentation requirement of paragraph 1 of subsection A of this section by providing a written statement from and signed by the legal custodial parent or legal guardian of the

person to the Department of Public Safety stating that the person is receiving instruction by other means pursuant to Section 4 of Article XIII of the Oklahoma Constitution.

2. Any person who falsifies the information required in such documentation, upon conviction, shall be guilty of a misdemeanor.

C. 1. A person under eighteen (18) years of age, who does not meet the requirements of subparagraphs a through c of paragraph 1 of subsection A of this section or the requirements of subsection B of this section, may retain or be issued a driver license if:

- a. the person is employed at least twenty-four (24) hours per week, and
- b. the employer of the person verifies the employment on a form prescribed by the Department of Public Safety.

2. Any person who has retained or been issued a driver license pursuant to this subsection who leaves such employment shall have fifteen (15) days from the date of termination of employment to provide verification of employment from a new employer.

3. Any employer who falsifies a verification of employment shall be subject to an administrative fine of not more than Fifty Dollars (\$50.00), to be assessed by the Department of Public Safety.

D. 1. School district attendance officers, upon request, shall provide a documentation of enrollment status form, established and approved by the Department of Public Safety, to any person under eighteen (18) years of age who is properly enrolled in a school for which the attendance officer is responsible, for presentation to the Department of Public Safety upon application for or reinstatement of an instruction permit, restricted license, or license to operate a motor vehicle.

2. Except as provided in subsection E of this section, whenever a person over fourteen (14) years of age and under eighteen (18) years of age, who has a driver license or permit issued by the Department of Public Safety, withdraws from school, the attendance officer shall notify the Department of Public Safety of such withdrawal through a documentation of enrollment status form.

3. Within fifteen (15) working days of the receipt of such notice, the Department of Public Safety shall provide written notice to the person, by first class, postage prepaid mail, that the license of the person will be canceled thirty (30) days following the date the notice to the person was sent, unless documentation of compliance with the provisions of this section is received by the Department of Public Safety before such time. After the thirty-day period, the Department of Public Safety shall cancel the driving privileges of the person.

E. When the withdrawal from school of a person under eighteen (18) years of age is:

1. Due to circumstances beyond the control of the person;
2. Pursuant to any lawful excuse; or

3. For the purpose of transfer to another school, including education at home pursuant to Section 4 of Article XIII of the Oklahoma Constitution, as confirmed in writing by the legal custodial parent or legal guardian of the person, no notice as required by subsection D of this section shall be sent to the Department of Public Safety, or, if sent, such notice shall be disregarded by the Department of Public Safety. If the person is applying for a license, restricted license, or instruction permit, the attendance officer shall provide the person with documentation to present to the Department of Public Safety to excuse the person from the requirements of this section.

F. Every school district shall, upon request, provide documentation of reading proficiency for any person under eighteen (18) years of age enrolled in such school district by certifying passage of a reading examination pursuant to the provisions of Section 1210.515 of Title 70 of the Oklahoma Statutes.

G. As used in Sections 6-107.3 through 6-107.6 of this title:

1. "Withdrawal" means more than ten (10) consecutive days, or parts of days, of unexcused absences or fifteen (15) days, or parts of days, total unexcused absences during a single semester;

2. "Lawful excuse" means absence from school pursuant to any valid physical or mental illness or pursuant to any legal excuse as provided in Section 10-105 of Title 70 of the Oklahoma Statutes; provided, however, the meaning of such term shall not include marriage;

3. "Circumstances beyond the control of the person" shall not include marriage, suspension or expulsion from school, or imprisonment in a jail, penitentiary or other correctional institution;

4. "Documentation of enrollment status form" means the document established and approved by the Department of Public Safety to substantiate information concerning the eligibility of a person under eighteen (18) years of age to apply for or to retain a license or permit to drive. Such documentation shall not include any information which is considered an education record pursuant to the Family Education Rights and Privacy Act, 20 U.S.C., Sections 1232g through 1232i, unless compliance is made with the restrictions regarding disclosure of the information; and

5. "Documentation of reading proficiency" means information provided by a school authorized by subsection B of Section 1210.515 of Title 70 of the Oklahoma Statutes to certify the eligibility of a person under eighteen (18) years of age to apply for a license or permit based on passage of a reading proficiency test approved by the State Department of Education, or pursuant to the alternative documentation criteria provided in subsection C of Section 1210.515 of Title 70 of the Oklahoma Statutes. Such documentation shall not include any information which is considered an education record

pursuant to the Family Education Rights and Privacy Act, 20 U.S.C., Sections 1232g through 1232i, unless compliance is made with the restrictions regarding disclosure of the information.

H. The provisions of this section shall be inapplicable with respect to any person under eighteen (18) years of age upon whom rights of majority have been conferred pursuant to Sections 91 through 94 of Title 10 of the Oklahoma Statutes.

I. The Department of Public Safety shall establish and approve documentation forms and certificates required by this section for use by school districts to comply with the provisions of this section. Upon establishment and approval of such forms and certificates, the Department of Public Safety shall notify each school district and the State Board of Education of the content thereof.

Added by Laws 1996, c. 247, § 34, eff. July 1, 1996. Amended by Laws 1997, c. 64, § 1, eff. Nov. 1, 1997; Laws 1997, c. 392, § 3, eff. July 1, 1997; Laws 1998, c. 5, § 14, emerg. eff. March 4, 1998; Laws 1998, c. 190, § 1, eff. July 1, 1998; Laws 2001, c. 33, § 37, eff. July 1, 2001; Laws 2006, c. 311, § 12, emerg. eff. June 8, 2006.

NOTE: Laws 1997, c. 322, § 1 repealed by Laws 1998, c. 5, § 29, emerg. eff. March 4, 1998.

§47-6-107.4. Licenses or permits for persons under 18 - Period of cancellation or denial under § 6-107.3.

A. Whenever a license or instruction permit and driving privileges are denied pursuant to Section 6-107.3 of this title, the license or permit and the driving privilege shall remain denied until the person becomes eligible. After becoming eligible, the person may at any time apply for driving privileges by presenting sufficient documentation to the Department of Public Safety pursuant to Section 6-107.3 of this title and paying the fee required for issuance of the license or permit, as applicable.

B. Whenever a license or instruction permit and the driving privilege of a person are canceled pursuant to Section 6-107.3 of this title, the license or permit and the driving privilege shall remain canceled for a minimum period of sixty (60) days or until the person whose license or permit has been canceled or denied reaches eighteen (18) years of age, whichever period is the shortest; provided, after becoming eligible, the person may at any time apply for reinstatement of driving privileges by presenting sufficient documentation to the Department of Public Safety pursuant to Section 6-107.3 of this title and paying the fee required for replacement of the license or permit, if applicable. Upon reinstatement after cancellation, the Department shall remove the record of cancellation from the driving record of the person.

Added by Laws 1996, c. 247, § 35, eff. July 1, 1996. Amended by Laws 1997, c. 392, § 4, eff. July 1, 1997; Laws 1998, c. 190, § 2, eff.

July 1, 1998; Laws 1999, c. 119, § 1, eff. Nov. 1, 1999; Laws 2006, c. 311, § 13, emerg. eff. June 8, 2006.

§47-6-107.5. Licenses or permits for persons under 18 - Cancellation or denial under § 6-107.3 - Hearings and appeals.

Any person aggrieved by a denial or cancellation of driving privileges pursuant to Section 6-107.3 of this title may submit, within thirty (30) days of the denial or of the receipt of notice of cancellation, a written request to the Department of Public Safety for a hearing before the Department. The hearing shall be held within ten (10) days of the receipt by the Department of the request, to determine whether the person is entitled to a license or is subject to cancellation of a license under the provisions of Sections 6-103, 6-107.3 through 6-107.6, and 6-105 of this title. Appeal from the decision of the Department may be taken to any court of competent jurisdiction as provided for in Section 6-211 of this title.

Added by Laws 1996, c. 247, § 36, eff. July 1, 1996. Amended by Laws 2006, c. 311, § 14, emerg. eff. June 8, 2006.

§47-6-107.6. Licenses or permits for persons under 18 - False information relating to school attendance or enrollment - Misdemeanor.

Any person who creates, writes, publishes, enters, or submits false information relating to the attendance, nonattendance, verification of attendance or enrollment of a person in a school or a program of education pursuant to Section 34 of this act, knowing that such information is false, or any person who knowingly aids or abets another in the creation or submission of such information, upon conviction, shall be guilty of a misdemeanor.

Added by Laws 1996, c. 247, § 37, eff. July 1, 1996.

§47-6-107.7. Renumbered as § 608 of Title 37 by Laws 2007, c. 62, § 23, emerg. eff. April 30, 2007.

§47-6-108. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-6-109. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-6-110. Examination of applicants.

A. 1. The Department of Public Safety shall examine every applicant for an original Class A, B, C or D license and for any endorsements thereon, except as otherwise provided in Section 6-101 et seq. of this title or as provided in paragraph 2 of this subsection or in subsections D and E of this section. The examination shall include a test of the applicant's:

a. eyesight,

- b. ability to read and understand highway signs regulating, warning and directing traffic,
- c. knowledge of the traffic laws of this state, including a portion on bicycle and motorcycle safety, and
- d. ability, by actual demonstration, to exercise ordinary and reasonable control in the operation of a motor vehicle. The actual demonstration shall be conducted in the type of motor vehicle for the class of driver license being applied for.

The Department may create a knowledge test that may be taken on the Internet by an applicant applying for a Class D license.

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

2. The Department of Public Safety shall have the authority to waive the requirement of any part of the examination required in paragraph 1 of this subsection for those applicants whose driving record meets the standards set by the Department of Public Safety and surrenders either of the following:

- a. a valid unexpired driver license issued by any state or country for the same type or types of vehicles, or
- b. an expired driver license that:
 - (1) is not expired more than six (6) months past the expiration date listed on the driver license, and
 - (2) is not a Class A, B or C commercial driver license or commercial driver license permit.

3. The Department shall accept skills test results from another state for Class A, B or C license applicants who have successfully completed commercial motor vehicle driver training in that state and successfully passed the skills test in that state; provided, the Department shall not accept skills test results from another state when the applicant has not successfully completed commercial motor vehicle driver training in that state. Nothing in this section shall be construed to prohibit the Department from administering the skills test to any applicant who has successfully completed commercial vehicle driver training in another state.

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

5. The Department of Public Safety shall give the complete examination as provided for in this section within thirty (30) days from the date the application is received, and the examination shall

be given at a location within one hundred (100) miles of the residence of the applicant. The Department shall make every effort to make the examination locations and times convenient for applicants. The Department shall consider giving the examination at various school sites if the district board of education for the district in which the site is located agrees and if economically feasible and practicable.

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

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

D. 1. Any certified driver education instructor who is currently an operator or an employee of a commercial driver training school in this state or any driver education instructor employed by any school district in this state shall be eligible to apply to be a designated examiner of the Department of Public Safety for the purposes of administering the Class D driving skills portion of the Oklahoma driving examination to any person who has not previously been a student of the instructor.

2. The Department of Public Safety shall adopt a curriculum of required courses and training to be offered to applicants who are qualified to apply to be a designated examiner. The courses and training for certification shall meet the same standards as required for driver examiners of the Department of Public Safety.

3. Each person applying to be a designated examiner shall be required to pay an initial designated examiner certification fee of One Thousand Dollars (\$1,000.00). Upon successful completion of training prescribed by paragraph 2 of this subsection, the person shall be required to pay an annual designated examiner certification fee of Five Hundred Dollars (\$500.00). If an applicant for the designated examiner program is employed by an Oklahoma public school system that offers driver education, and he or she administers the skills test only to students enrolled in a public school driver

education program, the certification fee may be waived by the Department. Each designated examiner certification shall expire on the last day of the calendar year and may be renewed upon application to the Department of Public Safety. The designated examiner certification fees collected by the Department pursuant to this subsection shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund to be used for the purposes of this subsection. No designated examiner certification fee shall be refunded in the event that certification is denied, suspended or revoked.

4. A designated examiner may charge a fee of no more than Twenty-five Dollars (\$25.00) for each Class D driving skills examination given, whether the person being examined passes or fails the examination.

5. The Department shall conduct an annual complete nationwide criminal history background check on each designated examiner and a complete nationwide criminal history background check on each designated examiner applicant. The fees for the background check shall be borne by the designated examiner or designated examiner applicant.

6. The Department of Public Safety shall promulgate rules to implement and administer the provisions of this subsection.

E. 1. Upon application and approval of the Commissioner of the Department of Public Safety, any public or private commercial truck driving school that has or maintains a program instructing students for a Class A, B or C license in the State of Oklahoma shall be authorized to hire or employ designated examiners approved by the Department of Public Safety to be third-party examiners of the Class A, B or C driving skills portion of the Oklahoma driving examination. All designated examiners must successfully have completed the courses and training as outlined in paragraph 2 of this subsection.

2. The Department of Public Safety shall adopt a curriculum of required courses and training to be offered to third-party examiners. The courses and training for certification shall meet the same standards as required for commercial driver examiners of the Department of Public Safety.

3. The Department shall conduct on an annual basis a complete nationwide criminal history background check on each third-party examiner and a complete nationwide criminal history background check on each third-party examiner applicant. The fees for the background check shall be borne by the third-party examiner or third-party examiner applicant.

F. The Department of Public Safety shall promulgate rules no later than December 15, 2019, to:

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

2. Establish a process to inform any school or examiner, who has been denied, within forty-five (45) days from the denial;

3. Create an appeal process for any school or examiner denied; and

4. If the initial application for approval was denied, limit the number of times an individual school or individual examiner applicant may reapply in a calendar year to two reapplications.

Added by Laws 1961, p. 344, § 6-110, eff. Sept. 1, 1961. Amended by Laws 1978, c. 304, § 6; Laws 1985, c. 45, § 6, eff. Jan. 1, 1986; Laws 1990, c. 219, § 16, eff. Jan 1, 1991; Laws 1992, c. 206, § 1, eff. Sept. 1, 1992; Laws 1994, c. 196, § 1, eff. Sept. 1, 1994; Laws 1995, c. 23, § 9, eff. Nov. 1, 1995; Laws 1996, c. 203, § 3, emerg. eff. May 21, 1996; Laws 1998, c. 425, § 6, eff. July 1, 1998; Laws 1999, c. 229, § 1, eff. Nov. 1, 1999; Laws 2002, c. 386, § 1, eff. Nov. 1, 2002; Laws 2004, c. 149, § 2, eff. Nov. 1, 2004; Laws 2004, c. 418, § 9, eff. July 1, 2004; Laws 2005, c. 1, § 46, emerg. eff. March 15, 2005; Laws 2005, c. 394, § 2, emerg. eff. June 6, 2005; Laws 2009, c. 310, § 2, eff. Nov. 1, 2009; Laws 2011, c. 25, § 1, eff. Nov. 1, 2011; Laws 2012, c. 280, § 3, eff. Nov. 1, 2012; Laws 2013, c. 259, § 4, eff. Nov. 1, 2013; Laws 2014, c. 199, § 2, eff. July 1, 2014; Laws 2015, c. 266, § 3, eff. Nov. 1, 2015; Laws 2016, c. 210, § 29, emerg. eff. April 26, 2016; Laws 2019, c. 395, § 1, eff. Nov. 1, 2019.

NOTE: Laws 2004, c. 390, § 5 repealed by Laws 2005, c. 1, § 47, emerg. eff. March 15, 2005. Laws 2015, c. 97, § 2 repealed by Laws 2016, c. 210, § 30, emerg. eff. April 26, 2016.

§47-6-110.1. Endorsements.

A. The following endorsements shall be placed on an Oklahoma driver license to any person qualifying therefore as determined by the Department of Public Safety.

Endorsement	Authorizes the operation of:
"H"	A non-tank-type vehicle used to transport hazardous materials in placardable amounts pursuant to 49 C.F.R., Part 172, subpart F;
"M"	A motorcycle;
"N"	A tank vehicle as defined in Section 1-173.1 of this title;
"P"	A vehicle designed by the manufacturer to transport sixteen or more passengers, including the driver;
"S"	A school bus;
"T"	A vehicle with double or triple trailers;
"X"	A tank vehicle used to transport hazardous materials in placardable

amounts pursuant to 49 C.F.R., Part 172, subpart F.

B. The Department may also provide for additional endorsements as may be needed or as otherwise provided for by law.

C. All endorsements as provided for in this section must be obtained prior to the operation of such vehicles. However, the requirement for a hazardous materials endorsement is not required for the operation of farm vehicles used to transport pesticides, fertilizers, or other products integral to farming, but which are defined as hazardous materials. If, after obtaining a hazardous material endorsement, a person becomes ineligible for the hazardous material endorsement pursuant to state or federal law, or both, or any regulation, the Department of Public Safety shall provide notice as provided in Section 2-116 of this title. A person will have thirty (30) days from the date of the notice to appear at a designated testing facility to apply and be issued a commercial driver license without the endorsement. Failure to comply within the required time shall be grounds for the Department of Public Safety to disqualify the commercial driver license of the person until compliance has been met.

Added by Laws 1990, c. 219, § 17, eff. Jan. 1, 1991. Amended by Laws 1991, c. 162, § 3, emerg. eff. May 7, 1991; Laws 2003, c. 392, § 6, eff. July 1, 2003; Laws 2004, c. 149, § 3, eff. Nov. 1, 2004.

§47-6-110.2. Computerized finger imaging system.

A. The Department of Public Safety shall implement a procedure for computerized finger imaging by means of an inkless finger image scanning device and shall require every applicant for an original, renewal or replacement driver license or identification card to submit to finger imaging for the purposes of proof of identity and to ensure the security of the driver license or identification card issued to the applicant. If the finger image of a person over sixty-five (65) years of age cannot be scanned and the issuing agent can personally verify the individual's identity with alternative identification, the finger imaging shall be overridden. Means must be provided to trace to the agent who authorized the override.

B. No unemancipated person under eighteen (18) years of age shall be issued a driver license or identification card by the Department unless an authorization form, prescribed and furnished by the Department, or notarized affidavit authorizing the finger imaging of the person and signed by the legal custodial parent, legal guardian, or legal custodian of the person, is in the possession of the Department.

C. No law enforcement agency of the state or federal government other than the Department of Public Safety shall have access to any information collected through the use of computerized finger imaging without first obtaining a court order from a judge of competent

jurisdiction; provided, however, the Oklahoma State Bureau of Investigation shall have access to such imaging for the purpose of identifying a person who is deceased, missing or endangered. Each application for an order authorizing the access to any information collected through the use of computerized finger imaging shall be made in writing upon oath or affirmation to a judge of competent jurisdiction. Each application shall establish probable cause for belief that a named individual is committing, has committed or is about to commit a particular violation of law.

D. The Commissioner of Public Safety shall adopt rules as may be necessary to carry out the provisions of this section.

Added by Laws 2001, c. 361, § 1, eff. July 1, 2001. Amended by Laws 2003, c. 219, § 1, eff. July 1, 2004; Laws 2006, c. 311, § 15, emerg. eff. June 8, 2006; Laws 2008, c. 159, § 6, emerg. eff. May 12, 2008; Laws 2010, c. 272, § 1, eff. Feb. 1, 2011; Laws 2015, c. 96, § 2, eff. Nov. 1, 2015; Laws 2019, c. 402, § 1, eff. Nov. 1, 2019.

§47-6-110.3. Prohibition of implementation of federal REAL ID Act - Legislative findings - Retrieval and deletion of biometric data.

A. The Legislature finds that the enactment into law by the United States Congress of the federal REAL ID Act of 2005, Public Law Number 109-13, is an action that individual Oklahomans should have an option to refuse under the principles of federalism contained in the Tenth Amendment to the United States Constitution.

B. The State of Oklahoma shall offer its citizens the option of choosing a Compliant Driver License or Identification Card or a Noncompliant Driver License or Identification Card.

C. In carrying out the provisions of this Act, the State of Oklahoma shall not share with the federal government any personal information or biometric data obtained from an applicant for an Oklahoma REAL ID compliant or noncompliant driver license or identification card except as required by the REAL ID Act of 2005, Public Law Number 109-13. Provided, this subsection shall not prevent the sharing of such information between agencies, boards, commissions or political subdivisions of this state or as otherwise permitted by law.

D. For purposes of this section, "biometric data" includes, but is not limited to:

1. Facial feature pattern characteristics;
2. Voice data used for comparing live speech with a previously created speech model of a person's voice;
3. Iris recognition data containing color or texture patterns or codes;
4. Retinal scans, reading through the pupil to measure blood vessels lining the retina;
5. Behavior characteristics of a handwritten signature, such as shape, speed, pressure, pen angle, or sequence;

6. Fingerprints, palm prints, and other methods for measuring or recording ridge pattern or fingertip characteristics;
 7. Keystroke dynamics, measuring pressure applied to key pads;
 8. Hand geometry, measuring hand characteristics, including the shape and length of fingers, in three (3) dimensions; and
 9. Deoxyribonucleic acid (DNA) and/or ribonucleic acid (RNA).
- Added by Laws 2007, c. 159, § 1, eff. Nov. 1, 2007. Amended by Laws 2017, c. 1, § 4, emerg. eff. March 2, 2017; Laws 2017, c. 376, § 1, emerg. eff. June 6, 2017.

§47-6-110.4. Pilot program for certified third-party examiners for commercial truck driver instructors.

A. The Department of Public Safety is directed to develop and implement a pilot program to evaluate the potential use of certified commercial truck driver training instructors employed by businesses engaged in interstate or intrastate commerce licensed in the state of Oklahoma to be certified third-party examiners for the Department of Public Safety. The pilot program shall have a maximum of ten businesses and shall begin no later than July 1, 2016, for a period of two (2) years.

B. Any certified commercial truck driver training instructor who is currently an operator or an employee of a business engaged in interstate or intrastate commerce licensed in this state shall be eligible to apply to be a third-party tester of the Department of Public Safety for the purpose of administering the Class A, B or C driving skills portion of the Oklahoma driving examination to any person who has not previously been a student of the instructor.

C. No business shall be established for the education and training of persons, and no person shall act as an instructor or third-party tester unless such business or person applies for and obtains from the Commissioner of Public Safety a license in the manner and form prescribed by the Commissioner.

D. The Department of Public Safety shall adopt a curriculum of required courses and training to be offered to applicants who are qualified to apply to be a third-party tester. The courses and training for certification shall meet the same standards as required for commercial driver examiners of the Department of Public Safety.

E. Each business engaged in interstate or intrastate commerce licensed in this state with an employee or person applying to be an instructor or third-party tester shall be required to pay an initial fee of Five Thousand Dollars (\$5,000.00) and an annual renewal fee of Five Thousand Dollars (\$5,000.00). Each person applying to be an instructor or third-party tester shall be required to pay an initial certification fee of Two Thousand Five Hundred Dollars (\$2,500.00). Upon successful completion of training prescribed by subsection D of this section, the person shall be required to pay an annual third-party tester certification fee of Two Thousand Five Hundred Dollars

(\$2,500.00). The third-party tester certification fees collected by the Department pursuant to this subsection shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund to be used for the purposes of this section. The Department shall not be required to operate this program unless adequate funds are provided. No third-party tester certification fee shall be refunded to the business or person in the event that certification is denied, suspended or revoked.

F. The Department shall conduct on an annual basis a complete nationwide criminal history background check on each third-party tester and a complete nationwide criminal history background check on each third-party tester applicant. The fees for the background check shall be borne by the third-party tester or third-party tester applicant.

G. The Department of Public Safety shall promulgate rules to implement and administer the provisions of this section based on requirements set forth in Section 383.75 of Title 47 of the Code of Federal Regulations.

Added by Laws 2015, c.154, § 1, eff. Nov. 1, 2015.

§47-6-110.5. Training and education for compliance with the REAL ID Act.

A. The Department of Public Safety shall offer or make available training and education for motor license agents and motor license agency employees, so that such agents and employees shall be able to achieve and maintain compliance with the requirements of the REAL ID Act of 2005, Public Law No. 109-13, related to such motor license agents' and motor license agency employees' ability to be authorized participants in the REAL ID Compliant Driver License and Identification Card issuance, renewal and replacement process.

B. The training and education required by subsection A of this section shall be offered or made available:

1. At reasonable cost to motor license agents and motor license agency employees seeking authorization to participate in the REAL ID Compliant Driver License and Identification Card issuance, renewal and replacement process; and

2. On a regular basis as the Department of Public Safety determines necessary and compliant in accordance with the Department of Homeland Security:

- a. at on-site locations located or rotating throughout the state, which shall not exceed four (4) hours in duration and shall cost no more than Fifty Dollars (\$50.00) to the motor license agents and motor license agent employees, and
- b. through an American Association of Motor Vehicle Administrators (AAMVA) on-line resource that is approved by the Department of Homeland Security.

C. Every motor license agent seeking authorization to process approved applications or renewals for REAL ID Compliant Driver Licenses or Identification Cards shall be furnished all equipment required for such processing by the Department of Public Safety without charge to the motor license agent.

D. The Department of Public Safety shall promulgate rules as necessary to implement the provisions of this section.

Added by Laws 2017, c. 1, § 8, emerg. eff. March 2, 2017.

§47-6-111. Issuance of license or identification card - Temporary permit - Restricted commercial driver license - "Sex Offender" license or card - Original, renewal or replacement of modified driving privileges

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

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

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

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

5. It is unlawful for any person to apply, adhere, or otherwise attach to a driver license or identification card any decal, sticker, label, or other attachment. Any law enforcement officer is authorized to remove and dispose of any unlawful decal, sticker, label, or other attachment from the driver license of a person. The

law enforcement officer, the employing agency of the officer, the Department of Public Safety, and the State of Oklahoma shall be immune from any liability for any loss suffered by the licensee, cardholder, or the owner of the decal, sticker, label, or other attachment caused by the removal and destruction of the decal, sticker, label, or other attachment.

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

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

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

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

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

The applicant shall hold a valid Oklahoma driver license and shall meet all the requirements for a commercial driver license. The restricted commercial driver license shall not exceed a total of one hundred eighty (180) days within any twelve-month period.

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

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

- b. liquid fertilizers in vehicles with total capacities of three thousand (3,000) gallons or less, and
- c. solid fertilizers that are not mixed with any organic substance.

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

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

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

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

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

E. 1. The Department shall develop a procedure whereby a person applying for an original, renewal or replacement Class A, B, C or D driver license or identification card who is required to register as a convicted sex offender with the Department of Corrections pursuant to the provisions of the Sex Offenders Registration Act and who the Department of Corrections designates as an aggravated or habitual offender pursuant to subsection J of Section 584 of Title 57 of the Oklahoma Statutes shall be issued a license or card bearing the words "Sex Offender".

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

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

4. Failure to comply with the requirements set forth in such notice shall result in cancellation of the person's license or card. Such cancellation shall be in effect for one (1) year, after which time the person may make application with the Department for a new license or card bearing the words "Sex Offender". Continued use of a

canceled license or card shall constitute a misdemeanor and shall, upon conviction thereof, be punishable by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00). When an individual is no longer required to register as a convicted sex offender with the Department of Corrections pursuant to the provisions of the Sex Offenders Registration Act, the individual shall be eligible to receive a driver license or identification card which does not bear the words "Sex Offender".

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

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

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

Added by Laws 1961, p. 345, § 6-111, eff. Sept. 1, 1961. Amended by Laws 1975, c. 359, § 2, eff. Jan. 1, 1977; Laws 1985, c. 45, § 7, eff. Jan. 1, 1986; Laws 1990, c. 219, § 18, eff. Jan. 1, 1991; Laws 1992, c. 217, § 7, eff. July 1, 1992; Laws 1992, c. 373, § 7, eff. July 1, 1992; Laws 1993, c. 97, § 3, eff. Sept. 1, 1993; Laws 1997, c. 193, § 3, eff. Nov. 1, 1997; Laws 1998, c. 246, § 20, eff. Nov. 1, 1998; Laws 2000, c. 153, § 1, eff. Nov. 1, 2000; Laws 2000, c. 342, § 5, eff. July 1, 2000; Laws 2001, c. 27, § 1, eff. Nov. 1, 2001; Laws 2003, c. 392, § 7, eff. July 1, 2003; Laws 2004, c. 149, § 4, eff. Nov. 1, 2004; Laws 2005, c. 1, § 48, emerg. eff. March 15, 2005; Laws 2005, c. 36, § 2, eff. Jan. 1, 2007; Laws 2006, c. 311, § 16, emerg. eff. June 8, 2006; Laws 2007, c. 328, § 2, eff. Nov. 1, 2007; Laws 2008, c. 3, § 24, emerg. eff. Feb. 28, 2008; Laws 2009, c. 388, § 2, eff. Nov. 1, 2009; Laws 2011, c. 373, § 2, eff. Nov. 1, 2011; Laws 2013, c. 259, § 5, eff. Nov. 1, 2013; Laws 2015, c. 266, § 4, eff. Nov. 1, 2015; Laws 2016, c. 214, § 1, eff. Nov. 1, 2016; Laws 2017, c. 1, § 5, emerg. eff. March 2, 2017.

NOTE: Laws 1992, c. 177, § 2 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992. Laws 2003, c. 234, § 3 repealed by Laws 2004, c. 5, § 39, emerg. eff. March 1, 2004. Laws 2004, c. 5, § 38 repealed by Laws 2005, c. 1, § 49, emerg. eff. March 15, 2005. Laws 2007, c. 326, § 7 repealed by Laws 2008, c. 3, § 25, emerg. eff. Feb. 28, 2008. Laws 2008, c. 1, § 1 repealed by Laws 2009, c. 2, § 10, emerg. eff. March 12, 2009.

§47-6-112. License to be carried and exhibited on demand.

A. Every licensee shall have his or her driver license in his or her immediate possession at all times when operating a motor vehicle. Upon demand of a peace officer, the licensee shall produce and provide physical possession of the driver license to the peace officer. Any person violating this subsection shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided for in Section 17-101 of this title.

B. Any person charged with violating this section who produces in court, on or before the court date, a driver license issued to him or her and valid at the time of his or her arrest shall be entitled to dismissal of such charge without payment of court costs and fine. Added by Laws 1961, p. 345, § 6-112, eff. Sept. 1, 1961. Amended by Laws 1990, c. 219, § 19, eff. Jan. 1, 1991; Laws 2007, c. 326, § 8, eff. Nov. 1, 2007; Laws 2017, c. 125, § 1, eff. Nov. 1, 2017.

§47-6-113. Restricted licenses.

A. The Department of Public Safety upon issuing a driver's license shall have the authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the Department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

B. The Department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

C. The Department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon a suspension or revocation under this chapter.

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

Amended by Laws 1990, c. 219, § 20, eff. Jan. 1, 1991.

§47-6-114. Replacement license - Proof of identity - Removal of endorsements or restrictions.

A. 1. In the event that a driver license is lost, destroyed or requires the updating of any information, restriction or endorsement displayed thereon, the person to whom such license was issued may obtain a replacement thereof pursuant to the provisions of subsection G of Section 6-101 of this title, and upon payment of the required fee. If the person is an alien, the person shall appear before a driver license examiner of the Department and, after furnishing primary and secondary proofs of identity as required in this section, shall be issued a replacement driver license for a period which does not exceed the lesser of:

- a. the expiration date of the license being replaced, or
- b. the expiration date on the valid documentation authorizing the presence of the person in the United States, as required by paragraph 9 of subsection A of Section 6-103 of this title.

2. The cost of a replacement license shall be Twenty-five Dollars (\$25.00), of which:

- a. Two Dollars (\$2.00) shall be apportioned as provided in Section 1104 of this title,
- b. Three Dollars (\$3.00) shall be remitted to the State Treasurer to be credited to the General Revenue Fund,
- c. Five Dollars (\$5.00) shall be credited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administering and maintaining the computer imaging system of the Department,
- d. Ten Dollars (\$10.00) shall be credited to the Revolving Fund of the Department of Public Safety,
- e. Three Dollars (\$3.00) shall be deposited to the State Public Safety Fund created in Section 2-147 of this title, and
- f. (1) Two Dollars (\$2.00) of the fee authorized by this paragraph related to the replacement of a driver license by a motor license agent that does not process approved applications or renewals for REAL ID Compliant Driver Licenses or Identification Cards shall be deposited, in addition to the amount authorized by subparagraph e of this paragraph, to the State Public Safety Fund created in Section 2-147 of this title, or
(2) Two Dollars (\$2.00) of the fee authorized by this paragraph related to the replacement of a driver license by a motor license agent that does process approved applications or renewals for REAL ID Compliant Driver Licenses or Identification Cards shall be retained by the motor license agent.

3. The Department shall promulgate rules prescribing forms of primary and secondary identification acceptable for replacement of an Oklahoma driver license; provided, however, a valid and unexpired U.S. passport shall be acceptable as both primary and secondary identification.

B. Any person desiring to add or remove an endorsement or endorsements or a restriction or restrictions to any existing driver license, when authorized by the Department of Public Safety, shall obtain a replacement license with the endorsement or endorsements or the restriction or restrictions change thereon and shall be charged the fee for a replacement license as provided in subsection A of this section.

Added by Laws 1961, p. 345, § 6-114, eff. Sept. 1, 1961. Amended by Laws 1975, c. 359, § 4, eff. Jan. 1, 1977; Laws 1976, c. 257, § 1, eff. Jan. 1, 1977; Laws 1983, c. 286, § 19, operative July 1, 1983; Laws 1985, c. 179, § 61, operative July 1, 1985; Laws 1987, c. 205, § 69, operative July 1, 1987; Laws 1990, c. 219, § 21, eff. Jan. 1, 1991; Laws 1993, c. 97, § 4, eff. Sept. 1, 1993; Laws 2000, c. 277, § 6, eff. Nov. 1, 2000; Laws 2001, c. 361, § 6, eff. July 1, 2001; Laws 2003, c. 392, § 8, eff. July 1, 2003; Laws 2004, c. 390, § 6, eff. July 1, 2004; Laws 2013, c. 259, § 6, eff. Nov. 1, 2013; Laws 2016, c. 170, § 2, eff. Nov. 1, 2016; Laws 2017, c. 1, § 6, emerg. eff. March 2, 2017.

§47-6-115. Expiration and renewal of driver licenses.

A. Except as otherwise provided in this section, every driver license shall be issued for a period of no more than four (4) years; provided, if the applicant or licensee is an alien, the license shall be issued for a period which does not exceed the lesser of:

1. Four (4) years; or

2. The expiration date on the valid documentation authorizing the presence of the applicant or licensee in the United States, as required by paragraph 9 of subsection A of Section 6-103 of this title.

B. Except as otherwise provided in this section, the expiration date of an initial license shall be no more than four (4) years from the last day of the month of issuance or no more than four (4) years from the last day of the birth month of the applicant immediately preceding the date of issuance, if requested by the applicant.

C. Except as otherwise provided in this section, the expiration date of a renewal license shall be:

1. For a renewal during the month of expiration, four (4) years from the last day of the month of expiration of the expiring license or four (4) years from the last day of the birth month of the licensee immediately preceding the expiration date of the expiring license, if requested by the licensee; or

2. For a renewal prior to the month of expiration, as provided by rule of the Department, four (4) years from the last day of the month of expiration of the current license; provided, no license shall be issued with an expiration date of more than five (5) years from the date of renewal.

D. Notwithstanding the provisions of subsection E of Section 1550.42 of Title 21 of the Oklahoma Statutes, any Oklahoma driver license that is not more than one (1) year past the date of expiration provided on the driver license shall be presumed to be a valid form of identification for the purposes of renewing an Oklahoma driver license.

E. Except as otherwise provided in this section, every driver license shall be renewable by the licensee upon application to either the Department of Public Safety or a motor license agent, furnishing both primary and secondary proofs of identity, the current mailing address of the person and payment of the required fee, if the person is otherwise eligible for renewal. If the licensee is an alien, the licensee shall appear before a driver license examiner of the Department and, after furnishing primary and secondary proofs of identity as required in this section, shall be issued a renewal driver license for a period which does not exceed the lesser of:

1. Four (4) years; or

2. The expiration date on the valid documentation authorizing the presence of the applicant or licensee in the United States, as required by paragraph 9 of subsection A of Section 6-103 of this title.

F. All applicants for renewals of driver licenses who have proven collision records or apparent physical defects may be required to take an examination as specified by the Commissioner of Public Safety.

G. When a person makes application for a driver license, or makes application to renew a driver license, and the person has been convicted of, or received a deferred judgment for, any offense required to register pursuant to the Sex Offenders Registration Act, the driver license shall be valid for a period of one (1) year from the month of issuance, but may be renewed yearly during the time the person is registered on the Sex Offender Registry. The cost for such license shall be the same as for other driver licenses and renewals.

H. The Department of Public Safety shall promulgate rules prescribing forms of primary and secondary identification acceptable for the renewal of an Oklahoma driver license; provided, however, a valid and unexpired U.S. passport shall be acceptable as both primary and secondary identification.

Added by Laws 1961, p. 345, § 6-115, eff. Sept. 1, 1961. Amended by Laws 1985, c. 45, § 8, eff. Jan. 1, 1986; Laws 1985, c. 338, § 4, eff. Jan. 1, 1986; Laws 1986, c. 73, § 1, emerg. eff. April 2, 1986; Laws 1989, c. 82, § 4, eff. Nov. 1, 1989; Laws 1990, c. 219, § 22,

eff. Jan. 1, 1991; Laws 1991, c. 342, § 2, emerg. eff. June 15, 1991; Laws 2000, c. 342, § 6, eff. July 1, 2000; Laws 2001, c. 27, § 2, eff. Nov. 1, 2001; Laws 2001, c. 414, § 4, eff. Nov. 1, 2001; Laws 2003, c. 392, § 9, eff. July 1, 2003; Laws 2004, c. 5, § 40, emerg. eff. March 1, 2004; Laws 2006, c. 294, § 3, eff. July 1, 2006; Laws 2009, c. 37, § 1, emerg. eff. May 26, 2009; Laws 2009, c. 81, § 2, eff. Nov. 1, 2009; Laws 2013, c. 75, § 1, eff. Nov. 1, 2013; Laws 2016, c. 170, § 3, eff. Nov. 1, 2016.

NOTE: Laws 2000, c. 277, § 7 repealed by Laws 2001, c. 5, § 24, emerg. eff. March 21, 2001. Laws 2001, c. 5, § 23 repealed by Laws 2001, c. 414, § 16, eff. Nov. 1, 2001. Laws 2003, c. 108, § 1 repealed by Laws 2004, c. 5, § 41, emerg. eff. March 1, 2004.

NOTE: Original eff. date of Nov. 1, 2009, for Laws 2009, c. 37, § 1 was repealed by Laws 2009, c. 310, § 5 and replaced with emerg. eff. date by Laws 2009, c. 310, § 8.

§47-6-115.1. Repealed by Laws 1989, c. 82, § 5, eff. Nov. 1, 1989.

§47-6-115.2. Repealed by Laws 1989, c. 82, § 5, eff. Nov. 1, 1989.

§47-6-116. Notice of change of address or name.

A. Whenever any person, after applying for or receiving a driver license or identification card, shall:

1. Change the mailing address named in such application;
 2. Change the residence address displayed on the license or card issued to the person;
 3. Move from the person's previous county; or
 4. Change the name of a licensee by marriage or otherwise,
- such person shall notify the Department of Public Safety as provided in subsection B of this section.

B. Within ten (10) days such person shall notify the Department of Public Safety in writing of the number of any driver license and identification card then held by the person and, as applicable:

1. Both the old and new mailing addresses;
2. Both the old and new residence addresses;
3. Both the old and new counties of residence; or
4. Both the former and new names.

C. The Department of Public Safety shall not:

1. Change a county of residence unless the person specifically notifies the Department of such change; and
2. Presume that a new mailing address which is a different county than the old mailing address means that the person has changed his or her county of residence, and shall not change the county of residence unless specifically notified of such change.

Added by Laws 1961, p. 345, § 6-116, eff. Sept. 1, 1961. Amended by Laws 1990, c. 219, § 23, eff. Jan. 1, 1991; Laws 2003, c. 234, § 4,

eff. Nov. 1, 2003; Laws 2007, c. 326, § 9, eff. Nov. 1, 2007; Laws 2008, c. 1, § 2.

§47-6-117. Records to be kept by Department.

A. The Department of Public Safety shall file every application for a driver license or identification card received by the Department and shall maintain suitable indexes containing:

1. All applications denied and on each thereof note the reasons for the denial;

2. All applications granted;

3. The name of every person whose driving privilege has been suspended, revoked, cancelled, or disqualified by the Department and after each such name note the reasons for the action. Any notation of suspension of the driving privilege of a person for reason of nonpayment of a fine shall be removed from the driving record after the person has paid the fine and the driving privilege of the person is reinstated as provided for by law;

4. The county of residence, the name, date of birth, and mailing address of each person residing in that county who is eighteen (18) years of age or older, and who is the holder of a current driver license or a current identification card issued by the Department of Public Safety for the purpose of ascertaining names of all persons qualified for jury service as required by Section 18 of Title 38 of the Oklahoma Statutes; and

5. The name, driver license number, and mailing address of every person for the purpose of giving notice, if necessary, as required by Section 2-116 of this title.

B. The Department shall file all collision reports and abstracts of court records of convictions received by it pursuant to the laws of this state and maintain convenient records of the records and reports or make suitable notations in order that an individual record of a person showing the convictions of the person and the traffic collisions in which the person has been involved shall be readily ascertainable and available for the consideration of the Department of Public Safety upon any application for a driver license or renewal of a driver license and at other suitable times. Any abstract, index or other entry relating to a driving record according to the licensing authority in another state or a province of Canada may be posted upon the driving record of any resident of this state when notice thereof is received by documentation or by electronic transmission. The individual record of a person shall not include any collision reports and abstracts of court records involving a collision in which the person was not issued a citation or if a citation is issued and the person was not convicted.

C. 1. The Commissioner and the officers of the Department as the Commissioner may designate are hereby authorized to prepare under

the seal of the Department and deliver upon request a copy of any collision report on file with the Department, charging a fee of:

- a. beginning on July 1, 2011, through June 30, 2013, Fifteen Dollars (\$15.00), of which Eight Dollars (\$8.00) shall be deposited by the Commissioner to the credit of the Department of Public Safety Revolving Fund and, in addition to other purposes authorized by law, the expenditures from that fund of monies derived from the Eight Dollars (\$8.00) pursuant to this subparagraph shall be used to fund any Oklahoma Highway Patrol Trooper Academy provided by the Department. Any remaining funds shall be deposited in an account to be utilized exclusively for future expenses directly related to the operation of an Oklahoma Highway Patrol Academy, and
- b. beginning on July 1, 2013, and any year thereafter, Seven Dollars (\$7.00).

However, the Department shall not be required to furnish personal information from the collision report which is contrary to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725.

2. Notwithstanding the provisions of paragraph 1 of this subsection, the Department is authorized to enter into contracts to supply information regarding vehicles reported to be involved in collisions. For each vehicle, the information shall be limited to that which only describes the vehicle and the collision. The Department shall not be required to provide any information regarding the owner or operator of the vehicle or any information which would conflict with Section 2-110 or Section 1109 of this title.

D. The Department of Public Safety or any motor license agent upon request shall prepare and furnish to any authorized person a Motor Vehicle Report of any person subject to the provisions of the motor vehicle laws of this state. However, the Department shall not be required to furnish personal information from a driving record contrary to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725. The Motor Vehicle Report shall be a summary of the driving record of the person and shall include the enumeration of any motor vehicle collisions, reference to convictions for violations of motor vehicle laws, and any action taken against the privilege of the person to operate a motor vehicle, as shown by the files of the Department for the three (3) years preceding the date of the request. The Motor Vehicle Report, to include any record or information associated with the Motor Vehicle Report, shall not be deemed a "public civil record" as defined in Section 18 of Title 22 of the Oklahoma Statutes, and shall not be subject to expungement. The Department shall not be required to release to any person, in whole or in part and in any format, a

driving index, as described in subsection A of this section, except as otherwise provided for by law. For each Motor Vehicle Report furnished by the Department of Public Safety, the Department shall collect the sum of Twenty-five Dollars (\$25.00), Twenty Dollars (\$20.00) of which shall be deposited in the General Revenue Fund and Five Dollars (\$5.00) shall be deposited in the Department of Public Safety Revolving Fund. For each Motor Vehicle Report furnished by a motor license agent, the agent shall collect the sum of Twenty-five Dollars (\$25.00), Eighteen Dollars (\$18.00) of which shall be paid to the Oklahoma Tax Commission for deposit in the General Revenue Fund in the State Treasury, Five Dollars (\$5.00) shall be deposited in the Department of Public Safety Revolving Fund and Two Dollars (\$2.00) of which shall be retained by the motor license agent. Persons sixty-five (65) years of age or older shall not be required to pay a fee for their own Motor Vehicle Report furnished by the Department or a motor license agent. For purposes of this subsection, a Motor Vehicle Report shall include a report which indicates that no driving record is on file with the Department of Public Safety for the information received by the Department in the request for the Motor Vehicle Report.

E. The Department of Public Safety may develop procedures whereby an acting agent of an employer or an employer of a person:

1. Who has a Class A, B, C or D driver license; and
2. Who operates a commercial, company-owned or personal motor vehicle during the course of business in the course of his or her employment with the employer, may automatically be notified, pursuant to a fee schedule established by the Department, should the driving record of a person reflect a traffic conviction in any court or an administrative action by the Department which alters the status of the commercial driving privileges of the person, or any other change to the driving status. The notification system shall include electronic delivery of a Motor Vehicle Report at least annually for any employee who is a commercial driver licensee or who operates a commercial motor vehicle, as required by 49 C.F.R., Section 391.25, or who operates a company-owned or personal motor vehicle during the course of business. All monies received by the Commissioner of Public Safety and the officers and employees of the Department pursuant to this subsection shall be deposited in the Department of Public Safety Restricted Revolving Fund. For each Motor Vehicle Report furnished by the Department, through the electronic notification system, the Department shall collect the sum of Twenty-five Dollars (\$25.00), Eighteen Dollars (\$18.00) of which shall be deposited in the General Revenue Fund in the State Treasury. Five Dollars (\$5.00) shall be deposited in the Department of Public Safety Revolving Fund. Two Dollars (\$2.00) shall be retained by the Department or its authorized agent for the purpose of development and maintenance of the electronic notification system.

F. The Commissioner is authorized to establish a procedure for reviewing the driving records of state residents who are existing policyholders of any insurance company licensed to operate in this state during specified periods of time and producing a report which identifies the policyholders which have had violation and/or status changes to their driving records during such time period. The Department may sell such report to the insurance company or its agent at a fee to be set by the Department. Any such report sold by the Department shall only consist of information otherwise lawfully obtainable by the insurance company or its agent. The fee shall be sufficient to recover all costs incurred by the Department and insure that there will be no net revenue loss to the state. Such fee shall be deposited in the Department of Public Safety Revolving Fund.

G. All monies received by the Commissioner of Public Safety and the officers and employees of the Department shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury except as otherwise provided for by law.

Added by Laws 1961, p. 346, § 6-117, eff. Sept. 1, 1961. Amended by Laws 1971, c. 101, § 1, emerg. eff. April 24, 1971; Laws 1975, c. 231, § 8, emerg. eff. May 30, 1975; Laws 1983, c. 286, § 20, operative July 1, 1983; Laws 1986, c. 279, § 13, operative July 1, 1986; Laws 1987, c. 5, § 151, emerg. eff. March 11, 1987; Laws 1988, c. 27, § 3, eff. Nov. 1, 1988; Laws 1988, c. 290, § 14, operative July 1, 1988; Laws 1989, c. 349, § 4, emerg. eff. June 3, 1989; Laws 1991, c. 342, § 3, eff. July 1, 1992; Laws 1992, c. 61, § 1, eff. Sept. 1, 1992; Laws 1993, c. 243, § 53, eff. Sept. 1, 1993; Laws 1994, c. 218, § 7, eff. July 1, 1994; Laws 1995, c. 208, § 1, eff. July 1, 1995; Laws 1996, c. 184, § 1, eff. Nov. 1, 1996; Laws 1997, c. 322, § 2, emerg. eff. May 29, 1997; Laws 1999, c. 80, § 2, eff. Nov. 1, 1999; Laws 2000, c. 342, § 7, eff. July 1, 2000; Laws 2002, c. 397, § 17, eff. Nov. 1, 2002; Laws 2003, c. 234, § 5, eff. Nov. 1, 2003; Laws 2004, c. 5, § 42, emerg. eff. March 1, 2004; Laws 2005, c. 199, c. § 3, eff. Nov. 1, 2005; Laws 2006, c. 204, § 6, eff. Nov. 1, 2006; Laws 2007, c. 39, § 1, eff. Nov. 1, 2007; Laws 2007, c. 326, § 10, eff. Nov. 1, 2007; Laws 2010, c. 426, § 1, eff. July 1, 2010; Laws 2011, c. 227, § 1; Laws 2012, c. 249, § 1, eff. July 1, 2012; Laws 2017, c. 150, § 1, eff. Nov. 1, 2017; Laws 2018, c. 47, § 1, eff. Nov. 1, 2018.

NOTE: Laws 1991, c. 309, § 1 repealed by Laws 1992, c. 61, § 2, eff. Sept. 1, 1992. Laws 2003, c. 233, § 2 repealed by Laws 2004, c. 5, § 43, emerg. eff. March 1, 2004.

§47-6-118. Driver's License Medical Advisory Committee.

A. There is hereby created a Driver License Medical Advisory Committee whose membership shall be composed of two members appointed by the State Commissioner of Health, two members appointed by the Commissioner of Public Safety, one member appointed by the Governor,

one member appointed by the President Pro Tempore of the Senate, and one member appointed by the Speaker of the House of Representatives. One member appointed by the State Commissioner of Health, one member appointed by the Commissioner of Public Safety and the member appointed by the Governor shall each serve two (2) years and one member appointed by the State Commissioner of Health, one member appointed by the Commissioner of Public Safety, the member appointed by the President Pro Tempore of the Senate and the member appointed by the Speaker of the House of Representatives shall each serve three (3) years. The terms of the seven (7) members of the committee shall expire on the first day of January of the year in which the term of each member expires. The personnel of the Board shall include, but not be limited to, an internist, vision specialist, orthopedic surgeon, neurologist, and psychiatrist. Members of the Committee shall serve in the interest of public health, safety and welfare, without compensation for their services. The Committee shall meet from time to time as its duties may require, or when called by the Commissioner of Public Safety. The Commissioner is authorized to use appropriated funds for meal expenses related to such meetings. The Committee may use additional medical doctors, psychologists or medical support specialists and delegate the authority to act and recommend action on behalf of the Committee when such delegation is approved by the Commissioner of Public Safety.

B. The Committee shall recommend standards for determining the physical, emotional and mental capacity of applicants for driver licenses and holders of driver licenses, and submit the recommended standards to the Commissioner of Public Safety for adoption. The Commissioner shall also solicit input on the recommended standards from select medical professional organizations including, but not limited to, the American Diabetes Association and the American Heart Association before adopting such standards. In cases of ailment or disability not specifically covered by the adopted standards, the Committee may consider each case or delegate consideration of the case to its selected representative and may consider the individual's own compensating abilities in making its recommendations to the Department of Public Safety.

C. The Commissioner of Public Safety shall give due consideration to the findings and recommendations of the Committee, which may be used, together with other available information, in determining the applicant's or licensee's ability to operate a motor vehicle with a reasonable degree of safety and in accordance with established standards of the Department of Public Safety. The Department may require physical, psychological, vision, written or driving tests when necessary to make a determination pursuant to this section. Such findings and recommendations shall be considered with other evidence in determining whether the license should be canceled or denied.

D. Any person whose driver license is canceled or who is denied a driver license under the provisions of this section shall have the right to an appeal as provided for in Section 6-211 of this title. The findings and recommendations of the Committee or its selected representative, in written or oral form shall be admissible as evidence and shall be considered by the court in determining whether the action of the Department was justified.

E. Members of the Driver License Medical Advisory Committee or its selected representative shall not be held liable for their requested standards, opinions and recommendations presented in good faith, for consideration by the Department of Public Safety or consideration by the court.

Added by Laws 1967, c. 351, § 1, emerg. eff. May 18, 1967. Amended by Laws 1990, c. 222, § 1, eff. Sept. 1, 1990; Laws 2003, c. 392, § 10, eff. July 1, 2003.

§47-6-119. Physical or mental conditions hazardous to public safety - Physical and/or psychological examination - Renewal - Retesting.

A. When the Department of Public Safety has good cause to believe that a licensee or applicant for license to drive a motor vehicle may be afflicted with any physical or mental ailment or condition including diabetes which may cause loss of control or partial control or may otherwise be incapable of properly controlling a motor vehicle, or when a licensee's or applicant's accident or violation record indicates the licensee or applicant may be a hazard to public safety, the Department of Public Safety is hereby authorized to require the licensee or applicant to submit to a physical and/or psychological examination as prescribed by the Commissioner based upon recommendations of the State Driver's License Medical Advisory Committee or its selected representative, and/or complete a driver improvement school, and/or be examined again as provided by Section 6-110 of this title. All physical and/or mental examinations shall be conducted in the county of the residence of the applicant or licensee or in the nearest county to the applicant or licensee where the examination can be completed. Any driver improvement school or examination as provided by Section 6-110 of this title shall be completed in the same location as other applicants or licensees living in the same county as the applicant or licensee who is required to complete the school or examination. Unless the Department receives a verified written report as provided for in subsection B of this section specifying the need for an examination of the applicant or licensee, persons afflicted by diabetes shall not be required to submit to any additional requirements beyond those requirements for a person not affected by diabetes before receiving a license or a renewal of a license to operate a motor vehicle.

B. Every license issued to a person specified in subsection A of this section shall be renewable upon payment of the required fee; provided, the Department of Public Safety has not received a report from a law enforcement officer stating that the person is a hazard to the public safety and should be evaluated pursuant to the provisions of subsection A of this section or a verified medical report from a licensed physician stating that the person is incapable of properly controlling a motor vehicle. If any report indicates that the physical or mental ailment or condition has failed to remain stable or that the condition is progressive to a degree that the person is deemed to be a hazard to the public safety or is incapable of properly controlling a motor vehicle, the Department of Public Safety shall evaluate the person to determine if additional verified medical reports shall be required before issuing or renewing any drivers license or during the period a license is valid.

C. The Department may require any person specified in subsection A of this section to be retested any time prior to such person's application for renewal of a license if the Department receives a written report from any law enforcement officer, a verified report from a licensed physician, or a verified report from such other person authorized by the Department indicating the person's physical or mental ailment or condition has contributed to an accident or has deteriorated since issuance of the license to such a degree the person could lose control or partial control or may otherwise cause such person to be incapable of properly controlling a motor vehicle. Added by Laws 1968, c. 120, § 1, eff. Jan. 1, 1969. Amended by Laws 1990, c. 219, § 25, eff. June 1, 1990; Laws 1990, c. 337, § 9; Laws 1994, c. 387, § 3, eff. July 1, 1995.

NOTE: Laws 1990, c. 222, § 2 repealed by Laws 1990, c. 337, § 26.

§47-6-119A. Bioptic driving - Restricted license.

A. Within six (6) months of the effective date of this act, the Commissioner of Public Safety, shall, in conjunction with the Driver License Medical Advisory Committee, promulgate rules that shall provide for a restricted driver license for bioptic driving in this state.

B. As used in this section, "bioptic driving" shall mean a method of driving that utilizes both the person's general vision in combination with intermittent spotting through a small telescopic system that improves the sharpness of the person's far vision. Added by Laws 2012, c. 98, § 2, eff. Nov. 1, 2012.

§47-6-120. Cancellation, denial, or disqualification.

A. The Department is hereby authorized to cancel, deny, or disqualify the driver license, driving privilege or application of any individual who:

1. Fails to comply with any of the requirements of Section 6-119 of this title within thirty (30) days after being notified by the Department;

2. Is unable to demonstrate the ability to operate a motor vehicle as provided by this title or whose driving constitutes a danger to the welfare and safety of persons using the streets and highways of the State of Oklahoma; or

3. Fails to pass an examination pursuant to Sections 6-110, 6-115 or 6-119 of this title.

B. If a person is required to be examined pursuant to Sections 6-110, 6-115 or 6-119 of this title, the Department shall impose the appropriate restriction or restrictions on the license that are necessary to ensure the safe operation of a motor vehicle as provided under Section 6-113 of this title.

C. Any person whose driver license or driving privilege is canceled, denied, or disqualified under the provisions of this section shall have the right to an appeal as provided in Section 6-211 of this title.

D. Any person whose Class A, B, or C driver license or driving privilege is disqualified under the provisions of this section shall relinquish to the Department the Class A, B, or C driver license and may replace it with a Class D driver license, if the person is otherwise qualified for a Class D driver license.

Added by Laws 1968, c. 120, § 2, eff. Jan. 1, 1969. Amended by Laws 1969, c. 88, § 2, emerg. eff. March 24, 1969; Laws 1990, c. 219, § 26, eff. June 1, 1990; Laws 2000, c. 124, § 1, eff. Nov. 1, 2000.

§47-6-121. Extension of driver license during service in Armed Forces or while employed as civilian contractor with Armed Forces.

Any person or the spouse or dependent of a person:

1. Who is on active duty with the Armed Forces of the United States; or

2. Who is currently employed as a civilian contractor with the Armed Forces of the United States, living outside of Oklahoma and having a valid driver license issued by the State of Oklahoma for the operation of motor vehicles upon the highways of this state shall not be considered to have an expired driver license for the duration of such service or employment and for a period of sixty (60) days from and after the return of the person or the spouse or dependent of the person to Oklahoma from such service or employment. This law shall not be construed to confer driving privileges in any jurisdiction other than Oklahoma.

Added by Laws 1969, c. 253, § 1, emerg. eff. April 24, 1969. Amended by Laws 1990, c. 219, § 27, eff. Jan. 1, 1991; Laws 1998, c. 84, § 1, eff. Nov. 1, 1998; Laws 2004, c. 418, § 10, eff. July 1, 2004; Laws 2009, c. 81, § 3, eff. Nov. 1, 2009.

§47-6-122. Renewal by mail

The Department of Public Safety may develop procedures whereby driver licenses issued under the provisions of Section 6-101 et seq. of this title may be renewed or replaced by the applicant by mail or online except for licenses to be renewed or replaced by aliens as prescribed by subsection E of Section 6-115 of this title. Any license issued pursuant to this section shall be valid for a period as prescribed in Section 6-115 of this title. The Department shall not renew or replace a license by mail or online unless the immediately preceding issuance, renewal or replacement was done in person by the applicant.

Provided, any person or the spouse or dependent of a person:

1. Who is on active duty with the Armed Forces of the United States; or

2. Who is currently employed as a civilian contractor with the Armed Forces of the United States, living outside of Oklahoma and having a valid class D driver license issued by the State of Oklahoma, requiring no material change, may apply for no more than three consecutive renewals or replacement of such license by mail or online, in accordance with Department rules. A fourth consecutive renewal or replacement must be done in person. Added by Laws 1975, c. 359, § 3, eff. Jan. 1, 1977. Amended by Laws 1992, c. 217, § 8, eff. July 1, 1992; Laws 2003, c. 392, § 11, eff. July 1, 2003; Laws 2012, c. 280, § 4, eff. Nov. 1, 2012; Laws 2015, c. 266, § 5, eff. Nov. 1, 2015; Laws 2016, c. 141, § 1, eff. Nov. 1, 2016.

§47-6-123. Repealed by Laws 1983, c. 173, § 4, eff. Jan. 1, 1984.

§47-6-124. See the following versions:

OS 47-6-124v1 (HB 2592, Laws 2014, c. 113, § 1, effective **until** Nov. 1, 2020).

OS 47-6-124v2 (HB 1198, Laws 2017, c. 229, § 9, effective Nov. 1, 2020).

§47-6-124v1. Issuance of license or identification card - Veteran designation.

THIS TEXT EFFECTIVE UNTIL NOV. 1, 2020. FOR TEXT EFFECTIVE BEGINNING NOV. 1, 2020, SEE OS 47-6-124v2.

As a way to honor and recognize the veterans who have served our country, the Department of Public Safety shall make space available in the upper left hand corner of the front of the driver license and the identification card for a flag emblem and the word "veteran" to be designed by the Department that will serve as a notation of veteran status. Upon application for issuance or renewal of the driver license or identification card and in addition to other documentation required by the Department, persons requesting the flag

emblem shall show proof of present or past military service by presenting:

1. A valid Uniformed Services Identity Card;
 2. A United States Department of Defense Form (DD)214, (DD)215 or a World War II discharge document WD AGO Form or NavPers Form that shows a discharge status of "honorable" or "general under honorable conditions";
 3. An Oklahoma Army or Air National Guard NGB Form 22;
 4. A United States Department of Veterans Affairs photo identification card; or
 5. A United States Uniformed Services DD Form 2 (Retired or Reserve Retired) Identification Card.
- Added by Laws 2012, c. 330, § 1, eff. Nov. 1, 2012. Amended by Laws 2013, c. 39, § 1, eff. Nov. 1, 2013; Laws 2014, c. 113, § 1, eff. Nov. 1, 2014.

§47-6-124v2. Issuance of license or identification card - Veteran designation.

THIS TEXT EFFECTIVE BEGINNING NOV. 1, 2020. FOR TEXT EFFECTIVE UNTIL NOV. 1, 2020, SEE OS 47-6-124v1.

A. As a way to honor and recognize the veterans who have served our country, the Department of Public Safety shall make space available in the upper left-hand corner of the front of the driver license and the identification card for a flag emblem and the word "veteran" to be designed by the Department that will serve as a notation of veteran status.

B. Upon application for issuance or renewal of the driver license or identification card and in addition to other documentation required by the Department, persons requesting the flag emblem shall be registered with the veterans registry created by the Oklahoma Department of Veterans Affairs. Provided, that if the person requesting the flag emblem has previously received a flag emblem pursuant to this subsection, no registration with the veterans registry shall be required to receive the flag emblem. The Department of Public Safety shall promulgate any rule necessary to implement the provisions of this section.

Added by Laws 2012, c. 330, § 1, eff. Nov. 1, 2012. Amended by Laws 2013, c. 39, § 1, eff. Nov. 1, 2013; Laws 2014, c. 113, § 1, eff. Nov. 1, 2014; Laws 2017, c. 229, § 9, eff. Nov. 1, 2020.

§47-6-201. Authority to cancel or deny driving privilege - Appeal - Release for driving privilege reinstatement.

A. The Department of Public Safety is hereby authorized to cancel or deny any person's driving privilege upon determining that the person:

1. Is not entitled to a driver license or identification card issued to the person; or

2. Failed to give the required or correct information in the application.

Upon such cancellation or denial, the person to whom the license or card was issued shall surrender the license or card so canceled to the Department. The person may apply for a valid driver license or identification card, if the person is otherwise eligible. Any person whose driving privilege is canceled or denied under the provisions of this subsection shall have the right to an appeal as provided in Section 6-211 of this title.

B. Upon determination by the Department that any person:

1. Used fraudulent information to apply for or obtain a driver license or identification card;

2. Committed or aided another person in the commission of any act provided in subparagraph b, c, e, g, or h of paragraph 1 of Section 6-301 of this title; or

3. Committed or aided another person in the commission of any act provided in subparagraph a, b, c, d, e, or f of paragraph 2 of Section 6-301 of this title, the Department shall revoke the person's driving privilege for a period of sixty (60) days for a first determination. For a second or subsequent determination by the Department under paragraph 1, 2 or 3 of this subsection, the person's driving privilege shall be revoked for a period of six (6) months. Such periods shall not be subject to modification. Upon such revocation, the person to whom the license or card was issued shall surrender the license or card to the Department. The person may apply for a valid identification card, if the person is otherwise eligible.

C. A determination, as provided for in subsection B of this section, shall include:

1. A conviction in any court, when the conviction becomes final; or

2. The findings of an investigation by the Identity Verification Unit, the Oklahoma Highway Patrol Division, or a designee of the Commissioner of Public Safety.

D. Any person whose driving privilege is revoked under the provisions of subsection B of this section may be required to obtain a release from the Identity Verification Unit of the Department, the Oklahoma Highway Patrol Division, or a designee of the Commissioner of Public Safety before being considered for reinstatement of driving privileges.

E. Any person whose driving privilege is revoked under the provisions of subsection B of this section shall have the right to an appeal as provided in Section 6-211 of this title.

Added by Laws 1961, p. 347, § 6-201, eff. Sept. 1, 1961. Amended by Laws 1990, c. 219, § 28, eff. Jan. 1, 1991; Laws 1991, c. 309, § 2, eff. July 1, 1991; Laws 1999, c. 139, § 2, eff. Nov. 1, 1999; Laws 2000, c. 277, § 8, eff. Nov. 1, 2000; Laws 2001, c. 216, § 1, eff.

Nov. 1, 2001; Laws 2002, c. 397, § 18, eff. Nov. 1, 2002; Laws 2003, c. 392, § 12, eff. July 1, 2003; Laws 2004, c. 149, § 5, eff. Nov. 1, 2004; Laws 2011, c. 104, § 4, eff. Nov. 1, 2011.

§47-6-201.1. Revocation of driving privilege for noncompliance with child support order - Notice - Release.

A. In addition to other qualifications and conditions established by law, the driving privilege of an individual is subject to the requirements of this section.

B. Upon receipt of an order from a court or from the Department of Human Services, Office of Administrative Hearings: Child Support, hereinafter referred to as "OAH", that a person obligated to pay child support who owns or operates a motor vehicle is not in compliance with an order for support, the Commissioner of Public Safety shall revoke the person's driving privilege.

C. 1. Whenever a court or the OAH finds that a person is not in compliance with an order of child support, the court or the OAH, as applicable, shall require the person to surrender to it the driver license held by the person and shall forward to the Department of Public Safety an order to revoke the driving privilege of the person, together with any driver license surrendered to the court or OAH. The Department of Public Safety shall prescribe, prepare and distribute a Notification of Revocation form to be used by the courts and the OAH when an order has been entered revoking a person's driving privileges for noncompliance with an order for support.

2. In addition to the Department of Public Safety, the court or the OAH, as applicable, shall send a copy of the Notification of Revocation to the person obligated to pay child support by first class, postage prepaid mail. The Notification shall:

- a. include the name, address, date of birth, physical description and, if known, the driver license number of the person,
- b. require the Department to revoke the driving privilege of the person required to pay child support,
- c. require the Department to not reinstate the person's driving privilege until:
 - (1) the court or the OAH issues a release that states such person is in compliance with the order of support or until a court or the OAH otherwise authorizes reinstatement of the person's driving privilege, and
 - (2) the person has paid to the Department the fees required by Section 6-212 of this title and has met all other statutory requirements for reinstatement of the person's driving privilege;
- d. specify the reason and statutory ground for the revocation and the effective date of the revocation;

- e. inform the person that in order to apply for reinstatement of the person's driving privilege, the person must obtain a release from the OAH or the court, as applicable; and
- f. inform the person that final orders of the OAH may be appealed to the district court pursuant to Section 240.3 of Title 56 of the Oklahoma Statutes and final orders of the district court may be appealed to the Supreme Court of Oklahoma pursuant to Section 990A of Title 12 of the Oklahoma Statutes.

D. Upon receipt of the Notification of Revocation from a court or the OAH, as applicable, that a person obligated to pay child support is not in compliance with an order of support, the Department shall, in addition to any other authority to withdraw driving privileges, revoke the driving privilege of the person named in the Notification without hearing.

E. 1. The court or the OAH shall furnish a release to the Department whenever a person, whose driving privilege has been revoked pursuant to this section, has established and is complying with a payment plan, as determined by the court or the OAH. Upon receipt of such release, the Department shall reinstate the driving privileges of the person, if the person is otherwise eligible, pursuant to Section 6-212 of this title;

2. Should the person default on the payment plan, the court or OAH may resubmit the notice of noncompliance as provided for in this section. The court or the OAH shall furnish a release to the Department whenever the person is once again complying with the payment plan, as determined by the court or the OAH. Upon receipt of such release, the Department shall reinstate the driving privileges of the person, if the person is otherwise eligible, pursuant to Section 6-212 of this title; and

3. A person whose driving privilege has been revoked for noncompliance due to defaulting on a payment plan, pursuant to paragraph 2 of this subsection, shall be required to meet all statutory requirements for reinstatement of driving privileges, including, but not limited to, the payment of processing and reinstatement fees, as provided for in Section 6-212 of this title.

F. If the court or the OAH, as applicable, is unable to secure the surrender to it of the driver license held by the person found to be in noncompliance with an order of support, the Department, upon revoking the driving privilege of the person, shall require that the driver license held by the person be surrendered to the Department. Upon reinstatement of the person's driving privileges, as provided for by law, the person's valid and lawful driver license shall be returned to the person by the Department if the person is otherwise eligible.

Added by Laws 1995, c. 354, § 11, eff. Nov. 1, 1995. Amended by Laws 1999, c. 229, § 2, eff. Nov. 1, 1999; Laws 2003, c. 392, § 13, eff. July 1, 2003; Laws 2004, c. 124, § 2, eff. Nov. 1, 2004.

§47-6-202. Suspending privileges of nonresidents and reporting convictions.

A. The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation by the Department in like manner and for like cause as any Oklahoma driver's license issued hereunder may be suspended or revoked. Any person who does not possess a valid driver's license in this state or any foreign state may have his or her privilege to operate a motor vehicle in this state suspended or revoked in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

Persons whose driving privileges have been suspended because of failure to furnish proof of insurance shall be required to furnish proof of financial responsibility as required by the provisions of the Financial Responsibility Act.

B. The Department of Public Safety is further authorized, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

Amended by Laws 1990, c. 219, § 29, eff. Jan. 1, 1991.

§47-6-202.1. Diplomatic immunity - Verification - Records to be submitted to United States Department of State - Severability.

A. If any vehicle operator who displays to a law enforcement officer a driver license issued by the United States Department of State or who otherwise claims immunities or privileges under Title 22, Chapter 6 of the United States Code with respect to the violation of Article 27, Section 388, 388a, or 388b of the Code by the individual, or a moving violation under the vehicle laws or regulations of this state or any local authority, when the operator is stopped by a law enforcement officer who has probable cause to believe that the operator has committed a violation, the officer shall:

1. As soon as practicable contact the United States Department of State office in order to verify the status and immunity of the driver, if any;

2. Record all relevant information from any driver license or identification card, including a driver license or identification card issued by the United States Department of State; and

3. Within five (5) working days after the date of the stop, forward the following to the Department of Public Safety:

- a. a vehicle collision report, if the driver was involved in a vehicle collision,
- b. if a citation was issued to the driver, a copy of the citation, and,
- c. if a citation was not issued to the driver, a written report of the incident.

B. The Department of Public Safety shall:

1. File and keep convenient records of each document and record described in paragraph 3 of subsection A of this section; and
2. Send a copy of each document and record described in paragraph 3 of subsection A of this section to the Bureau of Diplomatic Security, Office of Foreign Missions, United States Department of State.

C. The provisions of this section do not prohibit or limit the application of any law regarding a criminal or motor vehicle violation by any person who has or claims immunities or privileges under Title 22, Chapter 6 of the United States Code.

D. If any provision of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable. Added by Laws 2001, c. 27, § 3, eff. Nov. 1, 2001.

§47-6-203. Suspension of resident's license or driving privilege upon conviction in another state.

The Department shall suspend or revoke the license or driving privilege of any resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice of the conviction of such person in another state of offenses therein which, if committed in this state, would be grounds for the suspension or revocation of the individual's driving privilege. An appeal may be had from such order of suspension, as provided in Section 6-211 of this title.

Amended by Laws 1990, c. 219, § 30, eff. Jan. 1, 1991.

§47-6-204. Order by court to surrender license to Department - Report of conviction.

A. Whenever any person is convicted of any offense for which this title makes mandatory the revocation of the driving privilege of such person by the Department as provided in Section 6-205 of this title, the court in which such conviction occurred may require the surrender to it of all driver licenses then held by the person so convicted and the court shall thereupon forward the same together with a record of such conviction to the Department.

B. Every court, including courts not of record, having jurisdiction over offenses committed under this act, or any other law

of this state or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the Department a record of the conviction of any person in such court for a violation of any such laws other than regulations governing standing or parking, and may recommend the suspension of the driving privileges of the person so convicted.

C. For the purposes of Section 6-101 et seq. of this title, the term "conviction" shall mean a final conviction or shall mean a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated.

Added by Laws 1961, p. 347, § 6-204, eff. Sept. 1, 1961. Amended by Laws 1990, c. 219, § 31, eff. Jan. 1, 1991; Laws 1992, c. 217, § 9, eff. July 1, 1992; Laws 1997, c. 193, § 1, eff. Nov. 1, 1997; Laws 2017, c. 392, § 4, eff. Nov. 1, 2017; Laws 2019, c. 400, § 2, eff. Nov. 1, 2019.

§47-6-205. Mandatory revocation of driving privilege.

A. The Department of Public Safety shall immediately revoke the driving privilege of any person, whether adult or juvenile, upon receiving a record of conviction, in any municipal, state or federal court within the United States of any of the following offenses, when such conviction has become final:

1. Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

2. Driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, any violation of paragraph 1, 2, 3 or 4 of subsection A of Section 11-902 of this title or any violation of Section 11-906.4 of this title. However, the Department shall not additionally revoke the driving privileges of the person pursuant to this subsection if the driving privilege of the person has been revoked because of a test result or test refusal pursuant to Section 753 or 754 of this title arising from the same circumstances which resulted in the conviction unless the revocation because of a test result or test refusal is set aside;

3. Any felony during the commission of which a motor vehicle is used;

4. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

5. Perjury or the making of a false affidavit or statement under oath to the Department under the Uniform Vehicle Code or under any other law relating to the ownership or operation of motor vehicles;

6. A misdemeanor or felony conviction for unlawfully possessing, distributing, dispensing, manufacturing, trafficking, cultivating, selling, transferring, attempting or conspiring to possess,

distribute, dispense, manufacture, traffic, sell, or transfer of a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act while using a motor vehicle;

7. Failure to pay for gasoline pumped into a vehicle pursuant to Section 1740 of Title 21 of the Oklahoma Statutes;

8. A misdemeanor conviction for a violation of Section 1465 of Title 21 of the Oklahoma Statutes;

9. A misdemeanor conviction for a violation of Section 1-229.34 of Title 63 of the Oklahoma Statutes;

10. Failure to obey a traffic control device as provided in Section 11-202 of this title or a stop sign when such failure results in great bodily injury to any other person; or

11. Failure to stop or to remain stopped for school bus loading or unloading of children pursuant to Section 11-705 or 11-705.1 of this title.

B. The first license revocation under any provision of this section, except for paragraph 2, 6, 7 or 11 of subsection A of this section, shall be for a period of one (1) year. Such period shall not be modified.

C. A license revocation under any provision of this section, except for paragraph 2, 6, or 7 of subsection A of this section, shall be for a period of three (3) years if a prior revocation under this section, except under paragraph 2 of subsection A of this section, commenced within the preceding five-year period as shown by the records of the Department. Such period shall not be modified.

D. The period of license revocation under paragraph 2 or 6 of subsection A of this section shall be governed by the provisions of Section 6-205.1 of this title.

E. The first license revocation under paragraph 7 of subsection A of this section shall be for a period of six (6) months. A second or subsequent license revocation under paragraph 7 of subsection A of this section shall be for a period of one (1) year. Such periods shall not be modified.

F. The first license revocation under paragraph 11 of subsection A of this section shall be for a period of one (1) year. Such period may be modified. Any appeal of the revocation of driving privilege under paragraph 11 of subsection A of this section shall be governed by Section 6-211 of this title; provided, any modification under this subsection shall apply to Class D motor vehicles only.

G. As used in this section, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

Added by Laws 1961, p. 348, § 6-205, eff. Sept. 1, 1961. Amended by Laws 1982, c. 273, § 1, operative Oct. 1, 1982; Laws 1982, c. 294, § 1, operative July 1, 1982; Laws 1988, c. 242, § 1, eff. Nov. 1, 1988; Laws 1990, c. 219, § 32, eff. Jan. 1, 1991; Laws 1990, c. 286, § 1,

eff. Sept. 1, 1990; Laws 1991, c. 309, § 3, eff. July 1, 1991; Laws 1992, c. 217, § 10, eff. July 1, 1992; Laws 1993, c. 238, § 2, emerg. eff. May 26, 1993; Laws 1994, c. 387, § 4, eff. July 1, 1995; Laws 1995, c. 1, § 16, emerg. eff. March 2, 1995; Laws 1995, c. 313, § 1, eff. July 1, 1995; Laws 1996, c. 309, § 5, eff. Nov. 1, 1996; Laws 1997, c. 148, § 3, eff. Nov. 1, 1997; Laws 1998, c. 293, § 1, eff. July 1, 1998; Laws 2000, 1st Ex. Sess., c. 8, § 17, eff. July 1, 2000; Laws 2003, c. 392, § 14, eff. July 1, 2003; Laws 2004, c. 149, § 6, eff. Nov. 1, 2004; Laws 2005, c. 1, § 50, emerg. eff. March 15, 2005; Laws 2006, c. 311, § 17, emerg. eff. June 8, 2006; Laws 2010, c. 233, § 1, eff. Nov. 1, 2010; Laws 2010, c. 333, § 2, eff. Nov. 1, 2010; Laws 2011, c. 299, § 2, eff. Nov. 1, 2011; Laws 2013, c. 279, § 1, eff. Nov. 1, 2013; Laws 2017, c. 392, § 5, eff. Nov. 1, 2017; Laws 2019, c. 400, § 3, eff. Nov. 1, 2019.

NOTE: Laws 1994, c. 243, § 3 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 2004, c. 49, § 2 repealed by Laws 2005, c. 1, § 51, emerg. eff. March 15, 2005.

§47-6-205.1. Periods of revocation - Denial of driving privileges.

A. The driving privilege of a person who is convicted of any offense as provided in paragraph 2 of subsection A of Section 6-205 of this title, or a person who has refused to submit to a test or tests as provided in Section 753 of this title, or a person whose alcohol concentration is subject to the provisions of Section 754 of this title, unless the person has successfully completed, or is currently participating in, the Impaired Driver Accountability Program, shall be revoked or denied by the Department of Public Safety for the following period, as applicable:

1. The first license revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title shall be for a period of one hundred eighty (180) days, or longer if driving privileges are modified pursuant to the provisions of this paragraph, which shall be modified upon request; provided, any modification under this paragraph shall apply to Class D driver licenses only. For any modification, the person shall be required to install an ignition interlock device or devices, pursuant to Section 754.1 of this title. The period of revocation and the period of interlock installation shall run concurrently and each shall be for no less than one hundred eighty (180) days;

2. A revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title shall be for a period of one (1) year, or longer if driving privileges are modified pursuant to the provisions of this paragraph, if within ten (10) years preceding the date of arrest relating thereto, as shown by the records of the Department:

- a. a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title,

- Section 753 or 754 of this title, or completion of the Impaired Driver Accountability Program, or
- b. the record of the person reflects a prior conviction in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 of subsection A of Section 6-205 of this title, and the person was not a resident or a licensee of Oklahoma at the time of the offense resulting in the conviction.

Such one-year period of revocation may be modified upon request; provided, any modification under this paragraph shall apply to Class D driver licenses only. For any modification, the person shall be required to install an ignition interlock device or devices, pursuant to Section 754.1 of this title. The period of revocation and the period of interlock installation shall run concurrently and each shall be for no less than one (1) year; or

3. A revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title shall be for a period of three (3) years, or longer if driving privileges are modified pursuant to the provisions of this paragraph, if within ten (10) years preceding the date of arrest relating thereto, as shown by the records of the Department:

- a. two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title,
- b. a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title, and completion of the Impaired Driver Accountability Program,
- c. the record of the person reflects two or more prior convictions in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 of subsection A of Section 6-205 of this title, and the person was not a resident or a licensee of Oklahoma at the time of the offense resulting in the conviction, or
- d. any combination of two or more prior revocations, completion of the Impaired Driver Accountability Program, or convictions as described in subparagraphs a, b and c of this paragraph.

Such three-year period of revocation shall be modified upon request; provided, any modification under this paragraph shall apply to Class D driver licenses only. For any modification, the person shall be required to install an ignition interlock device or devices, pursuant to Section 754.1 of this title. The period of revocation and the period of interlock installation shall run concurrently and each shall be for no less than three (3) years.

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

1. The first license revocation shall be for one hundred eighty (180) days, which shall be modified upon request; provided, for license revocations for a misdemeanor charge of possessing a controlled dangerous substance, the provisions of this paragraph shall apply to any such revocations by the Department on or after January 1, 1993; provided further, any modification under this paragraph shall apply to Class D driver licenses only;

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

- a. a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title, or Section 753 or 754 of this title,
- b. a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title, and completion of the Impaired Driver Accountability Program, or
- c. the record of the person reflects a prior conviction in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 or 6 of subsection A of Section 6-205 of this title, and the person was not a resident or a licensee of Oklahoma at the time of the offense resulting in the conviction.

Such period shall not be modified; or

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

- a. two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title, or Section 753 or 754 of this title,
- b. a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title, and completion of the Impaired Driver Accountability Program,
- c. the record of the person reflects two or more prior convictions in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 or 6 of subsection A of Section 6-205 of this title, and the person was not a resident or licensee of Oklahoma at the time of the offense resulting in the conviction, or

- d. any combination of two or more prior revocations, completion of the Impaired Driver Accountability Program, or convictions as described in subparagraphs a and b or c of this paragraph.

Such period shall not be modified.

The revocation of the driving privilege of any person under this subsection shall not run concurrently with any other withdrawal of driving privilege resulting from a different incident and which requires the driving privilege to be withdrawn for a prescribed amount of time. A denial based on a conviction of any offense as provided in paragraph 6 of subsection A of Section 6-205 of this title shall become effective on the first day the convicted person is otherwise eligible to apply for and be granted driving privileges if the person was not eligible to do so at the time of the conviction.

C. For the purposes of this section:

- 1. The term "conviction" includes a juvenile delinquency adjudication by a court or any notification from a court pursuant to Section 6-107.1 of this title; and
- 2. The term "revocation" includes a denial of driving privileges by the Department.

D. Each period of revocation not subject to modification shall be mandatory and neither the Department nor any court shall grant driving privileges based upon hardship or otherwise for the duration of that period. Each period of revocation, subject to modification as provided for in this section, shall be modified upon request as provided for in Section 754.1 of this title or Section 11 of this act; provided, any modification under this paragraph shall apply to Class D driver licenses only.

E. Any appeal of a revocation or denial of driving privileges shall be governed by Section 6-211 of this title.

Added by Laws 1988, c. 242, § 2, eff. Nov. 1, 1988. Amended by Laws 1992, c. 217, § 11, eff. July 1, 1992; Laws 1993, c. 314, § 2, emerg. eff. June 7, 1993; Laws 1994, c. 2, § 15, emerg. eff. March 2, 1994; Laws 1994, c. 243, § 4, eff. Sept. 1, 1994; Laws 1996, c. 309, § 6, eff. Nov. 1, 1996; Laws 1999, c. 106, § 3, emerg. eff. April 19, 1999; Laws 2000, 1st Ex. Sess., c. 8, § 18, eff. July 1, 2000; Laws 2002, c. 86, § 4, emerg. eff. April 17, 2002; Laws 2003, c. 108, § 2, eff. Nov. 1, 2003; Laws 2004, c. 390, § 7, eff. July 1, 2004; Laws 2006, c. 311, § 18, emerg. eff. June 8, 2006; Laws 2007, c. 326, § 11, eff. Nov. 1, 2007; Laws 2009, c. 388, § 3, eff. Nov. 1, 2009; Laws 2010, c. 345, § 2, eff. Nov. 1, 2010; Laws 2011, c. 373, § 3, eff. Nov. 1, 2011; Laws 2013, c. 393, § 1, eff. Oct. 1, 2013; Laws 2017, c. 392, § 6, eff. Nov. 1, 2017; Laws 2019, c. 400, § 4, eff. Nov. 1, 2019.

NOTE: Laws 1993, c. 238, § 3 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994.

§47-6-205.2. Disqualification from driving privileges for certain convictions or acts - Driving while disqualified.

A. As used in this section, "conviction" means:

1. A nonvacated adjudication of guilt;
2. A determination that a person has violated or failed to comply with this section in any court or by the Department of Public Safety following an administrative determination;
3. A nonvacated forfeiture of bail or collateral deposited to secure a person's appearance in court;
4. A plea of guilty or nolo contendere accepted by the court;
5. The payment of any fine or court costs; or
6. A violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

B. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than one (1) year upon receiving a record of conviction of any of the following disqualifying offenses, when the conviction has become final:

1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or breath alcohol concentration, as defined in Section 756 of this title, or as defined by the state in which the arrest occurred, of four-hundredths (0.04) or more;

2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle. Provided, the Department shall not additionally disqualify, pursuant to this subsection, if the person's driving privilege has been disqualified in this state because of a test result or test refusal pursuant to paragraph 1 or 2 of this subsection as a result of the same violation arising from the same incident;

4. Knowingly leaving the scene of a collision which occurs while operating a Class A, B or C commercial motor vehicle, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the

manufacture, distribution or dispensation of a controlled dangerous substance, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

6. Operating a commercial motor vehicle while the commercial driving privilege is revoked, suspended, canceled, denied, or disqualified;

7. Manslaughter homicide, or negligent homicide occurring as a direct result of negligent operation of a commercial motor vehicle, or, if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

8. Fraud related to examination for or issuance of a commercial learner permit or a Class A, B or C driver license; or

9. Failure to submit to skills or knowledge reexamination, or both, for the purpose of issuance of a commercial learner permit or a Class A, B or C driver license within thirty (30) days of receipt of notification from the Department.

C. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than three (3) years upon receiving a record of conviction of any of the disqualifying offenses described in subsection B of this section, committed in connection with the operation of a motor vehicle which is required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F, when the conviction has become final.

D. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of conviction in any court of any of the disqualifying offenses described in subsection B of this section after a former conviction of any of the following disqualifying offenses, when the second conviction has become final.

The Department of Public Safety may promulgate rules establishing conditions under which a disqualification for life pursuant to the provisions of this subsection may be reduced to a period of not less than ten (10) years provided a previous lifetime disqualification has not been reduced.

E. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of conviction for any felony related to the manufacture, distribution or dispensation of a controlled dangerous substance in the commission of which a Class A, B or C commercial motor vehicle is used, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle, when the conviction has become final.

F. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for sixty (60) days upon receiving a record of a second conviction of the person for a serious traffic offense arising out of separate

transactions or occurrences within a three-year period, when the convictions have become final. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for one hundred twenty (120) days upon receiving a record of a third conviction of a person for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when the convictions have become final; provided, the one-hundred-twenty-day period shall run in addition to and shall not run concurrently with any other period disqualification imposed pursuant to this subsection. As used in this subsection, "serious traffic offense" shall mean any of the following offenses committed while operating a commercial motor vehicle:

1. Speeding fifteen (15) miles per hour or more over the limit;
2. Reckless driving;
3. Any traffic offense committed that results in or in conjunction with a motor vehicle collision resulting in a fatality;
4. Erratic or unsafe lane changes;
5. Following too closely;
6. Failure to obtain a commercial driver license;
7. Failure to have in possession of the person a commercial driver license;
8. Failure to have:
 - a. the proper class of commercial driver license for the class of vehicle being operated,
 - b. the proper endorsement or endorsements for the type of vehicle being operated, including but not limited to, passengers or type of cargo being transported, or
 - c. both proper class and proper endorsement, as provided in subparagraphs a and b of this paragraph;
9. Operating a commercial motor vehicle while using a cellular telephone or electronic communication device to write, send or read a text-based communication; or
10. Operating a commercial motor vehicle while using a hand-held mobile telephone.

For the purposes of paragraphs 9 and 10 of this subsection, operating a commercial motor vehicle and using an electronic communication device or a hand-held mobile telephone is permissible by the operator when necessary to communicate with law enforcement officials or other emergency services. Further, for the purposes of paragraphs 9 and 10 of this subsection, "operate" means operating on a street or highway, including while temporarily stationary because of traffic, a traffic control device or other momentary delays. Operating does not include when the driver of a commercial motor vehicle has moved the vehicle to the side of or off a street or highway and has halted in a location where the vehicle can safely remain stationary.

G. Upon the receipt of a person's record of conviction of violating a lawful out-of-service order, when the conviction becomes final the Department shall disqualify the driving privilege of the person as follows:

1. For a first conviction for violating an out-of-service order:
 - a. except as provided in subparagraph b of this paragraph, the period of disqualification shall be for one-hundred eighty (180) days, or
 - b. while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 P. app. 180-1813, or while operating a motor vehicle designed for transport of sixteen (16) or more passengers, including the driver, the period of disqualification shall be for one (1) year;
2. For a second conviction within ten (10) years for violating an out-of-service order:
 - a. except as provided in subparagraph b of this paragraph, the period of disqualification shall be for two (2) years, or
 - b. while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 P. app. 180-1813, or while operating a motor vehicle designed for transport of sixteen (16) or more passengers, including the driver, the period of disqualification shall be for three (3) years; and
3. For a third or subsequent conviction within ten (10) years for violating an out-of-service order, the period of disqualification shall be for three (3) years.

H. Upon determination by the Department that fraudulent information was used to apply for or obtain a Class A, B or C driver license, the Department shall disqualify the driving privilege of the applicant or licensee for a period of sixty (60) days.

I. Any person who drives a Class A, B or C commercial motor vehicle on any public roads, streets, highways, turnpikes or any other public place of this state at a time when the person has been disqualified or when the privilege to do so is canceled, denied, suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. Each act of driving as prohibited shall constitute a separate offense.

J. Upon the receipt of the record of a conviction of a person of a railroad highway grade crossing offense in a commercial motor vehicle, pursuant to Sections 11-701 or 11-702 of this title or Section 11-1115 of this title, or upon receipt of an equivalent conviction from any state, when the conviction becomes final, the

Department shall disqualify the driving privileges of the person convicted as follows:

1. The first conviction shall result in disqualification for sixty (60) days;

2. The second conviction within three (3) years shall result in disqualification for one hundred twenty (120) days; and

3. The third or subsequent conviction within three (3) years shall result in disqualification for one (1) year.

K. The Department, upon receipt of a written notice of immediate disqualification issued by the Federal Motor Carrier Safety Administration under 49 CFR 383.52, shall immediately disqualify the person's commercial driving privilege for the period of time specified on the written notice.

L. The periods of disqualification as defined by this section shall not be modified. A person may not be granted driving privileges to operate a Class A, B or C commercial vehicle until the disqualification is reinstated.

M. When any record of conviction, as specified in this section, is received by the Department and pertains to a nonresident operator of a Class A, B or C commercial motor vehicle, or if the nonresident operator is the holder of a commercial driver license, a record of the conviction pertaining to the nonresident operator of any vehicle, the Department shall not disqualify the person and shall report the conviction to the licensing jurisdiction in which the license of the nonresident to operate the commercial vehicle was issued.

N. Any person who is disqualified from driving under the provisions of this section shall have the right of appeal, as provided in Section 6-211 of this title.

Added by Laws 1990, c. 219, § 33, eff. April 1, 1992. Amended by Laws 1991, c. 309, § 4, eff. April 1, 1992; Laws 1992, c. 217, § 12, eff. July 1, 1992; Laws 1993, c. 238, § 4, emerg. eff. May 26, 1993; Laws 1997, c. 193, § 2, eff. Nov. 1, 1997; Laws 1999, c. 229, § 3, eff. Nov. 1, 1999; Laws 2000, c. 277, § 9, eff. Nov. 1, 2000; Laws 2001, c. 309, § 1, eff. Nov. 1, 2001; Laws 2002, c. 169, § 1, eff. Oct. 1, 2002; Laws 2003, c. 392, § 15, eff. July 1, 2003; Laws 2004, c. 149, § 7, eff. Sept. 30, 2005; Laws 2004, c. 390, § 8, eff. July 1, 2004; Laws 2005, c. 394, § 3, emerg. eff. June 6, 2005; Laws 2006, c. 311, § 19, emerg. eff. June 8, 2006; Laws 2012, c. 207, § 3, emerg. eff. May 8, 2012; Laws 2013, c. 259, § 7, eff. Nov. 1, 2013; Laws 2015, c. 214, § 1, eff. Nov. 1, 2015.

§47-6-206. Authority of Department to suspend license or privilege.

A. Whenever any person is convicted or pleads guilty in any court having jurisdiction over offenses committed under Section 1-101 et seq. of this title, or any other act or municipal ordinance or act or ordinance of another state regulating the operation of motor vehicles on highways, such court shall make immediate report to the

Department of Public Safety setting forth the name of the offender, the number of the driver license and the penalty imposed. Said report shall be submitted by the judge or the clerk of the court upon forms furnished or approved by the Department.

B. The Department, upon receipt of said report or upon receipt of a report of a conviction in another state relating to the operation of a motor vehicle, may in its discretion suspend the driving privilege of such person for such period of time as in its judgment is justified from the records of such conviction together with the records and reports on file in the Department, subject to the limitations provided in Section 6-208 of this title. Any action taken by the Department shall be in addition to the penalty imposed by the court.

C. Following receipt of a notice of any nonpayment of fine and costs for a moving traffic violation with a recommendation of suspension of driving privileges of a defendant from any court within this state, as provided for in Section 983 of Title 22 of the Oklahoma Statutes, the Department shall suspend the driving privilege of the named person after giving notice as provided in Section 2-116 of this title. A person whose license is subject to suspension pursuant to this section may avoid the effective date of the suspension or, if suspended, shall be eligible for reinstatement, if otherwise eligible, upon:

1. Making application to the Department of Public Safety;
2. Showing proof of payment of the total amount of the fine and cost or a release from the court or court clerk; and
3. Submitting the processing and reinstatement fees, as provided for in Section 6-212 of this title.

Provided, however, in cases of extreme and unusual hardship, as determined by the court, the person shall be placed on a payment plan by the court, and the court shall send a release to the Department for reinstatement purposes. The court may submit another suspension request pursuant to this section if the person fails to honor the payment plan. In such case, the Department shall again suspend the person's driving privilege for nonpayment of fine and costs for the same moving traffic violation. Upon reinstatement after suspension for nonpayment of fine and costs for a moving traffic violation the Department may remove such record of suspension from the person's driving record and retain an internal record for audit purposes. A court within this state may order the Department to waive any requirement that fines and costs be satisfied by a person prior to that person being eligible for a provisional license provided under Section 6-212 of this title.

D. Upon the receipt of a record of conviction for eluding or attempting to elude a peace officer, the Department of Public Safety shall suspend the driving privilege of the person:

1. For the first conviction as indicated on the driving record of the person, for a period of six (6) months;

2. For the second conviction as indicated on the driving record of the person, for a period of one (1) year. Such period shall not be modified; and

3. For the third or subsequent conviction as indicated on the driving record of the person, for a period of three (3) years. Such period shall not be modified.

E. Any person whose driving privilege is so suspended under the provisions of this section shall have the right of appeal, as provided in Section 6-211 of this title.

Added by Laws 1961, p. 348, § 6-206, eff. Sept. 1, 1961. Amended by Laws 1984, c. 254, § 1, eff. Nov. 1, 1984; Laws 1988, c. 242, § 3, eff. Nov. 1, 1988; Laws 1990, c. 259, § 5, eff. Sept. 1, 1990; Laws 1991, c. 335, § 14, emerg. eff. June 15, 1991; Laws 1999, c. 291, § 1, emerg. eff. May 27, 1999; Laws 2003, c. 392, § 16, eff. July 1, 2003; Laws 2006, c. 311, § 20, emerg. eff. June 8, 2006; Laws 2016, c. 189, § 1, eff. Nov. 1, 2016.

NOTE: Laws 1990, c. 219, § 34 repealed by Laws 1991, c. 335, § 36, emerg. eff. June 15, 1991.

§47-6-206.1. Driver improvement or defensive driving course.

A. Driver improvement or defensive driving course is a course which offers an educational setting, provides for driving concepts which encourage attitude or behavioral changes in the responsibility of operating a motor vehicle in a safe and responsible manner.

B. It shall be the responsibility of the institution or organization to provide:

1. Adequate facilities which meet or exceed state and local fire, health and safety codes;

2. Adequate equipment, in good working order, and instructional materials for such courses;

3. Qualified instructors who shall:

- a. possess an undergraduate degree and have nine (9) college or university credit hours in traffic safety education, or is a peace officer certified by the Council on Law Enforcement Education and Training (CLEET),
- b. have no alcohol or drug-related convictions or revocations in the past five (5) years,
- c. have no more than five (5) points accumulated on the driving record in the past three (3) years in accordance with the Oklahoma Mandatory Point System,
- d. have a valid Oklahoma driver license, and
- e. complete a course of training through the approved organization or institution;

4. A course of study designed to inform the participant of driver improvement and defensive driving concepts while encouraging attitude or behavioral changes in the responsibility of operating a motor vehicle in a safe and responsible manner. The curriculum, which means the complete lesson plans which include instructional strategy, presentation methods and resources utilized to incorporate the concepts of traffic safety, must provide for but not be limited to the following:

- a. driver personality traits - behavioral attitudes,
- b. driver qualifications and limitations,
- c. effects of alcohol and other drugs, and
- d. current accident prevention and defensive driving techniques: speed control, perception, reactions, lane positioning, safe turning and passing, occupant restraints, following distance and rules of the road; and

5. Provide at least six (6) hours of classroom instruction.

C. Organizations or institutions desirous of making application shall submit the following to the Department of Public Safety:

1. Evidence of organizational or institutional status which meet statutory requirements;

2. Copy of proposed course curriculum which includes lesson objectives, presentation materials, instructional strategy and resources utilized;

3. Certification that instructors meet statutory requirements; and

4. Upon Department of Public Safety approval said organization or institution shall be considered for point credits as set forth in this section.

D. The Department of Public Safety is authorized to grant a two point credit towards the Oklahoma Point System Regulations to any person who successfully completes a course pursuant to this section provided only one such course shall be acknowledged once every twenty-four (24) months.

E. The Department upon giving of notice and hearing may decline to grant credit points to any organization or institution for:

1. Unethical conduct of an instructor or official of an institution or organization;

2. Failure to satisfactorily resolve citizens' complaints;

3. Falsifying or misrepresenting any document or information to the Department or student;

4. Failure of organization or instructor to meet statutory requirements;

5. Conflict of interest by the organization or institution and/or its personnel; or

6. Failure of organization, institution or instructor to continue to meet statutory requirements as provided for in this section.

F. Course enrollment will be limited to not more than thirty students with an enrollment fee of Fifty Dollars (\$50.00) per student.

G. Enrollment in the course shall not be limited to persons ordered to enroll, attend and successfully complete the course.

H. The organization or institution shall within fifteen (15) days of the completion certify to the Department of Public Safety all persons who successfully complete the course on a form approved or furnished by the Department. This shall include the person's full name, address, date of birth and driver license number.

I. Department personnel shall be admitted to any course without charge, upon request and display of proper credentials.

J. Each organization or institution shall develop auditing procedures which could be utilized to show compliance with this section.

K. Any point credit allowed must comply with the Department's Point System Regulations.

Added by Laws 1991, c. 309, § 5, eff. July 1, 1991. Amended by Laws 1992, c. 217, § 13, eff. July 1, 1992; Laws 1992, c. 373, § 8, eff. July 1, 1992; Laws 1998, c. 345, § 2, eff. Nov. 1, 1998; Laws 2002, c. 49, § 2, eff. Nov. 1, 2002; Laws 2004, c. 15, § 1, emerg. eff. March 23, 2004.

§47-6-207. Authority of department to deny application for or cancel license for certain ailments; appeal.

Whenever the Department of Public Safety is furnished with information or, from the records on file in the Department, it is established that the holder of a driver's license is afflicted with a physical disease with a history of seizures, or mental disease, or momentary lapses of consciousness or any other ailment which may result in temporary loss of control or partial control of a motor vehicle, the Department may, in its discretion, execute an order of cancellation of any driver's license issued to such individual, or, should such information be available at the time of application for a driver's license, the Department may execute an order denying the issuance of said license to any such individual and shall cause any such license that may have been issued to be picked up or to be delivered to the Department of Public Safety as specified for other such orders. Every physician or surgeon, including doctors of medicine and osteopathy, examining, attending or treating an individual for any illness or injury that would impair the ability of the individual in any manner as to affect the performance of the person to operate a motor vehicle, may make a written report of the diagnosis to the State Department of Public Safety. The Department

may, in its discretion, suspend or cancel the license of such person for such period of time as in its judgment is justified.

In addition thereto, any person or physician or any medical personnel participating in good faith and without negligence or malicious intent in making of a report pursuant to this act shall have the immunity from civil liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.

Provided further that, in any proceeding resulting from a report made pursuant to this act or in any proceeding where such a report or any contents thereof are sought to be introduced in evidence, such report or contents or any other fact or facts related thereto, or the condition of the individual who is the subject of the report shall only be admitted in evidence in actions regarding the revocation, suspension, cancellation or denial of the subject's driver's license and shall not be considered to be a public record provided that the report shall not be excluded on the ground that the matter is or may be the subject of a physician-patient privilege or similar privilege or rule against disclosure.

Any person whose license has been canceled or denied under the provisions of this section shall have the right of appeal from said order, as provided under Section 6-211 of this title.

Amended by Laws 1990, c. 219, § 35, eff. June 1, 1990.

§47-6-208. Period of suspensions - Renewal or restoration of license.

The Department of Public Safety shall not suspend a driver's license or privilege to drive a motor vehicle on the public roads, streets, highways, turnpikes or other public place for a period of more than one (1) year, except as otherwise provided by law.

Amended by Laws 1982, c. 273, § 2, operative Oct. 1, 1982; Laws 1984, c. 254, § 2, eff. Nov. 1, 1984; Laws 1988, c. 242, § 4, eff. Nov. 1, 1988.

§47-6-208.1. Authority of Department to decline to process certain requests for suspension or revocation of license.

If action by the Department of Public Safety to suspend, revoke, cancel or deny the driver's license of any person is based in whole or in part upon the receipt of a record of conviction, report, affidavit or other written instrument from any court, court clerk, law enforcement officer, public agency, public officer or public employee and such documentation is not received by the Department within six (6) months from the date which in the judgment of the Department it should have been received, then the Department may decline to process such documentation and may decline to take action

to suspend, revoke, cancel or deny the driver's license of such person, notwithstanding any other provision of law.

Added by Laws 1986, c. 250, § 12, operative July 1, 1987.

§47-6-208.3. Repealed by Laws 1999, c. 229, § 4, eff. Nov. 1, 1999.

§47-6-209. Surrender and return of license - Seizure of license.

A. The Department upon canceling or denying the driver license of a person or upon suspending or revoking the driving privilege of a person shall require that the driver license of the person be surrendered to the Department. When the statutory requirements for reinstatement are met in accordance with Oklahoma Statutes, the person shall apply for a new driver license from the Department; provided the Department has determined that the licensee is a person not prohibited from holding a driver license under Section 6-103 of this title, and has successfully completed the customary written, physical and driving tests, if such tests are required.

Identification of the person shall be verified through the driver license digital file of the Department.

B. The Department, upon entering an order canceling or denying a driver license or suspending or revoking the driving privilege of a person, shall forward a copy of the order to the licensee pursuant to the provisions of Section 2-116 of this title and request the immediate return of the driver license to the Department of Public Safety, Oklahoma City, Oklahoma, or the order may be served upon the licensee by an authorized member of the Department. Failure to comply with the order of the Department shall constitute a misdemeanor and, upon conviction, the person shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00).

C. Any peace officer of this state may seize the license of any person who, according to Department records, is under suspension, cancellation, revocation or denial under the provisions of this title. The officer shall immediately forward the license to the Department of Public Safety, Oklahoma City, Oklahoma.

D. No person shall have a property interest in the physical driver license issued pursuant to the laws of this state. It shall be the duty of every person whose driving privilege has been suspended, canceled or revoked to immediately surrender his or her driver license upon the request of any peace officer or representative of the Department.

Added by Laws 1961, p. 349, § 6-209, eff. Sept. 1, 1961. Amended by Laws 1986, c. 279, § 14, operative July 1, 1986; Laws 1987, c. 226, § 4, operative July 1, 1987; Laws 1990, c. 219, § 36, eff. June 1, 1990; Laws 1992, c. 217, § 14, eff. July 1, 1992; Laws 1993, c. 238, § 5, emerg. eff. May 26, 1993; Laws 1994, c. 218, § 5, eff. April 1, 1995; Laws 2013, c. 75, § 2, eff. Nov. 1, 2013.

§47-6-210. No operation under foreign license during suspension or revocation in this state.

Any resident or nonresident whose driver's license or privilege to operate a motor vehicle in this state has been denied, canceled, suspended or revoked as provided in this chapter shall not operate a motor vehicle in this state under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter.

Amended by Laws 1990, c. 219, § 37, eff. Jan. 1, 1991; Laws 1991, c. 309, § 6, eff. July 1, 1991.

§47-6-211. Right of appeal to district court.

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

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

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

D. A person whose driving privilege is subject to revocation pursuant to Section 753 or 754 of this title may appeal to the district court in the county in which the arrest occurred relating to the test refusal or test result, as shown by the records of the Department.

E. The petition shall be filed within thirty (30) days after the notice of revocation, pursuant to Section 753 or 754 of this title, has been served upon the person. It shall be the duty of the district court to enter an order setting the matter for hearing not less than fifteen (15) days and not more than thirty (30) days from the date the petition is filed. A certified copy of petition and order for hearing shall be served forthwith by the clerk of the court

upon the Commissioner of Public Safety by certified mail at the Department of Public Safety, Oklahoma City, Oklahoma.

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

G. A petition for modification may be included with the appeal or separately filed at any time, and the district court may, in its discretion, modify the revocation as provided for in Section 755 of this title; provided, any modification under this subsection shall apply to Class D driver licenses only.

H. The court shall take testimony and examine the facts and circumstances, including all of the records on file in the office of the Department of Public Safety relative to the offense committed and the driving record of the person, and determine from the facts, circumstances, and records whether or not the petitioner is entitled to driving privileges or shall be subject to the order of denial, cancellation, suspension or revocation issued by the Department. In case the court finds that the order was not justified, the court may sustain the appeal, vacate the order of the Department and direct that driving privileges be restored to the petitioner, if otherwise eligible.

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

J. An appeal may be taken by the person or by the Department from the order or judgment of the district court to the Supreme Court of the State of Oklahoma as otherwise provided by law.

Added by Laws 1961, p. 349, § 6-211, eff. Sept. 1, 1961. Amended by Laws 1969, c. 88, § 1, emerg. eff. March 24, 1969; Laws 1988, c. 242, § 5, eff. Nov. 1, 1988; Laws 1990, c. 219, § 38, eff. Jan. 1, 1991; Laws 1994, c. 243, § 5, eff. Sept. 1, 1994; Laws 1997, c. 420, § 3, emerg. eff. June 13, 1997; Laws 1999, c. 139, § 3, eff. Nov. 1, 1999; Laws 2000, 1st Ex. Sess., c. 8, § 19, eff. July 1, 2000; Laws 2003, c. 392, § 17, eff. July 1, 2003; Laws 2006, c. 311, § 21, emerg. eff. June 8, 2006; Laws 2011, c. 373, § 4, eff. Nov. 1, 2011; Laws 2019, c. 400, § 5, eff. Nov. 1, 2019.

§47-6-212. Reinstatement fees - Conditions for reinstatement - Provisional license.

A. The Department of Public Safety shall not assess and collect multiple reinstatement fees when reinstating the driving privilege of any person having more than one suspension or revocation affecting the person's driving privilege at the time of reinstatement.

B. The Department shall:

1. Suspend or revoke a person's driving privilege as delineated within the Oklahoma Statutes; and

2. Require any person having more than one suspension or revocation affecting the person's driving privilege to meet the statutory requirements for each action as a condition precedent to the reinstatement of any driving privilege. Provided, however, reinstatement fees shall not be cumulative, and a single reinstatement fee, as provided for in subsection C of this section, shall be paid for all suspensions or revocations as shown by the Department's records at the time of reinstatement.

C. Whenever a person's privilege to operate a motor vehicle is suspended or revoked pursuant to any provision as authorized by the Oklahoma Statutes, the license or privilege to operate a motor vehicle shall remain under suspension or revocation and shall not be reinstated until:

1. The expiration of each such revocation or suspension order;

2. The person has paid to the Department:

- a. if such privilege is suspended or revoked pursuant to Section 1115.5 of Title 22 of the Oklahoma Statutes or pursuant to any provisions of this title, except as provided in subparagraph b of this paragraph, a processing fee of Twenty-five Dollars (\$25.00) for each such suspension or revocation as shown by the Department's records, or
- b. (1) if such privilege is suspended or revoked pursuant to the provisions of Section 6-205, 6-205.1, 7-612, 753, 754 or 761 of this title or pursuant to subsection A of Section 7-605 of this title for a conviction for failure to maintain the mandatory motor vehicle insurance required by law or pursuant to subsection B of Section 6-206 of this title for a suspension other than for points accumulation, a processing fee of Seventy-five Dollars (\$75.00) for each such suspension or revocation as shown by the Department's records, and a special assessment trauma-care fee of Two Hundred Dollars (\$200.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes, for each suspension or revocation as shown by the records of the Department, and

- (2) in addition to any other fees required by this section, if such privilege is suspended or revoked pursuant to an arrest on or after November 1, 2008, under the provisions of paragraph 2 or 6 of subsection A of Section 6-205 of this title or of Section 753, 754 or 761 of this title, a fee of Fifteen Dollars (\$15.00), which shall be apportioned pursuant to the provisions of Section 3-460 of Title 43A of the Oklahoma Statutes; and

3. The person has paid to the Department a single reinstatement fee of, beginning on July 1, 2013, and any year thereafter, Twenty-five Dollars (\$25.00).

D. The Department of Public Safety is hereby authorized to enter into agreements with persons whose license to operate a motor vehicle or commercial motor vehicle has been suspended or revoked, for issuance of a provisional license that would allow such persons to drive:

1. Between their place of residence and their place of employment or potential employment;
2. During the scope and course of their employment;
3. Between their place of residence and a college, university or technology center;
4. Between their place of residence and their child's school or day care provider;
5. Between their place of residence and a place of worship; or
6. Between their place of residence and any court-ordered treatment program,

with the condition that such persons pay a minimum of Twenty-five Dollars (\$25.00) per month toward the satisfaction of all outstanding driver license or commercial driver license reinstatement fees. The Department shall develop rules and procedures to establish such a provisional driver license program and such rules and procedures shall include, but not be limited to, eligibility criteria, proof of insurance, proof of enrollment or employment, and any provisional license fees. Any violation of law by the person holding the provisional license that would result in the suspension or revocation of a driver license shall result in the revocation of the provisional license and such person shall be ineligible for future application for a provisional driver license.

E. Effective July 1, 2002, and for each fiscal year thereafter:

1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all monies collected each month pursuant to this section shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section; and

2. Except as otherwise provided in this section, all other monies collected in excess of Two Hundred Fifty Thousand Dollars

(\$250,000.00) each month shall be deposited in the General Revenue Fund.

Added by Laws 1982, c. 276, § 1, emerg. eff. May 18, 1982. Amended by Laws 1983, c. 286, § 21, operative July 1, 1983; Laws 1984, c. 264, § 11, operative July 1, 1984; Laws 1986, c. 279, § 15, operative July 1, 1986; Laws 1987, c. 5, § 152, emerg. eff. March 11, 1987; Laws 1987, c. 226, § 5, operative July 1, 1987; Laws 1990, c. 219, § 39, eff. Jan. 1, 1991; Laws 1994, c. 218, § 6, eff. April 1, 1995; Laws 2001, c. 361, § 7, eff. July 1, 2001; Laws 2002, c. 474, § 5, emerg. eff. June 6, 2002; Laws 2004, c. 396, § 1, eff. Nov. 1, 2004; Laws 2004, c. 530, § 1, eff. Sept. 1, 2004; Laws 2007, c. 326, § 12, eff. Nov. 1, 2007; Laws 2008, c. 401, § 18, eff. Nov. 1, 2008; Laws 2011, c. 226, § 1; Laws 2013, c. 274, § 1, eff. Nov. 1, 2013; Laws 2015, c. 97, § 3, eff. Nov. 1, 2015; Laws 2017, c. 392, § 7, eff. Nov. 1, 2017; Laws 2019, c. 400, § 6, eff. Nov. 1, 2019.

§47-6-212.1. Repealed by Laws 1994, c. 218, § 12, eff. April 1, 1995.

§47-6-212.2. Required completion of alcohol and drug assessment and evaluation.

A. Whenever the records of the Department of Public Safety reflect a conviction of a person pursuant to Section 11-902 of this title or an alcohol- or drug-related revocation or suspension of the driving privileges of that person pursuant to the provisions of paragraph 2 or 6 of subsection A of Section 6-205 or to Section 6-205.1, 6-206, 753, 754 or 761 of this title, the person shall participate in an alcohol and drug assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the person's receptivity to treatment and prognosis. As determined by the assessment, the person shall enroll in, attend and successfully complete the appropriate alcohol and drug substance abuse course certified by the Department of Mental Health and Substance Abuse Services or an alcohol or other drug treatment program or both. The alcohol and drug substance abuse course shall consist of either ten (10) hours or twenty-four (24) hours of instruction and shall conform with the provisions of Section 3-453 of Title 43A of the Oklahoma Statutes. No citizen shall be compelled to travel more than seventy (70) miles from the citizen's place of residence to attend a course or evaluation program required herein. For purposes of this subsection, the requirement for alcohol and drug substance abuse evaluation shall be considered satisfied if the person is evaluated by an assessment agency or assessment personnel certified for that purpose, all recommendations identified by the evaluation are satisfied by the person, and a report of such

evaluation and completion is presented to the court prior to sentencing and to the Department.

B. If the assessment agency or assessment personnel in subsection A of this section determine that the person would likely benefit from a United-States-Food-and-Drug-Administration-approved medication-assisted treatment that is indicated for alcohol dependence or opioid dependence, the assessment agency or assessment personnel shall refer the defendant to a licensed physician for further evaluation. Only a licensed physician may recommend that a defendant take medication-assisted treatment, and the defendant shall maintain the right to refuse the medication.

C. The requirements of subsection A of this section shall be a condition for reinstatement of driving privileges, in addition to other conditions for driving privilege reinstatement provided by law. Added by Laws 1985, c. 204, § 1, eff. Nov. 1, 1985. Amended by Laws 1988, c. 242, § 7, eff. Nov. 1, 1988; Laws 1990, c. 265, § 64, eff. Sept. 1, 1990; Laws 1993, c. 339, § 3, eff. Sept. 1, 1993; Laws 1996, c. 162, § 2, eff. Nov. 1, 1996; Laws 2000, c. 189, § 2, eff. July 1, 2000; Laws 2001, c. 27, § 4, eff. Nov. 1, 2001; Laws 2003, c. 178, § 2, eff. July 1, 2003; Laws 2019, c. 400, § 7, eff. Nov. 1, 2019.

§47-6-212.3. Ignition interlock device - Duration - Violations.

A. Whenever the installation of an ignition interlock device is allowed or required by law, the Department shall require the device to be installed upon any vehicle owned or leased, as reflected on the vehicle registration, by an employer of the person for use by the person, except when the employer requests the ignition interlock device not be installed. The request shall be in writing and notarized on the official letterhead of the employer and provided by the employer to the Department; provided, a request shall not be accepted by the Department under the following circumstances:

1. When the person is self-employed or owns part or all of the company or corporation, or exercises control over some part of the business which owns or leases the vehicle;

2. When the person is employed by a relative who is within the first degree of consanguinity or who resides in the same household; or

3. When the person has had a prior revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title.

The person shall comply with all provisions of law and rule regarding ignition interlock devices.

B. 1. Upon request and eligibility, the Department shall issue a restricted driver license to the person, upon payment of a restricted driver license fee of Fifty Dollars (\$50.00) and all other appropriate fees by the person. The restricted driver license and the driving record of the person shall indicate by an appropriate

restriction that the person is only authorized to operate a vehicle upon which an approved and properly functioning ignition interlock device is installed. If the person is operating a motor vehicle owned or leased by an employer who has not given permission for an ignition interlock device to be installed, the employer shall provide the person with a letter, on official letterhead of the employer, which the person shall carry in his or her immediate possession at all times when operating a motor vehicle and shall display for examination and inspection upon demand of a peace officer.

2. The restricted driver license fee authorized by this section shall be remitted to the State Treasurer to be credited to the Department of Public Safety Restricted Revolving Fund. All monies accruing to the credit of the Department of Public Safety Restricted Revolving Fund from the restricted driver license fees shall be budgeted and expended solely for the purpose of administering the provisions of this section.

3. The installation of an ignition interlock device, as required by this section, shall not be construed to authorize the person to drive unless the person is otherwise eligible to drive.

C. Installation of an ignition interlock device shall run concurrently with a court order, if any, for installation of an ignition interlock device pursuant to the same conviction.

D. Installation of an ignition interlock device pursuant to any court order, Impaired Driver Accountability Program or other diversionary program shall be credited towards any requirement for the installation of an ignition interlock device pursuant to any court order, Impaired Driver Accountability Program or other diversionary program arising out of the same incident.

E. The person shall be required to have installed an ignition interlock device approved by the Board of Tests for Alcohol and Drug Influence, at his or her own expense, and comply with all provisions of law regarding ignition interlock devices.

F. The ignition interlock device manufacturer shall report violations, if any, in accordance with the rules of the Board of Tests for Alcohol and Drug Influence for each ignition interlock device installed pursuant to this section and Section 6-205.1 of this title.

G. Pursuant to Section 6-205.1 of this title, the Department shall extend the period of ignition interlock of the person for a report from the Board of Tests for Alcohol and Drug Influence of a reportable violation by the person as defined in the rules of the Board of Tests for Alcohol and Drug Influence. A restriction imposed under this section or Section 6-205.1 of this title shall remain in effect until the Department receives a declaration from the Board of Tests for Alcohol and Drug Influence, in a form provided or approved by the Department, certifying that there have been no reportable violations in the one hundred eighty (180) consecutive days prior to

the date of release. The Department shall send notice in accordance with Section 2-116 of this title prior to extending the period of ignition interlock. Upon request, made within fifteen (15) days of completion of the notice, the person shall have the right to an informal hearing before the Department prior to any extension of the period of ignition interlock. The hearing shall be limited to the issues of the validity of the ignition interlock violation and the identity of the person committing the violation. Should the release date of the person occur after the Department has received the informal hearing request but before the informal hearing, the period of ignition interlock of the person shall be extended pending the final judgment of the Department.

H. The Department shall promulgate rules necessary to implement and administer the provisions of this section.

Added by Laws 2005, c. 167, § 1, eff. Nov. 1, 2005. Amended by Laws 2005, c. 394, § 18, eff. Sept. 1, 2005; Laws 2011, c. 373, § 5, eff. Nov. 1, 2011; Laws 2012, c. 283, § 6, eff. July 1, 2012; Laws 2013, c. 393, § 2, eff. Oct. 1, 2013; Laws 2017, c. 392, § 8, eff. Nov. 1, 2017; Laws 2019, c. 400, § 8, eff. Nov. 1, 2019.

§47-6-212.4. Revocation, suspension, cancellation or denial of driving privileges.

All revocation, suspension, cancellation and/or denial periods of time of driving privileges as provided in this chapter shall be considered served upon successful graduation from an Oklahoma Drug Court Program created and administered pursuant to the Oklahoma Drug Court Act and the Oklahoma Department of Mental Health and Substance Abuse Services, unless evidence of drug and/or alcohol use occurring post-graduation is acquired by the Department of Public Safety. This waiver of time applies only to Class D driving privileges.

Notwithstanding the foregoing, this section does not require the Department of Public Safety to grant driving privileges to an individual not otherwise eligible. Electronic notification of graduation from an Oklahoma Drug Court Program shall be provided to the Department of Public Safety by the court clerk in the county where said program is situated. Such electronic notification shall be consistent with the provisions of Section 18-101 of Title 47 of the Oklahoma Statutes or by any other method approved by the Department of Public Safety.

Added by Laws 2012, c. 168, § 1, eff. Nov. 1, 2012.

§47-6-212.5. Impaired Driver Accountability Program.

A. The Department of Public Safety shall establish the Impaired Driver Accountability Program (IDAP) at the Department of Public Safety. Fees collected by the Department for admission into the program shall be deposited in the Department of Public Safety

Restricted Revolving Fund for support of the program. The Department shall promulgate rules necessary to administer the program.

B. The Department may enter into an IDAP agreement with the person if:

1. The Department receives the request for IDAP participation within thirty (30) calendar days from the date that notice was given pursuant to Section 10 of this act;

2. The Department receives payment of the program administration fee of Two Hundred Dollars (\$200.00) within forty-five (45) days of the date notice was given pursuant to Section 10 of this act;

3. The Department receives an ignition interlock device installation verification issued in accordance with the rules of the Board of Tests for Alcohol and Drug Influence within forty-five (45) days from the date notice was given pursuant to Section 10 of this act; and

4. The person is not otherwise ineligible for driving privileges in Oklahoma on the date the person enters into the IDAP agreement.

C. Upon successful completion of the program, the records of the Department will be updated to indicate completion of the program by the person without revocation. No reinstatement fee will be charged to the person.

D. The program length shall be:

1. A minimum of six (6) months for a person subject to revocation pursuant to paragraph 1 of subsection A of Section 6-205.1 of Title 47 of the Oklahoma Statutes. A restriction imposed under this section shall remain in effect until the Department receives a declaration from the Board of Tests for Alcohol and Drug Influence, in a form provided or approved by the Department, certifying that there have been no reportable violations in the sixty (60) consecutive days prior to the date of release. If the Department receives notice of any ignition interlock reportable violations, as determined by the Board of Tests for Alcohol and Drug Influence, the program period shall be extended for a period of sixty (60) days;

2. A minimum of twelve (12) months for a person subject to revocation pursuant to paragraph 2 of subsection A of Section 6-205.1 of Title 47 of the Oklahoma Statutes. A restriction imposed under this section shall remain in effect until the Department receives a declaration from the Board of Tests for Alcohol and Drug Influence, in a form provided or approved by the Department, certifying that there have been no reportable violations in the one hundred twenty (120) consecutive days prior to the date of release. If the Department receives notice of any ignition interlock reportable violations, as determined by the Board of Tests for Alcohol and Drug Influence, the program period shall be extended for a period of one hundred twenty (120) days; or

3. A minimum of thirty-six (36) months for a person subject to revocation pursuant to paragraph 3 of subsection A of Section 6-205.1

of Title 47 of the Oklahoma Statutes. A restriction imposed under this section shall remain in effect until the Department receives a declaration from the Board of Tests for Alcohol and Drug Influence, in a form provided or approved by the Department, certifying that there have been no reportable violations in the one (1) year prior to the date of release. If the Department receives notice of any ignition interlock reportable violations, as determined by the Board of Tests for Alcohol and Drug Influence, the program period shall be extended for a period of one (1) year.

E. Prior to an extension of the program period, the Department shall send notice of the extension in accordance with Section 2-116 of Title 47 of the Oklahoma Statutes. Upon request, which shall be made within fifteen (15) days of receipt of the notice, the person shall have the right to an informal hearing before the Department prior to any extension of the program. The hearing shall be limited to the issues of the validity of the ignition interlock reportable violation and the identity of the person committing the violation. Should the release date of the person occur after the Department has received the informal hearing request but before the informal hearing, the period of ignition interlock of the person shall be extended pending the final judgment of the Department.

F. Effective July 1, 2020, and for each fiscal year thereafter:

1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all monies collected each month pursuant to this section shall be apportioned as provided in Section 1104 of Title 47 of the Oklahoma Statutes, except as otherwise provided in this section; and

2. Except as otherwise provided in this section, all other monies collected in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00) each month shall be deposited in the General Revenue Fund.

Added by Laws 2019, c. 400, § 9, eff. Nov. 1, 2019.

§47-6-212.6. Notice of Impaired Driver Accountability Program to persons subject to revocation of driving privileges.

Any person subject to revocation of driving privileges pursuant to Section 753 or 754 of Title 47 of the Oklahoma Statutes shall be given a dated notice advising the person of the availability of the Impaired Driver Accountability Program on a form prescribed by the Department of Public Safety. The notice shall be given together with the notice of revocation by the officer as required by Section 753 or 754 of Title 47 of the Oklahoma Statutes, or by the Department in accordance with Section 2-116 of Title 47 of the Oklahoma Statutes. Added by Laws 2019, c. 400, § 10, eff. Nov. 1, 2019.

§47-6-301. Unlawful use of license or identification card.

It shall be unlawful for any person to commit any of the acts specified in paragraph 1 or 2 of this section in relation to an

Oklahoma driver license or identification card authorized to be issued by the Department of Public Safety pursuant to the provisions of Sections 6-101 through 6-309 of this title or any driver license or other evidence of driving privilege or identification card authorized to be issued by the state of origin.

1. It is a misdemeanor for any licensee:
 - a. to display or cause or permit to be displayed one's own license after such license has been suspended, revoked or canceled or to possess one's own license after having received notice of its suspension, revocation, or cancellation,
 - b. to lend one's own license or identification card to any other person or knowingly permit the use thereof by another,
 - c. to display or cause or permit to be displayed or to possess a license or identification card issued to oneself which bears altered information concerning the date of birth, expiration date, sex, height, eye color, weight or license or card number,
 - d. to fail or refuse to surrender to the Department upon its lawful demand any license or identification card which has been suspended, revoked or canceled,
 - e. to permit any unlawful use of a license or identification card issued to oneself,
 - f. to do any act forbidden or fail to perform any act required by this chapter, excepting those acts as provided in paragraph 2 of this section,
 - g. to display or represent as one's own, any license or identification card not issued to such person, unless under conditions provided in subparagraph e of paragraph 2 of this section, or
 - h. to add to, delete from, alter, or deface the required information on a driver license or identification card.
2. It is a felony for any person:
 - a. to create, publish or otherwise manufacture an Oklahoma or other state license or identification card or facsimile thereof, or to create, manufacture or possess an engraved plate or other such device, card, laminate, digital image or file, or software for the printing of an Oklahoma or other state license or identification card or facsimile thereof, except as authorized pursuant to this title,
 - b. to display or cause or permit to be displayed or to knowingly possess any state counterfeit or fictitious license or identification card,

- c. to display or cause to be displayed or to knowingly possess any state license or identification card bearing a fictitious or forged name or signature,
- d. to display or cause to be displayed or to knowingly possess any state license or identification card bearing the photograph of any person, other than the person named thereon as licensee,
- e. to display or represent as one's own, any license or identification card not issued to him, for the purpose of committing a fraud in any commercial transaction or to mislead a peace officer in the performance of his duties, or
- f. to use a false or fictitious name in any application for a license or identification card or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application.

3. It is a felony for any employee or person authorized to issue or approve the issuance of licenses or identification cards under this title to knowingly issue or attempt to issue a license or identification card or to knowingly give approval for, cause, or attempt to cause a license or identification card to be issued:

- a. to a person not entitled thereto,
- b. bearing erroneous information thereon, or
- c. bearing the photograph of a person other than the person named thereon.

Such conduct shall be grounds for termination of employment of the employee.

4. The violation of any of the provisions of paragraph 1 of this section shall constitute a misdemeanor and shall, upon conviction thereof, be punishable by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00); the violation of any of the provisions of paragraph 2 or 3 of this section shall constitute a felony and shall, upon conviction thereof, be punishable by a fine not exceeding Ten Thousand Dollars (\$10,000.00) or a term of imprisonment in the State Penitentiary not to exceed seven (7) years, or by both such fine and imprisonment.

5. Notwithstanding any provision of this section, the Commissioner of the Department of Public Safety may, upon the request of the chief administrator of a law enforcement, military, or intelligence agency, authorize the issuance to and display, and possession by a person of a license which would otherwise be a violation of this section, for the sole purpose of aiding in a criminal investigation or a military or intelligence operation. While acting pursuant to such authorization by the Commissioner, such person shall not be prosecuted for a violation under this section. Upon termination of such investigation or operation or upon request

of the Commissioner, the chief administrator shall forthwith cause such license to be returned to the Commissioner.

Added by Laws 1961, p. 351, § 6-301, eff. Sept. 1, 1961. Amended by Laws 1980, c. 131, § 1, emerg. eff. April 14, 1980; Laws 1985, c. 45, § 9, eff. Jan. 1, 1986; Laws 1990, c. 219, § 41, eff. Jan. 1, 1991; Laws 1997, c. 133, § 477, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 344, eff. July 1, 1999; Laws 2001, c. 216, § 2, eff. Nov. 1, 2001; Laws 2001, 1st Ex. Sess., c. 2, § 2, emerg. eff. Oct. 8, 2001; Laws 2002, c. 86, § 5, emerg. eff. April 17, 2002; Laws 2003, c. 392, § 18, eff. July 1, 2003; Laws 2004, c. 149, § 8, eff. Nov. 1, 2004.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 477 from July 1, 1998, to July 1, 1999.

§47-6-302. Making false affidavit perjury.

Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this chapter to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are punishable.

Laws 1961, p. 351, § 6-302.

§47-6-303. Driving without license or while license is canceled, denied, suspended, or revoked - Penalties

A. No person shall operate a motor vehicle upon the public roads, streets, highways, turnpikes or other public place of this state without having a valid driver license for the class of vehicle being operated from the Department of Public Safety, except as herein specifically exempted.

Any violation of the provisions of this subsection shall constitute a misdemeanor and shall be punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) plus costs or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

Any person charged with violating this section who produces in court, on or before the court date, a renewal or replacement driver license issued to him or her shall be entitled to dismissal of such charge without payment of court costs and fine.

B. Any person who drives a motor vehicle on any public roads, streets, highways, turnpikes or other public place of this state at a time when the person's privilege to do so is canceled, denied, suspended or revoked or at a time when the person is disqualified from so doing shall be guilty of a misdemeanor and upon conviction shall be punished by a fine:

1. For a first conviction, of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00);

2. For a second conviction, of not less than Two Hundred Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars (\$750.00);

3. For a third and subsequent conviction, of not less than Three Hundred Dollars (\$300.00) and not more than One Thousand Dollars (\$1,000.00);

or by imprisonment for not more than one (1) year or by both such fine and imprisonment. Each act of driving on the highways as prohibited shall constitute a separate offense.

C. Any person who drives a motor vehicle on any public roads, streets, highways, turnpikes or other public roads of this state at a time when the driving privilege of that person is canceled, denied, suspended or revoked, pursuant to paragraph 1 of subsection A of Section 6-205.1 of this title, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine:

1. For a first conviction, of not less than Five Hundred Dollars (\$500.00) and not more than One Thousand Dollars (\$1,000.00);

2. For a second conviction, of not less than One Thousand Dollars (\$1,000.00) and not more than Two Thousand Dollars (\$2,000.00);

3. For a third and subsequent conviction, of not less than Two Thousand Dollars (\$2,000.00) and not more than Five Thousand Dollars (\$5,000.00);

or by imprisonment for not more than one (1) year or by both such fine and imprisonment. Each act of driving on the highways as prohibited shall constitute a separate offense.

D. The Department, upon receiving a record of conviction of an offense committed by any person whose license or privilege to operate motor vehicles is under suspension or revocation, shall extend the period of such suspension or revocation for an additional three-month period of time. The additional orders of suspension or revocation shall be dated and become effective the day following the date terminating the prior order of suspension or revocation.

E. The Department, upon receiving a record of conviction of an offense committed by any person whose license or privilege to operate motor vehicles is under revocation, pursuant to paragraph 1, 2, or 3 of subsection A of Section 6-205.1 of this title, shall extend the period of such revocation for an additional four-month period of time. The additional orders of revocation shall be dated and become effective the day following the date terminating the prior order of revocation.

F. The Department, upon receiving a record of conviction for a person convicted of an offense specified in Section 11-905 of this title, shall extend the period of such suspension, revocation or denial of driving privilege for an additional twelve-month period of time. The additional orders of suspension, revocation or denial of driving privilege shall be dated and become effective the day

following the date terminating the prior order of suspension, revocation or denial of driving privilege.

G. It shall be a misdemeanor punishable by imprisonment for not less than seven (7) days nor more than six (6) months, or by a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment, for any person to apply for a renewal or a replacement license to operate a motor vehicle while the person's license, permit or other evidence of driving privilege is in the custody of a law enforcement officer or the Department. A notice regarding this offense and the penalty therefor shall be included on the same form containing the notice of revocation issued by the officer.

H. Any fine collected pursuant to a second or subsequent conviction, as provided in subsections B and C of this section, shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes.

I. Any person who drives a motorcycle or motor-driven cycle, as defined in this title, on public roads, streets, highways, turnpikes or other public place of this state without the proper endorsement on a current state-issued license shall be guilty of a misdemeanor. Any person charged with violating this section may request a six-month deferral for the purpose of obtaining the following:

1. Proof of successful completion of a Motorcycle Safety Foundation rider course approved by the Department; and

2. Proper motorcycle endorsement on the person's valid driver license.

Upon presenting the court with proof of satisfaction of both requirements within the deferral period, the offender shall be entitled to dismissal of the charge, and may be subject to a reduced payment of court costs and fine.

Added by Laws 1961, p. 351, § 6-303, eff. Sept. 1, 1961. Amended by Laws 1967, c. 229, § 1, emerg. eff. May 2, 1967; Laws 1968, c. 176, § 1, emerg. eff. April 15, 1968; Laws 1982, c. 273, § 3, operative Oct. 1, 1982; Laws 1984, c. 254, § 3, eff. Nov. 1, 1984; Laws 1988, c. 242, § 8, eff. Nov. 1, 1988; Laws 1990, c. 219, § 42, eff. Jan. 1, 1991; Laws 1993, c. 97, § 5, eff. Sept. 1, 1993; Laws 2001, c. 337, § 1, eff. Nov. 1, 2001; Laws 2002, c. 86, § 6, emerg. eff. April 17, 2002; Laws 2004, c. 387, § 1, eff. Nov. 1, 2004; Laws 2005, c. 1, § 52, emerg. eff. March 15, 2005; Laws 2007, c. 326, § 13, eff. Nov. 1, 2007; Laws 2009, c. 155, § 2, eff. July 1, 2009; Laws 2015, c. 382, § 1, eff. Jan. 1, 2016; Laws 2016, c. 141, § 2, eff. Nov. 1, 2016.

NOTE: Laws 2004, c. 390, § 9 repealed by Laws 2005, c. 1, § 53, emerg. eff. March 15, 2005.

§47-6-304. Permitting unauthorized minor to drive.

No person shall cause or knowingly permit his child or ward under the age of sixteen years to drive a motor vehicle upon any highway

when such minor is not authorized hereunder or in violation of any of the provisions of this chapter.

Laws 1961, p. 352, § 6-304.

§47-6-305. Permitting unauthorized person to drive.

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this chapter.

Laws 1961, p. 352, § 6-305.

§47-6-306. Employer permitting unlicensed or improperly licensed person to drive.

No employer shall permit a person to operate a motor vehicle under his control unless the person has a valid license for the class of vehicle being operated.

Amended by Laws 1990, c. 219, § 43, eff. Jan. 1, 1991.

§47-6-307. Liability for knowingly permitting the operation by a person not qualified.

Any person as herein defined, who is the owner of any motor vehicle and knowingly permits such motor vehicle to be operated by any person who is not qualified to operate a motor vehicle under the provisions of this act, shall be held civilly liable as a joint tortfeasor for any unlawful act committed by such operator.

Laws 1961, p. 352, § 6-307.

§47-6-308. Penalty for misdemeanor.

A. It is a misdemeanor for any person to violate any of the provisions of Section 6-101 et seq. of this title unless such violation is by Section 6-101 et seq. of this title or other law of this state declared to be a felony.

B. Unless another penalty is in Section 6-101 et seq. of this title or by laws of this state provided, every person convicted of a misdemeanor for the violation of any provision of Section 6-101 et seq. of this title shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

C. The Department of Public Safety may, in addition to the penalty above, suspend for a period not exceeding thirty (30) days the registration certificate of a motor vehicle owned by any person who permits said vehicle to be used in violation of Section 6-304, 6-305 or 6-306 of this title. The Department may suspend, for a period of not to exceed six (6) months, the registration certificate of any motor vehicle, when the owner permits said vehicle to be operated by an individual whose driving privilege is under denial, cancellation, suspension or revocation.

Laws 1961, p. 352, § 6-308, eff. Sept. 1, 1961; Laws 1992, c. 217, § 15, eff. July 1, 1992.

§47-6-309. Operation of Class D motor vehicle under Class A, B or C commercial license.

Notwithstanding any other provision of law, any person who lawfully possesses a valid Oklahoma Class A, B or C commercial license shall be entitled to operate a Class D motor vehicle or motorcycle or motor-driven cycle in accordance with the driver license granted and the endorsements thereon until the expiration of said license, except for any period of time in which the license has been canceled, suspended or revoked.

Added by Laws 1990, c. 219, § 45, eff. Jan. 1, 1991. Amended by Laws 1992, c. 217, § 16, eff. July 1, 1992; Laws 1993, c. 97, § 6, eff. Sept. 1, 1993; Laws 1995, c. 23, § 10, eff. Nov. 1, 1995; Laws 2004, c. 521, § 6, eff. Nov. 1, 2004.

§47-7-101. Commissioner of public safety to administer chapter.

(a) The Commissioner of Public Safety shall administer and enforce the provisions of this chapter and may make rules and regulations necessary for its administration.

(b) The Commissioner shall provide for hearings upon request of persons aggrieved by orders or acts of the Commissioner under the provisions of this act.

(c) The Commissioner shall prescribe and provide suitable forms requisite or deemed necessary for the purposes of this chapter.
Laws 1961, p. 352, § 7-101.

§47-7-102. Court review.

Any order or act of the Department of Public Safety under the provisions of this chapter shall be subject to review, at the instance of any party in interest, by appeal to the district court as provided for in Section 6-211 of this title.

Added by Laws 1961, p. 353, § 7-102, eff. Sept. 1, 1961. Amended by Laws 2000, c. 189, § 3, eff. July 1, 2000.

§47-7-103. Definitions.

The following words and phrases when used in Title 47 of the Oklahoma Statutes shall have the meanings respectively ascribed to them in this section:

1. "Judgment" means any judgment which shall have become final by expiration without appeal in the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any vehicle subject to registration under the laws of this state, for damages, including damages for care and loss of services,

because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for the damages;

2. "Minimum liability insurance limits" means:

a. for vehicle liability policies issued or renewed before April 1, 2005:

- (1) a limit of not less than Ten Thousand Dollars (\$10,000.00) because of bodily injury to or death of one person in any one accident,
- (2) subject to the limit for one person as prescribed in subparagraph a of this paragraph, a limit of not less than Twenty Thousand Dollars (\$20,000.00) because of bodily injury to or death of two or more persons in any one accident, and
- (3) if the accident has resulted in injury to or destruction of property, a limit of not less than Ten Thousand Dollars (\$10,000.00) because of injury to or destruction of property of others in any one accident, or

b. for vehicle liability policies issued or renewed on or after April 1, 2005:

- (1) a limit of not less than Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one person in any one accident,
- (2) subject to the limit for one person as prescribed in subparagraph a of this paragraph, a limit of not less than Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two or more persons in any one accident, and
- (3) if the accident has resulted in injury to or destruction of property to a limit of not less than Twenty-five Thousand Dollars (\$25,000.00) because of injury to or destruction of property of others in any one accident;

3. "Motor vehicle liability policy" means an owner's policy or operator's policy of liability, as defined in this chapter, issued by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured. With respect to a policy which grants coverage in excess of or in addition to minimum liability insurance limits, the term motor vehicle liability policy shall apply only to that part of the coverage which is required by minimum liability insurance limits; and

4. "Proof of financial responsibility" means proof of ability to respond in damages for liability at the minimum liability insurance limits:

- a. resulting from accidents occurring subsequent to the effective date of the proof,
- b. arising out of the ownership, maintenance or use of a vehicle subject to registration under the laws of this state.

Added by Laws 2009, c. 62, § 1, eff. Nov. 1, 2009.

§47-7-116. Damage limitation - Compulsory Insurance Law.

A. Except as provided in subsection B of this section, in any civil action to recover damages arising out of an accident involving the operation of a motor vehicle or for any claim against the motor vehicle liability insurance coverage of another party, the maximum amount that a plaintiff or claimant may receive, if the plaintiff or claimant is not in compliance with the Compulsory Insurance Law, shall be limited to the amount of medical costs, property damage, and lost income and shall not include any award for pain and suffering.

B. The limitations provided for in subsection A of this section shall not apply:

1. If the plaintiff or claimant was injured by a motorist who at the time of the accident was operating or using a motor vehicle while under the influence of drugs or alcohol in violation of any provision of law relating to the illegal operation or use of a motor vehicle while under the influence of drugs or alcohol, and that motorist:

- a. was convicted of, or pled guilty or nolo contendere to, the offense, or
- b. dies as a result of the accident if it is proven by a preponderance of the evidence that the motorist was operating or using the motor vehicle while under the influence of drugs or alcohol in violation of any provision of law relating to the illegal operation or use of a motor vehicle while under the influence of drugs or alcohol;

2. If the plaintiff or claimant was a passenger in a motor vehicle involved in the accident, unless the plaintiff or claimant is an owner of the vehicle;

3. If the plaintiff or claimant was not in any motor vehicle involved in the accident;

4. To wrongful death claims;

5. If the motorist who caused the accident:

- a. intentionally caused the accident,
- b. left the scene of the accident, or
- c. at the time of the accident, was acting in furtherance of the commission of a felony;

6. If, at the time of the accident, the plaintiff or claimant was claimed as a dependent on the federal income tax return of one or both parents of the plaintiff or claimant and the parent or parents were not in compliance with the Compulsory Insurance Law; or

7. If, at the time of the accident, the plaintiff or claimant previously had been covered by an insurance policy meeting the requirements of the Compulsory Insurance Law that was terminated or nonrenewed for failure to pay the premium, unless at least thirty (30) days prior to the accident notice of termination was sent to the last-known mailing address of the policyholder.

C. Each person who is involved in the accident which is the basis for the action or claim by the plaintiff or claimant and who is found liable for damages to the plaintiff or claimant may assert the limitation of recovery provided for in subsection A of this section, unless the provisions of subsection B of this section apply. The motor vehicle liability insurer of the person asserting the limitation of recovery also may assert the limitation.

Added by Laws 2011, c. 366, § 1, eff. Nov. 1, 2011.

§47-7-201. Application of Article II.

The provisions of this chapter, requiring deposit of security, filing of proof of financial responsibility, and suspensions for failure to deposit security or file proof of financial responsibility, subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of this state which is in any manner involved in an accident upon the highways and elsewhere throughout the state, which accident has resulted in bodily injury to or death of any person or damage to the property of any one person in excess of Three Hundred Dollars (\$300.00).

Laws 1961, p. 353, § 7-201; Laws 1965, c. 187, § 1, emerg. eff. June 8, 1965; Laws 1972, c. 160, § 1; Laws 1980, c. 100, § 1, eff. Oct. 1, 1980; Laws 1980, c. 235, § 1, eff. Jan. 1, 1981.

§47-7-202. Department to determine amount of security required - Notices.

A. The Department of Public Safety, not less than twenty (20) days after receipt of a report of an accident, as described in Section 7-201 of this title, shall determine the amount of security which shall be sufficient in its judgment to satisfy any judgment or judgments for damages resulting from the accident, based on the reports or other information submitted to the Department, as may be recovered against each driver or owner. The determination shall not be made with respect to drivers or owners who are exempt under Section 7-203 of this title from the requirements as to security and suspension.

B. The Department, not less than fifty (50) days after receipt of report of an accident as described in Section 7-201 of this title and upon determining the amount of security to be required of any person involved in the accident or to be required of the owner of any vehicle involved in the accident shall give written notice pursuant

to the provisions of Section 2-116 of this title to every person of the amount of security required to be deposited by him or her and that an order of suspension will be made to become effective upon the expiration of ten (10) days after the sending of the notice unless within that time security be deposited as required by the notice. Added by Laws 1961, p. 354, § 7-202, eff. Sept. 1, 1961. Amended by Laws 1986, c. 279, § 17, operative July 1, 1986; Laws 2009, c. 62, § 2, eff. Nov. 1, 2009.

§47-7-203. Exceptions to requirement of security.

The provisions in this chapter requiring security, proof of financial responsibility, and suspension in this article shall not apply:

1. To the driver or owner if the owner had in effect at the time of the accident a motor vehicle liability policy with respect to the vehicle involved in the accident; provided, a driver shall not be exempt under this paragraph if at the time of the accident the vehicle was being operated without the permission, express or implied, of the owner;

2. To the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident a motor vehicle liability policy with respect to the operation of vehicles not owned by the driver;

3. To a driver or owner whose liability for damages resulting from the accident is, in the judgment of the Department, covered by any other form of motor vehicle liability insurance policy;

4. To any person qualifying as a self-insurer under Section 7-503 of this title or to any person operating a vehicle for the self-insurer;

5. To the driver or the owner of a vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than the driver or owner, unless the vehicle is being operated without the permission of the owner, express or implied;

6. To the driver or owner of a vehicle which at the time of the accident was parked, unless the vehicle was parked at a place where parking was at the time of the accident prohibited under any applicable law or ordinance;

7. To the owner of a vehicle if at the time of the accident the vehicle was being operated without the permission of the owner, express or implied, or was parked by a person who had been operating the vehicle without permission of the owner, express or implied;

8. To the owner of a vehicle involved in an accident if at the time of the accident the vehicle was owned by or leased to the United States, this state or any political subdivision of this state or a municipality thereof, or to the driver of the vehicle if operating the vehicle with permission; or

9. To the driver or the owner of a vehicle if at the time of the accident the vehicle was being operated by or under the direction of a peace officer who, in the performance of his or her duties, shall have assumed custody of the vehicle.

Added by Laws 1961, p. 354, § 7-203. Amended by Laws 1965, c. 187, § 2, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 3, eff. Nov. 1, 2009.

§47-7-204. Policy requirements.

A. No motor vehicle liability policy shall be considered effective to provide any exemption under Section 7-203 of this title unless;

1. The policy is issued by an insurance company authorized to do business in this state, except as provided in subsection B of this section; and

2. The policy provides, if the accident has resulted in bodily injury or death or property injury or destruction, exclusive of interest and costs, not less than minimum liability insurance limits.

B. No motor vehicle liability policy shall be considered effective to provide any exemption under Section 7-203 of this title with respect to any vehicle which was not registered in this state at the effective date of the policy or the most recent renewal thereof, unless the insurance company issuing the policy is authorized to do business in this state or in the state of registration.

C. The Department of Public Safety may rely upon the accuracy of the information in a required report of an accident as to the existence of a motor vehicle liability policy unless and until the Department has reason to believe that the information is erroneous. Added by Laws 1961, p. 355, § 7-204, eff. Sept. 1, 1961. Amended by Laws 1980, c. 235, § 2, eff. Jan. 1, 1981; Laws 2004, c. 519, § 31, eff. Nov. 1, 2004; Laws 2009, c. 62, § 4, eff. Nov. 1, 2009.

§47-7-205. Form and amount of security.

A. The security required under this chapter shall be in the form and in the amount the Department of Public Safety requires, but in no case in excess of minimum liability insurance limits.

B. Every depositor of security shall designate in writing every person in whose name the deposit is made and may at any time change the designation, but any single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

Added by Laws 1961, p. 355, § 7-205. Amended by Laws 2009, c. 62, § 5, eff. Nov. 1, 2009.

§47-7-206. Failure to deposit security and file proof of financial responsibility.

In the event that any person required to deposit security and file proof of financial responsibility under this article fails to deposit such security and file such proof of financial responsibility within ten (10) days after the Department of Public Safety has sent the notice as hereinbefore provided, the Department shall thereupon suspend the driving privilege of each driver in any manner involved in the accident.

The suspension shall be made in respect to each person required by the Department to deposit security who fails to deposit such security, except as otherwise provided in Section 7-207, 7-208, 7-209, or 7-210 of this title.

Added by Laws 1961, p. 355, § 7-206, eff. Sept. 1, 1961. Amended by Laws 1965, c. 187, § 3, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 6, eff. Nov. 1, 2009.

§47-7-207. Release from liability.

A. A person shall be relieved from the requirement for deposit of security for the benefit or protection of another person injured or damaged in the accident, provided he or she has given proof of financial responsibility, in the event he or she is released from liability by the other person.

B. A covenant not to sue shall relieve the parties thereto as to each other from the security requirements of this chapter.

C. In the event the Department of Public Safety has received medical evidence that the injuries or damage to any minor are in an amount not more than Two Hundred Dollars (\$200.00), the Department may accept, for the purposes of this article only, evidence of a release from liability executed by a custodial parent or a legal guardian on behalf of the minor without the approval of any court or judge.

Added by Laws 1961, p. 355, § 7-207. Amended by Laws 1965, c. 187 § 4, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 7, eff. Nov. 1, 2009.

§47-7-208. Adjudication of nonliability.

A person shall be relieved from the requirement for deposit of security in respect to a claim for injury or damage arising out of the accident in the event such person has been finally adjudicated not to be liable in respect to such claim.

Laws 1961, p. 356, § 7-208.

§47-7-209. Agreements for payment of damages.

A. Any two or more of the persons involved in or affected by an accident, as described in Section 7-201 of this title, may at any time enter into a written agreement for the payment of an agreed amount with respect to all claims of any of the persons because of bodily injury to or death or property damage arising from the

accident, which agreement may provide for payment in installments, and may file a signed copy thereof with the Department of Public Safety.

B. The Department, to the extent provided by the written agreement filed with it, shall not require the deposit of security and shall terminate any prior order of suspension, provided that proof of financial responsibility has been filed; provided, if security has previously been deposited, the Department shall immediately return the security to the depositor or to the personal representative of the depositor.

C. Upon notice to the Department of a default in any payment under the agreement, the Department shall take action suspending the driving privilege of the person in default as in the same manner as for failure of the person to deposit security when required under this chapter. When reporting a default, the amount already paid and the outstanding balance shall be provided to the Department. Provided, this subsection shall not be deemed to require any party to the agreement to make notice to the Department of a default of any payment.

D. The suspension provided for in subsection C of this section shall remain in effect and the driving privilege of the person shall not be restored unless and until:

1. Security is deposited and proof of financial responsibility is filed as required under this chapter, the security to be in such amount as the Department may then determine;

2. The person in default has paid the balance of the agreed amount; or

3. One (1) year has elapsed following the effective date of the suspension and evidence satisfactory to the Department has been filed with it that during the one-year period no action at law upon the agreement has been instituted and is pending.

Added by Laws 1961, p. 356, § 7-209. Amended by Laws 1965, c. 187, § 5, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 8, eff. Nov. 1, 2009.

§47-7-210. Payment upon judgment.

The payment of a judgment arising out of an accident or the payment upon the judgment of an amount equal to the maximum amount which could be required for deposit under this chapter shall, for the purposes of this chapter, release the judgment debtor from the liability evidenced by the judgment, provided that the person has filed proof of financial responsibility.

Added by Laws 1961, p. 356, § 7-210. Amended by Laws 1965, c. 187, § 6, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 9, eff. Nov. 1, 2009.

§47-7-211. Termination of security requirement.

The Department, if satisfied as to the existence of any fact which under Sections 7-207, 7-208, 7-209 or 7-210 would entitle a person to be relieved from the security requirements of this chapter, shall not require the deposit of security by the person so relieved from such requirement and shall terminate any prior order of suspension in respect to such person, provided that he has filed proof of financial responsibility, or, if security has previously been deposited by such person, the Department shall immediately return such deposit to such person or to his personal representative. Laws 1961, p. 356, § 7-211; Laws 1965, c. 187, § 7, emerg. eff. June 8, 1965.

§47-7-212. Duration of suspension.

Unless a suspension is terminated under other provisions of this chapter, any order of suspension by the Department of Public Safety under this chapter shall remain in effect and no license shall be renewed for or issued to any person whose driving privilege is suspended until:

1. The person shall deposit and file or there shall be deposited and filed on behalf of the person the security and proof of financial responsibility required under this chapter, or

2. One (1) year shall have elapsed following the date of the suspension and evidence satisfactory to the Department has been filed with it that during the one-year period no action for damages arising out of the accident resulting in the suspension has been instituted, provided, the person has filed the required proof of financial responsibility.

An affidavit of the applicant that no action at law for damages arising out of the accident has been filed against him or her or, if filed, that it is not still pending shall be prima facie evidence of that fact. The Department may take whatever steps are necessary to verify the statement set forth in the affidavit.

Added by Laws 1961, p. 356, § 7-212. Amended by Laws 1965, c. 187, § 8, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 10, eff. Nov. 1, 2009.

§47-7-213. Application to nonresidents, unlicensed drivers, unregistered vehicles and accidents in other states.

- A. In case the driver or the owner of a vehicle subject to registration under the laws of this state involved in an accident within this state has no driver license in this state, then the driver shall be denied a driver license until he or she has complied with the requirements of this chapter to the same extent that would be necessary if, at the time of the accident, he or she had held a driver license in this state.

- B. When a nonresident's driving privilege is suspended pursuant to Section 7-206 of this title, the Department of Public Safety shall

transmit a copy of the record of the action to the official in charge of the issuance of driver licenses in the state in which the nonresident resides.

C. Upon receipt of a copy of a record from another state that the driving privilege of a resident of this state has been suspended or revoked in the other state for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, or for failure to give and maintain proof of financial responsibility, under circumstances which would require the Department to suspend the driving privilege of the person had the accident occurred in this state, the Department shall suspend the driving privilege of the resident if he or she was the driver determined to be at fault in the accident. The suspension shall continue until the resident furnishes evidence of his or her compliance with the law of the other state relating to the deposit of such security or files proof of financial responsibility.

Added by Laws 1961, p. 357, § 7-213. Amended by Laws 1965, c. 187, § 9, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 11, eff. Nov. 1, 2009.

§47-7-214. Authority of Department to decrease amount of security.

The Department of Public Safety may reduce the amount of security ordered in any case within one (1) year after the date of the accident if in its judgment the amount ordered is excessive. In case the security originally ordered has been deposited, the excess deposit over the reduced amount ordered shall be returned forthwith to the depositor or the personal representative of the depositor.

Added by Laws 1961, p. 357, § 7-214. Amended by Laws 2009, c. 62, § 12, eff. Nov. 1, 2009.

§47-7-215. Correction of action of Department.

Whenever the Department of Public Safety has taken any action or has failed to take any action under this article by reason of having received erroneous information or no information, then, upon receiving further information within one (1) year after the date of an accident, the Department shall take appropriate action to carry out the purposes and effect of this article. Provided, this section shall not be deemed to require the Department to reevaluate the amount of any deposit required under this article.

Added by Laws 1961, p. 357, § 7-215. Amended by Laws 2009, c. 62, § 13, eff. Nov. 1, 2009.

§47-7-216. Custody of security.

The Department shall place any negotiable security, or security issued in bearer form, deposited with it under this chapter in the custody of the State Treasurer. Receipts or other documents

evidencing the existence of a security shall be retained by the Department.

Added by Laws 1961, p. 357, § 7-216, eff. Sept. 1, 1961. Amended by Laws 1998, c. 85, § 2, eff. July 1, 1998.

§47-7-217. Disposition of security.

Such security shall be applicable and available only

1. For the payment of any settlement agreement covering any claim arising out of the accident upon instruction of the person who made the deposit, or

2. For the payment of a judgment or judgments, rendered against the person required to make the deposit, for damages arising out of the accident in an action at law begun not later than one (1) year after the deposit of such security, or within one (1) year after the date of deposit of any security following failure to make payments under an agreement to pay.

Laws 1961, p. 357, § 7-217.

§47-7-218. Return of deposit.

Upon the expiration of one (1) year from the date of any deposit of security, any security remaining on deposit shall be returned to the person who made such deposit or to his personal representative if an affidavit or other evidence satisfactory to the Department has been filed with it:

1. That no action for damages arising out of the accident for which deposit was made is pending against any person on whose behalf the deposit was made, and

2. That there does not exist any unpaid judgment rendered against any such person in such an action.

The foregoing provisions of this section shall not be construed to limit the return of any deposit of security under any other provision of this chapter authorizing such return.

Laws 1961, p. 357, § 7-218.

§47-7-219. Matters not to be evidence in civil suits.

The report required following an accident, the action taken by the Department pursuant to this chapter, the findings, if any, of said Department upon which such action is based, and the security filed as provided in this chapter shall not be referred to in any way and shall not be any evidence of the negligence or due care of either party at the trial of any action at law to recover damages.

Laws 1961, p. 358, § 7-219.

§47-7-301. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-302. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-303. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-304. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-305. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-306. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-307. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-308. When courts to report nonpayment of judgments.

Whenever any person fails within thirty (30) days to satisfy any judgment, then upon the written request of the judgment creditor or his attorney it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state to forward to the Department immediately upon such request a certified copy of such judgment. Laws 1961, p. 359, § 7-308.

§47-7-309. Further action with respect to nonresidents.

If the defendant named in any certified copy of a judgment reported to the Department of Public Safety, as prescribed in Section 7-308 of this title, is a nonresident, then the Department shall transmit a certified copy of the judgment to the official in charge of the issuance of driver licenses of the state of which the defendant is a resident.

Added by Laws 1961, p. 359, § 7-309. Amended by Laws 2009, c. 62, § 14, eff. Nov. 1, 2009.

§47-7-310. Suspension for nonpayment of judgments.

The Department of Public Safety, upon receipt of a certified copy of a judgment as prescribed in Section 7-308 of this title and a certificate of facts relative to such judgment, on a form provided by the Department, shall forthwith suspend the driving privilege of any person against whom the judgment was rendered, except as hereinafter otherwise provided in this chapter.

Added by Laws 1961, p. 359, § 7-310. Amended by Laws 2009, c. 62, § 15, eff. Nov. 1, 2009.

§47-7-311. Exception in relation to government vehicles.

The provisions of Section 7-310 shall not apply with respect to any such judgment arising out of an accident caused by the ownership or operation, with permission, of a vehicle owned or leased to the United States, this state or any political subdivision of this state or a municipality thereof.

Laws 1961, p. 359, § 7-311.

§47-7-312. Exception when consent granted by judgment creditor.

If the judgment creditor consents in writing, in a manner as the Department of Public Safety may prescribe, that the judgment debtor be allowed to continue his or her driving privilege, the same may be allowed by the Department, in its discretion, for at least six (6) months from the date of the consent and thereafter until the consent is revoked in writing, notwithstanding default in the payment of the judgment, or of any installments thereof, as prescribed in Section 7-317 of this title, provided the judgment debtor furnishes proof of financial responsibility.

Added by Laws 1961, p. 359, § 7-312. Amended by Laws 2009, c. 62, § 16, eff. Nov. 1, 2009.

§47-7-313. Exception when insurer liable.

No driving privilege of any person shall be suspended under the provisions of this chapter if the Department of Public Safety shall find that an insurer was obligated to pay the judgment, at least to the extent and for the amounts required in this chapter, upon which the suspension is based but has not paid the judgment for any reason. A finding by the Department that an insurer is obligated to pay a judgment shall not be binding upon the insurer and shall have no legal effect whatever except for the purpose of administering this section. Whenever in any judicial proceedings it shall be determined by any final judgment, decree or order that an insurer is not obligated to pay the judgment, the Department, notwithstanding any contrary finding theretofore made by it, shall forthwith suspend the driving privilege of any person against whom the judgment was rendered, as provided in Section 7-310 of this title.

Added by Laws 1961, p. 360, § 7-313. Amended by Laws 2009, c. 62, § 17, eff. Nov. 1, 2009.

§47-7-314. Suspension to continue until judgments paid and proof given.

The driving privilege of any person which has been suspended under the provisions of Section 7-313 of this title shall remain suspended and shall not be reinstated, nor shall any driver license be thereafter issued in the name of the person, including any person not previously licensed:

1. Unless and until every judgment is stayed or satisfied in full or to the extent hereinafter provided; and

2. Until the person gives proof of financial responsibility subject to the exemptions stated in Sections 7-312, 7-313 and 7-317 of this title.

Added by Laws 1961, p. 360, § 7-314. Amended by Laws 2009, c. 62, § 18, eff. Nov. 1, 2009.

§47-7-315. Discharge in bankruptcy.

A discharge in bankruptcy following the rendering of any such judgment shall relieve the judgment debtor from the security requirements which are the subject of the discharge in bankruptcy, but shall not relieve the judgment debtor from any of the other requirements of this chapter.

Added by Laws 1961, p. 360, § 7-315, eff. Sept. 1, 1961. Amended by Laws 2000, c. 189, § 4, eff. July 1, 2000.

§47-7-316. Payments sufficient to satisfy requirements.

A. Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:

1. When the minimum liability insurance limits are met; or
2. When any combination of amounts as prescribed by the minimum liability insurance limits and as appropriate to the consequences of the accident, has been credited upon any judgment or judgments rendered in excess of that amount because of a combination of bodily injury to or death of any number of persons and because of injury to or destruction of property of others as a result of any one accident.

B. Provided, however, payments made in settlements of any claims because of bodily injury, death or property damage arising from the accident shall be credited in reduction of the amounts provided for in this section.

Added by Laws 1961, p. 360, § 7-316, eff. Sept. 1, 1961. Amended by Laws 1980, c. 235, § 4, eff. Jan. 1, 1981; Laws 2005, c. 394, § 5, emerg. eff. June 6, 2005; Laws 2009, c. 62, § 19, eff. Nov. 1, 2009.

§47-7-317. Installment payment of judgments - Default.

A. A judgment debtor, upon due notice to the judgment creditor, may apply to the court in which the judgment was rendered for the privilege of paying the judgment in installments, and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

B. The Department of Public Safety shall not suspend the driving privilege of any person and shall restore the driving privilege of any person, if otherwise eligible, which was suspended following nonpayment of a judgment when the judgment debtor gives proof of financial responsibility and obtains an order permitting the payment of the judgment in installments, and while the payment of any installments is not in default.

Added by Laws 1961, p. 360, § 7-317. Amended by Laws 2009, c. 62, § 20, eff. Nov. 1, 2009.

§47-7-318. Action if breach of agreement.

In the event the judgment debtor fails to pay any installment as specified by an order described in Section 7-317 of this title, then, upon notice by the court of the default, the Department of Public

Safety shall forthwith suspend the driving privilege of the person who is the judgment debtor until the judgment is satisfied, as provided in this article.

Added by Laws 1961, p. 360, § 7-318. Amended by Laws 2009, c. 62, § 21, eff. Nov. 1, 2009.

§47-7-319. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003.

§47-7-320. Alternate methods of giving proof.

Proof of financial responsibility when required under this article, with respect to a vehicle or with respect to a person who is not the owner of a vehicle, may be given by filing:

1. A security verification form as defined in Section 7-600 of this title;

2. A certificate of deposit of money or securities as provided in Section 7-330 of this title; or

3. A certificate of self-insurance, as provided in Section 7-503 of this title, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, the self-insurer will pay the same amounts that an insurer would have been obliged to pay under a motor vehicle liability policy if the insurance carrier had issued a policy to the self-insurer.

Added by Laws 1961, p. 361, § 7-320. Amended by Laws 1994, c. 181, § 9, eff. Sept. 1, 1994; Laws 2009, c. 62, § 22, eff. Nov. 1, 2009.

§47-7-321. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-322. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-323. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-324. Motor vehicle liability policies - Contents and coverages.

(a) Certification. A "motor vehicle liability policy" as the term is used in this article shall mean an "owner's policy" or an "operator's policy" of liability insurance, certified as provided in Section 7-321 or Section 7-322 of this title as proof of financial responsibility, and issued, except as otherwise provided in Section 7-322 of this title, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

(b) Owner's policy. Such owner's policy of liability insurance:

1. Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted; and

2. Shall insure the person named therein and any other person except as herein provided, as insured, using any such vehicle or vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such vehicle or vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such vehicle, as follows: Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two or more persons in any one accident, and Twenty-five Thousand Dollars (\$25,000.00) because of injury to or destruction of property of others in any one accident.

3. May by agreement in a separate written endorsement between any named insured and the insurer exclude as insured any person or persons designated by name from coverage under the policy.

(c) Operator's policy. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(d) Required statements in policies. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this title.

(e) Policy need not insure workmen's compensation. Such motor vehicle liability policy need not insure any liability under any workmen's compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

(f) Provisions incorporated in policy. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

1. The liability of the insurance carrier with respect to the insurance required by this title shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such

liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.

2. The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

3. The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in paragraph 2 of subsection (b) of this section.

4. The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this title shall constitute the entire contract between the parties.

(g) Excess or additional coverage. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this title. With respect to a policy which grants such excess or additional coverage, the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

(h) Reimbursement provision permitted. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this title.

(i) Proration of insurance permitted. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(j) Multiple policies. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

(k) Binders. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

Added by Laws 1961, p. 361, § 7-324, eff. Sept. 1, 1961. Amended by Laws 1980, c. 235, § 5, eff. Jan. 1, 1981; Laws 1994, c. 181, § 11, eff. Sept. 1, 1994; Laws 2004, c. 519, § 32, eff. Nov. 1, 2004.

§47-7-325. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-326. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-327. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003.

§47-7-328. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003.

§47-7-329. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003.

§47-7-330. Cash or certificate of deposit as proof.

Proof of financial responsibility may be evidenced by the certificate of the Department of Public Safety that the person named therein has deposited with the Department at least Seventy-five Thousand Dollars (\$75,000.00) in cash, or a certificate of deposit issued by a financial institution located in Oklahoma in an amount of at least Seventy-five Thousand Dollars (\$75,000.00). The Department shall deposit any cash it receives for this purpose in a special account of the Department which shall be held in escrow until necessary to pay judgments as described in Section 7-331 of this title. The Department shall obtain a written acknowledgment from any financial institution issuing a certificate of deposit which is used for the purpose of this section, showing the certificate of deposit has been pledged to the Department for this purpose. The Department shall not accept any deposit and issue a certificate therefor and the Department shall not accept the certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides. Added by Laws 1961, p. 363, § 7-330, eff. Sept. 1, 1961. Amended by Laws 1980, c. 235, § 6, eff. Jan. 1, 1981; Laws 1998, c. 85, § 3, eff. July 1, 1998; Laws 2005, c. 394, § 6, emerg. eff. June 6, 2005.

§47-7-331. Application of deposit.

Such deposit shall be held by the Department to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against such a person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a vehicle of a type subject to registration under the laws of this state after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

Added by Laws 1961, p. 364, § 7-331, eff. Sept. 1, 1961. Amended by Laws 1998, c. 85, § 4, eff. July 1, 1998.

§47-7-332. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-333. Substitution of proof.

The Department shall consent to the cancellation of any bond or certificate of insurance or the Department shall direct and the State Treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter.
Laws 1961, p. 364, § 7-333.

§47-7-334. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-335. Duration of proof - When proof may be canceled or returned.

A. The Department of Public Safety shall upon request consent to the immediate cancellation of any certificate of insurance or the Department shall direct and the State Treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this article or Article II of this chapter as proof of financial responsibility, or the Department shall waive the requirement of filing proof of financial responsibility, in any of the following events:

1. In the event of the death of the person on whose behalf the proof of financial responsibility was filed or the permanent incapacity of the person to operate a motor vehicle; or

2. In the event the person who has given proof of financial responsibility surrenders his or her driver license to the Department.

B. Provided, however, that the Department shall not consent to the cancellation of any certificate of insurance and the Department shall not consent to the return of any money or securities in the event any action for damages upon a liability covered by such proof of financial responsibility is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has within one (1) year immediately preceding such request been involved as a driver or owner in any accident resulting in injury or damage to the person or property of others. An affidavit of the person as to the nonexistence of such facts, or that the person has been released from all liability, or has been finally adjudicated not to be liable, for any injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the Department.
Added by Laws 1961, p. 365, § 7-335. Amended by Laws 1994, c. 181, § 13, eff. Sept. 1, 1994; Laws 2009, c. 62, § 23, eff. Nov. 1, 2009.

§47-7-401. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003.

§47-7-402. Surrender of license.

A. Any person whose driving privilege shall have been suspended under any provision of this chapter, or whose policy of insurance, when required under this chapter, shall have been canceled or terminated, shall immediately return his or her driver license to the Department of Public Safety. If any person shall fail to return to the Department the driver license as provided herein, the Department shall forthwith direct any peace officer to secure possession thereof and to return the same to the Department in the same manner as prescribed in Section 7-605 of this title.

B. Any person willfully failing to return his or her driver license as required in subsection A of this section shall be punished as provided in Section 17-101 of this title.

Added by Laws 1961, p. 365, § 7-402. Amended by Laws 2009, c. 62, § 24, eff. Nov. 1, 2009.

§47-7-403. Forged proof.

Any person who shall forge, or, without authority, sign any evidence of proof of financial responsibility, or who files or offers for filing any such evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than one (1) year, or both.

Laws 1961, p. 365, § 7-403; Laws 1994, c. 181, § 14, eff. Sept. 1, 1994.

§47-7-404. Reciprocity.

(a) The Department is hereby authorized to enter into, negotiate, and execute reciprocal compacts and agreements with the proper authorities, bureaus or divisions of other states regarding the use, application and operation of the financial responsibility provisions of this Code.

(b) Such compacts and agreements shall grant to the residents of other states privileges substantially like and equal to those granted by such states to residents of Oklahoma; provided that such compacts and agreements shall not supersede or suspend any laws, rules or regulations of the State of Oklahoma applying to vehicles operated intrastate in this state. Privileges so granted shall extend only to persons who comply with the vehicle laws of the state of their residence.

Laws 1961, p. 365, § 7-404.

§47-7-501. Renumbered as Title 36, § 996.1 by Laws 2009, c. 62, § 40, eff. Nov. 1, 2009.

§47-7-502. Exception in relation to vehicles insured under other laws.

The provisions of this chapter shall not apply with respect to any vehicle which is subject to regulation by the Corporation Commission or to regulation by any other federal or state agency under provisions of any laws requiring insurance or other security. Added by Laws 1961, p. 366, § 7-502, eff. Sept. 1, 1961. Amended by Laws 2009, c. 62, § 25, eff. Nov. 1, 2009.

§47-7-503. Self-insurers.

(a) Any person in whose name more than twenty-five vehicles are registered in this state may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the Department as provided in subsection (b) of this section.

(b) The Department may, in its discretion, upon the application of such a person, issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay judgment obtained against such person. Such certificate may be issued authorizing a person to act as a self-insurer for either property damage or bodily injury, or both.

(c) Upon not less than five (5) days' notice and a hearing pursuant to such notice, the Department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty (30) days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

Laws 1961, p. 366, § 7-503.

§47-7-504. Chapter not to prevent other process.

Nothing in this chapter shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

Laws 1961, p. 366, § 7-504.

§47-7-505. Relief by court in cases of hardship.

A. In order to furnish a means of relief from extreme and unusually severe hardship in the application of Article II or Article III of this chapter, it is hereby provided that any owner or operator whose driving privilege has been suspended by the Department of Public Safety under the provisions of Article II or Article III of this chapter for failure to furnish security or for failure to satisfy a judgment may make application for modification of the order of suspension to the district court of the county where such owner or operator resides.

The application shall contain the following:

1. The name and address of the applicant;

2. The date and location of the accident, names of any fatality or fatalities, names of persons injured, and/or names of persons whose real or personal property was damaged in the accident;

3. A statement that the applicant has failed to comply with the provisions of Article II or Article III of this chapter by either failing to post security or to satisfy a judgment;

4. The facts creating the unusual or severe hardship impairing the ability of the applicant to earn a livelihood;

5. That the applicant has initiated action to post proof of financial responsibility by a method enumerated in Section 7-320 of this title;

6. A true copy of the order of suspension attached thereto; and

7. A verification by the applicant.

B. The district court shall set the application for hearing not less than fifteen (15) days nor more than thirty (30) days from the date of filing the application.

C. A certified copy of the application, bond, order for hearing and any other pleadings shall be served upon the Department of Public Safety, all judgment creditors and/or persons on whose behalf security has been required or by mailing a copy to their last known address at least ten (10) days before the hearing.

D. Persons required to be notified of the hearing may appear and resist the application of Article II or Article III of this chapter. At the hearing the court shall take testimony concerning the hardship of the applicant, testimony of any interested party, and allow the driving record and accident record of the applicant to be introduced into evidence by the Department of Public Safety. After hearing on the application, but not before, if the court finds that the suspension has resulted or will result in extreme and unusually severe hardship, seriously impairing the ability of the applicant to earn a livelihood, the court may modify, but not vacate, the order of suspension and the extent to which the applicant shall comply with the provisions of Articles II and III of this chapter with respect to furnishing security or satisfying a judgment. If the court finds the order of suspension should be modified, then the court shall require that the applicant furnish proof of financial responsibility by a method enumerated in Section 7-320 of this title. The proof of financial responsibility shall be furnished to the Department of Public Safety. The modification shall not become effective until the proof of financial responsibility is furnished to the Department together with a certified order of the court setting forth the modification.

E. An appeal may be taken by any interested party from the order of the district court to the Supreme Court of the State of Oklahoma.

F. It shall be the duty of the district attorney in the county where the application is filed to represent the Department of Public

Safety in the proceedings under the statute upon request from the Department of Public Safety.

Added by Laws 1961, p. 366, § 7-505. Amended by Laws 1994, c. 181, § 15, eff. Sept. 1, 1994; Laws 2009, c. 62, § 26, eff. Nov. 1, 2009.

§47-7-506. Driving privilege reinstatement fee.

Whenever a person's driving privilege is suspended under this chapter and the filing of proof of financial responsibility is made a prerequisite to reinstatement of the driving privilege or the issuance of a driver license, no driving privilege shall be reinstated or a driver license issued unless the person, in addition to complying with the other provisions of this chapter, pays to the Department of Public Safety the fees provided for in Section 6-212 of this title.

Added by Laws 1965, c. 187, § 11, emerg. eff. June 8, 1965. Amended by Laws 1983, c. 286, § 23, operative July 1, 1983; Laws 1986, c. 279, § 18, operative July 1, 1986; Laws 1987, c. 5, § 154, emerg. eff. March 11, 1987; Laws 1994, c. 218, § 8, eff. April 1, 1995; Laws 2009, c. 62, § 27, eff. Nov. 1, 2009.

§47-7-508. Renumbered as § 941 of Title 36 by Laws 1988, c. 27, § 4, eff. Nov. 1, 1988.

§47-7-600. Definitions.

As used in Section 7-600 et seq. of this title:

1. "Owner's policy" means a policy of motor vehicle liability insurance which:

- a. shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted,
- b. shall insure the person named therein and insure any other person, except as provided in subparagraph c of this paragraph, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of the vehicle,
- c. may provide for exclusions from coverage in accordance with existing laws, and
- d. shall be issued by an authorized insurer providing coverage in accordance with Section 7-204 of this title or in the case of a commercial automobile insurance policy may be issued by an unauthorized insurer as allowed pursuant to Section 1106 of Title 36 of the Oklahoma Statutes.

2. "Operator's policy" means a policy of motor vehicle liability insurance which shall insure the named person against loss from the

liability imposed upon the named person by law for damages arising out of the operation or use by the named person of any motor vehicle not owned by the named person, subject to the same limits of liability required in an owner's policy.

3. "Security" means:

- a. a policy meeting the minimum vehicle liability limits,
- b. a deposit of cash or securities as defined in Section 7-330 of this title having the equivalency of the minimum vehicle liability limits,
- c. self-insurance, pursuant to the provisions of Section 7-503 of this title, having the equivalency of the minimum vehicle liability limits, or
- d. for vehicles registered pursuant to the provisions of Section 1127 of this title, a policy meeting or exceeding the minimum vehicle liability limits; provided, the policy may be issued by an insurance company authorized to do business in the state of residence or domicile of the member of the Armed Forces and the motor license agent or other registering agency shall accept the security verification form issued by such insurance company.

4. "Compulsory Insurance Law" is the law requiring liability insurance, which provides the minimum vehicle liability limits, in conjunction with the operation of a motor vehicle in this state as found in this article, Section 7-600 et seq. of this title.

5. "Security verification form" means a form, approved by the Insurance Commissioner, verifying the existence of security required by the Compulsory Insurance Law.

6. "Commercial auto coverage" means coverage provided to an insured, regardless of the number of vehicles or entity covered, under a commercial auto, garage or truckers coverage form or rated from either a commercial manual or rating rule as filed and approved by the Insurance Department. Vehicle type and ownership are not necessarily the primary factors in either underwriting the coverage or rating the coverage.

Added by Laws 1982, c. 355, § 1, operative Jan. 1, 1983. Amended by Laws 1989, c. 181, § 11, eff. Nov. 1, 1989; Laws 1997, c. 154, § 1, eff. Nov. 1, 1997; Laws 2009, c. 62, § 28, eff. Nov. 1, 2009; Laws 2009, c. 185, § 1, eff. Nov. 1, 2009.

§47-7-600.1. Statement or endorsement to be included in policies - Excess or additional coverage - Binders.

A. The following statement or endorsement shall be included in owner's policies and operator's policies except certified policies issued pursuant to Section 7-324 of this title: "Liability insurance is provided in this policy in accordance with coverage required by the Compulsory Insurance Law of Oklahoma."

B. A policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for policies defined in Section 7-600 of this title, and the excess or additional coverage shall not be subject to the provisions of the Compulsory Insurance Law.

C. Any binder issued pending the issuance of a policy shall be deemed to fulfill the requirements for such a policy except as provided for in paragraph 2 of subsection A of Section 7-605 of this title.

Added by Laws 1982, c. 355, § 2, operative Jan. 1, 1983. Amended by Laws 2009, c. 62, § 29, eff. Nov. 1, 2009.

§47-7-600.2. Online verification system — Rules — Exception.

A. The Department of Public Safety shall transfer to the Oklahoma Insurance Department by January 1, 2018, the online verification system for motor vehicle liability policies as required by the Compulsory Insurance Law, subject to the following:

1. The Oklahoma Tax Commission and the Department of Public Safety shall cooperate with the Insurance Department in the ongoing improvement and maintenance of the verification system;

2. The verification system shall be accessible through the Internet, World Wide Web or a similar proprietary or common carrier electronic system by authorized personnel of the Department of Public Safety, the Tax Commission, the district attorneys, the courts, law enforcement personnel, and any other entities authorized by the Insurance Department;

3. The verification system shall provide for direct inquiry and response between the Insurance Department and insurance carriers, or such other method of inquiry and response as agreed to by the Insurance Department and individual insurance carriers, and direct access to insurers' records by personnel authorized by the Insurance Department;

4. The verification system shall be available twenty-four (24) hours a day to verify the insurance status of any vehicle registered in this state through the vehicle's identification number, policy number, registered owner's name or other identifying characteristic or marker as prescribed by the Insurance Department in its rules;

5. The Insurance Department may contract with a private vendor to assist in establishing and maintaining the verification system;

6. The verification system shall include appropriate provisions, consistent with industry standards, to secure its data against unauthorized access and to maintain a record of all information requests;

7. Information contained in the verification system shall not be considered a public record;

8. Any law enforcement officer, to establish compliance with the Compulsory Insurance Law during a traffic stop or accident investigation, shall access information from the online verification system to verify the current validity of the policy described on a security verification form produced by the operator of each motor vehicle during the traffic stop or accident investigation. If compliance is not confirmed for the policy described on the security verification form produced by the operator and a subsequent investigation conducted by the officer verifies that the operator is not in compliance, the officer may issue a citation to the operator for failure to comply with the Compulsory Insurance Law;

9. If the operator fails to produce the security verification form during a traffic stop or accident investigation, the requesting law enforcement officer shall access information from the online verification system through the vehicle's identification number, registered owner's name, license plate number or other identifying characteristic or marker to verify valid and current security and establish compliance with the Compulsory Insurance Law and shall not issue a citation if valid and current security is established. If the operator fails to produce the security verification form and compliance is not confirmed through the online verification system, the officer may issue a citation to the operator for failure to comply with the Compulsory Insurance Law;

10. Establishing compliance with the Compulsory Insurance Law through the online verification system shall not be the primary cause for law enforcement to stop a motor vehicle; and

11. All information exchanged between the Insurance Department and insurance companies, any database created, and all reports, responses, or other information generated for the purposes of the verification system shall not be subject to the Oklahoma Open Records Act.

B. This section shall not apply to a policy issued pursuant to paragraph 3 of subsection A of Section 7-601.1 of this title or paragraph 3 of subsection A of Section 7-602 of this title to insure a commercial motor vehicle or to insure any vehicle under a commercial policy that provides commercial auto coverage as defined in Section 7-600 of this title.

C. As a condition for writing motor vehicle liability policies in this state, insurance carriers shall cooperate with the Insurance Department in establishing and maintaining the insurance verification system and shall provide access to motor vehicle insurance policy status information as provided in the rules of the Insurance Department. The Insurance Commissioner may, pursuant to Title 36 of the Oklahoma Statutes, initiate an administrative proceeding against any insurance company found by the Commissioner to not be in compliance with the provisions of this section or any rules promulgated pursuant to this section.

Added by Laws 2006, c. 322, § 1, eff. July 1, 2006. Amended by Laws 2007, c. 326, § 14, eff. Nov. 1, 2007; Laws 2008, c. 184, § 31, eff. July 1, 2008; Laws 2008, c. 335, § 2, eff. July 1, 2008; Laws 2009, c. 62, § 30, eff. Nov. 1, 2009; Laws 2009, c. 340, § 2, emerg. eff. May 27, 2009; Laws 2010, c. 440, § 1, eff. Nov. 1, 2010; Laws 2016, c. 88, § 1, eff. Nov. 1, 2016; Laws 2017, c. 74, § 1, eff. Nov. 1, 2017.

§47-7-601. Liability requirements - Proof of compliance - Nonresidents.

A. Every owner of a motor vehicle registered in this state, other than a licensed used motor vehicle dealer, shall, at all times, maintain in force with respect to such vehicle security for the payment of loss resulting from the liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the vehicle. Every person, while operating or using a motor vehicle registered in this state which is not owned by the person, shall maintain in force security for the payment of loss resulting from the liability imposed by law for bodily injury, death or property damage sustained by any person arising out of the operation or use of the vehicle, unless the security has been provided by the owner in accordance with this section which does not exclude the person from coverage.

B. 1. Unless otherwise provided by law, no motor vehicle shall be operated in this state unless there is in effect with respect to the vehicle security for the payment of loss resulting from the liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the vehicle. Every person, while operating or using a motor vehicle in this state which is not owned by the person, shall maintain in force security for the payment of loss resulting from the liability imposed by law for bodily injury, death or property damage sustained by any person arising out of the operation or use of the vehicle, unless the security has been provided by the owner in accordance with this section which does not exclude the person from coverage. Proof of security shall be carried in the vehicle at all times and shall be produced for inspection upon request by any law enforcement officer or representative of the Department of Public Safety and, in case of an accident, the proof shall be shown upon request of any person affected by the accident.

2. The nonresident owner of a motor vehicle not registered in this state may give proof of financial responsibility by providing proof of financial responsibility which is in compliance with the laws of the state in which the vehicle is registered or by filing with the Department a certificate of an insurance company authorized to transact insurance in the state in which the vehicle is

registered, or if the nonresident does not own a motor vehicle, then in the state in which the insured resides, provided the certificate otherwise conforms to the provisions of this article, and the Department shall accept the certificate upon condition that the insurance company complies with the following provisions with respect to the policy so certified:

- a. the insurance company shall execute a power of attorney authorizing the Department to accept service on its behalf or notice of process in any action arising out of a motor vehicle accident in this state, and
- b. the insurance company shall agree in writing that its policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued in this state.

3. The provisions of this subsection shall apply to nonresident owners and operators of vehicles that are not registered in this state only if the state in which the vehicle is registered requires compulsory liability insurance. In which cases, compliance with the requirements of the law of the state of registration shall be deemed compliance with the laws of this state.

Added by Laws 1976, c. 176, § 1, operative Dec. 11, 1976. Amended by Laws 1980, c. 85, § 2, eff. Jan. 1, 1981; Laws 1982, c. 355, § 4, operative July 1, 1982; Laws 1993, c. 301, § 1, eff. Sept. 1, 1993; Laws 2009, c. 62, § 31, eff. Nov. 1, 2009.

§47-7-601.1. Owner's and operator's security verification forms - Contents.

A. Every carrier, upon issuing an owner's policy, a renewal thereof, or a binder, shall supply a security verification form in duplicate to an owner for each insured vehicle on a form approved by the Insurance Commissioner.

1. The owner's security verification form shall contain the following minimum information:

- a. the name, address, and the five-digit National Association of Insurance Commissioners (NAIC) company code of the carrier,
- b. the name, address, and telephone number of the agent or office where the existence of security may be verified, if other than the carrier,
- c. the name of the named insured; provided, the address of the named insured shall not be included,
- d. a notice that an owner's liability insurance policy has been issued pursuant to the Compulsory Insurance Law,
- e. the year of manufacture, make, model, and the vehicle identification number of each insured motor vehicle,
- f. the inclusive dates the motor vehicle liability insurance is in effect,

- g. the policy number,
- h. a warning to the owner that state law:
 - (1) requires a current copy of the owner's security verification form must be surrendered to the motor license agent or other registering agency upon application or renewal for a motor vehicle license plate,
 - (2) requires the other copy of the owner's security verification form to be carried in the motor vehicle at all times, and produced by any driver of the vehicle upon request for inspection by any peace officer or representative of the Department of Public Safety. In case of an accident, the security verification form shall be shown upon request of any person affected by the accident, and
- i. the statement: "Examine policy exclusions carefully. This form does not constitute any part of your insurance policy."

2. When a carrier issues an owner's policy providing blanket liability coverage for a fleet of motor vehicles, the requirement for year of manufacture, make, model, and the vehicle identification number specified in subparagraph e of paragraph 1 of this subsection may be omitted, provided the security verification form shall bear the term "Fleet Coverage" and otherwise meet the provisions of the Compulsory Insurance Law.

3. In the event the effective dates within an owner's policy exceed one (1) year, the carrier shall furnish the owner a copy of the owner's security verification form at least annually in addition to the time of issuance or renewal in order for the owner to submit the copy for motor vehicle registration purposes.

4. In the event an owner's policy also provides liability coverage which meets the requirements of an operator's policy, the carrier may also issue to each person entitled thereto an operator's security verification forms as provided in this section.

B. Every carrier, upon issuing an operator's policy, a renewal thereof, or a binder, may issue to the insured person a written operator's security verification form of a size which may conveniently be carried upon the person, containing the following minimum information:

- 1. The name, address of the carrier, and the five-digit National Association of Insurance Commissioners (NAIC) company code;
- 2. The name, address, and telephone number of the person or office where an inquiry may be made to verify the existence of security;
- 3. The name of the named insured; provided, the address of the named insured shall not be included;

4. A notice that in accordance with the Compulsory Insurance Law, liability coverage has been issued for the named insured;

5. A statement reflecting the form may be carried in lieu of an owner's form pursuant to the Compulsory Insurance Law while operating a motor vehicle. The form shall be produced upon request of any peace officer or representative of the Department of Public Safety. In case of an accident, the form shall be shown upon request of a person affected by an accident with a vehicle operated by the insured;

6. The inclusive dates of liability coverage; and

7. The policy number.

C. A carrier may provide any additional information consistent with the Compulsory Insurance Law of this state in an owner's or operator's security verification form but shall not be required to list the actual amounts of liability coverage thereon. The security verification form shall not constitute nor be construed as any part of an insurance policy, renewal or binder.

D. A carrier shall designate on the security verification form whether the policy is a commercial auto policy.

E. The Insurance Department may approve security verification forms in electronic format and paper format.

Added by Laws 1982, c. 355, § 5, operative Jan. 1, 1983. Amended by Laws 1988, c. 103, § 1, emerg. eff. April 1, 1988; Laws 1989, c. 181, § 12, eff. Nov. 1, 1989; Laws 2009, c. 62, § 32, eff. Nov. 1, 2009; Laws 2016, c. 88, § 3, eff. Nov. 1, 2016.

§47-7-601.2. Insurance carriers prohibited from canceling, terminating, increasing or requiring higher premiums for certain peace officers, firefighters or emergency vehicle operators.

No insurance carrier issuing a vehicle liability policy pursuant to this article to a person employed as a peace officer, firefighter, or operator of emergency vehicles as defined in Title 47 of the Oklahoma Statutes, in this state shall cancel, terminate, increase the premiums due on such policy, or require such officer, firefighter, or operator of emergency vehicles to pay higher premiums because of any accident in which such person was involved if the accident occurred in the performance of the duty of such person. The provisions of this section shall apply whether or not the motor vehicle driven by the peace officer, firefighter, or operator of emergency vehicles as defined in Title 47 of the Oklahoma Statutes, involved in the accident was owned by such person.

Added by Laws 1985, c. 129, § 1, eff. Nov. 1, 1985.

§47-7-602. Certification of existence of security — Online verification system — Exemptions.

A. 1. The owner of a motor vehicle registered in this state shall carry in the vehicle at all times a current owner's security

verification form listing the vehicle or an equivalent form which has been issued by the Department of Public Safety, and the operator of the vehicle shall produce the form upon request for inspection by any law enforcement officer or representative of the Department and, in case of an accident, the form shall be shown upon request to any person affected by the accident.

2. a. Every person registering a motor vehicle in this state, except a motor vehicle which is not being used upon the public highways or public streets, or a manufactured home while on a permanent foundation, at the time of registration of the vehicle, shall certify the existence of security with respect to the vehicle by providing to a motor license agent or other registering agency necessary information from the current owner's security verification in a manner that allows verification of coverage through the online verification system. The information shall include the name or number issued by the National Association of Insurance Commissioners of the current insurance carrier authorized to do business in this state and the policy number applicable to the vehicle being registered. A motor license agent or other registering agency shall require the submission of the form or other verifying information prior to processing an application for registration or renewal.

b. Every motor license agent or other registering agency shall use the online verification system to certify the existence of security with respect to the vehicle from an insurance carrier authorized to do business in this state unless the online verification system is not online or the required information is otherwise not available. In such a case, the license agent or other registering agency may accept verification as provided in subparagraph a of this paragraph or from a licensed insurance producer or customer service representative to certify the existence of the required insurance prior to processing any application for motor vehicle registration. Every motor license agent or other registering agent shall allow submission of proof from a licensed insurance producer or customer service representative pursuant to this subparagraph via electronic mail at no additional cost to the person registering the vehicle.

3. Fleet vehicles operating under the authority of the Corporation Commission, the Federal Highway Administration, or vehicles registered pursuant to the provisions of Section 1120 of this title, shall certify the existence of security with respect to

each vehicle at the time of registration by submitting one of the following:

- a. a current owner's security verification form verifying the existence of security as required by the Compulsory Insurance Law, or
- b. a permit number verified by the Corporation Commission indicating the existence of a current liability insurance policy. Provided, in the event the Corporation Commission is unable to verify the existence of insurance as provided herein in a prompt and timely fashion, the Corporation Commission may accept a current single state registration form issued by the Corporation Commission or any other regulating entity with which the Corporation Commission has entered into a reciprocal compact or agreement regarding the regulation of motor vehicles engaged in interstate or foreign commerce upon and over the public highways.

4. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the Department of Public Safety during operation of the vehicle and shall not be required to surrender a security verification form for vehicle registration purposes:

- a. any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof,
- b. any vehicle bearing the name, symbol, or logo of a business, corporation or utility on the exterior and which is in compliance with the provisions of the Compulsory Insurance Law according to records of the Corporation Commission which reflect a deposit or fleet policy,
- c. fleet vehicles maintaining current vehicle liability insurance as required by the Corporation Commission or any other regulating entity,
- d. any licensed taxicab, and
- e. any vehicle owned by a licensed used motor vehicle dealer.

5. Any person who knowingly issues or promulgates false or fraudulent information in connection with either an owner's or operator's security verification form or an equivalent form which has been issued by the Department of Public Safety shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding Five Hundred Dollars (\$500.00), or imprisonment for not more than six (6) months, or by both such fine and imprisonment.

B. Each motor license agent is authorized to charge a fee of One Dollar and fifty cents (\$1.50) to each person to whom the agent

issues a certificate of registration and who is required to surrender proof of financial responsibility, or for whom the motor license agent certifies the existence of financial responsibility through an authorized online certification system, pursuant to the provisions of the Compulsory Insurance Law. The fee may be retained by the agent as compensation for services in processing the proof of financial responsibility and for processing the driver license information, insurance verification information, and other additional information furnished to the agent pursuant to Section 1112 of this title, if such agent does not receive the maximum compensation as authorized by law.

Added by Laws 1976, c. 176, § 2, operative Dec. 11, 1976. Amended by Laws 1980, c. 235, § 8, eff. Jan. 1, 1981; Laws 1982, c. 355, § 6, operative July 1, 1982; Laws 1983, c. 49, § 1; Laws 1990, c. 298, § 1; Laws 1999, c. 232, § 4, eff. July 1, 1999; Laws 2004, c. 522, § 5, eff. July 1, 2004; Laws 2006, c. 322, § 2, eff. July 1, 2006; Laws 2009, c. 62, § 33, eff. Nov. 1, 2009; Laws 2010, c. 440, § 2, eff. Nov. 1, 2010; Laws 2015, c. 146, § 1, eff. Nov. 1, 2015; Laws 2017, c. 74, § 3, eff. Nov. 1, 2017.

NOTE: Laws 1980, c. 85, § 3 repealed by Laws 1982, c. 355, § 11, emerg. eff. June 2, 1982.

§47-7-602.1. Possession of security verification form while operating or using certain vehicles.

Every operator of a motor vehicle registered in this state shall, while operating or using such vehicle, carry either an operator's or an owner's security verification form issued by an insurance carrier or an equivalent form issued by the Department of Public Safety, reflecting liability coverage. An owner's security verification form issued to the owner of a motor vehicle may be used as an operator's security verification form by an operator who is not the owner of the motor vehicle, if the operator is not excluded from coverage on the motor vehicle liability policy for the vehicle. Any exclusions from the policy shall be included on the owner's security verification form.

Added by Laws 1982, c. 355, § 7, operative July 1, 1983. Amended by Laws 1986, c. 45, § 1, eff. Nov. 1, 1986; Laws 2009, c. 62, § 34, eff. Nov. 1, 2009.

§47-7-603. Verification of security.

A. From its own records, the Department of Public Safety may verify the existence of security made in the form of a deposit or of self-insurance for which a certification has been made to the Department.

B. The Department may at any time verify, using the online verification system provided for in Section 7-600.2 of this title,

the existence of security certified to in policies issued by insurance companies.

Added by Laws 1976, c. 176, § 3, operative Dec. 11, 1976. Amended by Laws 1980, c. 235, § 9, eff. Jan. 1, 1981; Laws 1988, c. 243, § 1, eff. Nov. 1, 1988; Laws 1990, c. 298, § 2; Laws 2009, c. 62, § 35, eff. Nov. 1, 2009.

§47-7-603.1. Repealed by Laws 1990, c. 298, § 12, eff. July 1, 1991.

§47-7-604. Repealed by Laws 1982, c. 355, § 11, emerg. eff. June 2, 1982.

§47-7-605. Suspension of driving privilege and registration - Proof of security - Seizure of driver license and vehicle - Other penalties - Immunity.

A. 1. Whenever any person forfeits a bond, fails to appear, or is convicted in any state or municipal court for permitting the operation in this state of a motor vehicle owned by the person without the security required by this title, for operating a motor vehicle in this state without the security required by this title, or for failure to carry a security verification form, the Department of Public Safety shall suspend the driving privilege of the person.

2. The suspension of the driving privilege shall remain in effect until payment is made of the fees provided for in Section 6-212 of this title and proof of security is furnished to the Department of Public Safety which complies with the requirements of the Compulsory Insurance Law; provided, for purposes of this section, proof of security shall not mean a binder policy but shall mean an owner's policy or an operator's policy, as defined in Section 7-600 of this title; provided further, a suspension for failure to appear shall remain in effect until proof of appearance is received by the Department from the reporting court. Suspension under this section shall be effective when notice thereof is given pursuant to Section 2-116 of this title.

3. Any person whose driving privilege has been suspended pursuant to the provisions of this subsection shall surrender to the Department his or her driver license. Any person failing to voluntarily relinquish his or her driver license to the Department within thirty (30) days of receipt of the notice specified in paragraph 2 of this subsection shall pay a fee of Fifty Dollars (\$50.00) in addition to the fees provided for in Section 6-212 of this title.

4. If a person furnishes proof to the satisfaction of the Department that security was in effect at the time of the alleged offense, the Department shall vacate the suspension order and shall not require the filing of a certificate of insurance nor payment of either of the above fees.

B. 1. When suspending the driving privilege for violation of the Compulsory Insurance Law, or for violation of a municipal ordinance requiring security or the carrying of a security verification form, the Department may rely upon court records which indicate that a person was either convicted or failed to appear upon the charge when the record is obtained from any court of competent jurisdiction which indicates one of the following:

- a. a conviction, or
- b. a notice of bond forfeiture.

2. A court record is sufficient under paragraph 1 of this subsection which includes a statement such as "No Security Form", "No Insurance" or other term indicating lack of security.

3. The Department may continue to rely on such records until proof is submitted from the issuing court clerk which indicates that the record either:

- a. was issued in error, or
- b. was not related to a violation of:
 - (1) the Compulsory Insurance Law,
 - (2) a security verification form as required by this article, or
 - (3) a municipal ordinance requiring security or the carrying of a security verification form.

C. If a nonresident's driving privilege is suspended pursuant to subsection A of this section, the Department shall transmit notice of the suspension to the licensing agency in the state in which the nonresident resides.

D. Whenever any person's driving privilege has been suspended pursuant to this section or Section 7-612 of this title, the Department may notify any law enforcement officer of the suspension. Any law enforcement officer who has been notified that the driving privilege of a person has been suspended, upon observing the person or motor vehicle anywhere upon a public street, highway, roadway, turnpike, or public parking lot, shall stop the person or motor vehicle, seize the driver license of the person, seize the vehicle being operated by the person and cause the vehicle to be towed and stored as provided in subsection B of Section 955 of this title, if the officer has probable cause to believe that the vehicle is not insured as required by the Compulsory Insurance Law of this state.

E. No person shall have a property interest in a driver license issued pursuant to the laws of this state and it shall be the duty of every person whose driving privilege has been suspended to forthwith surrender his or her driver license upon the request of any law enforcement officer or representative of the Department.

F. Any person upon a public street, highway, roadway, turnpike, or public parking lot, within this state, who willfully refuses to surrender possession of a driver license after being informed by a peace officer or representative of the Department that his or her

driving privilege is currently under suspension according to the records of the Department, shall be guilty of a misdemeanor, punishable as provided in Section 17-101 of this title.

G. Any driver license surrendered to or seized by a law enforcement officer pursuant to the Compulsory Insurance Law shall be submitted to a representative of the Department in a manner and with a form or method approved by the Department.

H. The Department shall deposit fees collected pursuant to paragraph 3 of subsection A of this section or pursuant to subsection E of Section 7-612 of this title in a special account of the Department maintained with the office of the State Treasurer. The State Treasurer shall credit these fees to this special account to be distributed as hereinafter provided.

I. The Department shall identify the name of the employing law enforcement agency from which a suspended driver license has been received pursuant to this section, and determine that the fee required by paragraph 3 of subsection A of this section has been paid. The Department shall reimburse the law enforcement agency so identified the sum of Twenty-five Dollars (\$25.00) for each driver license from the special account.

J. Any unencumbered monies remaining in the special account at the close of each calendar month shall be transferred by the Department to the General Revenue Fund of the State Treasury.

K. The State of Oklahoma, the departments and agencies thereof, including the Department of Public Safety, all political subdivisions, and the officers and employees of each, shall not be held legally liable in any suit in law or in equity for any erroneous entry of a suspension upon the records of the Department, nor for the enforcement of the provisions of the Compulsory Insurance Law performed in good faith.

Added by Laws 1976, c. 176, § 5, operative Dec. 11, 1976. Amended by Laws 1980, c. 235, § 10, eff. Jan. 1, 1981; Laws 1982, c. 355, § 8, operative July 1, 1982; Laws 1986, c. 279, § 19, operative July 1, 1986; Laws 1987, c. 5, § 155, emerg. eff. March 11, 1987; Laws 1988, c. 243, § 2, eff. Nov. 1, 1988; Laws 1990, c. 298, § 3; Laws 1991, c. 335, § 15, emerg. eff. June 15, 1991; Laws 1993, c. 301, § 2, eff. Sept. 1, 1993; Laws 1994, c. 218, § 9, eff. April 1, 1995; Laws 1999, c. 119, § 2, eff. Nov. 1, 1999; Laws 2006, c. 322, § 4, eff. July 1, 2006; Laws 2009, c. 62, § 36, eff. Nov. 1, 2009; Laws 2010, c. 440, § 3, eff. Nov. 1, 2010.

NOTE: Laws 1990, c. 219, § 44 repealed by Laws 1991, c. 335, § 36, emerg. eff. June 15, 1991.

§47-7-606. Failure to maintain insurance or security – Penalties.

A. 1. An owner or operator who fails to comply with the Compulsory Insurance Law shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than Two Hundred

Fifty Dollars (\$250.00), or imprisonment for not more than thirty (30) days, or by both such fine and imprisonment and, in addition thereto, shall be subject to suspension of the driving privilege of the person in accordance with Section 7-605 of this title; provided, that if a requesting law enforcement officer verifies valid and current security and compliance with the Compulsory Insurance Law through the online verification system, there shall be no violation of the Compulsory Insurance Law and no citation shall be issued. Upon issuing a citation under this paragraph, the law enforcement officer issuing the citation may:

- a. seize the vehicle being operated by the person and cause the vehicle to be towed and stored as provided by subsection A of Section 955 of this title, if the officer has probable cause to believe that the vehicle is not insured as required by the Compulsory Insurance Law of this state, or
- b. seize the license plate of the vehicle and issue the citation to the vehicle operator, provided that the vehicle is in a drivable condition at the time of issuing the citation. A copy of the citation retained by the owner or operator of the vehicle shall serve as the temporary license plate of the vehicle for up to ten (10) calendar days after the issuance of the citation. After ten (10) calendar days, the vehicle shall not be used until the vehicle operator or owner completes the requirements to retrieve the license plate.
 - (1) After the issuance of the citation, and if the charges are to be filed in district court, the law enforcement agency issuing the citation shall, within three (3) days, deposit the license plate and deliver a copy of the citation to the county sheriff's office of the county where the violation has occurred. If the charges are to be filed in municipal court, the law enforcement agency issuing the citation may deposit the license plate within their own agency. The county sheriff's office or municipal police department that is storing the license plate shall provide the plan administrator with the seized license plate number by entering the required information into the statewide database maintained by the plan administrator. The plan administrator shall maintain a database including all seized license plates and shall submit such information to the Oklahoma Tax Commission.

- (2) The vehicle owner or operator may retrieve the license plate from the county sheriff's office or municipal police department upon providing verification of compliance with the Compulsory Insurance Law, payment in full of an administrative fee of One Hundred Twenty-five Dollars (\$125.00) to the county sheriff's office or municipal police department and payment in full of the citation to the court clerk. The county sheriff's office or municipal police department shall transfer the administrative fee to the Plan Administrator. The Plan Administrator shall notify the Oklahoma Tax Commission that the vehicle owner or operator is in compliance with this division and shall distribute the administrative fee as follows:
- (a) Twenty Dollars (\$20.00) of the fee shall be distributed to the county sheriff's office or municipal police department that stored the seized license plate to defray any expenses involved in the storage of the license plate,
 - (b) Seventy Dollars (\$70.00) of the fee shall be transferred to the law enforcement agency which issued the citation and may be used for any lawful purpose,
 - (c) Twenty-five Dollars (\$25.00) of the fee shall be transferred to the Temporary Insurance Premium Pool,
 - (d) the Plan Administrator shall retain Ten Dollars (\$10.00) of the fee, and
 - (e) if, by the end of the second business day immediately following the date of citation, a person produces proof to the law enforcement agency that issued the citation and is storing the seized license plate that a current security verification form or equivalent form which has been issued by the Department of Public Safety reflecting liability coverage for the person was in force at the time of the alleged offense, the person shall not be required to pay the administrative fee required by this division. If no such proof is presented within that time, the person shall pay the full administrative fee required by this division, regardless of whether the person had minimum

auto liability insurance coverage at the time of citation.

- (3) The county sheriff's office or municipal police department may dispose of any unclaimed license plate after ninety (90) days according to applicable state law. After the license plate has been disposed of by the county sheriff's office or municipal police department, the operator or owner shall be required to obtain a new license plate pursuant to all existing requirements.

If the operator of the vehicle produces what appears to be a valid security verification form and the officer is unable to confirm compliance through the online verification system or noncompliance by a subsequent investigation, the officer shall be prohibited from seizing the license plate or seizing the vehicle and causing such vehicle to be towed and stored. Further, no vehicle shall be seized and towed under the provisions of this paragraph if the vehicle is displaying a temporary license plate that has not expired pursuant to the provisions of Sections 1137.1 and 1137.3 of this title.

2. An owner other than an owner of an antique or a classic automobile as defined by the Oklahoma Tax Commission who files an affidavit that a vehicle shall not be driven upon the public highways or public streets, pursuant to Section 7-607 of this title, who drives or permits the driving of the vehicle upon the public highways or public streets, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than Five Hundred Dollars (\$500.00), or imprisonment for not more than thirty (30) days, or by both such fine and imprisonment, and in addition thereto, shall be subject to suspension of the driving privilege of the person in accordance with Section 7-605 of this title.

B. A sentence imposed for any violation of the Compulsory Insurance Law may be suspended or deferred in whole or in part by the court.

C. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the Department of Public Safety reflecting liability coverage for the person was in force at the time of the alleged offense shall be entitled to dismissal of the charge. If proof of security verification is presented to the court by no later than the business day preceding the first scheduled court appearance date, the dismissal shall be without payment of court costs. The court may access information from the online verification system to confirm liability coverage. The court shall not dismiss the fine unless proof that liability coverage for the person was in force at the time of the alleged offense is presented to the court.

D. Upon conviction or bond forfeiture, the court clerk shall forward an abstract to the Department of Public Safety within five (5) days reflecting the action taken by the court.

E. For purposes of this section, "court" means any court in this state.

Added by Laws 1976, c. 176, § 6, operative Dec. 11, 1976. Amended by Laws 1981, c. 271, § 1; Laws 1982, c. 355, § 9, operative July 1, 1982; Laws 1984, c. 181, § 2, eff. Nov. 1, 1984; Laws 1988, c. 243, § 3, eff. Nov. 1, 1988; Laws 1989, c. 110, § 1, eff. Nov. 1, 1989; Laws 1990, c. 298, § 4; Laws 1991, c. 74, § 1, eff. Sept. 1, 1991; Laws 2001, c. 131, § 7, eff. July 1, 2001; Laws 2006, c. 322, § 6, eff. July 1, 2006; Laws 2009, c. 62, § 37, eff. Nov. 1, 2009; Laws 2010, c. 440, § 4, eff. Nov. 1, 2010; Laws 2011, c. 193, § 1, eff. Nov. 1, 2011; Laws 2012, c. 207, § 4, emerg. eff. May 8, 2012; Laws 2013, c. 176, § 9, eff. Nov. 1, 2013; Laws 2014, c. 404, § 2, emerg. eff. June 3, 2014; Laws 2015, c. 54, § 10, emerg. eff. April 10, 2015; Laws 2016, c. 125, § 1, eff. Nov. 1, 2016; Laws 2016, c. 88, § 2, eff. Nov. 1, 2016; Laws; Laws 2017, c. 42, § 16.

NOTE: Laws 2014, c. 29, § 1 repealed by Laws 2015, c. 54, § 11, emerg. eff. April 10, 2015.

§47-7-606.1. Uninsured Vehicle Enforcement Program.

A. There is hereby created the Uninsured Vehicle Enforcement Program.

B. The Uninsured Vehicle Enforcement Program shall be implemented and administered by the district attorneys of the State of Oklahoma within their respective districts or at the District Attorneys Council. To implement this program, the use of technology and software to aid in detection of offenses involving uninsured motorists is necessary and district attorneys and participating law enforcement agencies shall have the authority to enter into contractual agreements with automated license plate reader providers to provide necessary technology, equipment and maintenance thereof.

C. 1. Participating law enforcement agencies may use automatic license plate reader systems utilizing individual automatic license plate reader system units to access and collect data for the investigation, detection, analysis or enforcement of Oklahoma's Compulsory Insurance Law.

2. To accomplish the purposes of the program, law enforcement agencies shall be allowed to access the online verification system for motor vehicle liability policies to establish compliance with the Compulsory Insurance Law as provided in Section 7-600.2 of Title 47 of the Oklahoma Statutes.

3. Access to the system shall be restricted to authorized law enforcement agency users in the program; provided, any entity with which a contract is executed to provide necessary technology, equipment and maintenance for purposes of the program shall be

authorized, as necessary, to collaborate for required updates and maintenance of their software.

4. Any data collected and stored by law enforcement pursuant to the program shall be considered evidence if noncompliance with the Compulsory Insurance Law is confirmed.

D. A law enforcement officer may verify by sworn affidavit that a photograph generated by an automatic license plate reader system unit identifies a particular vehicle operating on or having been operated on a public road, highway, street, turnpike, other public place or upon any private road, street, alley or lane which provides access to one or more single-family or multifamily dwellings and that the online verification system shows that the vehicle was uninsured at the time such vehicle was being operated. The affidavit shall constitute probable cause for prosecution under applicable state law.

E. Data collected or retained through the use of an automated license plate reader system pursuant to the program shall be retained by a law enforcement agency when the data is being used as evidence of a violation of the Compulsory Insurance Law; provided, when the data is no longer needed as evidence of a violation, the data shall be deleted or destroyed.

F. Data collected or retained through the use of an automated license plate reader system shall not be used by any individual or agency for purposes other than enforcement of the Compulsory Insurance Law or as otherwise permitted by law.

1. No law enforcement agency or other entity authorized to operate under this program shall sell captured license plate data for any purpose or share it for any purpose not expressly authorized by this section.

2. Any and all data collected, retained or shared through the use of an automated license plate reader system, except data retained as evidence of a violation of the Compulsory Insurance Law, shall be exempt from the Oklahoma Open Records Act.

G. The provisions of the program shall not apply to, or be construed or interpreted in a manner to prohibit the use of, any other automated license plate reader system by an individual or private legal entity for purposes not otherwise prohibited by law.

H. The provisions of the program shall not be implemented until such time that the Insurance Department verifies that the following conditions have been met:

1. At least Ninety-Five Percent (95%) of the personal lines auto insurance market in the state participates in the Oklahoma Compulsory Insurance Verification System using a real-time web portal system; and

2. The Oklahoma Compulsory Insurance Verification System is updated in such a way to allow for the provisions of the program to be implemented without interrupting or impeding any other lawful uses of the system.

I. Following the implementation of the program and every year thereafter, the District Attorneys Council shall publish an annual report for the previous fiscal year of the Uninsured Vehicle Enforcement Program by September 1. An electronic copy of the report shall be distributed to the President Pro Tempore of the Senate and the Speaker of the House of Representatives and the chairs of the House and Senate Appropriations Committees. The report shall comprise an evaluation of program operations, and may include any information and recommendations for improvement of the program deemed appropriate by the entity submitting the report.

J. For purposes of this section:

1. "Automatic license plate reader system" means a system of one or more mobile or law-enforcement-controlled cameras combined with computer algorithms to convert images of registration plates into computer-readable data;

2. "Law enforcement agency" includes the district attorney's office of any county, the Department of Public Safety, the sheriff's office of any county, and the chiefs of police of any city or town having a population of more than one hundred thousand (100,000) residents; and

3. "Program" means the Uninsured Vehicle Enforcement Program. Added by Laws 2016, c. 365, § 1. Amended by Laws 2017, c. 74, § 2, eff. Nov. 1, 2017.

§47-7-606.2. Uninsured Vehicle Enforcement Diversion Program.

A. Each district attorney may create within the district attorney's office an Uninsured Vehicle Enforcement Diversion Program and assign sufficient staff and resources for the efficient operation of the program. The purpose of the Uninsured Vehicle Enforcement Diversion Program is to authorize the district attorney to divert complaints involving the failure to comply with mandatory vehicle liability insurance coverage from criminal court to the Uninsured Vehicle Enforcement Diversion Program and to enhance public safety and security through increased compliance with mandatory vehicle liability insurance coverage.

B. 1. Referral of a criminal complaint to the Uninsured Vehicle Enforcement Diversion Program shall be at the discretion of the district attorney. This act shall not limit the power of the district attorney to prosecute Compulsory Insurance Law complaints.

2. Upon receipt of a complaint for failure to comply with the Compulsory Insurance Law, the district attorney shall determine if the complaint is one which is appropriate for deferred prosecution.

3. In determining whether to defer prosecution and refer a case to the Uninsured Vehicle Enforcement Diversion Program, the district attorney shall consider the following factors:

- a. whether the criminal complaint alleges an offense involving the failure to maintain required vehicle liability insurance coverage,
- b. whether it is in the best interest of the accused for the accused person to be processed through deferred prosecution in the Uninsured Vehicle Enforcement Diversion Program,
- c. the prospects for adequate protection of the public if the accused person is processed through deferred prosecution in the Uninsured Vehicle Enforcement Diversion Program,
- d. the number of criminal complaints against the defendant previously received by the district attorney,
- e. whether or not there are other criminal complaints currently pending against the defendant, and
- f. the strength of the evidence of the particular criminal complaint.

C. Upon referral of a complaint to the Uninsured Vehicle Enforcement Diversion Program, a notice of the complaint shall be forwarded by mail to the last known address of the record owner of the vehicle. The notice shall contain:

1. The date the act which is the subject of the complaint occurred;

2. A statement of the penalty for the violation of the Compulsory Insurance Law which is the subject of the complaint;

3. A statement that the records of the State of Oklahoma indicate that the owner of the vehicle is not in compliance with the provisions of the Compulsory Vehicle Insurance Law and that the complaint against the owner has been referred to the Uninsured Vehicle Enforcement Diversion Program; and

4. The date before which the owner must contact the office of the district attorney concerning the complaint.

D. If the owner fails to comply with the letter, the district attorney may file the information and proceed with the prosecution of the owner as provided by law.

E. The district attorney may enter into a written agreement with the owner pursuant to the provisions of Sections 305.1 through 305.6 of Title 22 of the Oklahoma Statutes to defer prosecution on the complaint for a period to be determined by the district attorney, not to exceed two (2) years. The conditions of an agreement to defer prosecution shall include:

1. The owner shall provide verification of current insurance upon request of the district attorney;

2. The owner shall comply with the provisions of the Compulsory Insurance Law for the full term of the agreement; and

3. The owner shall not own or operate any vehicle in violation of the Compulsory Insurance Law during the full term of the agreement.

F. Each diversion agreement shall include a provision requiring the owner to pay to the district attorney's office or District Attorneys Council a fee equal to the amount which would have been assessed as court costs upon the filing of the case in district court pursuant to the provisions of Section 153 of Title 28 of the Oklahoma Statutes. This fee shall be deposited in a special district attorney fund with the county treasurer to be known as the "Uninsured Vehicle Enforcement Diversion Program Fund". Diversion fees paid to the District Attorneys Council shall be deposited in a special fund to be known as the "Uninsured Vehicle Enforcement Diversion Program Fund".

1. Each diversion agreement shall also include a provision requiring the owner to pay an additional fee of Twenty Dollars (\$20.00) to the District Attorneys Council, of which Five Dollars (\$5.00) will be used in processing the payment, Ten Dollars (\$10.00) will be used in operating and maintaining the Compulsory Insurance Verification System and Five Dollars (\$5.00) will be deposited in the Oklahoma Pension Improvement Revolving Fund created by section 2 of Enrolled Senate Bill No. 1128 of the 2nd Session of the 55th Oklahoma Legislature.

2. The monies deposited in the Uninsured Vehicle Enforcement Diversion Program Fund of a district attorney or the District Attorneys Council shall be used by the district attorney and District Attorneys Council to pay for all expenses and costs of equipping, operating and monitoring the vehicle insurance program, including but not limited to, contractual payments to third-party entities providing essential services and/or equipment for detection of violations of Compulsory Insurance Law, and payment of reasonable compensation to authorized and participating law enforcement agencies as may be agreed between such entities, law enforcement agencies and the district attorney or District Attorneys Council.

3. Proceeds from the Uninsured Vehicle Enforcement Diversion Program administered by the District Attorneys Council may be used to pay for any lawful expenditures associated with the operation of the diversion program by the District Attorneys Council. The net proceeds shall be allocated and distributed to the district attorneys by the District Attorneys Council. District attorneys may use proceeds from this diversion program to pay for any lawful expenditure associated with the operation of the district attorney's office.

4. The district attorney and District Attorneys Council shall keep records of all monies deposited to and disbursed from the Uninsured Vehicle Enforcement Diversion Program Fund. The records of these funds shall be audited at the same time the records of the

district attorney and District Attorneys Council, respectively, are audited.

5. If the owner furnishes proof to the satisfaction of the district attorney's office or District Attorneys Council that the required vehicle liability insurance coverage was in effect at the time of the alleged violation, no fee shall be required.

G. Members of the district attorney's staff shall perform duties in connection with the Uninsured Vehicle Enforcement Diversion Program in addition to any other duties which may be assigned by the district attorney.

H. District attorneys shall prepare and submit an annual report to the District Attorneys Council showing total deposits and total expenditures in the Uninsured Vehicle Enforcement Diversion Program. Each district attorney shall submit information requested by the District Attorneys Council regarding the Uninsured Vehicle Enforcement Diversion Program.

By September 15 of each year following the implementation of the Uninsured Vehicle Enforcement Program, the District Attorneys Council shall publish an annual report for the previous fiscal year of the Uninsured Vehicle Enforcement Diversion Program. An electronic copy of the report shall be distributed to the Governor, President Pro Tempore of the Senate, Speaker of the House of Representatives and the chairs of the House and Senate Appropriations Committees. The report required by this paragraph shall include the number of cases processed, the total amount of fees collected, the total cost of the program and such other information as required by the District Attorneys Council.

Added by Laws 2016, c. 365, § 2.

§47-7-607. Exemptions.

A. Every owner of a motor vehicle which is not used upon the public highways or public streets shall be exempt from the provisions of the Compulsory Insurance Law if the owner of the vehicle has filed an affidavit with the appropriate motor license agent which states that the vehicle shall not be driven upon the public highways or public streets during the uninsured period.

The form of the affidavit shall be prescribed by the Oklahoma Tax Commission and shall contain blanks for the owner to specify the length of time the vehicle shall not be driven upon the public highways or public streets, the reason the vehicle shall not be driven, and any other information deemed necessary by the Tax Commission.

B. The owner or transporter of a manufactured home, as defined by Section 1102 of this title, who is moving or transporting such manufactured home on state roads or federal highways shall comply with the provisions of the Compulsory Insurance Law.

C. Any person, firm or corporation engaged in the business of operating a taxicab or taxicabs shall be exempt from the provisions of the Compulsory Insurance Law if the person, firm or corporation has complied with the provisions of Section 8-104 of this title. Added by Laws 1978, c. 105, § 1, eff. Dec. 11, 1978. Amended by Laws 1981, c. 118, § 3; Laws 1984, c. 253, § 3, operative July 1, 1984; Laws 1986, c. 138, § 1, emerg. eff. April 17, 1986; Laws 2009, c. 62, § 38, eff. Nov. 1, 2009.

§47-7-608. Repealed by Laws 2009, c. 7, § 2, eff. Nov. 1, 2009 and Laws 2009, c. 62, § 41, eff. Nov. 1, 2009.

§47-7-609. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-610. Repealed by Laws 1994, c. 218, § 12, eff. April 1, 1995.

§47-7-612. Security verification forms - Violations of law - Penalties.

A. It is a misdemeanor for any person:

1. To purchase a security verification form which bears altered or fictitious information concerning the existence of security required by the Compulsory Insurance Law;

2. To display or cause or permit to be displayed or to possess a security verification form which the person knows bears altered or fictitious information concerning the existence of security required by the Compulsory Insurance Law; or

3. To display or cause or permit to be displayed or to possess any security verification form that is counterfeit.

B. It is a felony for anyone, other than an insurer or insurance producer as defined by Section 1435.2 of Title 36 of the Oklahoma Statutes, to:

1. Create or otherwise manufacture a security verification form or facsimile thereof, or to create, manufacture or possess an engraved plate or other such device for the printing of security verification forms; or

2. Issue or sell security verification forms.

C. 1. The violation of any of the provisions of subsection A of this section shall constitute a misdemeanor punishable by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Fifty Dollars (\$250.00) and by mandatory suspension of the person's driving privilege for:

a. two (2) months, for a first offense,

b. six (6) months, for a second offense, or

c. one (1) year, for a third or subsequent offense.

The suspension imposed under this subsection shall not be modified.

2. The violation of any of the provisions of subsection B of this section shall constitute a felony punishable by a fine not

exceeding Ten Thousand Dollars (\$10,000.00) or a term of imprisonment in the custody of the Department of Corrections not to exceed seven (7) years, or by both such fine and imprisonment.

D. The suspension required in subsection C of this section shall remain in effect until payment is made of the fees provided for in Section 6-212 of this title and proof of security is furnished to the Department of Public Safety which complies with the requirements of Section 7-601 of this title. Suspension under this section shall be effective when notice is given pursuant to Section 2-116 of this title.

E. Any person whose driving privilege has been suspended pursuant to the provisions of subsection C of this section shall surrender to the Department his or her driver license within thirty (30) days from the date of the suspension. Any owner failing to surrender his or her driver license to the Department within such time shall pay a fee of Fifty Dollars (\$50.00) which shall be in addition to the fees provided for in Section 6-212 of this title. Added by Laws 2006, c. 322, § 5, eff. July 1, 2006. Amended by Laws 2007, c. 326, § 15, eff. Nov. 1, 2007; Laws 2009, c. 62, § 39, eff. Nov. 1, 2009.

§47-7-621. Oklahoma Temporary Motorist Liability Plan.

A. There is hereby created the "Oklahoma Temporary Motorist Liability Plan".

B. The Oklahoma Temporary Motorist Liability Plan will provide minimum vehicle liability insurance coverage for the payment of loss resulting from the liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of a vehicle when a citation is issued and the vehicle license plate has been seized pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of Title 47 of the Oklahoma Statutes.

C. Coverage amount will be equal to the state minimum liability requirement.

Added by Laws 2013, c. 176, § 1, eff. Nov. 1, 2013.

§47-7-622. Coverage periods.

A. Coverage shall only be provided by the Oklahoma Temporary Motorist Liability Plan from the time period beginning when the citation is issued and the vehicle license plate is seized pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of Title 47 of the Oklahoma Statutes, and ending at the earliest of the following times:

1. When the owner of the vehicle has:
 - a. obtained documentation from the Department of Public Safety showing the owner of the vehicle has secured for the payment of loss resulting from the liability

imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the vehicle meeting the minimum vehicle liability limits, or

b. obtained the state minimum mandatory insurance from an insurance carrier;

2. Retrieved the license plate from the county sheriff's office pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of Title 47 of the Oklahoma Statutes; or

3. When the citation serving as the temporary license plate has expired pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of Title 47 of the Oklahoma Statutes.

B. Coverage shall only be provided while the motor vehicle is operated in this state during the time period provided in subsection A of this section.

Added by Laws 2013, c. 176, § 2, eff. Nov. 1, 2013.

§47-7-623. Temporary Insurance Premium Pool.

A. There is hereby created the Temporary Insurance Premium Pool. Funds shall be deposited into the Temporary Insurance Premium Pool pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of Title 47 of the Oklahoma Statutes.

B. Any interest or earning accrued to the Plan Administrator accounts associated with the Oklahoma Temporary Motorist Liability Plan shall be deposited into the Temporary Insurance Premium Pool.

C. At the end of any state fiscal year, if the Temporary Insurance Premium Pool reserves exceed that year's three-month average total statewide premium, then the excess funds shall be distributed to the Department of Public Safety's operations fund.

D. The Temporary Insurance Premium Pool is subject to audit by the State Auditor and Inspector.

Added by Laws 2013, c. 176, § 3, eff. Nov. 1, 2013.

§47-7-624. Secondary coverage.

Coverage provided by the Oklahoma Temporary Motorist Liability Plan will be secondary to any other coverage in effect on the vehicle.

Added by Laws 2013, c. 176, § 4, eff. Nov. 1, 2013.

§47-7-625. Forms - Bidding

A. The Insurance Commissioner shall when necessary, develop and approve a policy form for the purpose of providing coverage under the Oklahoma Temporary Motorist Liability Plan. All coverage and exclusions shall be defined in the form prescribed by the Commissioner. The exclusions may include, but are not limited to, driving without a license, driving during the commission of a felony

or driving while under the influence. The approved policy form shall become part of a Request for Proposals.

B. The Office of Management and Enterprise Services, in consultation with the Insurance Commissioner, shall select an insurer through a competitive bidding process to administer insurance coverage under the Plan. The contract for insurance coverage awarded pursuant to this section may be a multi-year contract, renewable annually, in accordance with any applicable Office of Management and Enterprise Services guidelines or procedures.

C. Bids shall be received by the Office of Management and Enterprise Services by November 1 as required for any rebidding year. Bids shall be expressed as a daily temporary insurance rate and shall include all costs associated with administering the insurance portion of the Plan. Bids may not include any additional administrative fees. The Office of Management and Enterprise Services, in consultation with the Insurance Commissioner, shall select the lowest and best bid.

D. If no acceptable bids are received, the Office of Management and Enterprise Services may suspend coverage provided under the Plan until acceptable bids are received.

Added by Laws 2013, c. 176, § 5, eff. Nov. 1, 2013. Amended by Laws 2016, c. 125, § 2, eff. Nov. 1, 2016.

§47-7-626. Plan administrator - Rates - Premiums.

A. The Insurance Commissioner may contract with a statewide association of county sheriffs in Oklahoma to serve as the Plan Administrator.

B. The daily rate for temporary insurance under the Oklahoma Temporary Motorist Liability Plan for the following calendar year shall be announced on the first Monday in December. The daily cost of coverage and administrative fee shall be paid to the county sheriff's office or municipal police department and the fine and court fees associated with the traffic ticket shall be paid to the court clerk. The daily cost of coverage shall be calculated on each twenty-four-hour period from the time the citation was issued pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of this title, rounding up. The county sheriff's office or municipal police department shall not waive premium dues for any defendant, except as provided in subsection D of this section. The county sheriff's office or municipal police department shall remit all proceeds from the daily cost of insurance to the Plan on the first business day of each month to the Plan Administrator. The Plan Administrator shall remit the total statewide monthly premium to the appropriate insurance carrier within sixty (60) days of the premium being earned.

C. If for any reason the premium is not collected, then the Oklahoma Temporary Motorist Liability Plan shall pay the premium out of the Temporary Insurance Premium Pool.

D. If the citation issued pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of this title is dismissed without cost, the coverage provided under the Plan is considered never activated and the premium is considered unearned and shall be waived.

E. Tag agents shall not issue a new or renewed tag for this vehicle until all fines, fees and premiums have been paid and the license plate has been released by the county sheriff's office. Added by Laws 2013, c. 176, § 6, eff. Nov. 1, 2013. Amended by Laws 2016, c. 125, § 3, eff. Nov. 1, 2016; Laws 2018, c. 148, § 1, eff. Nov. 1, 2018.

§47-7-627. Right of recovery.

The insurance carrier whose bid was selected by the Office of Management and Enterprise Services shall have the right to recover from the owner of the vehicle or the driver of the vehicle that was cited for claims paid by the Oklahoma Temporary Motorist Liability Plan.

Added by Laws 2013, c. 176, § 7, eff. Nov. 1, 2013.

§47-7-628. Implementation.

The Department of Public Safety may promulgate reasonable and necessary rules concerning the implementation of the Oklahoma Temporary Motorist Liability Plan.

Added by Laws 2013, c. 176, § 8, eff. Nov. 1, 2013.

§47-7-700. Reinstatement of driving privileges following subsequent withdrawal - Liability for fees.

Any person whose driving privileges have been withdrawn by the Department under the provisions of Chapter 7 of this title, and whose driving privileges are subsequently withdrawn for another violation of Chapter 7 of this title arising out of the same incident, shall not be required to pay to the Department any additional fees required by Section 6-212 of this title, as a condition of reinstatement of driving privileges from the subsequent withdrawal.

Added by Laws 2000, c. 58, § 1, eff. July 1, 2000. Amended by Laws 2005, c. 394, § 7, emerg. eff. June 6, 2005.

§47-8-101. Owner of for-rent vehicle to give proof of financial responsibility.

(a) It shall be unlawful for the owner of any motor vehicle engaged in the business of renting motor vehicles without drivers to rent a motor vehicle without a driver otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle,

unless he has previously notified the Department of the intention to so rent such vehicle and has given proof of financial responsibility, and the Tax Commission shall not register any such vehicle unless and until the owner gives proof of financial responsibility either as provided in this section or, in the alternative, as provided in Section 8-102 of this title. The Department shall cancel the registration of any motor vehicle rented without a driver whenever the Department ascertains that the owner has failed or is unable to give and maintain such proof of financial responsibility.

(b) Such owner shall submit to the Commissioner evidence that there has been issued to him by an insurance carrier authorized to do business in this state a public liability insurance policy or policies covering each such motor vehicle so rented in the amounts as hereinafter stated and insuring every person operating such vehicle under a rental agreement or operating the vehicle with the express or implied permission of the owner against loss from the liability imposed by law upon such person arising out of the operation of said vehicle in the amount of Twenty-five Thousand Dollars (\$25,000.00) for bodily injury to or death of one person and, subject to said limit as respects bodily injury to or death of any one person, the amount of Fifty Thousand Dollars (\$50,000.00) on account of bodily injury to or death of more than one person in any one accident and Twenty-five Thousand Dollars (\$25,000.00) for damage to property of others in any one accident. Provided, that the Commissioner is authorized to accept, in lieu of such public liability insurance policy covering specific vehicles, proof by evidence satisfactory to the Commissioner of a valid and binding lease contract between the owner and a renter wherein it is agreed between such owner and the lessee-renter that such lessee-renter accepts responsibility for loss from any liability imposed by law upon any person arising out of the operation, either by express or implied permission of the lessee-renter, of any vehicle covered by such lease in amounts not less than the minimum amounts before set out in this subsection, together with satisfactory evidence of issuance to such lessee-renter, by an insurance carrier authorized to do business in this state, proper public liability insurance policies in amounts of not less than the minimum amounts before set out in this subsection or sufficient showing of financial responsibility of such lessee-renter as is required of owners by the provisions of Section 8-102 of this title.

(c) The owner shall maintain such policy or policies in full force and effect during all times that he is engaged in the business of renting any motor vehicle without a driver unless said owner shall have given proof of financial responsibility as provided in Section 8-102 of this title.

(d) Said policy or policies need not cover any liability incurred by the renter of any vehicle to any passenger in such vehicle.

(e) When any suit or action is brought against the owner of a for-rent motor vehicle upon a liability under this title, it shall be the duty of the judge of the court before whom the case is pending to cause a preliminary hearing to be had, in the absence of the jury, for the purpose of determining whether the owner has obtained and there is in full force and effect, a policy or policies of insurance covering the person operating the vehicle under a rental agreement, in the limits above mentioned. When it appears that the owner has obtained such policy or policies and that the same are in full force and effect, the judge or magistrate before whom such action is pending shall dismiss the action as to the owner of the motor vehicle.

(f) Whenever the owner of a motor vehicle rents such vehicle without a driver to another, it shall be unlawful for the latter to permit any other person to operate such vehicle without the permission of the owner.

(g) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

Added by Laws 1961, p. 367, § 8-101, eff. Sept. 1, 1961. Amended by Laws 1980, c. 235, § 7, eff. Jan. 1, 1981; Laws 2004, c. 519, § 33, eff. Nov. 1, 2004.

§47-8-102. Owner of for-rent vehicle liable when no policy obtained.

(a) In the event the owner of a for-rent motor vehicle has not given proof of financial responsibility as provided in Section 8-101 of this title, then the Tax Commission shall not register any motor vehicle owned by such person and rented, or intended to be rented, to another unless such owner shall demonstrate, to the satisfaction of the Commissioner, his financial ability to respond in damages as follows:

1. If he applies for registration of one motor vehicle, in the sum of at least Twenty Thousand Dollars (\$20,000.00) for any one person injured or killed and in the sum of Forty Thousand Dollars (\$40,000.00) for any number more than one injured or killed in any one accident.

2. If he applies for the registration of more than one motor vehicle, then in the foregoing sums for one motor vehicle, and Twenty Thousand Dollars (\$20,000.00) additional for each motor vehicle in excess of one, but it shall be sufficient for the owner to demonstrate ability to respond in damages in the sum of Two Hundred Thousand Dollars (\$200,000.00) for any number of motor vehicles.

(b) The Department shall cancel the registration of any motor vehicle rented without a driver whenever the Department ascertains

that the owner has failed or is unable to comply with the requirements of this section.

(c) Any owner of a for-rent motor vehicle who has given proof of financial responsibility under this section or who in violation of this act, has failed to give proof of financial responsibility shall be jointly and severally liable with any person operating such vehicle for any damages caused by the negligence of any person operating the vehicle by or with the permission of the owner, except that the foregoing provision shall not confer any right of action upon any passenger in any such rented vehicle as against the owner.

(d) Nothing in this section shall be construed to prevent an owner from making defense in any such action upon the ground of comparative or contributory negligence to the extent to which such defense is allowed in other cases.

Laws 1961, p. 368, § 8-102; Laws 1980, c. 235, § 11, eff. Jan. 1, 1981.

§47-8-103. Renting motor vehicle to another.

A. No person shall rent a motor vehicle to any other person unless the person to whom the vehicle is to be rented is duly licensed to operate a motor vehicle as required under this act or, in the case of a nonresident, then duly licensed under the laws of the state or country of his or her residence.

B. No person shall rent a motor vehicle to another until he or she has inspected the driver license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his or her presence.

C. Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address and driver license number of the person to whom the vehicle is rented, the expiration date of said license and place where said license was issued. Such record shall be open to inspection by any police officer or officer or employee of the Department.

Added by Laws 1961, p. 368, § 8-103, eff. Sept. 1, 1961. Amended by Laws 1995, c. 23, § 11, eff. Nov. 1, 1995; Laws 2005, c. 355, § 1, eff. Nov. 1, 2005.

§47-8-104. Financial responsibility of taxicab operators.

A. 1. Every person, firm or corporation engaged in the business of operating a taxicab or taxicabs within a municipality shall file with the governing board of the municipality in which such business is operated proof of financial responsibility.

2. No governing board of a municipality shall hereafter issue any certificate of convenience and necessity, franchise, license permit or other privilege or authority to any person, firm or

corporation authorizing such person, firm or corporation to engage in the business of operating a taxicab or taxicabs within the municipality unless such person, firm or corporation first files with the governing board proof of financial responsibility.

3. Every person, firm or corporation engaging or intending to engage in the business of transporting passengers outside a municipality shall be subject to the jurisdiction of the Corporation Commission in accordance with Section 230.24 of this title and the rules of the Corporation Commission.

B. As used in this section, "proof of financial responsibility" shall mean a certificate of any insurance carrier or risk retention group, as defined in Section 6453 of Title 36 of the Oklahoma Statutes, authorized to do business in the state certifying that there is in effect a policy of liability insurance insuring the owner and operator of the taxicab business, his agents and employees while in the performance of their duties against loss from any liability imposed by law for damages including damages for care and loss of services because of bodily injury to or death of any person and injury to or destruction of property caused by accident and arising out of the ownership, use or operation of such taxicab or taxicabs, subject to minimum limits, exclusive of interest and cost, with respect to each such motor vehicle as follows:

1. Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person;

2. Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two or more persons in any one accident; and

3. Twenty-five Thousand Dollars (\$25,000.00) because of injury to or destruction of property of others in any one accident.

Added by Laws 1961, p. 369, § 8-104, eff. Sept. 1, 1961. Amended by Laws 1980, c. 235, § 12, eff. Jan. 1, 1981; Laws 1986, c. 138, § 2, emerg. eff. April 17, 1986; Laws 1998, c. 85, § 5, eff. July 1, 1998; Laws 2000, c. 165, § 1, eff. Nov. 1, 2000; Laws 2004, c. 519, § 34, eff. Nov. 1, 2004; Laws 2007, c. 326, § 16, eff. Nov. 1, 2007.

§47-10-101. Provisions of chapter apply throughout state.

The provisions of this chapter shall apply upon highways and elsewhere throughout the state.

Added by Laws 1961, p. 370, § 10-101, eff. Sept. 1, 1961. Amended by Laws 1972, c. 160, § 2.

§47-10-102. Accidents involving nonfatal injury.

A. The driver of any vehicle involved in an accident resulting in a nonfatal injury to any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of

Section 10-104 of this title. Every such stop shall be made without obstructing traffic more than is necessary.

B. Any person willfully, maliciously, or feloniously failing to stop to avoid detection or prosecution or to comply with said requirements under such circumstances, shall upon conviction be guilty of a felony punishable by imprisonment for not less than ten (10) days nor more than two (2) years, or by a fine of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

C. The Commissioner of Public Safety shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted.

Added by Laws 1961, p. 370, § 10-102, eff. Sept. 1, 1961. Amended by Laws 1985, c. 112, § 9, eff. Nov. 1, 1985; Laws 1992, c. 382, § 5, emerg. eff. June 9, 1992; Laws 1997, c. 133, § 478, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 345, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 478 from July 1, 1998, to July 1, 1999.

§47-10-102.1. Accidents involving death.

The driver of any vehicle involved in an accident resulting in the death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 10-104 of this title. Every such stop shall be made without obstructing traffic more than is necessary.

B. Any person willfully, maliciously, or feloniously failing to stop to avoid detection or prosecution, or to comply with said requirements under such circumstances, shall upon conviction be guilty of a felony punishable by imprisonment for not less than one (1) year nor more than ten (10) years, or by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

C. The Commissioner of Public Safety shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted.

Added by Laws 1992, c. 382, § 6, emerg. eff. June 9, 1992. Amended by Laws 1997, c. 133, § 479, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 346, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 479 from July 1, 1998, to July 1, 1999.

§47-10-103. Accidents involving damage to vehicle.

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or

as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 10-104 of this title. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. In addition to the criminal penalties imposed by this section, any person violating the provisions of this section shall be subject to liability for damages in an amount equal to three times the value of the damage caused by the accident. Said damages shall be recoverable in a civil action. Nothing in this section shall prevent a judge from ordering restitution for any damage caused by a driver involved in an accident provided for in this section. Amended by Laws 1987, c. 224, § 15, eff. Nov. 1, 1987.

§47-10-104. Duty to give information and render aid - Drug and alcohol testing.

A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his correct name, address and registration number of the vehicle he is driving, and shall upon request exhibit his driver license and his security verification form, as defined in Section 7-600 of this title, to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. Any driver who provides information required by this section which is intentionally inaccurate shall be subject to the provisions of Section 10-103 of this title.

B. Any driver of any vehicle involved in an accident who could be cited for any traffic offense where said accident resulted in the immediate death or great bodily injury, as defined in subsection B of Section 646 of Title 21 of the Oklahoma Statutes, of any person shall submit to drug and alcohol testing as soon as practicable after such accident occurs. The traffic offense violation shall constitute probable cause for purposes of Section 752 of this title and the procedures found in Section 752 of this title shall be followed to determine the presence of alcohol or controlled dangerous substances within the driver's blood system.

Added by Laws 1961, p. 371, § 10-104, eff. Sept. 1, 1961. Amended by Laws 1985, c. 134, § 1, eff. Nov. 1, 1985; Laws 1991, c. 237, § 1,

eff. Sept. 1, 1991; Laws 1993, c. 192, § 1, eff. Sept. 1, 1993; Laws 1995, c. 23, § 12, eff. Nov. 1, 1995; Laws 1995, c. 313, § 2, eff. July 1, 1995; Laws 2005, c. 394, § 8, emerg. eff. June 6, 2005.

§47-10-105. Duty upon striking unattended vehicle.

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the correct name and address of the driver and owner of the vehicle striking the unattended vehicle, and provide said operator or owner with information from his security verification form, as defined by Section 7-600 of this title, or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking, and providing information from his security verification form, as defined by Section 7-600 of this title, and a statement of the circumstances thereof.

Amended by Laws 1985, c. 134, § 2, eff. Nov. 1, 1985.

§47-10-106. Duty upon striking fixtures upon a highway.

The driver of any vehicle involved in an accident resulting only in damage to fixtures, fences, or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the driver's name and address and of the registration number of the vehicle being driven and shall upon request exhibit a driver license and security verification form, as defined in Section 7-600 of this title, and shall make report of such accident when and as required in Section 10-108 of this title.

Any person failing to stop or comply with said requirements under such circumstances shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. Nothing in this section shall prevent a judge from ordering restitution for any damage caused by a driver involved in an accident provided for in this section.

Added by Laws 1961, p. 371, § 10-106, eff. Sept. 1, 1961. Amended by Laws 1985, c. 134, § 3, eff. Nov. 1, 1985; Laws 1995, c. 23, § 13, eff. Nov. 1, 1995; Laws 2007, c. 108, § 1, eff. Nov. 1, 2007.

§47-10-107. Immediate notice of accident.

The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately, by the quickest means of communication, give notice of such accident to the local police department, if such accident occurs within a municipality, or to the office of the county sheriff or the nearest office of the

State Highway Patrol after complying with the requirements of Section 10-104.

Laws 1961, p. 371, § 10-107.

§47-10-108. Written report of accident - Notice to other parties - Ancillary proceedings.

A. Except for collisions occurring on private property, the operator of a motor vehicle which is in any manner involved in a collision upon any road, street, highway or elsewhere within this state resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or other property is in excess of Three Hundred Dollars (\$300.00) shall forward a written report of the collision to the Department of Public Safety if settlement of the collision has not been made within six (6) months after the date of the accident and provided that if a settlement has been made a report of the settlement must be made by the parties.

B. A municipality or county shall have the authority to adopt ordinances or resolutions regarding the response of law enforcement to motor vehicle accidents occurring on private property within its jurisdiction; provided, law enforcement agencies shall respond to and report collisions that occur on private property which involve a personal injury, a driver that may be under the influence of alcohol or any other intoxicating substance, or a vehicle that is the property of the state or a political subdivision of the state.

C. Notwithstanding the provisions of Section 7-202 of this title, if any party involved in a collision files a report under this section, the Department shall be responsible for providing the most up-to-date and accurate location information within the Department for either party involved at no cost, and notify all other parties involved in the collision, as specified in the report, that a report has been filed and all other parties shall then furnish the Department, within twenty (20) days, the information as the Department may request to determine whether the parties were in compliance with the requirements of Sections 7-601 through 7-607 of this title at the time of the collision. Upon a finding that an owner or driver was not in compliance with Sections 7-601 through 7-607 of this title, the Department shall then commence proceedings under the provisions of Sections 7-201 and 7-308 through 7-335 of this title.

Added by Laws 1961, p. 371, § 10-108, eff. Sept. 1, 1961. Amended by Laws 1968, c. 99, § 1, emerg. eff. April 1, 1968; Laws 1980, c. 100, § 2, eff. Oct. 1, 1980; Laws 1981, c. 295, § 2, emerg. eff. June 29, 1981; Laws 1993, c. 192, § 2, eff. Sept. 1, 1993; Laws 2005, c. 394, § 9, emerg. eff. June 6, 2005; Laws 2012, c. 224, § 1, eff. Nov. 1, 2012.

§47-10-109. Form of report.

(a) The form of the report required by this section shall be prescribed by the Commissioner, and the Commissioner shall cause to be prepared such blanks and shall make such blanks available to the motoring public by leaving a supply with sheriffs, chiefs of police, justices of the peace, judges of the district court and other officials as the Commissioner may deem advisable.

(b) Such report, in addition to such other information as may be prescribed by the Commissioner, shall contain information to enable the Commissioner to determine whether the requirements for the deposit of security under Section 7-202 are inapplicable by reason of the existence of insurance or other exceptions specified in this act, and shall be accompanied by a copy of an estimate made by some motor vehicle agency or established garage as to the cost of repairing the vehicle of which the person making the report was the operator or owner, which report shall be signed by an authorized representative of such agency or garage.

Added by Laws 1961, p. 371, § 10-109, eff. Sept. 1, 1961.

§47-10-110. Additional information.

The Department may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the Department.

Laws 1961, p. 316, § 1-110.

§47-10-111. When driver unable to report.

(a) An accident report is not required under this chapter from any person who is physically incapable of making report during the period of such incapacity.

(b) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in Section 10-107 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

Laws 1961, p. 371, § 10-111.

§47-10-112. False reports.

Any person who gives information in reports as required in Sections 10-108, 10-110 or 10-111 knowing or having reason to believe that such information is false shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned for not more than one (1) year, or both.

Laws 1961, p. 372, § 10-112.

§47-10-113. Accident report forms.

A. The Department shall prepare and make available to police departments, coroners, sheriffs, garages and other suitable agencies

or individuals forms for accident reports required hereunder, appropriate with respect to the persons required to make such reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing and the persons and vehicles involved.

B. Every accident report required to be made in writing shall be made on the appropriate form approved by the Department and shall contain all of the information required therein unless not available. Added by Laws 1961, p. 372, § 10-113, eff. Sept. 1, 1961. Amended by Laws 2011, c. 335, § 7.

§47-10-114. Penalty for failure to report.

The Commissioner of Public Safety may suspend the license or permit to drive and any nonresident operating privileges of any person failing to report an accident as herein provided until such report has been filed, and the Commissioner may extend such suspension not to exceed thirty (30) days. Any person convicted of failing to make a report as required herein shall be punished as provided in section 17-101.

Laws 1961, p. 372, § 10-114.

§47-10-115. Confidentiality of reports relating to collisions.

A. All collision reports made by persons involved in collisions shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department or other state agencies having use for the records for collision prevention purposes, or for the administration of the laws of this state relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles, except that the Department may disclose the identity of a person involved in a collision when the identity is not otherwise known or when the person denies any presence at a collision.

B. All collision reports and supplemental information filed in connection with the administration of the laws of this state relating to the deposit of security or proof of financial responsibility shall be confidential and not open to general public inspection, nor shall copying of lists of the reports be permitted, except, however, that the reports and supplemental information may be examined by, or the Department may provide a copy to, any person named therein, a representative of the person as designated in writing by the person, or as provided in Section 40-102 of this title.

C. No reports or information mentioned in this section shall be used as evidence in any trial, civil or criminal, arising out of a collision, except that the Department shall furnish upon demand of any party to a trial, or upon demand of any court, a certificate

showing that a specified collision report has or has not been made to the Department in compliance with law.

Added by Laws 1961, p. 372, § 10-115, eff. Sept. 1, 1961. Amended by Laws 2000, c. 324, § 3, eff. July 1, 2000; Laws 2005, c. 394, § 10, emerg. eff. June 6, 2005.

§47-10-116. Department to tabulate and analyze accident reports.

The Department may tabulate and analyze all accident reports and shall publish annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of traffic accidents.

Laws 1961, p. 372, § 10-116.

§47-10-117. Any incorporated city may require accident reports.

Any incorporated city, town, village or other municipality may by ordinance require that the driver of a vehicle involved in an accident shall also file with a designated city department a report of such accident or a copy of any report herein required to be filed with the Department. All such reports shall be for the confidential use of the city department and subject to the provisions of Section 10-115 of this Code.

Laws 1961, p. 372, § 10-117.

§47-10-118. Accident response fee prohibited.

A. Notwithstanding any other section of law to the contrary, no person or entity shall impose an accident response fee for the response or investigation of a motor vehicle accident by law enforcement.

B. For purposes of this section, "accident response fee" means a fee imposed for the response or investigation of a motor vehicle accident and does not mean any fee otherwise specifically authorized by law.

Added by Laws 2009, c. 340, § 3, emerg. eff. May 27, 2009.

§47-11-101. Provisions of chapter refer to vehicles upon the highways - Exceptions.

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon the highways except:

1. Where a different place is specifically referred to in a given section.

2. The provisions of Chapter 10 of this title and Article IX of this chapter shall apply upon highways, turnpikes and public parking lots throughout the state.

3. Unless otherwise provided for by law, the general provisions of this title regulating traffic on public highways shall apply on turnpikes.

Added by Laws 1961, p. 373, § 11-101, eff. Sept. 1, 1961. Amended by Laws 2008, c. 319, § 3, eff. Nov. 1, 2008.

§47-11-102. Required obedience to traffic laws.

It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

Laws 1961, p. 373, § 11-102.

§47-11-103. Obedience to police officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

Laws 1961, p. 373, § 11-103; Laws 1968, c. 58, § 1, emerg. eff. March 18, 1968.

§47-11-104. Persons riding animals or driv-animal-drawn vehicles.

Every person riding an animal or driving any animal-driven vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

Laws 1961, p. 373, § 11-104.

§47-11-105. Persons working on highways - Exceptions.

Unless specifically made applicable, the provisions of this chapter except those contained in Article IX hereof shall not apply to persons, teams, motor vehicles and other equipment, while actually engaged in work upon the surface of a highway, or to persons, motor vehicles and other equipment while actually engaged in construction, maintenance or repair of public utilities provided that all highway and public utility operations shall be protected by adequate warning signs, signals, devices or flagmen, but the provisions of this chapter shall apply to such persons and vehicles when traveling to or from such work.

Laws 1961, p. 373, § 11-105.

§47-11-106. Authorized emergency vehicles.

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privilege set forth in this section, but subject to the conditions herein stated.

B. The driver of an authorized emergency vehicle may:

1. Park, or stand, irrespective of the provisions of this chapter;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as speeding does not endanger life or property;

4. Disregard regulations governing direction of movement; and

5. Disregard regulations governing turning in specified directions.

C. The exemptions herein granted to the driver of an authorized emergency vehicle shall apply only when the driver is properly and lawfully making use of an audible signal or of flashing red or blue lights or a combination of flashing red and blue lights meeting the requirements of Section 12-218 of this title, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red or blue light visible from in front of the vehicle. This subsection shall not be construed as requiring a peace officer operating a police vehicle properly and lawfully in response to a crime in progress to use audible signals.

D. The exemptions in paragraphs 3 and 5 of subsection B of this section shall be granted to a law enforcement officer operating an authorized emergency vehicle for law enforcement purposes without using audible and visual signals required by this section as long as the action does not endanger life or property if the officer is following a suspected violator of the law with probable cause to believe that:

1. Knowledge of the presence of the officer will cause the suspect to:

a. destroy or lose evidence of a suspected felony,

b. end a suspected continuing felony before the officer has obtained sufficient evidence to establish grounds for arrest, or

c. evade apprehension or identification of the suspect or the vehicle of the suspect; or

2. Because of traffic conditions, vehicles moving in response to the audible or visual signals may increase the potential for a collision.

The exceptions granted in this subsection shall not apply to an officer who is in actual pursuit of a person who is eluding or attempting to elude the officer in violation of Section 540A of Title 21 of the Oklahoma Statutes.

E. The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of reckless disregard for the safety of others.

Added by Laws 1961, p. 373, § 11-106, eff. Sept. 1, 1961. Amended by Laws 1998, c. 168, § 1, eff. Nov. 1, 1998; Laws 1999, c. 189, § 1,

eff. July 1, 1999; Laws 2002, c. 229, § 1, eff. Nov. 1, 2002; Laws 2004, c. 418, § 12, eff. July 1, 2004.

§47-11-107. Military convoys exempt from municipal traffic regulation - Right of way - Exceptions.

The military forces of the United States and organizations of the National Guard, performing any military duty, shall not be restricted by municipal traffic regulations, and shall have the right of way on any street or highway through which they may pass against all, except carriers of the United States mail, fire engines, ambulances and police vehicles in the necessary discharge of their respective duties. Said mounted military moving in convoy shall have lights burning, with lead and trail vehicles prominently marked, and shall travel, while inside the corporate limits of a city or town, in compliance with such speeds as are legally posted within the corporate limits of the city or town and shall maintain a closed interval of not more than seventy-five (75) feet.

Laws 1961, p. 373, § 11-107.

§47-11-201. Obedience to and required traffic-control devices.

(a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this act, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this act.

(b) No provision of this act for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

Laws 1961, p. 373, § 11-201.

§47-11-202. Traffic-control signal legend.

Whenever traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows successively one at a time, or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. Green indication:

- a. vehicular traffic facing a circular green signal, except when prohibited under Section 11-1302 of this title, may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles

- turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited,
- b. vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection, and
 - c. unless otherwise directed by a pedestrian-control signal, as provided in Section 11-203 of this title, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk;
2. Steady yellow indication:
- a. vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter, and
 - b. pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 11-203 of this title, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway; and
3. Steady red indication:
- a. vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subparagraphs b and d of this paragraph,
 - b. except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right or to turn left from a one-way street into a one-way street after stopping as required by subparagraph a of this paragraph. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent

crosswalk and to other traffic lawfully using the intersection,

- c. in order to prohibit right turns or left turns as prescribed in subparagraph b of this paragraph, on the red signal after the required stop, a municipality must erect clear, concise signs informing drivers that such turns are prohibited. The Highway Department shall specify the design of the sign to be used for this purpose, and it shall be used uniformly throughout the state,
- d. notwithstanding any other provision of law, the driver of a motorcycle or bicycle facing any steady red signal may cautiously proceed through the intersection only if:
 - (1) the motorcycle or bicycle has been brought to a complete stop as required by subparagraph a of this paragraph,
 - (2) the traffic control signal is programmed or engineered to change to a green signal only after detecting the approach of a motor vehicle and has failed to detect the arrival of the motorcycle or bicycle because of its size or weight, and
 - (3) no motor vehicle or person is approaching on the roadway to be crossed or entered, or the motor vehicle or person is at a distance from the intersection that does not constitute an immediate hazard.

The driver of any vehicle approaching the intersection, which lawfully may enter the intersection, shall have the right-of-way over any motorcycle or bicycle operator proceeding through a red light and, in no event where an accident results from the driver of the motorcycle or bicycle proceeding into the intersection on a red light, shall such driver of the vehicle be charged with any violation pursuant to Sections 11-401 and 11-403 of this title relating to failure to yield right-of-way, Section 11-310 of this title relating to following too closely, or Section 11-801 of this title relating to driving too fast for conditions, and

- e. unless otherwise directed by a pedestrian-control signal as provided in Section 11-203 of this title, pedestrians facing a steady circular red signal alone shall not enter the roadway.

In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be

made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

Added by Laws 1961, p. 374, § 11-202, eff. Sept. 1, 1961. Amended by Laws 1972, c. 92, § 2; Laws 1974, c. 110, § 1; Laws 1977, c. 21, § 1, emerg. eff. April 15, 1977; Laws 2010, c. 192, § 2, eff. Nov. 1, 2010; Laws 2019, c. 62, § 1, eff. Nov. 1, 2019.

§47-11-203. Pedestrian-control signals.

Whenever special pedestrian-control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" are in place, such signals shall indicate as follows:

1. Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way in the direction of the signal by the drivers of all vehicles.

2. Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

Laws 1961, p. 374, § 11-203.

§47-11-204. Flashing signals.

A. Whenever an illuminated red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the requirements of law applicable after making a stop at a stop sign.

2. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

B. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed as set forth in Section 11-701 of this title.

Added by Laws 1961, p. 375, § 11-204, eff. Sept. 1, 1961. Amended by Laws 2002, c. 397, § 19, eff. Nov. 1, 2002.

§47-11-204.1. Lane use control signals.

When lane use control signals are placed over individual lanes, said signals shall indicate and apply to drivers of vehicles as follows:

1. Green indication - Vehicular traffic may travel in any lane over which a green signal is shown;

2. Steady yellow indication - Vehicular traffic is thereby warned that a lane control change is being made;

3. Steady red indication - Vehicular traffic shall not enter or travel in any lane over which a red signal is shown; and

4. Flashing yellow indication - Vehicular traffic may use the lane only for the purpose of approaching and making a left turn.

Laws 1977 c. 21, § 2, emerg. eff. April 15, 1977.

§47-11-205. Pedestrian-actuated school crossing signals.

Whenever a pedestrian-actuated school crossing signal is provided, it shall require obedience by vehicular traffic and pedestrians in accordance with Sections 11-202 and 11-203 of this title.

Laws 1961, p. 375, § 11-205; Laws 1977, c. 21, § 3, emerg. eff. April 15, 1977.

§47-11-206. Display of unauthorized signs, signals or markings.

(a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which projects any flashing or revolving beams of light, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any street or highway any traffic sign or signal bearing thereon any commercial advertising; provided, however, that the governing board of any city or town may permit, under such conditions as the said board may deem proper, commercial or other advertising upon any traffic sign located on streets or highways within said city or town and not designated as either state or federal highways or extensions thereof.

(b) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(c) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

Laws 1961, p. 375, § 11-206.

§47-11-207. Interference with official traffic-control devices or railroad signs or signals - Violation resulting in personal injury or death - Penalty.

A. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official

traffic-control device, including any nine-one-one (911) emergency telephone service route markers, or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

B. If a violation of subsection A of this section results in personal injury to or death of any person, the person committing the violation shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

Added by Laws 1961, p. 376, § 11-207, eff. Sept. 1, 1961. Amended by Laws 1993, c. 127, § 3, emerg. eff. May 4, 1993; Laws 1997, c. 133, § 480, eff. July 1, 1999; Laws 1998, c. 23, § 1, eff. Nov. 1, 1998; Laws 1999, 1st Ex.Sess., c. 5, § 347, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 480 from July 1, 1998, to July 1, 1999.

§47-11-208. Traffic signal preemption device - Possession, use, interference with, or sale.

A. As used in this section, the term "traffic signal preemption device" shall mean a device designed for use by authorized emergency vehicles to improve traffic movement by temporarily controlling signalized intersections.

B. It shall be unlawful for a person to possess, use, or interfere with a traffic signal preemption device unless:

1. The person is the operator of an authorized emergency vehicle upon which the device is installed; and

2. The person is responding to an existing or potential emergency and there is a threat of immediate danger to life or property which reasonably requires the use of the device in order to protect the life, safety, health, or property of another person.

C. It shall be unlawful to advertise, offer for sale, sell, or otherwise distribute any traffic signal preemption device to any individual person in this state. Advertising, offering for sale, selling, and distribution of these devices shall be limited to trade publications and companies whose target market is law enforcement agencies, fire departments, and ambulance service providers of this state or its political subdivisions.

Added by Laws 2004, c. 130, § 8, emerg. eff. April 20, 2004.

§47-11-225. Renumbered as § 12-225 of this title by Laws 2000, c. 189, § 13, eff. July 1, 2000.

§47-11-301. Drive on right side of roadway - Exceptions.

A. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the laws governing such movement;

2. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

3. Upon a roadway divided into three marked lanes for traffic under the laws applicable thereon;

4. Upon a roadway restricted to one-way traffic; or

5. Upon a roadway having four or more lanes for moving traffic and providing for two-way movement of traffic.

B. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane when available for traffic, or as close as practicable to the right-hand curb or edge of the roadway and may be temporarily driven upon the right-hand shoulder for the purpose of permitting other vehicles to pass. This subsection shall not apply when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

C. Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under paragraph 2 of subsection (a) of this section. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

Added by Laws 1961, p. 376, § 11-301, eff. Sept. 1, 1961. Amended by Laws 1977, c. 21, § 4, emerg. eff. April 15, 1977; Laws 1978, c. 129, § 1; Laws 1996, c. 22, § 1, eff. July 1, 1996; Laws 2002, c. 397, § 20, eff. Nov. 1, 2002.

§47-11-302. Passing vehicles proceeding in opposite directions.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half (1/2) of the maintraveled portion of the roadway as nearly as possible.

Laws 1961, p. 376, § 11-302.

§47-11-303. Overtaking a vehicle on the left - Signal.

The following requirements shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special requirements hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

3. Every driver who intends to pass another vehicle proceeding in the same direction, which requires moving his vehicle from one lane of traffic to another, shall first see that such movement can be made with safety and shall proceed to pass only after giving a proper signal by hand or mechanical device.

Added by Laws 1961, p. 376, § 11-303, eff. Sept. 1, 1961. Amended by Laws 1968, c. 96, § 1, emerg. eff. April 1, 1968; Laws 2002, c. 397, § 21, eff. Nov. 1, 2002.

§47-11-304. When overtaking on the right is permitted.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;

3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main traveled portion of the roadway.

Laws 1961, p. 377, § 11-304.

§47-11-305. Limitations on overtaking on the left.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite

direction or any vehicle overtaken. In every event the overtaking vehicle must return to the righthand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.

Laws 1961, p. 377, § 11-305.

§47-11-306. Further limitations on driving to left of center of roadway.

(a) No vehicle shall be driven on the left side of the roadway under the following conditions:

1. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

2. When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing unless otherwise indicated by official traffic control devices;

3. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel.

(b) The foregoing limitations shall not apply upon a one-way roadway; nor under the conditions described in Section 11-301, subsection (a), paragraph 2 of this title, nor to the driver of a vehicle turning left into or from an alley, private road or driveway. Laws 1961, p. 377, § 11-306; Laws 1977, c. 21, § 5, emerg. eff. April 15, 1977.

§47-11-307. No-passing zones.

(a) The Oklahoma Department of Highways or other designated authorities are hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(b) Where signs or markings are in place to define a no-passing zone as set forth in paragraph (a) no driver shall at any time drive to the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

Laws 1961, p. 377, § 11-307.

§47-11-308. One-way roadways and rotary traffic island.

(a) The State Highway Commission or local authorities, within their respective jurisdictions, may designate any street or highway or any separate roadway under their respective jurisdictions for one-way traffic and shall erect appropriate signs giving notice thereof.

(b) Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated.

(c) A vehicle passing around a rotary traffic island shall be driven only to the right of such islands.

Laws 1961, p. 377, § 11-308.

§47-11-308a. Renumbered as § 15-131 of this title by Laws 2007, c. 62, § 24, emerg. eff. April 30, 2007.

§47-11-308b. Renumbered as § 15-132 of this title by Laws 2007, c. 62, § 25, emerg. eff. April 30, 2007.

§47-11-309. Driving on roadways laned for traffic.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following requirements in addition to all others consistent herewith shall apply.

1. A vehicle shall be driven as nearly as practicable entirely within a single lane.

2. A vehicle shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety and then given a signal, not less than the last one hundred (100) feet traveled by the vehicle, of his intention to change lanes.

3. Upon a roadway which is divided into three lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance, or in preparation for a left turn or where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of the allocation.

4. A two-way left-turn lane is a lane near the center of the highway set aside for use by vehicles making left turns in both directions from or into the roadway. Two-way left-turn lanes shall be designated by distinctive roadway markings consisting of parallel double yellow lines, interior line dashed and exterior line solid, on each side of the lane. A vehicle shall not be driven in a designated two-way left-turn lane except when preparing for or making a left turn from or into a roadway. Vehicles turning left from the roadway shall not be driven in the two-way left-turn lane for more than two hundred (200) feet while preparing for and making the turn. A vehicle turning left onto the roadway may utilize the two-way left-turn lane as a staging area by stopping and waiting for traffic proceeding in the same direction to clear before merging into the adjacent lanes of travel. A left turn shall not be made from any other lane where a two-way left-turn lane has been designated. Provided, however, this section shall not prohibit driving across a two-way left-turn lane when moving from a service drive onto such marked roadway.

5. A vehicle shall not be driven in the left lane of a roadway except when overtaking and passing another vehicle; provided, however, this paragraph shall not prohibit driving in the left lane when traffic conditions, flow or road configuration, such as the potential of merging traffic, require the use of the left lane to maintain safe traffic conditions; provided further, this paragraph shall not prohibit driving in the left lane of a roadway within the city limits of a municipality as long as such roadway is not part of the National System of Interstate and Defense Highways.

6. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such sign.

Any person convicted of violating any provision of this section shall be punished as provided for in Section 17-101 of this title. Added by Laws 1961, p. 377, § 11-309, eff. Sept. 1, 1961. Amended by Laws 1984, c. 47, § 1, eff. Nov. 1, 1984; Laws 2002, c. 397, § 22, eff. Nov. 1, 2002; Laws 2005, c. 394, § 11, emerg. eff. June 6, 2005; Laws 2006, c. 104, § 4, eff. Nov. 1, 2006; Laws 2009, c. 125, § 1, eff. Nov. 1, 2009; Laws 2010, c. 76, § 1, eff. Nov. 1, 2010; Laws 2017, c. 211, § 1, eff. Nov. 1, 2017; Laws 2018, c. 184, § 1, eff. Nov. 1, 2018.

§47-11-310. Following too closely.

(a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(b) The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residential district and which is following another truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or another vehicle.

(c) No vehicle which has more than six tires in contact with the road shall approach from the rear of another vehicle which has more than six tires in contact with the road closer than three hundred (300) feet except when passing the vehicle.

(d) Motor vehicles being driven upon any roadway outside of a business or residential district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. The distance between such vehicles shall be a

minimum of two hundred (200) feet under all conditions. This provision shall not apply to funeral processions.

(e) Subsections (a), (b), (c) and (d) of this section shall not apply to a non-lead vehicle in a platoon, as defined in this section, or the operator thereof, as long as the platoon consists of not more than two motor vehicles.

(f) As used in this section, "platoon" means a group of individual motor vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would be reasonable and prudent without such coordination.

Added by Laws 1961, p. 378, § 11-310, eff. Sept. 1, 1961. Amended by Laws 2019, c. 244, § 1, eff. July 1, 2019.

§47-11-311. Driving on divided highways.

Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic control devices or peace officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through a permanent opening in the dividing space, barrier or section or at a permanent cross-over or intersection as established unless specifically prohibited by public authority. No vehicle shall be driven over, across or within any temporary opening in a dividing space, barrier or section or at a temporary cross-over or intersection unless specifically authorized by a public authority or at the direction of a peace officer.

Added by Laws 1961, p. 378, § 11-311, eff. Sept. 1, 1961. Amended by Laws 1977, c. 21, § 6, emerg. eff. April 15, 1977; Laws 1996, c. 22, § 2, eff. July 1, 1996.

§47-11-312. Restricted access.

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

Laws 1961, p. 378, § 11-312.

§47-11-313. Restrictions on use of controlled-access roadway.

The Department of Transportation, the Oklahoma Transportation Authority, or local authorities may, with respect to any controlled-access roadway under their respective jurisdictions, prohibit the use of any such roadway by pedestrians, bicycles or other non-motorized traffic or by any person operating a motor-driven cycle. The Department of Transportation, the Oklahoma Transportation Authority, or local authorities adopting any such prohibitory regulations shall

erect and maintain official signs on the controlled-access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs. Added by Laws 1961, p. 378, § 11-313. Amended by Laws 2004, c. 521, § 7, eff. Nov. 1, 2004.

§47-11-314. See the following versions:

OS 47-11-314v1 (SB 89, Laws 2019, c. 372, § 1).

OS 47-11-314v2 (HB 2629, Laws 2019, c. 391, § 1).

§47-11-314v1. Approaching stationary authorized vehicles on the roadway.

A. The driver of a motor vehicle, upon approaching a stationary authorized emergency vehicle, a Department of Transportation maintenance vehicle, a Turnpike Authority maintenance vehicle, a stationary vehicle that is displaying flashing lights or a licensed Class AA wrecker that is displaying a flashing combination red or blue light or any combination of red or blue lights, shall:

1. If traveling on a highway that consists of two or more lanes that carry traffic in the same direction of travel as that of the driver, the driver shall proceed with due caution and shall, if possible and with due regard to the road, weather, and traffic conditions, change lanes into a lane that is not adjacent to the stationary authorized emergency vehicle, a Department of Transportation maintenance vehicle, a Turnpike Authority maintenance vehicle, or licensed Class AA wrecker; or if the driver is not able to change lanes or if to do so would be unsafe, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather, and traffic conditions; and

2. If traveling on a highway other than a highway described in paragraph 1 of this subsection, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather, and traffic conditions.

B. This section does not relieve the operator of a stationary authorized emergency vehicle, a Department of Transportation maintenance vehicle, a Turnpike Authority maintenance vehicle, or licensed Class AA wrecker from the consequences of reckless disregard for the safety of all persons and property upon the highway.

Added by Laws 2001, c. 435, § 14, eff. July 1, 2001. Renumbered from § 11-405.1 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002. Amended by Laws 2008, c. 69, § 1, eff. Nov. 1, 2008; Laws 2010, c. 39, § 1, eff. Nov. 1, 2010; Laws 2015, c. 114, § 1, eff. Nov. 1, 2015; Laws 2019, c. 372, § 1, eff. Nov. 1, 2019.

§47-11-314v2. Approaching stationary authorized vehicles on the roadway.

A. The driver of a motor vehicle, upon approaching a stationary authorized emergency vehicle, a Department of Transportation maintenance vehicle, a Turnpike Authority maintenance vehicle, or a licensed wrecker that is displaying a flashing amber light, a combination red or blue light or any combination of amber, red or blue lights, shall:

1. If traveling on a highway that consists of two or more lanes that carry traffic in the same direction of travel as that of the driver, the driver shall proceed with due caution and shall, if possible and with due regard to the road, weather, and traffic conditions, change lanes into a lane that is not adjacent to the stationary authorized emergency vehicle, a Department of Transportation maintenance vehicle, a Turnpike Authority maintenance vehicle, or licensed wrecker; or if the driver is not able to change lanes or if to do so would be unsafe, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather, and traffic conditions; and

2. If traveling on a highway other than a highway described in paragraph 1 of this subsection, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather, and traffic conditions.

B. This section does not relieve the operator of a stationary authorized emergency vehicle, a Department of Transportation maintenance vehicle, a Turnpike Authority maintenance vehicle, or licensed wrecker from the consequences of reckless disregard for the safety of all persons and property upon the highway.

Added by Laws 2001, c. 435, § 14, eff. July 1, 2001. Renumbered from § 11-405.1 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002. Amended by Laws 2008, c. 69, § 1, eff. Nov. 1, 2008; Laws 2010, c. 39, § 1, eff. Nov. 1, 2010; Laws 2015, c. 114, § 1, eff. Nov. 1, 2015; Laws 2019, c. 391, § 1, eff. Nov. 1, 2019.

§47-11-315. Driving between vehicles in funeral procession prohibited.

A. No driver of a motor vehicle shall drive between the vehicles comprising a funeral or other authorized procession while the vehicles are in motion and when such vehicles are conspicuously designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

B. Any person convicted of violating the provisions of this section shall be punished as provided for in Section 17-101 of Title 47 of the Oklahoma Statutes.

Added by Laws 2012, c. 134, § 1, eff. Nov. 1, 2012.

§47-11-315.1. Overtaking a vehicle being used in the collection or refuse, solid waste or recyclables.

The driver of a motor vehicle, upon approaching a vehicle being used in the collection of refuse, solid waste or recyclables displaying side marker lamps which flash in conjunction with turn signal lamps or vehicle hazard warning lamps pursuant to the provisions of Section 12-227 of Title 47 of the Oklahoma Statutes, shall:

1. If traveling on a highway that consists of two or more lanes that carry traffic in the same direction of travel as that of the driver, proceed with due caution and shall, if possible and with due regard to the road, weather and traffic conditions, change lanes into a lane that is not adjacent to the vehicle being used in the collection of refuse, solid waste or recyclables; or if the driver is not able to change lanes or if to do so would be unsafe, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather and traffic conditions; and

2. If traveling on a highway other than a highway described in paragraph 1 of this subsection, proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather and traffic conditions.

Added by Laws 2016, c. 187, § 1, eff. Nov. 1, 2016.

§47-11-401. Vehicle approaching or entering intersection.

A. Whether a stop sign or yield sign is present, visible or not, the driver of a vehicle shall yield the right-of-way and shall not proceed until it is safe to do so, when the driver is:

1. On a county road upon approaching an intersection with a state or federal highway;

2. On a private drive or any road not maintained by the county or state upon approaching an intersection with a state or federal highway or a county road;

3. On an unpaved county road upon approaching an intersection with a paved county road; or

4. On a county road, which ends at, merges with, or does not otherwise continue directly across an intersecting through county road, upon approaching the intersection with the through county road.

For purposes of this subsection, "paved road" means a road improved with a surface of concrete, asphalt, or what is commonly referred to as oil and chip, and "unpaved road" means all other roads.

B. When two vehicles enter or approach an intersection from different highways at approximately the same time, except as provided in subsection A of this section, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

C. The right-of-way rules declared in subsections A and B of this section are modified at through highways and otherwise as hereinafter stated in this chapter.

Added by Laws 1961, p. 379, § 11-401, eff. Sept. 1, 1961. Amended by Laws 1996, c. 324, § 3; Laws 1997, c. 232, § 1, eff. Nov. 1, 1997; Laws 1999, c. 85, § 1, eff. Nov. 1, 1999; Laws 2002, c. 45, § 1, eff. Nov. 1, 2002.

§47-11-402. Vehicle turning left.

The driver of a vehicle intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close thereto when initiating such turn as to constitute an immediate hazard.

Added by Laws 1961, p. 379, § 11-402, eff. Sept. 1, 1961. Amended by Laws 2010, c. 228, § 4, eff. Nov. 1, 2010.

§47-11-403. Vehicle entering stop or yield intersection.

A. Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in Section 15-108 of this title.

B. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by subsection (d) of Section 11-703 of this title and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

C. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions, or shall stop if necessary as provided in subsection (e) of Section 11-703 of this title, and shall yield the right-of-way to any pedestrian legally crossing the roadway on which the driver is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. Said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding, provided, however, that if such driver is involved in a collision with a pedestrian in a crosswalk or vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of the driver's failure to yield right-of-way.

D. Where two or more vehicles face stop, slow, warning or caution signs or signals on two or more intersecting cross streets, and are approaching so as to enter the intersection at the same time, where each vehicle is required to stop, the vehicle coming from the right shall have the right-of-way. Where each vehicle is required to slow, the vehicle coming from the right shall have the right-of-way.

Where each vehicle is required to take caution, the vehicle coming from the right shall have the right-of-way. Where one vehicle is required to stop and the other to slow or take caution, the one slowing or taking caution shall have the right-of-way. Where one vehicle is required to slow and the other to take caution, the one required to take caution shall have the right-of-way. In any event, a vehicle which has already entered the intersection shall have the right-of-way over one which has not so entered the intersection. Added by Laws 1961, p. 379, § 11-403, eff. Sept. 1, 1961. Amended by Laws 2002, c. 468, § 76, eff. Nov. 1, 2002; Laws 2003, c. 199, § 7, eff. Nov. 1, 2003.

§47-11-403.1. Failure to yield causing fatality or serious bodily injury - Assessment of fee.

Any person convicted of failure to yield a right-of-way and who causes a fatality or serious bodily injury as a result of such violation may, in addition to any other fine or penalty, be assessed a fee in an amount not exceeding One Thousand Dollars (\$1,000.00) to be deposited in the Motorcycle Safety and Education Program Revolving Fund established in Section 40-123 of this title. The monies deposited as provided in this section shall be used to promote public awareness of the dangers of driving while under the influence of alcohol or any controlled substance and to promote motorcycle safety and defensive driving for youth.

Added by Laws 2006, c. 104, § 2, eff. Nov. 1, 2006. Amended by Laws 2007, c. 62, § 11, emerg. eff. April 30, 2007.

§47-11-403.2. Repealed by Laws 2007, c. 62, § 37, emerg. eff. April 30, 2007.

§47-11-403.2a. Transfer of funds from Motorcycle Safety and Drunk Driving Awareness Fund to Department of Public Safety Revolving Fund.

A. All unencumbered balances contained in the Motorcycle Safety and Drunk Driving Awareness Fund as of April 30, 2007, shall be deposited to the credit of the Department of Public Safety Revolving Fund of the State Treasury. The Director of the Office of Management and Enterprise Services shall be authorized to transfer the unencumbered balance described by this subsection to the Department of Public Safety Revolving Fund.

B. Any unexpended balance contained in the Motorcycle Safety and Drunk Driving Awareness Fund as of April 30, 2007, shall be transferred and deposited to the credit of the Department of Public Safety Revolving Fund of the State Treasury. The Director of the Office of Management and Enterprise Services shall be authorized to transfer the unexpended balance described by this subsection to the Department of Public Safety Revolving Fund.

Added by Laws 2007, c. 320, § 11, eff. July 1, 2007. Amended by Laws 2012, c. 304, § 174.

§47-11-404. Vehicle entering highway from private road or driveway.

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway.

Laws 1961, p. 379, § 11-404.

§47-11-405. Operation of vehicles on approach of authorized emergency vehicles.

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of Section 12-218 of this act, or of a police vehicle properly and lawfully making use of an audible signal or red flashing lights, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

B. This section shall not be construed to require a peace officer operating a police vehicle properly and lawfully in response to a crime in progress to use audible signals nor shall this section operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the road or highway.

Added by Laws 1961, p. 379, § 11-405, eff. Sept. 1, 1961. Amended by Laws 1997, c. 322, § 4, emerg. eff. May 29, 1997.

§47-11-405.1. Renumbered as § 11-314 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-11-406. Farm tractors or implements - Operation on highways - Permission from Department required - Wide vehicles - Duty of operator - Yield of right-of-way.

A. A farm tractor, as defined in Section 1-118 of this title, or any implement of husbandry, as defined in Section 1-125 of this title, except trailers and semitrailers when operated in accordance with statutory limits or provisions of Section 14-101 of this title, shall not be permitted to travel upon any highway in this state which is a part of the National System of Interstate and Defense Highways. However, the Department of Public Safety shall have the authority to permit such travel in certain geographic areas of the state as deemed necessary. Such tractor or implement may be operated on any other roadway in this state if the operator has attached all the safety devices required by law and has taken reasonable steps to reduce the

width of the tractor or implement as provided for by the manufacturer. Whenever the width of a farm tractor or implement of husbandry exceeds the width of that portion of a roadway on which the tractor or implement is driven, which is marked as a single lane of traffic, or, if the roadway has not been marked for lanes of traffic and the width of the tractor or implement exceeds more than fifty percent (50%) of the width of the roadway, the operator shall move the tractor or implement, as soon as possible, as far to the right-hand side of the roadway as is practicable and safe upon approach of any oncoming or following vehicle and upon approaching the crest of a hill.

B. Upon the immediate approach of a farm tractor or implement of husbandry which cannot be moved by the operator thereof to the far right-hand side of the roadway, as required in subsection A of this section, due to the existence of any bridge or guardrail, sign or any other physical impediment which would not safely allow such tractor or implement to travel on the far right-hand side of the road, the driver of every other vehicle shall yield the right-of-way and shall immediately pull over to the far right-hand side of the road and remain in such position until the tractor or implement has passed.

C. This section shall not operate to relieve any operator of a farm tractor or implement of husbandry from the duty to drive with due regard for the safety of all persons using the roadway.

Added by Laws 1991, c. 156, § 1, emerg. eff. May 6, 1991. Amended by Laws 1995, c. 27, § 2, eff. July 1, 1995.

§47-11-501. Pedestrians subject to traffic regulations.

(a) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police officer.

(b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in Sections 11-202 and 11-203 of this title.

(c) At all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

Laws 1961, p. 380, § 11-501; Laws 1977, c. 21, § 7, emerg. eff. April 15, 1977.

§47-11-501.1. Rights and duties of persons operating wheelchair or motorized wheelchair.

Every person operating a wheelchair or a motorized wheelchair shall have all of the rights and all of the duties applicable to a pedestrian contained in Chapter 11 of Title 47 of the Oklahoma Statutes except those provisions which by their nature can have no application.

Added by Laws 2003, c. 411, § 10, eff. Nov. 1, 2003.

§47-11-502. Pedestrians' right-of-way in crosswalks.

(a) When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) Paragraph (a) shall not apply under the conditions stated in Section 11-503(b).

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Laws 1961, p. 380, § 11-502.

§47-11-503. Crossing at other than cross walks.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

Laws 1961, p. 380, § 11-503.

§47-11-504. Drivers to exercise due care.

Notwithstanding the foregoing provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

Added by Laws 1961, p. 380, § 11-504, eff. Sept. 1, 1961.

§47-11-505. Pedestrians to use right half of crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

Laws 1961, p. 380, § 11-505.

§47-11-506. Pedestrians on roadways or bridges.

(a) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction and shall yield to approaching vehicles.

(c) It shall be unlawful for any person to enter upon any portion of a bridge for the purpose of diving or jumping therefrom into a lake, river or stream for recreation, and it shall be unlawful for a pedestrian to use a bridge where sidewalks are not provided for the purpose of standing or sightseeing.

Amended by Laws 1986, c. 279, § 20, operative July 1, 1986.

§47-11-507. Pedestrians soliciting rides or business.

No person shall stand in a roadway for the purpose of soliciting a ride, donation, employment or business from the occupant of any vehicle.

Laws 1961, p. 380, § 11-507.

§47-11-601. Required position and method of turning at intersections.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

2. Left turns. The driver of a vehicle intending to turn left at an intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. After entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable, when leaving a two-way roadway, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

3. Local authorities in their respective jurisdictions may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

Added by Laws 1961, p. 381, § 11-601, eff. Sept. 1, 1961. Amended by Laws 2007, c. 62, § 12, emerg. eff. April 30, 2007.

§47-11-602. Turning to proceed in opposite direction - Turns on curve or near crest of grade prohibited.

A. Unless otherwise prohibited by law, the driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction unless and until such movement can be made with reasonable safety and without interfering with other traffic.

B. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

Added by Laws 1961, p. 381, § 11-602, eff. Sept. 1, 1961. Amended by Laws 2007, c. 62, § 13, emerg. eff. April 30, 2007.

§47-11-603. Starting parked vehicle.

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

Laws 1961, p. 381, § 11-603.

§47-11-604. Turning movements and required signals.

A. No person shall turn a vehicle at an intersection, a public or private road, or a driveway, unless the vehicle is in proper position upon the roadway as required in Section 11-601 of this title, or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal as provided in subsection B of this section, in the event any other traffic may be affected by such movement.

B. A signal of intention to turn right or left as required by law shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in subsection B of this section to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

D. When any person is properly preparing for, attempting or executing a left turn, as described in subsection A of this section, no other person operating another vehicle immediately following the turning vehicle shall pass or attempt to pass the turning vehicle to the left. Such other person shall come to a complete stop if necessary at a safe distance behind the person preparing for, attempting or executing the turn or may proceed to the right of the turning vehicle as provided by Section 11-304 of this title.

Added by Laws 1961, p. 381, § 11-604. Amended by Laws 1997, c. 152, § 1, emerg. eff. April 25, 1997.

§47-11-605. Signals by hand and arm or signal lamps.

(a) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in paragraph (b).

(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

Laws 1961, p. 381, § 11-605.

§47-11-606. Method of giving hand-and-arm signals.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn. Hand and arm extended horizontally.
2. Right turn. Hand and arm extended upward.
3. Stop or decrease speed. Hand and arm extended downward.

Laws 1961, p. 382, § 11-606.

§47-11-701. Obedience to signal indicating approach of train.

A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
3. A railroad train approaching within approximately one thousand five hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;
4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing; or
5. The tracks at the crossing are not clear.

B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate

or barrier is closed or is being opened or closed or fail to obey the directions of a law enforcement officer at the crossing.

C. The operator of any Class A, B, or C commercial vehicle not required to stop at all railroad crossings, as prescribed in Section 11-702 of this title, shall slow down and check that the tracks are clear of an approaching train.

Added by Laws 1961, p. 382, § 11-701, eff. Sept. 1, 1961. Amended by Laws 2002, c. 169, § 2, eff. Oct. 1, 2002.

§47-11-702. Commercial motor vehicles and buses - Railroad crossing.

A. The driver of a bus as defined in Section 1-105 of this title, whether the bus is occupied or unoccupied by passengers, shall not cross a railroad track or tracks at grade unless the driver stops the bus within fifty (50) feet of, and not closer than fifteen (15) feet to, the tracks, listens and looks in each direction along the tracks for an approaching train, and ascertains that no train is approaching. When it is safe to do so, the driver may drive the bus across the tracks in a gear that permits the bus to complete the crossing without a change of gears. The driver shall not shift gears while crossing the tracks.

B. Any commercial motor vehicle as defined in 49 C.F.R., Section 390.5, shall comply with the railroad crossing provisions as prescribed in 49 C.F.R., Section 392.10.

Added by Laws 1961, p. 382, § 11-702, eff. Sept. 1, 1961. Amended by Laws 1997, c. 201, § 6, eff. Nov. 1, 1997; Laws 2001, c. 309, § 2, eff. Nov. 1, 2001; Laws 2003, c. 461, § 8, eff. July 1, 2003; Laws 2004, c. 418, § 13, eff. July 1, 2004; Laws 2008, c. 302, § 1, emerg. eff. June 2, 2008; Laws 2011, c. 138, § 1, eff. Nov. 1, 2011.

§47-11-703. Stop signs and yield signs.

(a) Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in Section 15-108 of this act.

(b) Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway, however such yield signs shall not be erected upon the approaches of but one of the intersecting streets.

(c) Every stop sign shall bear the word "Stop". Every yield sign hereafter erected or replaced shall bear the word "Yield". Every stop sign and every yield sign shall at nighttime be rendered luminous by internal illumination, or by a floodlight projected on the face of the sign, or by efficient reflecting elements in or on the face of the sign.

(d) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop

intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(e) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

Laws 1961, p. 382, § 11-703; Laws 1974, c. 287, § 9, emerg. eff. May 29, 1974.

§47-11-704. Emerging from alley, driveway or building.

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

Laws 1961, p. 382, § 11-704.

§47-11-705. Meeting or overtaking stopped school bus - Violation and penalty - Reporting violations - Video monitoring on buses.

A. The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, is to stop the vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed past such school bus at a speed which is reasonable and with due caution for the safety of such school children and other occupants. Any person convicted of violating the provisions of this subsection shall be punished by a fine of not less than One Hundred Dollars (\$100.00). In addition to the fine, a special assessment of One Hundred Dollars (\$100.00) shall be assessed, of which seventy-five percent (75%) shall be deposited to the credit of the Cameras for School Bus Stops Revolving Fund established in Section 2 of this act. The remaining twenty-five percent (25%) of the special assessment shall be deposited to the credit of the reviewing law enforcement agency referred to in subsection E of this section.

B. Visual signals, meeting the requirements of Section 12-228 of this title, shall be actuated by the driver of said school bus whenever, but only whenever, such vehicle is stopped on the highway for the purpose of receiving or discharging school children.

C. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

D. If the driver of a school bus witnesses a violation of the provisions of subsection A of this section, within twenty-four (24) hours of the alleged offense, the driver shall report the violation, the vehicle color, license tag number, and the time and place such violation occurred to the law enforcement authority of the municipality where the violation occurred. The law enforcement authority of a municipality shall issue a letter of warning on the alleged violation to the person in whose name the vehicle is registered. The Office of the Attorney General shall provide a form letter to each municipal law enforcement agency in this state for the issuance of the warning provided for in this subsection. Such form letter shall be used by each such law enforcement agency in the exact form provided for by the Office of the Attorney General. A warning letter issued pursuant to this subsection shall not be recorded on the driving record of the person to whom such letter was issued. Issuance of a warning letter pursuant to this section shall not preclude the imposition of other penalties as provided by law.

E. 1. A school district may install and operate a video-monitoring system in or on the school buses or the bus stop-arms operated by the district or contract with a private vendor to do so on behalf of the school district for the purpose of recording violations of subsection A of this section. In the event the video-monitoring system captures a recording of a violation of subsection A of this section, appropriate personnel at the school district shall extract data related to the violation from the recording. The extracted data shall include a recorded image or video containing the requirements listed in paragraph 2 of this subsection. The school district shall submit the extracted data for review to the law enforcement agency with jurisdiction in which the violation occurred. If the reviewing law enforcement agency determines there is sufficient evidence to identify the vehicle and the driver, such evidence shall be submitted to the district attorney's office for prosecution.

2. For the purposes of this subsection, "video-monitoring system" means a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles being operated in violation of subsection A of this section. The system shall, at a minimum, produce a recorded image of the license plate of the vehicle, an identifiable picture of the driver's face, the activation status of at least one warning device as prescribed in Section 12-228 of this

title and the time, date and location of the vehicle when the image was recorded.

Added by Laws 1961, p. 383, § 11-705, eff. Sept. 1, 1961. Amended by Laws 1973, c. 112, § 1; Laws 1989, c. 207, § 1, eff. Nov. 1, 1989; Laws 2003, c. 411, § 11, eff. Nov. 1, 2003; Laws 2004, c. 130, § 9, emerg. eff. April 20, 2004; Laws 2019, c. 145, § 1, eff. Nov. 1, 2019.

§47-11-705.1. Church buses - Definition - Meeting and overtaking stopped bus - Signs and signals.

A. The driver of a vehicle meeting or overtaking a church bus that is stopped to take on or discharge passengers, and on which the red loading signals are in operation, is to stop the vehicle before it reaches the church bus and not proceed until the loading signals are deactivated and then proceed past such bus at a speed which is reasonable and with due caution for the safety of such occupants.

B. If the church bus is equipped with visual signals meeting the requirements of Section 12-228 of this title, the signals shall be actuated by the driver of said church bus whenever, but only whenever, such vehicle is stopped on the highway for the purpose of receiving or discharging passengers.

C. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a church bus which is on a different roadway or when upon a controlled-access highway and the church bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

Added by Laws 1978, c. 262, § 1, eff. Oct. 1, 1978. Amended by Laws 2003, c. 411, § 12, eff. Nov. 1, 2003.

§47-11-801. Basic rule - Maximum and minimum limits - Fines and penalties.

A. Any person driving a vehicle on a highway shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the highway and any other conditions then existing. No person shall drive any vehicle upon a highway at a speed greater than will permit the driver to bring it to a stop within the assured clear distance ahead.

B. Except when a special hazard exists that requires lower speed for compliance with subsection A of this section, the limits specified by law or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of the following maximum limits:

1. On a highway or part of a highway, unless otherwise established in law, a speed established by the Department of Transportation on the basis of engineering and traffic investigations

used to determine the speed that is reasonable and safe under the conditions found to exist on the highway or part of the highway;

2. For a school bus, fifty-five (55) miles per hour on paved two-lane roads except on the state highway system, the interstate highway system and the turnpike system where the maximum shall be sixty-five (65) miles per hour;

3. On any highway outside of a municipality in a properly marked school zone, twenty-five (25) miles per hour, provided the zone is marked with appropriate warning signs placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices. The Department of Transportation may determine on the basis of an engineering and traffic investigation that a speed limit higher than twenty-five (25) miles per hour may be reasonable and safe under conditions as they exist upon a highway, and post an alternative school zone speed limit. The Department shall mark such school zones, or entrances and exits onto highways by buses or students, so that the maximum speed provided by this section shall be established therein. Exits and entrances to controlled-access highways which are within such school zones shall be marked in the same manner as other highways. The county commissioners shall mark such school zones along the county roads so that the maximum speed provided by this section shall be established therein. The signs may be either permanent or temporary. The Department shall give priority over all other signing projects to the foregoing duty to mark school zones. The Department shall also provide other safety devices for school zones which are needed in the opinion of the Department;

4. Twenty-five (25) miles per hour or a posted alternative school zone speed limit through state schools located on the state-owned land adjoining or outside the limits of a corporate city or town where a state educational institution is established;

5. Thirty-five (35) miles per hour on a highway in any state park or wildlife refuge. Provided, however, that the provisions of this paragraph shall not include the State Capitol park area, and no person shall drive any vehicle at a rate of speed in excess of fifty-five (55) miles per hour on any state or federal designated highway within such areas; and

6. For any vehicle or combination of vehicles with solid rubber or metal tires, ten (10) miles per hour.

The maximum speed limits set forth in this section may be altered as authorized in Sections 11-802 and 11-803 of this title.

C. The Commission is hereby authorized to prescribe maximum and minimum speeds for all vehicles and any combinations of vehicles using controlled-access highways. Such regulations shall become effective after signs have been posted on these highways giving notice thereof. Such regulations may apply to an entirely controlled-access highway or to selected sections thereof as may be designated by the Commission. A speed limit of seventy-five (75)

miles per hour may be set in locations comprising rural segments of the interstate highway system by the Commission; provided, however, that speed is determined to be safe and reasonable after a traffic or engineering study has been completed by the Department. It shall be a violation of this section to drive any vehicle at a faster rate of speed than such prescribed maximum or at a slower rate of speed than such prescribed minimum. However, all vehicles shall at all times conform to the limits set forth in subsection A of this section.

Copies of such regulations certified as in effect on any particular date by the Secretary of the Commission shall be accepted as evidence in any court in this state. Whenever changes have been made in speed zones, copies of such regulations shall be filed with the Commissioner of Public Safety.

D. The Oklahoma Turnpike Authority is hereby authorized to prescribe maximum and minimum speeds for trucks, buses and automobiles using turnpikes; provided, however, a speed limit of eighty (80) miles per hour may be set in locations comprising the turnpike system, as may be approved by the Authority. The regulation pertaining to automobiles shall apply to all vehicles not commonly classified as either trucks or buses. Such regulations shall become effective only after approval by the Commissioner of Public Safety, and after signs have been posted on the turnpike giving notice thereof. Such regulations may apply to an entire turnpike project or to selected sections thereof as may be designated by the Oklahoma Turnpike Authority. It shall be a violation of this section to drive a vehicle at a faster rate of speed than such prescribed maximum speed or at a slower rate of speed than such prescribed minimum speed. However, all vehicles shall at all times conform to the requirements of subsection A of this section.

Copies of such regulations, certified as in effect on any particular date by the Secretary of the Oklahoma Turnpike Authority, shall be accepted in evidence in any court in this state.

E. The driver of every vehicle shall, consistent with the requirements of subsection A of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hillcrest, when driving upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions. The Oklahoma Department of Transportation and the Oklahoma Turnpike Authority may post, by changeable message sign or other appropriate sign, a temporary reduced speed limit for maintenance operations or when special hazards with respect to pedestrians, other traffic, an accident, by reason of weather or when other hazardous highway conditions exist.

F. 1. No person shall drive a vehicle on a county road at a speed in excess of fifty-five (55) miles per hour unless posted

otherwise by the board of county commissioners, as provided in subparagraphs a through c of this paragraph, as follows:

- a. the board of county commissioners may determine, by resolution, a maximum speed limit which shall apply to all county roads which are not otherwise posted for speed,
- b. the board of county commissioners shall provide public notice of the speed limit on all nonposted roads by publication in a newspaper of general circulation in the county. The notice shall be published once weekly for a period of four (4) continuous weeks, and
- c. the board of county commissioners shall forward the resolution to the Director of the Department and to the Commissioner of Public Safety.

2. The Department shall post speed limit information, as determined pursuant to the provisions of subparagraphs a through c of paragraph 1 of this subsection, on the county line marker where any state highway enters a county and at all off-ramps where interstate highways or turnpikes enter a county. The signs shall read as follows:

ENTERING _____ COUNTY
COUNTY ROAD SPEED LIMIT
_____ MPH
UNLESS POSTED OTHERWISE

The appropriate board of county commissioners shall reimburse the Department the full cost of the signage required herein.

G. Any person convicted of a speeding violation pursuant to subsection B or F of this section shall be punished by a fine as follows:

1. a. For an offense occurring on or after the effective date of this act and prior to November 1, 2022, one to ten miles per hour over the speed limit as provided for in Section 11-801e of this title, and
b. For an offense occurring on or after November 1, 2022, one to ten miles per hour over the limit.....\$10.00
2. Eleven to fifteen miles per hour over the limit.....\$20.00
3. Sixteen to twenty miles per hour over the limit.....\$35.00
4. Twenty-one to twenty-five miles per hour over the limit.....\$75.00
5. Twenty-six to thirty miles per hour over the limit.....\$135.00
6. Thirty-one to thirty-five miles per hour over the limit.....\$155.00

7. Thirty-six miles per hour or more over the
limit.....\$205.00

or by imprisonment for not more than ten (10) days; for a second conviction within one (1) year after the first conviction, by imprisonment for not more than twenty (20) days; and upon a third or subsequent conviction within one (1) year after the first conviction, by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Added by Laws 1961, p. 383, § 11-801, eff. Sept. 1, 1961. Amended by Laws 1969, c. 200, § 1; Laws 1970, c. 336, § 1, emerg. eff. April 23, 1970; Laws 1973, c. 112, § 2; Laws 1996, c. 324, § 1; Laws 1999, c. 145, § 1, eff. Nov. 1, 1999; Laws 1999, c. 328, § 1, eff. Nov. 1, 1999; Laws 2000, c. 285, § 1, eff. July 1, 2000; Laws 2001, c. 133, § 1, emerg. eff. April 24, 2001; Laws 2001, c. 435, § 7, eff. July 1, 2001; Laws 2003, c. 279, § 4, emerg. eff. May 26, 2003; Laws 2008, c. 319, § 4, eff. Nov. 1, 2008; Laws 2015, c. 294, § 1, eff. July 1, 2015; Laws 2016, c. 163, § 1, eff. Nov. 1, 2016; Laws 2016, c. 276, § 1, eff. Nov. 1, 2016; Laws 2018, c. 237, § 1; Laws 2019, c. 55, § 1, eff. Nov. 1, 2019.

NOTE: Laws 1999, c. 299, § 1 repealed by Laws 2000, c. 285, § 5, eff. July 1, 2000.

§47-11-801a. Repealed by Laws 1996, c. 324, § 6.

§47-11-801b. Renumbered as § 944 of Title 36 by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-11-801c. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-11-801d. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-11-801e. Speeding violations - Distribution of fines, fees and costs.

A. Notwithstanding any other provision of law, any person convicted of a speeding violation of one (1) to ten (10) miles per hour over the limit, pursuant to subsection B or F of Section 11-801 of Title 47 of the Oklahoma Statutes, shall be punished by a fine of Five Dollars (\$5.00) and costs and fees not to exceed Ninety-five Dollars (\$95.00). The court clerk shall collect fine, costs and fees to be directed as follows:

1. The sum of Thirty-three Dollars and seventy-two cents (\$33.72) for each offense of which the defendant is convicted, irrespective of whether the sentence is deferred, shall cover docketing of the case, filing of all papers, issuance of process, warrants, order and other services to the date of judgment;

2. The sum of Eight Dollars and eighty cents (\$8.80) shall be assessed and credited to the District Attorneys Council Revolving Fund to defray the cost of prosecution;

3. The sum of Eleven Dollars (\$11.00) shall be assessed and credited to the Oklahoma Court Information System Revolving Fund created pursuant to Section 1315 of Title 20 of the Oklahoma Statutes;

4. The sum of Four Dollars and fifty cents (\$4.50) shall be assessed and credited to the Sheriff's Service Fee Account in the county in which the conviction occurred for the purpose of enhancing existing or providing additional courthouse security;

5. The sum of One Dollar and thirty cents (\$1.30) shall be assessed and credited to the Office of the Attorney General Victim Services Unit;

6. The sum of One Dollar and thirty cents (\$1.30) shall be assessed and credited to the Child Abuse Multidisciplinary Account;

7. The sum of Two Dollars and twenty-five cents (\$2.25) shall be assessed and credited to the Sheriff's Service Fee Account of the sheriff of the county in which the arrest was made;

8. The sum of Four Dollars and fifty cents (\$4.50) shall be assessed and credited to the Council on Law Enforcement Education and Training (CLEET) Fund;

9. The sum of Four Dollars and fifty cents (\$4.50) shall be assessed. Four Dollars and ten cents (\$4.10) of each fee received pursuant to this paragraph shall be credited to the A.F.I.S. Fund created by Section 150.25 of Title 74 of the Oklahoma Statutes and the balance deposited into the General Revenue Fund by the court clerk. The payments shall be made to the appropriate fund by the court clerk on a monthly basis as set forth by subsection I of Section 1313.2 of Title 20 of the Oklahoma Statutes;

10. The sum of Four Dollars and fifty cents (\$4.50) shall be assessed. Four Dollars and twenty-eight cents (\$4.28) of each fee received pursuant to this paragraph shall be collected and sent to the Oklahoma State Bureau of Investigation for deposit into the Forensic Science Improvement Revolving Fund created by Section 150.35 of Title 74 of the Oklahoma Statutes. The balance shall be retained by the municipal court clerk;

11. The sum of Nine Dollars (\$9.00) shall be assessed and forwarded monthly in one check or draft to the Department of Public Safety to be deposited in the Department of Public Safety Patrol Vehicle Revolving Fund;

12. Pursuant to subsection C of Section 220 of Title 19 of the Oklahoma Statutes, the court clerk shall assess an administrative fee of ten percent (10%) on fees assessed in paragraphs 2, 4, 5, 6, 8, 9, 10 and 11 of this subsection which shall be deposited in the Court Clerk's Revolving Fund;

13. Pursuant to subsection D of Section 220 of Title 19 of the Oklahoma Statutes, the court clerk shall assess an administrative fee of fifteen percent (15%) on fees assessed in paragraphs 2, 4, 5, 6, 8, 9, 10 and 11 of this subsection and shall be deposited in the District Court Revolving Fund.

B. Provisions of this section shall remain in effect until November 1, 2020.

Added by Laws 2018, c. 237, § 2.

§47-11-802. Establishment of state speed zones.

Whenever the State Highway Commission shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, said Commission may determine and declare a reasonable and safe maximum limit thereat which, when appropriate signs giving notice thereof are erected, shall be effective at all times, or during hours of daylight or darkness or at such other times as may be determined at such intersection or other place or part of the highway.

Laws 1961, p. 384, § 11-802.

§47-11-803. When local authorities may and shall alter maximum limits.

A. Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this article is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

1. Decreases the limit at intersections; or
2. Increases the limit within an urban district, but not to more than sixty-five (65) miles per hour; or
3. Decreases the limit outside an urban district, but not to less than thirty (30) miles per hour.

B. Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under Section 1-101 et seq. of this title for an urban district.

C. Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

D. As to streets and highways within the corporate limits which have been constructed or reconstructed with state or federal funds, local authorities shall have joint authority with the Transportation Commission to establish or alter speed limits; provided, however, the speed limit on an interstate highway within such corporate limits shall not be decreased to less than sixty (60) miles per hour; and provided further, that no local authority shall impose speed limits on any such street or highway substantially lower than those justified by the highway design, capacity, and traffic volume as determined by engineering studies.

E. Not more than six such alterations as hereinabove authorized shall be made per mile along a street or highway except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than ten (10) miles per hour. Added by Laws 1961, p. 385, § 11-803, eff. Sept. 1, 1961. Amended by Laws 1991, c. 98, § 5, eff. July 1, 1991; Laws 1996, c. 324, § 2.

§47-11-804. Minimum speed regulation.

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the State Highway Commission or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the Commission or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

Laws 1961, p. 385, § 11-804.

§47-11-805. Speed limitation on motorcycles, motor-driven cycles, and motorized scooters.

A. No person shall operate any motorcycle at a speed greater than the legally posted speed limit; provided, in no event nor at any time shall an operator under the age of sixteen (16) years drive a motorcycle on a highway which has a minimum speed limit established and posted.

B. No person shall operate any motor-driven cycle at a speed greater than the legally posted speed limit; provided, in no event nor at any time shall any operator drive a motor-driven cycle at a speed greater than thirty-five (35) miles per hour.

C. No person shall operate a motorized scooter at a speed greater than the legally posted speed limit; provided, in no event nor at any time shall any operator drive a motorized scooter:

1. At a speed greater than twenty-five (25) miles per hour; and

2. On any roadway with a posted speed limit of greater than twenty-five (25) miles per hour.

Any municipality or board of county commissioners is hereby authorized to adopt ordinances and regulations for the operation of motorized scooters as provided in Section 19 of this act.

Added by Laws 1961, p. 385, § 11-805. Amended by Laws 2003, c. 411, § 13, eff. Nov. 1, 2003; Laws 2004, c. 521, § 8, eff. Nov. 1, 2004.

§47-11-805.1. Low-speed electrical vehicles - Restrictions on operation.

A. No person shall operate any low-speed electrical vehicle on any street or highway with a posted speed limit greater than thirty-five (35) miles per hour.

B. The provisions of subsection A of this section shall not prohibit a low-speed vehicle from crossing a street or highway with a posted speed limit greater than thirty-five (35) miles per hour.

C. This section shall not prevent a city from adopting any ordinance that would further restrict low-speed electrical vehicles from operating on certain city-owned streets in order to ensure the public health and safety.

D. This section shall be a part of and supplemental to the rules of the road as provided in Section 11-101 et seq. of Title 47 of the Oklahoma Statutes.

Added by Laws 2001, c. 243, § 2, eff. Nov. 1, 2001.

§47-11-805.2. Repealed by Laws 2019, c. 43, § 6, eff. Nov. 1, 2019.

§47-11-805.3. Electric personal assistive mobility devices - Registration - Operation requirements - Warning notice.

A. Notwithstanding any other provisions of law, an electric personal assistive mobility device, as defined in Section 1 of this act, shall not be:

1. Registered pursuant to the Oklahoma Vehicle License and Registration Act; or

2. Operated on the highways or turnpikes of this state except as provided in subsection B of this section.

B. An electric personal assistive mobility device may be operated upon the sidewalks, walking trails, bikeways, and municipal streets of this state. A municipality may prohibit the operation of an electric personal assistive mobility device on public streets where the speed limit is greater than twenty-five (25) miles per hour but, except for enforcement of the provisions of subsection C of this section, may not otherwise restrict the operation of an electric personal assistive mobility device.

C. 1. A person operating an electric personal assistive mobility device shall:

- a. not be required to have an Oklahoma driver license to operate the device,
- b. obey all speed limits,
- c. yield the right of way to pedestrians and human powered devices at all times,
- d. give an audible signal before overtaking and passing any pedestrian, and
- e. wear or equip the electric personal assistive mobility device with reflectors and a headlight when operating at night.

2. Failure to comply with any requirement set forth in subparagraphs b through e of paragraph 1 of this subsection shall result in a warning for the first offense, a fine of Ten Dollars (\$10.00) for the second offense, and impoundment of the electric personal assistive mobility device for up to thirty (30) days for subsequent offenses. Each act of noncompliance shall be considered a separate offense.

D. 1. It shall be unlawful to manufacture, assemble, sell, offer to sell, or distribute an electric personal assistive mobility device in this state unless the device is accompanied by a warning notice. The warning notice shall be substantially similar to the following: "REDUCE THE RISK OF SERIOUS INJURY AND ONLY USE WHILE WEARING FULL PROTECTIVE GEAR, WHICH SHALL INCLUDE HELMET, WRIST GUARDS, ELBOW PADS, AND KNEE PADS".

2. A person, firm, corporation, or other legal entity that regularly engages in the business of manufacturing, assembling, selling, or distributing electric personal assistive mobility devices and complies with the requirements of this subsection shall not be liable in a civil action for damages for any physical injury sustained by an operator of an electric personal assistive mobility device as a result of the operator's failure to wear protective gear in accordance with the notice required by paragraph 1 of this subsection.

Added by Laws 2002, c. 58, § 4, emerg. eff. April 11, 2002.

Renumbered from Title 47, § 19-211 by Laws 2003, c. 279, § 16, emerg. eff. May 26, 2003.

§47-11-805.4. Electric gopeds.

Electric gopeds shall be operated as provided in subsections A and B of Section 11-805.3 of this title.

Added by Laws 2003, c. 411, § 3, eff. Nov. 1, 2003. Amended by Laws 2004, c. 418, § 14, eff. July 1, 2004.

§47-11-806. Special speed limitations.

A. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety

to the bridge or structure, when the structure is signposted as provided in this section.

B. The Oklahoma Department of Transportation and local authorities may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if they shall thereupon find that the structure cannot, with safety to itself, withstand vehicles driving at speeds otherwise permissible under Section 1-101 et seq. of this title, they shall determine and declare the maximum speed of vehicles which the structure can safely withstand, and may cause and permit suitable signs stating the maximum speed to be erected and maintained at a distance of one hundred feet before each end of the structure.

C. Where any state or federal highway or turnpike shall be under construction, maintenance, or repair or when a detour shall have been designated by reason of construction, maintenance, or repairs in progress and a maximum safe, careful, and prudent speed shall have been determined by the Oklahoma Department of Transportation on the highway or highway detour or by the Oklahoma Transportation Authority on the turnpike or turnpike detour during the period of the construction, maintenance, or repairs and shall have plainly posted by changeable message or other appropriate sign at each terminus thereof and at not less than each half mile along the route thereof the determined maximum speed, no person shall drive any vehicle upon the portion of the highway or the highway detour or upon the portion of the turnpike or the turnpike detour at a speed in excess of the speed so determined and posted. Violation of the posted speed limit in the repair, maintenance, or construction zone shall result in the doubling of the appropriate fine. For purposes of this section, "repair, maintenance, or construction zone" means any location where repair, maintenance, or construction work is actually in progress and workers present.

D. The Oklahoma Department of Transportation and the Oklahoma Turnpike Authority may post, by changeable message sign or other appropriate sign, a temporary reduced speed limit for special hazards with respect to pedestrians, other traffic, an accident, by reason of weather or when other hazardous highway conditions exist.

E. Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed by the Department of Transportation or by the Oklahoma Transportation Authority and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety as provided in subsections B , C and D of this section.

Added by Laws 1961, p. 385, § 11-806, eff. Sept. 1, 1961. Amended by Laws 1996, c. 127, § 1; Laws 2001, c. 202, § 1, eff. Nov. 1, 2001; Laws 2015, c. 294, § 2, eff. July 1, 2015.

§47-11-806.1. Reduced speed limit at certain times in school zone.

Where any portion of a road, street, or highway is a properly marked school zone, as indicated with appropriate warning signs placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices, and a reduced speed limit as properly posted, shall be in effect during certain times due to the presence or potential presence of school children, no person shall drive any vehicle upon that portion of the highway which is the school zone in excess of the reduced speed limit so posted when the reduced speed limit is in effect. Violation of the posted reduced speed limit in the school zone shall result in the doubling of the appropriate fine. Added by Laws 2003, c. 199, § 8, eff. Nov. 1, 2003.

§47-11-806.2. Reduced speed limit in toll booth zone.

Where any portion of a turnpike is a properly marked toll booth zone, as indicated with appropriate signs placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices, and a reduced speed limit, as properly posted shall be in effect within the zone, no person shall drive any vehicle upon that portion of the turnpike which is the toll booth zone in excess of the reduced speed limit so posted. Violation of the posted reduced speed limit in the toll booth zone shall result in the doubling of the appropriate fine.

Added by Laws 2005, c. 114, § 1, eff. Nov. 1, 2005.

§47-11-807. Charging violations and rule in civil actions.

A. In every charge of violation of any speed regulation in this article, the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the maximum speed applicable within the district or at the location.

B. The provision of this article declaring maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

C. Unless another penalty is provided in this title, every person convicted of violating any provision of Sections 11-801 through 11-806 of this title, shall be punished as provided in Section 17-101 of this title.

Added by Laws 1961, p. 386, § 11-807, eff. Sept. 1, 1961. Amended by Laws 2001, c. 435, § 8, eff. July 1, 2001.

§47-11-808. Jammers and speed measuring devices - Use, possession, manufacture, sale or distribution prohibited - Exemption.

A. As used in this section:

1. "Jammer" means any instrument, device, or equipment designed or intended for use with a vehicle or otherwise to jam or interfere

with in any manner a speed measuring device operated by a law enforcement officer in the vicinity; and

2. "Speed measuring device" shall include, but is not limited to, devices commonly known as radar speed meters or laser speed meters.

B. It shall be unlawful for any person to use or possess a jammer.

C. It shall be unlawful to manufacture, advertise or offer for sale, sell or otherwise distribute any jammer in this state.

D. This section shall not apply to any person who lawfully possesses a license issued by the Federal Communications Commission for the use of a jammer.

Added by Laws 1981, c. 270, § 1. Amended by Laws 2003, c. 411, § 14, eff. Nov. 1, 2003.

§47-11-808.1. Unlawful acts - Radar detectors.

It shall be unlawful for any person to:

1. Possess, operate or use a radar detector while operating or as a passenger in a commercial motor vehicle;

2. Operate a commercial motor vehicle in which a radar detector is installed or present; or

3. Install or have installed a radar detector in a commercial motor vehicle.

Added by Laws 2012, c. 207, § 5, emerg. eff. May 8, 2012.

§47-11-809. Exemptions.

The provisions of this act shall not apply to:

1. Any receiver of radio waves of any frequency lawfully licensed by any state or federal agency;

2. Any such device owned or operated by the federal or state government or any political subdivision used by employees thereof in their official duties, or the sale of any such device to law enforcement agencies for use in their official duties; or

3. Any citizens band radio.

Laws 1981, c. 270, § 2.

§47-11-810. Points - Convictions for speeding.

A. Except when the person is the holder of a commercial driver license and commits the offense while operating any vehicle or when the person who commits the offense is operating a commercial motor vehicle, the Department of Public Safety shall not report or assess points to the driving record of any person, as maintained by the Department, for a conviction of exceeding the speed limit by at least one (1) mile per hour but not more than ten (10) miles per hour.

B. 1Except when the person is the holder of a commercial driver license committing the offense while operating any vehicle or when the person committing the offense is operating a commercial motor

vehicle, the Department of Public Safety shall not record or assess points for convictions for traffic offenses on the driving record of any person as maintained by the Department, where such conviction is for exceeding the speed limit prescribed in this title, but not exceeding the speed limit previously in force where the violation occurred.

C. Except when the person is the holder of a commercial driver license committing the offense while operating any vehicle or when the person committing the offense is operating a commercial motor vehicle, the Department of Public Safety shall not record or assess points against a person for out-of-state convictions of exceeding the speed limits of that state, provided the person did not exceed the speed limit previously in force as of January 1, 1974, in the state where the conviction occurred.

Added by Laws 1992, c. 303, § 30, eff. July 1, 1992. Amended by Laws 2000, c. 124, § 2, eff. Nov. 1, 2000; Laws 2005, c. 394, § 12, eff. Sept. 1, 2005.

NOTE: Laws 2005, c. 190, § 9 repealed by Laws 2006, c. 16, § 28, emerg. eff. March 29, 2006.

§47-11-901. Reckless driving.

A. It shall be deemed reckless driving for any person to drive a motor vehicle in a careless or wanton manner without regard for the safety of persons or property or in violation of the conditions outlined in Section 11-801 of this title.

B. Every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a period of not less than five (5) days nor more than ninety (90) days, or by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment; on a second or subsequent conviction, punishment shall be imprisonment for not less than ten (10) days nor more than six (6) months, or by a fine of not less than One Hundred Fifty Dollars (\$150.00) nor more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. Added by Laws 1961, p. 386, § 11-901, eff. Sept. 1, 1961. Amended by Laws 2000, c. 285, § 2, eff. July 1, 2000; Laws 2001, c. 133, § 2, emerg. eff. April 24, 2001; Laws 2001, c. 435, § 9, eff. July 1, 2001.

§47-11-901a. Renumbered as § 15-102.1 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-11-901b. Full time and attention to driving.

The operator of every vehicle, while driving, shall devote their full time and attention to such driving.

No law enforcement officer shall issue a citation under this section unless the law enforcement officer observes that the operator

of the vehicle is involved in an accident or observes the operator of the vehicle driving in such a manner that poses an articulable danger to other persons on the roadway that is not otherwise specified in statute.

Added by Laws 2003, c. 108, § 3, eff. Nov. 1, 2003. Amended by Laws 2010, c. 76, § 2, eff. Nov. 1, 2010.

§47-11-901c. Unlawful use of cellular telephone.

A. It shall be unlawful for any person to operate a commercial motor vehicle or for a public transit driver to operate a motor vehicle on any street or highway within this state while:

1. Using a cellular telephone or electronic communication device to write, send, or read a text-based communication; or
2. Using a hand-held mobile telephone while operating a commercial motor vehicle.

For the purposes of paragraphs 1 and 2 of this subsection, using a hand-held mobile telephone is permissible by drivers of a commercial motor vehicle when necessary to communicate with law enforcement officials, other emergency services or by a public school bus driver to and from a central dispatch school transportation department or its equivalent.

B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of Five Hundred Dollars (\$500.00).

C. As used in this section:

1. "Cellular telephone" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;
2. "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a voice-activated global positioning or navigation system that is affixed to a motor vehicle;
3. "Operate" means operating on a street or highway, including while temporarily stationary because of traffic, a traffic control device or other momentary delays. Operating does not include when the driver of a commercial motor vehicle has moved the vehicle to the side of or off a street or highway and has halted in a location where the vehicle can safely remain stationary;
4. "Public transit driver" means:
 - a. any operator of a public transit vehicle owned and operated by the State of Oklahoma, any public trust authority, county, municipality, town or city within this state,
 - b. any operator of a school bus or multi-passenger motor vehicle owned and approved to operate by the State

Department of Education or any school district within this state, or

- c. any operator, conductor or driver of a locomotive engine, railway car or train of cars; and

5. "Write, send, or read a text-based communication", also known as texting, means manually entering alphanumeric text into, sending text, or reading text from, an electronic device, and includes, but is not limited to, short message service (SMS), emailing, instant messaging (IM), a command or request to access a World Wide Web page, or engaging in any other form of electronic text retrieval or entry, for present or future communication. As used in this paragraph, texting does not include:

- a. using voice commands to select or enter a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a phone call,
- b. inputting, selecting, or reading information on a global positioning system or navigation system, or
- c. using a device capable of performing multiple functions for a purpose that is not otherwise prohibited in this part, including, but not limited to, fleet management systems, dispatching devices, smart phones, citizens band radios, and music players.

D. This act shall not apply to railroads and railroad operating employees regulated by the Federal Railroad Administration.

Added by Laws 2010, c. 218, § 1, eff. Nov. 1, 2010. Amended by Laws 2012, c. 207, § 6, emerg. eff. May 8, 2012; Laws 2015, c. 214, § 2, eff. Nov. 1, 2015; Laws 2019, c. 403, § 1, eff. Nov. 1, 2019.

§47-11-901d. Text messaging - Penalties.

A. It shall be unlawful for any person to operate a motor vehicle on any street or highway within this state while using a hand-held electronic communication device to manually compose, send or read an electronic text message while the motor vehicle is in motion.

B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be punished by a fine of not more than One Hundred Dollars (\$100.00).

C. The Department of Public Safety shall not record or assess points for violations of this section on any license holder's traffic record maintained by the Department.

D. The provisions of subsection A of this section shall not apply if the person is using the cellular telephone or electronic communication device for the sole purpose of communicating with any of the following regarding an imminent emergency situation:

- 1. An emergency response operator;
- 2. A hospital, physician's office or health clinic;

3. A provider of ambulance services;
4. A provider of firefighting services; or
5. A law enforcement agency.

E. Municipalities may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under the provisions of this section. The provisions of such ordinances shall be the same as provided for in this section; the enforcement provisions of those ordinances shall not be more stringent than those of this section; and the fine and court costs for municipal ordinance violations shall be the same or a lesser amount as provided for in this section.

F. For the purpose of this section:

1. "Cellular telephone" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;
2. "Compose", "send" or "read" with respect to a text message means the manual entry, sending or retrieval of a text message to communicate with any person or device;
3. "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include:
 - a. a device that is physically or electronically integrated into a motor vehicle,
 - b. a voice-operated global positioning or navigation system that is affixed to a motor vehicle,
 - c. a hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function, or
 - d. an ignition interlock device that has been installed on a motor vehicle; and

4. "Text message" includes a text-based message, instant message, electronic message, photo, video or electronic mail.

Added by Laws 2015, c. 248, § 2, eff. Nov. 1, 2015. Amended by Laws 2016, c. 186, § 1, eff. Nov. 1, 2016.

§47-11-902. Persons under the influence of alcohol or other intoxicating substance or combination thereof – Penalty – Enhancement.

A. It is unlawful and punishable as provided in this section for any person to drive, operate, or be in actual physical control of a motor vehicle within this state, whether upon public roads, highways, streets, turnpikes, other public places or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings, who:

1. Has a blood or breath alcohol concentration, as defined in Section 756 of this title, of eight-hundredths (0.08) or more at the time of a test of such person's blood or breath administered within two (2) hours after the arrest of such person;

2. Is under the influence of alcohol;

3. Has any amount of a Schedule I chemical or controlled substance, as defined in Section 2-204 of Title 63 of the Oklahoma Statutes, or one of its metabolites or analogs in the person's blood, saliva, urine or any other bodily fluid at the time of a test of such person's blood, saliva, urine or any other bodily fluid administered within two (2) hours after the arrest of such person;

4. Is under the influence of any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle; or

5. Is under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle.

B. The fact that any person charged with a violation of this section is or has been lawfully entitled to use alcohol or a controlled dangerous substance or any other intoxicating substance shall not constitute a defense against any charge of violating this section.

C. 1. Any person who is convicted of a violation of the provisions of this section shall be guilty of a misdemeanor for the first offense and shall:

- a. participate in an assessment and evaluation pursuant to subsection G of this section and shall follow all recommendations made in the assessment and evaluation,
- b. be punished by imprisonment in jail for not less than ten (10) days nor more than one (1) year, and
- c. be fined not more than One Thousand Dollars (\$1,000.00).

2. Any person who, having been convicted of or having received deferred judgment for a violation of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided in this section, Section 11-904 of this title or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes, or having a prior conviction in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in this section commits a subsequent violation of this section within ten (10) years of the date following the completion of the execution of said sentence or deferred judgment shall, upon conviction, be guilty of a felony and shall participate in an assessment and evaluation pursuant to subsection G of this section and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, or

- b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed five (5) years and a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or
- c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the treatment in subsection G of this section does not include residential or inpatient treatment for a period of not less than five (5) days, the person shall serve a term of imprisonment of at least five (5) days.

3. Any person who commits a violation of this section after having been convicted of a felony offense pursuant to the provisions of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in this section, Section 11-904 of this title or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes shall be guilty of a felony and participate in an assessment and evaluation pursuant to subsection G of this section and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, two hundred forty (240) hours of community service and use of an ignition interlock device, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, or
- b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed ten (10) years and a fine of not more than Five Thousand Dollars (\$5,000.00), or
- c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the treatment in subsection G of this section does not include residential or inpatient treatment for a period of not less than ten (10) days, the person shall serve a term of imprisonment of at least ten (10) days.

4. Any person who commits a violation of this section after having been twice convicted of a felony offense pursuant to the provisions of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in this section, Section 11-904 of this title or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes shall be guilty of a felony and participate in an assessment and evaluation pursuant to subsection G of this section and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, followed by not less than one (1) year of supervision and periodic testing at the defendant's expense, four hundred eighty (480) hours of community service, and use of an ignition interlock device, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, for a minimum of thirty (30) days, or
- b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed twenty (20) years and a fine of not more than Five Thousand Dollars (\$5,000.00), or
- c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the person does not undergo residential or inpatient treatment pursuant to subsection G of this section the person shall serve a term of imprisonment of at least ten (10) days.

5. Any person who, after a previous conviction of a violation of murder in the second degree or manslaughter in the first degree in which the death was caused as a result of driving under the influence of alcohol or other intoxicating substance, is convicted of a violation of this section shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not less than five (5) years and not to exceed twenty (20) years, and a fine of not more than Ten Thousand Dollars (\$10,000.00).

6. Provided, however, a conviction from another state shall not be used to enhance punishment pursuant to the provisions of this subsection if that conviction is based on a blood or breath alcohol concentration of less than eight-hundredths (0.08).

7. In any case in which a defendant is charged with driving under the influence of alcohol or other intoxicating substance offense within any municipality with a municipal court other than a court of record, the charge shall be presented to the county's district attorney and filed with the district court of the county within which the municipality is located.

D. Any person who is convicted of a violation of driving under the influence with a blood or breath alcohol concentration of fifteen-hundredths (0.15) or more pursuant to this section shall be deemed guilty of aggravated driving under the influence. A person convicted of aggravated driving under the influence shall participate in an assessment and evaluation pursuant to subsection G of this section and shall comply with all recommendations for treatment. Such person shall be sentenced as provided in paragraph 1, 2, 3, 4 or 5 of subsection C of this section and to:

1. Not less than one (1) year of supervision and periodic testing at the defendant's expense; and

2. An ignition interlock device or devices, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, for a minimum of ninety (90) days.

E. When a person is sentenced to imprisonment in the custody of the Department of Corrections, the person shall be processed through the Lexington Assessment and Reception Center or at a place determined by the Director of the Department of Corrections. The Department of Corrections shall classify and assign the person to one or more of the following:

1. The Department of Mental Health and Substance Abuse Services pursuant to paragraph 1 of subsection A of Section 612 of Title 57 of the Oklahoma Statutes; or

2. A correctional facility operated by the Department of Corrections with assignment to substance abuse treatment. Successful completion of a Department-of-Corrections-approved substance abuse treatment program shall satisfy the recommendation for a ten-hour or twenty-four-hour alcohol and drug substance abuse course or treatment program or both. Successful completion of an approved Department of Corrections substance abuse treatment program may precede or follow the required assessment.

F. The Department of Public Safety is hereby authorized to reinstate any suspended or revoked driving privilege when the person meets the statutory requirements which affect the existing driving privilege.

G. Any person who is found guilty of a violation of the provisions of this section shall be ordered to participate in an alcohol and drug substance abuse evaluation and assessment program offered by a certified assessment agency or certified assessor for the purpose of evaluating and assessing the receptivity to treatment and prognosis of the person and shall follow all recommendations made in the assessment and evaluation for treatment. The court shall order the person to reimburse the agency or assessor for the evaluation and assessment. Payment shall be remitted by the defendant or on behalf of the defendant by any third party; provided, no state-appropriated funds are utilized. The fee for an evaluation and assessment shall be the amount provided in subsection C of Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation and assessment shall be conducted at a certified assessment agency, the office of a certified assessor or at another location as ordered by the court. The agency or assessor shall, within seventy-two (72) hours from the time the person is evaluated and assessed, submit a written report to the court for the purpose of assisting the court in its sentencing determination. The court shall, as a condition of any sentence imposed, including deferred and suspended sentences, require the person to participate in and successfully complete all

recommendations from the evaluation, such as an alcohol and substance abuse treatment program pursuant to Section 3-452 of Title 43A of the Oklahoma Statutes. If such report indicates that the evaluation and assessment shows that the defendant would benefit from a ten-hour or twenty-four-hour alcohol and drug substance abuse course or a treatment program or both, the court shall, as a condition of any sentence imposed, including deferred and suspended sentences, require the person to follow all recommendations identified by the evaluation and assessment and ordered by the court. No person, agency or facility operating an evaluation and assessment program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated and assessed pursuant to this section for any treatment program or substance abuse service in which such person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or substance abuse service offered by such person, agency or facility. If a person is sentenced to imprisonment in the custody of the Department of Corrections and the court has received a written evaluation report pursuant to the provisions of this subsection, the report shall be furnished to the Department of Corrections with the judgment and sentence. Any evaluation and assessment report submitted to the court pursuant to the provisions of this subsection shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation and assessment required by this subsection. If the defendant fails or refuses to comply with an order of the court to obtain the evaluation and assessment, the Department of Public Safety shall not reinstate driving privileges until the defendant has complied in full with such order. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence and any other sanction authorized by law for failure or refusal to comply with an order of the court.

H. Any person who is found guilty of a violation of the provisions of this section may be required by the court to attend a victims impact panel program, as defined in subsection H of Section 991a of Title 22 of the Oklahoma Statutes, if such a program is offered in the county where the judgment is rendered, and to pay a fee of not less than Fifteen Dollars (\$15.00) nor more than Sixty Dollars (\$60.00) as set by the governing authority of the program and approved by the court to the program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee.

I. Any person who is found guilty of a felony violation of the provisions of this section shall be required to submit to electronic monitoring as authorized and defined by Section 991a of Title 22 of the Oklahoma Statutes.

J. Any person who is found guilty of a violation of the provisions of this section who has been sentenced by the court to perform any type of community service shall not be permitted to pay a fine in lieu of performing the community service.

K. When a person is found guilty of a violation of the provisions of this section, the court shall order, in addition to any other penalty, the defendant to pay a one-hundred-dollar assessment to be deposited in the Drug Abuse Education and Treatment Revolving Fund created in Section 2-503.2 of Title 63 of the Oklahoma Statutes, upon collection.

L. 1. When a person is eighteen (18) years of age or older, and is the driver, operator, or person in physical control of a vehicle, and is convicted of violating any provision of this section while transporting or having in the motor vehicle any child less than eighteen (18) years of age, the fine shall be enhanced to double the amount of the fine imposed for the underlying driving under the influence (DUI) violation which shall be in addition to any other penalties allowed by this section.

2. Nothing in this subsection shall prohibit the prosecution of a person pursuant to Section 852.1 of Title 21 of the Oklahoma Statutes who is in violation of any provision of this section or Section 11-904 of this title.

M. Any plea of guilty, nolo contendere or finding of guilt for a violation of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in this section, Section 11-904 of this title, or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes, shall constitute a conviction of the offense for the purpose of this section; provided, any deferred judgment shall only be considered to constitute a conviction for a period of ten (10) years following the completion of any court-imposed probationary term.

N. If qualified by knowledge, skill, experience, training or education, a witness shall be allowed to testify in the form of an opinion or otherwise solely on the issue of impairment, but not on the issue of specific alcohol concentration level, relating to the following:

1. The results of any standardized field sobriety test including, but not limited to, the horizontal gaze nystagmus (HGN) test administered by a person who has completed training in standardized field sobriety testing; or

2. Whether a person was under the influence of one or more impairing substances and the category of such impairing substance or

substances. A witness who has received training and holds a current certification as a drug recognition expert shall be qualified to give the testimony in any case in which such testimony may be relevant. Added by Laws 1961, p. 386, § 11-902, eff. Sept. 1, 1961. Amended by Laws 1967, c. 58, § 1, emerg. eff. April 17, 1967; Laws 1971, c. 153, § 1; Laws 1978, c. 108, § 1; Laws 1982, c. 294, § 9, operative July 1, 1982; Laws 1983, c. 119, § 1, emerg. eff. May 17, 1983; Laws 1984, c. 254, § 5, eff. Nov. 1, 1984; Laws 1985, c. 338, § 6, eff. Nov. 1, 1985; Laws 1986, c. 279, § 21, operative July 1, 1986; Laws 1988, c. 242, § 9, eff. Nov. 1, 1988; Laws 1990, c. 51, § 109, emerg. eff. April 9, 1990; Laws 1992, c. 382, § 7, emerg. eff. June 9, 1992; Laws 1993, c. 276, § 13, emerg. eff. May 27, 1993; Laws 1994, c. 387, § 5, eff. July 1, 1995; Laws 1995, c. 1, § 17, emerg. eff. March 2, 1995; Laws 1995, c. 313, § 3, eff. July 1, 1995; Laws 1997, c. 133, § 481, eff. July 1, 1999; Laws 1997, c. 420, § 5, eff. July 1, 1999; Laws 1998, c. 89, § 3, eff. July 1, 1998; Laws 1999, c. 106, § 5, emerg. eff. April 19, 1999; Laws 1999, c. 170, § 1, eff. Nov. 1, 1999; Laws 1999, c. 395, § 1, eff. Nov. 1, 1999; Laws 2000, c. 6, § 11, emerg. eff. March 20, 2000; Laws 2000, c. 285, § 3, eff. July 1, 2000; Laws 2000, 1st Ex. Sess., c. 8, § 20, eff. July 1, 2000; Laws 2001, c. 437, § 23, eff. July 1, 2001; Laws 2002, c. 460, § 33, eff. Nov. 1, 2002; Laws 2003, c. 3, § 38, emerg. eff. March 19, 2003; Laws 2003, c. 178, § 3, eff. July 1, 2003; Laws 2003, c. 437, § 1, eff. July 1, 2003; Laws 2004, c. 548, § 1, emerg. eff. June 9, 2004; Laws 2005, c. 1, § 54, emerg. eff. March 15, 2005; Laws 2005, c. 189, § 1, eff. Nov. 1, 2005; Laws 2006, c. 16, § 29, emerg. eff. March 29, 2006; Laws 2009, c. 143, § 2, eff. July 1, 2009; Laws 2009, c. 310, § 3, eff. Nov. 1, 2009; Laws 2011, c. 350, § 3, eff. Nov. 1, 2011; Laws 2012, c. 11, § 13, emerg. eff. April 4, 2012; Laws 2013, c. 157, § 2, eff. Nov. 1, 2013; Laws 2013, c. 393, § 3, eff. Oct. 1, 2013; Laws 2016, c. 196, § 1, eff. Nov. 1, 2016; Laws 2017, c. 42, § 18; Laws 2018, c. 35, § 1, eff. Nov. 1, 2018 and Laws 2018, c. 61, § 1, emerg. eff. April 23, 2018.

NOTE: Laws 1994, c. 308, § 3 and Laws 1994, c. 314, § 2 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 1997, c. 420, § 4, as amended by Laws 1999, c. 106, § 4 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999. Laws 1999, c. 308, § 1 and Laws 1999, c. 391, § 2 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2000, c. 368, § 1 repealed by Laws 2000, 1st Ex. Sess., c. 8, § 34, eff. July 1, 2000. Laws 2001, c. 435, § 10 repealed by Laws 2002, c. 442, § 2, emerg. eff. June 5, 2002. Laws 2002, c. 442, § 1 repealed by Laws 2003, c. 3, § 39, emerg. eff. March 19, 2003. Laws 2004, c. 418, § 15 repealed by Laws 2005, c. 1, § 55, emerg. eff. March 15, 2005. Laws 2005, c. 167, § 2 repealed by Laws 2006, c. 16, § 30, emerg. eff. March 29, 2006. Laws 2011, c. 373, § 6 repealed by Laws 2012, c. 11, § 14, emerg. eff. April 4, 2012; Laws 2013, c. 175, § 3 repealed by Laws 2013, c. 393, § 5, eff.

Oct. 1, 2013. Laws 2016, c. 172, § 6 repealed by Laws 2017, c. 42, § 19.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 481 from July 1, 1998 to July 1, 1999. Laws 1998, 1st Ex. Sess., c. 2, § 26 amended the effective date of Laws 1997, c. 420, § 5 from July 1, 1998 to July 1, 1999.

NOTE: Laws 2018, c. 35, § 1 and Laws 2018, c. 61, § 1 made identical amendments to this section.

§47-11-902.1. Renumbered as § 3-451 of Title 43A by Laws 1990, c. 265, § 77, operative July 1, 1990.

§47-11-902.2. Renumbered as § 3-452 of Title 43A by Laws 1990, c. 265, § 77, operative July 1, 1990.

§47-11-902.3. Renumbered as § 3-453 of Title 43A by Laws 1990, c. 265, § 77, operative July 1, 1990.

§47-11-902a. Allowing use of motor vehicle without ignition interlock device.

A. No person shall knowingly authorize or permit a motor vehicle owned or under the control of that person which is not equipped with an ignition interlock device to be driven upon any street or highway of this state by any person who is required to have an ignition interlock device installed upon the vehicle of that person.

B. No person shall willfully attempt to interfere in any way with the intended and proper functioning of an ignition interlock device installed in a vehicle as required by law, or intentionally fail to return an ignition interlock device when it is no longer required in the vehicle or upon request by the owner of the device.

C. No person granted permission to drive a motor vehicle on the condition of installation of an ignition interlock device shall drive any vehicle that is not equipped with an ignition interlock device unless driving a vehicle of an employer in accordance with subsection A of Section 6-212.3 of this title.

D. A violation of subsection A, B or C of this section shall be a misdemeanor and shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. Added by Laws 1999, c. 170, § 2, eff. Nov. 1, 1999. Amended by Laws 2005, c. 167, § 3, eff. Nov. 1, 2005; Laws 2017, c. 392, § 9, eff. Nov. 1, 2017; Laws 2019, c. 400, § 11, eff. Nov. 1, 2019.

§47-11-902b. Forfeiture of motor vehicle.

A. The district attorney may file a motion requesting forfeiture of the motor vehicle involved in the commission of an eligible

offense as provided in this section. The provisions of this section shall apply to:

1. Any person who has been previously convicted of an offense under Section 11-902, 11-903, or 11-904 of this title and who on or after July 1, 1999, is convicted of an offense under Section 11-902, 11-903, or 11-904 of this title within ten (10) years of any prior conviction under Section 11-902, 11-903, or 11-904 of this title and where at least one of the offenses, current or prior, involved the death of or serious bodily injury to another person; or

2. Any person who has been convicted of a third or subsequent felony offense under Section 11-902 of this title.

B. A motion for forfeiture may be filed at the time of charging but not later than thirty (30) days after the verdict or plea of guilty or nolo contendere. If a motion of intent to forfeit is filed prior to the verdict or plea of guilty or nolo contendere, the proceedings shall be stayed until the disposition of the criminal case. Notice shall be required even though the proceedings are stayed. If the motion is filed prior to the disposition on the criminal case, the district attorney shall notify the Oklahoma Tax Commission and the Tax Commission shall place a lien upon the vehicle title. No person shall sell, damage, destroy, transfer or perfect a security interest on any vehicle subject to forfeiture. Prior to filing a motion for forfeiture, the district attorney shall verify whether the vehicle was sold during any period of impoundment as provided by law. Any vehicle sold in an impound sale to pay towing, wrecker services or storage expenses shall not be subject to forfeiture as provided in this section.

C. Upon filing a motion for forfeiture, except when the proceedings are stayed pursuant to subsection B of this section, the court shall schedule a hearing on the matter. The hearing shall be not less than twenty (20) days nor more than forty-five (45) days from the date the motion is filed. The district attorney within three (3) days of filing a motion of intent to forfeit shall notify the convicted person, lienholders of record, and any person appearing to have an ownership or security interest in the vehicle. The notice shall contain the date, time and place of the hearing. When a motion for forfeiture has been stayed pending disposition of the criminal case and a verdict or plea of guilty or nolo contendere has been entered, the district attorney shall give notice of the forfeiture hearing not less than ten (10) days prior to the hearing. The notice of persons specified in this subsection shall be by certified mail to the address shown upon the records of the Oklahoma Tax Commission. For owners or interested parties, other than lienholders of record, whose addresses are unknown, but who are believed to have an interest in the vehicle, notice shall be by one publication in a newspaper of general circulation in the county where the motion is filed. The written notice shall include:

1. A full description of the motor vehicle;
2. The date, time and place of the forfeiture hearing;
3. The legal authority under which the motor vehicle may be forfeited; and
4. Notice of the right to intervene to protect an interest in the motor vehicle.

D. A forfeiture proceeding shall not extinguish any security interest of a lienholder of record; provided, however, the court may order the sale of the motor vehicle and the satisfaction of that security interest from the proceeds of sale as provided in subsection K of this section.

For purposes of a forfeiture proceeding, an affidavit obtained from the lienholder of record, in the absence of evidence of bad faith, shall be prima facie evidence of the amount of secured indebtedness owed to that lienholder. It shall be the responsibility of the district attorney to obtain such affidavit prior to the forfeiture proceeding.

In the absence of evidence of bad faith, no lienholder of record shall be required to attend the forfeiture proceeding to protect its interest in the motor vehicle. However, each lienholder of record shall be given notice of the forfeiture hearing as provided in subsection C of this section. The district attorney shall notify each lienholder of record at least ten (10) days before the sale of the motor vehicle ordered forfeited pursuant to this section; provided, the lienholder was not represented at the forfeiture proceeding.

E. Any person having an ownership or security interest in a vehicle subject to forfeiture which is not perfected by a lien of record may file a written objection to the motion to forfeit within ten (10) days of the mailing of the notice of intent to forfeit.

F. At the hearing, any person who claims an ownership or security interest in the motor vehicle which is not perfected by a lien of record shall be required to establish by a preponderance of the evidence that:

1. The person has an interest in the motor vehicle and such interest was acquired in good faith;
2. The person is not the person convicted of the offense that resulted in the forfeiture proceeding; and
3. The person did not know or have reasonable cause to believe that the vehicle would be used in the commission of a felony offense.

G. If a person satisfies the requirements of subsection F of this section, or if there is a lienholder of record that has provided an affidavit pursuant to subsection D of this section, the court shall order either an amount equal to the value of the interest of that person in the motor vehicle to be paid to that person upon sale of the motor vehicle after payment of costs and expenses or release the vehicle from the forfeiture proceedings if either the lienholder

described in subsection D of this section or the person intervening in accordance with subsection F of this section has full right, title and interest in the vehicle.

H. At the hearing, the court may order the forfeiture of the motor vehicle if it is determined by a preponderance of the evidence that the forfeiture of the motor vehicle will serve one or more of the following purposes:

1. Incapacitation of the convicted person from the commission of any future offense under Section 11-902, 11-903, or 11-904 of this title;

2. Protection of the safety and welfare of the public;

3. Deterrence of other persons who are potential offenders under Section 11-902, 11-903, or 11-904 of this title;

4. Expression of public condemnation of the serious or aggravated nature of the conduct of the convicted person; or

5. Satisfaction of monetary amounts for criminal penalties.

I. Upon forfeiture of a motor vehicle pursuant to this act, the court shall require the owner to surrender the motor vehicle, the certificate of title, and the registration of the motor vehicle. The vehicle, the certificate of title, and the registration shall be delivered to the Department of Public Safety within three (3) days of the forfeiture order. The expense of delivering the vehicle shall be paid by the district attorney. Costs of delivering the vehicle to the Department shall be reimbursable as costs of conducting the sale. A motor vehicle forfeited pursuant to this act, shall be sold by the Department of Public Safety as provided by law for the sale of other forfeited property, except as otherwise provided in this section.

J. If a vehicle was impounded at the time of delivery to the Department and a forfeiture order is subsequently issued, all towing, wrecker services, and storage expenses shall be satisfied from the sale of the vehicle. If a vehicle is released from forfeiture and the vehicle has been delivered to the Department with impound expenses still owing, all impound expenses, including towing, wrecker service and storage expenses, shall be paid by the person prevailing on the dismissal of the forfeiture proceeding and the release of the vehicle to such person. If a notice for sale of the vehicle was filed for satisfaction of impound expenses prior to the filing of a motion for forfeiture, the vehicle shall be sold as provided by law for unpaid towing, wrecker services, and storage expenses and shall not be subject to forfeiture. If the convicted person redeems his or her interest in the vehicle at a sale for impound expenses, a forfeiture proceeding may thereafter proceed as authorized by this act. Neither the notice of sale for towing, wrecker services, and storage expenses nor the sale of such vehicle for impound expenses shall serve to extend the requirement for filing a motion to forfeit as provided in subsection B of this section.

K. Except as provided in subsection J of this section, proceeds from the sale of any vehicle forfeited pursuant to this act shall be paid in the following order:

1. To satisfy the interest of any lienholder of record;
2. To the Department of Public Safety for the cost of conducting the sale, including expense of delivery, court filing fees, and publication expense;
3. To satisfy impound expenses, including any towing, wrecker service and storage expenses incurred prior to delivery to the Department of Public Safety;
4. To satisfy the interest of any person making proof as provided in subsection F of this section;
5. To satisfy criminal penalties, costs and assessments pursuant to paragraph 5 of subsection H of this section if so ordered by the court;
6. To the office of the district attorney who filed the forfeiture proceeding not exceeding twenty-five percent (25%) of any remaining proceeds. Such payment shall be deposited in a special fund for such purpose as determined by the district attorney's office; and
7. The balance of the proceeds to be deposited in the Drug Abuse Education and Treatment Revolving Fund established pursuant to Section 2-503.2 of Title 63 of the Oklahoma Statutes for the benefit of drug court treatment as provided by law.

L. If a motor vehicle subject to forfeiture as provided by this act is a vehicle leased pursuant to a commercial rental agreement for a period of ninety (90) days or less, then the vehicle shall not be subject to the forfeiture proceedings provided by this act.

M. Upon the court dismissing a forfeiture proceeding, any lien placed upon the vehicle title by the Oklahoma Tax Commission pursuant to subsection B of this section shall be released.

Added by Laws 1999, c. 391, § 1, eff. July 1, 1999. Amended by Laws 2014, c. 74, § 1.

§47-11-902c. Preemption of legislation pertaining to prosecution of offenses related to driving under the influence of alcohol or other intoxicating substances.

A. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way the prosecution of offenses relating to driving under the influence of alcohol or any other intoxicating substance or operating a motor vehicle while impaired to the complete exclusion of any order, ordinance, local legislation or regulation by any municipality or other political subdivision of this state.

B. No municipality or other political subdivision shall prosecute any laws or ordinances relating to the offense of driving under the influence of alcohol or any other intoxicating substance or

operating a motor vehicle while impaired. Any existing or future orders, ordinances, local legislation or regulations in violation of this section is void and unenforceable.

C. The preemption provisions of this section shall not apply to prosecutions in municipal criminal courts of record for offenses relating to driving under the influence of alcohol or any other intoxicating substance or operating a motor vehicle while impaired. Nothing in this section shall prohibit a municipality from establishing a municipal criminal court of record pursuant to the provisions of Section 28-101 of Title 11 of the Oklahoma Statutes. Added by Laws 2016, c. 172, § 7, eff. Nov. 1, 2016.

§47-11-902d. Impaired driver database - Oklahoma Impaired Driver Database Revolving Fund.

A. The Commissioner of the Department of Public Safety is hereby authorized to oversee the creation, development and implementation of a statewide impaired driver database with assistance from the Office of Management and Enterprise Services subject to fiscal limitations and the availability of federal funds.

B. In any case in which a person is arrested for driving under the influence of alcohol or any other intoxicating substance, an impaired driver arrest report shall be completed by the law enforcement officer that made the arrest and shall be entered into the impaired driver database. The Commissioner shall prescribe the form and format of the impaired driver arrest report.

C. There is hereby created in the State Treasury a revolving fund for the Department of Public Safety to be designated the "Oklahoma Impaired Driver Database Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the exclusive purpose of implementing, developing, administering and maintaining an impaired driver database. Expenditures from the funds shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment. Added by Laws 2016, c. 172, § 8, eff. Nov. 1, 2016.

§47-11-903. Negligent homicide.

A. When the death of any person ensues within one (1) year as a proximate result of injury received by the driving of any vehicle by any person in reckless disregard of the safety of others, the person so operating such vehicle shall be guilty of negligent homicide.

B. Any person convicted of negligent homicide shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year or by fine of not less than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

In addition to the fine or penalty, the court shall order the person to attend a driver improvement or defensive driving course, as provided in Section 6-206.1 of this title. Furthermore, if the records of the Department of Public Safety for the person reflect a conviction for any traffic offense within the three (3) years immediately preceding the conviction for negligent homicide, the fine shall be enhanced to double the amount of the fine imposed pursuant to this subsection.

C. The Commissioner of Public Safety shall revoke the license or permit to drive and any nonresident operating privilege of any person convicted of negligent homicide.

Added by Laws 1961, p. 387, § 11-903, eff. Sept. 1, 1961. Amended by Laws 1985, c. 112, § 10, eff. Nov. 1, 1985; Laws 2005, c. 164, § 1, emerg. eff. May 11, 2005; Laws 2011, c. 299, § 3, eff. Nov. 1, 2011.

§47-11-904. Person involved in personal injury accident while under influence of alcohol or other intoxicating substance - Causing great bodily injury.

A. Any person who is involved in a personal injury accident while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection A of Section 11-902 of this title may be charged with a violation of the provisions of this subsection as follows:

1. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a misdemeanor for the first offense and shall be punished by imprisonment in the county jail for not less than ninety (90) days nor more than one (1) year, and a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00); and

2. Any person who is convicted of a violation of the provisions of this subsection after having been previously convicted of a violation of this subsection or of Section 11-902 of this title shall be deemed guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not less than one (1) year and not more than five (5) years, and a fine of not more than Five Thousand Dollars (\$5,000.00).

B. 1. Any person who causes an accident resulting in great bodily injury to any person other than himself while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection A of Section 11-902 of this title may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not less than four (4) years and not more than twenty (20) years, and a fine of not more than Five Thousand Dollars (\$5,000.00).

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. Added by Laws 1983, c. 43, § 1, emerg. eff. April 21, 1983. Amended by Laws 1984, c. 30, § 1, eff. Nov. 1, 1984; Laws 1985, c. 112, § 11, eff. Nov. 1, 1985; Laws 1989, c. 316, § 1, eff. Nov. 1, 1989; Laws 1997, c. 133, § 482, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 348, eff. July 1, 1999; Laws 2004, c. 275, § 13, eff. July 1, 2004; Laws 2012, c. 157, § 1, eff. Nov. 1, 2012; Laws 2016, c. 196, § 2, eff. Nov. 1, 2016.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 482 from July 1, 1998 to July 1, 1999.

§47-11-905. Person involved in personal injury accident without a valid driver license - Causing great bodily injury - Causing death.

A. Any person who, while operating a vehicle in this state without a valid driver license for the class of vehicle being operated, or while knowingly disqualified to operate a motor vehicle in this state, or while such person knows or should have known that his or her driver license is canceled, denied, suspended or revoked, causes an accident which results in personal injury to any other person, may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a misdemeanor punishable by imprisonment in the county jail for a term not more than one (1) year, or by a fine in an amount not exceeding Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

B. 1. Any person who, while operating a vehicle in this state without a valid driver license for the class of vehicle being operated, or while knowingly disqualified to operate a motor vehicle in this state, or while such person knows or should have known that his or her driver license is canceled, denied, suspended or revoked, causes an accident resulting in great bodily injury to any other person, may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not more than five (5) years, or by a fine in an amount not exceeding Three Thousand Dollars (\$3,000.00), or by both such fine and imprisonment.

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

C. Any person who, while operating a vehicle in this state without a valid driver license for the class of vehicle being

operated, or while knowingly disqualified to operate a motor vehicle in this state, or while such person knows or should have known that his or her driver license is canceled, denied, suspended or revoked, causes an accident resulting in the death of any other person, may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not more than five (5) years, or by a fine in an amount not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

D. The provisions of this section may be charged in addition to any other chargeable offense allowed by law.

Added by Laws 2009, c. 155, § 3, eff. July 1, 2009. Amended by Laws 2010, c. 68, § 1, eff. Nov. 1, 2010.

§47-11-906.1. Drunk Driving Prevention Act - Short title.

Sections 13 through 16 of this act shall be known and may be cited as the "Drunk Driving Prevention Act".

Added by Laws 1995, c. 320, § 1, eff. July 1, 1995. Amended by Laws 1996, c. 309, § 2, eff. Nov. 1, 1996; Laws 2000, 1st Ex.Sess., c. 8, § 13, eff. July 1, 2000. Renumbered from § 6-106.1 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.

§47-11-906.2. Purpose.

The purpose of this act is to reduce the incidence of persons who drive or are in actual physical control of a motor vehicle while under the influence of alcohol or other intoxicating substances.

Added by Laws 1995, c. 320, § 2, eff. July 1, 1995. Amended by Laws 2000, 1st Ex.Sess., c. 8, § 14, eff. July 1, 2000. Renumbered from § 6-106.2 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.

§47-11-906.3. Oklahoma Driver's Manual - Contents.

A. The State Department of Education shall develop and administer appropriate driver education programs to be conducted in all of the schools of this state to increase awareness of the dangers of drinking and driving.

B. 1. In order to provide education and instruction to all applicants for an original Oklahoma driver license, the Oklahoma Driver's Manual, published and distributed by the Department of Public Safety pursuant to Section 2-114 of this title, shall contain accurate information on:

- a. the hazards of driving while under the influence of alcohol or other intoxicating substances, and
- b. the legal and financial consequences resulting from violations of this state's laws prohibiting the

operation or actual physical control of a motor vehicle while under the influence of alcohol or other intoxicating substances.

2. In addition to the subjects set forth in Section 6-110 of this title, the written examination administered by the Department of Public Safety to every applicant for an original Oklahoma driver license shall contain questions on the subjects listed in this subsection.

Added by Laws 1995, c. 320, § 3, eff. July 1, 1995. Amended by Laws 1996, c. 309, § 3, eff. Nov. 1, 1996; Laws 2000, 1st Ex.Sess., c. 8, § 15, eff. July 1, 2000. Renumbered from § 6-106.3 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.

§47-11-906.4. Operating or being in actual physical control of motor vehicle while under the influence while under age - Penalties.

A. It is unlawful, and punishable as provided in subsection B of this section, for any person under twenty-one (21) years of age to drive, operate, or be in actual physical control of a motor vehicle within this state who:

1. Has any measurable quantity of alcohol in the person's blood or breath at the time of a test administered within two (2) hours after an arrest of the person;

2. Exhibits evidence of being under the influence of any other intoxicating substance as shown by analysis of a specimen of the person's blood, breath, saliva, or urine in accordance with the provisions of Sections 752 and 759 of this title; or

3. Exhibits evidence of the combined influence of alcohol and any other intoxicating substance.

B. Any person under twenty-one (21) years of age who violates any provision of this section shall be subject to the seizure of the driver license of that person at the time of arrest or detention and the person, upon conviction, shall be guilty of operating or being in actual physical control of a motor vehicle while under the influence while under age and shall be punished:

1. For a first conviction, by:

- a. a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00),
- b. assignment to and completion of twenty (20) hours of community service,
- c. requiring the person to attend and complete a treatment program, or
- d. any combination of fine, community service, or treatment;

2. Upon a second conviction, by:

- a. assignment to and completion of not less than two hundred forty (240) hours of community service, and

- b. the requirement, after the conclusion of the mandatory revocation period, to install an ignition interlock device or devices, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, for a period of not less than thirty (30) days.

In addition, a second conviction may be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by requiring the person to attend and complete a treatment program, as recommended by the assessment required pursuant to subparagraph c of paragraph 2 of subsection D of this section, or by both; or

3. Upon a third or subsequent conviction, by:

- a. assignment to and completion of not less than four hundred eighty (480) hours of community service, and
- b. the requirement, after the conclusion of the mandatory revocation period, to install an ignition interlock device or devices, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, for a period of not less than thirty (30) days.

In addition, a third or subsequent conviction may be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00), or by requiring the person to attend and complete a treatment program, as recommended by the assessment required pursuant to subparagraph c of paragraph 2 of subsection D of this section, or by both.

C. The court may assess additional community service hours in lieu of any fine specified in this section.

D. In addition to any penalty or condition imposed pursuant to the provisions of this section, the person shall be subject to:

1. Upon a first conviction:

- a. the cancellation or denial of driving privileges as ordered by the court pursuant to subsection B of Section 6-107.1 of this title,
- b. the mandatory revocation of driving privileges pursuant to Section 6-205.1, 753 or 754 of this title, which revocation period may be modified as provided by law, and
- c. the continued installation of an ignition interlock device or devices, at the expense of the person, as provided in subsection D of Section 6-212.3 of this title, after the mandatory period of cancellation, denial or revocation for a period as provided in paragraph 1 of subsection A of Section 6-212.3 of this title;

2. Upon a second conviction:

- a. the cancellation or denial of driving privileges, as ordered by the court pursuant to subsection B of Section 6-107.2 of this title,
 - b. the mandatory revocation of driving privileges pursuant to Section 6-205.1, 753 or 754 of this title, which period may be modified as provided by law,
 - c. an assessment of the person's degree of alcohol abuse, in the same manner as prescribed in subsection H of Section 11-902 of this title, which may result in treatment as deemed appropriate by the court, and
 - d. the continued installation of an ignition interlock device or devices, at the expense of the person, as provided in subsection D of Section 6-212.3 of this title, after the mandatory period of cancellation, denial or revocation for a period as provided in paragraph 2 of subsection A of Section 6-212.3 of this title; and
3. Upon a third or subsequent conviction:
- a. the cancellation or denial of driving privileges as ordered by the court pursuant to subsection B of Section 6-107.2 of this title,
 - b. the mandatory revocation of driving privileges pursuant to Section 6-205.1, 753 or 754 of this title, which period may be modified as provided by law,
 - c. an assessment of the person's degree of alcohol abuse, in the same manner as prescribed in subsection H of Section 11-902 of this title, which may result in treatment as deemed appropriate by the court, and
 - d. the continued installation of an ignition interlock device or devices, at the expense of the person, as provided in subsection D of Section 6-212.3 of this title, after the mandatory period of cancellation, denial, or revocation for a period as provided in paragraph 3 of subsection A of Section 6-212.3 of this title.

E. Nothing in this section shall be construed to prohibit the filing of charges pursuant to Section 761 or 11-902 of this title when the facts warrant.

F. As used in this section:

1. The term "conviction" includes a juvenile delinquency adjudication by a court; and

2. The term "revocation" includes the cancellation or denial of driving privileges by the Department.

Added by Laws 1996, c. 309, § 1, eff. Nov. 1, 1996. Amended by Laws 1999, c. 106, § 2, emerg. eff. April 19, 1999; Laws 2000, 1st Ex.Sess., c. 8, § 16, eff. July 1, 2000. Renumbered from Title 47, §

6-106.4 by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.
Amended by Laws 2011, c. 373, § 7, eff. Nov. 1, 2011.

§47-11-1001. Stopping, standing or parking outside of business or residence district - Penalties.

A. 1. Upon any highway outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of four hundred (400) feet in each direction upon such highway.

2. As used in this section and Section 11-1002 of this title, "highway" means any public road, street, or turnpike used for vehicular travel.

B. 1. The owner or operator of a vehicle or its cargo which obstructs the regular flow of traffic shall make every reasonable effort to remove the obstructing vehicle or cargo from the roadway so the regular flow of traffic is not blocked. This subsection shall not apply to collisions resulting in the injury or death of any person.

2. This subsection shall not apply to vehicles transporting "hazardous materials" as defined in paragraph 5 of Section 230.3 of this title.

3. Nothing in this subsection shall be construed to relieve any person from complying with Section 10-103 of this title.

4. a. Until January 1, 2006, any person violating this subsection may be issued a written warning of the violation.

b. Any person violating this subsection shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided for in Section 17-101 of this title.

Added by Laws 1961, p. 387, § 11-1001, eff. Sept. 1, 1961. Amended by Laws 2003, c. 100, § 1, eff. Nov. 1, 2003; Laws 2004, c. 222, § 1, eff. Nov. 1, 2004.

§47-11-1002. Officers authorized to remove illegally stopped vehicle.

A. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of subsection A of Section 11-1001 of this title, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

B. 1. Law enforcement officers, using reasonable care, may remove from the roadway to the nearest safe place any disabled or damaged vehicle or cargo as described in subsection B of Section 11-1001 of this title.

2. Absent a showing of gross negligence, the law enforcement officer, the employing agency, or any person acting under the direction of the law enforcement officer is not liable for damage to a vehicle or damage or loss to any portion of the contents or cargo of the vehicle when carrying out the provisions of this subsection.

C. Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any underpass where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

D. When any vehicle is left standing or abandoned upon a highway in violation of this section and at such a place or in such manner as to interfere or prevent the maintenance of said highway, the Oklahoma Department of Transportation, Oklahoma Transportation Authority or their authorized agents may remove such vehicle or request the driver or other persons in charge thereof to move the same to some place of safety off the highway with charge to the owner of the vehicle. Added by Laws 1961, p. 387, § 11-1002, eff. Sept. 1, 1961. Amended by Laws 2003, c. 100, § 2, eff. Nov. 1, 2003; Laws 2004, c. 222, § 2, eff. Nov. 1, 2004.

§47-11-1003. Stopping, standing or parking prohibited in specified places.

A. Except as otherwise provided in subsection B of this section, no person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within fifteen (15) feet of a fire hydrant, or if in an area serviced by a volunteer fire department, within thirty (30) feet of a fire hydrant if the governing body of the area so adopts by ordinance;
4. Within an intersection;
5. On a crosswalk;
6. Within twenty (20) feet of a crosswalk at an intersection;
7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
8. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety

zone, unless the authority having jurisdiction indicates a different length by signs or marking;

9. Within fifty (50) feet of the nearest rail of a railroad crossing;

10. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly signposted);

11. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

13. Upon any bridge or other elevated structure upon a highway or within a highway underpass;

14. At any place where official signs prohibit stopping.

B. No person engaging in the collection and disposal of solid waste or recycling material or both as a business, pursuant to the provisions of the Oklahoma Solid Waste Management Act, shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;

2. Within an intersection;

3. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

4. Upon any bridge or other elevated structure upon a highway or within a highway underpass; or

5. At any place where official signs prohibit stopping.

C. No person shall move a vehicle not lawfully under the control of the person into any prohibited area or away from a curb such distance as is unlawful.

Added by Laws 1961, p. 388, § 11-1003, eff. Sept. 1, 1961. Amended by Laws 1995, c. 58, § 3, eff. July 1, 1995; Laws 2011, c. 152, § 1, eff. Nov. 1, 2011.

§47-11-1004. Additional parking regulations.

A. Except as otherwise provided in this section, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb.

B. Local authorities may by ordinance permit parking of vehicle with the left-hand wheels adjacent to and within eighteen (18) inches of the left-hand curb of a one-way roadway.

C. Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the Department of Highways has

determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

D. The Oklahoma Department of Highways with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

E. A person engaging in the collection and disposal of solid waste or recycling material or both as a business, pursuant to the provisions of the Oklahoma Solid Waste Management Act, shall be exempt from the provisions of subsections A and B of this section while in the performance of such activities.

Added by Laws 1961, p. 388, § 11-1004, eff. Sept. 1, 1961. Amended by Laws 2011, c. 152, § 2, eff. Nov. 1, 2011.

§47-11-1005. Authorized emergency vehicles; vehicles used in construction or maintenance of highways - Excepted from certain provisions.

Provisions of this article shall not apply to authorized emergency vehicles or to vehicles or machinery used in the construction or maintenance of highways, and such vehicles or machinery may be operated on any part of the road, whether same is open to traffic or closed, when such operation is necessary in the maintenance or construction of said highway; provided, that the Department of Highways shall protect all such operations with adequate warnings, signs, signals, lights, devices, or flagmen. Laws 1961, p. 388, § 11-1005.

§47-11-1006. Parking of vehicles on posted private property - Penalty - Liability of land owner.

(a) It shall be unlawful to place or park a motor vehicle or a trailer upon the posted private property of another, without first obtaining permission from the landowner or the person in charge of such property, except where said placing or parking is casual or involuntary.

(b) Violation of the terms of this section shall be considered to be a misdemeanor and upon conviction violators shall be fined not to exceed Twenty Dollars (\$20.00) and, in addition thereto, shall pay any and all reasonable and necessary charges incurred by the landowner or other person in having any vehicle or trailer removed from his property and stored.

(c) The landowner or person in charge of the land shall not be liable for any damages which may occur to a trespassing vehicle or trailer under the terms of this section, while the same is

trespassing or while it is being removed from his property, or while it is in storage.

Laws 1961, p. 389, § 11-1006.

§47-11-1007. Parking areas for physically disabled persons - Violations and penalties.

A. 1. It shall be unlawful for any person to place or park a motor vehicle in any parking space that is designated and posted as a reserved area for the parking of a motor vehicle operated by or transporting a physically disabled person unless such person has applied for and been issued a detachable placard indicating physical disability under the provisions of Section 15-112 of this title, and such placard is displayed as provided in Section 15-112 of this title or in rules adopted pursuant thereto, or has applied for and been issued a physically disabled license plate pursuant to the provisions of Section 1135.1 or 1135.2 of this title, and such license plate is displayed pursuant to the provisions of the Oklahoma Vehicle License and Registration Act.

2. It shall also be unlawful for any person to place or park a motor vehicle, whether with or without a physically disabled placard or plate, in any disabled parking space access aisle, wheelchair ramp, wheelchair loading/unloading area or any portion thereof.

B. 1. Violation of these provisions shall be a misdemeanor and upon conviction the person shall be fined Five Hundred Dollars (\$500.00). Provided, any person cited for a first offense of a violation of this section who has displayed a placard which has expired pursuant to paragraph 4 or 5 of subsection D of Section 15-112 of this title shall be entitled to dismissal of such charge and shall not be required to pay the fine or court costs if the person presents to the court within thirty (30) days of the issuance of the citation a notice from the Department of Public Safety that the person has obtained a valid placard pursuant to the provisions of subsection D of Section 15-112 of this title. Fines collected pursuant to this section shall be distributed as follows:

- a. eighty percent (80%) to the general fund of the municipality in which the citation was issued, subject to the provisions of subsection C of Section 15-115 of this title, and
- b. twenty percent (20%) to a dedicated fund established by the Department of Public Safety for the development, implementation and maintenance of a system for the enforcement of the disability parking provisions of this title.

2. In addition, vehicles unlawfully parked in violation of these provisions shall be subject to immediate tow by a licensed tow truck operator at the request of the landowner or a duly appointed agent of the landowner, at the request of any person unable to lawfully gain

access to or move their vehicle, at the request of any person unable to lawfully gain access to the area blocked by the unlawfully parked vehicle, or at the request of appropriate law-enforcement personnel. The owner of any vehicle unlawfully parked in violation of these provisions shall pay any and all reasonable and necessary costs associated with towing and storage of the vehicle.

C. Upon the accumulation of the total necessary funds in the Department of Public Safety Restricted Revolving Fund pursuant to subsection B of this section, the Department of Public Safety shall develop, implement, deploy and administer a database which identifies all persons to whom disabled parking permits have been issued. The database shall be available twenty-four (24) hours a day to any person authorized by statute to enforce disabled parking laws of this state, in order to verify the validity of a disabled parking permit and the person to whom it is issued.

Added by Laws 1980, c. 146, § 1, eff. Oct. 1, 1980. Amended by Laws 1985, c. 149, § 1, emerg. eff. June 8, 1985; Laws 1995, c. 133, § 1, emerg. eff. April 27, 1995; Laws 1997, c. 21, § 1, eff. Nov. 1, 1997; Laws 1999, c. 276, § 1, eff. Nov. 1, 1999; Laws 2003, c. 279, § 6, emerg. eff. May 26, 2003; Laws 2005, c. 165, § 1, emerg. eff. May 11, 2005; Laws 2007, c. 62, § 14, emerg. eff. April 30, 2007; Laws 2010, c. 302, § 8, emerg. eff. June 5, 2010; Laws 2012, c. 283, § 7, eff. July 1, 2012.

§47-11-1007.1. Renumbered as § 15-115 of this title by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008.

§47-11-1008. Renumbered as § 15-116 of this title by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008.

§47-11-1009. Parking on certain state property prohibited - Procedure for enforcement and appeal.

A. No person shall place, stop, park, or stand any vehicle including trailers or implements of husbandry, contrary to any official sign reserving, restricting, or regulating the placing, stopping, standing, or parking of a vehicle at any state building or property, including grounds appurtenant thereto, within Oklahoma and Tulsa Counties.

B. The Department of Public Safety shall be responsible for the enforcement of subsection A of this section.

C. Any person violating the provisions of subsection A of this section shall be subject to a civil fine. A violation shall be indicated by the placing of a notice of such violation on the windshield of the vehicle improperly placed, stopped, parked, or standing.

The notice shall be on a form prescribed by the Commissioner of Public Safety. The civil fine for such violation shall be Five

Dollars (\$5.00) if paid within ten (10) days from the date of the violation and Twenty Dollars (\$20.00) if paid after ten (10) days from the date of the violation.

D. The fine shall be paid by mailing or personally delivering the notice and a personal check or money order to cover the fine to the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety. Provided, should the person elect to object to the imposition of the fine and to have a hearing on the violation, the person shall so indicate on the notice and mail or present it to the Department of Public Safety, within ten (10) days from the date of the notice of the violation, with a bond by cash or money order equal to the amount of the fine pending the outcome of the hearing. The bond may be used to pay the fine in the event the determination of the hearing examiner upholds the imposition of the civil fine. If no bond accompanies the request for hearing, no hearing shall be granted. If the request for a hearing is not made within ten (10) days from the date of the notice of the violation, the person shall not be entitled to a hearing and shall be subject to the civil fine prescribed in subsection C of this section.

E. The request for a hearing shall be submitted to the Department of Public Safety within ten (10) days from the date of the notice of the violation, and the violation shall be set for hearing before a hearing examiner appointed by the Commissioner. The person requesting the hearing shall be notified of the time and place of the hearing by the Department of Public Safety by mailing a copy of the notice by regular mail to the address indicated on the request for hearing. The hearing examiner may take evidence of the violation and shall determine if there has been a violation of the provisions of subsection A of this section. If it is determined that there was a violation, the hearing examiner shall enforce the fine indicated on the notice.

F. Any vehicle having outstanding fines against it may be immobilized by use of a tire boot or may be impounded by the Department of Public Safety. The vehicle may remain immobilized or be retained by the Department pending the payment of all fines, towing, and storage charges, and until the owner furnishes to the Department proof of security or an affidavit that the vehicle is insured by a policy of liability insurance or will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title. The State of Oklahoma shall have a possessory lien against any vehicle which is found to have outstanding fines against it until such fines are paid. The lien may be foreclosed pursuant to the procedures provided for in Sections 91 through 96 of Title 42 of the Oklahoma Statutes.

G. All the monies generated from such fines shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury.

Added by Laws 1982, c. 195, § 1, operative July 1, 1982. Amended by Laws 1983, c. 286, § 24, operative July 1, 1983; Laws 1987, c. 5, § 157, emerg. eff. March 11, 1987; Laws 1993, c. 153, § 1, eff. Sept. 1, 1993; Laws 1996, c. 219, § 1, eff. July 1, 1996; Laws 2002, c. 75, § 1, eff. Nov. 1, 2002.

§47-11-1010. Erection and maintenance of certain parking signs - Window stickers and other parking identification.

A. The Department of Transportation in coordination with the Department of Public Safety shall have the authority to erect and maintain signs reserving, restricting or regulating the placing, stopping, standing or parking of vehicles within the boundaries of the following:

1. State Capitol Park; and
2. State Capitol Complex in Tulsa.

B. The Department of Public Safety may prepare and issue window stickers or other means of identification except as provided in Section 15.3 of Title 73 of the Oklahoma Statutes as the Commissioner of Public Safety shall deem necessary for the enforcement of this section, Section 11-1009 of this title and Section 15.3 of Title 73 of the Oklahoma Statutes.

Added by Laws 1982, c. 195, § 2, operative July 1, 1982. Amended by Laws 2003, c. 279, § 5, emerg. eff. May 26, 2003.

§47-11-1011. Renumbered as § 15.3 of Title 73 by Laws 1995, c. 288, § 3, eff. July 1, 1995.

§47-11-1012. Parking meters - Exemption.

In counties with a population over five hundred thousand (500,000) according to the last decennial census, marked and unmarked law enforcement vehicles or any vehicle which a law enforcement officer is using in an official capacity shall be exempt from paying a parking meter while parked on a city street.

Added by Laws 2002, c. 381, § 4, eff. July 1, 2002.

§47-11-1101. Unattended motor vehicle.

The person driving or in charge of a motor vehicle shall not permit it to stand unattended without first stopping the engine, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway. Laws 1961, p. 389, § 11-1101.

§47-11-1102. Limitations on backing.

No vehicle shall be backed upon any street or highway except for such distance as may be necessary to permit the vehicle to enter the proper driving lane from a parked position. Such backing shall be

done only after the driver of said vehicle has ascertained that such movement can be made without endangering other traffic.

Laws 1961, p. 389, § 11-1102.

§47-11-1103. Motorcycles, motor-driven cycles, motorized scooters or motorized bicycles - Restrictions on transporting other persons.

A. No person under the age of sixteen (16) years shall drive a motorcycle, motor-driven cycle, motorized scooter, or motorized bicycle on any highway of this state while transporting any other person.

B. The operator of a motorcycle, motor-driven cycle, motorized scooter, or motorized bicycle who has attained the age of sixteen (16) years or older may carry a passenger if the vehicle has a wheel diameter of twelve (12) inches or greater and is factory-designed and equipped with either:

1. A double seating device with double foot rests; or

2. A sidecar attachment providing a separate seat space within such sidecar attachment for each person riding therein so that such person shall be seated entirely within the body of said sidecar.

C. No rider of a motorcycle, motor-driven cycle, motorized scooter, or motorized bicycle shall hold to any moving vehicle for the purpose of being propelled.

D. No driver of a motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, or electric-assisted bicycle shall pass other vehicles between lanes of traffic traveling in the same direction. This subsection shall not apply to the operator of an authorized emergency vehicle.

Added by Laws 1961, p. 389, § 11-1103, eff. Sept. 1, 1961. Amended by Laws 2003, c. 411, § 15, eff. Nov. 1, 2003; Laws 2004, c. 521, § 10, eff. Nov. 1, 2004; Laws 2019, c. 43, § 3, eff. Nov. 1, 2019.

§47-11-1104. Obstruction to driver's view or control - Overloading school bus.

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle.

(c) No school bus shall be operated on the streets or highways in this state when loaded with passengers in excess of the number for which such bus is designed to carry. The number of passengers determined by the local school board which the bus is designed to carry shall be posted in a conspicuous place on the bus.

Laws 1961, p. 389, § 11-1104; Laws 1967, c. 256, § 1.

§47-11-1105. Opening and closing vehicle doors.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Added by Laws 1961, p. 389, § 11-1105, eff. Sept. 1, 1961.

§47-11-1106. Driving on mountain highways.

The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible.

Laws 1961, p. 389, § 11-1106.

§47-11-1107. Coasting prohibited.

(a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

(b) The driver of any motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

Laws 1961, p. 389, § 11-1107.

§47-11-1108. Following fire apparatus and other emergency vehicles prohibited.

(a) The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(b) The driver of any vehicle other than one on official business shall not follow any emergency vehicle or shall not purposely drive to any location on a highway where an emergency exists which would interfere with the free movement of authorized emergency vehicles or any other traffic using the highway at that location. For the purpose of this subsection the definition of emergency shall include traffic accidents, airplane accidents, disasters, explosions, civil disturbances and (without limitation by the foregoing) any other related circumstances which tend to cause traffic congestion.

The purpose of this subsection is to eliminate sightseers and other persons who do not have official business at the scene of an emergency, and whose presence would tend to cause traffic congestion. Laws 1961, p. 389, § 11-1108.

§47-11-1109. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be

used at any fire or alarm of fire, without the consent of the fire department official in command.

Laws 1961, p. 390, § 11-1109.

§47-11-1110. Putting glass, etc., on highway prohibited.

A. No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substances likely to injure any person, animal or vehicle upon such highway.

B. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

C. Any person removing a wrecked or damaged vehicle from a highway, highway right-of-way or any other location as the result of an accident shall remove any glass or other injurious substance dropped upon the highway or highway right-of-way or other location from such vehicle. The owner or insurer of the owner of the vehicle if the owner's insurance policy provides coverage for such expense, shall be responsible for the cost of removal of the vehicle and the glass or other injurious substance and any vehicle storage fees. The cost of the removal of the vehicle and any storage fees shall be the same as established by the Corporation Commission for nonconsensual tows.

D. No person shall throw any substance at a standing vehicle or any occupant thereof, nor shall any person throw any substance at a person on or adjacent to a highway.

Added by Laws 1961, p. 390, § 11-1110, eff. Sept. 1, 1961. Amended by Laws 1978, c. 153, § 1, eff. Oct. 1, 1978; Laws 1999, c. 285, § 2, emerg. eff. May 27, 1999; Laws 2001, c. 255, § 1, eff. July 1, 2001; Laws 2002, c. 133, § 1, eff. Nov. 1, 2002; Laws 2011, c. 355, § 10, eff. Nov. 1, 2011.

§47-11-1111. Throwing or dropping object on or at moving vehicles.

A. No person shall willfully throw or drop any substance at a moving vehicle or any occupant thereof.

B. No person shall willfully throw or drop any object from a bridge or overpass with intent to damage any property or injure any person.

C. Any violation of subsection A or B of this section shall be deemed a felony and, upon conviction, shall be punishable by imprisonment in the Department of Corrections for a term of not more than ten (10) years, or by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

Added by Laws 1978, c. 153, § 2, eff. Oct. 1, 1978. Amended by Laws 1997, c. 133, § 483, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 349, eff. July 1, 1999; Laws 2003, c. 368, § 1, eff. July 1, 2003.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 483 from July 1, 1998, to July 1, 1999.

§47-11-1112. Child passenger restraint system required for certain vehicles - Exemptions.

A. Every driver, when transporting a child under eight (8) years of age in a motor vehicle operated on the roadways, streets, or highways of this state, shall provide for the protection of said child by properly using a child passenger restraint system as follows:

1. A child under four (4) years of age shall be properly secured in a child passenger restraint system. Except as provided in subsection G of this section, the child passenger restraint system shall be rear-facing until the child reaches two (2) years of age or until the child reaches the weight or height limit of the rear-facing child passenger restraint system as allowed by the manufacturer of the child passenger restraint system, whichever occurs first; and

2. A child at least four (4) years of age but younger than eight (8) years of age, if not taller than 4 feet 9 inches in height, shall be properly secured in either a child passenger restraint system or child booster seat.

For purposes of this section and Section 11-1113 of this title, "child passenger restraint system" means an infant or child passenger restraint system which meets the federal standards as set by 49 C.F.R., Section 571.213.

B. If a child is eight (8) years of age or is taller than 4 feet 9 inches in height, a seat belt properly secured to the vehicle shall be sufficient to meet the requirements of this section.

C. The provisions of this section shall not apply to:

1. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;

2. The driver of an ambulance or emergency vehicle;

3. The driver of a vehicle in which all of the seat belts are in use;

4. The transportation of children who for medical reasons are unable to be placed in such devices, provided there is written documentation from a physician of such medical reason; or

5. The transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of the vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds. Provided, however, for purposes of this paragraph, back seat shall include all seats located behind the front seat of a vehicle operated by a licensed child care facility or church.

Provided further, there shall be a rebuttable presumption that a child has met the weight requirements of this paragraph if at the request of any law enforcement officer, the licensed child care facility or church provides the officer with a written statement verified by the parent or legal guardian that the child weighs more than forty (40) pounds.

D. A violation of the provisions of this section shall be admissible as evidence in any civil action or proceeding for damages unless the plaintiff in such action or proceeding is a child under sixteen (16) years of age.

In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this section shall not be used in aggravation or mitigation of damages.

E. A person who is certified as a Child Passenger Safety Technician and who in good faith provides inspection, adjustment, or educational services regarding child passenger restraint systems shall not be liable for civil damages resulting from any act or omission in providing such services, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

F. Any person convicted of violating subsection A of this section shall be punished by a fine of Fifty Dollars (\$50.00) and shall pay all court costs thereof. Revenue from such fine shall be apportioned to the Department of Public Safety Restricted Revolving Fund and used by the Oklahoma Highway Safety Office to promote the use of child passenger restraint systems as provided in Section 11-1113 of this title. This fine shall be suspended and the court costs limited to a maximum of Fifteen Dollars (\$15.00) in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system. Provided, the Department of Public Safety shall not assess points to the driving record of any person convicted of a violation of this section.

G. A driver of a vehicle who has been rightfully issued a detachable placard indicating physical disability under the provisions of Section 15-112 of this title or a physically disabled license plate under the provisions of Section 1135.1 or 1135.2 of this title and valid letter of forward-facing exemption issued from the Department of Public Safety shall be permitted to transport a child passenger under four (4) years of age in a forward-facing child passenger restraint system. The placard and forward-facing exemption letter must be present in the vehicle to be in compliance.

Added by Laws 1983, c. 7, § 1, eff. Nov. 1, 1983. Amended by Laws 1987, c. 97, § 1; Laws 1988, c. 271, § 1, eff. March 1, 1989; Laws 1995, c. 225, § 1; Laws 2000, c. 99, § 1, eff. Nov. 1, 2000; Laws 2002, c. 55, § 1, eff. Nov. 1, 2002; Laws 2004, c. 40, § 1, emerg. eff. March 31, 2004; Laws 2005, c. 361, § 1, eff. Nov. 1, 2005; Laws

2011, c. 335, § 8; Laws 2012, c. 283, § 8, eff. July 1, 2012; Laws 2013, 1st Ex. Sess., c. 11, § 2, emerg. eff. Sept. 10, 2013; Laws 2013, 1st Ex. Sess., c. 11, § 3, emerg. eff. Sept. 10, 2013; Laws 2015, c. 396, § 1, eff. Nov. 1, 2015; Laws 2017, c. 376, § 2, emerg. eff. June 6, 2017.

NOTE: Laws 2009, c. 228, § 26 was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013) and repealed by Laws 2013, 1st Ex. Sess., c. 11, § 1, emerg. eff. Sept. 10, 2013.

§47-11-1113. Child passenger restraint system education program.

The Oklahoma Highway Safety Office shall develop a program of public education to promote the use of child passenger restraint systems.

Added by Laws 1983, c. 7, § 2, eff. Nov. 1, 1983.

§47-11-1114. Allowing passenger to ride outside passenger compartment.

A. No operator of a motor vehicle shall allow a passenger to ride outside the passenger compartment of the vehicle on the streets, highways or turnpikes of this state; provided, this section shall not apply to persons so riding on private property or for parades or special events nor shall this section apply to passengers riding on the bed of a pickup truck.

B. Any person convicted of violating the provisions of subsection A of this section shall be punished by a fine of Ten Dollars (\$10.00) and shall pay court costs of Fifteen Dollars (\$15.00), provided the Department of Public Safety shall not assess points to the driving record of any licensed or unlicensed person convicted of a violation of this section.

Added by Laws 1991, c. 309, § 7, eff. July 1, 1991.

§47-11-1115. Railroad-highway grade crossings - Class A, B or C commercial vehicles - When crossing prohibited.

At a railroad-highway grade crossing, a person operating a Class A, B or C commercial motor vehicle shall not negotiate the crossing if there is:

1. Insufficient space to drive completely through the crossing without stopping; or

2. Insufficient clearance for the undercarriage of the vehicle.

Added by Laws 2002, c. 169, § 3, eff. Oct. 1, 2002.

§47-11-1116. Self-propelled or motor-driven and operated vehicles - Golf carts, all-terrain, and utility vehicles - Operation on streets, highways, and roadways within unincorporated areas.

A. The self-propelled or motor-driven and operated vehicles described in this section shall be prohibited from operating or shall be limited in operation on the streets and highways of this state.

B. Self-propelled or motor-driven cycles, known and commonly referred to as "minibikes" and other similar trade names, shall be prohibited from operating on the streets and highways of this state, except:

1. When used in a parade; or

2. When registered, as required by subsection E of Section 1151 of this title, and operated in this state by food vendor services upon streets having a speed limit of thirty (30) miles per hour or less.

All minibikes offered for sale in this state shall bear the following notice to the customer: "This machine is not manufactured or sold for operation on the public streets or highways. Since it is not provided with equipment required by law for street or highway use, all persons are cautioned that any operation of this vehicle upon a public street or highway will be in violation of the motor vehicle laws of this state and will subject the violator to arrest."

C. Golf carts and utility vehicles, as defined by Section 1102 of this title, shall not be operated on the streets and highways of this state except:

1. Golf carts or utility vehicles owned by the Oklahoma Tourism and Recreation Department, and operated by employees or agents of the Department or employees of independent management companies working on behalf of the Department, may be operated on the streets and highways of this state during daylight hours or under rules developed by the Oklahoma Tourism and Recreation Commission, when the streets and highways are located within the boundaries of a state park. The Department shall have warning signs placed at the entrance and other locations at those state parks allowing golf carts or utility vehicles to be operated on the streets and highways of this state located within the boundaries of those state parks. The warning signs shall state that golf carts and utility vehicles may be operating on streets and highways and that motor vehicle operators shall take special precautions to be alert for the presence of golf carts or utility vehicles on the streets and highways;

2. The municipal governing body has adopted an ordinance governing the operation of golf carts and/or utility vehicles on city streets; provided, such ordinances shall include necessary vehicle lighting and safety requirements;

3. Golf carts or utility vehicles may operate on state highways only if making a perpendicular crossing of a state highway located within the boundaries of a municipality which has adopted an ordinance governing the operation of golf carts and/or utility vehicles; or

4. The board of county commissioners of a county has approved the operation of golf cart and/or utility vehicle traffic on roadways within the county, and:

- a. the roadway has a posted speed limit of twenty-five (25) miles per hour or less,
- b. the roadway is located in an unincorporated area, and
- c. appropriate signage, cautioning motorists of the possibility of golf cart or utility vehicle traffic, is erected by the board of county commissioners.

D. All-terrain vehicles shall not be operated on the streets and highways of this state, except:

1. On unpaved roads which are located within the boundaries of any property of the Forest Service of the United States Department of Agriculture;

2. On highways if:

- a. the vehicle needs to make a direct crossing of the highway while the vehicle is traveling upon a regularly traveled trail and needs to continue travel from one area of the trail to another and, if the vehicle comes to a complete stop, yields the right-of-way to all oncoming traffic that constitutes an immediate hazard, and crosses the highway at an angle of approximately ninety (90) degrees to the direction of the street or highway. This exception shall not apply to divided highways or highways with a posted speed limit of more than thirty-five (35) miles per hour in the area of the crossing,
- b. the vehicle needs to travel on a highway in order to cross a railroad track. In that event, the all-terrain vehicle may travel for not more than three hundred (300) feet on a highway to cross a railroad track,
- c. the operator of the all-terrain vehicle making the crossing at a highway has a valid driver license, and
- d. the operator of the vehicle makes a crossing on a highway during daylight hours only;

3. On streets and highways within a municipality if the municipal governing body has adopted an ordinance governing the operation of golf carts, utility vehicles or all-terrain vehicles on streets and highways within the municipality; or

4. On roadways within unincorporated areas of a county if those roadways are not part of the state highway system or the National System of Interstate and Defense Highways; provided, however, that the driver is a licensed driver.

E. Mopeds, as defined by Section 1-133.2 of this title, may be operated on the streets and highways of this state if:

1. The municipal governing body has adopted an ordinance governing the operation of mopeds on city streets; provided, such

ordinances shall include necessary vehicle lighting and safety requirements; or

2. The board of county commissioners of a county has approved the operation of mopeds on roadways within the county, not including roadways within a municipality.

Added by Laws 2004, c. 418, § 16, eff. July 1, 2004. Amended by Laws 2008, c. 98, § 3, eff. July 1, 2008; Laws 2008, c. 402, § 1, eff. Nov. 1, 2008; Laws 2011, c. 167, § 1; Laws 2013, c. 238, § 1, eff. July 1, 2013; Laws 2014, c. 4, § 9, emerg. eff. April 2, 2014; Laws 2019, c. 101, § 1, eff. Nov. 1, 2019; Laws 2019, c. 315, § 2, eff. Nov. 1, 2019.

NOTE: Laws 2013, c. 239, § 1 repealed by Laws 2014, c. 4, § 10, emerg. eff. April 2, 2014.

§47-11-1117. All-terrain vehicle passenger restrictions - Penalties and enforcement - Liability of parents or vehicle owners - Applicability.

A. It shall be unlawful for a person less than eighteen (18) years of age to operate or to be carried as a passenger upon an all-terrain vehicle unless the person wears a crash helmet of a type which complies with standards established by 49 C.F.R., Section 571.218.

B. It shall be unlawful for the operator of an all-terrain vehicle to carry a passenger unless that all-terrain vehicle has been specifically designed by the manufacturer to carry passengers in addition to the operator.

C. Fine and court costs for violating the provisions of this section shall not exceed Twenty-five Dollars (\$25.00). Any peace officer of this state including, but not limited to, park rangers, is authorized to enforce the provisions of this section. All monies collected pursuant to a citation for a violation of this section shall be deposited in the Oklahoma Tourism and Recreation Department Revolving Fund for credit to the cost center of the state park or public recreation area where such citation was issued.

D. Any parent, legal guardian or person having actual responsibility for a person under eighteen (18) years of age, or who is the owner of the all-terrain vehicle operated by a person under eighteen (18) years of age, who knows, or should have known, that the person operating the all-terrain vehicle is not in compliance with the provisions of this section, shall be punishable according to the provisions of subsection C of this section.

E. As used in this section, "all-terrain vehicle" means a vehicle manufactured and used exclusively for off-highway use, traveling on four or more non-highway tires, having a seat designed to be straddled by the operator, and which is steered by the use of handlebars.

F. "Recreational off-highway vehicle" means a vehicle manufactured and used exclusively for off-highway use, traveling on four or more non-highway tires, having non-straddle seating and which is steered by a steering wheel.

G. The provisions of this section shall apply only to persons operating all-terrain vehicles on public lands.

H. The provisions of this section shall not apply to persons operating an all-terrain vehicle on privately owned property.

Added by Laws 2007, c. 124, § 1, eff. Nov. 1, 2007. Amended by Laws 2008, c. 98, § 4, eff. July 1, 2008; Laws 2011, c. 110, § 2, eff. Nov. 1, 2011.

§47-11-1118. Forget-Me-Not Vehicle Safety Act - Short title.

This act shall be known and may be cited as the "Forget-Me-Not Vehicle Safety Act".

Added by Laws 2008, c. 343, § 1.

§47-11-1119. Definitions - Unattended child or vulnerable adult in motor vehicle prohibited - Exception - Penalty.

A. As used in the Forget-Me-Not Vehicle Safety Act:

1. "Person responsible for a child" means a custodial parent or legal guardian of a child, or a person who has been directed or authorized to supervise a child by that child's custodial parent or legal guardian;

2. "Unattended" means beyond a person's direct ability to care for or come to the aid of the unaccompanied person; and

3. "Motor vehicle" means the same as defined in Section 1-134 of Title 47 of the Oklahoma Statutes.

B. A person responsible for a child who is six (6) years of age or younger, or a caretaker of a vulnerable adult as defined by Section 10-103 of Title 43A of the Oklahoma Statutes, shall not leave that child or vulnerable adult unattended in a motor vehicle if the conditions, including, but not limited to, extreme weather, inadequate ventilation, or hazardous or malfunctioning components within the vehicle present a risk to the health or safety of the unattended child or vulnerable adult.

C. It shall not be considered a violation of this section if the child or vulnerable adult is accompanied in the motor vehicle by a person at least twelve (12) years of age who is not mentally incompetent as defined by Section 1-103 of Title 43A of the Oklahoma Statutes.

D. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by:

1. A fine of not less than Fifty Dollars (\$50.00) upon a first conviction;

2. A fine of not less than One Hundred Dollars (\$100.00) and ordered to perform community service of not less than fifty (50) hours upon a second conviction; and

3. A fine of not less than Two Hundred Dollars (\$200.00) upon a third or subsequent conviction, and the full record of that person's convictions of the violations of this section shall be submitted to the Department of Human Services for evaluation.

E. Any person convicted of violating the provisions of this section who has left a child or vulnerable adult unattended in a motor vehicle on the premises of any establishment which holds any license for the sale of alcoholic beverages for consumption on the premises pursuant to Section 521 of Title 37 of the Oklahoma Statutes, and who has consumed any alcoholic beverage during the period of time the child or vulnerable adult has been unattended, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00).

F. Nothing in this section precludes prosecution under any other provision of law.

Added by Laws 2008, c. 343, § 2.

§47-11-1120. Removing a child from a vehicle - Immunity.

A. A person shall be immune from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a child from the motor vehicle if the person:

1. Determines the motor vehicle is locked or there is otherwise no reasonable method for the child to exit the motor vehicle;

2. Has a good-faith belief that forcible entry into the motor vehicle is necessary because the child is in imminent danger of suffering harm if not immediately removed from the motor vehicle and, based upon the circumstances known to the person at the time, the belief is a reasonable one;

3. Has contacted the local law enforcement agency, the fire department or the 911 emergency telephone service prior to forcibly entering the motor vehicle;

4. Places a notice on the motor vehicle windshield with the person's contact information, the reason the entry was made, the location of the child and that the authorities have been notified;

5. Remains with the child in a safe location, out of the elements but reasonably close to the motor vehicle, until law enforcement, fire or other emergency responder arrives; and

6. Used no more force to enter the motor vehicle and remove the child from the motor vehicle than is necessary under the circumstances.

B. Nothing in this act shall affect the person's civil liability if the person attempts to render aid to the child in addition to what is authorized by this act.

Added by Laws 2015, c. 329, § 1, emerg. eff. May 18, 2015.

§47-11-1201. Effect of regulations.

A. It is a misdemeanor and punishable by a fine of not less than One Dollar (\$1.00) nor more than Twenty-five Dollars (\$25.00) for any person to do any act forbidden or fail to perform any act required in this article. A conviction for the violation of any offense in this article shall not be recorded on the driving record of the person.

B. The parent or legal guardian of any child or the guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this article.

C. Except as otherwise provided, the provisions of this article shall apply whenever a bicycle or motorized scooter is operated upon any highway or upon any path set aside for the exclusive use of bicycles or motorized scooters.

Added by Laws 1961, p. 390, § 11-1201. Amended by Laws 2004, c. 521, § 11, eff. Nov. 1, 2004.

§47-11-1202. Traffic laws apply to persons riding bicycles or motorized scooters.

Every person riding a bicycle or motorized scooter upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except as to special regulations in this article and except to those provisions of this title which by their nature can have no application.

Added by Laws 1961, p. 390, § 11-1202. Amended by Laws 2004, c. 521, § 12, eff. Nov. 1, 2004.

§47-11-1203. Riding on bicycle or motorized scooter.

A. A person operating a bicycle shall ride upon or astride a permanent and regular attached seat.

B. No bicycle or motorized scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

Added by Laws 1961, p. 390, § 11-1203. Amended by Laws 2004, c. 521, § 13, eff. Nov. 1, 2004.

§47-11-1204. Clinging to vehicles.

No person riding upon any bicycle, motorized scooter, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

Added by Laws 1961, p. 390, § 11-1204. Amended by Laws 2004, c. 521, § 14, eff. Nov. 1, 2004.

§47-11-1205. Riding on roadway, one-way street or highway.

A. Every person operating a bicycle or motorized scooter upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as

is safe to the right-hand curb or edge of the roadway, except under any of the following situations:

1. When overtaking and passing another vehicle proceeding in the same direction;
2. When preparing for a left turn at an intersection or into a private road or driveway;
3. When reasonably necessary to avoid conditions and while exercising due care, including but not limited to:
 - a. fixed or moving objects,
 - b. parked or moving vehicles,
 - c. pedestrians or animals,
 - d. surface hazards, or
 - e. any time it is unsafe to continue along the right-hand curb or edge of the roadway; and
4. When riding in the right-turn-only lane.

B. Any person riding a bicycle or motorized scooter upon a one-way street or highway with two or more marked lanes of travel may ride as close as is safe to the left-hand curb or edge of the street or highway.

C. No person operating a bicycle or motorized scooter shall pass other vehicles between lanes of traffic traveling in the same direction.

D. Persons riding bicycles or motorized scooters upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles or motorized scooters. Persons riding two abreast shall not impede the normal and reasonable flow of traffic and, on a laned roadway, shall ride within a single lane.

Added by Laws 1961, p. 390, § 11-1205, eff. Sept. 1, 1961. Amended by Laws 1993, c. 301, § 3, eff. Sept. 1, 1993; Laws 2003, c. 411, § 16, eff. Nov. 1, 2003; Laws 2004, c. 521, § 15, eff. Nov. 1, 2004; Laws 2006, c. 173, § 2, eff. July 1, 2006.

§47-11-1206. Carrying articles.

No person operating a bicycle or motorized scooter shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

Added by Laws 1961, p. 391, § 11-1206. Amended by Laws 2004, c. 521, § 16, eff. Nov. 1, 2004.

§47-11-1207. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-11-1208. Overtaking and passing bicycle - Violations - Fines and penalties.

A. When overtaking and passing a bicycle proceeding in the same direction, a person driving a motor vehicle shall exercise due care and:

1. If there is more than one lane for traffic proceeding in the same direction, a motorist passing a cyclist shall move the vehicle to the lane to the immediate left if the lane is available and moving into the lane is reasonably safe, and the motorist shall not move back into the travel lane until the vehicle is safely clear of the overtaken person operating a bicycle;

2. If there is only one lane for traffic proceeding in the same direction, shall not overtake or pass a bicycle at a distance of less than three (3) feet between any part of the motor vehicle and any part of the bicycle or its operator, and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken person operating a bicycle; or

3. May drive to the left of the center of the roadway, including when a no-passing zone is marked as defined in Section 11-307 of this title, to pass a person operating a bicycle only if the roadway to the left of the center is unobstructed for a sufficient distance to permit the driver to pass the person operating the bicycle safely and avoid interference with oncoming traffic. The provisions of this paragraph do not authorize driving on the left side of the center of the roadway when prohibited under Section 11-303, 11-305 or 11-306 of this title.

B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than One Hundred Dollars (\$100.00). Any second or subsequent conviction shall be a misdemeanor punishable by a term of imprisonment in the county jail for a term not to exceed thirty (30) days, or a fine of not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

C. Any person who violates the provisions of subsection A of this section and the violation results in an accident causing personal injury to another person shall, upon conviction, be guilty of a misdemeanor punishable by a term of imprisonment in the county jail for a term not to exceed three (3) months, or a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

D. 1. Any person who violates the provisions of subsection A of this section and the violation results in an accident causing great bodily injury to another person shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the custody of the county jail for a term not to exceed six (6) months, or by a fine of not more than Three Thousand Dollars (\$3,000.00), or by both such fine and imprisonment.

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

E. Any person who violates the provisions of subsection A of this section and the violation results in the death of another person shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the custody of the county jail for a term not to exceed one (1) year, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

F. A person may be charged under the provisions of this section in addition to any other chargeable offense allowed by law.
Added by Laws 2006, c. 173, § 3, eff. July 1, 2006. Amended by Laws 2019, c. 348, § 1, eff. Nov. 1, 2019.

§47-11-1209. Electric-assisted bicycles and operators - Rights and restrictions - Label requirements.

A. Except as specifically provided in this section, an electric-assisted bicycle or an operator of an electric-assisted bicycle shall be afforded the rights and privileges and be subject to all of the duties and provisions of this act.

B. An electric-assisted bicycle or a person operating an electric-assisted bicycle is not subject to the Oklahoma statutory provisions relating to financial responsibility, vehicle insurance, driver licenses, vehicle registration or certificates of title.

C. On and after January 1, 2020, manufacturers and distributors of electric-assisted bicycles shall apply a label that is permanently affixed in a prominent location to each electric-assisted bicycle. The label shall contain the classification number, top assisted speed and motor wattage of the electric-assisted bicycle, and it shall be printed in Arial font in at least 9-point type.

D. A person shall not tamper with or modify an electric-assisted bicycle so as to change the motor-powered speed capability or engagement of an electric-assisted bicycle, unless he or she appropriately replaces the label indicating the classification required in subsection C of this section.

E. An electric-assisted bicycle may be ridden where bicycles are permitted to travel subject to the following provisions:

1. A Class 1 electric-assisted bicycle or a Class 2 electric-assisted bicycle may be ridden on bicycle or multiuse paths where bicycles are permitted. However, the local authority or state agency having jurisdiction over a bicycle or multiuse path may prohibit the operation of a Class 1 electric-assisted bicycle or Class 2 electric-assisted bicycle on that path.

2. A Class 3 electric-assisted bicycle shall not be ridden on a bicycle or multiuse path unless it is within or adjacent to a highway or roadway or unless the local authority or state agency having jurisdiction over the path permits that operation.

3. This subsection shall not apply to a trail designated as nonmotorized if such trail has a natural surface tread made by clearing and grading the native soil with no added surfacing

materials. A local authority or state agency may regulate the use of electric-assisted bicycles or any class thereof on such trails that are under its jurisdiction.

F. The use of Class 3 electric-assisted bicycles shall be subject to the following provisions:

1. No person under sixteen (16) years of age may operate a Class 3 electric-assisted bicycle. A person under sixteen (16) years of age may ride as a passenger on a Class 3 electric-assisted bicycle that is designed to accommodate passengers.

2. All Class 3 electric-assisted bicycles shall be equipped with a speedometer that is capable of displaying the speed the electric-assisted bicycle is traveling in miles per hour.

G. An electric-assisted bicycle shall be considered a motor vehicle to the extent required for compliance with 23 U.S.C., Section 154.

Added by Laws 2019, c. 43, § 4, eff. Nov. 1, 2019.

§47-11-1301. Driving through safety zones prohibited.

No vehicle shall at any time be driven through or within a safety zone.

Laws 1961, p. 391, § 11-1301.

§47-11-1302. Maintenance and construction zones.

A. The Department of Transportation, Oklahoma Turnpike Authority and any county or city in this state are hereby authorized to close any highway or section thereof, within their respective jurisdiction, to traffic while the highway is flooded or under repair, maintenance or construction and, in exercising the authority, shall erect or cause to be erected traffic-control devices and barricades to warn and notify the public that the highway has been closed to traffic.

B. When any highway has been closed to traffic under the provisions of subsection A of this section and traffic-control devices or barricades have been erected, it shall be unlawful for any person to drive any vehicle through, under, over, or around the traffic-control devices or barricades, or otherwise to enter the closed area. The provisions of this subsection shall not apply to persons while engaged in the construction, maintenance and repair of the highway or to persons entering therein for the protection of lives or property; provided, that persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.

C. Whenever construction, repair and maintenance of any highway is being performed under traffic, the Oklahoma Turnpike Authority, Department of Transportation, county or city having jurisdiction over the highway shall erect, or cause to be erected, traffic-control devices to warn and guide the public. Each person using the highway shall obey all signs, signals, markings, flagmen or other traffic-

control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area. As used in this subsection, "construction or maintenance area" means any area upon or around any highway that is visibly marked as an area where construction, repair, and maintenance is temporarily occurring. The construction or maintenance area also includes the lanes of highway leading up to the area upon which an activity described in this section is being performed, beginning at the point where properly posted traffic-control devices start to warn and guide the public into and through the construction or maintenance including, but not limited to, instructions to merge from one lane into another lane, to reduce speed, or to follow directions of flagmen.

D. The "Merge Now" traffic-control device that is used to warn and guide the public using the highway to merge shall be located in advance of the highway construction or maintenance area in accordance with the standards set forth in the most current edition of the Federal Highway Administration's Manual on Uniform Traffic Control Devices. Whenever any traffic-control device requires traffic to merge due to the closure of a section or lane of highway, the merge shall be completed:

1. As soon as practicable after passing the traffic-control device; and

2. Without passing any other traffic proceeding in the same direction.

E. No person shall remove, change, modify, deface or alter any traffic-control device or barricade which has been erected on any highway under the provisions of this section.

F. Nothing in this section shall relieve the state or any of its subdivisions or their contractors, agents, servants or employees from liability for failure to perform any of the duties imposed herein.

G. Except as provided in subsection H of this section, any person who violates any provision of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisonment in the county jail not to exceed thirty (30) days, or both such fine and imprisonment, and shall be liable for any damage to property, or injury to or death to persons caused by the violations. In addition, the court may order restitution in an amount equal to the actual costs of the emergency response and repair or replacement of any damaged or lost emergency equipment.

H. When any section of a highway, turnpike, county road or city street has been closed to traffic due to flooding that is ongoing and traffic-control devices or barricades have been erected by law enforcement or other government officials with authority over traffic control, it shall be unlawful for any person to tear down, damage or remove any traffic-control devices or barricades or drive any vehicle

through, under, over or around the traffic-control devices or barricades, or otherwise to enter the closed area. Any person who violates the provisions of this subsection shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00). The person shall be guilty of a misdemeanor punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) and imprisonment in the county jail for not more than one (1) year if the operator of the motor vehicle was transporting a person eighteen (18) years of age or younger at the time of the violation.

Persons convicted pursuant to the provisions of this subsection shall be ordered to pay restitution in an amount equal to the actual costs of the emergency response and repair or replacement of any damaged or lost emergency equipment. In addition, the person shall be liable for any damage to property or injury or death to persons caused by the violation.

Added by Laws 1961, p. 391, § 11-1302, eff. Sept. 1, 1961. Amended by Laws 2004, c. 270, § 1, eff. Nov. 1, 2004; Laws 2005, c. 394, § 13, emerg. eff. June 6, 2005; Laws 2007, c. 59, § 1, eff. Nov. 1, 2007; Laws 2011, c. 257, § 1, emerg. eff. May 18, 2011; Laws 2016, c. 344, § 1, emerg. eff. June 6, 2016; Laws 2018, c. 118, § 1, eff. Nov. 1, 2018.

§47-11-1303. Endangerment of a highway worker.

A. A person shall be guilty of the offense of endangerment of a highway worker if the person commits any of the following when the act occurs within a maintenance or construction zone:

1. Exceeding the posted speed limit by fifteen (15) miles per hour or more;
2. Failing to merge as required in subsection D of Section 11-1302 of Title 47 of the Oklahoma Statutes;
3. Failing to stop for a work-zone flagman or failing to obey traffic-control devices that have been erected for purposes of warning or guiding the public into and through the construction or maintenance area;
4. Driving through or around a construction or maintenance area by any lane not clearly designated to motorists for the flow of traffic through or around the construction or maintenance area; or
5. Intentionally striking, moving or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect highway workers and motorists in the construction or maintenance area for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person.

B. Upon conviction for committing the offense of endangerment of a highway worker pursuant to subsection A of this section, if no

injury or death of a highway worker resulted from the offense, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00).

C. A person shall be deemed to commit the offense of aggravated endangerment of a highway worker upon conviction for any offense pursuant to subsection A of this section when such offense occurs in a construction or maintenance area and results in the injury or death of a highway worker. Upon conviction for committing the offense of aggravated endangerment of a highway worker, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) if the offense resulted in injury to a highway worker and not more than Ten Thousand Dollars (\$10,000.00) if the offense resulted in the death of a highway worker.

D. Except for the offense provided for in paragraph 5 of subsection A of this section, no person shall be deemed to commit the offense of endangerment of a highway worker except when the act or omission constituting the offense occurred when one or more highway workers were in the construction or maintenance area.

E. No person shall be cited or convicted for endangerment of a highway worker or aggravated endangerment of a highway worker, for any act or omission otherwise constituting an offense under subsection A of this section, if such act or omission resulted, in whole or in part, from mechanical failure of the vehicle of the person or from the negligence of another person or a highway worker.

F. Upon the expiration of any contract for maintenance or construction on a section of roadway, any increased fines or penalties otherwise imposed by law shall not apply.

G. Any highway worker killed while working on a section of highway after the effective date of this act shall have that mile of road named in honor of their memory.

Added by Laws 2008, c. 291, § 1, eff. Nov. 1, 2008.

§47-11-1401. Unlawful acts - Signs - Violations.

A. It shall be unlawful for any person to enter that part of a turnpike enclosed by fence except in a vehicle at authorized entrances.

B. It shall be unlawful for the driver of any vehicle to fail to pay the toll as prescribed by the Oklahoma Turnpike Authority.

C. It shall be unlawful for any person to cross a turnpike except at grade separations provided for cross traffic or through drainage structures under the turnpike.

D. It shall be unlawful for any person to travel a turnpike on foot except to leave or service a disabled vehicle, or for any person to hitchhike on a turnpike.

E. It shall be unlawful for any person to tear down, damage or remove any turnpike fence.

F. It shall be unlawful to drive, operate or ride any bicycle or other man-powered vehicle or means of transportation on a turnpike. The Oklahoma Turnpike Authority may prohibit any light, mechanically powered vehicle from entering the turnpike, or any other vehicle it determines would be injurious to the turnpike surfacing or would be a traffic hazard.

G. When any section of highway has been closed to traffic by the Oklahoma Turnpike Authority and traffic-control devices or barricades have been erected, it shall be unlawful for any person to drive any vehicle through, under, over, or around the traffic-control devices or barricades, or otherwise to enter the closed area.

H. Subsections A through G of this section shall not apply to:

1. Officers, employees, agents or contractors of the Oklahoma Turnpike Authority in performance of their duties;
2. Commissioned officers of the Department of Public Safety;
3. Emergency vehicle operators at the request of the Department of Public Safety; or
4. Agents, employees or contractors of public utilities while actually engaged in work in furtherance of construction, maintenance or repair of such public utilities located on, above or below a turnpike.

I. It shall be unlawful for any vehicle, except:

1. Authorized emergency vehicles;
2. Vehicles owned by the Oklahoma Turnpike Authority, its agents or contractors;
3. Vehicles owned by public utilities, their agents, employees or contractors, while actually engaged in construction, maintenance or repair of such public utilities; and
4. Wrecker vehicles while performing services at the request of the Department of Public Safety, to cross the center dividing strip of a turnpike, or to travel on any lane of a turnpike in a direction contrary to the direction of traffic on such lane.

J. All vehicles traveling on a turnpike shall comply at all times with signs placed on the turnpike regulating traffic thereon.

K. No vehicle shall move from one lane to another unless the way is clear to do so and upon proper signaling.

L. Any person who violates any provision of this section shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in Section 17-101 of this title.

Added by Laws 1961, p. 391, § 11-1401, eff. Sept. 1, 1961. Amended by Laws 1991, c. 309, § 8, eff. July 1, 1991; Laws 1993, c. 303, § 1; Laws 2001, c. 202, § 2, eff. Nov. 1, 2001; Laws 2008, c. 319, § 5, eff. Nov. 1, 2008; Laws 2009, c. 95, § 1, eff. Nov. 1, 2009.

§47-11-1401.1. Oklahoma Electronic Toll Collection Act - Short title.

This act shall be known and may be cited as the "Oklahoma Electronic Toll Collection Act".

Added by Laws 1997, c. 278, § 1, emerg. eff. May 27, 1997.

§47-11-1401.2. Oklahoma Electronic Toll Collection Act - Definitions
- Imposition of toll evasion violation penalties.

A. For purposes of this section:

1. "Authority" means the Oklahoma Turnpike Authority;

2. "Commission" means the Oklahoma Tax Commission;

3. "Electronic toll collection system" means a system of collecting tolls or charges which is capable of charging an account holder the appropriate toll or charge by transmission of information from an electronic device on a motor vehicle to the toll lane, which information is used to charge the account the appropriate toll or charge;

4. "Owner" means any person, corporation, partnership, firm, agency, association, or organization who, at the time of the violation and with respect to the vehicle identified in the notice of toll evasion violation:

a. is the beneficial or equitable owner of the vehicle,

b. has title to the vehicle,

c. is the registrant or coregistrant of the vehicle which is registered with the Oklahoma Tax Commission or similar registering agency of any other state, territory, district, province, nation or other jurisdiction,

d. subject to the liability limitations set forth in paragraph 12 of subsection B of this section, uses the vehicle in its vehicle renting and/or leasing businesses, or

e. is a person entitled to the use and possession of a vehicle subject to a security interest in another person;

5. "Photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection facility which automatically produces one or more photographs, one or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated on the turnpikes under the Authority's jurisdiction;

6. "Toll collection regulations" means those rules and regulations of the Oklahoma Turnpike Authority or statutes providing for and requiring the payment of tolls and/or charges prescribed by the Authority for the use of turnpikes under its jurisdiction or those rules and regulations of the Authority or statutes making it unlawful to refuse to pay or to evade or to attempt to evade the payment of all or part of any toll and/or charge for the use of turnpikes under the jurisdiction of the Authority;

7. "Toll evasion violation" means a failure to comply with the Authority's toll collection regulations, including the failure to pay an invoice submitted by the Authority via its video toll collection system;

8. "Vehicle" means every device in, upon or by which a person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks; and

9. "Video toll collection system" means a photo-monitoring system used to charge and collect tolls from owners of vehicles imaged using the turnpike system. The owner of a vehicle imaged by the photo-monitoring system may or may not be an Authority account holder.

B. 1. Notwithstanding any other provision of law, there shall be imposed monetary liability on the owner of a vehicle for failure of an operator thereof to comply with the toll collection regulations of the Oklahoma Turnpike Authority in accordance with the provisions of this section.

2. The owner of a vehicle shall be liable for a civil penalty imposed pursuant to this section if the vehicle was used or operated with the permission of the owner, express or implied, in violation of the toll collection regulations, and such violation is evidence by information obtained from a photo-monitoring system. However, no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of the vehicle has been convicted of a violation of toll collection regulations for the same incident.

3. A certificate, sworn to or affirmed by an agent of the Authority, or facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a photo-monitoring system shall be prima facie evidence of the facts contained therein and shall be admissible in any proceeding charging a violation of toll collection regulations. The photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for inspection and admission into evidence in any proceeding to adjudicate the liability for the violation. Each photo-monitoring system shall be checked bimonthly for accuracy, and shall be maintained, adjusted or replaced if necessary to ensure the systems are operating properly.

4. An owner found liable for a violation of toll collection regulations pursuant to this section shall be liable for a monetary penalty of Twenty-five Dollars (\$25.00) for each violation. Liability for this monetary penalty does not abrogate an owner's obligation to pay toll charges associated with the violation, and the Authority may pursue collection of such unpaid toll charges pursuant to this section.

5. An imposition of liability pursuant to this section shall be based upon a preponderance of evidence as submitted. An imposition of liability pursuant to this section shall not be deemed a

conviction as an operator and shall not be made part of the motor vehicle operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

6. a. A notice of toll evasion violation shall be sent by regular first-class mail to each person alleged to be liable as an owner for a violation of toll collection regulations. The notice shall be mailed no later than forty-five (45) days after the alleged violation. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the receipt of the notice.
- b. A notice of toll evasion violation shall contain the name and address of the person alleged to be liable as an owner for a violation of toll collection regulations pursuant to this section, the registration or the license tag number of the vehicle involved in the violation, the location where the photo-monitoring system recorded the vehicle's image, the date and time of the image, the identification number of the photo-monitoring system which recorded the image or other document locator number and the nature of the violation.
- c. Notice of toll evasion violation shall be prepared and mailed by the Authority or its agents and shall contain information advising the person of the applicable monetary penalty and method of payment thereof and the manner and the time in which the person may contest the liability alleged in the notice. The notice of toll evasion violation shall contain, or be accompanied with, an affidavit of nonliability and information of what constitutes nonliability, information as to the effect of executing the affidavit and instructions for returning the affidavit to the Authority and shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that the penalty shall be imposed and may be collected as authorized by law. In addition to the notice required by subparagraph a of this paragraph, the Authority may elect to send a subsequent notice of toll evasion violation by certified mail. Such notice shall contain a statement to the registered owner that, unless the registered owner pays the toll evasion penalty or contests the notice within twenty-one (21) days after receipt of the certified mail notice of toll evasion violation or completes and files the affidavit of

nonliability, the renewal of the vehicle registration shall be contingent upon compliance with the notice of toll evasion violation.

- d. If the toll evasion penalty is received by the Authority and there is no contest as to that toll evasion violation, the proceedings under this section shall terminate.
 - e. If the registered owner fails to pay the toll evasion penalty as required in this section, or fails to contest the notice of toll evasion violation issued pursuant to subparagraph c of this paragraph as provided in subparagraph a of paragraph 7 of this subsection, the registered owner shall be deemed liable for the violation by operation of law. The toll evasion penalty and any administrative fees or charges shall be considered a debt due and owing the Authority by the registered owner and the Authority may proceed to collect such penalty, fees or charges under paragraph 9 of this subsection.
7. a. Within twenty-one (21) days after receipt of a notice of toll evasion violation a person may contest a notice of toll evasion violation. In that case, the Authority shall do the following:
- (1) the Authority shall investigate the circumstances of the notice with respect to the contestant's written explanation of reasons for contesting the toll evasion violation. If, based upon the results of the investigation, the Authority is satisfied that the violation did not occur or that the registered owner was not responsible for the violation, the Authority shall maintain an adequate record of the findings of the investigation. Within thirty (30) days of receipt of a notice of contest the Authority shall complete such investigation and mail the results of the investigation to the person who contested the notice of toll evasion violation, and
 - (2) if the person contesting a notice of toll evasion violation is not satisfied with the results of the investigation provided for in division (1) of this subparagraph, the person may, within fifteen (15) days of the mailing of the results of the investigation, deposit the amount of the toll evasion penalty and request an administrative review. An administrative review shall be held within ninety (90) calendar days following the receipt of a request for an administrative review,

excluding any continuance time. The person requesting the review may request and shall be allowed one continuance, not to exceed twenty-one (21) calendar days.

- b. The administrative review procedure shall consist of the following:
- (1) the person requesting an administrative review shall indicate to the Authority his or her election for a review by mail or personal conference and may provide materials in support of the contest of the results of the investigation,
 - (2) upon ten (10) days' written notice mailed to the contestant, the administrative review shall be conducted before an examiner designated to conduct review by the Authority's governing body or Director of the Oklahoma Turnpike Authority. In addition to any other requirements of employment, an examiner shall demonstrate those qualifications, training, and objectivity prescribed by the Authority's governing body or Director as are necessary and which are consistent with the duties and responsibilities set forth in this section and Section 11-1401.1 et seq. of this title,
 - (3) the officer or person authorized to issue a notice of toll evasion violation shall be required to participate in an administrative review. The Authority shall not be required to produce any evidence other than the notice of toll evasion violation or copy thereof, a photograph of the rear of the vehicle, information received from the Commission identifying the registered owner of the vehicle, and a notarized statement from the person reporting the violations. The documentation in proper form shall be considered prima facie evidence of the violation, and
 - (4) the review shall be conducted in accordance with paragraph 5 of this subsection and in accordance with the written procedure established by the Authority which shall ensure fair and impartial review of contested toll evasion violations. The examiner's final decision shall be in writing and shall be delivered personally or by registered mail to the contestant within ten (10) days of the review. A manual or automatic record of mailing prepared in the ordinary course of business shall

be prima facie evidence of the receipt of such decision.

8. a. Within twenty (20) days after receipt of the final decision described in division (4) of subparagraph b of paragraph 7 of this subsection, the contestant may seek review by filing an appeal to the district court having jurisdiction in the county in which the contestant lives, where the same shall be heard on the record. A copy of the notice of appeal shall be served in person or by first-class mail upon the Authority by the contestants. For purposes of computing the twenty-day period, the Code of Civil Procedure, Section 2006 of Title 12 of the Oklahoma Statutes, shall be applicable.
- b. The conduct of the hearing on appeal under this section is a subordinate judicial duty which may be performed by referees, masters or other subordinate judicial officials at the direction of the district court.
- c. If no notice of appeal of the Authority's decision is filed within the period set forth in subparagraph a of this paragraph, the examiner's decision shall be deemed final.

9. Except as otherwise provided in paragraphs 10 and 11 of this subsection, the Authority shall proceed under one or more of the following options to collect an unpaid toll evasion penalty:

- a. the Authority may file an itemization of unpaid toll evasion penalties and administrative and service fees with the Commission for collection at the time of registration of the vehicle pursuant to paragraph 18 of this subsection, or
- b. the Authority may contract with a collection agency to collect unpaid toll evasion penalties, fees, and charges.

10. The Authority shall not file a civil judgment with the district court relating to a toll evasion violation which has been filed with the Commission unless the Authority has determined that the registration of the vehicle has not been renewed for sixty (60) days beyond the renewal date and the notice has not been mailed by the Commission pursuant to paragraph 18 of this subsection.

11. If an owner receives a notice of toll evasion violation pursuant to this paragraph for any time period during which the vehicle was reported to the police department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of toll collection regulations that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. If an owner receives a notice of toll evasion violation pursuant to this paragraph for any time period during which the vehicle was stolen,

but not yet reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of toll collection regulations pursuant to this paragraph that the vehicle was reported as stolen within two (2) hours after the discovery of the theft by the owner. For purposes of asserting the defense provided by this subsection it shall be sufficient that a certified copy of the police report of the stolen vehicle be sent by first-class mail to the Authority and the district court having jurisdiction.

12. An owner of a vehicle to which a notice of toll evasion violation was issued pursuant to paragraph 6 of this subsection shall not be liable for the violation of the toll collection regulations provided that the owner sends to the Authority the affidavit of nonliability described in paragraph 6 of this subsection, within twenty-one (21) days after receiving the original notice of toll evasion violation. Failure to send such information within the time period shall render the owner liable for the penalty prescribed by this section. If the owner complies with the provisions of this subsection, the operator of the vehicle on the date of the violation shall be subject to liability for the violation of toll collection regulations, provided that the Authority mails a notice of toll evasion violation to the operator within ten (10) days after receipt of such information.

13. In connection with the preparation and mailing of a notice of toll evasion violation, the Authority shall ensure adequate and timely notice to all video toll collection system and electronic toll collection system account holders to inform them when their accounts are delinquent. An owner who is an account holder under the video toll collection system or electronic toll collection system shall not be found liable for a violation of this section unless the Authority has first sent a notice of delinquency to the account holder and the account holder was in fact delinquent at the time of the violation.

14. Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of toll collection laws or regulations.

15. Notwithstanding any other provision of law, all photographs, microphotographs, videotape or other recorded images prepared pursuant to this section shall be for the exclusive use of the Authority in the discharge of its duties under this section and shall not be open to the public nor be used in any court in any action or proceeding pending therein unless the action or proceeding relates to:

- a. the imposition of or indemnification for liability pursuant to this section, or
- b. an investigation or prosecution for a criminal violation of the laws of the State of Oklahoma. Such records shall be available to a law enforcement officer

or law enforcement agency for law enforcement purposes related to an investigation or prosecution of a criminal violation of the laws of the State of Oklahoma pursuant to a duly issued search warrant, subpoena, or order of the court requiring such disclosure to a law enforcement officer or agency.

16. The Authority shall not sell, distribute or make available in any way, the names and addresses of video toll collection system and electronic toll collection system account holders or Authority patrons, without the consent of the account holders or patrons, to any entity that will use the information for any commercial purpose.

17. a. Except as provided in subparagraph c of this paragraph, the Commission shall refuse to renew the registration of any vehicle if the registered owner or lessee has been mailed by certified mail a notice of toll evasion violation as provided in subparagraph c of paragraph 6 of this subsection, the Authority has transmitted to the Commission an itemization of unpaid toll evasion penalties, including administrative fees, pursuant to paragraph 9 of this subsection, and the toll evasion penalty and administrative fee have not been paid pursuant to paragraph 8 of this subsection, unless the full amount of all outstanding toll evasion penalties and administrative fees, as shown by records of the Commission are paid to the Commission at the time of application for renewal.
- b. The Authority shall issue a notice of disposition of toll evasion violation to a lessor, if the lessor provides the Authority with the name, address, and driver's license number of the lessee at the time of the occurrence of the toll evasion violation.
- c. The Commission shall renew the registration of any vehicle if the applicant provides the Commission with the notice of disposition of toll evasion violation issued pursuant to subparagraph b of this paragraph for clearing all outstanding toll evasion penalties, fees and assessments, as shown by the records of the Commission, and the applicant has met all other requirements for registration.

18. The Commission shall include on each vehicle registration renewal notice issued for use at the time of renewal, or on an accompanying document, an itemization of unpaid toll evasion penalties, fees and assessments, showing the amount thereof and the date of toll evasion relating thereto, which the registered owner or lessee is required to pay pursuant to paragraph 17 of this subsection.

19. a. Except as provided in subparagraph b of this paragraph, the Commission shall remit all toll evasion penalties, fees and assessments collected, after deducting the administrative fee authorized by paragraph 20 of this subsection, for each notice of toll evasion violation for which toll evasion penalties, fees and assessments have been collected pursuant to paragraph 17 of this subsection, to the Authority. Within forty-five (45) days from the time penalties, fees and assessments are paid to the Commission, the Commission shall inform the Authority which of its notices of toll evasion violation have been collected.
- b. For each notice of toll evasion violation for which toll evasion penalties, fees and assessments have been collected by the Commission pursuant to paragraph 16 of this subsection, the Authority is due an amount equal to the sum of the unpaid toll, administrative fees, other costs incurred by the Authority that are related to toll evasion, process service fees, and fees and collection costs related to civil debt collection. After deducting the Commission's administrative fee authorized by paragraph 20 of this subsection, the Commission shall promptly pay to the Authority the amounts due the Authority for unpaid tolls, administrative fees, other costs incurred by the Authority that are related to toll evasion, process service fees, and fees and collection costs related to civil debt collection.

20. The Commission shall assess a fee for the recording of the notice of toll evasion violation, which is given to the Commission pursuant to paragraph 9 of this subsection, in an amount, as determined by the Commission, that is sufficient to provide a total amount equal to at least its actual costs of administering paragraphs 17, 18 and 21 of this subsection.

21. Whenever a vehicle is transferred or not renewed for two renewal periods and the former registered owner or lessee of the vehicle owes a toll evasion penalty and administrative fees for a notice of toll evasion violation filed with the Commission pursuant to paragraph 9 of this subsection, the Commission shall notify the Authority of that fact and is not required thereafter to attempt collection of the toll evasion penalty and administrative fees.

This legislation shall not be construed to affect in any way the power which the Oklahoma Turnpike Authority possesses to establish tolls and other charges in connection with their turnpike facilities, including the authority to establish a one-way toll collection system for any of its facilities or a toll discount structure for certain classes of patrons using any of its facilities.

Added by Laws 1997, c. 278, § 2, emerg. eff. May 27, 1997. Amended by Laws 2012, c. 43, § 1, emerg. eff. April 16, 2012; Laws 2013, c. 15, § 28, emerg. eff. April 8, 2013; Laws 2015, c. 129, § 1, eff. Nov. 1, 2015; Laws 2016, c. 79, § 1, eff. Nov. 1, 2016.

NOTE: Laws 2012, c. 132, § 1 repealed by Laws 2013, c. 15, § 29, emerg. eff. April 8, 2013.

§47-11-1402. Enforcement of laws - Costs - Authority of other entities.

A. Except as otherwise provided in this section, enforcement of both traffic laws and the general laws of the State of Oklahoma on the turnpikes shall be the exclusive authority of the Department of Public Safety, and the cost thereof shall be borne by the Oklahoma Turnpike Authority. Provided that the Authority shall be liable only for such costs as may be agreed to by it under contract or agreement with the Commissioner of Public Safety.

B. Upon a written request by the Department of Wildlife Conservation to the Commissioner of Public Safety, the Department of Public Safety, upon the approval of the Commissioner of Public Safety, may enter into a written agreement with the Department of Wildlife Conservation permitting the Department of Wildlife Conservation to perform on the turnpikes of this state those law enforcement duties specified in the agreement. The request by the Department of Wildlife Conservation must be acted upon by the Commissioner within sixty (60) days of receiving such request. The costs of performing those law enforcement duties shall be the responsibility of the Department of Wildlife Conservation and no costs shall be the responsibility of the Oklahoma Turnpike Authority or the Department of Public Safety.

C. On the turnpikes, the Oklahoma State Bureau of Investigation shall have the authority to investigate and enforce all laws relating to any crime listed in Section 571 of Title 57 of the Oklahoma Statutes.

Added by Laws 1961, p. 392, § 11-1402, eff. Sept. 1, 1961. Amended by Laws 2003, c. 461, § 14, eff. July 1, 2003; Laws 2004, c. 418, § 17, eff. July 1, 2004; Laws 2008, c. 365, § 1, eff. Nov. 1, 2008; Laws 2015, c. 397, § 4, eff. Nov. 1, 2015.

§47-11-1403. Agreements as to law enforcement - Equipment - Charges - Payments - Funds.

The Commissioner of Public Safety and the Oklahoma Turnpike Authority are hereby authorized to enter into contracts and agreements for law enforcement on turnpikes. The Department of Public Safety is authorized to use any of its automotive and other equipment in policing turnpikes, and to charge the Authority for the use thereon on a rental basis to be agreed to by the Department and the Authority, and to perform such services in connection with

policing turnpikes with its general personnel and equipment at such rates, salaries, expenses, and miscellaneous costs as may be agreed to by the Department and the Authority. It is the intent of this section that rental rates and other costs of policing turnpikes shall be determined on an average actual cost basis, and in accordance with salaries and expenses paid by the Department of Public Safety in its regular operations. Payments shall be made by the Authority monthly and shall be remitted to the Department of Public Safety to be credited to the Department of Public Safety Restricted Revolving Fund in the State Treasury. Such monies shall be expended for vehicles, equipment, personnel and other operating expenses for turnpike enforcement.

Added by Laws 1961, p. 393, § 11-1403, eff. Sept. 1, 1961. Amended by Laws 1979, c. 47, § 15, emerg. eff. April 9, 1979; Laws 1983, c. 286, § 25, operative July 1, 1983; Laws 1987, c. 5, § 158, emerg. eff. March 11, 1987; Laws 1988, c. 290, § 15, operative July 1, 1988; Laws 2001, c. 133, § 4, emerg. eff. April 24, 2001; Laws 2012, c. 283, § 9, eff. July 1, 2012.

§47-11-1404. Flashing and signal lights.

Vehicles or equipment owned by the Oklahoma Transportation Authority, its agents or contractors, and public utilities, and engaged in maintenance or emergency operations, shall be equipped with such flashing and signal lights as may be prescribed by this title or by federal regulation, pursuant to 49 C.F.R., Section 571.108.

Added by Laws 1961, p. 393, § 11-1404, eff. Sept. 1, 1961. Amended by Laws 2002, c. 397, § 23, eff. Nov. 1, 2002.

§47-11-1405. Repealed by Laws 2008, c. 319, § 9, eff. Nov. 1, 2008.

§47-12-101. Driving or permitting to be driven vehicle with unsafe or missing equipment - Other forbidden acts - Exceptions relating to requirements for equipment - Rules - Definitions.

A. It shall be a misdemeanor, upon conviction, punishable as provided in Section 17-101 of this title, for any person:

1. To drive or move, or for the owner to cause or permit to be driven or moved on any highway, any vehicle or combination of vehicles which:

- a. is known to be in such unsafe condition as to endanger any person,
- b. is known not to contain those parts required by this chapter,
- c. is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or

- d. is known to be equipped in any manner in violation of this chapter;
- 2. To do any act forbidden under this chapter; or
- 3. To fail to perform any act required under this chapter.
- B. Nothing contained in this chapter shall be construed to prohibit on any vehicle:
 - 1. Equipment required by the United States Department of Transportation pursuant to 49 C.F.R., Chapter V; or
 - 2. The use of additional parts and accessories which are not inconsistent with provisions of this chapter.
- C. The provisions of Article II et seq. of this chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, farm tractors, motorcycles as defined in Section 12-601 of this title, or vehicles designed to be moved solely by animal or human power, except as specifically made applicable in this chapter.
- D. Any specific requirement of this chapter with respect to equipment on any vehicle, other than a bicycle, shall not apply if the vehicle was lawfully designed and manufactured without such equipment; provided, the provisions of this chapter shall apply to any homemade vehicle or any vehicle constructed from a kit or from plans.
- E. Low-speed and medium-speed electrical vehicles which are in compliance with the equipment requirements in 49 C.F.R., Section 571.500 shall be deemed to be in compliance with the provisions of this chapter.
- F. The provisions of this chapter shall not apply to vehicles registered in Oklahoma as antique or classic vehicles pursuant to Sections 1105 and 1135.1 of this title and rules promulgated pursuant thereto.
- G. The Commissioner of Public Safety may promulgate rules regarding vehicle equipment and standards for vehicle equipment required to maintain such equipment in safe condition and in compliance with this chapter.
- H. Any person producing proof within forty-eight (48) hours that a condition or equipment for which the person was cited as defective, missing, prohibited, improper, unauthorized or otherwise in violation of this chapter has been remedied by the person shall be entitled to dismissal of such charge without assessment of court costs.
- I. As used in this chapter:
 - 1. "Lamp" means an electrical device producing artificial illumination by use of one or more lights, each light of which performs the same function or separate functions as required by this chapter;
 - 2. "Lightweight vehicle" means a motor vehicle that has a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or less, other than:

- a. a vehicle that is being used to transport passengers for hire, or
- b. a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded under 49 C.F.R., Section 177.823;

3. "Nighttime" or "night" means any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise; and

4. "Passenger car" means a motor vehicle designed for carrying ten persons, including the driver, or less except a low-speed or medium-speed electrical vehicle or motorcycle, as defined in Section 12-601 of this title.

Added by Laws 1961, p. 393, § 12-101, eff. Sept. 1, 1961. Amended by Laws 1993, c. 13, § 2, emerg. eff. March 24, 1993; Laws 2001, c. 243, § 3, eff. Nov. 1, 2001; Laws 2003, c. 411, § 17, eff. Nov. 1, 2003; Laws 2004, c. 5, § 44, emerg. eff. March 1, 2004; Laws 2005, c. 50, § 4, eff. Nov. 1, 2005; Laws 2007, c. 62, § 15, emerg. eff. April 30, 2007; Laws 2008, c. 302, § 2, emerg. eff. June 2, 2008.

NOTE: Laws 2003, c. 199, § 9 repealed by Laws 2004, c. 5, § 45, emerg. eff. March 1, 2004.

§47-12-101.1. Sale of improperly equipped vehicle - Improper equipping or operation of improperly equipped vehicle.

A. Unless previously disclosed through written documentation, no person shall knowingly have for sale, sell, or offer for sale any vehicle to be operated on the highways of this state unless it is equipped as required by this chapter.

B. No person shall knowingly equip or operate on the highways of this state any vehicle with equipment unless it complies with the requirements of this chapter.

Added by Laws 2003, c. 411, § 19, eff. Nov. 1, 2003.

§47-12-101.2. Construction of act - Severability.

This act shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this chapter shall be severable and if any phrase, clause, sentence or provision of this chapter is declared to be invalid or to be preempted by federal law or regulation, the validity of the remainder of this chapter shall not be affected thereby, and the remaining provisions shall be in full force and effect.

Added by Laws 2003, c. 411, § 20, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 5, eff. Nov. 1, 2005.

§47-12-102. Renumbered as § 12-428 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-201. Proper display of lamps and other signal devices - Adoption of federal specifications and standards.

A. The United States Department of Transportation specifications and standards for headlamps, auxiliary driving lamps, tail lamps, signal lamps, reflectors, and other lighting equipment and signal devices, pursuant to 49 C.F.R., Section 571.108, are hereby adopted by the State of Oklahoma.

B. Except as otherwise provided in this chapter and subject to exceptions for parked vehicles, every vehicle upon a highway within this state shall properly display all lamps and illuminating devices as required by law:

1. At any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise, also referred to in this chapter as nighttime; and

2. At any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand (1,000) feet or less.

C. All lamps required by this chapter shall display a steady light except as otherwise prescribed by this chapter. Any required individual lamp may be combined or incorporated with any other required individual lamp if the combined or incorporated lamps meet all of the individual lighting requirements of this chapter for each individual lamp contained therein.

D. No lamp, other than a headlamp, displayed on any vehicle shall project a glaring light; provided, every headlamp shall comply with Section 12-222 of this title.

Added by Laws 1961, p. 394, § 12-201, eff. Sept. 1, 1961. Amended by Laws 1992, c. 57, § 1, eff. Sept. 1, 1992; Laws 1993, c. 255, § 1, eff. Sept. 1, 1993; Laws 2003, c. 411, § 21, eff. Nov. 1, 2003; Laws 2005, c. 50, § 6, eff. Nov. 1, 2005.

§47-12-202. Visibility distance and mounted height of lamps.

A. Any requirement of this chapter as to distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices shall be visible, shall apply during the times stated in subsection B of Section 12-201 of this title in respect to a vehicle without load when upon a straight, level, unlighted highway, under normal atmospheric conditions unless a different time or condition is expressly stated.

B. Any requirement of this chapter as to the mounted height of lamps or devices shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

Added by Laws 1961, p. 394, § 12-202. Amended by Laws 2003, c. 411, § 22, eff. Nov. 1, 2003.

§47-12-203. Head lamps on motor vehicles.

A. Every motor vehicle shall be equipped with at least two headlamps emitting a white light with at least one lamp on each side of the front of the motor vehicle on the same level and as far apart as practicable. The headlamps shall comply with the requirements and limitations set forth in this chapter.

B. Every headlamp upon every motor vehicle shall be located at a height of not more than fifty-four (54) inches nor less than twenty-two (22) inches to be measured as set forth in subsection B of Section 12-202 of this title.

C. The headlamps on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least six hundred (600) feet ahead for all conditions of loading;

2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least two hundred (200) feet ahead; and

3. On a straight, level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

D. Every motor vehicle which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted.

Added by Laws 1961, p. 394, § 12-203, eff. Sept. 1, 1961. Amended by Laws 1996, c. 18, § 1, eff. Nov. 1, 1996; Laws 2003, c. 411, § 23, eff. Nov. 1, 2003.

§47-12-203.1. Number of driving lamps required or permitted.

A. At all times specified in subsection B of Section 12-201 of this title, at least two lighted headlamps shall be displayed, one on each side at the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles, as provided in Section 12-214 of this title.

B. Whenever a motor vehicle equipped with headlamps as herein required is also equipped with any auxiliary driving lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred (300) candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

C. The driver of any vehicle shall comply with the provisions of Section 12-217 of this title regarding the use of alternate headlamp equipment.

Added by Laws 1961, p. 401, § 12-226. Amended by Laws 2003, c. 411, § 43, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-226 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-203.2. Use of distribution of light or composite beam lighting equipment.

Whenever a motor vehicle is being operated on a roadway, or shoulder adjacent thereto, during the times specified in subsection B of Section 12-201 of this title, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. Whenever a driver of a vehicle approaches an oncoming vehicle within one thousand (1,000) feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in paragraph 2 of subsection C of Section 12-203 of this title shall be deemed to avoid glare at all times, regardless of road contour and loading.

2. Whenever the driver of a vehicle follows another vehicle within six hundred (600) feet to the rear, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in paragraph 1 of subsection C of Section 12-203 of this title.

Added by Laws 1961, p. 400, § 12-222. Amended by Laws 2003, c. 411, § 39, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-222 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-203.3. Headlamps with single distribution of light - Farm tractors and certain other motor vehicles.

Headlamps arranged to provide a single distribution of light shall be permitted on farm tractors and motor vehicles manufactured and sold prior to September 1, 1962, in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

1. The headlamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five (25) feet ahead project higher than a level of five (5) inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead.

2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least three hundred (300) feet. Added by Laws 1961, p. 401, § 12-223. Amended by Laws 2003, c. 411, § 40, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-223 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-203.4. Lighting equipment upon motor vehicles operated below certain speed.

Any motor vehicle operated at a speed of twenty (20) miles per hour or less may be operated under the conditions specified in subsection B of Section 12-201 of this title when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects one hundred (100) feet ahead in lieu of lamps required in Section 12-203 or 12-203.3 of this title.

Added by Laws 1961, p. 401, § 11-225, eff. Sept. 1, 1961. Renumbered from § 11-225 of this title by Laws 2000, c. 189, § 13, eff. July 1, 2000. Amended by Laws 2003, c. 411, § 42, eff. Nov. 1, 2003. Renumbered from § 12-225 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 7, eff. Nov. 1, 2005.

§47-12-204. Tail lamps.

A. Every motor vehicle, trailer, semitrailer and pole trailer, and any vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable which, when lighted, shall emit a red light visible from a distance of one thousand (1,000) feet to the rear; provided that, in the case of a combination of vehicles, only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.

B. Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches.

C. Any tail lamps shall be lighted whenever the clearance lamps and:

1. Headlamps;
2. Combination of headlamps and auxiliary driving lamps, as defined in Section 12-217 of this title; or
3. Fog lamps, as defined in Section 12-217 of this title, are lighted.

Added by Laws 1961, p. 394, § 12-204. Amended by Laws 2003, c. 411, § 24, eff. Nov. 1, 2003.

§47-12-204.1. Lamps illuminating rear license plate.

A. No more than two separate lamps with a white light shall be so constructed and placed as to illuminate the rear license plate and

render it clearly legible from a distance of fifty (50) feet to the rear.

B. Any separate lamp or lamps for illuminating the rear license plate, shall be lighted whenever the clearance lamps and:

1. Headlamps;
2. Combination of headlamps and auxiliary driving lamps, as defined in Section 12-217 of this title; or
3. Fog lamps, as defined in Section 12-217 of this title, are lighted.

C. The operation of a vehicle upon which the license plate is surrounded or framed, partially or in whole, by any additional lamp or lamps or otherwise lighted by any additional lamp or lamps, shall be a violation of this section. In addition, display and visibility of the rear license plate shall be in compliance with paragraph 2 of subsection A of Section 1113 of this title.

Added by Laws 2003, c. 411, § 25, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 8, eff. Nov. 1, 2005.

§47-12-205. Reflectors.

A. Every motor vehicle, trailer, semitrailer, and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, at least two red reflectors meeting the requirements of this section; provided, that vehicles described in Section 12-208 of this title shall be equipped with reflectors as required in Sections 12-208 and 12-211 of this title.

B. Every such reflector shall be mounted on the vehicle at a height not less than fifteen (15) inches nor more than seventy-two (72) inches measured as set forth in subsection B of Section 12-202 of this title, and shall be of such size and characteristics and so mounted as to be visible at night from all distances within six hundred (600) feet to one hundred (100) feet from such vehicle when directly in front of lawful lower beams of headlamps, except as required in Sections 12-211, 12-215 and 12-216 of this title.

Added by Laws 1961, p. 394, § 12-205. Amended by Laws 2003, c. 411, § 26, eff. Nov. 1, 2003.

§47-12-206. Stop lamps.

A. Every vehicle shall be equipped with at least two stop lamps which shall meet the requirements of this section.

B. The stop lamps required by this section:

1. Shall be mounted on the rear of the vehicle at the same level, as far apart as practicable, and at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches;
2. Shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight; and
3. Shall be actuated upon application of the brakes.

C. If so equipped in its original design and manufacture, every motor vehicle shall be additionally equipped with a center high-mounted stop lamp located on the vertical center line above the level of the stop lamps described in this section which shall display a red light, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight, and which shall be actuated upon application of the brakes.

Added by Laws 1961, p. 395, § 12-206. Amended by Laws 2003, c. 411, § 27, eff. Nov. 1, 2003.

§47-12-206.1. Turn signal lamps.

A. Every vehicle shall be equipped with turn signal lamps that flash for the purpose of indicating the intention to turn either to the left or to the right.

B. The flashing turn signal lamps required by this section:

1. Shall show to the front and rear of the vehicle;

2. On the front of the vehicle, shall be located on the same level, as widely spaced laterally as practicable, at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches, and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than five hundred (500) feet to the front in normal sunlight; and

3. On the rear of the vehicle, shall be located at the same level and as widely spaced laterally as practicable, at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches, and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight.

C. A truck-tractor need not be equipped with turn signal lamps mounted on the rear if the turn signals at the front are so constructed and so located that they meet the requirements for double-faced turn signals that meet the standards of the Society of Automotive Engineers (SAE).

Added by Laws 2003, c. 411, § 28, eff. Nov. 1, 2003.

§47-12-207. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-208. Vehicles of certain width - Clearance lamps - Side marker lamps - Reflectors.

A. In addition to other equipment required in this chapter, every vehicle, except truck-tractors and pole trailers, which is eighty (80) inches or more in overall width shall be equipped:

1. On the front, with two amber clearance lamps, one at each side located at the same level and as widely spaced laterally and as near the top as practicable;

2. On the rear, with two red clearance lamps, one at each side located at the same level and as widely spaced laterally and as near

the top as practicable; provided, trailers or semitrailers are not required to comply with this paragraph;

3. On each side, with two side marker lamps, one at the front amber in color and one at the rear red in color. The marker lamps shall be located at the same level and as widely spaced laterally and as near the top as practicable, but not less than fifteen (15) inches above the surface of the road;

4. On each side, with one intermediate amber side marker lamp, at or near the midpoint between the front and rear side marker lamps, but not less than fifteen (15) inches above the surface of the road. Provided, any vehicle less than thirty (30) feet in overall length is not required to comply with this paragraph;

5. On each side, with two reflex reflectors, one at the front amber in color and one at the rear red in color. The reflex reflectors shall be located at the same level and as widely spaced laterally and as near the top as practicable, but not less than fifteen (15) inches above the surface of the road; and

6. On each side, with one intermediate amber side reflex reflector, at or near the midpoint between the front and rear side reflex reflectors, but not less than fifteen (15) inches nor more than (60) inches above the surface of the road. Provided, any vehicle less than thirty (30) feet in overall length is not required to comply with this paragraph.

B. In addition to other equipment required in this chapter, every truck-tractor shall be equipped on the front, with two amber clearance lamps, one at each side located at the same level and as widely spaced laterally and as near the top as practicable.

C. In addition to other equipment required in this chapter, every pole trailer shall be equipped:

1. On each side, with one red or amber side marker lamp and one amber clearance lamp, which may be in combination, to show to the front, side and rear; and

2. On the rear of the pole trailer or load, with two red reflex reflectors, one at each side located at the same level and as widely spaced laterally and as near the top as practicable, but not less than fifteen (15) inches above the surface of the road; provided, any load overhang of four (4) feet or more shall be lighted in compliance with Section 12-213 of this title.

D. Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

E. In addition to other equipment required in this chapter, any motor vehicle eighty (80) inches or more in overall width shall be equipped with:

1. Three identification lamps showing to the front which shall emit an amber light; and

2. Three identification lamps showing to the rear which shall emit a red light.

Such lamps shall be placed horizontally in a row between the clearance lamps on the vertical center line of the vehicle.

Added by Laws 1961, p. 395, § 12-208. Amended by Laws 2003, c. 411, § 29, eff. Nov. 1, 2003.

§47-12-209. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-210. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-211. Visibility of reflectors, clearance lamps and marker lamps.

A. Every reflector upon any vehicle referred to in Section 12-208 of this title shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred (600) feet to one hundred (100) feet from the vehicle when directly in front of lawful lower beams of headlamps.

B. Front and rear clearance lamps shall be visible at nighttime from a distance of one thousand (1,000) feet from the front and rear, respectively, of the vehicle.

C. Side marker lamps shall be visible at nighttime from a distance of one thousand (1,000) feet from the sides of the vehicles on which mounted.

Added by Laws 1961, p. 396, § 12-211. Amended by Laws 2003, c. 411, § 30, eff. Nov. 1, 2003.

§47-12-212. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-213. Lamps, reflectors, and flags on projecting load.

A. Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the time specified in subsection B of Section 12-201 of this title:

1. Two red lights and two red reflectors positioned to indicate maximum width; and

2. One red light facing to each side positioned to indicate maximum overhang.

The required lights and reflectors may be mounted in combination at each side of the vehicle and shall be visible from a distance of one thousand (1,000) feet.

B. At any other time on any such vehicle, there shall be displayed at the extreme rear end of such load red flags not less than twelve (12) inches square marking the extremities of such load at each point where a lamp would otherwise be required by this section.

Added by Laws 1961, p. 396, § 12-213. Amended by Laws 2003, c. 411, § 31, eff. Nov. 1, 2003.

§47-12-214. Lamps on parked or stopped motor vehicles.

A. Whenever a motor vehicle or combination of vehicles is parked or stopped, whether attended or unattended, upon a roadway or shoulder adjacent thereto, and there is not sufficient light to reveal the parked or stopped vehicle to the operator of another vehicle within a distance of one thousand (1,000) feet upon such roadway or shoulder, such vehicle so parked or stopped shall display the following:

1. At least two lamps displaying a white or amber light visible from a distance of one thousand (1,000) feet to the front of the vehicle; and

2. At least two lamps displaying a red light visible at a distance of one thousand (1,000) feet to the rear of the vehicle.

B. Subsection A of this section shall not apply to:

1. A vehicle parked or stopped on a street or highway with designated on-street parking or with a speed limit of twenty-five (25) miles per hour or less:

- a. when the vehicle is positioned as close as practicable to the outer edge of the roadway or of the shoulder, if present, or

- b. unless the street or highway is posted as a no-parking area;

2. A vehicle which has lost the ability to display lamps and the vehicle is parked or stopped off the roadway;

3. A vehicle which is disabled, unattended, and parked or stopped off the roadway; or

4. An authorized emergency vehicle of a law enforcement agency, when such vehicle is parked or stopped on the shoulder.

C. Any lighted headlamps upon a parked or stopped vehicle shall be lower beams.

Added by Laws 1961, p. 397, § 12-214. Amended by Laws 2003, c. 411, § 32, eff. Nov. 1, 2003.

§47-12-215. Lamps on farm tractors - Farm equipment and implements of husbandry.

A. Every farm tractor and every self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, be equipped with at least one lamp displaying a white light visible when lighted from a distance of not less than five hundred (500) feet to the front of such vehicle and shall also be equipped with at least one lamp displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear of such vehicle.

B. Every self-propelled unit of farm equipment not equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, in addition to the lamps required in subsection A of this section, be equipped with two red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet to the rear when directly in front of lawful upper beams of head lamps.

C. Every combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, be equipped with the following lamps:

1. At least one lamp mounted to indicate as nearly as practicable the extreme left projection of said combination and displaying a white light visible when lighted from a distance of not less than five hundred (500) feet to the front of said combination; and

2. Two lamps each displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear of said combination or, as an alternative, at least one lamp displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear thereof and two red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet to the rear thereof when illuminated by the upper beams of head lamps.

D. Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, be equipped with two single-beam or multiple-beam head lamps meeting the requirements of Section 12-203.3 of this title or, as an alternative, Section 12-602.1 of this title, and at least one red lamp visible when lighted from a distance of not less than five hundred (500) feet to the rear; provided, however, that every such self-propelled unit of farm equipment other than a farm tractor shall have two such red lamps or, as an alternative, one such red lamp and two red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet when directly in front of lawful upper beams of head lamps.

E. Every combination of farm tractor and towed farm equipment or towed implement of husbandry equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, be equipped with lamps as follows:

1. The farm tractor element of every such combination shall be equipped as required in subsection D of this section.

2. The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped with two red lamps visible when lighted from a distance of not less than five hundred (500) feet to the rear or, as an alternative, two red reflectors

visible from all distances within six hundred (600) to one hundred (100) feet to the rear when directly in front of lawful upper beams of head lamps.

3. Said combinations shall also be equipped with a lamp displaying a white or amber light, of any shade of color between white and amber, visible when lighted from a distance of not less than five hundred (500) feet to the front and a lamp displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear.

F. The lamps and reflectors required in subsections A through E of this section shall be so positioned as to show from front and rear as nearly as practicable the extreme projection of the vehicle carrying them on the side of the roadway used in passing such vehicle. If a farm tractor, or a unit of farm equipment, whether self-propelled or towed, is equipped with two or more lamps or reflectors visible from the front or two or more lamps or reflectors visible from the rear, such lamps or reflectors shall be so positioned that the extreme projections both to the left and to the right of said vehicle shall be indicated as nearly as practicable.

G. Every farm tractor and every self-propelled farm equipment unit or implement of husbandry may be equipped with a flashing, strobe-light-type device that when lighted is visible from a distance of not less than five hundred (500) feet to the front of the vehicle or from a distance of not less than five hundred (500) feet to the rear of the vehicle.

Added by Laws 1961, p. 397, § 12-215, eff. Sept. 1, 1961. Amended by Laws 2007, c. 16, § 1, eff. Nov. 1, 2007.

§47-12-216. Lamps, lighting devices, or reflectors on animal-drawn and certain other vehicles.

A. Animal-drawn vehicles and vehicles referred to in subsection C of Section 12-101 of this title, not specifically required by the provisions of this chapter to be equipped with lamps or other lighting devices, shall, at all times specified in subsection B of Section 12-201 of this title, be equipped with at least one lamp emitting a white light visible from a distance of not less than one thousand (1,000) feet to the front of said vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than one thousand (1,000) feet to the rear of said vehicle or, as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand (1,000) feet to the rear and two red reflectors visible for distances of six hundred (600) feet to one hundred (100) feet to the rear when illuminated by the lower beams of headlamps.

B. The failure on the part of an owner or driver of any vehicle specified in this section to display any lamp, lighting device, or

reflector required by this section shall not relieve the operator of a motor vehicle from negligence in the event of a collision. Added by Laws 1961, p. 398, § 12-216. Amended by Laws 2003, c. 411, § 33, eff. Nov. 1, 2003.

§47-12-217. Auxiliary, fog, and off-road lamps.

A. As used in this article:

1. "Auxiliary driving lamp" means a lamp mounted to provide illumination to the front of a motor vehicle;

2. "Daytime running lamp" means a lamp mounted to provide illumination to the front of a motor vehicle that will assist to identify its presence to other vehicles and pedestrians at times other than those specified in subsection B of Section 12-201 of this title;

3. "Front fog lamp" means a lamp mounted to provide illumination to the front of a motor vehicle during conditions of rain, snow, fog, dust, or other atmospheric disturbances;

4. "Rear fog lamp" means a lamp mounted to provide illumination to the rear of a motor vehicle during conditions of rain, snow, fog, dust, or other atmospheric disturbances;

5. "Off-road lamp" means any lamp designed and manufactured solely for off-road use; and

6. "Spot lamp" means a movable lamp which emits a brilliant light with a focused beam for examining objects, street address numbers, and other things alongside the road.

B. Any motor vehicle may be equipped with not to exceed two spot lamps which shall not be used in substitution of headlamps.

C. The operator of any motor vehicle:

1. Which has in use a spot lamp shall, upon the approach of another vehicle from any direction within one thousand (1,000) feet, immediately turn said spot lamp off;

2. Shall not use or turn on a spot lamp when approaching or following another motor vehicle within one thousand (1,000) feet; and

3. Shall not use or turn on a spot lamp to cause a vehicle to yield right-of-way or stop.

The provisions of this subsection shall not apply to operators of authorized emergency vehicles.

D. 1. A motor vehicle may be equipped with not to exceed two front fog lamps or two rear fog lamps which shall only be used when visibility, as described in paragraphs 3 and 4 of subsection A of this section, is limited to one-half (1/2) mile or less.

2. Front fog lamps shall be mounted on the same level on opposite sides of the front of the vehicle at or below the level of the headlamps. Front fog lamps may be used with lower beam headlamps or switch controlled in conjunction with the headlamps and may be used, at the discretion of the driver, with either low or high beam

headlamps. Front fog lamps shall not be used in substitution of headlamps, when headlamps are required.

E. A motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted at a height of more than forty-two (42) inches from the ground. The auxiliary driving lamps may be used with lower beam headlamps or switch controlled in conjunction with the headlamps and may be used, at the discretion of the driver, with either low or high beam headlamps.

F. Every fog lamp or auxiliary driving lamp used upon a motor vehicle shall be so adjusted and aimed that no part of the high intensity portion of the beam shall, at a distance of twenty-five (25) feet, rise above the horizontal plane passing through the center of the lamp.

G. Notwithstanding any other provision of law, a vehicle may be equipped with off-road lamps for use as headlamps while the vehicle is operated or driven off of a highway. The lamps shall be:

1. Mounted at a height of not less than forty-two (42) inches from the ground;
2. Wired independently of all other lighting; and
3. Turned off whenever the vehicle is operated or driven upon a highway.

H. 1. A motor vehicle may be equipped with not to exceed two daytime running lamps which conform to 49 C.F.R., Section 571.108, S5.5.11.

2. Daytime running lamps shall not be used in substitution of headlamps.

3. Daytime running lamps shall be mounted on the front of a motor vehicle and shall be wired to be:

- a. automatically activated when the vehicle is started, and
- b. automatically deactivated when the headlamp control is in any "on" position.

Added by Laws 1961, p. 398, § 12-217, eff. Sept. 1, 1961. Amended by Laws 1993, c. 13, § 3, emerg. eff. Mar. 24, 1993; Laws 2003, c. 411, § 34, eff. Nov. 1, 2003; Laws 2008, c. 402, § 2, eff. Nov. 1, 2008.

§47-12-218. Emergency vehicles - Flashing lights.

A. Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this title, be equipped with flashing red or blue lights or a combination of flashing red and blue lights. The lights shall be visible at five hundred (500) feet in normal sunlight.

B. A law enforcement vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately-flashing red or blue lights specified herein. An unmarked vehicle used as a law enforcement vehicle for routine traffic enforcement shall be equipped with the following combination of lights:

1. Three flashing red, blue, or a combination of red and blue lights emitting the flashing lights to the front of the vehicle;

2. Two flashing white lights emitting the flashing white lights to the front of the vehicle;

3. Flashing red, blue, white or any combination of red, blue or white lights placed at and emitting the flashing lights from the four corners of the vehicle so that they are visible for three hundred sixty (360) degrees; and

4. One flashing red, blue, amber, or any combination of red, blue, or amber lights emitting the flashing light to the rear of the vehicle.

C. The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right-of-way and stop for authorized emergency vehicles, as prescribed in Section 11-405 of this title.

Added by Laws 1961, p. 399, § 12-218, eff. Sept. 1, 1961. Amended by Laws 1993, c. 13, § 4, emerg. eff. March 24, 1993; Laws 1998, c. 55, § 1, eff. Nov. 1, 1998; Laws 1999, c. 24, § 3, eff. July 1, 1999; Laws 1999, c. 189, § 2, eff. July 1, 1999; Laws 2000, c. 35, § 1, eff. July 1, 2000; Laws 2003, c. 411, § 35, eff. Nov. 1, 2003.

§47-12-218.1. Use of lights on wreckers and tow vehicles.

Flashing red or blue lights or a combination of flashing red and blue lights may be used on licensed Class AA wreckers or wrecker support vehicles at the scene of an emergency.

Any licensed Class AA wrecker or wrecker support vehicle may be equipped with a lamp displaying an amber light, visible from a distance of not less than five hundred (500) feet to the front of the vehicle or from a distance of not less than five hundred (500) feet to the rear of the vehicle. Such lamp shall only be used when leaving the scene of a tow service call and for the purpose of warning the operators of other vehicles to exercise care in approaching, overtaking or passing such vehicle.

Added by Laws 2003, c. 411, § 36, eff. Nov. 1, 2003. Amended by Laws 2009, c. 101, § 1, eff. Nov. 1, 2009; Laws 2010, c. 39, § 2, eff. Nov. 1, 2010.

§47-12-218.2. Vehicles operated by rural letter carriers or any highway contract route vehicles delivering mail - Flashing lights.

Any privately owned motor vehicle operated by a rural letter carrier or any highway contract route vehicle while engaged in the delivery of mail may be equipped with no more than two simultaneously flashing amber lights and a sign reading "U.S. MAIL" for the purpose of warning the operators of other vehicles to exercise care in approaching, overtaking, or passing. Such lights shall be activated as the rural carrier stops on or adjacent to the roadway for the purpose of delivering or collecting United States mail. Such lights

shall be of double face or two-way type, be visible when turned on for at least five hundred (500) feet to the front and rear of the vehicle in normal sunlight, be mounted on the highest part of the roof of the vehicle and be spaced laterally as far as practicable to each side of the vehicle. The sign and lights shall be installed so that the sign is lowered and lights turned off before the first stop on the route and following the last one.

Added by Laws 2003, c. 411, § 37, eff. Nov. 1, 2003.

§47-12-219. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-220. Back-up and vehicular hazard warning lamps.

A. Any motor vehicle shall be equipped with not more than two back-up lamps either separately or in combination with other lamps. Any back-up lamp shall not be lighted when the motor vehicle is in forward motion.

B. Every vehicle shall be equipped with vehicular hazard warning lamps required for that vehicle at the time the vehicle was manufactured by standards of the United States Department of Transportation pursuant to 49 C.F.R., Section 571.108. Such lamps shall be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this title. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred (500) feet in normal sunlight.

C. Any vehicle may be equipped with one or more side marker lamps and any such lamp may be flashed in conjunction with the turn or vehicular hazard warning lamps.

Added by Laws 1961, p. 400, § 12-220. Amended by Laws 2003, c. 411, § 38, eff. Nov. 1, 2003.

§47-12-221. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-222. Renumbered as § 12-203.2 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-223. Renumbered as § 12-203.3 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-224. Renumbered as § 12-602.1 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

NOTE: Renumbering by Laws 2003, c. 411, § 85 was editorially renumbered from Title 47, § 12-603 to avoid a duplication in numbering.

§47-12-225. Renumbered as § 12-203.4 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-226. Renumbered as § 12-203.1 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-227. Special restriction on lamps.

A. Any lighted lamp or illuminating device upon a motor vehicle, other than headlamps, spot lamps, auxiliary driving lamps, flashing turn signals, vehicular hazard warning lamps, authorized emergency vehicle lamps, snow removal and construction and maintenance vehicle warning lamps, and school bus and church bus warning lamps, which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.

B. Except as provided in Sections 12-218, 12-218.1, 12-228, and 12-229 of this title, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying or capable of displaying a red or blue light visible from directly in front of the center thereof.

C. Flashing lights are prohibited except on:

1. An authorized emergency vehicle, as provided in Section 12-218 of this title;

2. A school bus or a church bus, as provided in Section 12-228 of this title;

3. Any snow-removal, construction and maintenance equipment, as provided in Section 12-229 of this title;

4. A wrecker or tow vehicle while at the scene of an emergency or loading or unloading a vehicle in close proximity to traffic as needed for safety precautions or as a means of indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, as provided in Section 12-218.1 of this title;

5. Any vehicle as a means of indicating a right or left turn, as provided in Sections 12-206.1 and 12-606 of this title;

6. Any vehicle as a means of indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, as provided in Section 12-220 of this title;

7. Any vehicle displaying side marker lamps which flash in conjunction with turn signal lamps or vehicle hazard warning lamps, as provided in Section 12-220 of this title;

8. A farm tractor or an implement of husbandry, as provided in Section 12-215 of this title;

9. Any vehicle used while performing official duties as a rural or contract route mail carrier of the United States Postal Service, as provided in Section 12-218.2 of this title; or

10. Any vehicle being used in the collection of refuse, solid waste or recyclables displaying side marker lamps which flash in conjunction with turn signal lamps or vehicle hazard warning lamps indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, as provided in Section 12-220 of this title.

D. Blue lights are prohibited except as allowed in Sections 12-218, 12-218.1, and 12-229 of this title.

E. Any person violating the provisions of subsection B, C or D of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

Added by Laws 1961, p. 402, § 12-227, eff. Sept. 1, 1961. Amended by Laws 1978, c. 262, § 3, eff. Oct. 1, 1978; Laws 1993, c. 13, § 5, emerg. eff. March 24, 1993; Laws 1996, c. 22, § 3, eff. July 1, 1996; Laws 1998, c. 26, § 1, eff. Nov. 1, 1998; Laws 1999, c. 189, § 3, eff. July 1, 1999; Laws 2003, c. 411, § 44, eff. Nov. 1, 2003; Laws 2005, c. 50, § 9, eff. Nov. 1, 2005; Laws 2005, c. 193, § 2, eff. Nov. 1, 2005; Laws 2010, c. 39, § 3, eff. Nov. 1, 2010; Laws 2011, c. 81, § 1, eff. Nov. 1, 2011; Laws 2016, c. 187, § 2, eff. Nov. 1, 2016.

§47-12-228. Special lighting equipment and warning devices on school buses and church buses.

A. In addition to any other equipment and distinctive markings required by this title, every school bus and every church bus shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall display to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level. These lights shall be visible at five hundred (500) feet in normal sunlight.

B. Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height, located between the warning signal lights as high as possible without impairing visibility of the lettering, and have no other lettering on the front or rear of the vehicle, except as required by 47 C.F.R., Part 571.

C. Every church bus shall bear upon the front and rear thereof plainly visible signs containing the words "CHURCH BUS" in letters not less than eight (8) inches in height, located between the warning signal lights as high as possible without impairing visibility of the lettering. In addition, such church bus may be equipped with visual signals meeting the requirements of subsection A of this section.

D. Every school bus manufactured on or after September 1, 1992, shall be equipped with a stop signal arm that complies with 49 C.F.R., Section 571.131.

E. In addition to the lights required by subsection A of this section, any school bus shall be equipped with amber signal lamps mounted near each of the four red lamps and at the same level but closer to the vertical center line of the bus, which shall display two alternately flashing amber lights to the front and two alternately flashing amber lights to the rear. These lights shall be visible at five hundred (500) feet in normal sunlight. These lights shall be displayed by the school bus driver at least one hundred (100) feet, but not more than five hundred (500) feet, before every stop at which the alternately flashing red lights required by subsection A will be actuated.

F. The State Board of Education, with the approval of the Commissioner of Public Safety, is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with, and supplemental to, the provisions of this chapter. Such standards and specifications shall be identical to any Federal Motor Vehicle Safety Standard which regulates the same aspect of performance of the same equipment or device. Where there is no applicable Federal Motor Vehicle Safety Standard, the standards and specifications shall conform to the greatest extent feasible with any other relevant standard issued or endorsed by federal agencies or recognized standard-setting organizations.

G. During the time any school bus or church bus is operating, the school bus or church bus shall have its headlights activated.

H. It shall be unlawful to operate any red flashing warning signal light on any school bus except when any said school bus is stopped on a highway for the purpose of permitting school children to board or discharge from said school bus.

I. It shall be unlawful to operate any red flashing warning signal light on any church bus except when any said bus is stopped on a highway for the purpose of permitting passengers to board or discharge from said bus.

J. The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right-of-way and stop for school buses, as prescribed in Section 11-705 of this title, and for church buses, as prescribed in Section 11-705.1 of this title.

K. The loading lamps on school buses converted for purposes other than transporting pupils to or from school shall be disconnected, except for buses purchased for use by religious organizations as church buses.

Added by Laws 1961, p. 402, § 12-228, eff. Sept. 1, 1961. Amended by Laws 1973, c. 112, § 3; Laws 1978, c. 262, § 4, eff. Oct. 1, 1978; Laws 1991, c. 91, § 1, eff. July 1, 1991; Laws 1992, c. 81, § 1, eff. July 1, 1992; Laws 1999, c. 189, § 4, eff. July 1, 1999; Laws 2003, c. 411, § 45, eff. Nov. 1, 2003.

§47-12-229. Standards and specifications for lights on vehicles or machinery operated by state or other government jurisdictions.

A. The Department of Transportation shall adopt standards and specifications applicable to headlamps, clearance lamps, identification and other lamps on snow-removal equipment, when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Association of State Highway Officials.

B. It shall be unlawful to operate any snow-removal equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

C. Flashing amber lights may be used on vehicles or machinery owned or operated by any agency of the state or by any county or city when engaged in the performance of emergency work or on the construction or maintenance of highways.

D. Rear facing flashing red and blue lights may be used on vehicles or machinery owned or operated by the Oklahoma Department of Transportation, the Oklahoma Turnpike Authority, or by any county when engaged in the performance of emergency work or on the construction or maintenance of highways.

Added by Laws 1961, p. 402, § 12-229, eff. Sept. 1, 1961. Amended by Laws 2003, c. 411, § 46, eff. Nov. 1, 2003; Laws 2010, c. 39, § 4, eff. Nov. 1, 2010; Laws 2011, c. 81, § 2, eff. Nov. 1, 2011.

§47-12-230. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-231. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-12-232. Vans operated for nonprofit charitable organization equipped with strobe-light-type device.

A. Every multiple-passenger van owned and operated by a nonprofit charitable organization for the purpose of transporting children to or from any destination may be equipped with a flashing, strobe-light-type device that when lighted may be visible from a distance of not less than five hundred (500) feet to the front of the vehicle or from a distance of not less than five hundred (500) feet to the rear of the vehicle.

B. During the time that the multiple-passenger van is operating, the multiple-passenger van may have the strobe-light-type device activated.

C. Each vehicle displaying such lights shall simulate the color of lights used on school buses as provided in Section 12-228 of Title 47 of the Oklahoma Statutes.

D. As used in this section, "nonprofit charitable organization" shall mean any organization that is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 United States Code, Section 501(c)(3).

Added by Laws 2008, c. 360, § 1, eff. Nov. 1, 2008.

§47-12-301. Brake equipment required.

A. Every motor vehicle manufactured prior to September 1, 1961, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

B. 1. Every motor vehicle manufactured on or after September 1, 1961, operated upon the highways shall be equipped with service brakes upon all wheels.

2. A truck or truck-tractor having three or more axles need not be equipped with brakes on the front axle if:

- a. the vehicle was manufactured on or before July 24, 1980, or
- b. the vehicle was manufactured on or after July 25, 1980, but no later than October 26, 1986, and the brake components have not been removed. If the brake components have been removed, the vehicle shall be retrofitted to meet the requirements of this section.

C. 1. Every trailer, semitrailer, and pole trailer of a gross vehicle weight rating of three thousand (3,000) pounds or more when operated upon a highway shall be equipped with brakes:

- a. adequate to control the movement of and to stop and to hold such vehicle,

- b. so designated as to be applied by the driver of the towing motor vehicle from its cab. Provided, braking systems commonly known as "surge brakes" shall be lawful when used on a trailer which is towing or transporting a vessel or vessels, and
- c. so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.

2. Every trailer, semitrailer, and pole trailer required to be equipped with brakes, except motor vehicles engaged in drive-away tow-away operations as provided in 49 C.F.R., Part 393.42, shall be equipped with brakes which are designed to be applied automatically and promptly upon break-away from the towing vehicle, and means shall be provided to maintain application of the brakes on the trailer in such a case for at least fifteen (15) minutes.

3. Any trailer, semitrailer, or pole trailer having a gross vehicle weight rating of less than three thousand (3,000) pounds need not be equipped with brakes; provided, the trailer, semitrailer, or pole trailer shall be equipped with brakes if the weight of the towed vehicle exceeds forty percent (40%) of the gross vehicle weight rating of the towing vehicle.

D. Every motor vehicle and every combination of vehicles shall be equipped with a parking brake system adequate to hold the vehicle or combination on any grade on which it is operated under all conditions of loading, on a surface free from snow, ice, or loose material.

E. The braking system on the rear axle of any motor vehicle may be used for both service brake and parking brake operation.

F. 1. Air brake systems installed on towed vehicles manufactured shall be designed as provided in 49 C.F.R., Section 393.43.

2. Every truck or truck-tractor, if used to tow a trailer equipped with brakes, shall be equipped with service brakes as provided in 49 C.F.R., Section 393.43.

3. Every truck or truck tractor equipped with air brakes, when used to tow another vehicle equipped with full air brakes, in operations other than drive-away or tow-away, shall, in addition to the above, be equipped with two means of activating the emergency features of the trailer brakes as provided in 49 C.F.R., Section 393.43.

4. Every motor vehicle which is equipped with power brakes, shall comply with 49 C.F.R., Section 393.49.

5. Every truck tractor and truck used for towing other vehicles equipped with vacuum brakes, in operations other than drive-away tow-away, on and after September 1, 1961, shall, in addition to other requirements of state and federal law, comply with 49 C.F.R., Section 393.43.

G. Every bus, truck, and truck-tractor which is equipped with an air or vacuum brake system, shall be equipped with a reservoir as required by 49 C.F.R., Section 393.50, sufficient to insure a brake application capable of stopping the vehicle within the stopping distance requirements of Section 12-302 of this title in the event the engine stops.

H. Every bus, truck and truck-tractor shall be equipped with service brake warning devices and signals as required by 49 C.F.R., Part 393.51.

I. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. The brakes shall be capable of stopping the vehicle, or a combination of vehicles, within the stopping distance requirements of Section 12-302 of this title.

Added by Laws 1961, p. 403, § 12-301, eff. Sept. 1, 1961. Amended by Laws 1967, c. 140, § 5, emerg. eff. April 27, 1967; Laws 2001, c. 131, § 9, eff. July 1, 2001; Laws 2003, c. 411, § 47, eff. Nov. 1, 2003; Laws 2005, c. 50, § 10, eff. Nov. 1, 2005.

§47-12-302. Performance ability of brakes.

A. Every motor vehicle or combination of vehicles, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

1. Developing a braking force that is not less than the percentage of its gross weight, as specified in subsection D of this section;

2. Decelerating to a stop from a speed of twenty (20) miles per hour at not less than the rate specified in subsection D of this section; and

3. Stopping from a speed of twenty (20) miles per hour in not more than the distance specified in subsection D of this section, such distance to be measured from the point at which movement of the service brake pedal or control begins.

B. Upon application of the parking brake system and with no other brake system applied, a motor vehicle or combination of motor vehicles shall, at all times and under all conditions of loading, be capable of stopping from a speed of twenty (20) miles per hour in not more than the distance specified in subsection D of this section, such distance to be measured from the point at which movement of the emergency brake control begins.

C. Conformity to the stopping-distance requirements of subsections A and B of this section shall be determined under the following conditions:

1. Any test must be made with the vehicle on a hard surface that is substantially level, dry, smooth, and free of loose material; and

2. The vehicle must be in the center of a twelve-foot-wide lane when the test begins and must not deviate from that lane during the test.

D. Vehicle brake performance table:

Type of Motor Vehicle	Service Brake Systems		Emergency Brake Systems	
	Braking force as percentage of GVWR or GCWR	Deceleration in feet per second per second	Application and braking distance in feet	Application and braking distance in feet
1. Passenger-carrying vehicle:				
a. Vehicles with a seating capacity of ten persons or less, including the driver, and built on a passenger chassis:	65.2			
	21			
	20			
	54			
b. Vehicles with a seating capacity of more than ten persons, including the driver, and built on a passenger car chassis; vehicles built on a truck or bus chassis and having a manufacturer's GVWR of 10,000 pounds or less:	52.8			
	17			
	25			
	66			
c. All other passenger-carrying vehicles:	43.5			
	14			
	25			
	85			
2. Property-carrying vehicles:				

a. Single-unit
vehicles with a
manufacturer's GVWR
of 10,000 pounds or
less: 52.8
17
25
66

b. Single-unit
vehicles with a
manufacturer's GVWR
of more than 10,000
pounds. Combinations
of a 2-axle towing
vehicle and trailer
having a GVWR of
3,000 pounds or less.
All combinations of
two or less vehicles
in drive-away or tow-
away combinations:
43.4
14
35
85

c. All other property-
carrying vehicles and
combinations of
property-carrying
vehicles: 43.5
14
40
90

E. Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent (1%) grade), dry, smooth, hard surface that is free from loose material. Added by Laws 1961, p. 405, § 12-302. Amended by Laws 2003, c. 411, § 48, eff. Nov. 1, 2003.

§47-12-303. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-304. Renumbered as § 12-608 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-305. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-306. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-307. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-308. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-309. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-310. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-311. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-312. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-313. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-314. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-315. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-401. Horns and warning devices.

A. Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with a horn but shall not otherwise use such horn when upon a highway.

B. No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, except as otherwise permitted in subsection D of this section.

C. Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. A theft alarm signal device shall not use a siren, as described in subsection D of this section.

D. Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this title, be equipped with a siren, or similar device, capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the Department of Public Safety, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

E. It shall be unlawful for any person to use a device capable of producing auditory warning signals similar to that on an authorized emergency vehicle or to use audible signal equipment from a motor vehicle for the purpose of causing any other motor vehicle operator to yield right-of-way and stop, or which actually causes any other motor vehicle operator to yield the right-of-way and stop, whether intended or not. The provisions of this subsection shall not apply to the operators of authorized emergency vehicles.
Added by Laws 1961, p. 407, § 12-401. Amended by Laws 2003, c. 411, § 50, eff. Nov. 1, 2003.

§47-12-402. Mufflers or other noise-suppressing systems - Prevention of excessive or unusual noise.

A. Every vehicle shall be equipped, maintained, and operated so as to prevent excessive or unusual noise. Every motor vehicle shall at all times be equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation, and no person shall use a muffler cut-out, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in any manner which will amplify or increase the noise or sound emitted louder than that emitted by the muffler originally installed on the vehicle.

B. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke, or both.
Added by Laws 1961, p. 407, § 12-402. Amended by Laws 2003, c. 411, § 51, eff. Nov. 1, 2003.

§47-12-403. Mirrors.

A. Every motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle and so positioned and located as to reflect to the driver a view of the highway to the rear of the motor vehicle.

B. Every motor vehicle shall be equipped with an additional mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side and so positioned and located as to reflect to the driver a view of the highway to the rear of the vehicle.

C. Every school bus and church bus shall be equipped with a mirror system so positioned and located as to reflect to the driver, when seated in the bus driver's position, the presence of a pedestrian directly in front of the bus and beneath the driver's direct line of sight.
Added by Laws 1961, p. 408, § 12-403. Amended by Laws 2003, c. 411, § 52, eff. Nov. 1, 2003.

§47-12-404. Windshields and windows - Obstruction, obscuring, or impairing of driver's view - Electric windshield wiper mechanism.

A. As used in this section:

1. "Critical area" means the area cleaned by the normal sweep of the windshield wiper blade on the driver's side. The area covered by the wiper blade cannot be reduced from manufacturer's original specifications;

2. "Noncritical areas" means all other areas;

3. "Outright breakage" means glass which is severely cracked or shattered to the extent that air passes through it or, if by running a fingertip over the cracked area, the glass moves or sharp edges can be felt;

4. "Star break or shot damage" means a vented break with cracks radiating from the point of impact; and

5. "Stress or hairline crack" means a crack which has no visible point of impact.

B. No person shall operate any motor vehicle which:

1. Is not equipped with a windshield;

2. Has any outright breakage in the windshield or in the window on either side of the driver;

3. Has any star break or shot damage, three (3) inches or more in diameter, located in the critical area; or

4. Has two or more stress or hairline cracks, twelve (12) inches or more in combined length, located in the critical area.

C. No person shall drive any motor vehicle with any sign, poster, other nontransparent material, or debris, including but not limited to snow, ice, or frost, upon the front windshield or the side wings, or side or rear windows or suspend any sign, poster, object, or other material from the interior of the vehicle which materially obstructs, obscures, or impairs the driver's clear view of the highway ahead or to either side or of any intersecting highway.

D. The windshield on every motor vehicle shall be equipped with an electric windshield wiper mechanism for cleaning rain, snow, or other moisture from the windshield.

Every windshield wiper blade and windshield wiper mechanism upon a motor vehicle shall be maintained in good working order. When replacing the wiper blade, the length of the blade shall not be reduced from the manufacturer's specification.

Added by Laws 1961, p. 408, § 12-404. Amended by Laws 2003, c. 411, § 53, eff. Nov. 1, 2003.

§47-12-405. Tires and wheels - Peripheral equipment - Unsafe operating condition.

A. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

B. A person shall not operate or move on any hard-surfaced highway any vehicle having any metal tire in contact with the roadway, except when authorized by special permit as provided in subsection E of this section.

C. 1. Any tire on a vehicle moved on a highway shall not have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible:

- a. to use farm tractors or implements of husbandry with tires having protuberances which will not injure the highway,
- b. to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid, or
- c. for pneumatic tires equipped with or having on their periphery studs of metal, porcelain or other material to be sold or used in this state, if constructed to provide resiliency upon contact with the road surface, so that not more than three percent (3%) in the aggregate of the traction surface of such tire be composed of such studs and so that such studs do not project more than three thirty-seconds ($3/32$) of an inch beyond the tread of the traction surface of such tire and have a rate of wear which will so limit such projection.

2. The exceptions permitted in paragraph 1 of this subsection shall be subject to the following restrictions:

- a. the use of such tires or tire chains shall be limited to vehicles with rated capacities up to and including two (2) tons,
- b. any tire so equipped shall not be used on a public highway earlier than November 1 of each year or later than April 1 of the following year, and
- c. copies of this subsection shall be posted in all places at which tires or tire chains are sold, and a printed or written warning on the time limitation for the use of such tires or tire chains shall be furnished to each buyer, purchaser, or user by the seller of such studded tires or tire chains.

D. Operator selectable "on demand" studded tires having traction-enhancing studs located outside the normal tread area which allows their operation as conventional tires on dry roads or as studded tires on ice-coated roads by the expedient of reducing or increasing the air pressure within the tires, shall be exempt from

the prohibitions of subsection C of this section with the following exceptions:

1. The use of such tires shall be limited to vehicles with rated capacities up to and including two (2) tons;

2. Any such tire shall not be deflated so that the studs lower and make contact with the road surface earlier than November 1 of each year or later than April 1 of the following year.

E. The Department of Public Safety and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

F. A person shall not operate any vehicle when one or more of the tires in use on that vehicle is in unsafe operating condition or has a tread depth less than two-thirty-seconds ($2/32$) inch measured in any two adjacent tread grooves at three equally spaced intervals around the circumference of the tire; provided, such measurements shall not be made at the location of any tread wear indicator, tie bar, hump, or fillet. As used in this subsection, an unsafe tire includes, but is not limited to, any tire:

1. On which the ply or cord is exposed in the tread area;

2. Which has been regrooved or recut below the original groove depth, except tires that have been designed with under-rubber sufficient for regrooving and are so marked;

3. Marked "Farm Implement Only", "Not for Highway Use", or any other marking that would indicate that the tire is not for normal highway use; provided, no such marking shall be altered or removed;

4. On which any bulges, bumps, or knots show in the tread or sidewall area; or

5. On the front steering axle of a truck-tractor which has tread depth measuring less than four-thirty-seconds ($4/32$) inch.

G. Every wheel on a vehicle shall not be cracked and shall be securely fastened to the hub of the vehicle with all lug nuts properly affixed.

Added by Laws 1961, p. 408, § 12-405. Amended by Laws 1968, c. 82, § 1, emerg. eff. April 1, 1968; Laws 1981, c. 118, § 7; Laws 1998, c. 171, § 1, eff. Nov. 1, 1998; Laws 1999, c. 41, § 1, eff. Nov. 1, 1999; Laws 2003, c. 411, § 54, eff. Nov. 1, 2003.

§47-12-405.1. Coupling devices - Stay chains, cables or other safety devices.

A. Every trailer, semitrailer, manufactured home, or towed motor vehicle shall be equipped with a coupling device which shall be designed, constructed, and used so that the trailer, semitrailer, manufactured home, or towed motor vehicle will follow substantially

in the path of the vehicle drawing it without whipping or swerving from side to side. In addition, every such trailer, semitrailer, manufactured home, or towed motor vehicle, except a semitrailer drawn by a truck-tractor type designed to draw or support the front end of a semitrailer, shall be coupled with:

1. Stay chains or cables to the vehicle by which it is being drawn, which chains or cable shall be of sufficient size and strength to prevent parting from the drawing vehicle, should the regular coupling device break or become otherwise disengaged; or

2. Chains, cables or a safety device which provides strength, security of attachment and directional stability equal to or greater than that provided by safety chains and which prevent parting from the drawing vehicle should the regular coupling device break or otherwise become disengaged. The safety device shall be designed, constructed, and installed so that if the coupling device fails or becomes disconnected the coupling device will not drop to the ground.

B. Nothing in this section shall be construed as excepting commercial vehicles subject to the provisions of 49 C.F.R., Subpart F, Coupling Devices and Towing Methods, from complying with the provisions thereof.

C. No person shall tow any vehicle by sole use of a chain, cable, ropes, or any combination thereof.

Added by Laws 2003, c. 411, § 55, eff. Nov. 1, 2003.

§47-12-405.2. Fuel tanks and intake pipes - Projection beyond side of vehicle - Construction and attachment.

A. No fuel tank or intake pipe on any motor vehicle shall project beyond the side of the motor vehicle. In no case shall the fuel tank or fuel intake pipe on any bus be located within or above the passenger-carrying portion of the bus.

B. Any fuel tank carried upon a motor vehicle, including any auxiliary tank, shall be of substantial construction, permanently and securely attached to the motor vehicle.

Added by Laws 2003, c. 411, § 56, eff. Nov. 1, 2003.

§47-12-405.3. Aprons.

All vehicles or combination of vehicles operating on the highways, except animal-drawn vehicles, not equipped with fenders over the rearmost wheels shall have attached thereto a rubber or fabric apron directly behind the rearmost wheels, and hanging perpendicular from the body of the vehicle. The apron shall be of such a size as to prevent the bulk of the water or any other substance picked up from the roadway from being thrown from the rear wheels of the vehicle or combination of vehicles at tangents exceeding twenty-two and one half (22 1/2) degrees measured from the road surface. The provisions of this subsection shall not apply to a

farm tractor moving over the state highway system at a speed less than twenty (20) miles per hour.

Added by Laws 2003, c. 411, § 57, eff. Nov. 1, 2003.

§47-12-406. Safety glazing material or safety glass - Standards - Identification markings - Sale or replacement.

A. A motor vehicle as specified herein shall not be registered thereafter unless such vehicle is equipped with safety glazing material or safety glass of a type prescribed in this section wherever glazing material or glass is used in doors, windows, and windshields. The foregoing provisions shall apply to all passenger cars, lightweight vehicles, buses, school buses, and church buses, but in respect to trucks, including truck-tractors, the requirements as to safety glazing material or safety glass shall apply to all glazing material and glass used in doors, windows, and windshields in the drivers' compartments of such vehicles.

B. The term "safety glazing materials" or "safety glass" means glazing materials or glass so constructed, treated, or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by the safety glazing materials or safety glass when they may be cracked or broken.

C. All safety glazing materials and safety glass shall bear the manufacturer's trademark and the words "American Standard" or the letters "AS" followed by a number indicating the position in which the glass shall be used. Safety glazing materials or safety glass bearing the following identification markings shall be used in the designated locations:

1. Laminated safety glass marked "AS-1" is required in windshields and is acceptable at any other location in the vehicle;

2. Laminated safety glass marked "AS-14" is required in windshields and is acceptable at any other location in the vehicle;

3. Laminated or tempered safety glass marked "AS-2" is acceptable for use at any location in the vehicle except the windshield;

4. Laminated or tempered safety glass marked "AS-3" is acceptable anywhere on school buses except in windshields and side windows to the immediate right and left of the driver's location;

5. Rigid plastic safety glazing material marked "AS-4" or "AS-5" is acceptable anywhere on school buses except in windshields and side windows to the right or left of the driver's location;

6. Flexible plastic safety glazing material marked "AS-6" or "AS-7" is acceptable for use in rear windows of soft tops, flexible curtains, or readily removable windows; and

7. Wire glass marked "AS-8" or "AS-9" is acceptable for use in folding doors, standee and rearmost windows of buses, or windows to the rear of the driver in trucks and truck-tractors.

D. No person shall sell, or make replacements of glass, safety glazing materials, or safety glass on motor vehicles, or sell glass, safety glazing materials, or safety glass cut to size to fit windshields, door glass, or window glass of a motor vehicle in violation of the provisions of this title.

Added by Laws 1961, p. 409, § 12-406. Amended by Laws 2003, c. 411, § 58, eff. Nov. 1, 2003.

§47-12-407. Certain vehicles to be equipped with flares and other emergency equipment.

A. No person shall operate any truck, bus, truck-tractor, or any drive-away, tow-away operation upon any highway at any time unless such vehicle is equipped with emergency equipment, including, but not limited to, reflectors, flares, fusees, flags, and fire extinguishers, as provided by 49 C.F.R., Section 393.95. This section shall not apply to lightweight vehicles.

B. Every bus which is licensed for the express purpose of transporting persons for hire shall have at least one hand axe and one metal heavy-duty, ten-unit size, first-aid kit.

Added by Laws 1961, p. 409, § 12-407. Amended by Laws 2003, c. 411, § 59, eff. Nov. 1, 2003.

§47-12-408. Display of warning devices when vehicle disabled.

A. Whenever any truck, except a lightweight vehicle, or any bus, truck-tractor, trailer, semitrailer, or pole trailer, or any motor vehicle towing a manufactured home is disabled upon the traveled portion of any highway or the shoulder thereof outside of any municipality at any time when lighted lamps are required on vehicles, the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in subsection B of this section:

1. A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

2. As soon thereafter as possible but in any event within the burning period of the fusee, the driver shall place three liquid-burning flares, or three lighted red electric lanterns or three portable red emergency reflectors on the traveled portion of the highway in the following order:

- a. one approximately one hundred (100) feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane,
- b. one approximately one hundred (100) feet in the opposite direction from the disabled vehicle and in the

center of the traffic lane occupied by such vehicle,
and

- c. one at the traffic side of the disabled vehicle not less than ten (10) feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph 1 of subsection A of this section, it may be used for this purpose.

B. Whenever any vehicle referred to in this section is disabled within five hundred (500) feet of a curve, hillcrest or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than one hundred (100) feet nor more than five hundred (500) feet from the disabled vehicle.

C. Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the times specified in subsection B of Section 12-201 of this title, the appropriate warning devices prescribed in subsections A and E of this section shall be placed as follows:

1. One at a distance of approximately two hundred (200) feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane;

2. One at a distance of approximately one hundred (100) feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and

3. One at the traffic side of the vehicle and approximately ten (10) feet from the vehicle in the direction of the nearest approaching traffic.

D. Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside of any municipality at any time when the display of fusees, flares, red electric lanterns or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred (100) feet in advance of the vehicle, and one at a distance of approximately one hundred (100) feet to the rear of the vehicle.

E. Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas is disabled upon a highway of this state at any time or place mentioned in subsection A of this section, the driver of such vehicle shall immediately display the following warning devices: One red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red

reflectors, one placed approximately one hundred (100) feet to the front and one placed approximately one hundred (100) feet to the rear of this disabled vehicle in the center of the traffic lane occupied by such vehicle. Flares, fusees or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this paragraph.

F. The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the applicable requirements of Section 12-407 of this title.

G. The provisions of this section shall not apply to vehicles bearing farm tags and used exclusively for the purpose of farming and ranching.

Added by Laws 1961, p. 410, § 12-408. Amended by Laws 1981, c. 118, § 8; Laws 2003, c. 411, § 60, eff. Nov. 1, 2003.

§47-12-409. Vehicles transporting hazardous materials.

Vehicles transporting hazardous materials as a cargo or part of a cargo shall at all times be:

1. Marked or placarded in accordance with 49 C.F.R. Section 177.823; and

2. Equipped with portable fire extinguishers in accordance with 49 C.F.R. Section 393.95(a).

Added by Laws 1961, p. 411, § 12-409, eff. Sept. 1, 1961. Amended by Laws 2001, c. 309, § 3, eff. Nov. 1, 2001.

§47-12-410. Air-conditioning equipment.

A. The term "air-conditioning equipment" as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

B. Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable or which is in violation of regulations of the Environmental Protection Agency pursuant to 40 C.F.R., Part 82 or which is not included in the list published by the Environmental Protection Agency as a safe alternative motor vehicle air conditioning substitute for chlorofluorocarbon-12, pursuant to 42 U.S.C. 7671 k(c).

C. Safety requirements and specifications consistent with the requirements of this section applicable to such equipment shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the Society of Automotive Engineers (SAE).

Added by Laws 1961, p. 412, § 12-410. Amended by Laws 2003, c. 411, § 61, eff. Nov. 1, 2003; Laws 2008, c. 315, § 1, emerg. eff. June 2, 2008.

§47-12-411. Television-type receiving equipment visible from operator's seat prohibited.

A. No motor vehicle shall be operated on the highways of this state in which there is installed any television-type receiving equipment, the viewer, monitor, or screen of which can be seen by any person sitting in the seat from which such motor vehicle is operated.

B. This section shall not be construed to prohibit the use of television-type receiving equipment used exclusively for navigation, safety of vehicle operation, or law enforcement purposes.

Added by Laws 1961, p. 412, § 12-411. Amended by Laws 2003, c. 411, § 62, eff. Nov. 1, 2003.

§47-12-412. Renumbered as § 595 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-413. Seat belts or shoulder harnesses.

It shall be unlawful for any person to sell or offer for sale at retail or trade or transfer from or to Oklahoma residents any passenger vehicle which is manufactured or assembled commencing with the 1966 models, unless such vehicle is equipped with safety belts or safety shoulder harness combinations which are installed for the use of persons in the left front and right front seats thereof.

Laws 1965, c. 86, § 1, emerg. eff. May 5, 1965.

§47-12-414. Specifications.

All safety belts or safety shoulder harnesses shall be of a type and shall be installed pursuant to 49 C.F.R. §571.208 et seq.

Added by Laws 1965, c. 86, § 2, emerg. eff. May 5, 1965. Amended by Laws 2000, c. 99, § 2, eff. Nov. 1, 2000.

§47-12-415. Penalties.

Any person violating any of the provisions of Section 12-413 of this title shall, upon conviction thereof, be punished as provided in Section 17-101 of this title.

Added by Laws 1965, c. 86, § 3, emerg. eff. May 5, 1965. Amended by Laws 2000, c. 99, § 3, eff. Nov. 1, 2000.

§47-12-416. Short title.

Sections 12-416 through 12-420 of this title shall be known and may be cited as the "Oklahoma Mandatory Seat Belt Use Act".

Added by Laws 1985, c. 123, § 1, eff. Feb. 1, 1987. Amended by Laws 2005, c. 50, § 11, eff. Nov. 1, 2005.

§47-12-417. Operators and front seat passengers required to wear safety belts - Exemptions - Assessment of points prohibited - Fine and court costs limited - Municipal ordinances.

A. 1. Every operator and front seat passenger of a Class A commercial motor vehicle, Class B commercial motor vehicle, Class C commercial motor vehicle or a passenger vehicle operated in this state shall wear a properly adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to 49 C.F.R., Section 571.208.

2. For the purposes of this section, "passenger vehicle" shall mean a Class D motor vehicle, but shall not include trucks, truck-tractors, recreational vehicles, motorcycles, or motorized bicycles, or a vehicle used primarily for farm use which is registered and licensed pursuant to the provisions of Section 1134 of this title.

B. The Commissioner of Public Safety, upon application from a person who, for medical reasons, is unable to wear a safety seat belt system supported by written attestation of such fact from a physician licensed pursuant to Section 495 of Title 59 of the Oklahoma Statutes, may issue to the person an exemption from the provisions of this section. The exemption shall be in the form of a restriction appearing on the driver license of the person and shall remain in effect until the expiration date of the driver license. Nothing in this subsection shall be construed to prevent the person from applying for another exemption as provided for in this section. The issuance of an attestation by a physician and the subsequent issuance of an exemption by the Commissioner, in good faith, shall not give rise to, nor shall the physician and the state thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of failure of the person to wear a safety seat belt system.

C. This section shall not apply to an operator of a motor vehicle while performing official duties as a route carrier of the U.S. Postal Service.

D. The Department of Public Safety shall not record or assess points for violations of this section on any license holder's traffic record maintained by the Department.

E. Fine and court costs for violating the provisions of this section shall not exceed Twenty Dollars (\$20.00).

F. Municipalities may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under provisions of this section, but the provisions of those ordinances shall be the same as provided for in this section, and the enforcement provisions under those ordinances shall not be more stringent than those of this section.

Added by Laws 1985, c. 123, § 2, eff. Feb. 1, 1987. Amended by Laws 1988, c. 271, § 2, eff. March 1, 1989; Laws 1997, c. 290, § 1, eff. Nov. 1, 1997; Laws 2000, c. 99, § 4, eff. Nov. 1, 2000; Laws 2002, c.

35, § 1, eff. Nov. 1, 2002; Laws 2005, c. 190, § 10, eff. Sept. 1, 2005; Laws 2012, c. 207, § 7, emerg. eff. May 8, 2012.

§47-12-418. Repealed by Laws 2008, c. 302, § 13, emerg. eff. June 2, 2008.

§47-12-419. Educational program - Evaluating effectiveness of act - Reports.

A. The Department of Public Safety shall establish an educational program designed to encourage compliance with the Oklahoma Mandatory Seat Belt Use Act.

B. The Department of Public Safety shall evaluate the effectiveness of Sections 12-416 through 12-420 of this title and provide a report. The state shall include this report in the annual evaluation report on its Highway Safety Plan that it submits to the National Highway Traffic Safety Administration and the Federal Highway Administration pursuant to 23 U.S.C. 402.

Added by Laws 1985, c. 123, § 4, eff. Feb. 1, 1987. Amended by Laws 2005, c. 50, § 12, eff. Nov. 1, 2005.

§47-12-420. Civil proceedings - Effect of act.

Sections 12-416 through 12-420 of this title may be used in any civil proceeding in this state and the use or nonuse of seat belts shall be submitted into evidence in any civil suit in Oklahoma unless the plaintiff in such suit is a child under sixteen (16) years of age.

Added by Laws 1985, c. 123, § 5, eff. Feb. 1, 1987. Amended by Laws 2005, c. 50, § 13, eff. Nov. 1, 2005; Laws 2013, 1st Ex. Sess., c. 11, § 4, emerg. eff. Sept. 10, 2013; Laws 2013, 1st Ex. Sess., c. 11, § 5, emerg. eff. Sept. 10, 2013.

NOTE: Laws 2009, c. 228, § 27 was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013) and repealed by Laws 2013, 1st Ex. Sess., c. 11, § 1, emerg. eff. Sept. 10, 2013.

§47-12-421. Repealed by Laws 1991, c. 176, § 2, eff. Sept. 1, 1991.

§47-12-422. Restrictions on use of glass coating materials or sunscreening devices on windshields and windows.

A. As used in this section:

1. "Glass coating material" or "sunscreening devices" means materials, films, applications or devices which are used in conjunction with approved vehicle glazing materials for the purpose of reducing the effects of sun, but shall not include materials, films, applications, or devices with a mirrored or mirror-like finish;

2. "Light transmission" means the percentage of total light which is allowed to pass through a window;

3. "Luminous reflectance" means the ratio of the amount of total light, expressed in percentages, which is reflected outward by the glass coating material or sunscreening device to the amount of total light falling on the glass coating material;

4. "Manufacturer" means:

- a. a person who engages in the manufacturing or assembling of sunscreening devices, or
- b. a person who fabricates, laminates, or tempers glazing materials, incorporating the capacity to reflect or to reduce the transmittance of light during the manufacturing process; and

5. "Window" means the windshield, side or rear glass of a motor vehicle, including any glazing material, glass coating or sunscreening device.

B. It is unlawful, except as provided by this section, for a person to sell, install, or to operate a motor vehicle with any object or material:

1. Placed, displayed, installed, affixed, or applied upon the windshield or side or rear windows; or

2. So placed, displayed, installed, affixed, or applied in or upon the motor vehicle so as to obstruct or reduce a driver's clear view through the windshield or side or rear windows.

C. It is unlawful for any person to place, install, affix, or apply any transparent material upon the windshield or side or rear windows of any motor vehicle if such material alters the color or reduces the light transmittance of such windshield or side or rear windows except as provided in this section.

D. This section shall not apply to:

1. Side or back windows that have a substance or material in conjunction with glazing material that has a light transmission of at least twenty-five percent (25%) and a luminous reflectance of at most twenty-five percent (25%);

2. Front side wing vents and windows that have a substance or material not attached in conjunction with glazing material which is used by a vehicle operator on a moving vehicle during daylight hours;

3. Rearview mirrors;

4. Adjustable nontransparent sun visors which are mounted forward of the side windows and are not attached to the glass;

5. Signs, stickers, or other materials which are displayed in a forty-nine-square-inch area in the lower corner of the windshield farthest removed from the driver or signs, stickers, or other materials which are displayed in a forty-nine-square-inch area in the lower corner of the windshield nearest the driver;

6. Direction, designation, or termination signs on buses, if the signs do not interfere with the driver's clear view of approaching traffic;

7. Rear window wiper motors;

8. Rear window defrosters or defoggers;

9. Rear truck lid handle or hinges;

10. Side windows to the rear of the driver or back windows that have a substance or material in conjunction with glazing material that has a light transmission of at least ten percent (10%) and a luminous reflectance of at most twenty-five percent (25%) on all vehicles manufactured prior to 1996 year models, if the motor vehicle is equipped with outside mirrors on both left and right hand sides of the vehicle that are so located as to reflect to the driver a view of the highway through each mirror for a distance of at least two hundred (200) feet to the rear of the motor vehicle;

11. Transparent material which is installed, affixed, or applied to the topmost portion of the windshield if:

a. it does not extend downward beyond the AS-1 line or more than five (5) inches from the top of the windshield, whichever is closer to the top of the windshield, and

b. the material is not red or amber in color;

12. All windows to the rear of the driver's seat in a vehicle licensed as a bus, as defined by Section 1-105 of this title, or a taxicab, as defined by Section 1-174 of this title;

13. Vehicles not subject to registration in the State of Oklahoma;

14. Implements of husbandry as defined by this title; and

15. Law enforcement vehicles which are owned by the state or a political subdivision of the state.

E. This section shall not prohibit the use and placement of federal, state, or political subdivision certificates on any window as are required by applicable laws.

F. Louvered materials, when installed as designed, shall not reduce the area of the driver's visibility below fifty percent (50%) as measured on a horizontal plane. When such materials are used in conjunction with the rear window, the measurement shall be made based upon the driver's view from inside the rearview mirror.

G. A person who sells or installs any product regulated by this section shall certify in a written statement, which shall be a part of the contract for sale or installation and shall be in bold-face type, that:

1. The product sold or installed is in compliance with the reflectivity and transmittance requirements of this section;

2. The installation of the product to the driver's or passenger's side window may be illegal in some states.

H. The Commissioner of Public Safety, upon application from a person required for medical reasons to be shielded from the direct rays of the sun, supported by written attestation of such fact from a physician licensed pursuant to Section 495 of Title 59 of the Oklahoma Statutes, may issue an exemption from the provisions of this section for a motor vehicle belonging to such person or in which such person is a habitual passenger. Any person may operate a vehicle or alter the color or reduce the light transmitted through the side or rear windows of a vehicle in accordance with an exemption issued by the Commissioner.

I. Any person who violates any provision of this section, upon conviction, shall be guilty of a misdemeanor and shall be punished as provided for in Section 17-101 of this title.

Added by Laws 1991, c. 176, § 1, eff. Sept. 1, 1991. Amended by Laws 1995, c. 229, § 1, emerg. eff. May 24, 1995; Laws 2002, c. 397, § 24, eff. Nov. 1, 2002; Laws 2005, c. 190, § 11, eff. Sept. 1, 2005.

§47-12-423. Emission control system - Disconnection, alteration, modification, or replacement.

A. On any motor vehicle originally designed and equipped with an emission control system such system shall be maintained in good working order.

B. No person shall:

1. Disconnect any part of such system except temporarily in order to make repairs, replacements, or adjustments;

2. Modify or alter such system or its operation in any manner;
or

3. Operate, and no owner shall cause or permit to be operated, any motor vehicle originally equipped with such system while any part of that system is known by the owner to be disconnected or while that system or its operation is modified or altered in any manner.

C. The provisions of this section shall not apply to any disconnection, alteration, modification, or replacement of a nature intended to increase effectiveness of the system in controlling the emission of air pollutants.

Added by Laws 2003, c.411, § 64, eff. Nov. 1, 2003.

§47-12-424. Obstruction to turning of steering control - Definitions.

A. As used in this section:

1. "Jamming" means any obstruction to the turning of the steering control caused by some interference with components of the steering system, including but not limited to:

- a. tires which exceed the manufacturer's specifications,
or
- b. damaged fenders that interfere with a full right or left turn; and

2. "Play" means the condition in which the steering control can be turned through some part of a revolution but does not result in movement of the front wheels.

B. No vehicle shall be operated which exhibits jamming, roughness, or binding when turning the wheels from full right to full left.

C. No vehicle shall be operated if the steering wheel:

1. Has more than six (6) inches of play, if the steering wheel is eighteen (18) inches or less in diameter; or

2. Has more than eight (8) inches of play, if the steering wheel is over eighteen (18) inches in diameter.

D. No vehicle shall be operated if any power steering pump is inoperative or is not properly operating.

Added by Laws 2003, c.411, § 65, eff. Nov. 1, 2003.

§47-12-425. Absent, disconnected, or broken parts of suspension system.

No vehicle shall be operated if any shock absorber, spring, or strut of the suspension system is absent, disconnected, or broken.

Added by Laws 2003, c.411, § 66, eff. Nov. 1, 2003.

§47-12-426. Properly operating speedometer.

Every motor vehicle shall be equipped with a properly operating speedometer capable of registering at least the maximum legal speed limit for that vehicle.

Added by Laws 2003, c.411, § 67, eff. Nov. 1, 2003.

§47-12-427. Official slow-moving vehicle emblem.

A. The triangular yellow-orange and red slow moving vehicle emblem which meets the standards and specifications of the American Society of Agricultural Engineers, ASAE S276.3, Slow-Moving Vehicle Identification Emblem, shall be recognized as the official slow-moving vehicle emblem of this state.

B. 1. All farm machinery, other machinery including all road construction and maintenance machinery, and all other vehicles and animal-drawn vehicles designed to operate and operating at a maximum speed of no more than twenty-five (25) miles per hour traveling on a highway during day or night shall display a slow-moving vehicle emblem on the rear of the vehicle.

2. When such road construction and maintenance machinery is engaged in actual construction or maintenance work and there is either a flagman or clearly visible warning signs to warn of such machinery's presence on the roadway are exempt from the requirements of this section.

C. The emblem shall be positioned as near as practicable to the center on the rear of the vehicle or machinery; provided however, that in the case of a string of farm machinery or implements being

towed only one clearly visible emblem must be displayed on the rearmost vehicle.

D. The use of such emblem shall be in addition to any lighting devices or other equipment required by law. The failure on the part of an owner or driver of any nonmotor vehicle to display the emblem required in this section shall not relieve the operator of a motor vehicle from negligence in the event of a collision. No person shall use the slow-moving vehicle emblem except as required in this section.

E. The evidence as to the use of such emblem or the lack of the use of such emblem shall not be admissible in the trial of any case. Added by Laws 1968, c. 216, § 1, emerg. eff. April 23, 1968. Amended by Laws 1973, c. 270, §§ 1, 2, eff. Jan. 1, 1974; Laws 2003, c. 411, § 84, eff. Nov. 1, 2003. Renumbered from Title 47, § 47-149.1 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-428. Converted school buses - Color.

School buses converted for purposes other than transporting pupils to or from school shall be painted a color other than National School Bus Yellow.

Added by Laws 1973, c. 112, § 6. Amended by Laws 1974, c. 57, § 1; Laws 1978, c. 262, § 2, eff. Oct. 1, 1978; Laws 2003, c. 411, § 18, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-102 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-501. Short title.

Sections 12-501 through 12-507 of this title shall be known and may be cited as the "Odometer Setting Act".

Added by Laws 1982, c. 275, § 1. Amended by Laws 2005, c. 50, § 14, eff. Nov. 1, 2005.

§47-12-502. Definitions.

As used in the Odometer Setting Act:

1. "Odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage for a limited purpose;

2. "Repair and replacement" means to restore to sound working condition by replacing the odometer or any part thereof or by correcting the inoperative part;

3. "Transfer" means to change ownership of a motor vehicle by purchase, sale or any other means wherein there is an exchange of monetary or equivalent compensation;

4. "Transferee" means any person to whom ownership of a motor vehicle is transferred by purchase or any other means wherein there is an exchange of monetary or equivalent compensation;

5. "Transferor" means any person who transfers his ownership in a motor vehicle by sale or any other means wherein there is an exchange of monetary or equivalent compensation; and

6. "True mileage driven" means the amount of mileage a motor vehicle has been driven as registered by the odometer within the designed tolerance of the manufacturer.

Added by Laws 1982, c. 275, § 2.

§47-12-503. Prohibited acts.

No person shall:

1. Advertise for sale, sell, use or install or cause to be installed or request for installation, any device which causes an odometer to register any mileage other than the true mileage driven;

2. Disconnect, reset or alter, or cause or request to be disconnected, reset or altered, the odometer of any motor vehicle with intent to change the number of miles indicated thereon;

3. Knowingly operate a motor vehicle with a disconnected or nonfunctional odometer on any street or highway with the intent of misrepresenting the true mileage driven; and

4. Conspire with any other person to violate any section of the Odometer Setting Act.

Added by Laws 1982, c. 275, § 3.

§47-12-504. Service, repair or replacement of odometer.

A. Nothing in the Odometer Setting Act shall prevent the service, repair or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair or replacement. Where the odometer is incapable of registering the same mileage as before the service, repair or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced.

B. No person shall:

1. Fail to adjust an odometer or affix a notice regarding such adjustment as required by subsection A of this section; and

2. Remove or alter any notice required by subsection A of this section to be affixed to a motor vehicle, with intent to misrepresent the true mileage driven.

Added by Laws 1982, c. 275, § 4.

§47-12-505. Transfer of ownership of motor vehicle - Information required.

A. Any transferor shall give the following written information to the transferee prior to the transfer of ownership of a motor vehicle:

1. The odometer reading at the time of transfer;

2. The date of transfer;
3. The name and current address of the transferor; and
4. The identity of the vehicle, including the make, model, year, body type and vehicle identification number.

B. In the disclosure required under this section, the transferor shall also certify that to the best of his knowledge:

1. the odometer reading reflects the actual mileage; or
2. the odometer reading does not reflect actual mileage; or
3. the mileage is in excess of the mechanical limits of the odometer.

The provisions of this section shall not apply to a transferor whenever transfer of ownership of a motor vehicle shall pass by bequest, descent, devise, gift or other means wherein there is no exchange of monetary or equivalent compensation.

Added by Laws 1982, c. 275, § 5. Amended by Laws 1989, c. 290, § 5, emerg. eff. May 24, 1989.

§47-12-506. Violation - Penalty.

Any person convicted of violating any of the provisions of the Odometer Setting Act with intent to misrepresent the true mileage driven of a motor vehicle shall be guilty of a misdemeanor and shall be punished by a fine of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment for not more than one (1) year, or by both fine and imprisonment. A person violating the provisions of the Odometer Setting Act shall have civil liability for the greater of three times the actual damages or One Thousand Five Hundred Dollars (\$1,500.00). Additionally, the court may award court costs and attorney fees to the prevailing party in a civil action.

Added by Laws 1982, c. 275, § 6. Amended by Laws 1998, c. 10, § 1, eff. Nov. 1, 1998; Laws 2016, c. 9, § 1, eff. July 1, 2016.

§47-12-507. Actions - Jurisdiction - Venue - Duty to prosecute.

The district court shall have jurisdiction, for cause shown, to restrain violations of the Odometer Setting Act. The actions may be brought by the district attorney for a district wherein any act, omission or transaction constituting the violation occurred, or in the district wherein the defendant is found, is an inhabitant, or transacts business. If the district attorney fails to act, the Attorney General shall intervene and proceed with the cause of action.

Added by Laws 1982, c. 275, § 7.

§47-12-601. Headlamps and other illuminating devices on certain motorcycles - Definition.

A. Every motorcycle of the model year 1978 or later operating upon a highway within this state shall display at all times:

1. A lighted headlamp or headlamps; and

2. Any other illuminating devices, if manufactured to be displayed at all times.

This subsection shall not apply to motorcycles used in official law enforcement capacities.

B. The provisions of subsections A, C and D of Section 12-201 of this title shall apply to motorcycles; provided, however, notwithstanding the provisions of subsection E of Section 12-201 of this title, a motorcycle may be equipped with a motorcycle headlamp modulation system as authorized by 49 C.F.R., Section 571.108, S7.9.4.

C. As used in Chapter 12 of this title, "motorcycle" shall include, unless otherwise specifically indicated, motorcycles and motor-driven cycles as those terms are defined in Chapter 1 of this title.

Added by Laws 2003, c. 411, § 68, eff. Nov. 1, 2003. Amended by Laws 2004, c. 521, § 17, eff. Nov. 1, 2004; Laws 2005, c. 50, § 15, eff. Nov. 1, 2005.

§47-12-602. Headlamps required - Permissible auxiliary lighting.

A. Every motorcycle shall be equipped with at least one headlamp emitting a white light which shall comply with the applicable requirements and limitations of Section 12-203 of this title and of Sections 12-602.1, 12-203.4, 12-227 and 12-228 of this title.

B. Every headlamp upon every motorcycle shall be located at a height of not more than fifty-four (54) inches nor less than twenty-two (22) inches to be measured as set forth in subsection B of Section 12-202 of this title.

C. Subject to subsections A and B of this section, a motorcycle may be equipped with, and an operator of a motorcycle may use, the following auxiliary lighting:

1. Standard bulb running lights; or
2. Light-emitting diode pods and strips.

D. Lighting under subsection C of this section shall be:

1. Nonblinking;
2. Nonflashing;
3. Nonoscillating; and

4. Directed toward the engine and the drive train of the motorcycle to prevent interference with the driver's operation of the vehicle.

E. For purposes of this section:

1. "Headlamp" shall not include passing lamp; and
2. "Passing lamp" shall mean an auxiliary front low-beam lamp which emits a white light.

Added by Laws 2003, c.411, § 69, eff. Nov. 1, 2003. Amended by Laws 2004, c. 120, § 1, emerg. eff. April 19, 2004; Laws 2016, c. 151, § 1, eff. Nov. 1, 2017.

§47-12-602.1. Headlamps upon motorcycles - Minimum requirements.

Every headlamp upon every motorcycle shall meet the requirements set forth in subsection C of Section 12-203 of this title.

Added by Laws 1961, p. 401, § 12-224. Amended by Laws 2003, c. 411, § 41, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-224 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

NOTE: Renumbering by Laws 2003, c. 411, § 85 was editorially renumbered from Title 47, § 12-603 to avoid a duplication in numbering.

§47-12-603. Tail lamps.

A. Every motorcycle shall be equipped with at least one tail lamp mounted on the rear on the vertical center line of the motorcycle which shall emit a red light plainly visible from a distance of one thousand (1,000) feet to the rear, provided that in the case of a combination of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.

B. Every tail lamp shall be located at a height of not more than sixty (60) inches nor less than fifteen (15) inches.

C. Either a tail lamp or a separate lamp with a white light shall be so constructed and placed as to illuminate the rear license plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp, together with any separate lamp for illuminating the rear license plate, shall be lighted whenever the headlamp or driving lamp is lighted. The operation of a motorcycle upon which the license plate is surrounded or framed, partially or in whole, by any additional lamp or lamps or otherwise lighted by any additional lamp or lamps, shall be a violation of this subsection. Added by Laws 2003, c.411, § 70, eff. Nov. 1, 2003.

§47-12-604. Reflectors.

A. Every motorcycle shall be equipped with and display at least one reflector meeting the requirements of this section.

B. Every such reflector shall be mounted on the motorcycle at a height not less than fifteen (15) inches nor more than sixty (60) inches measured as set forth in subsection B of Section 12-202 of this title, and shall be of such size and characteristics and so mounted as to be visible at night from all distances within six hundred (600) feet to one hundred (100) feet from the motorcycle when directly in front of lawful lower beams of headlamps.

Added by Laws 2003, c. 411, § 71, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 16, eff. Nov. 1, 2005.

§47-12-605. Stop lamps.

A. Every motorcycle shall be equipped with at least one stop lamp meeting the requirements of this section.

B. The stop lamp required by this section:

1. Shall be mounted on the rear of the motorcycle;
 2. Shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight; and
 3. Shall be actuated upon application of the brakes.
- Added by Laws 2003, c.411, § 72, eff. Nov. 1, 2003.

§47-12-606. Electric flashing turn signal lamps.

A. Every motorcycle of model year 2005 and later shall be equipped with electric flashing turn signal lamps meeting the requirements of this section.

B. The flashing turn signal lamps required by this section:

1. Shall show to the front and rear of the motorcycle;
2. Shall be located on the same level and as widely spaced laterally as practicable on the front of the motorcycle and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than five hundred (500) feet to the front in normal sunlight;
3. Shall be located at the same level and as widely spaced laterally as practicable on the rear of the motorcycle and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight; and
4. Shall indicate when actuated the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made.

Added by Laws 2003, c.411, § 73, eff. Nov. 1, 2003.

§47-12-608. Brakes on motorcycles.

The brake system on any motorcycle shall comply with performance ability standard set forth in 49 C.F.R., Section 571.121, and shall be adequate to control the movement of the motorcycle and to stop and hold the motorcycle, including two separate means of applying the brakes. One means shall be effective to apply the brakes to the front wheel, and one means shall be effective to apply the brakes to the rear wheel or wheels.

Added by Laws 1961, p. 405, § 12-304. Amended by Laws 2003, c. 411, § 49, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-304 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-609. Motorcycles - Required equipment.

A. In addition to other requirements prescribed by this chapter, by federal law or by local ordinance, all motorcycles, except when operated on actual trail rides conducted outside of public roads and highways, shall be equipped with:

1. Two rearview mirrors, containing a reflection surface of not less than three (3) inches in diameter, mounted one on each side of

the motorcycle and positioned so as to enable the operator to clearly view the roadway to the rear of the vehicle;

2. A windshield of sufficient quality, size and thickness to protect the operator from foreign objects, except that in lieu of such windshield, the operator shall wear goggles or other protective eyewear which meets American National Standards Institute (ANSI) Standard Z87.1 and provides positive retention, or a face shield of material and design to protect the operator from foreign objects;

3. A properly operating speedometer capable of registering at least the maximum legal speed limit for that motorcycle;

4. A fender over each wheel. All fenders shall be of the type provided by the manufacturer;

5. A horn which shall comply with the requirements of Section 12-401 of this title; and

6. A muffler or other effective noise-suppressing system which shall comply with the requirements of Section 12-402 of this title.

B. No person under eighteen (18) years of age shall operate or ride upon any motorcycle unless such person is properly wearing a crash helmet of a type which complies with standards established by 49 C.F.R., Section 571.218.

C. Handlebars on motorcycles shall not be higher than eye level of the operator.

Added by Laws 1967, c. 140, § 3. Amended by Laws 1969, c. 131, § 1, emerg. eff. April 7, 1969; Laws 1975, c. 288, § 1; Laws 1976, c. 81, § 1, emerg. eff. May 3, 1976; Laws 2000, c. 228, § 1, eff. July 1, 2000. Amended by Laws 2003, c. 411, § 83, eff. Nov. 1, 2003. Renumbered from Title 47, § 40-105 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-701. Provisions in chapter applicable to bicycles.

No provision in this chapter shall apply to bicycles or to equipment for use on bicycles except as to provisions in this article or unless a provision has been made specifically applicable to bicyclists, bicycles, electric-assisted bicycles or their equipment. As used in Chapter 12 of this title, "bicycle" shall include, unless otherwise specifically indicated, bicycles, mopeds, motorized bicycles, and electric-assisted bicycles, as those terms are defined in Chapter 1 of this title.

Added by Laws 2003, c.411, § 74, eff. Nov. 1, 2003. Amended by Laws 2004, c. 521, § 18, eff. Nov. 1, 2004; Laws 2019, c. 43, § 5, eff. Nov. 1, 2019.

§47-12-702. Front lamp.

Every bicycle in use at the times described in subsection B of Section 12-201 of this title shall be equipped with a lamp on the front emitting a white light visible from a distance of at least one thousand (1,000) feet to the front. This section shall not apply to

a street or highway with a speed limit of twenty-five (25) miles per hour or less.

Added by Laws 2003, c. 411, § 75, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 17, eff. Nov. 1, 2005.

§47-12-703. Rear lamp.

Every bicycle in use at the times described in subsection B of Section 12-201 of this title shall be equipped with a lamp on the rear emitting a red light visible from a distance of at least one thousand (1,000) feet to the rear. This section shall not apply to a street or highway with a speed limit of twenty-five (25) miles per hour or less.

Added by Laws 2003, c. 411, § 76, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 18, eff. Nov. 1, 2005.

§47-12-704. Reflector.

Every bicycle shall be equipped with a red reflector which shall be visible for six hundred (600) feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle.

Added by Laws 2003, c. 411, § 77, eff. Nov. 1, 2003.

§47-12-705. Repealed by Laws 2006, c. 173, § 9, eff. July 1, 2006.

§47-12-706. Reflective material.

Every bicycle when in use at the times described in subsection B of Section 12-201 of this title shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred (600) feet when directly in front of lawful lower beams of headlamps on a motor vehicle.

Added by Laws 2003, c. 411, § 79, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 19, eff. Nov. 1, 2005.

§47-12-707. Additional lights and reflectors.

A bicycle or its rider may be equipped with lights or reflectors in addition to those required by the foregoing sections; provided, such lights or reflectors shall comply with the provisions and limitations of Article II of Chapter 12 of this title.

Added by Laws 2003, c. 411, § 80, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 20, eff. Nov. 1, 2005.

§47-12-708. Brakes.

Every bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

Added by Laws 2003, c. 411, § 81, eff. Nov. 1, 2003.

§47-12-709. Sirens.

A bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren.

Added by Laws 2003, c.411, § 82, eff. Nov. 1, 2003.

§47-13-101. Vehicles without required equipment or in unsafe condition.

No person shall drive or cause to be moved on any highway any motor vehicle, trailer, semitrailer or pole trailer, or any combination of vehicles, unless the equipment upon any and every said vehicle is in good working order and adjustment as required in this act and said vehicle is in such safe mechanical condition as not to endanger the driver or occupant or any person upon the highway.

Laws 1961, p. 412, § 13-101.

§47-13-102. Officers may inspect a vehicle and its equipment.

A. Members of the Oklahoma Highway Patrol and other employees of the Department of Public Safety as designated by the Commissioner, may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair or the operator is not properly licensed, require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

B. In the event such vehicle or combination of vehicles is found to be in an unsafe mechanical condition or is not equipped as required by this act, the officer making the inspection may give the driver a notice of arrest or written warning. Any person producing proof within ten (10) working days from the date the citation was issued that a condition or equipment for which the person was cited as defective, missing, prohibited, improper, unauthorized or otherwise in violation of this chapter has been remedied by the person shall be entitled to dismissal of such charges without assessment of court costs.

C. No person shall operate or cause to be operated any vehicle or combination of vehicles after notice of arrest or written warning has been issued of such unsafe condition or that the vehicle is not equipped as required by this act, except as may be necessary to return such vehicle or combination of vehicles to the residence or place of business of the owner or driver if within a distance of twenty (20) miles or to a garage, until said vehicle and its equipment has been made to conform with the requirements of this act.

D. Any vehicle or combination of vehicles found to have major mechanical defects which would be hazardous to other users of the highways if it were driven from the place of inspection as provided for in subsection C of this section shall be towed to a garage for repairs, and any repair charge, tow charge or storage charge for the

repair, removal and storing of the vehicle shall be the obligation of the owner or operator.

Added by Laws 1961, p. 412, § 13-102, eff. Sept. 1, 1961. Amended by Laws 2003, c. 199, § 10, eff. Nov. 1, 2003; Laws 2005, c. 50, § 21, eff. Nov. 1, 2005.

§47-13-103. Owner and drivers to submit vehicles for inspection.

Whenever the driver of a vehicle is directed by a member of the Highway Patrol to stop and submit the mechanical condition of the vehicle or its equipment to an inspection or test under the conditions stated in this act, it shall be the duty of such driver to stop and submit to such inspection or test and the failure or refusal to do so is a misdemeanor.

Added by Laws 1961, p. 413, § 13-103, eff. Sept. 1, 1961.

§47-14-101. Scope and effect of chapter - Issuance of annual overweight permits - Movement of certain vehicles at nighttime and on holidays

A. It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state and local authorities shall have no power or authority to alter the limitations except as express authority may be granted in this chapter.

B. The Commissioner of Public Safety is directed to issue annual overweight permits to:

1. Municipalities and rural fire districts for the transportation of firefighting apparatus at no cost to the municipalities or rural fire districts;

2. Owners of implements of husbandry, which includes tractors that are temporarily moved upon a highway at no cost to the owner;

3. Retail implement dealers while hauling implements of husbandry at no cost to the dealer; and

4. Owners of certain vehicles as provided for in Section 14-103G of this title.

C. If a vehicle is issued a license pursuant to Section 1134.4 of this title, the license shall also serve as the overweight permit required by this section.

D. All size, weight and load provisions covered by this chapter shall be subject to the limitations imposed by Title 23, United States Code, Section 127, and such other rules and regulations developed herein. Provided further that any size and weight provision authorized by the United States Congress for use on the National System of Interstate and Defense Highways, including but not limited to height, axle weight, gross weight, combinations of

vehicles or load thereon shall be authorized for immediate use on such segments of the National System of Interstate and Defense Highways and any other highways or portions thereof as designated by the Transportation Commission or their duly authorized representative.

E. All size, weight and load provisions covered by Sections 14-101 through 14-123 of this title shall be subject to a gross vehicle weight limit of ninety thousand (90,000) pounds when applied to a vehicle operating off the National System of Interstate and Defense Highways unless such vehicle is operating in full compliance with an overweight permit issued by the Commissioner of Public Safety.

F. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title, other than a vehicle permitted solely for overweight movement, shall be moved only during daylight hours. As used in Section 14-101 et seq. of this title, "daylight hours" shall mean one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset. The Commissioner of Public Safety, for good cause and consistent with the safe movement of the vehicle, may endorse a permit for the movement of an oversize vehicle to authorize night time travel under such terms and restrictions as the Commissioner may require.

G. 1. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title shall not be moved at any time on the following holidays:

- a. New Year's Day (January 1),
- b. Memorial Day (the last Monday in May),
- c. The Fourth of July (Independence Day),
- d. Labor Day (the first Monday in September),
- e. Thanksgiving Day (the fourth Thursday in November), and
- f. Christmas Day (December 25).

2. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title shall be allowed to move on the following holidays:

- a. Martin Luther King, Jr.'s Birthday (the third Monday in January),
- b. President's Day, also known as Washington's Birthday (the third Monday in February), and
- c. Veteran's Day (November 11).

Added by Laws 1961, p. 413, § 14-101, eff. Sept. 1, 1961. Amended by Laws 1972, c. 52, § 1, emerg. eff. March 15, 1972; Laws 1973, c. 119, § 1, emerg. eff. May 4, 1973; Laws 1977, c. 55, § 1, emerg. eff. May 16, 1977; Laws 1993, c. 252, § 1, emerg. eff. May 26, 1993; Laws 1998, c. 125, § 1, eff. Nov. 1, 1998; Laws 2002, c. 201, § 1, emerg. eff. May 6, 2002; Laws 2003, c. 199, § 11, eff. Nov. 1, 2003; Laws 2005, c. 62, § 1, eff. Nov. 1, 2005; Laws 2007, c. 324, § 1, eff. July 1, 2008; Laws 2009, c. 59, § 1, eff. Nov. 1, 2009; Laws 2012, c.

227, § 2, emerg. eff. May 8, 2012; Laws 2015, c. 294, § 3, eff. July 1, 2015; Laws 2016, c. 121, § 1, eff. July 1, 2016.

§47-14-102. Repealed by Laws 1972, c. 52, § 5, emerg. eff. March 15, 1972.

§47-14-103. Width, height and length of vehicle and load.

A. Except as otherwise provided for by this chapter, no vehicle, with or without load, shall have a total outside width in excess of one hundred two (102) inches excluding:

1. Tire bulge;
2. Approved safety devices;

3. A retracted awning with a width of eight (8) inches or less or other appurtenance of four (4) inches or less which is attached to the side of a recreational vehicle, as defined in Section 1102 of this title; and

4. Pins used as a safety precaution or as a load-assisting device if the pins do not extend the overall width of the vehicle beyond nine (9) feet. The State of Oklahoma hereby declares it has determined, in accordance with 23 C.F.R., Section 658.15, that such pins are necessary for the safe and efficient operation of motor vehicles.

The provisions of this subsection shall not apply to any person engaged in the hauling of round baled hay with a total outside width of eleven (11) feet or less when the hay is owned by such person and is being hauled for any purpose other than resale. The provisions of this subsection shall also not apply to any county official or employee engaged in the hauling or pulling of a trailer or equipment owned by the county on the county roads of such county.

B. Except as otherwise provided for by this chapter:

1. No vehicle, with or without load, shall exceed a height of thirteen and one-half (13 1/2) feet on any county road, or fourteen (14) feet on any turnpike, interstate, U.S. or state highway, unless a greater height is authorized by a special permit issued by the Commissioner of Public Safety or an authorized representative of the Commissioner in consultation with the Department of Transportation specifying the highways to be used, consistent with public convenience and safety. The prohibitions on movement as prescribed in subsection F of Section 14-101 of this title and paragraph 1 of subsection G of Section 14-101 of this title shall not apply to vehicles operated pursuant to such permits;

2. An official state bridge vertical clearance map providing clearance heights as posted for bridges on the interstate, U.S. and state highway systems shall be available on the Oklahoma Department of Transportation website; and

3. Operators and owners of vehicles which exceed or have loads which exceed thirteen and one-half (13 1/2) feet shall be held liable

for all damages to any part of structures spanning the highway or damages suffered by other affected parties caused by the vehicle or load exceeding the posted height;

C. Except as otherwise provided for by this chapter:

1. No single truck, with or without load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty-five (45) feet;

2. No single bus, with or without load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty-five (45) feet;

3. a. On the National Network of Highways which includes the National System of Interstate and Defense Highways and four-lane divided Federal Aid Primary System Highways, no semitrailer operating in a truck-tractor/semitrailer combination shall have a length greater than fifty-three (53) feet, except as provided in subsection C of Section 14-118 of this title which shall apply to semitrailers exceeding fifty-three (53) feet but not exceeding fifty-nine (59) feet six (6) inches. On the National System of Interstate and Defense Highways and four-lane divided Federal Aid Primary System Highways, no semitrailer or trailer operating in a truck-tractor/semitrailer and trailer combination shall have a length greater than fifty-three (53) feet;
- b. On roads and highways not a part of the National System of Interstate and Defense Highways or four-lane divided Federal Aid Primary System Highways, no semitrailer operating in a truck-tractor/semitrailer combination shall have a length greater than fifty-three (53) feet and no semitrailer or trailer operating in a truck-tractor/semitrailer and trailer combination shall have a length greater than twenty-nine (29) feet. Except as provided for in subsection D of Section 14-118 of this title, no other combination of vehicles shall have an overall length, inclusive of front and rear bumpers, in excess of seventy (70) feet on all roads and highways. For the purposes of this paragraph, oil field rig-up trucks shall be considered to be truck-tractors, when towing a trailer or semitrailer;
- c. On the National Network of Highways the overall length limitation of a towaway trailer transporter combination may exceed length restrictions up to eighty-two (82) feet;
- d. As used in this section:
- (1) The term "trailer transporter towing unit" shall mean a power unit that is not used to carry

property when operating in a towaway trailer transporter combination, and

- (2) The term "towaway trailer transporter combination" shall mean a combination of vehicles consisting of a trailer transporter towing unit and two (2) trailers or semitrailers with a total weight that does not exceed twenty-six thousand (26,000) pounds; and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor or dealer of such trailers or semitrailers;

4. No combination of vehicles shall consist of more than two units, except:

- a. one truck and semitrailer or truck-tractor/semitrailer combination may tow one complete trailer or semitrailer, or
- b. vans, suburbans, blazers or other similar types of vehicles and self-propelled recreational vehicles with a three-quarter (3/4) ton or more rated capacity may tow a semitrailer and one complete trailer or semitrailer for recreational purposes only, provided the overall length, inclusive of the front and rear bumpers, does not exceed sixty-five (65) feet;

5. Poles and gas lines used to maintain public utility services, not to include new construction, may be moved during daylight hours, and during nighttime hours only in an emergency, subject to traffic and road restrictions promulgated by the Commissioner of Public Safety, when the overall length does not exceed eighty (80) feet. When this length is exceeded, these loads are subject to the requirements of Section 14-118 of this title;

6. For the purposes of paragraphs 1, 3, and 4 of this subsection, the length of unitized equipment, which is defined to be equipment so constructed and attached to a rubber-tired vehicle that the vehicle and load become a unit and are for all practical purposes inseparable, shall be the length of the vehicle itself, and shall not include any protrusion of the equipment load so constructed or attached. The equipment shall not protrude for a distance greater than two-thirds (2/3) of the wheel base of the vehicle, shall not impair the driver's vision, and if less than seven (7) feet above the roadway, shall be safely marked, flagged or illuminated. Any such protruding structure shall be securely held in place to prevent dropping or swaying. Unitized equipment shall carry such safety equipment as shall be determined to be necessary for the safety, health, and welfare of the driving public by the Commissioner of Public Safety;

7. For the purposes of paragraphs 1, 3, and 4 of this subsection, a truck-tractor, when being towed by another vehicle with

the wheels of its steering axle raised off the roadway, shall be considered to be a semitrailer as defined in Section 1-162 of this title;

8. The provisions of paragraphs 1 and 3 of this subsection shall not apply to any contractor or subcontractor, or agents or employees of any contractor or subcontractor, while engaged in transporting material to the site of a project being constructed by, for, or on behalf of this state or any city, town, county, or subdivision of this state; and

9. Special mobilized machinery, as defined in Section 1102 of this title, which exceeds the size provisions of this section shall only use the highways of the State of Oklahoma by special permit issued by the Commissioner of Public Safety or an authorized representative of the Commissioner. Such special permit shall be:

- a. a single-trip permit issued under the provisions of Section 14-116 of this title, or
- b. a special annual oversize permit issued for one (1) calendar year period upon payment of a fee of Ten Dollars (\$10.00) plus any amount as provided by subsection H of Section 14-118 of this title.

Added by Laws 1961, p. 413, § 14-103, eff. Sept. 1, 1961. Amended by Laws 1963, c. 124, § 1, emerg. eff. June 3, 1963; Laws 1965, c. 80, § 1, emerg. eff. May 3, 1965; Laws 1971, c. 199, § 1, emerg. eff. June 8, 1971; Laws 1972, c. 52, § 2, emerg. eff. March 15, 1972; Laws 1977, c. 55, § 2, emerg. eff. May 16, 1977; Laws 1983, c. 181, § 1, emerg. eff. June 9, 1983; Laws 1984, c. 64, § 1, eff. Nov. 1, 1984; Laws 1985, c. 290, § 2, operative July 1, 1985; Laws 1986, c. 47, § 1, eff. Nov. 1, 1986; Laws 1990, c. 315, § 3, eff. July 1, 1990; Laws 1991, c. 156, § 2, emerg. eff. May 6, 1991; Laws 1993, c. 252, § 2, emerg. eff. May 26, 1993; Laws 1995, c. 27, § 3, eff. July 1, 1995; Laws 2000, c. 189, § 5, eff. July 1, 2000; Laws 2000, c. 228, § 2, eff. July 1, 2000; Laws 2002, c. 286, § 1, eff. July 1, 2002; Laws 2003, c. 279, § 7, emerg. eff. May 26, 2003; Laws 2018, c. 8, § 1, eff. Nov. 1, 2018; Laws 2019, c. 277, § 1, eff. Nov. 1, 2019; Laws 2019, c. 335, § 1, eff. July 1, 2019.

NOTE: Laws 2000, c. 151, § 1 repealed by Laws 2000, c. 228, § 3, eff. July 1, 2000.

§47-14-103A. Motor vehicle and manufactured home combinations - Overall length and width - Limitations on movement.

A. No combination of a motor vehicle and manufactured home or frame or frames thereof shall have an overall length, inclusive of front and rear bumpers, in excess of seventy (70) feet or a width in excess of eighteen (18) feet while operating on the system of interstate and defense highways. In determining the width of a manufactured home, the overall width shall not exceed the eighteen-foot width limit. Such combination exceeding seventy (70) feet in

length or eight and one-half (8 1/2) feet in width must comply with the provisions of Section 14-118 of this title. A front and rear escort shall be required on the interstate and defense highways for vehicles meeting the parameters of this subsection.

B. If any combination of a motor vehicle and manufactured home or frame thereof exceeds seventy (70) feet in overall length or eight and one-half (8 1/2) feet in width, they shall be moved only during daylight hours on the system of interstate and defense highways. The towing vehicle must be at least three-fourths-ton rated capacity with dual wheels.

Added by Laws 1965, c. 248, §§ 1, 2, emerg. eff. June 17, 1965.

Amended by Laws 1969, c. 313, § 1, emerg. eff. April 29, 1969; Laws 1970, c. 38, § 1, emerg. eff. Feb. 24, 1970; Laws 1971, c. 258, §§ 1, 2, emerg. eff. June 16, 1971; Laws 1976, c. 85, § 1, emerg. eff. May 3, 1976; Laws 1978, c. 81, § 1, eff. Oct. 1, 1978; Laws 1980, c. 125, § 1, emerg. eff. April 16, 1980; Laws 1981, c. 118, § 9; Laws 1984, c. 25, § 1, emerg. eff. March 22, 1984; Laws 1984, c. 270, § 1, eff. Nov. 1, 1984; Laws 1994, c. 127, § 1, eff. Sept. 1, 1994; Laws 1998, c. 125, § 2, eff. Nov. 1, 1998; Laws 2019, c. 140, § 1, eff. Nov. 1, 2019.

§47-14-103B. Automobile transporters - Extension of load - Height.

A. Any automobile transporter vehicle or combination of automobile transporter vehicles operated under the provisions of Section 14-103 of this title may carry an extension of load, the extension not to exceed three (3) feet beyond the front nor more than four (4) feet beyond the rear of the vehicle or combination of vehicles thereof.

B. Any stinger-steered automobile transporter operated under the provisions of Section 14-103 of this title may have an overall length up to eighty (80) feet with an extension of load, with the extension not to exceed four (4) feet beyond the front nor more than six (6) feet beyond the rear of the vehicle or combination of vehicles.

C. No automobile transporter vehicle, unladen or with load, shall exceed a height of fourteen and one-half (14 1/2) feet.

D. An automobile transporter shall not be prohibited from the transport of cargo or general freight on a backhaul, provided it complies with weight limitations for a truck tractor and semitrailer combination. As used in this section, "backhaul" means the return trip of a vehicle transporting cargo or general freight, including when carrying goods back over all or part of the same route.

Added by Laws 1969, c. 52, § 1, emerg. eff. March 4, 1969. Amended by Laws 1981, c. 8, § 1, emerg. eff. April 1, 1981; Laws 2019, c. 277, § 2, eff. Nov. 1, 2019.

§47-14-103C. Special permits - Movement of houses or buildings.

A. The Commissioner of Public Safety shall upon proper application issue a special permit to any person allowing the movement on state and federal highways of a structure in the form of a house or building, including but not limited to industrialized housing as defined in Section 14-103A of this title, not exceeding thirty-two (32) feet in width at the base, and thirty-four (34) feet in width at the top and twenty-one (21) feet in height. The permit shall specify the highways to be used, consistent with public convenience and safety, as determined by the Commissioner of Public Safety, in consultation with the Department of Transportation. In addition to the prohibitions on movement as prescribed in Section 14-101 et seq. of this title, such structures shall not be moved on Saturday or Sunday.

B. If any structure or housing described in subsection A of this section has a width in excess of sixteen (16) feet, the towing vehicle shall be a tandem-axle vehicle of no less than two hundred twenty (220) horsepower.

Added by Laws 1978, c. 81, § 2, eff. Oct. 1, 1978. Amended by Laws 1980, c. 265, § 1, emerg. eff. June 9, 1980; Laws 1995, c. 29, § 1, emerg. eff. March 31, 1995; Laws 1998, c. 125, § 3, eff. Nov. 1, 1998; Laws 2003, c. 53, § 1, eff. Nov. 1, 2003; Laws 2004, c. 390, § 10, eff. July 1, 2004; Laws 2011, c. 166, § 1.

§47-14-103D. Permit to transport or move manufactured home.

A. No person shall transport or move a manufactured home on any public road or highway in this state, except as otherwise provided by law, without a permit issued pursuant to the provisions of Sections 14-103A and 14-103C of this title and subsection B of this section, and without a current calendar year decal or current registration or a repossession affidavit issued pursuant to Sections 1110 and 1126 of this title.

B. In addition to the permit information required by the provisions of Sections 14-103A and 14-103C of this title, the permit shall also include the following:

1. The name of the owner of the manufactured home;
2. The serial number or identification number of the manufactured home;
3. A legal description or the physical address of the location from which the manufactured home is to be moved;
4. A legal description or the physical address of the location to which the manufactured home is to be moved; and
5. The name of the firm or individual repossessing the manufactured home as it appears on the repossession affidavit, if the movement is for repossession purposes and the repossession affidavit is being used in lieu of current license plate and decal, as provided in subsection E of Section 1113 of this title.

C. Except as otherwise provided by law, the Department of Public Safety shall not issue a permit to any person to transport or move a manufactured home without a current calendar year decal or current registration; provided:

1. Upon proof of possession of a dealer or in-transit license plate, issued by the Oklahoma Tax Commission according to the provisions of subsection D of Section 1128 of this title, the Department of Public Safety shall issue a permit to the holder of such license;

2. The Department shall issue a permit to the holder of a perfected security interest in a manufactured home, or a licensed representative thereof, pursuant to a lawful repossession of the manufactured home, if the holder or representative is bonded by the state, to move the manufactured home to a secure location with a repossession affidavit; provided, all registration fees, excise taxes or ad valorem taxes due on such home shall be required to be paid within thirty (30) days of the issuance of the permit; and

3. The Department shall issue a permit to transport or move a manufactured home used for commercial purposes during the second through the sixth day of the first month of the following calendar year if the applicant can provide a special waiver and a commercial move affidavit authorized pursuant to Section 2813 of Title 68 of the Oklahoma Statutes. As used in this paragraph, "manufactured home used for commercial purposes" means a manufactured home owned by any lawfully recognized business entity the primary purpose of which is to provide temporary housing for the employees or contractors of such business entity.

D. For the purposes of subsections A and C of this section, a manufactured home registration receipt and Manufactured Home Registration Decal attached to a certificate of title for a manufactured home or receipts and decal as authorized by subsection C of Section 1117 of this title shall be evidence of payment of the excise tax and registration fees required pursuant to the provisions of Section 1135 of this title and the Ad Valorem Tax Code.

E. The Department of Public Safety shall notify the Oklahoma Tax Commission, the county assessor of the county from which the manufactured home is to be moved and the county assessor of the county in which the manufactured home is to be moved of any permits issued pursuant to the provisions of this section.

Added by Laws 1984, c. 253, § 4, operative July 1, 1984. Amended by Laws 1985, c. 238, § 1, emerg. eff. July 8, 1985; Laws 1997, c. 192, § 8, eff. Jan. 1, 1998; Laws 2002, c. 417, § 1, eff. July 1, 2002; Laws 2012, c. 269, § 1, eff. Jan. 1, 2013.

§47-14-103E. Notification of issuance of permit.

A. Upon issuance of a permit pursuant to the provisions of Section 14-103D of Title 47 of the Oklahoma Statutes, the Department

of Public Safety shall notify the Oklahoma Tax Commission of the issuance of such permit. The notification shall include the permit information required by subsection B of Section 14-103D of Title 47 of the Oklahoma Statutes.

B. Upon notification of issuance of the permit pursuant to subsection A of this section, the Tax Commission shall notify the county assessor of the county in which the manufactured home is to be located, of the issuance of the permit. Such notification shall include the permit information required by subsection B of Section 14-103D of Title 47 of the Oklahoma Statutes.

Added by Laws 1985, c. 238, § 4, emerg. eff. July 8, 1985.

§47-14-103F. Manufactured home used in construction, oil field or seasonal farming activities - Special decals.

Any person, firm or corporation owning a manufactured home used in the course of his construction, oil field or seasonal farming activities, may apply for a special decal allowing such person to transport said manufactured home on the highways of this state, provided this section shall not be construed to waive the permit otherwise required by Sections 14-103A and 14-103C of Title 47 of the Oklahoma Statutes.

Such special decal shall be issued by any motor license agent upon proof that said person, firm or corporation has paid all ad valorem taxes due on such manufactured home for the current tax year. The fee for such special decal shall be Four Dollars (\$4.00). Such special decal shall be valid for the taxable year.

Added by Laws 1985, c. 238, § 5, emerg. eff. July 8, 1985.

§47-14-103G. Oversize or overweight load vehicle permits - Annual fleet permits - Permits for movement of oversized portable buildings.

A. 1. The Department of Public Safety may issue an annual vehicle permit under the provisions of this subsection to a specific vehicle, for the movement of oversize or overweight loads that cannot reasonably be dismantled. Unless otherwise provided by law, permits issued under this subsection shall be subject to the conditions described in paragraphs 2 through 8 of this subsection.

2. Oversize or overweight loads operating under an annual vehicle permit shall not exceed:

- a. twelve (12) feet in width,
- b. fourteen (14) feet in height,
- c. one hundred ten (110) feet in length, or
- d. one hundred twenty thousand (120,000) pounds gross weight.

3. Oversize or overweight loads operating under an annual vehicle permit under this subsection shall not transport a load that has more than a twenty-five-foot front overhang, or more than a thirty-foot rear overhang.

4. The fee for an annual vehicle permit shall be Four Thousand Dollars (\$4,000.00) and shall be nonrefundable.

5. The annual vehicle permit shall be issued for one (1) calendar year period and shall commence upon the date specified on the permit.

6. An annual vehicle permit issued pursuant to this subsection shall be nontransferable between permittees.

7. The permitted vehicle or vehicle combination shall be registered in accordance with the provisions of Chapter 14 of this title for maximum weight.

8. An annual vehicle permit issued pursuant to this subsection may be transferred from one vehicle to another vehicle in the fleet of the permittee provided:

- a. the permitted vehicle is destroyed or otherwise becomes permanently inoperable to the extent that the vehicle will no longer be utilized, and the permittee presents proof to the Department of Public Safety that the negotiable certificate of title or other qualifying documentation has been surrendered to the Department of Public Safety, or
- b. the certificate of title to the permitted vehicle is transferred to someone other than the permittee, and the permittee presents proof to the Department of Public Safety that the negotiable certificate of title or other qualifying documentation has been transferred from the permittee.

9. A permit issued for loads specific to turbine blades, used for the purpose of wind generation, may exceed a length of one hundred ten (110) feet.

B. 1. The Department of Public Safety may issue an annual vehicle permit under this subsection to a specific motor carrier, for the movement of oversize or overweight loads that cannot reasonably be dismantled. An annual vehicle permit issued under this subsection may be transferred from one vehicle to another vehicle in the fleet of the permittee provided:

- a. that no more than one vehicle is operating at a time, and
- b. the original certified permit is carried in the vehicle that is being operated under the terms of the permit.

2. An annual vehicle permit issued under this subsection shall be sent to the permittee via first-class, registered mail, or at the request and expense of the permittee via overnight delivery service. The annual vehicle permit shall not be duplicated. The annual vehicle permit shall be replaced only if:

- a. the permittee did not receive the original permit within seven (7) business days after the date of issuance,

- b. a request for replacement is submitted to the Department of Public Safety within ten (10) business days after the original date of issuance of the permit, and
- c. the request for replacement is accompanied by a notarized statement signed by a principal or officer of the permittee acknowledging that the permittee understands the permit may not be duplicated and that if the original permit is located, the permittee shall return either the original or replacement permit to the Department of Public Safety.

3. A request for replacement of an annual vehicle permit issued pursuant to the provisions of this subsection shall be denied if the Department of Public Safety can verify that the permittee received the original annual vehicle permit.

4. Lost, misplaced, damaged, destroyed, or otherwise unusable annual vehicle permits shall not be replaced. A new permit shall be required and shall be issued by the Department of Public Safety.

C. 1. The Department of Public Safety may issue an annual fleet permit under this subsection to an electric utility, regulated by the Corporation Commission or a rural electric cooperative solely for the movement of poles. An annual fleet permit issued under this subsection may be used by any vehicle in the fleet of the permittee provided that a certified copy of the permit is carried in each vehicle that is being operated under the terms of the permit.

2. Oversize loads operating under an annual permit issued pursuant to this subsection shall not exceed:

- a. twelve (12) feet in width,
- b. fourteen (14) feet in height, or
- c. fifty-five (55) feet in length.

3. The annual fee for an annual fleet permit issued pursuant to this subsection shall be Four Thousand Dollars (\$4,000.00) and shall be nonrefundable.

4. The annual fleet permit shall be issued for a one-calendar-year period and shall commence upon the date specified on the permit.

5. The annual fleet permit issued under this subsection shall be sent to the permittee via first class, registered mail, or at the request and expense of the permittee via overnight delivery service. The annual permit shall be replaced only if:

- a. the permittee did not receive the original permit within seven (7) business days after the date of the issuance,
- b. a request for replacement is submitted to the Department of Public Safety within ten (10) business days after the original date of issuance of the permit, and

- c. the request for replacement is accompanied by a notarized statement signed by an authorized person of the permittee acknowledging that if the original permit is located, the permittee shall either return the original or replacement permit to the Department of Public Safety.

6. A request for replacement of an annual permit issued under the provisions of this subsection shall be denied if the Department of Public Safety can verify the permittee received the original annual permit.

7. Lost, misplaced, damaged, destroyed or otherwise unusable annual permits shall not be replaced. A new permit shall be required and shall be issued by the Department of Public Safety.

8. For the purposes of paragraph 5 of subsection C of Section 14-103 of this title, the term "emergency" means any permitted movement of poles pursuant to the provisions of this subsection that is not for new construction of electric distribution facilities.

D. 1. The Department of Public Safety shall issue an annual vehicle permit under this subsection to a transportation company or manufacturer of portable buildings solely for the movement of oversize portable buildings for a specific manufacturer of portable buildings. An annual vehicle permit issued under this subsection may not be transferred from one vehicle to another vehicle in the fleet. The name of the manufacturer shall be on the permit and on any portable building being moved. The original certified permit shall be carried in the vehicle that is being operated under the terms of the permit.

2. Oversize loads operating under an annual vehicle permit issued pursuant to this subsection shall not exceed:

- a. twelve (12) feet in width at the wall with no more than a three-inch-eave overhang, or
- b. fourteen (14) feet in height.

3. The total gross weight of oversize loads operating under an annual vehicle permit issued pursuant to this subsection shall not exceed forty-five thousand (45,000) pounds.

4. The tow vehicle shall be limited to two axles, and the vehicle identification number of the vehicle shall be on the permit.

5. The fee for an annual vehicle permit issued pursuant to this subsection shall be Five Hundred Dollars (\$500.00) and shall be nonrefundable.

6. An annual vehicle permit issued under this subsection shall be sent to the permittee via first-class, registered mail, or at the request and expense of the permittee via overnight delivery service. The annual vehicle permit shall not be duplicated. The annual vehicle permit shall be replaced only if:

- a. the permittee did not receive the original permit within seven (7) business days after the date of issuance,
- b. a request for replacement is submitted to the Department of Public Safety within ten (10) business days after the original date of issuance of the permit, and
- c. the request for replacement is accompanied by a notarized statement signed by a principal or officer of the permittee acknowledging that the permittee understands the permit may not be duplicated and that if the original permit is located, the permittee shall return either the original or replacement permit to the Department of Public Safety.

7. A request for replacement of an annual vehicle permit issued pursuant to the provisions of this subsection shall be denied if the Department of Public Safety can verify that the permittee received the original annual vehicle permit.

8. A lost, misplaced, damaged, destroyed, or otherwise unusable annual vehicle permit shall be replaced for a fee of Twenty-five Dollars (\$25.00).

Added by Laws 2009, c. 59, § 2, eff. Nov. 1, 2009. Amended by Laws 2009, c. 293, § 1, eff. Nov. 1, 2009; Laws 2013, c. 221, § 1, eff. July 1, 2013; Laws 2014, c. 239, § 1, emerg. eff. May 9, 2014.

§47-14-104. Repealed by Laws 1972, c. 56, § 2, emerg. eff. March 20, 1972.

§47-14-105. Loads on vehicles.

A. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, blowing or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway.

B. No person shall operate on any highway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. Any vehicle loaded with sand, cinders, or other loose material susceptible to blowing or otherwise escaping shall have such load covered so as to prevent the blowing or escaping of said load from the vehicle.

C. This section shall not apply to trucks loaded with livestock, poultry, hay or agricultural products, provided that any such truck shall be so constructed or loaded as to prevent such livestock, poultry or hay from escaping therefrom.

Added by Laws 1961, p. 414, § 14-105, eff. Sept. 1, 1961. Amended by Laws 1967, c. 285, § 1, emerg. eff. May 8, 1967; Laws 1979, c. 284, § 2, eff. July 1, 1979; Laws 2010, c. 281, § 1, eff. Nov. 1, 2010.

§47-14-106. Trailers and towed vehicles.

Every trailer, or semitrailer, shall be equipped with a coupling device which shall be so designed and constructed that the trailer, or semitrailer will follow substantially in the path of the vehicle drawing it without whipping or swerving from side to side. In addition, every such trailer or semitrailer except a semitrailer drawn by a truck-tractor type designed to draw or support the front end of a semitrailer, shall be coupled with stay chains or cables to the vehicle by which it is being drawn which chains or cable shall be of sufficient size and strength to prevent parting from the drawing vehicle should the regular coupling device break or become otherwise disengaged.

Added by Laws 1961, p. 415, § 14-106, eff. Sept. 1, 1961.

§47-14-107. Definitions.

As used in this chapter:

1. "Axle load" means the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty (40) inches apart, extending across the full width of the vehicle;

2. "Tandem axle" means any two or more consecutive axles whose centers are more than forty (40) inches apart, but not more than ninety-five (95) inches apart;

3. "Split tandem axle" means any group of two or more consecutive axles where the center of any two adjacent axles exceeds ninety-five (95) inches, but does not exceed one hundred twenty (120) inches;

4. "Nondivisible" means any load or vehicle exceeding applicable length or weight which, if separated into smaller loads or vehicles, would:

- a. compromise the intended use of the vehicle,
- b. destroy the value of the load or vehicle, or
- c. require more than eight (8) hours to dismantle using appropriate equipment;

5. "Dual lane axles" also known as "trunnion axles" means an axle configuration with two individual axles mounted in the same transverse plane, with four tires on each axle, connected at a pivot point that allows each individual axle to oscillate in a vertical plane to provide constant and equal weight distribution on each individual axle; and

6. "Dual lane axles group" also known as "trunnion axle group" means two or more consecutive trunnion axles that are individually

attached to, and/or articulated from, the vehicle, and may include a weight equalizing suspension system.

Added by Laws 1961, p. 415, § 14-107, eff. Sept. 1, 1961. Amended by Laws 1972, c. 52, § 3, emerg. eff. March 15, 1972; Laws 1977, c. 55, § 3, emerg. eff. May 16, 1977; Laws 1999, c. 285, § 1, emerg. eff. May 27, 1999; Laws 2010, c. 281, § 2, eff. Nov. 1, 2010; Laws 2019, c. 317, § 1.

§47-14-109. Single-axle load limit - Gross weight of vehicle and load - Exceptions - Additional fees - "Utility vehicle" defined.

A. On any road or highway:

1. No single axle weight shall exceed twenty thousand (20,000) pounds; and

2. The total gross weight in pounds imposed thereon by a vehicle or combination of vehicles shall not exceed the value calculated in accordance with the Federal Bridge formula imposed by 23 U.S.C., Section 127.

B. Except as to gross limits, the formula of this section shall not apply to a truck-tractor and dump semitrailer when used as a combination unit. In no event shall the maximum load in pounds carried by any set of tandem axles exceed thirty-four thousand (34,000) pounds. Any vehicle operating with split tandem axles or tri-axles shall adhere to the formula.

C. Except for loads moving under special permits as provided in this title, no department or agency of this state or any county, city, or public entity thereof shall pay for any material that exceeds the legal weight limits moving in interstate or intrastate commerce in excess of the legal load limits of this state.

D. 1. An annual special overload permit may be purchased for vehicles transporting rock, sand, gravel, coal, flour, timber, pulpwood, and chips in their natural state, oil field fluids, oil field equipment or equipment used in oil and gas well drilling or exploration, and vehicles transporting grain, fertilizer, cottonseed, cotton, livestock, peanuts, canola, sunflowers, soybeans, feed, any other raw agricultural products, and any other unprocessed agricultural products, if the following conditions are met:

- a. the vehicles are registered for the maximum allowable rate,
- b. the vehicles do not exceed five percent (5%) of the gross limits set forth in subsection A of this section,
- c. the vehicles do not exceed eight percent (8%) of the axle limits set forth in subsection A of this section,
- d. no component of the vehicles exceeds the manufacturer's component weight rating as shown on the vehicle certification label or tag, and

- e. the vehicles operating pursuant to the provisions of this paragraph will not be allowed to operate on the National System of Interstate and Defense Highways.

2. Vehicles operating pursuant to this section must register for the maximum allowable rate and additionally shall purchase a nontransferable annual special overload permit from the Department of Public Safety for a fee of Three Hundred Fifty Dollars (\$350.00). All monies collected shall be deposited to the credit of the Highway Construction and Maintenance Fund.

E. 1. Oversize or overweight vehicles used for specialized transportation if the maximum weight does not exceed twenty-three thousand (23,000) pounds on any single axle and:

- a. is a dual lane trailer with dual lane axles and the width of the transport vehicle or trailer exceeds twelve (12) feet in width, or
- b. the overall gross vehicle weight of a single trailer meets or exceeds three hundred thousand (300,000) pounds, originates or terminates at the Tulsa Port of Catoosa, and the trip is confined within a thirty-mile radius of the Port.

2. Permit fees for oversize or overweight vehicles used for specialized transportation shall be in accordance with subsection A of Section 14-116 of this title.

3. Vehicles operating pursuant to the provisions of this paragraph will not be allowed to operate on the National System of Interstate and Defense Highways.

F. Exceptions to this section will be:

1. Utility or refuse collection vehicles used by counties, cities, or towns or by private companies contracted by counties, cities, or towns if the following conditions are met:

- a. calculation of weight for a utility or refuse collection vehicle shall be "Gross Vehicle Weight". The "Gross Vehicle Weight" of a utility or refuse collection vehicle may not exceed the otherwise applicable weight by more than fifteen percent (15%). The weight on individual axles must not exceed the manufacturer's component rating which includes axle, suspension, wheels, rims, brakes, and tires as shown on the vehicle certification label or tag, and
- b. utility or refuse collection vehicles operated under these exceptions will not be allowed to operate on interstate highways;

2. A combination of a wrecker or tow vehicle and another vehicle or vehicle combination if:

- a. the service provided by the wrecker or tow vehicle is needed to remove disabled, abandoned, or accident-damaged vehicles, and

- b. the wrecker or tow vehicle is towing the other vehicle or vehicle combination directly to the nearest appropriate place of repair, terminal, or vehicle storage facility;

3. A vehicle operating pursuant to the provisions of paragraph 2 of this subsection will not be allowed to operate on the National System of Interstate and Defense Highways unless it is a covered heavy-duty tow and recovery vehicle that:

- a. is transporting a disabled vehicle from the place where the vehicle became disabled to the nearest appropriate repair facility, and
- b. has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported; and

4. On the interstate highway system a vehicle designed to be used under emergency conditions to transport personnel and equipment and to support the suppression of fires and mitigation of other hazardous situations with a vehicle weight limit up to a maximum gross vehicle weight of eighty-six thousand (86,000) pounds with less than:

- a. twenty-four thousand (24,000) pounds on a single steering axle,
- b. thirty-three thousand five hundred (33,500) pounds on a single drive axle,
- c. sixty-two thousand (62,000) pounds on a tandem axle, or
- d. fifty-two thousand (52,000) pounds on a tandem rear drive steer axle.

G. 1. Any vehicle utilizing an auxiliary power or idle reduction technology unit in order to promote reduction of fuel use and emissions because of engine idling shall be allowed an additional four hundred (400) pounds total to the total gross weight limits set by this section.

2. To be eligible for the exception provided in this subsection, the operator of the vehicle must obtain written proof or certification of the weight of the auxiliary power or idle reduction technology unit and be able to demonstrate or certify that the idle reduction technology is fully functional.

3. Written proof or certification of the weight of the auxiliary power or idle reduction technology unit must be available to law enforcement officers if the vehicle is found in violation of applicable weight laws. The additional weight allowed cannot exceed four hundred (400) pounds or the actual proven or certified weight of the unit, whichever is less.

H. On the Interstate Highway System, a vehicle carrying fluid milk products shall be considered a load that cannot be easily dismantled or divided, or "nondivisible".

I. Utility, refuse collection vehicles or a combination of a wrecker or tow vehicle as described in paragraphs 1 and 2 of subsection F of this section operating under exceptions shall purchase an annual special overload permit from the Department of Public Safety for One Hundred Dollars (\$100.00). All monies collected shall be deposited to the credit of the Highway Construction and Maintenance Fund.

Added by Laws 1961, p. 415, § 14-109, eff. Sept. 1, 1961. Amended by Laws 1969, c. 307, § 1, emerg. eff. April 28, 1969; Laws 1972, c. 52, § 4, emerg. eff. March 15, 1972; Laws 1977, c. 55, § 4, emerg. eff. May 16, 1977; Laws 1985, c. 155, § 1, emerg. eff. June 11, 1985; Laws 1985, c. 179, § 62, operative July 1, 1985; Laws 1986, c. 279, § 22, operative July 1, 1986; Laws 1987, c. 6, § 5, emerg. eff. March 16, 1987; Laws 1987, c. 232, § 2, emerg. eff. July 5, 1987; Laws 1990, c. 108, § 1, operative July 1, 1990; Laws 1995, c. 221, § 1, eff. July 1, 1995; Laws 1996, c. 106, § 1, eff. Nov. 1, 1996; Laws 1998, c. 289, § 1, emerg. eff. May 27, 1998; Laws 2001, c. 84, § 1, eff. Nov. 1, 2001; Laws 2001, c. 263, § 1, eff. July 1, 2001; Laws 2002, c. 286, § 2, eff. July 1, 2002; Laws 2007, c. 324, § 2, eff. Nov. 1, 2007; Laws 2008, c. 69, § 2, eff. Nov. 1, 2008; Laws 2009, c. 102, § 1, eff. Nov. 1, 2009; Laws 2014, c. 22, § 1, eff. July 1, 2014; Laws 2014, c. 296, § 1, eff. July 1, 2014; Laws 2015, c. 52, § 1, eff. Nov. 1, 2015; Laws 2018, c. 52, § 1, eff. July 1, 2018; Laws 2019, c. 166, § 1, eff. July 1, 2019; Laws 2019, c. 317, § 2.

§47-14-109.1. Load overweight violations not to be recorded as traffic offenses under certain conditions.

Motor vehicle load overweight violations shall not be recorded as traffic offenses on the driving record of the operator of the vehicle, unless the operator is the owner of the vehicle, or the owner of a majority of the stock of any company which is the owner of the vehicle, on which the violation occurs.

Laws 1977, p. 1004, S.J.R.No.33, § 1.

§47-14-109.2. Weighing as single draft.

A. Except as hereinafter provided, for the purpose of delivering agriculture commodities to and from the farm only, any vehicle or combination of vehicles shall be commercially weighed on a vehicle scale only as a single draft, that is, the total weight of the vehicle or combination of vehicles shall not be determined by adding together the results obtained by separately weighing each end of the vehicle or combination of vehicles, or by separately weighing individual elements of such vehicle or combination of vehicles. Provided, however, that when a vehicle or combination of vehicles is not weighed as a single draft the weight ticket shall be stamped "multiple draft weight; not guaranteed accurate". Provided further, that any one truck and semitrailer or truck-tractor/semitrailer

combination may tow one complete trailer or semitrailer for the purpose of delivering agriculture commodities to and from the farm, such single axle and gross weight limits provided for by Section 14-109 of this title applying fully herein.

B. This section shall not be construed to allow or permit any vehicle or combination of vehicles to exceed:

1. The axle load limit, as prescribed in Section 14-109 of this title, of twenty thousand (20,000) pounds per single axle; or

2. The tandem axle weight, as prescribed in Sections 14-101 and 14-109 of this title; or

3. The overall gross vehicle weight of eighty thousand (80,000) pounds for vehicles or ninety thousand (90,000) pounds for longer combination vehicles as defined in U.S. Code 23, Section 127, operating on the Dwight D. Eisenhower System of Interstate and Defense Highways in accordance with the provisions of Section 14-118 of this title; or

4. The total overall gross weight of ninety thousand (90,000) pounds for all other highways in this state, except those highways prescribed in Section 14-113 of this title.

Added by Laws 1961, p. 4, § 1, emerg. eff. March 7, 1961. Amended by Laws 1995, c. 27, § 6, eff. July 1, 1995. Renumbered from § 127.1 of this title by Laws 1995, c. 27, § 8, eff. July 1, 1995. Amended by Laws 1996, c. 229, § 1, eff. July 1, 1996.

§47-14-109.3. Exemption for vehicles fueled by compressed or liquefied natural gas

A. A motor vehicle, if operated by an engine fueled wholly or partially by compressed or liquefied natural gas, may exceed the gross vehicle weight limits and any axle weight limits by an amount, not to exceed a maximum of two thousand (2,000) pounds, that is equal to the difference between:

1. The weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle; and

2. The weight of a comparable diesel tank and fueling system.

B. The weight exemption allowed under this section shall extend to all state roads and also to interstate highways per the exemption expressly permitted under section 127(s) of Title 23 of the United States Code, as amended by Section 1410 of the Fixing America's Surface Transportation Act of 2015.

Added by Laws 2016, c.65, § 1, eff. July 1, 2016.

§47-14-110. Carrying registration certificate - Inspection.

The registration certificate for any truck, trailer, semitrailer or combination thereof shall be carried in or on the vehicle at all times and shall be presented on demand of any officer of the Department of Public Safety, Oklahoma Corporation Commission, or any sheriff for inspection, and it shall be accepted in any court as

prima facie evidence of weight registration or legally authorized load limit of the vehicle.

Added by Laws 1961, p. 416, § 14-110. Amended by Laws 2004, c. 522, § 6, eff. July 1, 2004.

§47-14-111. Weighing vehicles - Compelling unloading - Certificates - Bills of sale - Proof of ownership - Impounding.

A. Any officer of the Department of Public Safety, the Corporation Commission, any sheriff, or any salaried deputy sheriff is authorized to stop any vehicle upon any road or highway in order to weigh such vehicle by means of portable or stationary scales, or cause the same to be weighed by any official weigher, or upon any privately owned scales and may require that such vehicles be driven to the nearest or most convenient available scales for the purpose of weighing. Any officer weighing a vehicle pursuant to this section by means of portable scales shall allow the driver of the vehicle to move the vehicle to the most level weighing area available within two (2) miles of the stop. In the event that any axle weight or the gross weight of any such vehicle be found to exceed the maximum weight authorized by law, or by permit issued therefor, the officer may require, in the case of separable loads, the driver, operator or owner thereof to unload at the site such portion of the load as may be necessary to decrease the weight of such vehicle to the maximum weight authorized by law. Provided, however, that if such load consists of livestock, perishable merchandise, or merchandise that may be destroyed by the weather, then the driver shall be permitted to proceed to the nearest practical unloading point in the direction of destination before discharging such excess cargo. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

B. The operator of any truck or other vehicle transporting farm products for hire or other merchandise for hire shall have in his or her possession a certificate carrying the following information: name of the operator; driver license number; vehicle registration number; Corporation Commission permit number; and statement of owner authorizing transportation of the products by above named operator. For the purposes of this section "certificate" includes electronic manifests and other similar documents that include all of the information required pursuant to this section.

Should the vehicle be loaded with livestock, the certificate shall include the number of animals, and should the livestock be the property of more than one person, a certificate signed by each owner carrying the above information including the number of animals owned by each owner shall be carried by the operator. Should the operator be the owner of the merchandise or livestock, the merchandise or livestock having just been purchased, the operator shall have in his or her possession a bill of sale for such merchandise or livestock.

Should the operator be the owner of livestock or other farm products produced by the operator, the operator shall be required to show satisfactory identification and ownership of the vehicle. Any officer as outlined in this chapter shall have the authority to stop any vehicle loaded with livestock, merchandise or other farm products and investigate as to the ownership of the merchandise, livestock or other farm products. Should the operator of any vehicle be unable to establish to the satisfaction of the officer the ownership of the merchandise, livestock or other products, or shall not have the certificate as specified in this section for the transportation of such merchandise, livestock or other farm products, the merchandise, livestock or other farm products and the vehicle in which they are being transported shall be impounded by the officer and any expense as to the care of any livestock shall be the responsibility of the owner or operator of the vehicle, and any loss or damage of the merchandise, livestock or other farm products shall be the responsibility of the operator or owner, or both.

The provisions of this subsection shall not apply to a person who is transporting horses or livestock; provided, the person shall not have been hired to transport the horses or livestock.

Added by Laws 1961, p. 416, § 14-111, eff. Sept. 1, 1961. Amended by Laws 2001, c. 309, § 4, eff. Nov. 1, 2001; Laws 2004, c. 522, § 7, eff. July 1, 2004; Laws 2010, c. 118, § 1, eff. July 1, 2010; Laws 2010, c. 363, § 1, emerg. eff. June 7, 2010; Laws 2011, c. 119, § 1; Laws 2012, c. 249, § 2, eff. July 1, 2012.

§47-14-112. Repealed by Laws 1972, c. 56, § 2, emerg. eff. March 20, 1972.

§47-14-113. When the department of highways or local authorities may restrict right to use highways.

The Director of the Department of Transportation with respect to highways on the state highway system, or local authorities with respect to highways under their jurisdiction, as defined in Title 69 of the Oklahoma Statutes, may prohibit the operation of vehicles on any such highways, or impose restrictions as to the weights of vehicles to be operated upon any state or federal highway or any detour established for such highways, or for any bridge located upon such highways or detours, whenever any such highway, detour or bridge by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight reduced. Such restrictions shall be effective when signs giving notice thereof are erected upon the highway, detour, bridge, or portion thereof affected by such action, and the Department of Public Safety has been notified. The purpose of this provision with respect to local authorities is to give such authorities an opportunity to prevent or

minimize an immediate threat of serious harm or destruction to any highway, detour or bridge under their jurisdiction due to rain, snow or other climatic conditions. Nothing stated herein shall be construed to grant local authorities the right to issue permits designed to regulate the use of overweight vehicles upon highways subject to their jurisdiction, and the issuance of such permits is expressly prohibited.

Added by Laws 1961, p. 417, § 14-113. Amended by Laws 2001, c. 249, § 8, eff. July 1, 2001.

§47-14-114. Liability for damage to highway or structure.

(a) The owner and operator of any motor vehicle who shall drive the same into any overpass or underpass and shall damage such overpass or underpass shall be absolutely liable to the owner or owners of such overpass or underpass thereby damaged for the amount of such damage, regardless of the height of such vehicle and regardless of the clearance in such overpass or underpass, and failure of such overpass or underpass to be sufficient in height to clear the vehicles hereby authorized shall not be a defense to any action for such damages. The provisions of this section shall be enforceable only in the event the overpass or underpass so damaged has a sign on each side thereof clearly legible and correctly stating the clearance thereof in feet and inches.

(b) The driver, owner, and any other person, firm or corporation responsible for a vehicle being on the highways or county roads of this state shall be responsible for all damages which said highways, including the bridges, pavement and all other public property thereon, may sustain as a result of a violation of the provisions of this or any other chapter regulating the usage of the highways, or as a result of the negligent or improper operation of said vehicle, and the county or state agency having charge of said highway may recover the amount of such damages in an action for damages.

The owner, driver, and any other person, firm or corporation responsible for any vehicle operating under an overweight or oversize permit shall be responsible for any damages to highway bridges or roads caused by the operation of such vehicle, whether caused by negligence or not, and no further permits shall be issued to such owner or operator until payment has been made for such damages. The amount of such damages may be recovered in an action for damages brought by the county or state agency having charge of said highway. The issuance of any special permit shall not be considered a warranty of any bridge or highway to support the permitted load.

Laws 1961, p. 417, § 14-114.

§47-14-115. Repealed by Laws 1972, c. 56, § 2, emerg. eff. March 20, 1972.

§47-14-116. Permit fees - Escrow account system - Applications - Emergencies - Provisional permits - Violations - Disposition and allocation of proceeds

A. The Commissioner of Public Safety shall charge a minimum permit fee of Forty Dollars (\$40.00) for any permit issued pursuant to the provisions of Section 14-101 et seq. of this title. In addition to the permit fee, the Commissioner shall charge a fee of Ten Dollars (\$10.00) for each thousand pounds in excess of the legal load limit. The Commissioner of Public Safety shall establish any necessary rules for collecting the fees.

B. The Department of Public Safety is authorized to establish an escrow account system for the payment of permit fees. Authorized motor carriers meeting established credit requirements may participate in the escrow account system for permits purchased from all size and weight permit offices in this state. Carriers not choosing to participate in the escrow account system shall be required to make payment of the required fee or fees upon purchase of each permit as required by law. All monies collected through the escrow account system shall be deposited to a special account of the Department of Public Safety and placed in the custody of the State Treasurer. Proceeds from permits purchased using the escrow account system shall be distributed as provided for in subsection H of this section. However, fees collected through such accounts for the electronic transmission, transfer or delivery of permits, as provided for in Section 14-118 of this title, shall be credited to the Department of Public Safety Restricted Revolving Fund.

C. 1. Application for permits shall be made a reasonable time in advance of the expected time of movement of such vehicles. For emergencies affecting the health or safety of persons or a community, permits may be issued for immediate movement.

2. Size and weight permit offices in all districts where applicable shall issue permits to authorize carriers by telephone during weekdays.

D. No overweight permit shall be valid until all license taxes due the State of Oklahoma have been paid.

E. No permit violation shall be deemed to have occurred when an oversize or overweight movement is made pursuant to a permit whose stated weight or size exceeds the actual load.

F. Any permit issued for a truck or truck-tractor operating in combination with a trailer or a semitrailer shall contain only the license plate number for the truck or truck-tractor if the permittee provides to the Department a list containing the license plate number, and such other information as the Department may prescribe by rule, for each trailer or semitrailer which may be used for movement with the permit. When the permittee provides the list described in this subsection, the license plate number for any trailer or semitrailer to be moved with the permit shall not be included on the

permit; provided, a trailer or semitrailer which is not on the list shall not be authorized to be used for movement with the permit. It shall be the responsibility of the permittee to ensure the list provided to the Department is maintained and updated with any fleet changes. The Department shall adopt any rules deemed necessary to administer the provisions of this subsection.

G. The first deliverer of motor vehicles designated truck carriers or well service carriers manufactured in Oklahoma shall not be required to purchase an overweight permit when being delivered to the first purchaser.

H. Except as provided in Section 14-122 of this title, the first One Million Two Hundred Sixteen Thousand Dollars (\$1,216,000.00) of proceeds from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section collected monthly shall be apportioned as provided in Section 1104 of this title. For the fiscal year beginning July 1, 2016, and ending June 30, 2017, the next Two Million One Hundred Fifty Thousand Dollars (\$2,150,000.00) of proceeds from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section collected monthly shall be remitted to the Department of Public Safety for the purpose of training the Department of Public Safety port of entry officers whose powers and duties shall be specified by the Department of Public Safety through the promulgation of rules. For the fiscal year beginning July 1, 2017, and all subsequent years, the next One Million Five Hundred Thousand Dollars (\$1,500,000.00) of proceeds from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section collected monthly shall be remitted to the Department of Public Safety for the purpose of staffing the port of entry weigh stations with Department of Public Safety port of entry officers whose powers and duties shall be specified by the Department of Public Safety through the promulgation of rules. For the fiscal year beginning July 1, 2016, and ending June 30, 2017, all proceeds collected from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section in excess of Three Million Three Hundred Sixty-six Thousand Dollars (\$3,366,000.00) shall be deposited in the Weigh Station Improvement Revolving Fund as provided in Section 1167 of this title for the purpose set forth in that section and may be used for motor carrier permitting systems and motor carrier safety and enforcement. For the fiscal year beginning July 1, 2017, and all subsequent years, all proceeds collected from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section in excess of Two Million Seven Hundred Sixteen Thousand Dollars (\$2,716,000.00) shall be deposited in the Weigh Station Improvement Revolving Fund as provided in Section 1167 of this title for the purpose set forth in that section and may be used for motor carrier permitting systems and motor carrier safety and enforcement.

Added by Laws 1961, p. 418, § 14-116, eff. Sept. 1, 1961. Amended by Laws 1965, c. 364, § 5, emerg. eff. July 1, 1965; Laws 1967, c. 369, § 2, emerg. eff. May 22, 1967; Laws 1969, c. 171, § 1, eff. July 1, 1969; Laws 1970, c. 315, § 1, emerg. eff. April 27, 1970; Laws 1971, c. 75, § 1, emerg. eff. April 13, 1971; Laws 1972, c. 230, § 1, emerg. eff. April 7, 1972; Laws 1974, c. 292, § 1, emerg. eff. May 29, 1974; Laws 1975, c. 308, § 1, emerg. eff. June 7, 1975; Laws 1976, c. 241, § 10, emerg. eff. June 15, 1976; Laws 1977, c. 248, § 13, emerg. eff. June 15, 1977; Laws 1978, c. 270, § 9, emerg. eff. May 10, 1978; Laws 1979, c. 243, § 12, emerg. eff. June 1, 1979; Laws 1980, c. 343, § 10, emerg. eff. June 25, 1980; Laws 1981, c. 264, § 11, emerg. eff. June 25, 1981; Laws 1982, c. 352, § 15, operative July 1, 1982; Laws 1983, c. 286, § 26, operative July 1, 1983; Laws 1984, c. 160, § 1, eff. Nov. 1, 1984; Laws 1985, c. 179, § 63, operative July 1, 1985; Laws 1985, c. 305, § 11, emerg. eff. July 24, 1985; Laws 1986, c. 279, § 23, operative July 1, 1986; Laws 1987, c. 5, § 159, emerg. eff. March 11, 1987; Laws 1993, c. 243, § 54, eff. Sept. 1, 1993; Laws 1994, c. 391, § 1, eff. Jan. 1, 1995; Laws 1995, c. 308, § 1, eff. July 1, 1996; Laws 2002, c. 397, § 25, eff. Nov. 1, 2002; Laws 2007, c. 144, § 1, eff. July 1, 2008; Laws 2010, c. 428, § 1, eff. July 1, 2010; Laws 2012, c. 218, § 1, eff. July 1, 2012; Laws 2012, c. 283, § 10, eff. July 1, 2012; Laws 2016, c. 121 § 2, eff. July 1, 2016; Laws 2016, c. 373, § 3, eff. July 1, 2016.

§47-14-116a. Transportation of manufactured home without permit - Penalties.

Any person, firm, or corporation who moves or transports any load or manufactured home without a permit issued by the Department of Public Safety as required by the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as follows:

1. For the first such violation, by a fine of Five Hundred Dollars (\$500.00);
2. For the second such violation, by a fine of One Thousand Dollars (\$1,000.00); and
3. For the third and subsequent violations, by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00).

The permit shall be carried by the operator of the vehicle moving or transporting the load or manufactured home and shall be available for inspection by any law enforcement officer. If said operator is found not to possess a permit, the load or manufactured home shall not continue to be moved or transported. Thereafter, the load or manufactured home shall not be moved or transported further except by the operator of a vehicle moving or transporting the load or manufactured home who is in possession of a permit authorizing the movement of the load or manufactured home.

Added by Laws 1985, c. 238, § 6, emerg. eff. July 8, 1985. Amended by Laws 2004, c. 390, § 11, eff. July 1, 2004.

§47-14-117. Repealed by Laws 1984, c. 49, § 4, operative July 1, 1984.

§47-14-118. Motor carriers - Permits - Oklahoma Load Limit Map - Saddlemounts - Exemptions and restrictions - Driveaway permits.

A. 1. Pursuant to such rules as may be prescribed by Oklahoma agencies of jurisdiction, Oklahoma motor carriers may engage in any activity in which carriers subject to the jurisdiction of the federal government may be authorized by federal legislation to engage. Provided further, the Transportation Commission shall formulate, for the State Trunk Highway System, including the National System of Interstate and Defense Highways, and for all other highways or portions thereof, rules governing the movement of vehicles or loads which exceed the size or weight limitations specified by the provisions of this chapter.

2. Such rules shall be the basis for the development of a system by the Commissioner of Public Safety for the issuance of permits for the movement of oversize or overweight vehicles or loads. Such system shall include, but not be limited to, provisions for duration, seasonal factors, hours of the day or days when valid, special requirements as to flags, flagmen and warning or safety devices, and other such items as may be consistent with the intent of this section. The permit system shall include provisions for the collection of permit fees as well as for the issuance of the permits by telephone, electronic transfer or such other methods of issuance as may be deemed feasible.

3. The Department of Public Safety is authorized to charge a fee of Two Dollars (\$2.00) for each permit requested to be issued by facsimile machine or by any other means of electronic transmission, transfer or delivery. The fee shall be in addition to any other fee or fees assessed for the permit. The fee shall be deposited in the State Treasury to the credit of the Department of Public Safety Restricted Revolving Fund and the monies shall be expended by the Department solely for the purposes provided for in this chapter.

4. It is the purpose of this section to permit the movement of necessary overweight and oversize vehicles or loads consistent with the following obligations:

- a. protection of the motoring public from potential traffic hazards,
- b. protection of highway surfaces, structures, and private property, and
- c. provision for normal flow of traffic with a minimum of interference.

B. The Transportation Commission shall prepare and publish a map of the State of Oklahoma showing by appropriate symbols the various highway structures and bridges in terms of maximum size and weight restrictions. This map shall be titled "Oklahoma Load Limit Map" and shall be revised periodically to maintain a reasonably current status and in no event shall a period of two (2) years lapse between revisions and publication of the printed version of the Oklahoma Load Limit Map. This map shall also be made available by the Department of Transportation on the Internet, and in no event shall a period of six (6) months lapse between revisions of the information provided on the Internet. Provided, further, the Secretary of the Department of Transportation shall prepare and publish a map of the State of Oklahoma showing the advantages of this state as a marketing, warehousing and distribution network center for motor transportation sensitive industries.

C. The Commissioner of Public Safety, or an authorized representative, shall have the authority, within the limitations formulated under provisions of this chapter, to issue, withhold or revoke special permits for the operation of vehicles or combinations of vehicles or loads which exceed the size or weight limitations of this chapter. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such special permit.

D. It shall be permissible in the transportation of empty trucks on any road or highway to tow by use of saddlemounts; i.e., mounting the front wheels of one vehicle on the bed of another leaving the rear wheels only of such towed vehicle in contact with the roadway. One vehicle may be fullmounted on the towing or towed vehicles engaged in any driveaway or towaway operation. No more than three saddlemounts may be permitted in such combinations. The towed vehicles shall be securely fastened and operated under the applicable safety requirements of the United States Department of Transportation and such combinations shall not exceed an overall length of seventy-five (75) feet. Provided, a driveaway saddlemount with fullmount vehicle transporter combination may reach an overall length of ninety-seven (97) feet on the National Network of Highways.

E. The Commissioner of Public Safety, upon application of any person engaged in the transportation of forest products in the raw state, which is defined to be tree-length logs moving from the forest directly to the mill, or upon application of any person engaged in the hauling for hire or for resale, of round baled hay with a total outside width of eleven (11) feet or less, shall issue an annual permit, upon payment of a fee of Twenty-five Dollars (\$25.00) each year, authorizing the operation by such persons of such motor vehicle load lengths and widths upon the highways of this state except on the

National System of Interstate and Defense Highways. Provided, however, the restriction on use of the National System of Interstate and Defense Highways shall not be applicable to persons engaged in the hauling of round baled hay with a total outside width of eleven (11) feet or less.

F. The Commissioner of Public Safety, upon application of any person engaged in the transportation of overwidth or overheight equipment used in soil conservation work with a total outside width of twelve (12) feet or less, shall issue an annual permit, upon payment of a fee of Twenty-five Dollars (\$25.00) each year, authorizing the operation by such persons of such motor vehicle load lengths and widths upon the highways of this state except on the National System of Interstate and Defense Highways.

G. Farm equipment including, but not limited to, implements of husbandry as defined in Section 1-125 of this title shall be exempted from the requirement for special permits due to size. Such equipment may move on any highway, except those highways which are part of the National System of Interstate and Defense Highways, during the hours of darkness and shall be subject to the requirements as provided in Section 12-215 of this title. In addition to those requirements, tractors pulling machinery over thirteen (13) feet wide must have two amber flashing warning lamps symmetrically mounted, laterally and widely spaced as practicable, visible from both front and rear, mounted at least thirty-nine (39) inches high.

H. Any rubber-tired road construction vehicle including rubber-tired truck cranes and special mobilized machinery either self-propelled or drawn carrying no load other than component parts safely secured to the machinery and its own weight, but which is overweight by any provisions of this chapter, shall be authorized to move on the highways of the State of Oklahoma. Movement of such vehicles shall be authorized on the Federal Interstate System of Highways only by special permit secured from the Commissioner of Public Safety or an authorized representative upon determination that the objectives of this section will be served by such a permit and that federal weight restrictions will not be violated. The special permit shall be:

1. A single-trip permit issued under the provisions of this section and Section 14-116 of this title; or
2. A special annual overweight permit which shall be issued for one calendar year period upon payment of a fee of Sixty Dollars (\$60.00).

The weight of any such vehicle shall not exceed six hundred fifty (650) pounds multiplied by the nominal width of the tire. The vehicle shall be required to carry the safety equipment adjudged necessary for the health and welfare of the driving public. If any oversized vehicle does not come under the other limitations of the present laws, it shall be deemed that the same shall travel only between the hours of sunrise and sunset. The vehicle, being

overweight but of legal dimension, shall be allowed continuous travel. The vehicles, except special mobilized machinery, shall be exempt from the laws of this state relating to motor vehicle registration, licensing or other fees or taxes in lieu of ad valorem taxes.

I. 1. When such machinery has a width greater than eight and one-half (8 1/2) feet, or a length, exclusive of load, of forty-five (45) feet, or a height in excess of thirteen and one-half (13 1/2) feet, then the permit may restrict movement to a fifty-mile radius from an established operating base, and may designate highways to be traveled, hours of travel and when flagmen may be required to precede or follow the equipment.

2. Possession of a permit shall in no way be construed as exempting such equipment from the authority of the Director of the Department of Transportation to restrict use of particular highways, nor shall it exempt owners or operators of such equipment from the responsibility for damage to highways caused by movement of the equipment. Nothing in this subsection shall apply to machinery used in highway construction or road material production.

3. Upon the issuance of a special mobilized machinery driveaway permit as provided in this subsection, special mobilized machinery manufactured in Oklahoma shall be permitted to move upon the highways of this state from the place of manufacture to the state line for delivery and exclusive use outside the state, and may be temporarily returned to Oklahoma for modification and repair, with subsequent movement back out of the state. Special driveaway permits for such movements shall be issued by the Commissioner of Public Safety, who may act through designated agents, upon the payment of a fee in the amount of Fifteen Dollars (\$15.00) for each movement.

4. The size of the special mobilized machinery shall not be such as to create a safety hazard in the judgment of the Commissioner of Public Safety. Permits for such special mobilized machinery shall specify a maximum permissible road speed of sixty (60) miles per hour, designate safety equipment to be carried and may exclude use of highways of the interstate system.

5. When such equipment has a width greater than eight and one-half (8 1/2) feet, or a length exclusive of load of forty-five (45) feet, or a height in excess of thirteen and one-half (13 1/2) feet, the permit may designate highways to be traveled, hours of travel and when flagmen may be required to precede or follow the equipment.

6. Possession of a special driveaway permit shall in no way be construed as exempting such equipment from the authority of the Director of the Department of Transportation to restrict use of particular highways, nor shall it exempt the owners or operators of such equipment from the responsibility for damage to highways caused by the movement of such equipment.

Added by Laws 1972, c. 56, § 1, emerg. eff. March 20, 1972. Amended by Laws 1977, c. 55, § 5, emerg. eff. May 16, 1977; Laws 1980, c. 125, § 2, emerg. eff. April 16, 1980; Laws 1980, c. 265, § 2, emerg. eff. June 9, 1980; Laws 1985, c. 290, § 3, operative July 1, 1985; Laws 1987, c. 232, § 1, emerg. eff. July 5, 1987; Laws 1991, c. 156, § 3, emerg. eff. May 6, 1991; Laws 1993, c. 252, § 3, emerg. eff. May 26, 1993; Laws 1995, c. 308, § 2, eff. July 1, 1996; Laws 1996, c. 220, § 1, emerg. eff. May 23, 1996; Laws 1998, c. 125, § 4, eff. Nov. 1, 1998; Laws 2000, c. 189, § 6, eff. July 1, 2000; Laws 2001, c. 309, § 5, eff. Nov. 1, 2001; Laws 2002, c. 397, § 26, eff. Nov. 1, 2002; Laws 2006, c. 65, § 1, emerg. eff. April 17, 2006; Laws 2007, c. 55, § 1, eff. Nov. 1, 2007; Laws 2011, c. 153, § 1, eff. Nov. 1, 2011; Laws 2012, c. 162, § 1, eff. Nov. 1, 2012; Laws 2013, c. 15, § 30, emerg. eff. April 8, 2013; Laws 2014, c. 239, § 2, emerg. eff. May 9, 2014.

NOTE: Laws 1980, c. 127, § 1 repealed by Laws 1980, c. 265, § 3, emerg. eff. June 9, 1980. Laws 2012, c. 283, § 11 repealed by Laws 2013, c. 15, § 31, emerg. eff. April 8, 2013.

§47-14-118.1. Multi-state oversize and overweight permits.

The Department of Transportation is authorized to enter into agreements with governmental entities outside this state for the issuance of regional and national oversize and overweight permits for single-trip nondivisible loads. The Commissioner of Public Safety shall adopt rules necessary to implement the agreements and shall issue multi-state permits for single-trip nondivisible loads in accordance with the terms of the agreements and shall receive and remit permit fees from a Department of Public Safety special account in accordance with the agreements and state law.

Added by Laws 1995, c. 122, § 1, eff. July 1, 1995. Amended by Laws 1996, c. 324, § 5.

§47-14-119. Load capacity violations - Penalties.

Any common, contract, or private motor carrier or any shipper, firm, corporation, or other person who willfully or knowingly transports a load having a capacity greater than the axle or gross weights authorized by statute or by special permit pursuant to the provisions of Sections 14-116 and 14-118 of this title, or who loads or causes or requires a vehicle to be loaded to said capacity, upon conviction, is guilty of a misdemeanor and shall be subject to the penalties and fines provided for in Section 172 of Title 47 of the Oklahoma Statutes or to a fine in the amount provided for in Sections 1115.2 and 1115.3 of Title 22 of the Oklahoma Statutes.

Added by Laws 1984, c. 49, § 1, operative July 1, 1984. Amended by Laws 1995, c. 27, § 4, eff. July 1, 1995.

§47-14-120. Movement of certain manufactured items - Limitations - Permits - Fees - Escorts.

A. Manufactured items, with the exception of manufactured homes as defined in Section 1102 of this title and industrialized housing as defined in subsection B of Section 14-103A of this title, exceeding sixteen (16) feet but not exceeding twenty-three (23) feet in width traveling:

1. From a point of manufacture in the State of Oklahoma to a point of delivery in the State of Oklahoma or to a point of delivery in another state; or

2. From a point of manufacture outside the State of Oklahoma to a point of delivery in the State of Oklahoma or to a point of delivery in another state shall be permitted, upon receipt of a special movement permit issued under the provisions of subsection B of this section, to travel on any state or U.S. highway in Oklahoma. Provided, however, the Commissioner of Public Safety is authorized to allow such items in excess of twenty-three (23) feet in width to travel on such highway if it is in the best interest of the state and a special moving permit has been issued. Provided, further, that no such load in excess of the limitations set forth in the applicable United States Code shall be permitted to travel upon any portion of the National System of Interstate and Defense Highways.

B. Every person desiring to transport manufactured items pursuant to the provisions of this section shall apply to the Department of Public Safety for a special movement permit on an application form prescribed by the Department. Upon approval of the application by the Department, a special movement permit shall be issued for a fee of Five Hundred Dollars (\$500.00). Except as provided in Section 4 of this act, monies received from such special movement permit fees shall be deposited in the State Treasury to the credit of the General Revenue Fund. A permit issued pursuant to the provisions of this subsection shall expire upon the completion of one trip specified in subsection A of this section. The special movement permit, and fee related thereto, shall be in addition to the permit and fees required by Section 14-116 of this title.

C. Highway escorts shall be required for transportation of items pursuant to the provisions of this section according to rules and regulations prescribed by the Department of Public Safety.

Added by Laws 1971, c. 129, § 3, eff. May 5, 1971. Amended by Laws 1972, c. 156, § 1, eff. April 7, 1972; Laws 1984, c. 160, § 2, eff. Nov. 1, 1984. Renumbered from Title 47, § 116.21 by Laws 1984, c. 160, § 3, eff. Nov. 1, 1984. Amended by Laws 1987, c. 5, § 160, emerg. eff. March 11, 1987; Laws 1987, c. 91, § 1, eff. Nov. 1, 1987; Laws 1995, c. 27, § 5, eff. July 1, 1995; Laws 2010, c. 428, § 2, eff. July 1, 2010.

§47-14-120.1. Vehicles 12 or more feet wide to be escorted.

A. Any vehicle or combination of vehicles with an outside width that exceeds twelve (12) feet operating on highways in the state, including the National System of Interstate and Defense Highways, shall, in addition to being in compliance with provisions of Section 14-101 et seq. of this title, be accompanied by an escort vehicle or vehicles, as prescribed by the Department of Public Safety.

B. No person shall operate an escort vehicle for hire, as required by this section, unless the person has been certified by the Department of Public Safety as an escort vehicle operator.

C. Any person not required to be certified by the Department of Public Safety as an escort vehicle operator may tow a trailer when escorting a manufactured home. Such trailer shall not exceed eight and one-half (8 1/2) feet in width and twenty (20) feet in length with siding not to exceed four (4) feet in height measured from the bed of the trailer.

The trailer may only be used to transport supplies and equipment necessary to carry out the mission of escort vehicle operators.

D. The Commissioner of Public Safety shall promulgate rules for the certification of operators of escort vehicles and the use of escort vehicles, as required by this section.

E. The Commissioner of Public Safety is hereby authorized to enter into reciprocal compacts and agreements with other states for the purpose of recognizing escort vehicle operator certifications issued by those states.

Added by Laws 1998, c. 423, § 2. Amended by Laws 2001, c. 130, § 1, emerg. eff. April 24, 2001; Laws 2011, c. 330, § 1.

§47-14-120.2. Law enforcement escort - Transport of oversized load or hazardous shipment by road or rail - Fees.

A. Every person required by the Department of Transportation, the Oklahoma Turnpike Authority, or any federal agency or commission to have a law enforcement escort provided by the Oklahoma Highway Patrol Division of the Department of Public Safety for the transport of any oversized load or hazardous shipment by road or rail shall pay to the Department of Public Safety a fee covering the full cost to administer, plan, and carry out the escort within this state.

B. If the Highway Patrol provides an escort to accompany the transport of an oversized load or hazardous shipment by road or rail at the request of any person that is not required to have a law enforcement escort pursuant to subsection A of this section, then the requestor shall pay to the Department of Public Safety a fee covering the full cost to administer, plan, and carry out the escort within this state.

C. The Department of Public Safety shall adopt a schedule of fees necessary to implement this section.

D. All fees collected by the Department pursuant to this section shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund.

Added by Laws 2004, c. 390, § 12, eff. July 1, 2004. Amended by Laws 2012, c. 283, § 12, eff. July 1, 2012.

§47-14-121. Special combination vehicles - Permits.

A. No person shall operate a special combination vehicle within this state without a special combination vehicle permit for the vehicle issued by the Department of Public Safety. Such permit may be issued for operation upon Federal Aid Interstate Highways or four-lane divided Federal Aid Primary Highways and for access or egress between points of origin or destination.

B. The Commissioner of Public Safety shall promulgate rules for the issuance of special combination vehicle permits and shall collect an annual fee of Two Hundred Forty Dollars (\$240.00) for each such permit issued. Except as provided in Section 4 of this act, fees collected pursuant to this section shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury.

C. For the purposes of this section, a special combination vehicle shall consist of a truck-tractor semitrailer combination towing two complete trailers or semitrailers. No semitrailer or trailer used in such a combination shall have a length greater than twenty-nine (29) feet nor shall a special combination vehicle exceed the weight limitations imposed by Sections 14-109 and 14-116 of this title.

Added by Laws 1986, c. 37, § 1, eff. Sept. 1, 1986. Amended by Laws 1987, c. 5, § 161, emerg. eff. March 11, 1987; Laws 2010, c. 428, § 3, eff. July 1, 2010.

§47-14-122. Apportionment of fees.

A. Notwithstanding the provisions of Section 1104 of Title 47 of the Oklahoma Statutes, the first Twenty Million Dollars (\$20,000,000.00) of the following fees shall be deposited in the General Revenue Fund to be apportioned as follows:

1. Twenty Dollars (\$20.00) of any fee collected for a minimum permit fee pursuant to Section 14-116 of Title 47 of the Oklahoma Statutes;

2. Five Dollars (\$5.00) of any fee collected for excess weight pursuant to Section 14-116 of Title 47 of the Oklahoma Statutes;

3. Two Hundred Fifty Dollars (\$250.00) of any fee collected pursuant to Section 14-120 of Title 47 of the Oklahoma Statutes; and

4. One Hundred Twenty Dollars (\$120.00) of any fee collected pursuant to Section 14-121 of Title 47 of the Oklahoma Statutes.

B. Any fees collected pursuant to Sections 14-116, 14-120 and 14-121 of Title 47 of the Oklahoma Statutes that are in excess of

Twenty Million Dollars (\$20,000,000.00) shall be apportioned as otherwise provided for in the sections specified in this subsection. Added by Laws 2010, c. 428, § 4, eff. July 1, 2010.

§47-14-123. Roads and highways - Size, weight, and speed regulations.

Any motor vehicle of any size, except those motor vehicles regulated pursuant to Section 14-101 et seq. of Title 47 of the Oklahoma Statutes, meeting the legal requirements for safety equipment and licensed to operate on public roadways in this state shall be allowed to operate in accordance with all size, weight and speed regulations on any road or highway in this state including the National System for Interstate and Defense Highways. Added by Laws 2011, c. 174, § 1.

§47-14-124. Commercial class A license - Hazardous material endorsement exception.

Any person driving under a commercial class A license shall not be required to obtain a hazardous material endorsement pursuant to 49 C.F.R. Section 383 if the person is:

1. Acting within the scope of the license holder's employment as an employee of a custom harvester operation; and
2. Operating a service vehicle that is:
 - a. transporting diesel in a quantity of three thousand seven hundred and eight-five (3,785) liters, or one thousand (1,000) gallons or less, and
 - b. clearly marked with a "flammable" or "combustible" placard, as appropriate.

Added by Laws 2018, c. 54, § 1, emerg. eff. April 18, 2018.

§47-14-125. Agricultural vehicles - Exempt from electronic logging devices.

A. Agricultural motor vehicles engaged in intrastate commerce shall be exempt from the requirement for electronic logging devices and hours of services as mandated by Section 32301(b) of the U.S. Commercial Motor Vehicle Safety Enhancement Act.

B. For the purposes of this section, agricultural vehicles shall include, but are not limited to, single axel trucks with a gooseneck or bumper pull trailer for the purpose of hauling horses or livestock, and trailers with living quarters.

Added by Laws 2018, c. 265, § 1, eff. July 1, 2018.

NOTE: Editorially renumbered from § 14-124 of this title to avoid duplication in numbering.

§47-14-126. High-wide corridors.

- A. As used in this section:

1. "Affected area" means the entire width of the right-of-way of the route extended to a height of twenty-three (23) feet above the roadway;

2. "High-wide load" means a motor vehicle transporting property on any portion of a route where the vehicle exceeds the limitations on size imposed by Section 14-103 of Title 47 of the Oklahoma Statutes and no portion of the motor vehicle or the transported property has a greater width than twenty-eight (28) feet or a greater height than twenty-three (23) feet; and

3. "Political subdivision" means a city, village, town or county.

B. The following routes through Oklahoma are designated as Oklahoma high-wide corridors:

1. US-83, commencing at the Texas border and ending at the Kansas border; and

2.
 - a. commencing at the intersection of US-83 and US-270, proceeding east on US-270 to SH-51,
 - b. at the intersection of US-270 and SH-51, proceeding east on SH-51 to US-77,
 - c. at the intersection of SH-51 and US-77, proceeding north on US-77 to US-64,
 - d. at the intersection of US-77 and US-64, proceeding east on US-64 to SH-108,
 - e. at the intersection of US-64 and SH-108, proceeding south on SH-108 to SH-51,
 - f. at the intersection of SH-108 and SH-51, proceeding east on SH-51 to SH-97, and
 - g. at the intersection of SH-51 and SH-97, proceeding north on SH-97 and ending at East 21st Street; and
3.
 - a. commencing at the intersection of SH-51 and SH-99, proceeding north on SH-99 to US-60,
 - b. at the intersection of SH-99 and US-60, proceeding west on US-60 to SH-18, and
 - c. at the intersection of US-60 and SH-18, proceeding north on SH-18 and ending at the Kansas border; and
4.
 - a. US-169, commencing at the Kansas border and proceeding south on US-169 to SH-266, and
 - b. at the intersection of US-169 and SH-266, proceeding east on SH-266 and ending at SH-66; and
5.
 - a. commencing at the intersection of SH-51 and SH-351, proceeding south and east on SH-51 to US-69,
 - b. at the intersection of SH-51 and US-69, proceeding north on US-69 to US-60, and
 - c. at the intersection of US-69 and US-60 (2.5 mi. NE of Afton), proceeding east on US-60 and ending at the Arkansas border; and

6. US-183, commencing at the Texas border and proceeding north on US-183 and ending at the intersection of SH-51; and
7.
 - a. commencing at the intersection of US-183 and SH-9, proceeding east on SH-9 to SH-146,
 - b. at the intersection of SH-9 and SH-146, proceeding north on SH-146 to SH-152,
 - c. at the intersection of SH-146 and SH-152, proceeding east on SH-152 to US-81,
 - d. at the intersection of SH-152 and US-81, proceeding south on US-81 to SH-37,
 - e. at the intersection of US-81 and SH-37, proceeding east on SH-37 to SH-4,
 - f. at the intersection of SH-37 and SH-4, proceeding north on SH-4 to SH-152, and
 - g. at the intersection of SH-152 and SH-4, proceeding east on SH-152 and ending at MacArthur Boulevard; and
8.
 - a. commencing at the intersection of US-270 and US-412, proceeding east on US-412 to SH-132,
 - b. at the intersection of US-412 and SH-132, proceeding north on SH-132 to SH-45,
 - c. at the intersection of SH-132 and SH-45, proceeding east on SH-45 to US-64,
 - d. at the intersection of SH-45 and US-64, proceeding north on US-64 to US-60,
 - e. at the intersection of US-64 and US-60, proceeding east on US-60 to SH-74,
 - f. at the intersection of US-60 and SH-74, proceeding south on SH-74 to SH-15,
 - g. at the intersection of SH-74 and SH-15, proceeding east on SH-15 to US-77,
 - h. at the intersection of SH-15 and US-77, proceeding south on US-77 to SH-15,
 - i. at the intersection of US-77 and SH-15, proceeding east on SH-15 to US-177,
 - j. at the intersection of SH-15 and US-177, proceeding south on US-177 to US-64,
 - k. at the intersection of US-177 and US-64, proceeding east on US-64 to SH-108, and
 - l. at the intersection of US-64 and SH-108, proceeding south on SH-108 and ending at SH-51.

C. No person shall operate a high-wide load on the route described without a permit from the Department of Public Safety.

D. Exclusive of incorporated municipal limits, no person may install any structure within the affected area without a permit from the Department of Transportation.

E. Upon the effective date of this section, and exclusive of incorporated municipal limits, no person may do any of the following within the affected area:

1. Install any permanent structure without the authorization of the Department of Transportation; or
2. Take any action that would make any portion of the affected area permanently unavailable for use by a high-wide load.

F. The Department of Transportation shall create additional design standards for improvements to the Oklahoma high-wide routes to prevent interference from permanent structures. These standards shall:

1. Maintain a minimum eighteen feet and zero inches (18'-0") vertical clearance above the road surface for all future overhead obstructions. Where bridges cross over the Oklahoma high-wide routes, they shall be designed, where possible, to allow for high-wide loads to quickly egress and ingress around the bridge utilizing on- and off-ramps;

2. Require all future overhead signage to be of cantilever design, where possible, to allow high-wide loads to shift lanes to prevent interference; and

3. Require all future bridge design or construction on the Oklahoma high-wide routes to accommodate a three hundred fifteen thousand (315,000) pound gross vehicle weight, single-lane design vehicle.

G. Political subdivisions in which any portion of the Oklahoma high-wide route is located shall attempt to reach agreements among the affected parties and with persons using the high-wide route for high-wide loads regarding the allocation of costs and provision of services related to removing permanent structures that interfere with the use of any portion of the affected area by high-wide loads.

H. Political subdivisions in which any portion of the Oklahoma high-wide route is located shall attempt to reach agreements among the affected parties and with persons using the high-wide route for high-wide loads to provide timely vehicle escorts for persons using the high-wide route for high-wide loads.

Added by Laws 2018, c. 53, § 1, eff. Nov. 1, 2018.

NOTE: Editorially renumbered from § 14-124 of this title to avoid duplication in numbering.

§47-15-101. Provisions uniform throughout state.

The provisions of Chapters 10, 11, 12, 13 and 14 of this act shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance, rule or regulation in conflict with the provisions of such chapters unless expressly authorized herein. Local authorities may, however, adopt additional

traffic regulations which are not in conflict with the provisions of such chapters.

Laws 1961, p. 418, § 15-101.

§47-15-101.1. Jurisdiction of cities and towns to regulate traffic on boundary lines.

Any city or town may promulgate, adopt and enforce ordinances governing and regulating the operation of motor vehicles and other traffic upon roads, streets and highways that form the boundary line of such city or town, subject to the provisions of Section 15-101 et seq. of this title.

Added by Laws 1988, c. 124, § 2, emerg. eff. April 8, 1988. Amended by Laws 1996, c. 142, § 1, eff. Nov. 1, 1996; Laws 1997, c. 346, § 1, eff. Nov. 1, 1997. Renumbered from § 108.1 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-15-102. Powers of local authorities.

A. The provisions of this title shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating the standing or parking of vehicles;
2. Regulating traffic by means of police officers or traffic-control signals;
3. Regulating or prohibiting processions or assemblages on the highways;
4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;
5. Regulating the speed of vehicles in public parks;
6. Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection or a yield intersection and requiring all vehicles to stop or yield at one or more entrances to such intersection;
7. Restricting the use of highways as authorized in Section 14-113 of this title;
8. Regulating the operating of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;
9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;
10. Altering the speed limits as authorized herein; and
11. Adopting such other traffic regulations as are specifically authorized by this title.

B. No local authority shall erect or maintain any stop sign or traffic-control signal at any location so as to require the traffic

on any state or federal highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Department of Highways.

C. No ordinance or regulation enacted under paragraph 4, 5, 6, 7 or 10 of subsection A of this section shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate.

Added by Laws 1961, p. 419, § 15-102, eff. Sept. 1, 1961. Amended by Laws 2007, c. 62, § 16, emerg. eff. April 30, 2007.

§47-15-102.1. Cellular phone usage - State preemption of orders, ordinances or regulations.

A. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way inattentive driving and cellular phone usage in automobiles to the complete exclusion of any order, ordinance or regulation by any municipality or other political subdivision of this state. Any existing or future orders, ordinances, or regulations in this field, except as provided for in subsection B of this section, are null and void.

B. Nothing contained in this section shall prohibit any order, ordinance or regulation of any municipality from enacting and enforcing laws prohibiting and penalizing conduct prohibited under provisions of this act, but the provisions of such order, ordinance or regulation by a municipality shall not be more stringent than those of this act.

Added by Laws 2001, c. 153, § 1. Renumbered from § 11-901a of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-15-103. Rights of owners of real property.

Nothing in this act shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner, and not as a matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in this act, or otherwise regulating such use as may seem best to such owner.

Laws 1961, p. 419, § 15-103.

§47-15-104. State highway commission to adopt sign manual.

The State Highway Commission shall adopt a manual and specifications for a uniform system of traffic-control devices for use upon streets and highways within this state. Such uniform system shall correlate with and, so far as possible, conform to the system then current as approved by the American Association of State Highway Officials, and the manual so adopted may be amended or revised from time to time as the Commission may deem necessary. The manual so adopted and any amendments or revisions thereof shall be published by

the State Highway Commission and one copy thereof shall be distributed free of charge to the local governing bodies of counties and incorporated cities and towns.
Laws 1961, p. 419, § 15-104.

§47-15-105. Department of highways to sign all state and federal highways.

(a) The Department of Highways shall place and maintain such traffic-control devices, conforming to its manual and specifications, upon all state and federal highways as it shall deem necessary to indicate and to carry out the provisions of this act or to regulate, warn or guide traffic.

(b) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the Department of Highways except by the latter's permission.

Laws 1961 P. 419, Sec. 15-105.

§47-15-106. Local traffic-control devices.

(a) Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this act or local traffic ordinances or to regulate, warn or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications.

(b) Local authorities in exercising those functions referred to in the preceding paragraph with regard to streets and highways which are a continuation of state or federal numbered highways shall be subject to the direction and control of the State Highway Commission.
Laws 1961, p. 420, § 15-106.

§47-15-107. Authority to require pedestrian obedience to traffic-control signs.

Local authorities are hereby empowered by ordinance to require that pedestrians shall strictly comply with the directions of any official traffic-control signal and may by ordinance prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk.
Laws 1961, p. 420, § 15-107.

§47-15-108. Authority to designate through highways and "stop" and "yield" intersections.

The Department of Highways with reference to state and federal highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection and

erect stop signs or yield signs at one or more entrances to such intersection.

Laws 1961, p. 420, § 15-108.

§47-15-109. Regulations relative to school buses.

A. The State Board of Education in accordance with the Federal Motor Vehicle Safety Standards, 49 C.F.R., Part 571, shall adopt and enforce regulations not inconsistent with this act to govern the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations.

B. Any officer or employee of any school district who violates any of said regulations or fails to include obligation to comply with said regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any of said regulations shall be guilty of a breach of contract and such contract shall be canceled after notice and hearing by the responsible officers of such school district.

Added by Laws 1961, p. 420, § 15-109, eff. Sept. 1, 1961. Amended by Laws 2002, c. 397, § 27, eff. Nov. 1, 2002.

§47-15-110. Model Traffic Ordinance - Authorization to adopt.

Insofar as it is consistent with state law, all cities and towns may adopt and maintain the "Model Traffic Ordinance" of the National Committee on Uniform Traffic Laws and Ordinances.

Laws 1967, c. 120, § 1, emerg. eff. April 25, 1967.

§47-15-111. Special parking privileges for physically disabled persons.

A. Municipalities and political subdivisions of the state with authority to regulate the standing or parking of vehicles shall extend special parking privileges to a physically disabled person who displays on a motor vehicle operated by or under the direction and for the use of the physically disabled person:

1. A placard indicating physical disability, issued pursuant to the provisions of Section 15-112 of this title;
2. A physically disabled license plate, issued pursuant to the provisions of Section 1135.1 of this title;
3. A disabled veterans license plate with the international accessibility symbol, issued pursuant to the provisions of Section 1135.2 of this title;

4. A disability sticker issued by the Department of Veterans Affairs and federal military bases; or

5. A physically disabled placard or license plate issued by another state.

B. No such special parking privilege, however, shall excuse the violation of any state statute, nor shall any such privilege be applicable where the standing or parking would create a dangerous situation or impede the normal flow of traffic.

C. Municipalities and political subdivisions of the state with authority to regulate the standing or parking of vehicles shall follow the current version of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) when designing or redesigning disabled parking spaces.

Added by Laws 1971, c. 220, § 1. Amended by Laws 1995, c. 133, § 2, emerg. eff. April 27, 1995; Laws 1996, c. 129, § 1, eff. Nov. 1, 1996; Laws 1999, c. 276, § 2, eff. Nov. 1, 1999; Laws 2004, c. 178, § 1, eff. Nov. 1, 2004; Laws 2007, c. 62, § 17, emerg. eff. April 30, 2007; Laws 2010, c. 302, § 1, emerg. eff. June 5, 2010.

§47-15-112. Physical disability temporary placard - Definitions.

A. As used in this section:

1. "Physician" means any person holding a valid license to practice medicine and surgery, osteopathic medicine, chiropractic, podiatric medicine, or optometry, pursuant to the state licensing provisions of Title 59 of the Oklahoma Statutes;

2. "Physician assistant" means any person holding a valid license as a physician assistant, pursuant to the state licensing provisions of the Physician Assistant Act;

3. "Advanced registered nurse practitioner" means any person who holds a current license as a registered nurse and a current certificate of recognition for practice as an Advanced Registered Nurse Practitioner as set forth in the Oklahoma Nursing Practice Act pursuant to the state licensing provisions contained in paragraph 5 of Section 567.3a of Title 59 of the Oklahoma Statutes; and

4. "Physical disability" means an illness, disease, injury or condition by reason of which a person:

- a. cannot walk two hundred (200) feet without stopping to rest,
- b. cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistance device,
- c. is restricted to such an extent that the person's forced (respiratory) expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest,
- d. must use portable oxygen,

- e. has functional limitations which are classified in severity as Class III or Class IV according to standards set by the American Heart Association,
- f. is severely limited in the person's ability to walk due to an arthritic, neurological or orthopedic condition, or from complications due to pregnancy,
- g. is certified legally blind, or is missing one or more limbs.

B. The Department of Public Safety shall issue a detachable placard indicating physical disability to any person who submits an application on a form furnished by the Department and certified by a physician, physician assistant, or advanced registered nurse practitioner attesting that the applicant has a physical disability. The attestation of the physician, physician assistant, or advanced registered nurse practitioner shall denote "temporary" as the type of placard requested and shall indicate an expiration date which the physician, physician assistant, or advanced registered nurse practitioner estimates to be the date of termination of such physical disability; however, if the physician, physician assistant, or advanced registered nurse practitioner certifies that the physical disability is permanent, the physician, physician assistant, or advanced registered nurse practitioner shall denote "five-year" as the type of placard requested.

C. Any placard issued by the Department of Public Safety shall remain valid until:

- 1. The placard expires;
- 2. The person to whom the placard was issued requests a replacement placard; or
- 3. The placard is no longer needed by the person to whom the placard was issued for the disability for which the placard was originally issued, whereupon such placard shall be returned to the Department.

D. 1. A five-year placard shall expire five (5) years from the last day of the month in which the placard was issued. Upon the expiration of a five-year placard, the person to whom such placard was issued may obtain a subsequent placard by reapplying to the Department, in the same manner as provided in subsection B of this section.

2. A temporary placard shall indicate the expiration date which the physician, physician assistant, or advanced registered nurse practitioner certifying the physical disability estimates to be the date of termination of such physical disability, which shall not be later than six (6) months from the date of issuance and upon which date such placard shall expire and shall be returned to the Department; provided, however, nothing in this paragraph shall be construed to prevent the holder from applying for another placard, as provided for in this section.

3. In the event that a placard is lost or destroyed, the person to whom such placard was issued may apply in writing to the Department for a replacement placard, which the Department shall issue with the same expiration date as the original placard.

4. On and after January 1, 1998, all placards issued prior to October 31, 1990, shall expire on the last day of the month in which the placard was issued, and the person to whom such placard was issued may follow the procedure provided for in subsection B of this section to obtain a second or subsequent placard.

5. On and after January 1, 2000, all placards issued between November 1, 1990, and June 30, 1995, shall expire on the last day of the birth month of the person to whom the placard was issued, and the person to whom such placard was issued may follow the procedure provided for in subsection B of this section to obtain a second or subsequent placard.

E. A physician, physician assistant, or advanced registered nurse practitioner may sign an application certifying that a person has a physical disability, as provided in subsection B of this section, only if care and treatment of the illness, disease, injury or condition causing the physical disability of such person falls within the authorized scope of practice of the physician or physician assistant, or advanced registered nurse practitioner.

F. The Department shall have the power to formulate, adopt and promulgate rules as may be necessary to implement and administer the provisions of this section, including, but not limited to, prescribing the manner in which the placard is to be displayed on a motor vehicle.

G. Nothing in this section shall prohibit the issuance of a temporary placard to a pregnant woman whose condition, as determined by a physician, physician assistant, or advanced registered nurse practitioner, meets one or more of the categories described in paragraph 4 of subsection A of this section.

Added by Laws 1971, c. 220, § 2. Amended by Laws 1981, c. 264, § 16, emerg. eff. June 25, 1981; Laws 1982, c. 179, § 1, emerg. eff. April 16, 1982; Laws 1987, c. 11, § 1, emerg. eff. April 1, 1987; Laws 1987, c. 91, § 2, emerg. eff. May 15, 1987; Laws 1990, c. 287, § 1, eff. Sept. 1, 1990; Laws 1992, c. 103, § 1, eff. Sept. 1, 1992; Laws 1993, c. 123, § 1, eff. Sept. 1, 1993; Laws 1995, c. 133, § 3, emerg. eff. April 27, 1995; Laws 1995, c. 358, § 3, eff. July 1, 1995; Laws 1996, c. 129, § 2, eff. Nov. 1, 1996; Laws 1997, c. 94, § 1, eff. Nov. 1, 1997; Laws 1999, c. 276, § 3, eff. Nov. 1, 1999; Laws 2000, c. 189, § 7, eff. July 1, 2000; Laws 2001, c. 385, § 1, eff. Nov. 1, 2001; Laws 2002, c. 397, § 28, eff. Nov. 1, 2002; Laws 2004, c. 121, § 1, eff. July 1, 2004; Laws 2007, c. 326, § 17, eff. Nov. 1, 2007; Laws 2008, c. 302, § 3, emerg. eff. June 2, 2008; Laws 2010, c. 63, § 1, emerg. eff. April 9, 2010; Laws 2010, c. 302, § 2, emerg. eff. June 5, 2010.

NOTE: Laws 1995, c. 15, § 1 repealed by Laws 1995, c. 358, § 12, emerg. eff. June 9, 1995.

§47-15-112.1. Repealed by Laws 1995, c. 133, § 4, emerg. eff. April 27, 1995. (Prior to repeal by Laws 1995, c. 133, this section had been amended in c. 15, Laws 1995.)

§47-15-113. Penalties.

A. Any person who knowingly makes or procures the making of a false statement in an application submitted pursuant to Sections 15-111 through 15-113 of this title is guilty of a misdemeanor and upon conviction shall be punished by a fine of Five Hundred Dollars (\$500.00) for each falsified statement. This penalty shall be stated on all applications.

B. 1. Any person who has not been issued a physically disabled parking placard pursuant to the provisions of Section 15-112 of this title, a physically disabled license plate issued pursuant to the provisions of Section 1135.1 of this title, a disabled veterans license plate pursuant to the provisions of Section 1135.2 of this title, a disability sticker issued by the Department of Veterans Affairs and federal military bases, or a physically disabled placard or license plate issued by another state, and uses a placard, sticker, or license plate to park in a disabled parking place is guilty of a misdemeanor and upon conviction shall be punished by a fine of Five Hundred Dollars (\$500.00). A person transporting a physically disabled person with an authorized placard, sticker or license plate, as provided in subsection A of Section 11-1007 of this title, shall be excluded from the provisions of this section.

2. Any person who has been issued a physically disabled parking placard pursuant to the provisions of Section 15-112 of this title, a physically disabled license plate issued pursuant to the provisions of Section 1135.1 of this title, or a disabled veterans license plate pursuant to the provisions of Section 1135.2 of this title, and knowingly allows the placard or license plate to be used by a person not issued the placard or license plate as described in paragraph 1 of this subsection, is guilty of a misdemeanor and upon conviction shall be punished by a fine of Five Hundred Dollars (\$500.00).

C. A person who knowingly makes a counterfeit physically disabled parking placard or physically disabled license plate is guilty of a misdemeanor and upon conviction shall be punished by a fine of Five Hundred Dollars (\$500.00) for each counterfeit placard or license plate made by such person.

Added by Laws 1971, c. 220, § 3. Amended by Laws 1999, c. 276, § 4, eff. Nov. 1, 1999; Laws 2010, c. 302, § 3, emerg. eff. June 5, 2010.

§47-15-114. Operation of motorized scooters - Ordinances or regulations.

Any municipal governing body or board of county commissioners may enact ordinances or regulations governing the operation of motorized scooters upon the roads, streets, alleys, bridges, sidewalks, or other places within its respective jurisdiction in the manner provided by and not inconsistent with, state law.
Added by Laws 2004, c. 521, § 19, eff. Nov. 1, 2004.

§47-15-115. Civilian volunteer disabled parking violation units.

A. A city, town or municipality may, by adoption of a local law or ordinance, establish a civilian volunteer disabled parking violation unit to assist in the enforcement of disabled parking laws or ordinances. Persons appointed to such units shall be volunteers, shall serve without compensation, and shall be authorized to provide evidence of violations of disabled parking laws or ordinances to the appropriate law enforcement authority. Such evidence may include photographing a violation, provided that such photograph is taken in compliance with the requirements of this section. The civilian volunteer disabled parking violation unit shall have the authority to report violations of disabled parking ordinances or rules on both public and private property where the public is invited as provided for in Section 15-116 of this title.

B. A local law or ordinance enacted in accordance with the provisions of this section shall:

1. Establish a training program of no less than two (2) hours in length and require each volunteer to participate in and complete such training program;

2. Provide for the assignment of an identification number to each volunteer, and provide official identification and equipment to assist volunteer personnel in the conduct of their duties;

3. Establish uniform procedures for volunteers to follow in determining whether a violation has occurred;

4. Establish procedures for the uniform reporting of violations, which shall include the identification number of the volunteer making the report;

5. If such local law or ordinance provides for the taking of photographs of violations:

- a. grant only the local law enforcement agency the authority to process or to contract for the processing of all film or digital files submitted by volunteers,
- b. require any photographs evidencing a violation to be available for inspection in any proceeding to adjudicate the liability for such violation,
- c. provide that a certificate, sworn to or affirmed by a technician employed by the municipality in which the charged violation occurred, or a facsimile thereof, based upon inspection of photographs produced from film or digital files submitted by volunteers, shall be

prima facie evidence of the facts contained therein,
and

- d. prohibit the use of such a photograph for any purpose other than as evidence of a disabled parking violation;
and

6. Provide the following with respect to notices of violation:

- a. a notice of violation shall be sent by first class mail to each person alleged to be liable as an owner for a violation of a disabled parking law or ordinance. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein,
- b. a notice of violation shall reference the law which was allegedly violated, and shall contain the name and address of the person alleged to be liable as an owner for a violation of a disabled parking law or ordinance, the license tag number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation, and the identification number of the volunteer who recorded the violation,
- c. a notice of violation shall contain information advising the person charged of the manner and the time in which he or she may contest the violation alleged in the notice, and shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

C. Upon a conviction of a local law or ordinance which complies with the provisions of subsection B of this section, notwithstanding any other law, the local law enforcement entity shall have the authority to dedicate not less than twelve and one-half percent (12 1/2%) of any fine that resulted from citations or for violations of the disabled parking regulations in accordance with subsection B of Section 15-113 and subsection B of Section 11-1007 of this title, to be deposited in a special dedicated fund to be used by the local municipality for the sole purpose of establishing, maintaining and perpetuating a citizen volunteer disabled parking violation unit. Added by Laws 1999, c. 276, § 5, eff. Nov. 1, 1999. Renumbered from § 11-1007.1 of this title by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008. Amended by Laws 2010, c. 302, § 4, emerg. eff. June 5, 2010.

§47-15-116. Power of municipality or political subdivision to enforce act.

Upon the enactment of any ordinance, rule or regulation adopted in conformity with this act, the municipality or political subdivision is authorized to investigate and enforce the ordinance, rule, or regulation on public property, or private property where the public is invited such as, but not limited to, the following:

1. Places of lodging including, but not limited to, inns, hotels, and motels;
2. Establishments serving food or drink including, but not limited to, restaurants and bars;
3. Places of exhibition or entertainment including, but not limited to, motion picture houses, theaters, concert halls, and stadiums;
4. Places of public gathering including, but not limited to, auditoriums, convention centers, and lecture halls;
5. Sales or rental establishments including, but not limited to, bakeries, grocery stores, hardware stores, and shopping centers;
6. Service establishments including, but not limited to, laundromats, dry cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, and hospitals;
7. Public transportation terminals, depots, or stations, not including facilities relating to air transportation;
8. Places of public display or collection including, but not limited to, museums, libraries, and galleries;
9. Places of recreation including, but not limited to, parks, zoos, and amusement parks;
10. Places of education including, but not limited to, nursery schools, elementary, secondary, undergraduate, or postgraduate private schools;
11. Social service center establishments including, but not limited to, day care centers, senior citizen centers, homeless shelters, food banks, and adoption agencies; or
12. Places of exercise or recreation including, but not limited to, gymnasiums, health spas, bowling alleys, and golf courses.

Added by Laws 1980, c. 146, § 2, eff. Oct. 1, 1980. Renumbered from § 11-1008 of this title by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008. Amended by Laws 2010, c. 302, § 5, emerg. eff. June 5, 2010.

§47-15-131. Speed limits - Traffic control regulations - Violations.

Upon application by the governing board of a public trust, as defined in Sections 164 and 176 of Title 60 of the Oklahoma Statutes, the Transportation Commission may set speed limits and promulgate regulations governing uniform traffic control to comply with the provisions of Title 47 of the Oklahoma Statutes for the reasonable

and safe operation of motor vehicles on property situated within the state and owned by or under the control of the public trust.

Speed limits and regulations so established shall be enforceable when appropriate signs giving notice thereof are erected. The cost of such signs shall be borne by the public trust. Any person driving on such property in violation of the speed limit or regulation so established shall, upon conviction, be punished in the same manner as provided for persons convicted of violating other provisions of Sections 11-101 et seq. of Title 47 of the Oklahoma Statutes.

Added by Laws 1977, c. 100, § 1, eff. Oct. 1, 1977. Renumbered from § 11-308a of this title by Laws 2007, c. 62, § 24, emerg. eff. April 30, 2007.

§47-15-132. Public trusts - Contracts and agreements - Enforcement of speed limits and regulations.

A public trust authorized to make application under this section may enter into contracts and agreements with local authorities for the enforcement of speed limits and regulations governing uniform traffic control on property owned or controlled by the public trust. Added by Laws 1977, c. 100, § 2, eff. Oct. 1, 1977. Renumbered from § 11-308b of this title by Laws 2007, c. 62, § 25, emerg. eff. April 30, 2007.

§47-16-101. Parties to a crime.

(a) Classification of parties. The parties to crimes are classified as: 1. Principals, and 2. Accessories. (b) Principals defined. All persons concerned in the commission of crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the offense or aid and abet in its commission, though not present, are principals. (c) Accessories defined. All persons who, after the commission of any felony, conceal or aid the offender, with the knowledge that he has committed a felony, and with intent that he may avoid or escape from arrest, trial, conviction, or punishment, are accessories. (d) No accessories to misdemeanor. There are no accessories. (e) Punishment of accessories. Except in cases where a different punishment is prescribed by law, an accessory to a felony is punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or in a county jail not exceeding one (1) year, or by fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

Laws 1961, p. 420, § 16-101.

§47-16-102. Offenses by persons owning or controlling vehicles.

It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

Laws 1961, p. 420, § 16-102.

§47-16-103. Public officers and employees - Exceptions.

The provisions of Chapters 10, 11, 12, 13 and 14, applicable to drivers of vehicles upon the highways, shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, town, district or any other political subdivision of the state, subject to such specific exceptions as are set forth in this act.

Laws 1961, p. 421, § 16-103.

§47-16-104. Procedure upon arrest for felony.

Whenever a person is arrested for any violation of this act declared herein to be a felony, he shall be dealt with in like manner as upon arrest for the commission of any other felony. For the purposes of this section any offense which may be punishable by imprisonment in a state penitentiary is a felony.

Laws 1961, p. 421, § 16-104.

§47-16-105. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.

§47-16-106. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.

§47-16-107. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.

§47-16-108. Misdemeanor violations - Procedure.

(a) Whenever a person is halted by a peace officer or highway patrolman for any violation of this title punishable as a misdemeanor, the officer shall proceed in accordance with the State and Municipal Traffic Bail Bond Procedure Act, Section 1115 et seq. of Title 22 of the Oklahoma Statutes.

(b) If the person charged with the violation is a minor, then the citing police officer shall ascertain from the minor the name and address of his parents or legal guardian, and said officer shall cause a copy of the "violation" to be mailed to the address of the parents or legal guardian, within three (3) days after the date of violation.

Amended by Laws 1987, c. 226, § 6, operative July 1, 1987.

§47-16-109. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.

§47-16-109.1. Authority of officer at scene of accident.

Except for felonies, a police officer at the scene of a traffic accident may issue a written notice to appear to any driver of a vehicle involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this title in connection with the accident.

In such cases the officer shall be endorsed as a witness and shall appear if said case is tried.

Added by Laws 1988, c. 124, § 1, emerg. eff. April 8, 1988.

§47-16-110. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.

§47-16-111. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.

§47-16-112. Failure to obey notice to appear.

(a) It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a notice to appear regardless of the disposition of the charge for which such notice to appear was originally issued.

(b) A written promise to appear in court may be complied with by an appearance by counsel.

Laws 1961, p. 422, § 16-112.

§47-16-113. Procedure prescribed herein not exclusive.

The foregoing provisions of this chapter shall govern all police officers in making arrests without a warrant for violations of any provisions of Chapters 10, 11, 12, 13 or 14, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.

Laws 1961, p. 422, § 16-113.

§47-16-114. Arrest of traffic violators without warrant.

A police officer may, without a warrant, arrest a person for any moving traffic violation of which the arresting officer or another police officer in communication with the arresting officer has sensory or electronic perception including perception by radio, radar and reliable speed-measuring devices.

Laws 1972, c. 92, § 1.

§47-17-101. Misdemeanor violations - Penalties.

A. It is a misdemeanor for any person to violate any of the provisions of this title unless such violation is by this title or other law of this state declared to be a felony.

B. 1. Every person convicted of a misdemeanor for a violation of any of the provisions of Sections 10-101 through 14-121 or Sections 16-101 through 16-114 of this title for which another penalty is not provided shall upon conviction thereof be punished by a fine of not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year after the first conviction by imprisonment for not more than twenty (20) days; upon a third or subsequent conviction within one (1) year after the first conviction by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

2. Any person violating the provisions of Sections 10-101 through 14-121 or Sections 16-101 through 16-114 of this title, where a jail sentence is not mandatory may, in the discretion of the district attorney wherein the offense occurred, be permitted to enter a plea of guilty by written statement by the person charged to be presented to the court wherein the case is filed. A remittance covering the fine and costs may be considered and received with the same force and effect as a written plea of guilty.

C. Unless another penalty is in this title or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any other provision of this title shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

D. Provided, however, notwithstanding any provision of law to the contrary, any offense, including traffic offenses, in violation of any of the provisions of this title which is not otherwise punishable by a term of imprisonment or confinement shall be punishable by a term of imprisonment not to exceed one day in the discretion of the court, in addition to any fine prescribed by law.

E. The conviction of any person, as prescribed in this section, when the offense occurred during a period when the driving privileges of the person were under suspension, revocation, cancellation, denial, or disqualification or the person had not been granted driving privileges by Oklahoma or any other state, shall result in the doubling of the appropriate fine, as provided for in subsections B and C of this section, and the doubling of all court costs and all fees collected by the court on behalf of any other entity, unless waived by the court.

F. One-half (1/2) of any fine collected pursuant to the provisions of subsection E of this section, shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2522 of Title 63 of the Oklahoma Statutes.

Added by Laws 1961, p. 422, § 17-101, eff. Sept. 1, 1961. Amended by Laws 1963, c. 312, § 1, emerg. eff. June 19, 1963; Laws 1987, c. 226, § 7, operative July 1, 1987; Laws 2000, c. 285, § 4, eff. July 1,

2000; Laws 2001, c. 133, § 5, emerg. eff. April 24, 2001; Laws 2001, c. 435, § 11, eff. July 1, 2001; Laws 2004, c. 387, § 2, eff. Nov. 1, 2004; Laws 2007, c. 120, § 3, eff. Nov. 1, 2007.

§47-17-102. Felony violations - Penalties.

A. Any person who is convicted of a violation of any of the provisions of the Uniform Vehicle Code declared by the Code or by other laws of this state to constitute a felony except those offenses specified in subsection A of Section 4-102 of this title relating to unauthorized use of a vehicle and subsection A of Section 4-103 of this title, relating to receiving or disposing of a vehicle, shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

B. The conviction of any person, as prescribed in this section, when the offense occurred during a period when the driving privileges of the person were under suspension, revocation, cancellation, denial, or disqualification or the person had not been granted driving privileges by Oklahoma or any other state, shall result in the doubling of the appropriate fine, as provided for in subsection A of this section, and the doubling of all court costs and all fees collected by the court on behalf of any other entity, unless waived by the court.

C. One-half (1/2) of any fine collected pursuant to the provisions of subsection B of this section, shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2522 of Title 63 of the Oklahoma Statutes.

Added by Laws 1961, p. 423, § 17-102, eff. Sept. 1, 1961. Amended by Laws 1997, c. 133, § 484, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 350, eff. July 1, 1999; Laws 2004, c. 387, § 3, eff. Nov. 1, 2004; Laws 2007, c. 120, § 4, eff. Nov. 1, 2007; Laws 2018, c. 116, § 18, eff. Nov. 1, 2018.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 484 from July 1, 1998, to July 1, 1999.

§47-18-101. Record of traffic cases - Report of convictions to department.

A. Every magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint, traffic citation, or other legal form of traffic charge deposited with or presented to the court or its traffic-violations bureau, and shall keep a record of every official action by the court or its traffic-violations bureau, including, but not limited to, a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture resulting from every traffic complaint, citation or other

legal form of traffic charge deposited with or presented to the court or traffic-violations bureau.

B. Within five (5) days after:

1. The conviction of any person holding a Class D driver license; or

2. The conviction, as defined in subsection A of Section 6-205.2 of this title, of any person holding a Class A, B or C driver license; or

3. The forfeiture of bail of a person; upon a charge of violating any law regulating the operation of vehicles on highways every magistrate of the court or clerk of the court of record, in which the conviction was had or bail was forfeited, shall prepare and immediately forward to the Department of Public Safety an abstract of the record covering the case in which the person was convicted or forfeited bail, which shall be certified by the person required to prepare the abstract to be true and correct.

C. A report shall not be made of any conviction:

1. Involving the illegal parking or standing of a vehicle;

2. Rendered by a nonlawyer judge, unless, within a period not to exceed the preceding reporting period for Mandatory Continuing Legal Education, the judge has completed courses held for municipal judges which have been approved by the Oklahoma Bar Association Mandatory Legal Education Commission for at least six (6) hours of continuing judicial education credit, and the Department of Public Safety receives verification of such attendance, from the judge. In the case of attendance of a continuing judicial education course, verification may be made by a statement of attendance signed by the course registration personnel; or

3. Involving any offense for which the offender is eligible for participation in an approved drug court program. However, if the offender does not successfully complete the drug court program, the abstract of the record shall be forwarded as provided in subsection B of this section, or if the offender has a prior felony conviction, the abstract of the record shall be forwarded as provided in Section 471.9 of Title 22 of the Oklahoma Statutes.

D. The abstract shall be made upon a form furnished by the Department and shall include:

1. The name, address, sex, and date of birth of the person charged;

2. The traffic citation number;

3. The driver license number, if any, of the person charged, and the state or jurisdiction from which the license is issued;

4. The license plate number, make, and model of the vehicle involved;

5. The nature and date of the offense, the date of hearing, the plea, the judgment, or, if bail was forfeited, the amount of the fine or forfeiture; and

6. The name of the court and whether it is a municipal or district court.

E. Every court of record shall also forward a like report to the Department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

F. The failure, refusal or neglect of any judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal.

Added by Laws 1961, p. 423, § 18-101, eff. Sept. 1, 1961. Amended by Laws 1987, c. 233, § 1, eff. Nov. 1, 1987; Laws 1995, c. 23, § 14, eff. Nov. 1, 1995; Laws 1995, c. 316, § 1, eff. Nov. 1, 1995; Laws 1996, c. 245, § 2, eff. Nov. 1, 1996; Laws 1997, c. 201, § 3, eff. Nov. 1, 1997; Laws 2000, c. 159, § 2, emerg. eff. April 28, 2000; Laws 2002, c. 86, § 7, emerg. eff. April 17, 2002; Laws 2004, c. 173, § 7, eff. Nov. 1, 2004; Laws 2004, c. 390, § 13, eff. Sept. 1, 2005; Laws 2005, c. 103, § 1, eff. Nov. 1, 2005; Laws 2006, c. 16, § 31, emerg. eff. March 29, 2006; Laws 2009, c. 290, § 3, eff. Nov. 1, 2009; Laws 2012, c. 207, § 8, emerg. eff. May 8, 2012.

NOTE: Laws 2005, c. 190, § 12 repealed by Laws 2006, c. 16, § 32, emerg. eff. March 29, 2006.

§47-19-101. Repealed by Laws 2000, c. 189, § 14, eff. July 1, 2000.

§47-19-201. Renumbered as § 11-805.2 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-19-211. Renumbered as § 11-805.3 of this title by Laws 2003, c. 279, § 16, emerg. eff. May 26, 2003.

§47-20-101. Uniformity of interpretation.

This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Laws 1961, p. 424, § 20-101.

§47-20-102. Effect of headings.

Chapter, article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section hereof. Laws 1961, p. 424, § 20-102.

§47-20-103. Short title.

This act may be cited as the Uniform Vehicle Code. Laws 1961, p. 424, § 20-103.

§47-20-104. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§47-20-105. Constitutionality.

The provisions of this act are severable and if any part or provision hereof shall be void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of the act.

Laws 1961, p. 424, § 20-105.

§47-20-106. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§47-20-107. Time of taking effect.

This act shall take effect from and after September 1, 1961.

Laws 1961, p. 425, § 20-107.

§47-21-101. Renumbered as § 2101 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-102. Renumbered as § 2102 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-103. Renumbered as § 2103 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-104. Renumbered as § 2104 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-105. Renumbered as § 2105 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-106. Renumbered as § 2106 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-107. Renumbered as § 2107 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-108. Renumbered as § 2108 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-109. Renumbered as § 2109 of Title 68 by Laws 1965, c. 215, § 3.

§47-22. Repealed by Laws 1985, c. 179, § 99, operative July 1, 1985.

§47-22.1. Repealed by Laws 1985, c. 179, § 99, operative July 1, 1985.

§47-22.2. Repealed by Laws 1979, c. 292, § 8, emerg. eff. July 5, 1979.

§47-22.5n. Repealed by Laws 1985, c. 179, § 99, operative July 1, 1985.

§47-22.5s. Renumbered as § 1133.2 of this title by Laws 2001, c. 309, § 8, eff. Nov. 1, 2001.

§47-22.30n. Repealed by Laws 1985, c. 179, § 99, operative July 1, 1985.

§47-24.4. Repealed by Laws 1985, Chapter 179, § 99, operative July 1, 1985.

§47-40-101. Accident report forms.

The Department shall prescribe standard forms for accident reports for use by all police departments and all other appropriate agencies. The accident reports shall call for sufficiently detailed information to disclose the cause, the conditions then existing, the persons and vehicles involved and such other information as prescribed by the Commissioner.

Added by Laws 1967, c. 139, § 1. Amended by Laws 2011, c. 335, § 9.

§47-40-102. Traffic collision resulting in injury or death or property damage exceeding certain amount - Reports - Confidentiality - Allowing examination or reproduction for commercial solicitation prohibited.

A. 1. Every law enforcement officer who, in the regular course of duty, investigates or receives a report of a traffic collision resulting in injury to or death of a person or total property damage to an apparent extent of Five Hundred Dollars (\$500.00) or more shall prepare a written report of the collision on the standard collision report form supplied by the Department of Public Safety. The reports shall be forwarded within thirty (30) days of the collision or, if the collision results in the death of any person, then within twenty (20) days of the death of the person, whichever time period is lesser, by the law enforcement agency preparing the report to the Department of Public Safety.

2. Reports of collisions shall be kept confidential for a period of sixty (60) days after the date of the collision; provided, the reports shall be made available as soon as practicable upon request to any:

a. party involved in the collision,

- b. legal representatives of a party involved in the collision,
- c. state, county or city law enforcement agency,
- d. the Department of Transportation or any county or city transportation or road and highway maintenance agency,
- e. licensed insurance agents of a party involved in the collision,
- f. insurer of a party involved in the collision,
- g. insurer to which a party has applied for coverage,
- h. person under contract with an insurer, as described in subparagraph e, f or g of this paragraph, to provide claims or underwriting information,
- i. prosecutorial authority,
- j. newspaper as defined in Section 106 of Title 25 of the Oklahoma Statutes,
- k. radio or television broadcaster,
- l. licensed private investigators employed by a party involved in the collision, or
- m. provider of health services to a party involved in the collision.

3. Any person who knowingly violates this section and obtains or provides information made confidential by this section is guilty of a misdemeanor and shall be fined no more than Two Thousand Five Hundred Dollars (\$2,500.00). Second and subsequent offenses shall carry a penalty of imprisonment in the county jail for not more than thirty (30) days.

B. 1. No public employee or officer shall allow a person to examine or reproduce a collision report or any related investigation report if examination or reproduction of the report is sought for the purpose of making a commercial solicitation. Any person requesting a collision report may be required to state, in writing, under penalty of perjury, that the report will not be examined, reproduced or otherwise used for commercial solicitation purposes. It shall be unlawful and constitute a misdemeanor for any person to obtain or use information from a collision report or a copy thereof for the purpose of making a commercial solicitation.

2. As used in this subsection:

- a. "commercial solicitation" means any attempt to use, or offer for use, personal information contained in a collision report to solicit any person named in the report, or a relative of the person, or to solicit a professional, business, or commercial relationship that is not pursuant to a request under paragraph 2 of subsection A of this section. "Commercial solicitation" does not include publication in a newspaper, as defined in Section 106 of Title 25 of the Oklahoma Statutes, or broadcast of information by news

media for news purposes, or obtaining information for the purpose of verification or settlement of claims by insurance companies, and

- b. "collision report" means any report regarding a motor vehicle collision which has been submitted by an individual or investigating officer on a form prescribed or used by the Department of Public Safety or local police department.

3. Publication in a newspaper, as defined in Section 106 of Title 25 of the Oklahoma Statutes, or broadcast by news media for news purposes shall not constitute a resale or use of data for trade or commercial solicitation purposes. Because publication by a newspaper, broadcast by news media for news purposes, or obtaining information for verification or settlement of claims by insurance companies is not a resale or use of data for commercial solicitation purposes, an affidavit shall not be required as a condition for allowing a member of a newspaper or broadcast news media, or allowing an agent, or business serving as an agent, to insurance companies, to examine or obtain a copy of a collision report. Any agent or business obtaining information for verification or settlement of claims involving persons named in a report shall secure an affidavit annually from each client stating the information provided to the client shall not be used for commercial solicitation purposes under penalty of law.

4. The Department and local police departments shall include the following or a similar notice upon any copy of a collision report furnished to others: "Warning - State Law. Use of contents for commercial solicitation is unlawful."

C. As used in this section:

1. "Newspaper" means a legal newspaper as defined in Section 106 of Title 25 of the Oklahoma Statutes, provided that the primary purpose of the newspaper is not the publication of personally identifying information concerning parties involved in the traffic collision;

2. "Provider of health services" means any person that provides health care services to the injured person under a license, certification or registration issued pursuant to Title 59 of the Oklahoma Statutes, or any hospital or related institution that offers or provides health care services under a license issued pursuant to Section 1-702 et seq. of Title 63 of the Oklahoma Statutes; and

3. "Personal information", as defined in Section 162 of Title 24 of the Oklahoma Statutes, means the first name or first initial and last name in combination with and linked to any one or more of the following data elements that relate to a resident of this state, when the data elements are neither encrypted nor redacted:

- a. social security number,

- b. driver license number or state identification card number issued in lieu of a driver license, or
- c. financial account number or credit or debit card number in combination with any required security code, access code or password that would permit access to the financial accounts of a resident.

Personal information does not include information that is lawfully obtained from publicly available information or from federal, state or local government records lawfully made available to the general public.

Added by Laws 1967, c. 139, § 2. Amended by Laws 1980, c. 100, § 3, eff. Oct. 1, 1980; Laws 1996, c. 232, § 1, eff. Nov. 1, 1996; Laws 1998, c. 344, § 1, eff. Nov. 1, 1998; Laws 1999, c. 14, § 1, eff. Nov. 1, 1999; Laws 2000, c. 324, § 4, eff. July 1, 2000; Laws 2002, c. 444, § 1, eff. Nov. 1, 2002; Laws 2004, c. 418, § 18, eff. July 1, 2004; Laws 2005, c. 1, § 56, emerg. eff. March 15, 2005; Laws 2005, c. 394, § 14, emerg. eff. June 6, 2005; Laws 2008, c. 302, § 4, emerg. eff. June 2, 2008; Laws 2019, c. 248, § 1, eff. Nov. 1, 2019. NOTE: Laws 2004, c. 18, § 1 repealed by Laws 2005, c. 1, § 57, emerg. eff. March 15, 2005.

§47-40-103. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-40-104. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-40-105. Renumbered as § 12-609 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-40-106. Repealed by Laws 2007, c. 62, § 38, emerg. eff. April 30, 2007.

§47-40-107. Federal Highway Safety Act of 1966 - Securing of benefits under.

The Governor, in addition to other duties and responsibilities conferred upon him by the constitution and laws of this state is hereby empowered to contract and to do all other things necessary to secure the full benefits available to this state and its political subdivisions under the Federal Highway Safety Act of 1966, and in so doing, to cooperate with federal and state agencies, private and public organizations, and with individuals to effectuate the purposes of this enactment, and any and all subsequent amendments thereto, and to accept and take advantage of any federal grants or funds which are, or may hereafter be made available to the state in carrying out the provisions of this act, and in law enforcement training. The Governor shall be responsible for and is hereby empowered to coordinate and administer through such appropriate agencies or officers of this state as he shall designate or appoint an individual

coordinator and any clerical assistance necessary to administer the related Highway Safety Programs of this state and those of its political subdivisions, all in accordance with said act and federal rules and regulations in implementation thereof.

Laws 1967, c. 347, § 1, emerg. eff. May 18, 1967.

§47-40-108. Repealed by Laws 1993, c. 81, § 5, eff. July 1, 1993.

§47-40-109. Repealed by Laws 1993, c. 81, § 5, eff. July 1, 1993.

§47-40-110. Repealed by Laws 1993, c. 81, § 5, eff. July 1, 1993.

§47-40-111. Repealed by Laws 1993, c. 81, § 5, eff. July 1, 1993.

§47-40-112. Repealed by Laws 1993, c. 81, § 5, eff. July 1, 1993.

§47-40-113. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§47-40-121. Motorcycle Safety and Education Program.

A. There is hereby created in the Department of Public Safety the "Motorcycle Safety and Education Program". The Commissioner of Public Safety may hire an Administrator who shall be responsible for the administration and operation of the Program, as determined by the Commissioner.

B. 1. The Program shall include guidelines and standards for courses of instruction, as established and approved by the Commissioner and which are taught by certified instructors, as prescribed by the Commissioner. The courses shall meet or exceed nationally accepted standards for courses of instruction in motorcycle safety and education. The courses shall include instruction for novice and experienced motorcycle operators and passengers, instruction in motorist awareness and alcohol and drug awareness, and any other instruction the Commissioner deems appropriate for motorcycle safety and education.

2. The Program may include provisions for marketing and promotion, improving motorcycle license testing procedures, and such other provisions as deemed appropriate by the Commissioner.

3. The Commissioner shall evaluate the Program every two (2) years and shall periodically inspect public and private facilities and equipment and periodically evaluate procedures used in the courses of instruction. Evaluation and inspection reports shall be submitted to the Advisory Committee.

C. The cost of administering and operating the Motorcycle Safety and Education Program shall be funded by the Motorcycle Safety and Education Program Revolving Fund, as created in Section 40-123 of this title. The Commissioner shall promulgate rules necessary to

implement and administer the provisions of Sections 40-121 through 40-123 of this title.

Added by Laws 1999, c. 342, § 1, eff. Nov. 1, 1999. Amended by Laws 2002, c. 472, § 1, eff. July 1, 2002.

§47-40-122. Advisory Committee for Motorcycle Safety and Education.

A. There is hereby created the Advisory Committee for Motorcycle Safety and Education which shall be comprised of the Administrator of the Motorcycle Safety and Education Program in the Department of Public Safety, who shall serve as chair of the Committee and shall be a nonvoting member, and seven (7) voting members, six of whom shall be appointed by the Commissioner of Public Safety and one of whom shall be appointed by the Insurance Commissioner. One member shall be a certified instructor of motorcycle safety and education; three members shall be licensed and safety course certified motorcycle operators/owners; one member shall represent private sector motorcycle rider education schools; one member shall be a representative of the Oklahoma Highway Safety Office; and the member appointed by the Insurance Commissioner shall be an employee of the Insurance Commissioner's office. Members shall serve at the pleasure of the appointing authority, except as provided in subsection B of this section.

B. By January 1, 2011, the Commissioner of Public Safety shall appoint three of the members of the Advisory Committee for Motorcycle Safety and Education in accordance with the requirements as modified in subsection A of this section upon the effective date of this act. Once appointed all members shall serve at the pleasure of the appointing authority.

C. The Committee shall meet at the call of the Administrator or the Commissioner. A vice-chair shall be elected by the Committee from among its members. The vice-chair shall act as chair of the Committee only in the absence of the Administrator at officially called meetings of the Committee.

D. The Committee shall advise and assist the Commissioner in the development, administration and operation of the Motorcycle Safety and Education Program and the setting of goals, objectives and priorities for the Program.

E. The provisions of this section shall not be construed to authorize the creation of any additional salaried position within the Department of Public Safety.

F. Members of the Committee who are not state employees shall receive no compensation from the state for serving on the Committee. All members of the Committee shall be entitled to reimbursement for any actual and necessary traveling expenses pursuant to the State Travel Reimbursement Act.

Added by Laws 1999, c. 342, § 2, eff. Nov. 1, 1999. Amended by Laws 2002, c. 472, § 2, eff. July 1, 2002; Laws 2010, c. 70, § 1, emerg. eff. April 9, 2010.

§47-40-123. Motorcycle Safety and Education Program Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Department of Public Safety to be designated the "Motorcycle Safety and Education Program Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all fees, donations, federal funds and grants received for the purpose of motorcycle safety and education programming. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Commissioner of Public Safety for the purpose of operating the Motorcycle Safety and Education Program. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1999, c. 342, § 3, eff. Nov. 1, 1999. Amended by Laws 2002, c. 472, § 3, eff. July 1, 2002; Laws 2012, c. 304, § 175.

§47-108.1. Renumbered as § 15-101.1 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-116.2a. Closing particular highways.

Whenever the occurrence of any disaster, emergency or other condition shall render the use of any state or federal highway or detour dangerous to the public, or whenever the use thereof would interfere with disaster relief or rescue work, the Director of Highways, or such other person or employee as may be designated by said Director, shall have authority to close such highway, or portion thereof, as may be necessary until said emergency condition shall no longer exist. The Commissioner of Public Safety, or any member of the Oklahoma Highway Patrol, shall have like authority with respect to the closing of highways for a period of six (6) hours after the occurrence of such emergency condition, but upon exercising such authority the Commissioner of Public Safety, or highway patrolman, shall forthwith notify the Director of Highways of such action. Laws 1953, p. 189, § 2.

§47-116.11. Renumbered as Section 2-105.4A of this title by Laws 2001, c. 131, § 17, eff. July 1, 2001.

§47-116.12. Renumbered as Section 2-106.1 of this title by Laws 2001, c. 131, § 17, eff. July 1, 2001.

§47-116.13. Assignment as enforcement officer - Uniforms and badges - Use without authority.

A. Each employee of the Corporation Commission assigned as an enforcement officer, as herein provided, shall at all times while on duty be required to be dressed in a distinctive uniform and display a badge of office, both of which shall be completely different and distinguishable from those of the Oklahoma Highway Patrol. All such badges shall be furnished by the Corporation Commission and each badge shall display a distinctive serial number. The type and detail of the uniforms shall be designated by the Corporation Commission and the Corporation Commission shall furnish the uniforms and replace them when necessary. An expense allowance of One Hundred Dollars (\$100.00) per month for maintenance and cleaning of uniforms shall be paid to each enforcement officer of the Corporation Commission.

B. Any person who without authority wears the badge or uniform of a Corporation Commission enforcement officer, or who without authority impersonates such an officer, with intent to deceive anyone, shall be guilty of a misdemeanor.

Added by Laws 1949, p. 321, § 13, emerg. eff. May 31, 1949. Amended by Laws 1957, p. 439, § 3, emerg. eff. June 5, 1957; Laws 1978, c. 219, § 1, emerg. eff. April 21, 1978; Laws 1993, c. 146, § 4; Laws 2004, c. 522, § 8, eff. July 1, 2004.

§47-116.14. Vehicles not registered or improperly registered.

In the event any vehicle is found with no registration, not properly registered for the load carried, or improperly registered in any manner under the provisions of Section 116.2a et seq. of this title or any provisions of the motor vehicle license and registration laws of this state, Corporation Commission enforcement officers shall be authorized to seize and take such vehicle into custody until such time as such vehicle is properly registered and the license fee thereon is paid in full together with any penalty provided by law plus the cost of seizure, including the reasonable cost of taking such vehicle into custody and storing it. Any load on such vehicle shall be disposed of by the owner or operator of such vehicle. In the event such license fee and penalty together with the cost of seizure and storage is not paid, the enforcement officer shall proceed to sell such vehicle by posting not less than five notices of sale in five different public places in the county where such property is located, one of such notices to be posted at the place where the vehicle is stored; provided, a copy of such notice shall also be sent by registered mail, return receipt requested, to the last-known address of the registered owner of such vehicle in question. Such vehicle shall be sold at such sale subject to the following terms and conditions:

1. In the event the sale price is equal to, or greater than, the total cost of sale, seizure and the fee and penalty, the purchaser

shall be issued a certificate of purchase, license plate and registration certificate;

2. In the event the sale price is less than the total costs of sale, seizure, and the fee and penalty, such vehicle shall be sold as junk to the highest bidder, whereupon the bidder shall receive a certificate of purchase; and if such vehicle be dismantled, the record to such junked vehicle shall be canceled. If not dismantled, the same shall forthwith be registered anew; and

3. Any residual amount remaining unclaimed by the delinquent owner shall be administered in accordance with the Uniform Unclaimed Property Act (1981).

Added by Laws 1949, p. 321, § 14, emerg. eff. May 31, 1949. Amended by Laws 1991, c. 331, § 51, eff. Sept. 1, 1991; Amended by Laws 2004, c. 522, § 9, eff. July 1, 2004.

§47-116.15. Repealed by Laws 2004, c. 522, § 30, eff. July 1, 2004.

§47-121.11. Commercial vehicles to have copy of reports as to defects.

Each driver of a commercial vehicle hauling either passengers or goods, wares and merchandise for hire, shall keep in coach for one (1) month's time a true copy of motor coach defect report made by driver, and a copy of the mechanic's report on such defect or defects for a like period of time.

Laws 1949, p. 512, § 11.

§47-127.1. Renumbered as § 14-109.2 of this title by Laws 1995, c. 27, § 8, eff. July 1, 1995.

§47-127.2. Repealed by Laws 1995, c. 27, § 9, eff. July 1, 1995.

§47-134. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-149.1. Renumbered as § 12-427 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-149.2. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-151. Marking of automobiles owned or leased by state.

A. A state agency that owns or leases vehicles shall affix the words "State of Oklahoma" and the name of the department or institution that owns or leases the vehicle in conspicuous letters.

B. 1. In lieu of the provisions of subsection A of this section, Department of Public Safety vehicles used regularly as patrol units shall be distinctively painted black or white and shall bear the wording "Oklahoma Highway Patrol" on each side of the vehicle in letters of such size as to be easily distinguishable, it

being the purpose and intention of the Legislature that said patrol units shall be marked in the future in the same manner as those now in use.

2. The Commissioner of Public Safety may designate colors and markings, in lieu of those authorized by the provisions of this section, for patrol units used for patrol purposes and for selective traffic law enforcement.

C. Oklahoma State Bureau of Narcotics and Dangerous Drugs Control vehicles for use in undercover investigations and Oklahoma State Bureau of Investigation vehicles shall not be subject to the provisions of this section.

D. Department of Corrections vehicles designated for use by probation and parole operations and other administrative operations, as approved by the Director of the Department of Corrections, shall not be subject to the provisions of this section.

E. Vehicles utilized by CLEET-certified officers or state employees primarily employed in investigative activities may be exempt from the provisions of this section subject to the approval of the State Fleet Manager.

F. Oklahoma Military Department vehicles designated for use by the Adjutant General or Assistant Adjutant General in performance of his or her duties and Oklahoma Military Department vehicles designated for use in the State Transition and Reintegration System (STARS) program for tracking youth, as approved by the Adjutant General, shall not be subject to the provisions of this section.

G. Office of Juvenile Affairs vehicles designated for use of the Office by the Executive Director of the Office of Juvenile Affairs shall not be subject to the provisions of this section.

Added by Laws 1923-24, 2nd Ex. Sess., c. 86, p. 103, § 1, emerg. eff. March 25, 1924. Amended by Laws 1949, p. 336, § 1, emerg. eff. June 3, 1949; Laws 1980, c. 57, § 1, emerg. eff. April 3, 1980; Laws 1984, c. 240, § 5, operative July 1, 1984; Laws 2001, c. 169, § 1, eff. Nov. 1, 2001; Laws 2007, c. 15, § 1, eff. Nov. 1, 2007; Laws 2012, c. 316, § 1, eff. Nov. 1, 2012; Laws 2016, c. 268, § 5, eff. Nov. 1, 2016; Laws 2018, c. 97, § 1, eff. Nov. 1, 2018; Laws 2019, c. 25, § 22, emerg. eff. April 4, 2019.

NOTE: Laws 2007, c. 151, § 2 repealed by Laws 2008, c. 3, § 26, emerg. eff. Feb. 28, 2008. Laws 2018, c. 102, § 1 repealed by Laws 2019, c. 25, § 23, emerg. eff. April 4, 2019.

§47-152. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.

§47-153. Driving of unmarked automobiles prohibited - Exception.

It shall be unlawful for any person to drive any state-owned or -leased automobile at any time and for any purpose, on any street or highway within this state, unless the provisions of Section 151 of this title have been strictly complied with, provided, however, the

Commissioner of the Department of Public Safety is hereby authorized to set aside automobiles for use by the Department so that the same may be available to the Department without identifying marks thereon. These vehicles shall not be used for traffic enforcement on a routine basis.

Added by Laws 1923-24, c. 86, p. 103, § 3, emerg. eff. March 25, 1924. Amended by Laws 1949, p. 336, § 2, emerg. eff. June 3, 1949; Laws 1993, c. 181, § 1, eff. Sept. 1, 1993; Laws 2004, c. 418, § 19, eff. July 1, 2004; Laws 2012, c. 316, § 2, eff. Nov. 1, 2012.

§47-153.1. Department of Mental Health and Substance Abuse Services - Unmarked automobiles.

The Commissioner of the Department of Mental Health and Substance Abuse Services is hereby authorized to set aside automobiles for the use of the Department without identifying marks. These vehicles may be used to provide client services.

Added by Laws 1995, c. 77, § 1, eff. Nov. 1, 1995.

§47-154. Repealed by Laws 2002, c. 184, § 2, eff. July 1, 2002.

§47-155. Misdemeanor - Violations of Act - Penalty.

Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not less than thirty (30) days, nor more than six (6) months, or by both such fine and imprisonment.

Laws 1923-24, c. 86, p. 103, § 5.

§47-156. Purchase of passenger automobiles or bus with public funds prohibited - Exceptions.

A. Unless otherwise provided for by law, no state board, commission, department, institution, official, or employee, except the following, shall purchase any passenger automobile or bus with public funds:

1. The Department of Public Safety;
2. The Department of Human Services;
3. The State Department of Rehabilitation Services;
4. The Department of Wildlife Conservation;
5. The Department of Corrections;
6. The State Department of Education;
7. The Oklahoma School of Science and Mathematics;
8. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;
9. The Oklahoma State Bureau of Investigation;
10. The Transportation Commission;
11. The Oklahoma Department of Agriculture, Food, and Forestry;

12. The State Department of Health;
13. The Department of Mental Health and Substance Abuse Services;
14. The J.D. McCarty Center for Children with Developmental Disabilities;
15. The Military Department of the State of Oklahoma;
16. The Oklahoma Tourism and Recreation Department;
17. The Oklahoma Conservation Commission;
18. The Oklahoma Water Resources Board;
19. The Department of Mines;
20. The Office of Juvenile Affairs;
21. The Oklahoma Department of Veteran Affairs;
22. The Oklahoma Supreme Court;
23. The District Attorneys Council and Oklahoma district attorneys, provided adequate funding exists;
24. The Oklahoma Boll Weevil Eradication Organization; and
25. The Oklahoma Horse Racing Commission.

B. 1. The Oklahoma School for the Deaf at Sulphur, the Oklahoma School for the Blind at Muskogee, and any state institution of higher education may purchase, own, or keep if now owned, or acquire by lease or gift, and use and maintain such station wagons, automobiles, trucks, or buses as are reasonably necessary for the implementation of the educational programs of said institutions.

2. No bus operated, owned, or used by such educational institutions shall be permitted to carry any person other than students, faculty members, employees, or volunteers of such institutions. The provisions of this section shall not be construed to prohibit:

- a. the operation of intracampus buses or buses routed directly between portions of the campus of any institution not adjacent to each other, nor to prohibit the collection of fares from such students, faculty members, or employees of such institutions, sufficient in amount to cover the reasonable cost of such transportation, or
- b. the Oklahoma School for the Blind or the Oklahoma School for the Deaf from entering into agreements with local public school districts pursuant to the Interlocal Cooperation Act for the mutual use of the schools' and the districts' vehicles. Such use may include, but is not limited to, the transportation of students from local school districts with students from the Oklahoma School for the Blind or the Oklahoma School for the Deaf in vehicles owned by the Oklahoma School for the Blind or the Oklahoma School for the Deaf when traveling to school-related activities.

C. The J.D. McCarty Center for Children with Developmental Disabilities, the Oklahoma Department of Libraries, the Oklahoma Department of Veterans Affairs, and the Oklahoma Veterans Centers may own and maintain such passenger vehicles as those institutions have acquired prior to May 1, 1981.

D. The use of station wagons, automobiles, and buses, other than as provided for in this section, shall be permitted only upon written request for such use by heads of departments of the institution, approved in writing by the president of said institution or by some administrative official of said institution authorized by the president to grant said approval. Such use shall be permitted only for official institutional business or activities connected therewith. Such use shall be subject to the provisions of Section 156.1 of this title forbidding personal use of such vehicles, and to the penalties therein declared.

E. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by fine or imprisonment, or both, as provided for in Section 156.1 of this title.

F. For the purpose of this section and Section 156.3 of this title, a station wagon is classified as a passenger automobile and may not be purchased solely for the use of transporting property. Such vehicles shall include, but not be limited to, all vehicles which have no separate luggage compartment or trunk but which do not have open beds, whether the same are called station wagons, vans, suburbans, town and country, blazers, or any other names. All state boards, commissions, departments, and institutions may own and maintain station wagons purchased solely for the purpose of transporting property if acquired prior to July 1, 1985.

G. The provisions of this section and Section 156.1 of this title shall not apply to public officials who are statewide elected commissioners.

Added by Laws 1941, p. 201, § 1, emerg. eff. May 22, 1941. Amended by Laws 1947, p. 314, § 1, emerg. eff. May 16, 1947; Laws 1949, p. 337, § 3; Laws 1961, p. 308, § 1; Laws 1963, c. 193, § 1, emerg. eff. June 10, 1963; Laws 1978, c. 273, § 11, emerg. eff. May 10, 1978; Laws 1981, c. 291, § 1; Laws 1982, c. 287, § 42, operative July 1, 1982; Laws 1984, c. 161, § 2, emerg. eff. May 1, 1984; Laws 1984, c. 240, § 6, operative July 1, 1984; Laws 1985, c. 43, § 2, operative July 1, 1985; Laws 1986, c. 309, § 12, operative July 1, 1986; Laws 1987, c. 165, § 1, eff. July 1, 1987; Laws 1988, c. 322, § 2; Laws 1990, c. 51, § 112, emerg. eff. April 9, 1990; Laws 1990, c. 263, § 132, operative July 1, 1990; Laws 1991, c. 77, § 1, emerg. eff. April 17, 1991; Laws 1992, c. 307, § 6, eff. July 1, 1992; Laws 1995, c. 128, § 1, eff. July 1, 1995; Laws 1996, c. 326, § 1, eff. July 1, 1996; Laws 1997, c. 2, § 7, emerg. eff. Feb. 26, 1997; Laws 1998, c. 179, § 1, emerg. eff. April 29, 1998; Laws 2000, c. 240, § 2, eff.

Nov. 1, 2000; Laws 2001, c. 62, § 1, eff. July 1, 2001; Laws 2001, c. 414, § 5, eff. July 1, 2001; Laws 2002, c. 22, § 13, emerg. eff. March 8, 2002; Laws 2006, c. 213, § 1, eff. Nov. 1, 2006; Laws 2007, c. 1, § 29, emerg. eff. Feb. 22, 2007; Laws 2014, c. 380, § 2, eff. Nov. 1, 2014.

NOTE: Laws 1986, c. 301, § 19 repealed by Laws 1987, c. 165, § 2, eff. July 1, 1987. Laws 1996, c. 130, § 1 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2001, c. 36, § 1 repealed by Laws 2001, c. 329, § 12, emerg. eff. June 1, 2001 and by Laws 2001, c. 414, § 14, eff. July 1, 2001. Laws 2001, c. 329, § 2 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002. Laws 2006, c. 211, § 22 repealed by Laws 2007, c. 1, § 30, emerg. eff. Feb. 22, 2007.

§47-156.1. Use of state-owned or state-leased motor vehicles for private use - Penalty - Exceptions - Temporary authorization - Employee status report.

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

B. 1. Any state employee, other than the individuals provided for in paragraph 2 of this subsection and any employee of the Department of Public Safety who is an employee in the Driver License Examining Division or the Driver Compliance Division or a wrecker inspector or auditor of the Wrecker Services Division as provided for in paragraph 3 of this subsection, who receives emergency telephone calls regularly at the residence of the employee when the employee is not on duty and is regularly called upon to use a vehicle after normal work hours in response to such emergency calls, may be permitted to use a vehicle belonging to the State of Oklahoma to provide transportation between the residence of the employee and the assigned place of employment, provided such distance does not exceed seventy-five (75) miles in any round trip or is within the county where the assigned place of employment is located. Provided further, an employee may be permitted to use a state-owned or -leased vehicle to provide temporary transportation between a specific work location other than the assigned place of employment and the residence of the

employee, if such use shall result in a monetary saving to the agency, and such authorization shall not be subject to the distance or area restrictions provided for in this paragraph. Authorization for temporary use of a state-owned or -leased vehicle for a specific project shall be in writing stating the justification for this use and the saving expected to result. Such authorization shall be valid for not to exceed sixty (60) days. Any state entity other than law enforcement that avails itself of this provision shall keep a monthly record of all participating employees, the number of emergency calls received, and the number of times that a state vehicle was used in the performance of such emergency calls.

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

3. Any employee of the Department of Public Safety who is an employee in the Driver License Examining Division, an employee of the Driver Compliance Division, a wrecker inspector or auditor of the Wrecker Services Division, or a noncommissioned pilot may be permitted, as determined by the Commissioner, to use a state-owned or -leased vehicle to provide transportation between the residence of the employee and the assigned place of employment and between the residence and any location other than the assigned place of employment to which the employee travels in the performance of the official duty of the employee.

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

C. The principal administrator of the state agency with which the employee is employed shall so designate the status of the

employee in writing or provide a copy of the temporary authorization to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. Such employee status report shall also be provided to the State Fleet Manager of the Division of Fleet Management if the motor vehicle for emergency use is provided by said Division.

Added by Laws 1941, p. 202, § 3, emerg. eff. May 22, 1941. Amended by Laws 1981, c. 291, § 2; Laws 1983, c. 304, § 23, eff. July 1, 1983; Laws 1987, c. 38, § 1, emerg. eff. April 23, 1987; Laws 1988, c. 322, § 3; Laws 1995, c. 105, § 1, eff. Nov. 1, 1995; Laws 1995, c. 255, § 2, eff. July 1, 1995; Laws 1996, c. 3, § 10, emerg. eff. March 6, 1996; Laws 2002, c. 184, § 1, eff. July 1, 2002; Laws 2003, c. 456, § 3, emerg. eff. June 6, 2003; Laws 2007, c. 326, § 18, eff. Nov. 1, 2007; Laws 2009, c. 248, § 1, eff. Nov. 1, 2009; Laws 2011, c. 335, § 10; Laws 2012, c. 316, § 3, eff. Nov. 1, 2012.

NOTE: Laws 1988, c. 289, § 13 repealed by Laws 1989, c. 353, § 14, emerg. eff. June 3, 1989. Laws 1995, c. 235, § 2 repealed by Laws 1996, c. 3, § 25, emerg. eff. March 6, 1996.

§47-156.3. Purchase of motor vehicles necessary for performance of official duties permitted - Color - Marking - Size of lettering.

A. This act, Section 151 et seq. of this title, shall not apply to and shall not be so construed as prohibiting the purchase and use of trucks or pickups by state agencies when the trucks or pickups are necessary for the performance of official duties of the state agency.

B. Trucks and pickups owned and operated by the Department of Transportation shall be painted either yellow or white, and except as otherwise provided by law, shall be plainly marked with the words "State of Oklahoma" followed by the name of the department.

C. The provisions of this section shall not be construed to permit the purchase of any motor vehicle of ten thousand (10,000) pounds or less gross vehicle weight.

D. All acquisitions of any motor vehicle of ten thousand (10,000) pounds or less gross vehicle weight shall be approved by the Director of the Office of Management and Enterprise Services as provided for in Section 78a of Title 74 of the Oklahoma Statutes. Added by Laws 1941, p. 202, § 5, emerg. eff. May 22, 1941. Amended by Laws 1988, c. 305, § 25, operative July 1, 1988; Laws 1994, c. 116, § 1, eff. July 1, 1994; Laws 2001, c. 169, § 2, eff. Nov. 1, 2001; Laws 2012, c. 304, § 176.

§47-156.4. Renumbered as § 78b of Title 74 by Laws 2001, c. 169, § 10, eff. Nov. 1, 2001.

§47-157.1. Insurance on Department of Transportation, Board of Agriculture and Department of Human Services vehicles - Kinds and amounts.

The Department of Transportation, the Board of Agriculture, and the Department of Human Services of the state are hereby authorized to carry insurance on vehicles, motorized machinery, or equipment owned and operated by the Department of Transportation, the Board of Agriculture, and the Department of Human Services, such insurance to be of the following kinds and in amounts not exceeding the following:

1. Bodily injury liability, One Hundred Thousand Dollars (\$100,000.00) each person, Three Hundred Thousand Dollars (\$300,000.00) each accident;
2. Property damage liability, Fifty Thousand Dollars (\$50,000.00) each accident; and
3. Medical and hospital insurance, Five Thousand Dollars (\$5,000.00).

Such insurance shall be on standard policy forms approved by the State Insurance Commissioner and with companies authorized to do business in Oklahoma, and shall be paid for out of administrative funds of such departments. Such insurance may cover not only the department or state agency purchasing the insurance but also the personal liability of the operator. The ownership, maintenance, operation and use of motor vehicles and motorized movable equipment owned, leased, used or operated by such departments or state agencies named in this section is hereby declared to be a public governmental function. An action for damages may be brought against such department or state agency, but the governmental immunity of such department or state agency shall be waived only to the extent of the amount of insurance purchased. Such department or state agency shall be liable for negligence only while such insurance is in force, but in no case in any amount exceeding the limits of coverage of any such insurance policy. No attempt shall be made in the trial of any action brought against any such department or state agency to suggest the existence of any insurance which covers in whole or in part any judgment or award which may be rendered in favor of the plaintiff, and if the verdict rendered by the jury exceeds the limits of the applicable insurance, the court shall reduce the amount of said judgment or award to a sum equal to the applicable limits stated in the policy. To the extent that the insurer has provided indemnity in the contract of insurance to a department or state agency described in this section, the said insurer may not plead as a defense in any action involving insurance purchased by the authority of this section, the governmental immunity of either the state or of any department or agency thereof purchasing insurance pursuant to this section. Venue of all actions provided for herein shall be in the county of the residence of the plaintiff or where the cause of action arose, but summons may be served upon the director, head or governing board or body of the department or state agency being sued and alleged to come within the purview of this section, wherever that

person may be found. Such policies shall be filed in the office of the Secretary of State as a public record.

Added by Laws 1961, p. 544, § 1, emerg. eff. July 26, 1961. Amended by Laws 1970, c. 334, § 1, emerg. eff. April 22, 1970; Laws 1980, c. 67, § 1, emerg. eff. April 10, 1980; Laws 2013, c. 254, § 30, eff. Jan. 1, 2015.

§47-157.2. Bids on insurance.

Each of the above named departments shall cause the advertisement for bids to be published once each week for two (2) consecutive weeks in a newspaper published in and having general circulation in Oklahoma County, prescribing the time and place at which bids will be received. Said insurance contract shall be awarded to the lowest and best bidder.

Laws 1961, p. 545, § 2.

§47-157.3. Actions to be brought against insurer.

Any person or persons suffering damages from the claimed negligent acts of any of such departments, their officers, servants, employees, or agents, arising from the operation of the vehicles, motorized machinery, or equipment so insured is hereby authorized to maintain an action to collect damages against the insurer. The insurer may not plead as a defense in any action involving insurance purchased by the authority of this act the governmental immunity of either the State of Oklahoma, the State Highway Department, the State Department of Agriculture, or the State Department of Public Welfare, or any other subdivision of state government.

Laws 1961, p. 545, § 3.

§47-157.4. Venue of actions.

Venue of all actions provided for herein shall be in the county of the residence of the plaintiff or where the cause of action arose, but summons shall be served upon the director of the department being sued and alleged to come within the purview of this act, wherever he may be found.

Laws 1961, p. 545, § 4.

§47-157.5. Definition.

The term "person" as used in this act shall mean any individual, firm, partnership, corporation, or business entity of any kind or character, or the executor, administrator, trustee, receiver, assignee, or personal representative thereof.

Laws 1961, p. 545, § 5.

§47-158.1. Repealed by Laws 2002, c. 53, § 1, eff. Nov. 1, 2002.

§47-158.2. Maintenance of actions.

The operation of vehicles, motorized machinery and equipment by the Office of Management and Enterprise Services, the State Department of Health, the Department of Public Safety, the Department of Mental Health and Substance Abuse Services, the Department of Corrections, and all other state departments and agencies not otherwise specifically authorized by law, is hereby declared to be a public governmental function. An action for damages may be brought against such departments, but the governmental immunity of such departments shall be waived only to the extent of the amount of insurance purchased. The departments shall be liable for negligence only while such insurance is in force, but in no case in an amount exceeding the limits of the coverage of any such insurance policy. No attempt shall be made in the trial of any action brought against any such departments to suggest the existence of any insurance which covers in whole or in part any judgment or award which may be rendered in favor of the plaintiff, and if the verdict rendered by the jury exceeds the limits of the applicable insurance, the court shall reduce the amount of said judgment or award to a sum equal to the applicable limits stated in the policy. The insurer may not plead as a defense in any action involving insurance purchases by the authority of this section the governmental immunity of either the State of Oklahoma, the State Department of Health, Department of Public Safety, Department of Mental Health and Substance Abuse Services, or the Department of Corrections.

Added by Laws 1963, c. 293, § 2, emerg. eff. June 18, 1963. Amended by Laws 1990, c. 51, § 114, emerg. eff. April 9, 1990; Laws 2008, c. 302, § 5, emerg. eff. June 2, 2008; Laws 2012, c. 304, § 177.

- §47-159.1. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.
- §47-159.2. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.
- §47-159.3. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.
- §47-159.4. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.
- §47-159.5. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.
- §47-159.6. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.
- §47-159.7. Repealed by Laws 2002, c. 184, § 2, eff. July 1, 2002.
- §47-159.8. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.
- §47-159.9. Renumbered as § 78c of Title 74 by Laws 2001, c. 169, § 10, eff. Nov. 1, 2001.

§47-159.10. Renumbered as § 78d of Title 74 by Laws 2001, c. 169, § 10, eff. Nov. 1, 2001.

§47-159.11. Renumbered as § 485.12 of Title 63 by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-161. Repealed by Laws 2009, c. 183, § 15, eff. Nov. 1, 2009.

§47-161.1. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-161.2. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-161A. Household Goods Act of 2009 - Definitions.

A. This act shall be known and may be cited as the "Household Goods Act of 2009". The purpose of this act is to regulate intrastate transportation by motor carriers of household goods in such manner as to establish standards for public safety, fair competitive practices, adequate and dependable service, and protection of shippers from deceptive or unfair practices.

B. The provisions of this act, except as specifically limited herein, shall apply to the intrastate transportation of household goods by motor carriers over public highways of this state; and the regulations of such transportation, and the procurement thereof and the provisions of facilities therefor, are hereby vested in the Corporation Commission.

Shipments contracted by the federal government, a state government, a tribal government or any local government or political subdivision thereof shall not be required to obtain a household goods certificate, but shall be regulated by the Commission to achieve compliance with safety requirements and size and weight limitations.

Nothing in this act shall be construed to interfere with the exercise by agencies of the government of the United States of its power of regulation of interstate commerce.

C. As used in this act:

1. "Commission" means the Corporation Commission;

2. "Corporate family" means a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly one hundred percent (100%) interest;

3. "Household goods" means used personal effects and property of a dwelling;

4. "Household goods certificate" means a certificate of authority issued by the Corporation Commission to transport household goods within this state;

5. "Intercompany hauling" means the transportation of household goods, by motor vehicle, for compensation, by a carrier which is a member of a corporate family, as defined in this section,

when the transportation for compensation is provided for other members of the corporate family;

6. "Motor carrier of household goods" means a person transporting household goods for compensation or other consideration, with an origin and destination within this state;

7. "Motor vehicle" means any automobile, truck, truck-tractor, trailer or semitrailer or any motor bus or self-propelled vehicle not operated or driven upon fixed rails or tracks;

8. "Person" means any individual, firm, copartnership, limited partnership, corporation, limited liability corporation, company, association, or joint-stock association and includes any trustee, receiver, assignee, or personal representative thereof; and

9. "Public highway" means every public street, road, highway, or thoroughfare in this state, used by the public, whether actually dedicated to the public and accepted by the proper authorities or otherwise.

D. The terms and provisions of this act shall apply to commerce with foreign nations, or commerce among the several states of this Union, insofar as such application may be permitted under the provisions of the Constitution of the United States and the Acts of Congress.

Added by Laws 2009, c. 183, § 1, eff. Nov. 1, 2009.

§47-162. Powers and duties of Commission.

A. The Corporation Commission is authorized to:

1. Supervise and regulate every motor carrier of household goods;

2. Protect the shipping and general public by requiring liability insurance and cargo insurance of all motor carriers of household goods;

3. Ensure motor carriers of household goods are complying with applicable size and weight laws and safety requirements;

4. Supervise and regulate such motor carriers in all other matters affecting the relationship between such carriers and the traveling and shipping public including, but not limited to, consumer protection measures and loss and damage claim procedures; and

5. Enforce the provisions of this act.

B. The Commission is authorized to promulgate rules applicable to persons transporting household goods.

C. 1. The Commission is authorized to administer a hazardous material transportation registration and permitting program for motor carriers engaged in transporting hazardous material upon or over the public highways and within the borders of the state.

2. The Commission shall promulgate rules implementing the provisions of this subsection. Rules promulgated pursuant to this subsection shall be consistent with, and equivalent in scope, coverage, and content to requirements applicable to operators of

vehicles transporting hazardous materials contained in the report submitted to the Secretary of the United States Department of Transportation, pursuant to 49 U.S.C. 5119(b), by the Alliance for Uniform Hazardous Material Transportation Procedures.

D. Nothing in this section shall be construed to remove or affect the jurisdiction of the Department of Environmental Quality to implement hazardous waste transportation requirements for federal hazardous waste program delegation to this state under the federal Resource Conservation and Recovery Act.

E. The Commission is authorized to promulgate rules and set fees applicable to interstate motor carriers, pertaining to carrier registration, operation of equipment and filing of proper proof of liability insurance.

Added by Laws 1929, c. 253, p. 352, § 2. Amended by Laws 1968, c. 190, § 2, eff. Sept. 30, 1968; Laws 1984, c. 60, § 1; Laws 1995, c. 143, § 14, eff. Nov. 1, 1995; Laws 2000, c. 130, § 3, emerg. eff. April 24, 2000; Laws 2005, c. 418, § 2, emerg. eff. June 6, 2005; Laws 2009, c. 183, § 2, eff. Nov. 1, 2009.

§47-162.1. Participation in Unified Carrier Registration System.

The Corporation Commission is authorized to promulgate rules necessary to enable this state to participate in the Unified Carrier Registration System for interstate motor carriers, brokers, forwarders and leasing companies and interstate motor carriers holding intrastate authority as set forth in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Subtitle C-Unified Carrier Registration Act of 2005. Added by Laws 1993, c. 171, § 1, emerg. eff. May 10, 1993. Amended by Laws 2006, c. 238, § 2, emerg. eff. June 6, 2006; Laws 2008, c. 168, § 1, emerg. eff. May 12, 2008; Laws 2009, c. 182, § 1, eff. Nov. 1, 2009.

§47-163. Certification to transport household goods.

A. No person shall transport household goods for compensation or other consideration in intrastate commerce without a valid certificate issued by the Corporation Commission.

B. The Commission shall promulgate rules ensuring consumer protection and loss and damage claim procedures.

C. Every motor carrier, subject to this act, receiving household goods for transportation in intrastate commerce shall issue a receipt or bill of lading therefor, the form of which shall be prescribed by the Commission.

D. Record-keeping documents, as required by the Commission, shall be maintained by the motor carrier of household goods for a minimum of three (3) years. The Commission is authorized to require certain documents to be retained for a longer period of time pending a claim for any other reason the Commission deems necessary.

E. Any person, motor carrier, or shipper who shall willfully violate any provision of this act or the Commission's rules pursuant thereto may be found in violation by the Commission. After proper notice and hearing, violators may be assessed penalties in an amount not to exceed One Thousand Dollars (\$1,000.00) for the first violation and for the second violation within a year a penalty not to exceed Five Thousand Dollars (\$5,000.00).

Added by Laws 1929, c. 253, p. 353, § 3. Amended by Laws 1968, c. 190, § 3, eff. Sept. 30, 1968; Laws 1995, c. 143, § 15, eff. Nov. 1, 1995; Laws 2009, c. 183, § 3, eff. Nov. 1, 2009.

§47-163.1. Repealed by Laws 2009, c. 183, § 16, eff. Nov. 1, 2009.

§47-163.2. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-165. Application and filing fees.

A. Upon the filing of an application to operate as a motor carrier of household goods, the applicant shall pay to the Corporation Commission a filing fee as set by Commission rule.

B. Upon the filing by an interstate motor carrier of an application to register interstate authority, or supplement thereto, the applicant shall pay the Commission a filing fee as established by the Commission and in full compliance with applicable federal laws.

C. The Commission shall, upon the receipt of any such fee, deposit the same in the State Treasury to the credit of the Corporation Commission Revolving Fund.

Added by Laws 1929, c. 253, p. 353, § 5. Amended by Laws 1933, c. 156, p. 355, § 2, emerg. eff. April 12, 1933; Laws 1968, c. 190, § 5, eff. Sept. 30, 1968; Laws 1971, c. 114, § 1, emerg. eff. April 28, 1971; Laws 1982, c. 354, § 4, operative July 1, 1982; Laws 1982, c. 358, § 16, emerg. eff. June 2, 1982; Laws 1985, c. 205, § 1, eff. May 1, 1985; Laws 1985, c. 325, § 7, emerg. eff. July 29, 1985; Laws 1995, c. 143, § 17, eff. Nov. 1, 1995; Laws 2009, c. 183, § 4, eff. Nov. 1, 2009.

§47-166. Certificates or permits.

A. It is hereby declared unlawful for any person to transport household goods in intrastate commerce without a valid certificate issued by the Corporation Commission.

B. Motor carriers engaged in intercorporate hauling must obtain a certificate in the motor carrier's name.

C. Applicants for intrastate authority to transport household goods shall file an application as required by this act and as prescribed by the Commission. A household goods certificate shall be issued to the applicant upon completion of all requirements.

D. The Commission may consider any written protests or written complaints filed prior to granting or renewing a household goods

certificate. If the Commission elects not to grant or renew a household goods certificate, the application shall be set for public hearing in accordance with Commission rules.

E. Household goods certificates may not be assigned or transferred.

F. The Commission shall exercise any additional power that may from time to time be conferred upon the state by any Act of Congress.

G. The Commission shall adopt rules prescribing the manner and form in which motor carriers shall apply for a household goods certificate.

Added by Laws 1929, c. 253, p. 353, § 6. Amended by Laws 1965, c. 183, § 2; Laws 1968, c. 190, § 6, eff. Sept. 30, 1968; Laws 1995, c. 143, § 18, eff. Nov. 1, 1995; Laws 2009, c. 183, § 5, eff. Nov. 1, 2009.

§47-166.1. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-166.1a. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-166.1b. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-166.2. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-166.3. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-166.4. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-166.5. Conflicting constitutional provisions - Amendment and alteration.

If this act or the Motor Carrier Act of 1995 or any provision hereof is, or may be deemed to be, in conflict or inconsistent with any of the provisions of Section 18 through Section 34, inclusive, of Article IX of the Constitution of the State of Oklahoma, then, to the extent of any such conflicts or inconsistencies, it is hereby expressly declared that this entire act and this section are amendments to and alterations of the sections of the Constitution, as authorized by Section 35 of Article IX of said Constitution.

Added by Laws 1980, c. 13, § 5, emerg. eff. March 20, 1980. Amended by Laws 1995, c. 143, § 19, eff. Nov. 1, 1995.

§47-166a. Definitions - Operation of equipment not owned by motor carrier - Leases - Application of provisions.

A. As used in this section:

1. "Authorized carrier" means a motor carrier of household goods;

2. "Equipment" means a motor vehicle, straight truck, tractor, semitrailer, full trailer, any combination of these and any other

type of equipment used by authorized carriers in the transportation of household goods;

3. "Owner" means a person to whom title to equipment has been issued, or who, without title, has the right to exclusive use of equipment for a period longer than thirty (30) days;

4. "Lease" means a contract or arrangement in which the owner grants the use of equipment, with or without driver, for a specified period to an authorized carrier for use in the regulated transportation of household goods in exchange for compensation;

5. "Lessor", in a lease, means the party granting the use of equipment with or without driver to another;

6. "Lessee", in a lease, means the party acquiring the use of equipment with or without driver from another;

7. "Addendum" means a supplement to an existing lease which is not effective until signed by the lessor and lessee; and

8. "Shipper" means a person who sends or receives household goods which are transported in intrastate commerce in this state.

B. An authorized carrier may perform authorized transportation in equipment it does not own only under the following conditions:

1. There shall be a written lease granting the use of the equipment and meeting the requirements as set forth in subsection C of this section;

2. The authorized carrier acquiring the use of equipment under this section shall identify the equipment in accordance with the Commission's requirements; and

3. Upon termination of the lease, the authorized carrier shall remove all identification showing it as the operating carrier before giving up possession of the equipment.

C. The written lease required pursuant to subsection B of this section shall contain the following provisions. The required lease provisions shall be adhered to and performed by the authorized carrier as follows:

1. The lease shall be made between the authorized carrier and the owner of the equipment. The lease shall be signed by these parties or by their authorized representatives;

2. The lease shall specify the time and date or the circumstances on which the lease begins and ends and include a description of the equipment which shall be identified by vehicle serial number, make, year, model and current license plate number;

3. The period for which the lease applies shall be for thirty (30) days or more when the equipment is to be operated for the authorized carrier by the owner or an employee of the owner;

4. The lease shall provide that the authorized carrier lessee shall have exclusive possession, control and use of the equipment for the duration of the lease. The lease shall further provide that the authorized carrier lessee shall assume complete responsibility for the operation of the equipment for the duration of the lease;

5. The amount to be paid by the authorized carrier for equipment and driver's services shall be clearly stated on the face of the lease or in an addendum which is attached to the lease. The amount to be paid may be expressed as a percentage of gross revenue, a flat rate per mile, a variable rate depending on the direction traveled or the type of commodity transported, or by any other method of compensation mutually agreed upon by the parties to the lease. The compensation stated on the lease or in the attached addendum may apply to equipment and driver's services either separately or as a combined amount;

6. The lease shall clearly specify the responsibility of each party with respect to the cost of fuel, fuel taxes, empty mileage, permits of all types, tolls, detention and accessorial services, base plates and licenses, and any unused portions of such items. Except when the violation results from the acts or omissions of the lessor, the authorized carrier lessee shall assume the risks and costs of fines for overweight and oversize trailers when the trailers are preloaded, sealed, or the load is containerized, or when the trailer or lading is otherwise outside of the lessor's control, and for improperly permitted over-dimension and overweight loads and shall reimburse the lessor for any fines paid by the lessor. If the authorized carrier is authorized to receive a refund or a credit for base plates purchased by the lessor from, and issued in the name of, the authorized carrier, or if the base plates are authorized to be sold by the authorized carrier to another lessor, the authorized carrier shall refund to the initial lessor on whose behalf the base plate was first obtained a prorated share of the amount received;

7. The lease shall specify that payment to the lessor shall be made by the authorized carrier within fifteen (15) days after submission of the necessary delivery documents and other paperwork concerning a trip in the service of the authorized carrier. The paperwork required before the lessor can receive payment is limited to those documents necessary for the authorized carrier to secure payment from the shipper. The authorized carrier may require the submission of additional documents by the lessor but not as a prerequisite to payment;

8. The lease shall clearly specify the right of those lessors whose revenue is based on a percentage of the gross revenue for a shipment to examine copies of the authorized carrier's freight bill before or at the time of settlement. The lease shall clearly specify the right of the lessor, regardless of method of compensation, to examine copies of the carrier's tariff;

9. The lease shall clearly specify all items that may be initially paid for by the authorized carrier, but ultimately deducted from the lessor's compensation at the time of payment or settlement together with a recitation as to how the amount of each item is to be

computed. The lessor shall be afforded copies of those documents which are necessary to determine the validity of the charge;

10. The lease shall specify that the lessor is not required to purchase or rent any products, equipment, or services from the authorized carrier as a condition of entering into the lease arrangement;

11. As it relates to insurance:

- a. the lease shall clearly specify the legal obligation of the authorized carrier to maintain insurance coverage for the protection of the public, and
- b. the lease shall clearly specify the conditions under which deductions for cargo or property damage may be made from the lessor's settlements. The lease shall further specify that the authorized carrier must provide the lessor with a written explanation and itemization of any deductions for cargo or property damage made from any compensation of money owed to the lessor. The written explanation and itemization must be delivered to the lessor before any deductions are made; and

12. An original and two copies of each lease shall be signed by the parties. The authorized carrier shall keep the original and shall place a copy of the lease in the equipment during the period of the lease. The owner of the equipment shall keep the other copy of the lease.

D. The provisions of this section shall apply to the leasing of equipment with which to perform household goods transportation by motor carriers.

Added by Laws 1984, c. 60, § 2. Amended by Laws 1995, c. 143, § 20, eff. Nov. 1, 1995; Laws 2009, c. 183, § 6, eff. Nov. 1, 2009.

§47-167.1. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-169. Filing of certificates of insurance coverage as condition precedent to certificate or permit - Actions by injured party - Failure to maintain coverage.

A. No certificate shall be issued by the Corporation Commission to any motor carrier of household goods until after such motor carrier shall have filed with the Commission a liability insurance policy or bond covering public liability and property damage, issued by some insurance or bonding company or insurance carrier authorized as set forth below, and which has complied with all of the requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in such sum and amount as fixed by a proper order of the Commission; and such liability and property damage insurance policy or bond shall bind the obligor thereunder to make compensation for injuries to, or death of,

persons, and loss or damage to property, resulting from the operation of any such motor carrier for which such carrier is legally liable. After judgment against the carrier for any damage, the injured party may maintain an action upon the policy or bond to recover the same, and shall be a proper party to maintain such action.

B. Every motor carrier of household goods shall file with the Commission a cargo insurance policy or bond covering any goods or property being transported, issued by some insurance or bonding company or insurance carrier authorized as set forth below, and which has complied with all of the requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in a sum and amount as fixed by Commission rule. The cargo insurance must be filed with the Commission prior to a certificate being issued by the Commission.

C. No carrier, whose principal place of business is in Oklahoma, shall conduct any operations in this state unless the operations are covered by a valid primary bond or insurance policy issued by an insurer authorized or approved by the Oklahoma Insurance Department. No carrier whose principal place of business is not in Oklahoma shall conduct any operations in this state unless the operations are covered by a valid bond or insurance policy issued by an insurer licensed or approved by the insurance regulatory authority of the state of their principal place of business or the Oklahoma Insurance Department.

D. Each motor carrier shall maintain on file, in full force, all insurance required by the laws of the State of Oklahoma and the rules of the Commission during such motor carrier's operation and that the failure for any cause to maintain such coverage in full force and effect shall immediately, without any notice from the Commission, suspend such carrier's rights to operate until proper insurance is provided. Any carrier suspended for failure to maintain proper insurance shall have a reasonable time, not exceeding sixty (60) days, within which to provide proper insurance and to have the carrier's authority reactivated, upon showing:

1. No operation during the period in which the carrier did not have insurance; and

2. Furnishing of proper insurance coverage.

E. Any carrier who fails to reactivate the carrier's certificate within sixty (60) days after such suspension, as above provided, shall have the certificate canceled, by operation of law, without any notice from the Commission. No certificate so canceled shall be reinstated or otherwise made operative except that the Commission may reinstate the authority of a motor carrier upon proper showing that the motor carrier was actually covered by proper insurance during the suspension or cancellation period, and that failure to file with the Commission was not due to the motor carrier's fault. Any carrier

desiring to file for reinstatement of the carrier's certificate shall do so within ninety (90) days of its cancellation by law.

F. The Commission shall, in its discretion, permit the filing of certificates of insurance coverage on such form as may be prescribed by the Commission, in lieu of copies of insurance policies or bonds, with the proviso that if the certificates are authorized, the insurance company or carrier so filing it, upon request of the Commission, shall, at any time, furnish an authenticated copy of the policy which the certificate represents, and further provided that thirty (30) days prior to effective cancellation or termination of the policy of insurance for any cause, the insurer shall so notify the Commission in writing of the facts or as deemed necessary by the Commission.

Added by Laws 1929, c. 253, p. 358, § 10. Amended by Laws 1933, c. 156, p. 360, § 4, emerg. eff. April 12, 1933; Laws 1937, p. 444, § 16; Laws 1965, c. 183, § 4, emerg. eff. June 3, 1965; Laws 1968, c. 190, § 9, eff. Sept. 30, 1968; Laws 1970, c. 80, § 1, emerg. eff. March 23, 1970; Laws 1995, c. 143, § 21, eff. Nov. 1, 1995; Laws 2009, c. 183, § 7, eff. Nov. 1, 2009.

§47-169.1. Motor carriers - Liability for loss, damage or injury to goods or property.

Every motor carrier of household goods shall be liable for all loss, damage or injury to goods or property due to any negligence while the same is entrusted to it during operations as a household goods carrier.

Added by Laws 1982, c. 24, § 1, operative Oct. 1, 1982. Amended by Laws 1995, c. 143, § 22, eff. Nov. 1, 1995; Laws 2009, c. 183, § 8, eff. Nov. 1, 2009.

§47-169.2. Claims - Procedure.

Every motor carrier of household goods, upon receipt of a claim in writing for loss of or damage to cargo during transportation, some portion of which was performed by that carrier, regardless of the form in which the claim is presented, shall:

1. Acknowledge receipt of the claim in writing within thirty (30) days after receipt thereof by the motor carrier;
2. Commence an investigation in good faith to determine whether the carrier acknowledges or denies liability for the loss or damage;
3. Either pay the claim in full, or as agreed to by mutual compromise, or deny liability for loss or damage, in writing, within ninety (90) days after receipt of the original claim by the carrier. Such action shall not be withheld or postponed pending receipt of payment or acknowledgment of liability from connecting carriers; and
4. Acknowledgment of liability shall be accompanied by payment in full for the value of property lost or damaged except where subject to limited liability or released value. When a shipper,

without prior approval from the consignee, elects to release a shipment at a value less than the full value of the property shipped, in the event of loss or damage, the shipper will indemnify to the consignee the difference between the released or limited valuation paid by the carrier and the full value of the property shipped. A carrier's liability is limited to the released value or limited liability as agreed as stated in the bill of lading covering the shipment.

Added by Laws 1982, c. 24, § 2, operative Oct. 1, 1982. Amended by Laws 1995, c. 143, § 23, eff. Nov. 1, 1995; Laws 2009, c. 183, § 9, eff. Nov. 1, 2009.

§47-169.3. Nonliability - Burden of proof.

Where shipments of household goods are received by the carrier from the shipper in apparent good order and with no exceptions noted on the bill of lading, and delivered by the carrier with written exceptions covering loss or damage thereto, the carrier shall have the burden of proof to establish nonliability for such loss or damage. Terms and conditions of the bill of lading contract referring to excepted causes shall remain applicable.

Added by Laws 1982, c. 24, § 3, operative Oct. 1, 1982. Amended by Laws 1995, c. 143, § 24, eff. Nov. 1, 1995; Laws 2009, c. 183, § 10, eff. Nov. 1, 2009.

§47-169.4. Concealed loss or damage - Claim - Inspection - Evidence.

Where shipments of household goods are received by the carrier from the shipper in apparent good order and with no exceptions noted on the bill of lading, and delivered by the carrier in the same manner, with no exceptions noted, such concealed loss or damage claims must be submitted to the carrier by the shipper. Inspections covering loss or damage found after delivery must be requested to the delivering carrier in writing within fifteen (15) days after the delivery of the shipment involved. If more than fifteen (15) days have passed, it is incumbent upon the consignee to offer reasonable evidence to the carrier or a representative of the carrier that loss or damage was not incurred by the consignee after delivery by the carrier.

Added by Laws 1982, c. 24, § 4, operative Oct. 1, 1982. Amended by Laws 1995, c. 143, § 25, eff. Nov. 1, 1995; Laws 2009, c. 183, § 11, eff. Nov. 1, 2009.

§47-169.5. Failure to process claim or express declination of claim in writing - Penalty.

If the carrier fails to process loss or damage claims as provided in Sections 169.2 through 169.4 of this title, or to express declinations of the claims in writing with proof of nonliability, the carrier may be found in contempt by the Corporation Commission after

proper notice and hearing. Failure to pay any fine or otherwise resolve the complaint may result in a hearing by the Corporation Commission to determine if the operating authority of the carrier shall be revoked.

Added by Laws 1982, c. 24, § 5, operative Oct. 1, 1982. Amended by Laws 1995, c. 143, § 26, eff. Nov. 1, 1995; Laws 2009, c. 183, § 12, eff. Nov. 1, 2009.

§47-169.6. Other remedies and rights of action - Attorney fees - Costs.

Nothing in Sections 169.1 through 169.5 of this title shall deprive any holder of a receipt of bill of lading any remedy or right of action under existing law. Where litigation is pursued under other existing rights, the prevailing party shall be allowed reasonable attorney fees and court costs.

Added by Laws 1982, c. 24, § 6, operative Oct. 1, 1982. Amended by Laws 1995, c. 143, § 27, eff. Nov. 1, 1995.

§47-169.7. Statements of liability or indemnity agreements not required - Exceptions.

A motor carrier shall not be required to sign any statement of liability or enter into any contract for the indemnification of any person for any acts or omissions not arising from damage or loss from a wrongful or negligent act or omission from the motor carrier.

The provisions of this section shall not apply to railroad intermodal or transload facilities or to contracts with railroads or ocean carriers.

Added by Laws 2004, c. 458, § 1, emerg. eff. June 4, 2004.

§47-170. Weight and size of vehicles - Advertising - Suspension or revocation - Personal character of certificates or permits.

A. Nothing contained in this act shall be construed to authorize the operation of any freight vehicle in excess of the gross weight, width, length or height authorized by law.

B. Any person who willfully advertises to perform transportation services for which the person does not hold a proper certificate shall be in violation of this act and subject to the penalties prescribed for contempt of the Corporation Commission.

C. Household goods certificates may be suspended or revoked for any violation of state law or Commission rule.

D. Certificates shall be considered personal to the holder thereof and shall be issued only to some definite legal entity operating motor vehicles as a motor carrier of household goods, and shall not be subject to lease, nor shall the holder thereof sublet or permit the exercise, by another, in anywise, of the rights or privileges granted thereunder.

Added by Laws 1929, c. 253, p. 359, § 11. Amended by Laws 1933, c. 156, p. 361, § 5, emerg. eff. April 12, 1933; Laws 1968, c. 190, § 10, eff. Sept. 30, 1968; Laws 1995, c. 143, § 28, eff. Nov. 1, 1995; Laws 2009, c. 183, § 13, eff. Nov. 1, 2009.

§47-170.1. Complaints - Notice and hearing - Orders - Revocation - Liability of complaining party - Appeal.

A. Upon any complaint in writing under oath being made by any person, or by the Commission of its own motion, setting forth any act or thing done or omitted to be done by any person in violation, or claimed violation, of any provision of law, or of any order or rule of the Commission, the Commission shall enter same upon its docket and shall immediately serve a copy thereof upon each defendant together with a notice directed to each defendant requiring that the matter complained of be answered, in writing, within ten (10) days of the date of service of such notice, provided that the Commission may, in its discretion, require particular cases to be answered within a shorter time, and the Commission may, for good cause shown, extend the time in which an answer may be filed.

Upon the filing of the answer herein provided for, the Commission shall set a time and place for the hearing, and notice of the time and place of the hearing shall be served not less than ten (10) days before the time set therefor, unless the Commission shall find that public necessity requires the hearing at an earlier date.

B. The Commission may, in all matters within its jurisdiction, issue subpoenas, subpoenas duces tecum, and all necessary process in proceedings pending before the Commission; may administer oaths, examine witnesses, compel the production of records, books, papers, files, documents, contracts, correspondence, agreements, or accounts necessary for any investigation being conducted, and certify official acts.

C. In case of failure on the part of any person to comply with any lawful order of the Commission, or of any Commissioner, or with any subpoena or subpoena duces tecum, or to testify concerning any matter on which he may be lawfully interrogated, the Commission may compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena, or of the refusal to testify.

D. Witnesses who are summoned before the Commission shall be paid the same fees and mileage as are paid to witnesses in courts of record. Any party to a proceeding at whose instance a subpoena is issued and served shall pay the costs incident thereto and the fees for mileage of all his witnesses.

E. In event any process shall be directed to any nonresident who is authorized to do business in this state, the process may be served upon the agent designated by the nonresident for the service of

process, and service upon the agent shall be as sufficient and as effective as if served upon the nonresident.

F. All process issued by the Commission shall extend to all parts of the state and any such process, together with the service of all notices issued by the Commission, as well as copies of complaints, rules, orders and regulations of the Commission, may be served by any person authorized to serve process issued out of courts of record, or by certified mail.

G. After the conclusion of any hearing, the Commission shall, within sixty (60) days, make and file its findings and order, with its opinion. Its findings shall be in sufficient detail to enable any court in which any action of the Commission is involved to determine the controverted questions presented by the proceeding. A copy of such order, certified under the seal of the Commission, shall be served upon the person against whom it runs, or the attorney of the person, and notice thereof shall be given to the other parties to the proceedings or their attorneys. The order shall take effect and become operative within fifteen (15) days after the service thereof, unless otherwise provided. If an order cannot, in the judgment of the Commission, be complied with within fifteen (15) days, the Commission may grant and prescribe such additional time as in its judgment is reasonably necessary to comply with the order, and may, on application and for good cause shown, extend the time for compliance fixed in the order.

H. In the event the Commission finds that the defendant is guilty upon any complaint filed and proceeding had and that the provisions of law, or the rules, regulations or orders of this Commission have been willfully and knowingly violated and the violator holds a permit or certificate or license issued by the Commission authorizing it to engage in the transportation of persons or property for hire, then such permit or certificate or license may also be revoked by the Commission.

I. Where a complaint is instituted by any person other than the Commission of its own motion and in the event the Commission should find that the complaint was not in good faith, the complaining party shall be required to pay the defendant's attorney's fee, the fee to be prescribed by the Commission in accordance with applicable Oklahoma Bar Association standards.

J. Any person aggrieved by any findings and order of the Commission may appeal to the Supreme Court in the way and manner now or hereafter provided for appeals from the district court to the Supreme Court.

Added by Laws 1968, c. 190, § 26. Amended by Laws 1969, c. 93, § 1, emerg. eff. March 25, 1969; Laws 1995, c. 143, § 29, eff. Nov. 1, 1995.

§47-170.2. Report of load capacity violations to Corporation Commission - Contempt of Commission motor carrier rules, tariffs and regulations - Penalties - Complaint procedure.

A. The Department of Public Safety, monthly, shall notify the Oklahoma Corporation Commission of any ticket issued for a violation of the provisions of Section 14-119 of this title, or any provisions of Chapter 14 of this title or the terms of any special permit authorized pursuant to the provisions of Chapter 14 of this title concerning overweight or overweight special permits.

B. Truck overweight violations by motor carriers or private carriers shall be considered contempt of Commission motor carrier rules, tariffs and regulations. The Commission shall establish a specific rule whereby such overweight violations by motor carriers or private carriers shall be grounds for issuance of a show-cause order for consideration of temporary or permanent cancellation of operating authority or license. In establishing the rule, consideration shall be given to the frequency of violations, pattern of violations, fleet size, type of operation, amount of overweight, and other such factors that may indicate intent. Any person, firm, or corporation that assists in the commission of such overweight violation or refuses to comply with any rule, regulation, or order of the Commission relating thereto shall be guilty of contempt of the Commission and shall be subject to a fine to be imposed by said Commission in a sum not to exceed Five Hundred Dollars (\$500.00) on each violation. In the specific instance of an overweight violation, the transportation of each load shall constitute a separate violation. The same fine assessed against the motor carrier or private carrier shall apply to any other person, firm, or corporation that aids or abets such violations. Provided however, no motor carrier, private carrier, shipper or person loading or causing a motor vehicle to be loaded shall be subject to a fine for contempt unless the gross weight of the motor vehicle is more than five thousand (5,000) pounds overweight.

C. The Commission, in its discretion and on its own motion, may make a contempt complaint in writing under oath setting forth the violation, enter the complaint on its docket, and proceed with the matter in accordance with the provisions of Sections 161 et seq. of this title or the Motor Carrier Act of 1995.

Added by Laws 1984, c. 49, § 3, operative July 1, 1984. Amended by Laws 1985, c. 124, § 1, eff. July 1, 1985; Laws 1995, c. 143, § 30, eff. Nov. 1, 1995.

§47-171. Appropriation - Extra help for Corporation Commission.

All monies accruing to the "Corporation Commission Revolving Fund" are hereby appropriated to the Corporation Commission.

The Corporation Commission is hereby authorized and empowered to employ such extra help as may be necessary to carry out the

provisions of this act for the enforcement of the law and the collection of taxes set forth herein, said employees to be paid from the appropriations made in this section. Provided, such employees shall be paid such salaries or compensation as is paid for similar service in this state in the same or other departments of the state. The Corporation Commission is hereby authorized to pay from the "Corporation Commission Revolving Fund" such extra operating expenses as may be attributable to the enforcement of this act, in the same manner and form as other expenses are paid.

Provided further, such employees shall be such extra help as may be in the judgment of the Corporation Commission necessary to aid in the enforcement of this act in addition to the positions hereinafter created; the salaries and expenses of the positions hereinafter created shall be paid out of funds appropriated by the general departmental appropriations act.

Amended by Laws 1985, c. 325, § 8, emerg. eff. July 29, 1985.

§47-171.1. Expenditure of Corporation Commission Revolving Funds - Uses.

In addition to other uses authorized by law, funds provided to the Corporation Commission Revolving Fund pursuant to Sections 165, 177.2 and 180h of this title shall be expended as follows:

1. The Corporation Commission Transportation Division shall employ four special motor carrier enforcement officers and one supervisor-officer who shall have the primary duty of investigating and assisting in the prosecution of persons engaged in unauthorized transportation or disposal of deleterious substances as contemplated under the provisions of the Oklahoma Motor Carrier Act and any other applicable provisions of law. Such employees shall be compensated as for similar service in the same or other departments of the state and an expense allowance of One Hundred Dollars (\$100.00) per month for maintenance and cleaning of uniforms and other related expenses shall be paid to such employees. Nothing in this section regarding expense allowances shall be construed to mean that such employees shall receive any additional compensation beyond what is provided for maintenance and cleaning of uniforms and other related expenses by the Corporation Commission on the effective date of this act.

2. The Commission shall purchase a sufficient number of motor vehicles to provide each motor carrier enforcement officer employed in the Transportation Division a motor vehicle suitable to carry out the enforcement provisions of applicable law. Said vehicles shall be appropriately marked as official vehicles and radio equipped. All costs for operation, maintenance and replacement of the motor vehicles authorized in this section shall be provided for from the Corporation Commission Revolving Fund.

3. The Commission shall employ a hearing officer whose primary responsibility shall be the adjudication of enforcement proceedings

and complaints brought against persons engaged in unauthorized transportation or disposal of deleterious substances or other unauthorized transportation in violation of the Oklahoma Motor Carrier Act or the rules and regulations of motor carriers as promulgated by the Corporation Commission.

Added by Laws 1982, c. 354, § 7, operative July 1, 1982. Amended by Laws 1985, c. 325, § 9, emerg. eff. July 29, 1985; Laws 1993, c. 185, § 1, eff. Sept. 1, 1993.

§47-171.2. Motor carrier enforcement officers.

Motor carrier enforcement officers as authorized in Section 171.1 of this title shall have authority and powers as provided for those motor carrier officers authorized under the provisions of Section 172 of this title.

Added by Laws 1983, c. 151, § 4, emerg. eff. May 26, 1983.

§47-172. Violations of act - Penalty - Report of violations - Civil or criminal proceedings - Official misconduct - Contempt - Personnel, salaries and powers - Oath and bond.

A. Every owner of any motor vehicle, the agents or employees of the owner, and every other person who violates or fails to comply with or procures, aids, or abets in the violation of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, or who fails to obey, observe, or comply with any order, decision, rule or regulation, direction, demand, or requirement of the Corporation Commission, or who procures, aids or abets any corporation or person in the person's, or its, refusal or willful failure to obey, observe or comply with any such order, decision, rule, direction, demand, or regulation shall be deemed guilty of a misdemeanor. Upon conviction in a criminal court of competent jurisdiction, such misdemeanor is punishable by a fine of not exceeding One Thousand Dollars (\$1,000.00).

B. The Corporation Commission shall report to the Attorney General of this state and the district attorney of the proper county having jurisdiction of such offense, any violation of any of the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995 or any rule of the Corporation Commission promulgated pursuant to the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, by any motor vehicle owner, agent or employee of such owner, or any other person. Upon receipt of such report, the Attorney General or the district attorney of the proper county having jurisdiction of such offense shall institute criminal or civil proceedings against such offender in the proper court having jurisdiction of such offense. Any willful failure on the part of members of the Corporation Commission, the Attorney General or any district attorney, to comply with the provisions of this section, shall be deemed official misconduct. The

Corporation Commission shall report such complaints so made to the Governor of this state who shall direct and cause the laws of this state to be enforced.

C. Any person failing, neglecting or refusing to comply with the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, or with any rule, regulation, or requirement of the Corporation Commission promulgated pursuant to the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, shall be guilty of contempt of the Corporation Commission, and shall be subject to a fine to be imposed by the Corporation Commission in a sum not exceeding Five Hundred Dollars (\$500.00). Each day on which such contempt occurs shall be deemed a separate and distinct offense. The maximum fine to be assessed on each day shall be Five Hundred Dollars (\$500.00). All fines collected pursuant to the provisions of this section shall be deposited in the State Treasury to the credit of the Corporation Commission Trucking One-Stop Shop Fund, as created in Section 1167 of this title. This subsection shall not apply in the specific instance of load capacity violations or violations applicable to the transportation or discharge of deleterious substances provided for by specific statutory provisions.

D. The Corporation Commission shall appoint a director of transportation, a deputy director, an insurance supervisor, an insurance clerk, two stenographers, a secretary to the director, an identification device supervisor and an assistant identification device supervisor at such salaries as the Legislature may from time to time prescribe. The employees shall be allowed actual and necessary travel expenses pursuant to the provisions of the State Travel Reimbursement Act. All of the expense claims shall be presented and paid monthly.

E. Enforcement officers, appointed by the Corporation Commission, are hereby declared to be peace officers of this state. Such officers shall be vested with all powers of peace officers in enforcing the provisions of Sections 161 through 180m of this title and the Motor Carrier Act of 1995 in all parts of this state.

The powers and duties conferred upon said enforcement officers shall in no way limit the powers and duties of sheriffs or other peace officers of the state, or any political subdivision thereof, or of members of the Division of Highway Patrol, subject to the Department of Public Safety.

F. The enforcement officers when on duty, upon reasonable belief that any motor vehicle is being operated in violation of any provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, shall be authorized to require the driver of the vehicle to stop and submit to an inspection of the identification device, or devices, in the vehicle, and to submit to such enforcement officer bills of lading, waybills, or other evidences of the

character of the commerce being transported in such vehicle, and to submit to an inspection of the contents of such vehicle for the purpose of comparing same with bills of lading or shipping documentation, waybills, or other evidences of transportation carried by the driver of the vehicle. The officers shall not have the right to plea bargain.

G. The enforcement officers are authorized to serve all warrants, writs, and notices issued by the Corporation Commission relating to the enforcement of the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995 and the rules, regulations, and requirements prescribed by the Corporation Commission promulgated pursuant to Sections 161 through 180m of this title or the Motor Carrier Act of 1995.

H. The enforcement officers shall not have the power or right of search, nor shall they have the right of power of seizure, except as provided in Sections 161 through 180m of this title or the Motor Carrier Act of 1995. The enforcement officers are authorized to hold and detain any motor vehicle operating upon the highways of this state, if, the enforcement officer has reason to believe that the vehicle is being operated contrary to the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, or the rules, regulations, and requirements of the Corporation Commission promulgated pursuant to Sections 161 through 180m of this title or the Motor Carrier Act of 1995.

I. No state official, other than members of the Corporation Commission, shall have any power, right, or authority to command, order, or direct any enforcement officer to perform any duty or service authorized by Sections 161 through 180m of this title or the Motor Carrier Act of 1995.

J. Each of the enforcement officers shall, before entering upon the discharge of their duties, take and subscribe to the usual oath of office and shall execute to the State of Oklahoma a bond in the sum of Twenty-five Thousand Dollars (\$25,000.00) each, with sufficient surety for the faithful performance of their duty. The bond shall be approved and filed as provided by law.

K. No enforcement officer or employee of the Oklahoma Corporation Commission shall have the right to plea bargain in motor carrier or motor transportation matters except the chief legal counsel of the Commission or an assign of the legal staff of the chief legal counsel.

Added by Laws 1929, c. 253, p. 360, § 13. Amended by Laws 1933, c. 156, p. 362, § 6, emerg. eff. April 12, 1933; Laws 1937, p. 444, § 17, emerg. eff. May 1, 1937; Laws 1953, p. 206, emerg. eff. May 29, 1953; Laws 1969, c. 91, § 1, emerg. eff. March 25, 1969; Laws 1983, c. 263, § 13, eff. July 1, 1983; Laws 1985, c. 124, § 2, eff. July 1, 1985; Laws 1985, c. 325, § 10, emerg. eff. July 29, 1985; Laws 1995,

c. 143, § 31, eff. Nov. 1, 1995; Laws 2006, c. 238, § 3, emerg. eff. June 6, 2006.

§47-172.1. Qualifications for enforcement officers.

A. Future applicants for the position of enforcement officer shall be high school graduates and shall have had at least three (3) years' practical experience in the transportation industry or in the field of law enforcement and be certified by the Council on Law Enforcement Education and Training (CLEET) within twelve (12) months from the date of employment. Applicants shall have attained the age of twenty-one (21) years.

B. The applicants shall pass a written test or examination on motor carrier law and the rules of the Commission pertaining thereto, for the purpose of establishing the applicant's fitness and ability to perform the duties of an enforcement officer.

Added by Laws 1968, c. 190, § 25, eff. Sept. 30, 1968. Amended by Laws 1969, c. 90, § 1, emerg. eff. March 25, 1969; Laws 1971, c. 229, § 7, emerg. eff. June 12, 1971; Laws 1995, c. 143, § 32, eff. Nov. 1, 1995.

§47-173. Venue of actions against motor carriers - Issuance of summons.

Any action against a motor carrier for damages by reason of any breach of duty, whether contractual or otherwise, may be brought, in addition to the other counties in which such action may be brought, in the county where the cause of action or some part thereof arose, and summons shall be issued to any other county against any one or more of the defendants at the plaintiff's request.

Laws 1929, c. 253, p. 360, § 14.

§47-176. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-177.2. License and permit for transporting deleterious substances - Proof of access to approved disposal well - List of permits - Fees - Provisions supplemental to other applicable motor carrier laws.

A. No motor carrier shall engage in the business of transporting any salt water, mineral brines, waste oil and other deleterious substances produced from or obtained or used in connection with the drilling, development, producing and operating of oil and gas wells and brine wells, for any valuable consideration whatever, or in any quantity over twenty (20) gallons, without a license authorizing such operation and a deleterious substance transport permit to be issued by the Commission. Provided, transportation of such substances by private carrier of property by motor vehicle shall require a deleterious substance transport permit.

B. No carrier shall transport deleterious substances under a carrier license issued by the Commission until such time as the carrier has been issued a deleterious substance transport permit.

C. No deleterious substance transport permit shall be issued to a motor carrier or private carrier until the carrier has furnished written proof of access to a Class II disposal well or wells. Said written proof of access shall be provided by the owner of such disposal well. Such disposal well must first be approved by the Corporation Commission as adequate to meet the need for proper disposal of all substances which the applicant may reasonably be expected to transport as a motor carrier or private carrier. Provided that nothing in this section shall be construed as prohibiting the disposition of such deleterious substances in a disposal well that is owned by a person other than the transporter.

D. The Commission shall maintain a current list of such permits. The Commission shall charge such annual deleterious substance transport permitting fees as will cover the cost of issuing such licenses and an annual fee of Two Hundred Fifty Dollars (\$250.00) for each such deleterious substance transport license. Proceeds from the fees shall be deposited by the Commission in the State Treasury to the credit of the Corporation Commission Revolving Fund. The provisions of this section are supplemental and are in addition to the laws applicable to motor carriers.

Added by Laws 1965, c. 422, § 2, emerg. eff. July 8, 1965. Amended by Laws 1968, c. 190, § 12, eff. Sept. 30, 1968; Laws 1982, c. 354, § 5, operative July 1, 1982; Laws 1983, c. 151, § 1, emerg. eff. May 26, 1983; Laws 1985, c. 325, § 11, emerg. eff. July 29, 1985; Laws 1988, c. 322, § 6; Laws 1993, c. 145, § 253, eff. July 1, 1993; Laws 1995, c. 143, § 33, eff. Nov. 1, 1995.

NOTE: Laws 1982, c. 358, § 17 repealed by Laws 1983, c. 151, § 5, emerg. eff. May 26, 1983.

§47-177.3. Violations - Penalties.

A. It shall be unlawful for a motor carrier, whether private, common, or contract, to dump, disperse, or otherwise release substances described in Section 177.2 of this title upon a public highway or elsewhere except on property or in wells, reservoirs, or other receptacles owned, held, leased, or otherwise rightfully and legally available to the motor carrier for such use and purpose.

B. It shall be unlawful for any motor truck or tank vehicle used to transport substances described in Section 177.2 of this title to have a release device located or operated in any manner from within the cab of such a motor vehicle.

C. Any violation of the provisions of subsections A or B of this section shall constitute a misdemeanor. It shall be the duty of the prosecuting attorney of the county in which a violation of the provisions of this section occurs to file and prosecute the

aforementioned misdemeanor charge and advise the Commission of such action and the results thereof.

D. The Oklahoma Corporation Commission may initiate contempt proceedings for any violation concerning disposal by a carrier of a substance described in Section 177.2 of this title. The first violation proven by the Commission in any calendar year shall result in a motor carrier or private carrier being warned by the Commission and, upon conviction, fined up to Two Thousand Five Hundred Dollars (\$2,500.00). A second violation proven by the Commission in any calendar year shall result in a motor carrier or private carrier being placed on probation and fined up to Five Thousand Dollars (\$5,000.00) by the Commission. A third violation proven by the Commission in any calendar year shall result in a fine of up to Twenty Thousand Dollars (\$20,000.00), and, at the discretion of the Commission, cancellation of the carrier's license for a period up to one (1) year and cancellation of a motor carrier or private carrier deleterious substance transport permit. The driver of a truck, who is not the owner of the vehicle used in violation of this section or any of the rules and regulations of the Oklahoma Corporation Commission, shall be adjudicated a codefendant and subject to a fine equal to ten percent (10%) of the fine assessed to the owner of such vehicle, up to Five Hundred Dollars (\$500.00).

Added by Laws 1965, c. 422, § 3, emerg. eff. July 8, 1965. Amended by Laws 1968, c. 190, § 13, eff. Sept. 30, 1968; Laws 1983, c. 151, § 2, emerg. eff. May 26, 1983; Laws 1985, c. 124, § 3, eff. July 1, 1985; Laws 1993, c. 145, § 254, eff. July 1, 1993; Laws 1995, c. 143, § 34, eff. Nov. 1, 1995.

§47-180. Definitions.

The following words and phrases, when used in this act, shall have the meanings respectively ascribed to like words and phrases by the motor carrier statutes of Oklahoma, except as herein provided:

1. The term "identification application" shall mean the application as provided by the Commission, for making application for motor carrier vehicle identification devices; and

2. The term "identification device" shall mean the motor carrier vehicle identification device issued by the Commission under the provisions of this act for the purpose of identifying powered motor carrier vehicles operated under and coming within the provisions of this act or the Motor Carrier Act of 1995.

Added by Laws 1939, p. 58, § 2. Amended by Laws 1968, c. 190, § 14, eff. Sept. 30, 1968; Laws 1969, c. 92, § 1, emerg. eff. March 25, 1969; Laws 1971, c. 102, § 1, emerg. eff. April 26, 1971; Laws 1995, c. 143, § 35, eff. Nov. 1, 1995.

§47-180a. Display of identification device on motor carriers.

It is hereby declared unlawful for any motor carrier, his or its agents or employees to operate any powered motor vehicle, as a motor carrier for hire, within this state, without the identification device issued by the Commission, said device to be displayed as provided by the rules of the Commission.

Laws 1939, p. 58, § 3; Laws 1968, c. 190, § 15, eff. Sept. 30, 1968; Laws 1969, c. 92, § 2, emerg. eff. March 25, 1969; Laws 1971, c. 102, § 2, emerg. eff. April 26, 1971.

§47-180b. Device subject to seizure.

The identification device shall be the property of the Commission at all times, and shall be subject to seizure and confiscation by the Commission for any good cause and at the will of the Commission.

Laws 1939, p. 59, § 4; Laws 1968, c. 190, § 16, eff. Sept. 30, 1968.

§47-180c. Seizure and confiscation of devices - Grounds.

The Commission may issue an order for the seizure and confiscation and return to the Commission of any identification device or devices, for any of the following reasons, and to direct said order or orders to any officer of the State of Oklahoma charged with the duties of enforcing the provisions of this act and/or any other section of the motor carrier law now in force or hereinafter enacted:

1. In all cases where the motor carrier has permitted the insurance coverage, as required by law to be filed with the Commission, to lapse or become cancelled or for any reason to become void and fail to meet the requirements as provided by law;

2. For failure on the part of any motor carrier, his or its agents or employees to comply with any part or provision of this act, or any other act or law or part or provision thereof relative to the legal operation of a for-hire motor carrier or to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement, or any part or provision thereof, of the Commission;

3. Upon the cancellation or revocation of the certificate or permit or IRC or license under which said identification device or devices were issued; or

4. For operating any powered motor vehicle in violation of the terms and provisions of this act or the Motor Carrier Act of 1995 and all applicable size and weight laws and safety standards of this state.

Added by Laws 1939, p. 59, § 5. Amended by Laws 1968, c. 190, § 17, eff. Sept. 30, 1968; Laws 1969, c. 92, § 3, emerg. eff. March 25, 1969; Laws 1971, c. 102, § 3, emerg. eff. April 26, 1971; Laws 1995, c. 143, § 36, eff. Nov. 1, 1995.

§47-180d. Rules and regulations.

The Commission shall have the power and authority by general order or otherwise to promulgate rules and regulations for the administration and enforcement of the provisions of this act or the Motor Carrier Act of 1995.

Added by Laws 1939, p. 59, § 6. Amended by Laws 1968, c. 190, § 18, eff. Sept. 30, 1968; Laws 1995, c. 143, § 37, eff. Nov. 1, 1995.

§47-180e. Commission to provide for suitable methods of identification.

The Commission, in its discretion, is authorized to provide for decals, cab cards, or other suitable methods of identification to be displayed on or carried in the truck or powered motor vehicle. Laws 1939, p. 59, § 7; Laws 1968, c. 190, § 19, eff. Sept. 30, 1968; Laws 1971, c. 102, § 4, emerg. eff. April 26, 1971.

§47-180f. Purchase of devices and other equipment.

The Commission is hereby authorized to purchase said identification devices in sufficient amounts to supply the demand, and to purchase such other officer supplies and equipment as is necessary to administer and enforce the provisions of this act or the Motor Carrier Act of 1995, and to pay for, or cause the same to be paid for, out of the appropriation provided therefor.

Added by Laws 1939, p. 60, § 8. Amended by Laws 1953, p. 207, § 1; Laws 1968, c. 190, § 20, eff. Sept. 30, 1968; Laws 1995, c. 143, § 38, eff. Nov. 1, 1995.

§47-180g. Issuance of identification devices.

It shall be the duty of the Commission to provide identification devices upon written application of any authorized motor carrier.

Upon written application of any authorized motor carrier holding a certificate or permit or license issued by the Commission, the Commission shall issue to the motor carrier a sufficient number of identification devices so that each powered vehicle owned or to be operated by the motor carrier in the state shall bear one identification device. Identification devices shall be issued on an annual basis, and applications shall be made annually on the form prescribed by the Commission, and any motor carrier operating a powered vehicle without a current identification device shall be in violation of the provisions of Sections 180 through 180m of this title or the Motor Carrier Act of 1995.

It is hereby declared unlawful for any motor carrier, or agents or employees of any motor carrier, to use or transfer an identification device except as provided by rules of the Commission. Added by Laws 1939, p. 60, § 9. Amended by Laws 1968, c. 190, § 21, eff. Sept. 30, 1968; Laws 1969, c. 92, § 4, emerg. eff. March 25, 1969; Laws 1971, c. 102, § 5, emerg. eff. April 26, 1971; Laws 1983,

c. 151, § 3, emerg. eff. May 26, 1983; Laws 1995, c. 143, § 39, eff. Nov. 1, 1995.

§47-180h. Fee for registration.

The Corporation Commission is hereby authorized to collect from applicants for motor carrier and private carrier identification devices a fee of Seven Dollars (\$7.00) for registration of each of its vehicles registered under the provisions of this act or the Motor Carrier Act of 1995; and the fee shall be in addition to any other fees now provided for by law for the registration of said motor vehicles and shall be deposited in the State Treasury to the credit of the Trucking One-Stop Shop Fund.

Added by Laws 1953, p. 208, § 2, emerg. eff. May 29, 1953. Amended by Laws 1968, c. 190, § 22, eff. Sept. 30, 1968; Laws 1971, c. 102, § 6, emerg. eff. April 26, 1971; Laws 1982, c. 358, § 18, emerg. eff. June 2, 1982; Laws 1985, c. 205, § 2, eff. July 1, 1985; Laws 1985, c. 325, § 12, emerg. eff. July 29, 1985; Laws 1987, c. 232, § 4, emerg. eff. July 5, 1987; Laws 1995, c. 143, § 40, eff. Nov. 1, 1995; Laws 2006, c. 238, § 4, emerg. eff. June 6, 2006.

NOTE: Laws 1982, c. 354, § 6 repealed by Laws 1985, c. 205, § 4, eff. July 1, 1985.

§47-180i. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-180j. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-180k. Records.

All records of the Corporation Commission under this act shall be maintained in, and classified as all other records in the Transportation Division of the Corporation Commission.

Amended by Laws 1988, c. 322, § 7.

§47-180l. Reciprocal compacts and agreements with other states.

The Commission is hereby authorized and empowered, on behalf of the State of Oklahoma, and when it shall deem it to be in the best interest of the residents of this state so to do, to enter into reciprocal compacts and agreements with other states, or the authorized agencies thereof, when such states have made provisions substantially similar to this section, respecting the regulation of motor vehicles engaged in interstate or foreign commerce upon and over the public highways. And such compacts and agreements may provide for the granting, to the residents of such states, privileges substantially similar to those granted thereby to Oklahoma residents: Provided: (1) That no such compact or agreement shall supersede or suspend the operation of any law, rule or regulation of the State of Oklahoma which shall apply to vehicles operated intrastate in the State of Oklahoma; (2) That any privileges, the granting of which

shall be provided by any such compact or agreement, shall extend only in cases of full compliance with the laws of the state joining in such compact or agreement; (3) That no such compact or agreement shall supersede or suspend the operation of any law of the State of Oklahoma other than those applying to the payment of fees for registration certificates or identification devices; and (4) That the powers and authority of the Oklahoma Tax Commission to administer and enforce the tax laws of this state, pertaining to the taxation of motor vehicles, shall be in no manner superseded or suspended. Laws 1939, p. 62, § 14; Laws 1953, p. 208, § 3; Laws 1968, c. 190, § 24, eff. Sept. 30, 1968.

§47-180m. Enforcement of act.

In addition to all other duties as provided by law, it is hereby declared to be, and shall be the duty of all sheriffs, deputy sheriffs, district attorneys, enforcement officers appointed by the Corporation Commission of the State of Oklahoma, and all highway patrolmen within the State of Oklahoma:

1. To enforce the provisions of Sections 180 through 180m of this title or the Motor Carrier Act of 1995;

2. To apprehend and detain any motor vehicle or vehicles and driver or operator and their aides who are operating any motor vehicle, upon or along the highways of this state, for a reasonable length of time, for the purpose of investigating and determining whether such vehicle is being operated in violation of any of the provisions of Sections 180 through 180m of this title or the Motor Carrier Act of 1995;

3. To make arrests for the violation of the provisions of Sections 180 through 180m of this title or the Motor Carrier Act of 1995, without the necessity of procuring a warrant;

4. To sign the necessary complaint and to cause the violator or violators to be promptly arraigned before a court of competent jurisdiction for trial;

5. To aid and assist in the prosecution of the violator or violators in the name of the State of Oklahoma to the end that this law shall be enforced;

6. To report all such arrests for violations of Sections 180 through 180m of this title to the Corporation Commission of Oklahoma within ten (10) days after making such arrest and to furnish such information concerning same as the Commission may request; and

7. At the request of the Corporation Commission, to seize and confiscate any and all identification devices and to forward the same to the Corporation Commission for cancellation.

Added by Laws 1939, p. 62, § 15. Amended by Laws 1953, p. 208, § 4, emerg. eff. May 29, 1953; Laws 1995, c. 143, § 41, eff. Nov. 1, 1995; Laws 1995, c. 358, § 4, eff. Nov. 1, 1995.

NOTE: Laws 1995, c. 23, § 15 repealed by Laws 1995, c. 358, § 12, emerg. eff. June 9, 1995.

§47-224. Auto buses not operating under certificate or permit or license of Corporation Commission - Authority of city to regulate.

Any city of this state may, by a duly-adopted ordinance, in any manner deemed best for the interest of the city, regulate the operation within the corporate limits of the city of auto buses not operated under a certificate of convenience and necessity or permit or license issued by the Corporation Commission for the transportation of passengers for hire to or from a point or points outside the corporate limits of the city, and to or from points within the corporate limits of the city.

Added by Laws 1947, p. 320, § 1, emerg. eff. May 16, 1947. Amended by Laws 1995, c. 143, § 42, eff. Nov. 1, 1995.

§47-225. Auto buses operating under certificate or permit or license - Prohibiting stopping, loading, unloading and parking.

Any city of this state may, by a duly adopted ordinance, prohibit any auto bus being operated under a certificate of convenience and necessity or permit or license issued by the Corporation Commission of Oklahoma transporting passengers for hire to, from or through said city from stopping, except in cases of accident or other emergencies, on the streets or alleys within a specified area of the city where the traffic is congested, and loading and unloading passengers while so stopped; and also prohibit the parking of any such automobile or auto bus on the streets or alleys in such congested area. Nothing contained in this act shall authorize any city or town to designate the location of passenger terminals or bus stations.

Added by Laws 1947, p. 321, § 2, emerg. eff. May 16, 1947. Amended by Laws 1995, c. 143, § 43, eff. Nov. 1, 1995.

§47-226.1. Power of city or town to grant franchise.

Any city or town of this state may, pursuant to and subject to the applicable provisions of the Constitution and laws of Oklahoma, grant to any person, firm or corporation a franchise for the operation of auto buses, as herein defined, for the transportation of passengers for hire within the corporate limits of said city or town. Laws 1947, p. 315, § 1.

§47-226.2. Operation without franchise unlawful when franchise granted to another.

Where any city or town has granted a franchise for the operation of auto buses, as provided in Section 1, and auto buses are being operated under such franchise by the holder thereof, it is hereby declared to be unlawful for any other person, firm or corporation to operate such auto buses without a franchise therefor.

Laws 1947, p. 315, § 2.

§47-226.3. Violations.

Any person, firm or corporation operating or causing to be operated an auto bus, as herein defined, contrary to the provisions of Section 2 hereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in an amount not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for a period not to exceed one (1) year or by both such fine and imprisonment, and each day any auto bus is operated in violation of this act shall be a separate offense.

Laws 1947, p. 315, § 3.

§47-226.4. Definition of franchise.

An "auto bus" as the term is used herein means a self-propelled vehicle not operated on fixed tracks, with a manufacturer's rated seating capacity of seven (7) or more passengers, operating over a fixed route and/or between fixed termini and/or on scheduled trips.

Laws 1947, p. 315, § 4.

§47-226.5. Validation of existing franchises.

Any franchise which has heretofore been granted by any city or town in this state for the operation of auto buses for the transportation of passengers for hire within the corporate limits of said city or town is hereby ratified, legalized and confirmed.

Laws 1947, p. 315, § 5.

§47-228.1. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-228.2. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-228.3. Intrastate motor transportation fuel surcharge.

The Oklahoma Corporation Commission shall establish an intrastate motor transportation fuel surcharge for common carriers of household goods or used emigrant movables by motor vehicles over irregular routes that shall in no instance be less than that established by the Interstate Commerce Commission for interstate transportation by like carriers.

Added by Laws 1980, c. 11, § 6, emerg. eff. March 13, 1980. Amended by Laws 1995, c. 143, § 44, eff. Nov. 1, 1995.

§47-228.4. Application of Sections 161 through 180m.

Except as provided herein, the provisions of Sections 161 through 180m of Title 47 of the Oklahoma Statutes are expressly made applicable to any certificate or permit issued under this act.

Laws 1980, c. 11, § 7, emerg. eff. March 13, 1980.

§47-230.1. Short title.

This act shall be known and may be cited as the "Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act".

Added by Laws 1986, c. 80, § 1, eff. Nov. 1, 1986.

§47-230.2. Legislative intent.

A. The Legislature finds:

1. That the volume of hazardous and nonhazardous materials transported by motor carriers within this state is substantial and the need exists to improve the enforcement of safety related aspects of motor carrier transportation for both interstate and intrastate motor carriers which is consistent with federal standards and regulations.

2. That hazardous materials are essential for various industrial, commercial, and other purposes, that their transportation is a necessary incident to their use, and that the transportation is required for the economic prosperity of the people of the State of Oklahoma.

3. That the highway movement of hazardous and nonhazardous materials poses a substantial danger to the health and safety of the citizens of this state unless such materials are handled and transported in a safe and prudent manner.

4. That it is in the public interest and within the police power of the state to provide for the regulation of the safety related aspects of motor carrier transportation and the handling and transportation of hazardous materials.

B. It is therefore declared to be the policy of the State of Oklahoma to provide regulatory and enforcement authority to the Oklahoma Department of Public Safety to improve safety related aspects of motor carrier transportation and to protect the people against the risk to life and property inherent in the transportation of property, including hazardous materials, over highways and the handling and storage incidental thereto, by keeping such risk to a minimum consistent with technical feasibility and economic reasonableness and to provide uniform regulation of intrastate transportation of property, including hazardous materials, consistent with federal regulation of interstate transportation.

C. It is not the intent of the Legislature to regulate the movement of hazardous materials in such quantities that would not pose a substantial danger to the public health and safety, and the Department may provide for exemptions as provided for in federal regulations for farm use, and other appropriate exemptions consistent with federal regulations.

Added by Laws 1986, c. 80, § 2, eff. Nov. 1, 1986.

§47-230.3. Definitions.

As used in the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act:

1. "Commerce" means trade, traffic, commerce or transportation within this state;
2. "Commissioner" means the Commissioner of Public Safety;
3. "Department" means the Oklahoma Department of Public Safety;
4. "Discharge" means leakage, seepage or other release of hazardous materials;
5. "Hazardous material" means a substance or material in a quantity and form determined by the United States Department of Transportation to be capable of posing an unreasonable risk to health and safety or property when transported in commerce;
6. "Person" means any natural person or individual, governmental body, firm, association, partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or any other legal entity or their legal representative, agent or assigns; and
7. "Transports" or "transportation" means any movement of property over the highway and any loading, unloading or storage incidental to such movement.

Added by Laws 1986, c. 80, § 3, eff. Nov. 1, 1986.

§47-230.4. Powers and duties of Commissioner.

To the extent necessary to administer the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act, and consistent with budget and manpower limitations, the Commissioner:

1. shall adopt and promulgate rules and regulations in order to carry out the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act relating to motor carrier safety in the transportation of property and hazardous materials in intrastate and interstate commerce, and to coordinate the implementation of a transportation emergency response system;
2. may adopt by reference and enforce all or any portion of the federal motor carrier safety regulations and the hazardous materials regulations of the United States Department of Transportation, as now or hereafter amended;
3. shall conduct a continuing review of all aspects of motor carrier safety and the transportation of property, including hazardous materials, in order to determine and recommend appropriate steps to assure safe transportation;
4. may authorize any officer, employee or agent of the Department to:
 - a. conduct investigations; make reports; issue subpoenas; conduct hearings; require the production of relevant documents, records and property; take depositions; and conduct directly or indirectly research, development, demonstration and training activities,

b. enter upon, inspect and examine at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties relate to motor carrier safety or the transportation or shipment of hazardous materials in commerce, and to inspect and copy records and papers of carriers and other persons to carry out the purposes of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act,

c. stop and inspect any driver or commercial motor vehicle for any violation of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act or rules and regulations issued pursuant thereto,

d. declare and mark any transport vehicle or container as out of service if its condition, filling, equipment or protective devices would be hazardous to life or property during transportation, or if records thereof reflect such hazard, or if required records are incomplete,

e. prohibit any commercial driver from transporting hazardous materials if such driver is unqualified or disqualified under any federal or department regulation, and

f. administer and enforce the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act and any rules and regulations issued pursuant thereto.

Any such officer, employee or agent shall, upon request, display proper credentials prescribed or approved by the Commissioner.
Added by Laws 1986, c. 80, § 4, eff. Nov. 1, 1986.

§47-230.5. Examination and inspection of record, equipment, etc.

Motor carriers and other persons subject to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall make available for inspection and copying their accounts, books, records, memoranda, correspondence, and other documents, and shall allow their lands, buildings and equipment to be examined and inspected by any officer, employee, or agent of the Department of Public Safety, including members of the Oklahoma Highway Patrol, upon demand and display of the credentials issued by the Commissioner.

Added by Laws 1986, c. 80, § 5, eff. Nov. 1, 1986.

§47-230.6. Certain uses and activities of vehicles and containers prohibited.

A. No person prohibited from operating a commercial vehicle shall operate such commercial motor vehicle, nor shall any person authorize or require a person who has been prohibited from such operation of a motor vehicle to operate a commercial motor vehicle.

B. No person shall operate, authorize to operate, or require the operation of any vehicle or the use of any container when the person has been placed out-of-service or the vehicle or container has been marked out-of-service until all requirements of the out-of-service

order of the person have been met or all required corrections for the vehicle or container have been made; provided, upon approval of the Department, the vehicle or container may be moved to another location for the purpose of repair or correction.

C. No person shall remove an out-of-service marking from a transport vehicle or container unless all required corrections have been made and the vehicle or container has been inspected and approved by an authorized officer, employee, or agent of the Department. No person shall return to duty unless all requirements of the out-of-service order have been met and the person has been approved to return to duty by an authorized officer, employee or agent of the Department.

D. No employer shall knowingly allow, require, permit or authorize an employee to operate a commercial motor vehicle:

1. During any period in which the employee:

- a. has had driving privileges to operate a commercial motor vehicle suspended, revoked, canceled, denied or disqualified,
- b. has had driving privileges to operate a commercial motor vehicle disqualified ,
- c. is not licensed to operate a commercial motor vehicle; provided, this subparagraph shall not apply to any person who is the holder of a valid commercial learner permit issued by the Department in conjunction with a Class D driver license,
- d. has more than one commercial driver license; provided, this subparagraph shall not apply to any person who is the holder of a valid commercial learner permit issued by the Department in conjunction with a Class A, B or C driver license,
- e. does not have the proper class or endorsements on the driver license or commercial learner permit, or
- f. is in violation of any restriction on the driver license or commercial learner permit;

2. During any period in which the employee, the commercial motor vehicle which the employee is operating, the motor carrier business or operation, or the employer is subject to an out-of-service order; or

3. In violation:

- a. of a federal, state, or local law, regulation, or ordinance pertaining to railroad-highway grade crossings, or
- b. of any restriction on the driver license or commercial learner permit of the employee.

E. An employer who is determined by the Commissioner to have committed a violation of subsection D of this section shall be subject to an administrative penalty of not less than Two Thousand

Seven Hundred Fifty Dollars (\$2,750.00) nor more than Twenty-five Thousand Dollars (\$25,000.00).

F. An employee who is determined by the Commissioner to have committed a violation of any provision of this section shall be subject to an administrative penalty of not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars (\$5,000.00).

Added by Laws 1986, c. 80, § 6, eff. Nov. 1, 1986. Amended by Laws 1998, c. 345, § 3, eff. Nov. 1, 1998; Laws 2001, c. 309, § 6, eff. Nov. 1, 2001; Laws 2002, c. 169, § 4, eff. Oct. 1, 2002; Laws 2004, c. 390, § 14, eff. Sept. 1, 2005; Laws 2012, c. 207, § 9, emerg. eff. May 8, 2012; Laws 2013, c. 259, § 8, eff. Nov. 1, 2013.

§47-230.7. Discharge of hazardous material prohibited.

No person shall intentionally discharge or cause to be discharged the contents of any transport vehicle containing hazardous material between the points of origin and the points of billed destination, except as may be authorized by the Department or a representative of the Department.

Added by Laws 1986, c. 80, § 7, eff. Nov. 1, 1986.

§47-230.8. Reporting of incidents and accidents.

A. Each person involved in an incident or accident during the transportation, loading, unloading, or related storage in any place of a hazardous material subject to the provisions of Oklahoma Motor Carrier Safety and Hazardous Material Transportation Act shall immediately report, by telephone, to the Department if that incident or accident involves:

1. a fatality due to fire, explosion, or exposure to any hazardous material;
2. the hospitalization of any person due to fire, explosion, or exposure to any hazardous material;
3. a continuing danger to life, health, or property at the place of the incident or accident; or
4. an estimated property damage of an amount to be determined by the Commissioner by regulation.

B. A written report shall be submitted by the person to the Department on a form prescribed by the Department, or in lieu thereof, a copy of the written report submitted to the United States Department of Transportation. Each report submitted shall contain the time and date of the incident or accident, a description of any injuries to persons or property, any continuing danger to life at the place of the accident or incident, the identity and classification of the material, and any other pertinent details.

C. In the case of an incident or accident involving hazardous materials which is not subject to the Oklahoma Motor Carrier Safety and Hazardous Material Transportation Act but which is subject to

Title 46 or Title 49 of the Code of Federal Regulations, the carrier shall send a copy of the report filed with the United States Department of Transportation to the Department of Public Safety. Added by Laws 1986, c. 80, § 8, eff. Nov. 1, 1986.

§47-230.9. Compliance with act - Violations - Penalties.

A. The transportation of any property in commerce, including hazardous materials or the transportation of passengers for compensation or for hire by bus, that is not in compliance with the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act or the rules issued pursuant thereto, is prohibited.

B. Pursuant to the provisions of this section and except as otherwise provided by subsection D of this section, any person who is determined by the Commissioner of Public Safety to have committed:

1. An act which is a violation of a recordkeeping requirement of this title or of any rule or regulation promulgated thereto or the Federal Motor Carrier Safety Act of 1984, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed One Hundred Dollars (\$100.00) for each offense, provided that the total of all administrative penalties assessed against any violator pursuant to this paragraph for all offenses related to any single violation shall not exceed Five Hundred Dollars (\$500.00);

2. An act or acts other than recordkeeping requirements, which evidences a serious pattern of safety violations, as determined by the Commissioner, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed Two Hundred Dollars (\$200.00) for each offense, provided the maximum fine for each pattern of safety violations shall not exceed One Thousand Dollars (\$1,000.00). The Commissioner may consider present and prior offenses in determining a serious pattern of safety violations; or

3. An act or acts which evidences to the Commissioner, that a substantial health or safety violation exists or has occurred which could reasonably lead to or has resulted in serious personal injury or death, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed One Thousand Dollars (\$1,000.00) for each offense.

C. Each day of violation as specified in subsection B of this section shall constitute a separate single violation/offense.

D. Except for recordkeeping violations, no administrative penalty shall be assessed pursuant to the provisions of this section, against an employee of any person subject to the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act for a violation unless the Commissioner determines that such actions of the employee constituted gross negligence or reckless disregard for safety in which case such employee shall be liable for an administrative penalty not to exceed One Thousand Dollars (\$1,000.00).

E. In determining the amount of any administrative penalty and the reasonable amount of time for abatement of the violation, the Commissioner shall include, but not be limited to, consideration of the nature, circumstances and gravity of the violation, and with respect to the person found to have committed the violation, the degree of culpability, history of prior offenses, effect on ability to continue to do business and such other matters as justice and public safety may require. In each case, the penalty shall be calculated to induce further compliance.

F. The Commissioner or his designated representative shall assess the amount of any administrative penalty, after notice and an opportunity for hearing, by written notice to the violator together with notice of findings in the case. An appeal therefrom may be made to the district court of Oklahoma County pursuant to the provisions of Sections 318 through 323 of Title 75 of the Oklahoma Statutes.

G. An administrative penalty assessed by the Commissioner may be recovered:

1. In an action brought by the Attorney General on behalf of the State of Oklahoma. However, before referral to the Attorney General, the administrative penalty may be compromised by the Commissioner;

2. By the Commissioner in the appropriate district court of the State of Oklahoma; or

3. By the Commissioner in an administrative hearing conducted by the Department of Public Safety.

H. The first One Hundred Thousand Dollars (\$100,000.00) of the administrative penalties collected each fiscal year pursuant to the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall be deposited in the General Revenue Fund of the State of Oklahoma. All other monies collected in excess of One Hundred Thousand Dollars (\$100,000.00) each fiscal year shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund for the purpose of administering the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act.

Added by Laws 1986, c. 80, § 9, eff. Nov. 1, 1986. Amended by Laws 1987, c. 176, § 1, operative July 1, 1987; Laws 1992, c. 179, § 2, eff. July 1, 1992; Laws 1993, c. 259, § 45, operative Sept. 1, 1993; Laws 2002, c. 474, § 1, emerg. eff. June 6, 2002; Laws 2004, c. 390, § 15, eff. July 1, 2004; Laws 2012, c. 283, § 13, eff. July 1, 2012.

§47-230.10. Exemptions.

The Department shall exempt any vehicle in which hazardous material is transported or any person who transports any hazardous material if such exemption is identical to an exemption issued by the Secretary of the United States Department of Transportation and may exempt any person who transports any hazardous material intrastate under similar provisions. The Department may seek exemptions

pursuant to federal law for transportation of those quantities of hazardous materials which do not pose a substantial danger to the public health and safety.

Added by Laws 1986, c. 80, § 10, eff. Nov. 1, 1986.

§47-230.11. Cooperation with other agencies.

A. Other state agencies, departments and bureaus shall cooperate with the Oklahoma Department of Public Safety in regulating motor carrier safety and the transportation of hazardous materials. Such agencies, departments and bureaus may enter into interagency agreements with the Department for the purpose of implementing, administering and enforcing any provision of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act and the rules and regulations of the Department issued pursuant thereto.

B. The Department may enter into a cooperative agreement with the United States Department of Transportation and any other federal department or agency to enforce the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act, or regulations adopted pursuant thereto, federal motor carrier safety regulations, and federal regulations governing the transportation of hazardous material. The Department may receive grants, gifts and other funds, equipment and services from the federal government or other sources for this purpose.

C. All files, records and data gathered by the Department pursuant to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act may be made available to the Department of Environmental Quality, other agencies of state government, the United States Department of Transportation and other jurisdictions in any cooperative effort relating to motor carrier safety or the transportation of hazardous materials.

Added by Laws 1986, c. 80, § 11, eff. Nov. 1, 1986. Amended by Laws 1993, c. 145, § 272, eff. July 1, 1993.

§47-230.12. Immunity from civil liability.

A. No person who provides assistance or advice in mitigating or attempting to mitigate the effects of an actual or threatened discharge of hazardous material, or in preventing, cleaning up, or disposing or in attempting to prevent, clean up or dispose of any such discharge, shall be subject to any civil liability or administrative penalties as a result of such assistance or advice.

B. The immunities provided in subsection A of this section shall not apply:

1. To any person whose act or omission caused in whole or in part such actual or threatened discharge and who would otherwise be liable therefor;

2. To any person who receives compensation, other than reimbursement for out-of-pocket expenses, for services in rendering such assistance or advice; or

3. To a common carrier relative to its handling or transporting of hazardous materials.

C. Nothing contained in subsection A of this section shall be construed to limit or otherwise affect the liability of any person for damages resulting from such person's gross negligence, or from such person's reckless, wanton or intentional misconduct.

Added by Laws 1986, c. 80, § 12, eff. Nov. 1, 1986. Amended by Laws 2002, c. 474, § 2, emerg. eff. June 6, 2002.

§47-230.13. Enforcement of act.

The Department of Public Safety and the Oklahoma Highway Patrol Division shall enforce the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act and the rules promulgated thereto.

Added by Laws 1986, c. 80, § 13, eff. Nov. 1, 1986. Amended by Laws 2001, c. 309, § 7, eff. Nov. 1, 2001.

§47-230.14. Conflicts with other laws.

The Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act is not intended to affect any law of this state now in effect with respect to matters relating to the transportation of hazardous materials but in the case of any conflict relating to motor carrier safety involving the transportation of property, or the transportation of hazardous materials, the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall prevail.

Added by Laws 1986, c. 80, § 14, eff. Nov. 1, 1986.

§47-230.15. Report of violations to Corporation Commission - Liability and damage insurance - Administrative penalties - Driving hours - Conflicting regulations.

A. Whenever the Department of Public Safety has determined that any person who is regulated as a motor carrier pursuant to Sections 166 through 180m of this title has violated any provision of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act or any rule promulgated thereto, the Department of Public Safety shall report such violations to the Corporation Commission for the purposes of determining if such person has violated any provisions of the permit or certificate issued by the Commission pursuant to any provision of Sections 166 through 180m of this title or of any rule promulgated thereto.

B. Every motor carrier subject to this section shall maintain liability and property damage insurance covering each motor vehicle operated by the motor carrier and file proof of that insurance with

the Oklahoma Corporation Commission. The Commission shall set the amount of necessary insurance for the transportation of all commodities other than hazardous materials. The Commission may allow a motor carrier to meet its liability and property damage insurance requirements through self-insurance if the motor carrier has adequate financial assets to assume liability and is in substantial compliance with all motor carrier safety regulations adopted by the Department. Any person who transports or who causes the transportation of any hazardous material shall be required to comply with the financial responsibility requirements specified by the federal motor carrier safety regulations and the hazardous materials regulations of the United States Department of Transportation provided that in no event shall the financial responsibility requirement exceed One Million Dollars (\$1,000,000.00) except as otherwise specifically required by federal law, or any federal rule or regulation promulgated thereto.

C. Any person who causes or requires any person subject to the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act to drive at a speed or carry a load in excess of those authorized by law pursuant to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall be subject to the administrative penalties pursuant to the provisions of this act.

D. In adopting rules pursuant to the provisions of this act, the Department of Public Safety shall establish limitations on driving hours for motor vehicles subject thereto that are consistent with the hours of service requirements adopted by the United States Department of Transportation in the applicable part of Title 49 of the Code of Federal Regulations, as those regulations now exist or are hereafter amended. Driving hours and on-duty status shall not begin following less than eight (8) consecutive hours off duty. Drivers shall be regulated from the time a driver first reports for duty for any employer. The rules adopted pursuant to this section shall establish the following exceptions:

1. The maximum driving time within a work period is twelve (12) hours if the vehicle is engaged solely in intrastate commerce and is not transporting hazardous materials as defined by regulations of the United States Department of Transportation in the applicable section of Title 49 of the Code of Federal Regulations, as that section now exists or is hereafter amended; except in the event of an emergency and upon notification of the nearest Oklahoma Highway Patrol troop headquarters of the Department of Public Safety, the Commissioner or his designated agent shall declare an emergency and there shall be no hour restrictions for rural electric cooperatives, public utilities, public service corporations or municipal employees as long as an emergency exists for providing service to restore heat, light, power, water, telephone or other emergency restoration facilities that are necessary to ensure the health, welfare and safety of the public; and

2. No rule shall be adopted that enforces the provisions of 49 CFR Section 395.3(a)(3)(ii) relating to rest breaks, if the driver or motor carrier is engaged solely in intrastate commerce.

E. Except as provided in subsection F of this section, any regulation relating to motor carrier safety or to the transportation of hazardous materials adopted by a local government, authority, or state agency or office shall be consistent with corresponding federal regulations. To the extent of any conflict between said regulations and rules adopted by the Department of Public Safety under this section, rules adopted by the Department shall control.

F. 1. Amendments to the hours of service regulations promulgated on April 28, 2003, by the United States Department of Transportation at Section 22456 of Volume 68 of the Federal Register and effective June 27, 2003, shall not apply to utility service vehicles as defined in Section 395.2 of Title 49 of the Code of Federal Regulations, not including television cable or community antenna service vehicles, which are owned or operated by utilities regulated by the Corporation Commission or electric cooperatives and which are engaged solely in intrastate commerce in this state until June 27, 2006, provided the amendments are valid and remain in effect as of that date. Hours of service regulations, which are applicable in this state immediately prior to June 27, 2003, shall remain applicable to utility service vehicles engaged solely in intrastate commerce in this state until June 27, 2006. If the United States Department of Transportation issues an official finding that this provision may result in the loss of federal Motor Carrier Safety Assistance Program funding, the Department of Public Safety may promulgate rules providing for earlier implementation of the amendments to the federal hours of service regulations. If federal law or regulations are amended at any time to exempt utility service vehicles from the hours of service requirements, any exemption shall be effective in this state immediately for the duration of the federal exemption.

2. The Department of Public Safety may promulgate rules suspending the effective date for up to three (3) years after the adoption of any motor carrier safety regulation by the United States Department of Transportation as applied to vehicles engaged solely in intrastate commerce in this state if the suspension does not result in the loss of federal Motor Carrier Safety Assistance Program funding.

3. The Department of Public Safety may enter into agreements with state and local emergency management agencies and private parties establishing procedures for complying with Section 31502(e) of Title 49 of the United States Code and federal regulations promulgated at Section 390.23 of Title 49 of the Code of Federal Regulations, which provide an exemption from the hours of service regulations during certain emergencies.

4. The Department of Public Safety may promulgate rules granting any waiver, variance, or exemption permitted under Section 31104(h) of Title 49 of the United States Code and federal regulations promulgated at Sections 350.339, 350.341, 350.343 and 350.345 of Title 49 of the Code of Federal Regulations if the waiver, variance, or exemption does not result in the loss of federal Motor Carrier Safety Assistance Program funding and does not take effect unless approved by the United States Department of Transportation, if approval is required.

Added by Laws 1987, c. 176, § 2, operative July 1, 1987. Amended by Laws 1991, c. 309, § 9, eff. July 1, 1991; Laws 2004, c. 64, § 1, emerg. eff. April 7, 2004; Laws 2016, c. 182, § 1, emerg. eff. April 26, 2016.

§47-230.16. Repealed by Laws 1998, c. 364, § 38, emerg. eff. June 8, 1998.

§47-230.17. Hazardous materials endorsement exemption for commercial Class A license holders.

A. Any person driving under a commercial Class A license shall not be required to obtain a hazardous materials endorsement pursuant to 49 C.F.R. Section 383 if the person is:

1. Acting within the scope of the license holder's employment as an employee of a custom harvester operation, agrichemical business, farm retail outlet and supplier or livestock feeder;

2. Is operating a service vehicle that is transporting diesel in a quantity of three thousand seven hundred eighty-five (3,785) liters or one thousand (1,000) gallons or less; and

3. Is clearly marked with a "flammable" or "combustible" placard as appropriate.

Added by Laws 2019, c. 123, § 1, eff. July 1, 2019.

§47-230.21. Short title.

The provisions of this act shall be known and may be cited as the "Motor Carrier Act of 1995".

Added by Laws 1995, c. 143, § 1, eff. Nov. 1, 1995.

§47-230.22. Public policy and interest - Revocation of existing certificates and permits - Application of act.

A. It is hereby declared that it is necessary in the public interest to regulate transportation by motor carriers and private carriers in such manner as to recognize the need to require all motor carriers and private carriers to have adequate insurance; for motor carriers and private carriers to provide service in a safe and efficient manner; and to establish that the operations of motor carriers and private carriers will not have a detrimental impact on the environment.

B. The public policy of this state, as declared by the Legislature, requires that all existing intrastate certificates and permits granted by the Oklahoma Corporation Commission, except household goods and used emigrant movables, prior to January 1, 1995, are hereby revoked.

C. The provisions of the Motor Carrier Act of 1995, except as hereinafter specifically limited, shall apply to the transportation of passengers or property by motor carriers and private carriers, except motor carriers of household goods and used emigrant movables, over public highways of this state; and the regulations of such transportation, and the procurement thereof and the provisions of facilities therefor, are hereby vested in the Oklahoma Corporation Commission.

D. Nothing herein shall be construed to interfere with the exercise by agencies of the government of the United States of its power of regulation of interstate commerce.

E. The terms and provisions of the Motor Carrier Act of 1995 shall apply to commerce with foreign nations, or commerce among the several states of this Union, insofar as such application may be permitted under the provisions of the Constitution of the United States and the Acts of Congress.

Added by Laws 1995, c. 143, § 2, eff. Nov. 1, 1995.

§47-230.23. Definitions.

As used in the Motor Carrier Act of 1995:

1. "Person" means any individual, firm, copartnership, limited partnership, corporation, limited liability corporation, company, association, or joint-stock association and includes any trustee, receiver, assignee, or personal representative thereof;

2. "Commission" means the Oklahoma Corporation Commission;

3. "License" means the license issued under authority of the laws of the State of Oklahoma to motor carriers and private carriers;

4. "Interstate Registration Certificate" (IRC) means a document issued by the Commission granting permission to operate upon the highways of the State of Oklahoma in interstate commerce exempt from federal motor carrier regulation;

5. "Motor vehicle" means any automobile, truck, truck-tractor, trailer or semitrailer or any motor bus or any self-propelled vehicle not operated or driven upon fixed rails or tracks;

6. "Motor carrier of persons or property" means any person, except a carrier of household goods or used emigrant movables, operating upon any public highway for the transportation of passengers or property for compensation or for hire or for commercial purposes, and not operating exclusively within the limits of an incorporated city or town within this state. Provided, the provisions of the Motor Carrier Act of 1995 shall not apply to the

following vehicles and equipment when such vehicles and equipment are being used for the following:

- a. taxicabs and bus companies engaged in the transportation of passengers and their baggage, not operated between two or more cities and towns, when duly licensed by a municipal corporation in which they might be doing business,
- b. any person or governmental authority furnishing transportation for school children to and from public schools or to and from public-school-related extracurricular activities under contract with, and sponsored by, a public school board; provided, that motor vehicles and equipment operated for the purposes shall qualify in all respects for the transportation of school children under the Oklahoma School Code and the rules of the State Board of Education adopted pursuant thereto.
- c. transport trucks transporting liquefied petroleum gases intrastate which are owned or operated by a person subject to and licensed by the Oklahoma Liquefied Petroleum Gas Regulation Act, and
- d. transportation of livestock and farm products in the raw state, when any of such commodities move from farm to market or from market to farm on a vehicle or on vehicles owned and operated by a bona fide farmer not engaged in motor vehicle transportation on a commercial scale;

7. "Corporate family" means a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly one hundred percent (100%) interest;

8. "Intercompany hauling" means the transportation of property, by motor vehicle, for compensation, by a carrier which is a member of a corporate family, as defined in the Motor Carrier Act of 1995, when the transportation for compensation is provided for other members of the corporate family;

9. "Private carrier" means any person engaged in transportation upon public highways, of persons or property, or both, but not as a motor carrier, and includes any person who transports property by motor vehicle where such transportation is incidental to or in furtherance of any commercial enterprise of such person, other than transportation;

10. "Market" means the point at which livestock and farm products in the raw state were first delivered by the producer of the livestock and farm products in the raw state, upon the sale thereof;

11. "Public highway" means every public street, road or highway, or thoroughfare in this state, used by the public, whether actually

dedicated to the public and accepted by the proper authorities or otherwise; and

12. "Commercial enterprise" means all undertakings entered into for private gain or compensation, including all industrial pursuits, whether the undertakings involve the handling of or dealing in commodities for sale or otherwise.

Added by Laws 1995, c. 143, § 3, eff. Nov. 1, 1995. Amended by Laws 1999, c. 366, § 7, eff. July 1, 1999; Laws 2005, c. 190, § 13, eff. Sept. 1, 2005.

§47-230.24. Powers and duties of Corporation Commission.

A. The Corporation Commission is hereby vested with power and authority, and it shall be its duty:

1. To supervise and regulate every motor carrier whether operating between fixed termini or over a regular route or otherwise and not operating exclusively within the limits of an incorporated city or town in this state and all private carriers operating vehicles having a gross registered weight of greater than 26,000 pounds and not operating exclusively within the limits of an incorporated city or town in this state;

2. To protect the shipping and general public by supervising and requiring insurance of all motor carriers and private carriers;

3. To ensure motor carriers and private carriers are complying with the applicable size and weight laws of this state and safety requirements;

4. To establish there will be no detrimental environmental impact; and

5. To supervise and regulate motor carriers in all other matters affecting the relationship between such carriers and the traveling and shipping public provided those matters do not exceed federal standards as they apply to this state.

B. The Commission shall have the power and authority by general order or otherwise to prescribe rules applicable to any or all motor carriers and private carriers as applicable.

C. The Commission shall cooperate and coordinate with the Oklahoma Department of Public Safety in regulating carrier safety, size and weight regulations of motor vehicles and the transportation of hazardous materials. The Commission may enter into interagency agreements with the Department of Public Safety for the purpose of implementing, administering and enforcing any provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act and the rules and regulations of the Department of Public Safety issued pursuant thereto. Any license issued by the Commission may be suspended or revoked due to operations conducted in violation of any laws or rules and regulations pertaining to motor carriers, private carriers, carrier safety, size and weight regulations of motor vehicles and the transportation of hazardous materials.

Added by Laws 1995, c. 143, § 4, eff. Nov. 1, 1995.

§47-230.25. Shipping documentation - Penalty for violation of act.

A. Every motor carrier, subject to the Motor Carrier Act of 1995, receiving property for transportation in intrastate commerce shall issue a receipt or bill of lading therefor, the form of which shall be prescribed by the Commission.

B. Any person, motor carrier, or shipper who shall willfully violate any provisions of the Motor Carrier Act of 1995 by any means shall be deemed guilty of a misdemeanor and upon conviction thereof be fined as provided by law.

Added by Laws 1995, c. 143, § 5, eff. Nov. 1, 1995.

§47-230.26. Contempt proceedings.

When the Commission, upon complaint, has reason to believe that any person, motor carrier, or shipper is violating or has willfully violated any provision of the Motor Carrier Act of 1995, the Commission shall, upon its own initiative, file a contempt proceeding and set a date for the proceeding to be heard before the Commission, and upon conviction the Commission shall invoke such contempt penalties as provided herein.

Added by Laws 1995, c. 143, § 6, eff. Nov. 1, 1995.

§47-230.27. Fees.

A. Upon the filing by an intrastate motor carrier or private carrier of an application for a license, the applicant shall pay to the Corporation Commission a filing fee in the sum of One Hundred Dollars (\$100.00) with an original or subapplication. Any valid license issued will remain in force, unless otherwise revoked by the Commission in accordance with the provisions of the Motor Carrier Act of 1995, for one (1) year from date of issuance.

B. Every motor carrier or private carrier wishing to continue operations under the original license, shall pay to the Corporation Commission an annual renewal fee of Fifty Dollars (\$50.00). An intrastate license may be renewed for up to three (3) years.

C. The Commission shall, upon the receipt of any fee, deposit the same in the State Treasury to the credit of the Trucking One-Stop Shop Fund.

Added by Laws 1995, c. 143, § 7, eff. Nov. 1, 1995. Amended by Laws 2006, c. 238, § 5, emerg. eff. June 6, 2006.

§47-230.28. Motor carrier license required - Guidelines for granting license - Suspension and revocation - Additional powers of Commission - Application requirements - Hearing - Notice.

A. It shall be unlawful for any motor carrier to operate or furnish service within this state without first having obtained from the Commission a license declaring that all insurance requirements

have been met and that the carrier will operate within all existing rules and state laws pertaining to safety standards, size and weight requirements and, when applicable, lawful handling and disposal of hazardous materials and deleterious substances, and will operate in such a manner as to ensure there will be no detrimental environmental impact. It shall also be unlawful for any private carrier to operate or furnish service within this state without first having obtained from the Corporation Commission a license declaring that all insurance requirements have been met and that the carrier will operate within all existing rules and state laws pertaining to safety standards, size and weight requirements and, when applicable, lawful handling and disposal of hazardous materials and deleterious substances, and will operate in such a manner as to ensure there will be no detrimental environmental impact. The Commission shall have power, and it shall be its duty, to issue the license or set the application for hearing within thirty (30) days of the Commission determining that the application is complete. Any such hearing shall be scheduled to occur on a date within an additional forty-five (45) business days of such determination. The mere filing of an application does not authorize any person to operate as a carrier.

B. In granting applications for licenses, the Commission shall take into consideration the reliability of the applicant; the proper equipment meeting minimum safety criteria as adequate to perform the service; and the applicant's sense of responsibility toward the public and the environment.

C. The Commission may, at any time after a public hearing and for good cause, suspend or revoke any license. Provided, the record owner of the license shall be entitled to have ten (10) days' written notice by certified mail from the Commission of any hearing affecting the license, except as otherwise provided in the Motor Carrier Act of 1995. The right of appeal from such order or orders shall be given as in other cases appealed from orders of the Commission.

D. The Commission shall be authorized to exercise any additional power that may from time to time be conferred upon the state by any Act of Congress. The Commission shall adopt rules prescribing the manner and form in which motor carriers and private carriers shall apply for licenses required by the Motor Carrier Act of 1995. Among other rules adopted, the application shall be in writing and shall set forth the following facts:

1. The name and address of the applicant and the names and addresses of its officers, if any;
2. Full information concerning the physical properties of the applicant; and
3. Such other information as the Commission may consider pertinent to the application.

Added by Laws 1995, c. 143, § 8, eff. Nov. 1, 1995. Amended by Laws 2004, c. 522, § 10, eff. July 1, 2004; Laws 2005, c. 418, § 3, emerg. eff. June 6, 2005.

§47-230.29. Operation of equipment not owned by motor carrier - Required lease provisions.

A. As used in this section:

1. "Authorized carrier" means a person or persons authorized to engage in the transportation of passengers or property as a licensed motor carrier;

2. "Equipment" means a motor vehicle, straight truck, tractor, semitrailer, full trailer, any combination of these and any other type of equipment used by authorized carriers in the transportation of passengers or property for hire;

3. "Owner" means a person to whom title to equipment has been issued, or who, without title, has the right to exclusive use of equipment for a period longer than thirty (30) days;

4. "Lease" means a contract or arrangement in which the owner grants the use of equipment, with or without driver, for a specified period to an authorized carrier for use in the regulated transportation of passengers or property, in exchange for compensation;

5. "Lessor", in a lease, means the party granting the use of equipment, with or without driver, to another;

6. "Lessee", in a lease, means the party acquiring the use of equipment, with or without driver, from another;

7. "Addendum" means a supplement to an existing lease which is not effective until signed by the lessor and lessee; and

8. "Shipper" means a person who sends or receives passengers or property which is transported in intrastate commerce in this state.

B. An authorized carrier may perform authorized transportation in equipment it does not own only under the following conditions:

1. There shall be a written lease granting the use of the equipment and meeting the requirements as set forth in subsection C of this section;

2. The authorized carrier acquiring the use of equipment under this section shall identify the equipment in accordance with the requirements of the Commission; and

3. Upon termination of the lease, the authorized carrier shall remove all identification showing it as the operating carrier before giving up possession of the equipment.

C. The written lease required pursuant to subsection B of this section shall contain the following provisions. The required lease provisions shall be adhered to and performed by the authorized carrier as follows:

1. The lease shall be made between the authorized carrier and the owner of the equipment. The lease shall be signed by these parties or by their authorized representatives;

2. The lease shall specify the time and date or the circumstances on which the lease begins and ends and include a description of the equipment which shall be identified by vehicle serial number, make, year model and current license plate number;

3. The period for which the lease applies shall be for thirty (30) days or more when the equipment is to be operated for the authorized carrier by the owner or an employee of the owner;

4. The lease shall provide that the authorized carrier lessee shall have exclusive possession, control and use of the equipment for the duration of the lease. The lease shall further provide that the authorized carrier lessee shall assume complete responsibility for the operation of the equipment for the duration of the lease;

5. The amount to be paid by the authorized carrier for equipment and driver's services shall be clearly stated on the face of the lease or in an addendum which is attached to the lease;

6. The lease shall clearly specify the responsibility of each party with respect to the cost of fuel, fuel taxes, empty mileage, permits of all types, tolls, detention and accessorial services, base plates and licenses, and any unused portions of such items. Except when the violation results from the acts or omissions of the lessor, the authorized carrier lessee shall assume the risks and costs of fines for overweight and oversize trailers when the trailers are preloaded, sealed, or the load is containerized, or when the trailer or lading is otherwise outside of the lessor's control, and for improperly permitted overdimension and overweight loads and shall reimburse the lessor for any fines paid by the lessor. If the authorized carrier is authorized to receive a refund or a credit for base plates purchased by the lessor from, and issued in the name of, the authorized carrier, or if the base plates are authorized to be sold by the authorized carrier to another lessor the authorized carrier shall refund to the initial lessor on whose behalf the base plate was first obtained a prorated share of the amount received;

7. The lease shall specify that payment to the lessor shall be made by the authorized carrier within fifteen (15) days after submission of the necessary delivery documents and other paperwork concerning a trip in the service of the authorized carrier. The paperwork required before the lessor can receive payment is limited to those documents necessary for the authorized carrier to secure payment from the shipper. The authorized carrier may require the submission of additional documents by the lessor but not as a prerequisite to payment;

8. The lease shall clearly specify the right of the lessor, regardless of method of compensation, to examine copies of the documentation of the carrier upon which charges are assessed;

9. The lease shall clearly specify all items that may be initially paid for by the authorized carrier, but ultimately deducted from the compensation of the lessor at the time of payment or settlement together with a recitation as to how the amount of each item is to be computed. The lessor shall be afforded copies of those documents which are necessary to determine the validity of the charge;

10. The lease shall specify that the lessor is not required to purchase or rent any products, equipment, or services from the authorized carrier as a condition of entering into the lease arrangement;

11. As it relates to insurance:

- a. the lease shall clearly specify the legal obligation of the authorized carrier to maintain insurance coverage for the protection of the public, and
- b. the lease shall clearly specify the conditions under which deductions for cargo or property damage may be made from the lessor's settlements. The lease shall further specify that the authorized carrier must provide the lessor with a written explanation and itemization of any deductions for cargo or property damage made from any compensation of money owed to the lessor. The written explanation and itemization must be delivered to the lessor before any deductions are made; and

12. An original and two copies of each lease shall be signed by the parties. The authorized carrier shall keep the original and shall place a copy of the lease in the equipment during the period of the lease. The owner of the equipment shall keep the other copy of the lease.

D. The provisions of this section shall apply to the leasing of equipment with which to perform transportation regulated by the Corporation Commission by motor carriers holding a license from the Commission to transport passengers or property.

Added by Laws 1995, c. 143, § 9, eff. Nov. 1, 1995.

§47-230.30. Liability and cargo insurance or bond.

A. No license shall be issued by the Commission to any carrier until after the carrier shall have filed with the Commission a liability insurance policy or bond covering public liability and property damage, issued by some insurance or bonding company or insurance carrier authorized pursuant to this section and which has complied with all of the requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in a sum and amount as fixed by a proper order of the Commission; and the liability and property damage insurance policy or bond shall bind the obligor thereunder to make compensation for injuries to, or death of,

persons, and loss or damage to property, resulting from the operation of any carrier for which the carrier is legally liable. A copy of the policy or bond shall be filed with the Commission, and, after judgment against the carrier for any damage, the injured party may maintain an action upon the policy or bond to recover the same, and shall be a proper party to maintain such action.

B. Every motor carrier shall file with the Commission a cargo insurance policy or bond covering any goods or property being transported, issued by some insurance or bonding company or insurance carrier authorized as set forth below, and which has complied with all of the requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in a sum and amount as fixed by a proper order of the Commission. The cargo insurance must be filed with the Commission prior to a license being issued by the Commission, unless the motor carrier has been exempted from this requirement.

Intrastate motor carriers of sand, rock, gravel, asphaltic mixtures or other similar road building materials shall not be required to file cargo insurance and shall be required to maintain liability insurance limits of Three Hundred Fifty Thousand Dollars (\$350,000.00) combined single limit.

No carrier, whose principal place of business is in Oklahoma, shall conduct any operations in this state unless the operations are covered by a valid primary bond or insurance policy issued by a provider authorized or approved by the State Insurance Commissioner. No carrier shall conduct any operations in this state unless the operations are covered by a valid bond or insurance policy issued by a provider authorized and approved by a National Association of Insurance Commissioners and certified by the State Insurance Commission.

C. Each carrier shall maintain on file, in full force, all insurance required by the laws of this state and the rules of the Commission during the operation of the carrier and that the failure for any cause to maintain the coverage in full force and effect shall immediately, without any notice from the Commission, suspend the rights of the carrier to operate until proper insurance is provided. Any carrier suspended for failure to maintain proper insurance shall have a reasonable time, not exceeding sixty (60) days, to have its license reactivated, and to provide proper insurance upon showing:

1. No operation during the period in which it did not have insurance; and

2. Furnishing of proper insurance coverage.

D. Any carrier who fails to reactivate its license within sixty (60) days after the suspension, as above provided, shall have the license canceled, by operation of law, without any notice from the Commission. No license so canceled shall be reinstated or otherwise made operative except that the Commission may reinstate the license

of a carrier upon proper showing that the carrier was actually covered by proper insurance during the suspension or cancellation period, and that failure to file with the Commission was not due to the negligence of the carrier. Any carrier desiring to file for reinstatement of its license shall do so within ninety (90) days of its cancellation by law.

E. The Commission shall, in its discretion, permit the filing of certificates of insurance coverage or such form as may be prescribed by the Commission, in lieu of copies of insurance policies or bonds, with the proviso that if the certificates are authorized the insurance company or carrier so filing it, upon request of the Commission, will, at any time, furnish an authenticated copy of the policy which the certificate represents, and further provided that thirty (30) days prior to effective cancellation or termination of the policy of insurance for any cause, the insurer shall so notify the Commission in writing of the facts or as deemed necessary by the Commission.

Added by Laws 1995, c. 143, § 10, eff. Nov. 1, 1995.

§47-230.31. Operation of vehicles in excess of weight or size limits prohibited - Certain advertisements prohibited - Authority to suspend or cancel license - Licenses personal to holder.

A. Nothing contained in the Motor Carrier Act of 1995 shall be construed to authorize the operation of any passenger or freight vehicle in excess of the gross weight, width, length or height authorized by law.

B. Any person who willfully advertises to perform transportation services for which the person does not hold a license shall be in violation of the Motor Carrier Act of 1995 and subject to the penalties prescribed for contempt of the Commission.

C. All licenses issued by the Commission under any law of the state relating to motor carriers or private carriers shall contain the provision that the Commission reserves to itself authority to suspend or cancel any such license for the violation, on the part of the applicant or any operator or operators of any motor vehicle to be operated thereunder, of any law of this state or any rule adopted by the Commission.

D. Licenses shall be considered personal to the holder of the license and shall be issued only to some definite legal entity operating motor vehicles as a motor carrier or private carrier, and shall not be subject to lease, nor shall the holder of the license sublet or permit the exercise, by another, of the rights or privileges granted under the license.

Added by Laws 1995, c. 143, § 11, eff. Nov. 1, 1995.

§47-230.32. Rules and regulations.

The Commission shall have the power and authority by general order or otherwise to promulgate rules and regulations for the administration and enforcement of the provisions of the Motor Carrier Act of 1995.

Added by Laws 1995, c. 143, § 12, eff. Nov. 1, 1995.

§47-230.33. Heavy road - building vehicles - Inapplicability of Motor Carrier Act - Insurance.

A. The provisions of the Motor Carrier Act of 1995 shall not apply to persons who operate motor vehicles in excess of twenty-six thousand (26,000) pounds who have contracted or subcontracted with any federal, state or local entity to conduct activities associated with the building or maintenance of streets, roads, bridges, turnpikes or any other project associated with road building.

B. Provided however, any person, contractor, or subcontractor who operates a motor vehicle in excess of twenty-six thousand (26,000) pounds in the furtherance of any contract let by any federal, state or local entity for the building or maintenance of roads, bridges, turnpikes or any other projects associated with road building shall obtain an annual policy for motor vehicle insurance or general liability insurance in an amount equal to or greater than Three Hundred Fifty Thousand Dollars (\$350,000.00).

Added by Laws 1996, c. 220, § 2, emerg. eff. May 23, 1996. Amended by Laws 2006, c. 238, § 6, emerg. eff. June 6, 2006.

§47-230.34. Short title.

This act shall be known and may be cited as the "Motor Carrier Harvest Permit Act of 2006".

Added by Laws 2006, c. 140, § 1, emerg. eff. May 10, 2006.

§47-230.34a. Issuance of harvest permit - Duration - Application - Fees - Violation and bond - Rules.

A. Any person, firm, partnership, limited liability company, or corporation owning or possessing a vehicle and required to register the vehicle under the laws of this state for the purpose of transporting farm products in a raw state may receive a harvest permit from the Oklahoma Corporation Commission.

B. The harvest permit shall be recognized in lieu of registration, fuel permit and intrastate operating authority in this state. The harvest permit shall be issued to the operating motor carrier.

C. Each permit shall be valid for a period of thirty (30) or sixty (60) days. The permit shall identify the time and date of its issuance and shall additionally reflect its effective and expiration dates.

D. The following information shall be required of an applicant for a harvest permit and shall apply to each vehicle to be operated under the permit:

1. Owner of the vehicle;
2. Vehicle registrant;
3. Make, model, year, license plate number, state of registration and VIN of each vehicle which will be operated under the permit; and
4. The operating carrier must provide a certificate that each vehicle is operating under a liability insurance policy valid in Oklahoma for Three Hundred Fifty Thousand Dollars (\$350,000.00) or more.

E. There shall be a fee of Twenty Dollars (\$20.00) per axle for a thirty-day permit or Thirty-five Dollars (\$35.00) per axle for a sixty-day permit, for each vehicle registered pursuant to the Motor Carrier Harvest Permit Act of 2006. Revenue derived from this fee shall be apportioned as follows:

1. One-half (1/2) of the revenue shall be deposited in the Weigh Station Improvement Revolving Fund as set forth in Section 1167 of Title 47 of the Oklahoma Statutes; and
2. The remaining amount shall be deposited in the One-Stop Trucking Fund as set forth in Section 1167 of Title 47 of the Oklahoma Statutes.

F. A harvest permit may be extended in fifteen-day increments. The permit holder shall be required to pay the additional prorated portion of the tag fee at Eight Dollars and seventy-five cents (\$8.75) per axle per fifteen-day extension.

G. An application for a harvest permit shall be made to the Corporation Commission. The Corporation Commission shall allow applications to be submitted by facsimile and electronically. The Commission must provide reasonable access for persons to obtain a harvest permit before taking enforcement action.

H. If found to be in violation of the Motor Carrier Harvest Permit Act of 2006 for failure to obtain or maintain a current harvest permit, the operating carrier shall post bond in the amount of the cost of the harvest permit and shall be allowed seventy-two (72) hours to apply for the permit. If the operating carrier makes application within seventy-two (72) hours, the bond amount will be applied toward the harvest permit fee.

I. A harvest permit does not exempt its holder from federal or state safety regulations nor from the state's size and weight laws or rules.

J. The Corporation Commission may enter into an agreement with any person or corporation located within or outside of the state for transmission of harvest permits by way of facsimile or other device when the Corporation Commission determines that such agreements are in the best interest of the state.

K. The Corporation Commission may promulgate rules to administer the provisions of the Motor Carrier Harvest Permit Act of 2006. Added by Laws 2006, c. 140, § 2, emerg. eff. May 10, 2006.

§47-230.34b. Proximity of portable scale to commercial grain elevator – Exceptions.

A portable scale used at any location other than an official weigh station by the Department of Public Safety or the Corporation Commission to weigh any vehicle transporting grain shall not be located within two (2) highway miles of any commercial grain elevator. This section shall not apply if the vehicle is:

1. Involved in a collision;
2. Being subjected to a Commercial Vehicle Safety Alliance (CVSA) inspection by the Department of Public Safety; or
3. Operated on any highway of the national defense highway system.

Added by Laws 2006, c. 140, § 3, emerg. eff. May 10, 2006. Amended by 2006, c. 243, § 1, emerg. eff. June 6, 2006.

§47-251. Special identification, right to.

Any person who is the holder of an unrevoked and unexpired technician class or better license issued by the Federal Communications Commission to operate an amateur radio station in Oklahoma shall be entitled to special identification as herein provided.

Laws 1953, p. 215, § 1; Laws 1979, c. 95, § 1.

§47-252. Special personal identification card.

Such person shall upon proper application be entitled to a special personal identification card, the style of which shall be fixed by the Department of Public Safety; provided, every such card shall bear the applicant's name, the date of issuance of such card, a serial number to be assigned by the Department of Public Safety, the official call letters of the radio station assigned to the applicant by the Federal Communications Commission, and such other information as the Commissioner of Public Safety shall direct.

Every such card shall be issued by the Department of Public Safety, and application therefor shall be made on forms provided by the Department of Public Safety.

Laws 1953, p. 215, § 2.

§47-253. Repealed by Laws 2004, c. 504, § 24, eff. July 1, 2004.

§47-254. Purpose of law.

It is hereby declared the purpose of this act to provide special identification for individuals who hold an unrevoked and unexpired technician class or better license, issued by the Federal

Communication Commission, to operate an amateur radio station in Oklahoma, in order to encourage such persons to assist in providing and maintaining a means of communication in emergency areas, national or local.

Laws 1953, p. 215, § 4; Laws 1979, c. 95, § 3.

§47-255. List of licensed operators to be secured and maintained.

It shall be the duty of the Department of Public Safety to secure from the Federal Communication Commission and maintain each month a current list of the technician class or better licensed amateur radio station operators in Oklahoma.

Laws 1953, p. 216, § 5; Laws 1979, c. 95, § 4.

§47-256. Expiration of amateur license - Notice and delivery of identification - Violations.

Upon the revocation or expiration of the amateur radio station operator's license of any person in Oklahoma who has been issued identification as herein provided, said person shall immediately notify the Oklahoma Tax Commission and the Department of Public Safety and shall, within five (5) days thereafter, deliver the identification to the Oklahoma Tax Commission and/or the Department of Public Safety.

Any person violating the provisions of this section, or any person who knowingly permits another person to make use of the identification herein provided for to obtain entry into any restricted area in this state, or any person who by misrepresentation obtains any identification herein provided for, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or be sentenced to imprisonment in the county jail for not more than one (1) year, or both. Venue for prosecutions shall be in the district court of any county in which such violation is committed.

Laws 1953, p. 216, § 6.

§47-309.8. Renumbered as Section 2-309.8 of this title by Laws 2001, c. 131, § 18, eff. July 1, 2001.

§47-376. Repealed by Laws 2000, c. 189, § 14, eff. July 1, 2000.

§47-377.1. Repealed by Laws 1998, c. 245, § 10, eff. July 1, 1998.

§47-421. Definitions - Persons not included - Sworn statement showing exemption.

(a) When used in this act:

(1) "Motor vehicle" means any automobile, automobile trucks, truck, or any other self-propelled vehicle not operated or driven upon fixed rails or track; provided, that in this act the term shall

always include as one vehicle a tractor-semitrailer or tractor-trailor combination.

(2) "Highway" shall mean any thoroughfare defined by any statute or ordinance as a public highway or street.

(3) "Person" shall mean a natural person, firm, partnership, association, corporation, trust, lessee, trustee, or receiver, as the context may require, regardless of the gender of the pronoun used in conjunction therewith.

(4) The words "sale," "sell," or any grammatical forms thereof, when used in this act, shall mean and include barter, trade, or exchange, in addition to the usual and ordinary meanings of said words; and this definition shall not be construed to diminish any meanings of said words but shall extend such meanings.

(5) "Commission" shall mean the Oklahoma Tax Commission.

(6) "Established place of business" shall mean any permanent warehouse, building, structure, or residence, at which a permanent business is carried on as such during usual business hours throughout the year or usual production season in good faith and not for the purpose of evading this Act, and at which stocks of the property being transported are produced, stored or kept in quantities reasonably adequate for, and usually carried for, the requirements of such business, and which is recognized, and licensed or taxed, as a permanent business at such place, and shall not mean premises or buildings appurtenant thereto, tents, temporary stands or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement.

(7) Except as otherwise herein provided, "itinerant merchant" shall mean any person who sells, or offers to sell, in this state, at wholesale or retail, any personal property, and transports the same on any highway in this state by use of a motor vehicle.

(b) The term "itinerant merchant" shall not mean or include the following:

(1) A person who does not at any time transport in a motor vehicle a net load exceeding three thousand (3,000) pounds, except a person transporting baby chicks.

(2) A person using a motor vehicle owned by him, whether operated by him or his agent, for the transportation of milk, dairy products, grain, fruits, vegetables, livestock, poultry, or other agricultural products, produced or fed by him on a farm operated by him either within or without this state, or for the transportation of newspapers, magazines, or periodicals.

(3) A person transporting property owned by him or by his agent, in a motor vehicle owned by him or by his agent, whether operated by him or his agent, when such transportation is incident to a business conducted by him or by his agent at an established place of business operated by him or by his agent, either within or without this state,

and when said property is being transported to or from said established place of business.

(4) A person transporting property for his own consumption or use, or to be processed by him and not for sale.

(5) A person authorized to act as a common or contract carrier of property by motor vehicle under Part 2 of the Interstate Commerce Act, or a person operating a motor vehicle for hire under the laws of this state.

(6) A person transporting any petroleum products owned by him, by motor vehicle operated by him, or his agent, when such products are transported to or from an established oil bulk plant operated by him, or his agent, either within or without the state.

(7) This act shall not apply to bona fide residents of the State of Oklahoma having a motor vehicle license in this state and used in the conduct of business as an itinerant merchant.

(c) No person shall be exempt from the requirements of this act by reason of the provisions of subsection (b) of this section unless he or the driver of the motor vehicle upon which his property is being transported shall, upon request of any state, county, or township officer, sworn to preserve the peace, sign and swear to under oath before some person authorized by the laws of this state to administer oaths, or under authority of this act, and deliver to said officer such sworn statement in writing clearly showing that the person claiming the exemption is entitled to one or more of the exemptions provided in this section. Any highway patrolman, sheriff, or peace officer, for the purpose of the enforcement of this act, shall have authority to administer oaths and take acknowledgments thereof. If the person claiming the exemption is not a natural person, such statement shall be signed and sworn to by some natural person authorized to act for it, or by the driver of the motor vehicle carrying the property. Such statement shall not be sufficient unless it shall contain, in addition to any other necessary facts, the following of such facts as are material to the particular exemption claimed: Name of the person claiming the exemption and name of the person signing such statement, and the business and residence addresses of both; where and when the products described in paragraph (2) of subsection (b) of this section were produced or fed, and the place where they are to be delivered if known; acreage operated by him; the location of the established place of business, how long there established, and whether the premises where located are owned or leased by the person claiming the exemption; the kind of business there conducted. The officer receiving said statement shall promptly forward it to the Commission where it shall be filed and shall be a public record. Any person knowingly making any false, material statement in said statement shall be guilty of perjury and shall, upon conviction thereof, be punished as provided by law.

Laws 1941, p. 204, § 1.

§47-422. Compliance with act required - License necessary.

No person shall engage in business or use any motor vehicle in this state as an itinerant merchant as defined and fixed in Section 1 of this act, without complying with this act and without obtaining from the Commission or its agents the license required by this act. Laws 1941, p. 205, § 2.

§47-423. Application for license - Separate application and license for each motor vehicle.

An application for a license as an itinerant merchant shall be made to the Commission or through any of its authorized agents upon forms to be prepared by the Commission. A separate application and license shall be required for each motor vehicle to be operated. In addition to any other essential information required by the Commission, said application shall state the following: Name and legal status of the applicant; his business address, if a natural person; his residence address, if not a natural person; the names and business and residence addresses of the principal and managing officers, agents or partners; a general description of the business to be conducted and the area in this state in which it will be conducted; an exact description of the motor vehicle to be used including the make, type, manufacturer's rated loading capacity, motor number, serial number, place where registered, and registration or license number. The application shall be signed and sworn to by the applicant or his duly-authorized agent, if a natural person; if not a natural person, by some agent, officer or partner authorized to act for it.

Laws 1941, p. 205, § 3.

§47-424. License fees - Period covered by license.

(a) The fee for each license shall be Twenty Dollars (\$20.00) per year; provided, that if the license is issued after June 30 in any year such license fee shall be Ten Dollars (\$10.00). The proper fee shall accompany the application.

(b) All licenses issued and license fees paid shall be for the calendar year only in which issued or paid, and shall expire at the end of such calendar year.

Laws 1941, p. 205, § 4.

§47-425. Insurance policies and bonds - Parties to actions.

(a) No license shall be issued by the Commission until the applicant shall have filed with each application, and the same have been approved by the Commission, the following insurance policies and bonds issued by an insurance carrier or bonding company authorized to do business within this state. In lieu of such policies, the

applicant may file the written certificate or certificates of any insurance carrier duly authorized to do business in this state, certifying that it has issued to, or for the benefit of, the applicant, named as the insured therein, a policy or policies meeting the requirements of this section as hereinafter provided, and that said policy or policies are then in full force and effect. Such certificate or certificates shall give the dates of issuance and expiration of such policy or policies, and shall designate by explicit designation or by appropriate reference all motor vehicles covered thereby.

(1) A bond in the penal sum of Five Hundred Dollars (\$500.00) in such form as may be prescribed by the Commission for the purpose of protecting the public against fraud, conditioned upon the delivery of correct weights, measures, footage, or grades, if the commodities handled by the itinerant merchant are those customarily sold by weights, measures, footage, or grades, accurate representation as to quality or class of such commodities, the actual payment of checks, drafts or other obligations delivered by the itinerant merchant in exchange for the purchase of commodities, and conditioned to pay any judgment or judgments that may be obtained against the itinerant merchant for civil liability arising out of the conduct of his business, and further providing for the prompt payment of license fees and taxes to this state or any governmental subdivision thereof, including the matters hereinbefore specified in this paragraph, but not including any causes of action covered by the insurance policies described in paragraph (2) of this subsection. Said bond shall further provide that any person dealing with said itinerant merchant, any person using the commodities handled by him, and any person holding checks, drafts, or other obligations, shall have cause of action upon said bond by reason of any violation of the terms of said bond with respect to such dealing, said commodities, or said checks, drafts or other obligations.

(2) A liability insurance policy or bond which shall bind the obligors to pay compensation for injuries to persons and damage to property resulting from the negligent operation of the motor vehicle operated under authority of the itinerant merchant's license, said policy or bond to be conditioned to pay any sum up to Twenty-five Thousand Dollars (\$25,000.00) for personal injury to or death of one individual, and up to Fifty Thousand Dollars (\$50,000.00) for personal injuries or deaths resulting from any single accident, and up to Twenty-five Thousand Dollars (\$25,000.00) for damage to property in any single accident.

(b) Every insurance policy and bond or certificate thereof filed with the Commission under the provisions of this act shall contain an endorsement or provision that the same shall not be cancelled by the obligor, shall not expire, and shall not become reduced in amount, until thirty (30) days after notice by registered United States mail

has been sent to the Commission of the intention to cancel the same, or that the same is to expire or is to be reduced in amount. Upon receipt of such notice the Commission shall immediately notify the itinerant merchant by registered United States mail, return receipt requested, of the receipt of such notice, and shall advise him that unless a new insurance policy or bond is filed to replace the one to be canceled, or to expire, or to be reduced in amount, prior to the time such cancellation, expiration or reduction becomes effective, the license of such itinerant merchant in connection with which said policy or bond was issued shall be revoked at the time such cancellation, expiration or reduction becomes effective. If a new policy or bond is not filed or the amount of the reduction restored prior to the time such cancellation, expiration or reduction becomes effective, the Commission must revoke said license at said time, and licensee shall return license and license plate to the Commission.

(c) Any person having a cause of action against the itinerant merchant arising out of the matters described in paragraphs (1) and (2) of subsection (a) of this section may join said itinerant merchant and the surety on his bond in the same action, or may sue said surety without joining said itinerant merchant in the action if the itinerant merchant is deceased or if it is impossible to obtain jurisdiction of his person within the state where the cause of action arose.

Added by Laws 1941, p. 206, § 5. Amended by Laws 2004, c. 519, § 35, eff. Nov. 1, 2004.

§47-426. Appointment of Secretary of Commission as agent to accept service of summons.

Before a license shall be issued the applicant shall sign and file with the Commission an irrevocable power of attorney appointing the Secretary of the Commission his agent to accept service of summons for all causes of action against him arising out of the conduct of his business as an itinerant merchant and the operation of the motor vehicle described in the application.

Laws 1941, p. 207, § 6.

§47-427. Summons or notice of suit - Form - Service.

The original summons or notice of suit filed with the Secretary of the Commission, as provided in Section 6 hereof, in all actions arising under the provisions of this act, shall be in form and substance the same as now provided in suits against residents of this State, except that that part of said summons pertaining to the return day shall be in substantially the following form, to-wit:

"and unless you appear thereto and defend in the District Court of Oklahoma in and for _____ county at the Court House in _____, Oklahoma, before noon of the sixtieth day following the filing of this summons with the Secretary of the Oklahoma Tax

Commission of this State, default will be entered and judgment rendered against you by the Court in the amount of \$____, if said Court is then in session in said county, and if the Court is not then in session, said default will be entered and judgment rendered by the Court on the first day of the succeeding term, or as soon thereafter as the same may be reached."

Plaintiff in any such action shall cause the original summons to be served as follows:

(a) By serving a copy of said original summons upon the Secretary of the Oklahoma Tax Commission, and

(b) By mailing to the defendant and each of the defendants, if more than one, within ten (10) days after the filing of said summons with the Secretary of the Oklahoma Tax Commission by restricted registered mail addressed to the defendant at his last-known residence or place of abode a notification of said filing with the Secretary of the Oklahoma Tax Commission.

The notification provided for in this section shall be in substantially the following form, to wit:

"To _____ (here insert the name of the defendant and his residence or last known place of abode as definitely as known): You will take notice that an original summons in a suit against you, a copy of which is hereto attached, was duly served upon you at Oklahoma City, Oklahoma, by filing copy of said summons on the _____ day of _____, 19__, with the Secretary of the Oklahoma Tax Commission of the State of Oklahoma. Dated at _____, Oklahoma, this _____ day of _____, 19__.

Plaintiff _____

By _____
Attorney for Plaintiff"

The term "restricted registered mail", as used herein, means mail which carries on the face thereof, in a conspicuous place where it will not be obliterated, the endorsement "Deliver to addressee only", and which also requires a return receipt.

Proof of the filing of a copy of said summons with the Secretary of the Oklahoma Tax Commission and proof of the mailing of said notification to said itinerant merchant shall be made by affidavit by the party doing said acts. All affidavits of service shall be endorsed upon or attached to the originals of the papers to which they relate. All proofs of service, including the return registry receipt, shall be forthwith filed with the clerk of the district court in which said cause of action is pending.

The foregoing provisions relating to service of the original summons on itinerant merchants shall not be deemed to prevent actual personal service in this state upon such itinerant merchants in the time, manner, form and under the conditions otherwise provided by law.

Laws 1941, p. 207, § 7.

§47-428. License - Issuance - Contents - Carried in vehicle - License plate.

Upon the approval and issuance of the application and upon compliance with the terms of this act, the Commission shall issue to the applicant a license as an itinerant merchant. Such license shall be numbered, shall show the amount of fees paid, shall, specifically describe the itinerant merchant and the motor vehicle as they are described in the application, and shall at all times be carried in the cab of the motor vehicle described and shall at all times be subject to inspection by any person authorized to enforce this act. The Commission shall also issue to the itinerant merchant a license plate containing the same number as the license, of distinctive color and size, which shall at all times be displayed on the rear of the motor vehicle described in the license.

Laws 1941, p. 208, § 8.

§47-429. Transfer of license or license plate.

No license or license plate issued pursuant to this Act may be sold or transferred, and no license or license plate may be transferred from one vehicle to another.

Laws 1941, p. 208, § 9.

§47-430. Revocation of license.

Upon such notice and hearing as the Commission may deem proper, it may revoke any license issued under the provisions of this act for failure to comply with any of the laws of this state, or if any judgment recovered against any itinerant merchant remains unpaid for a period of sixty (60) days, provided such judgment be not superseded by bond upon appeal from such judgment.

Laws 1941, p. 208, § 10.

§47-431. Rules for administration of act.

The Commission shall make and enforce such rules for the administration of this act as may be necessary and proper.

Laws 1941, p. 208, § 11.

§47-432. Custody and operation of motor vehicle used in violation of act.

Any motor vehicle operated in violation of this act shall be kept in the custody of any state or county officer sworn to preserve the peace, and shall not be operated except under his authority and solely for the purpose of taking it to the nearest convenient place of custody, until the provisions of this act have been complied with.

Laws 1941, p. 208, § 12.

§47-433. Disposition of fees.

All fees paid under Section 4(a) of this act to the Oklahoma Tax Commission shall be paid to the State Treasurer and placed in the General Revenue Fund of the state, and be paid out only by direct appropriation of the Legislature.

Laws 1941, p. 208, § 13.

§47-434. Authority of county or municipal corporation not affected.

Nothing in this act shall be construed to repeal or amend any statute delegating authority to any county or municipal corporation to license, tax, or regulate peddlers or itinerant merchants.

Laws 1941, p. 208, § 14.

§47-435. Violation a misdemeanor - Punishment.

Any person violating any provision of this act shall be guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than one (1) year; or by both such fine and imprisonment.

Laws 1941, p. 208, § 15.

§47-436. Actions for injunctions.

(a) The Attorney General, or any district attorney, shall commence an action in any court of competent jurisdiction, in the name of the state as plaintiff on the relation of the Attorney General or such district attorney, to enjoin any person from violating any of the provisions of this act. Such action may be maintained upon due showing that the defendant has violated or is threatening to violate any of the provisions of this act.

(b) Upon being presented with the petition of any resident of this state, verified upon oath, stating facts showing that such resident has reasonable grounds to believe that some person has violated or is threatening to violate any of the provisions of this act, it shall be the duty of any district attorney of this state to commence such action for injunction within his county against the person complained of in said petition.

Laws 1941, p. 209, § 16.

§47-437. Highway Patrol and peace officers to enforce Act.

It shall be the duty of the highway patrol and all peace officers to enforce this act.

Laws 1941, p. 209, § 17.

§47-438. Partial invalidity.

It is hereby declared the intention of the Legislature that no section, paragraph, sentence, clause, phrase or word of this act is an inducement to the enactment of any other part or portion of the

same; and if any part or portion of this act should be held by any court of competent jurisdiction to be unconstitutional, such decision shall not affect the validity of the remainder of this act.

Laws 1941, p. 209, § 18.

§47-461. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-462. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-463. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-464. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-465. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-466. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-467. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-468. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-469. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-470. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-561. Necessity for regulation - Legislative finding.

The Legislature finds and declares that the distribution and sale of new motor vehicles in the State of Oklahoma vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police powers, it is necessary to regulate and to license motor vehicle manufacturers, distributors, representatives, new motor vehicle dealers and salespersons of new motor vehicles doing business in Oklahoma, in order to prevent frauds, impositions and other abuses upon its citizens and to protect and preserve the investments and properties of the citizens of this state, and in order to avoid undue control of the independent motor vehicle dealer by the motor vehicle manufacturing and distributing organizations, and in order to foster and keep alive vigorous and healthy competition by prohibiting unfair practices by which fair and honest competition is destroyed or prevented, and to protect the public against the creation or perpetuation of monopolies and practices detrimental to the public welfare, to prevent the practice of requiring the buying of special features, appliances and equipment not desired or requested by the purchaser, to prevent false and misleading advertising, to prevent unfair practices by motor vehicle dealers, manufacturers and

distributing organizations, to promote the public safety and prevent disruption of the franchise system of distribution of motor vehicles to the public and prevent deterioration of facilities for servicing motor vehicles and keeping same safe and properly functioning, and prevent bankrupting of motor vehicle dealers, who might otherwise be caused to fail because of such unfair practices.

Amended by Laws 1985, c. 229, § 3, eff. Nov. 1, 1985.

§47-562. Definitions.

The following words, terms and phrases, when used in Sections 561 through 567, 572, 578.1, 579 and 579.1 of this title, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Motor vehicle" means any motor-driven vehicle required to be registered under the Oklahoma Vehicle License and Registration Act. The term "motor vehicle" does not include:

- a. recreational vehicles, as defined in the Recreational Vehicle Franchise Act, or
- b. all-terrain vehicles, utility vehicles, and motorcycles used exclusively for off-road use which are sold by a retail implement dealer;

2. "New motor vehicle dealer" means any person, firm, association, corporation or trust not excluded by this paragraph who sells, offers for sale, advertises to sell, leases or displays new motor vehicles and holds a bona fide contract or franchise in effect with a manufacturer or distributor authorized by the manufacturer to make predelivery preparation of such vehicles sold to purchasers and to perform post-sale work pursuant to the manufacturer's or distributor's warranty. As used herein, "authorized predelivery preparation" means the rendition by the dealer of services and safety adjustments on each new motor vehicle in accordance with the procedure and safety standards required by the manufacturer of the vehicle to be made before its delivery to the purchaser.

"Performance of authorized post-sale work pursuant to the warranty", as used herein, means the rendition of services which are required by the terms of the warranty that stands extended to the vehicle at the time of its sale and are to be made in accordance with the safety standards prescribed by the manufacturer. The term includes premises or facilities at which a person engages only in the repair of motor vehicles if repairs are performed pursuant to the terms of a franchise and motor vehicle manufacturer's warranty. However, the term shall not include premises or facilities at which a new motor vehicle dealer or dealers within the area of responsibility of such dealer or dealers as defined in the manufacturer's franchise agreement of such dealer or dealers performs motor vehicle repairs pursuant to the terms of a franchise and motor vehicle manufacturer's warranty. For the purpose of Sections 561 through 567, 572, 578.1,

579 and 579.1 of this title, the terms "new motor vehicle dealer" and "new motor vehicle dealership" shall be synonymous. The term "new motor vehicle dealer" does not include:

- a. receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under judgment or order of any court,
- b. public officers while performing or in operation of their duties, or
- c. employees of persons, corporations or associations enumerated in subparagraph a of this paragraph when engaged in the specific performance of their duties as such employees;

3. "Motor vehicle salesperson" means any person who, for gain or compensation of any kind, either directly or indirectly, regularly or occasionally, by any form of agreement or arrangement, sells or negotiates for the sale of any new motor vehicle for any new motor vehicle dealer to any one or more third parties;

4. "Commission" means the Oklahoma Motor Vehicle Commission;

5. "Manufacturer" means any person, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new and unused motor vehicles or who engages in the fabrication or assembly of motorized vehicles of a type required to be registered in the State of Oklahoma;

6. "Distributor" means any person, firm, association, corporation or trust, resident or nonresident, who, being authorized by the original manufacturer, in whole or in part sells or distributes new and unused motor vehicles to motor vehicle dealers, or who maintains distributor representatives;

7. "Factory branch" means any branch office maintained by a person, firm, association, corporation or trust who manufactures or assembles motor vehicles for the sale of motor vehicles to distributors, or for the sale of motor vehicles to motor vehicle dealers, or for directing or supervising, in whole or in part, its representatives;

8. "Distributor branch" means any branch office similarly maintained by a distributor for the same purposes a factory branch is maintained;

9. "Factory representative" means any officer or agent engaged as a representative of a manufacturer of motor vehicles or by a factory branch, for the purpose of making or promoting the sale of its motor vehicles, or for supervising or contacting its dealers or prospective dealers;

10. "Distributor representative" means any person, firm, association, corporation or trust and each officer and employee thereof engaged as a representative of a distributor or distributor branch of motor vehicles, for the purpose of making or promoting the

sale of its motor vehicles, or for supervising or contacting its dealers or prospective dealers;

11. "Franchise" means any contract or agreement between a motor vehicle dealer and a manufacturer of a new motor vehicle or its distributor or factory branch by which the dealer is authorized to engage in the business of selling any specified make or makes of new motor vehicles;

12. "New or unused motor vehicle" means a vehicle which is in the possession of the manufacturer or distributor or has been sold only to the holder of a valid selling agreement, franchise or contract, granted by the manufacturer or distributor for the sale of that make of new vehicle so long as the manufacturer's statement of origin has not been assigned to anyone other than a licensed franchised new motor vehicle dealer of the same line-make;

13. "Area of responsibility" means the geographical area, as designated by the manufacturer, factory branch, factory representative, distributor, distributor branch or distributor representative, in which the new motor vehicle dealer is held responsible for the promotion and development of sales and rendering of service for the make of motor vehicle for which the motor vehicle dealer holds a franchise or selling agreement;

14. "Off premises" means at a location other than the address designated on the new motor vehicle dealer's license;

15. "Sponsoring entity" means any person, firm, association, corporation or trust which has control, either permanently or temporarily, over the real property upon which the off-premise sale or display is conducted;

16. "Product" means new motor vehicles and new motor vehicle parts;

17. "Service" means motor vehicle warranty repairs including both parts and labor;

18. "Lead" means a consumer contact in response to a factory program designed to generate interest in purchasing or leasing a new motor vehicle;

19. "Sell or sale" means to sell or lease;

20. "Factory" means a manufacturer, distributor, factory branch, distributor branch, factory representative or distributor representative, which manufactures or distributes vehicle products;

21. "Powersports vehicle" means motorcycles, scooters, mopeds, all-terrain vehicles, and utility vehicles;

22. "Powersports vehicle dealer" means any person, firm, or corporation who is in the business of selling any new powersports vehicles except for retail implement dealers; and

23. "Retail implement dealer" means a business engaged primarily in the sale of farm tractors as defined in Section 1-118 of this title or implements of husbandry as defined in Section 1-125 of this title or a combination thereof.

Added by Laws 1953, p. 179, § 2, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 205, § 2, emerg. eff. July 16, 1959; Laws 1967, c. 251, §§ 1 and 2, emerg. eff. May 8, 1967; Laws 1970, c. 197, § 2, emerg. eff. April 13, 1970; Laws 1973, c. 189, § 1, emerg. eff. May 17, 1973; Laws 1977, c. 14, § 1, emerg. eff. March 18, 1977; Laws 1980, c. 85, § 9, eff. Jan. 1, 1981; Laws 1985, c. 229, § 4, eff. Nov. 1, 1985; Laws 1998, c. 269, § 1, eff. Nov. 1, 1998; Laws 2000, c. 80, § 1, emerg. eff. April 14, 2000; Laws 2000, c. 341, § 1, eff. Nov. 1, 2000; Laws 2001, c. 148, § 1, emerg. eff. April 30, 2001; Laws 2005, c. 284, § 11, eff. July 1, 2005; Laws 2006, c. 213, § 2, eff. Nov. 1, 2006; Laws 2008, c. 315, § 2, emerg. eff. June 2, 2008; Laws 2009, c. 182, § 7, eff. Nov. 1, 2009; Laws 2011, c. 272, § 20, eff. Jan. 1, 2012; Laws 2013, c. 191, § 1, eff. Nov. 1, 2013.

§47-563. Oklahoma Motor Vehicle Commission.

A. There is hereby created the Oklahoma Motor Vehicle Commission, to be composed of nine (9) members. Seven of the members shall have been engaged in the manufacture, distribution or sale of new motor vehicles and two members shall be lay members, all to be appointed by the Governor of the State of Oklahoma, with the advice and consent of the State Senate. Such appointments shall be made within thirty (30) days after the effective date of this section. Each of the Commissioners thus appointed shall, at the time of the appointment, be a resident in good faith of the State of Oklahoma, shall be of good moral character, and each of the industry related Commissioners shall have been actually engaged in the manufacture, distribution or sale of such new motor vehicles for not less than ten (10) years next preceding such appointment. The members of the Commission shall serve at the pleasure of the Governor.

B. 1. The Commissioners shall elect a Chairman from amongst them whose term shall be for one (1) year with the right to succeed him or herself.

2. There shall be three at large members of the Commission. Six members of the Commission shall be appointed from the following geographical areas with at least one member from each area:

- a. four areas of the state shall be the northwest, northeast, southwest and southeast sections designated by Interstate 35 dividing the state east and west and Interstate 40 dividing the state north and south, excluding Oklahoma County and Tulsa County, and
- b. two additional areas shall be Oklahoma County and Tulsa County.

There shall not be more than two members of the Commission from any one area.

C. The terms of office of the members first appointed to the Commission shall be as follows:

1. The members appointed from the northwest, northeast and southwest areas shall serve until June 30, 1987;

2. The members appointed from the southeast area and Oklahoma County and Tulsa County shall serve until June 30, 1989; and

3. The members appointed at large shall serve until June 30, 1991.

Each member shall serve until a successor is appointed and qualifies. Thereafter, the term of office of each member of the Commission shall be for six (6) years. The term of office of any member will automatically expire if the member moves out of the geographical area from which the member was appointed. In event of death, resignation, removal, or term automatically expiring, of any person serving on the Commission, the vacancy shall be filled by appointment as provided for the unexpired portion of the term. The Commission shall meet at Oklahoma City and complete its organization immediately after the membership thereof has been appointed and has qualified. The Chairman and each member of the Commission shall take and subscribe to the oath of office required of public officers.

D. The members of the Commission shall receive reimbursement for subsistence and traveling expenses necessarily incurred in the performance of their duties as provided by the State Travel Reimbursement Act.

E. The Commission shall appoint a qualified person to serve as Executive Director thereof, which person shall have had not less than ten (10) years of experience in the motor vehicle industry. The Executive Director shall be appointed for a term of six (6) years, and shall not be subject to dismissal or removal without cause. The Commission shall fix the salary and prescribe the duties of the Executive Director. The Executive Director shall devote such time as necessary to fulfill the duties thereof, and before entering upon such duties shall take and subscribe to the oath of office. The Executive Director may employ such clerical, technical and other help and legal services and incur such expenses as may be necessary for the proper discharge of the duties of the Executive Director under this act. The Commission shall maintain its office and transact its business in Oklahoma City, and it is authorized to adopt and use a seal. The Executive Director is hereby authorized to hire, retain or otherwise acquire the services of an attorney to represent the Commission in any and all state and federal courts, and assist the Commission in any and all business or legal matters that may come before it. The attorney so representing the Commission shall discharge the duties under the direction of the Executive Director.

F. The Commission is hereby vested with the powers necessary to enable it to fully and effectively carry out the provisions and objects of this act, and is hereby authorized and empowered to make and enforce all reasonable rules and to adopt and prescribe all forms necessary to accomplish such purpose. All forms used by a new motor

vehicle dealer to facilitate the delivery of a vehicle pending approval of financing shall be approved by the Commission.

G. All fees, charges and fines collected under the provisions of this act shall be deposited by the Executive Director in the State Treasury in accordance with the depository laws of this state in a special fund to be known as the "Oklahoma Motor Vehicle Commission Fund", which is hereby created, and except as hereinafter provided the monies in the fund shall be used by the Commission for the purpose of carrying out and enforcing the provisions of this act. Expenditures from the fund shall be made upon vouchers approved by the Commission or its authorized officers.

At the close of each fiscal year, the Commission shall file with the Governor and the State Auditor and Inspector a true and correct report of all fees, fines and charges collected and received by it during the preceding fiscal year and shall at the same time pay into the General Revenue Fund of the state a sum equal to ten percent (10%) of the fees, fines and charges so collected and received.

All expenses incurred by the Commission in carrying out the provisions of this act, including but not limited to per diem, wages, salaries, rent, postage, advertising, supplies, bond premiums, travel and subsistence for the Commissioners, the Executive Director, employees, and legal counsel, and printing and utilities, shall be a proper charge against such fund, exclusive of the portion thereof to be paid into the General Revenue Fund as above set out. In no event shall liability ever accrue hereunder against this state in any sum whatsoever, or against the Oklahoma Motor Vehicle Commission Fund, in excess of the ninety percent (90%) of the fees, fines and charges deposited therein.

Added by Laws 1953, p. 180, § 3, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 206, §§ 3, 4 and 5, emerg. eff. July 16, 1959; Laws 1967, c. 251, §§ 3, 4 and 5, emerg. eff. May 8, 1967; Laws 1969, c. 241, § 2, emerg. eff. April 21, 1969; Laws 1970, c. 197, § 3, emerg. eff. April 13, 1970; Laws 1977, c. 14, § 2; Laws 1979, c. 30, § 14, emerg. eff. April 6, 1979; Laws 1985, c. 229, § 5, eff. Nov. 1, 1985; Laws 1998, c. 269, § 2, eff. Nov. 1, 1998.

NOTE: Laws 1985, c. 178, § 21 repealed by Laws 1989, c. 353, § 14, emerg. eff. June 3, 1989.

§47-564. Licenses.

A. It shall be unlawful for any person, firm, association, corporation or trust to engage in business as, or serve in the capacity of, or act as a motor vehicle dealer or manufacturer or distributor of new motor vehicles, or factory branch, distributor branch or factory representative or distributor representative, as such, in this state without first obtaining a license therefor as provided for by law. Any person, firm, association, corporation or trust engaging in more than one of such capacities or having more

than one place where such business is carried on or conducted shall be required to obtain and hold a current license for each thereof. Provided that, a new motor vehicle dealer's license shall authorize one person to sell in the event such person shall be the owner of a proprietorship, or the person designated as principal in the dealer's franchise or the managing officer or one partner if no principal person is named in the franchise.

B. Applications for licenses required to be obtained under provisions of Section 561 et seq. of this title shall be verified by the oath or affirmation of the applicant and shall be on forms prescribed by the Oklahoma Motor Vehicle Commission and furnished to such applicants, and shall contain such information as the Commission deems necessary to enable it to fully determine the qualifications and eligibility of the several applicants to receive the license or licenses applied for. The Commission shall require in such application, or otherwise, information relating to the applicant's financial standing, the applicant's business integrity, whether the applicant has an established place of business and is primarily engaged in the pursuit, avocation or business for which a license, or licenses, are applied for, and whether the applicant is able to properly conduct the business for which a license, or licenses, are applied for, and such other pertinent information consistent with the safeguarding of the public interest and the public welfare. All such applications for license or licenses shall be accompanied by the appropriate fee or fees therefor in accordance with the schedule thereof hereinafter set out. In the event any such application is denied and the license applied for is not issued, the entire license fee shall be returned to the applicant. All licenses issued under the provisions of Section 561 et seq. of this title shall expire on June 30, following the date of issue and shall be nontransferable. All applications for renewal of a license for a new motor vehicle dealer, manufacturer, distributor or manufacturer's or distributor's representative shall be submitted by June 1 of each year, and such license or licenses will be issued by July 1. If applications have not been made for renewal of licenses at the times described in this subsection, it shall be illegal for any person to represent himself or herself and act as a dealer, manufacturer, distributor or manufacturer's or distributor's representative. Motor license agents will be notified not to accept such dealers' titles until such time as licenses have been issued by the Commission.

C. The schedule of license fees to be charged and received by the Commission for the licenses issued hereunder shall be as follows:

1. For each factory branch or distributor branch, Four Hundred Dollars (\$400.00) initial fee with annual renewal fee of Three Hundred Dollars (\$300.00);

2. For each manufacturer or distributor of new motor vehicles, Four Hundred Dollars (\$400.00) initial fee with annual renewal fee of Three Hundred Dollars (\$300.00);

3. For each factory representative or distributor representative, One Hundred Dollars (\$100.00) annually;

4. For each new motor vehicle dealer, except powersports vehicle dealers, initial fee of Three Hundred Dollars (\$300.00) per franchise sold at each location licensed, with an annual renewal fee of One Hundred Dollars (\$100.00) per franchise sold at each location per year; and

5. For each powersports vehicle dealer, initial fee of Three Hundred Dollars (\$300.00) per manufacturer represented by the dealer at each location licensed, with an annual renewal fee of One Hundred Dollars (\$100.00) per manufacturer represented by the dealer at each location licensed per year.

D. The licenses issued to each new motor vehicle dealer, manufacturer, distributor, factory branch, distributor branch or representative, if a corporation, shall specify the location of the factory, office or branch thereof. In case such location is changed, the Commission may endorse the change of location on the license without charge unless the change of address triggers a relocation of a new motor vehicle dealer pursuant to the provisions of Section 578.1 of this title. The license of each dealer shall be posted in a conspicuous place in the dealer's place or places of business.

Every motor vehicle factory representative or distributor representative if an individual shall physically possess the license when engaged in business, and shall display same upon request. The name of the employer of such factory representative or distributor representative shall be stated on the license and, in case of a change of employer, the holder of such license shall immediately mail same to the Commission for its endorsement of such change thereon. The Commission shall endorse each such change of employer on licenses for a fee of Ten Dollars (\$10.00).

E. The powersports dealer license shall only allow the sale of the specific types of powersports vehicles authorized by the manufacturer and agreed to by the powersports dealer.

Added by Laws 1953, p. 181, § 4, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 207, § 6, emerg. eff. July 16, 1959; Laws 1967, c. 251, § 6, emerg. eff. May 8, 1967; Laws 1969, c. 241, § 3, emerg. eff. April 21, 1969; Laws 1977, c. 14, § 3, emerg. eff. March 18, 1977; Laws 1980, c. 85, § 10, eff. Jan. 1, 1981; Laws 1982, c. 239, § 1, emerg. eff. May 4, 1982; Laws 1985, c. 229, § 6, eff. Nov. 1, 1985; Laws 2001, c. 148, § 2, emerg. eff. April 30, 2001; Laws 2009, c. 425, § 1, eff. Nov. 1, 2009; Laws 2013, c. 191, § 2, eff. Nov. 1, 2013; Laws 2019, c. 79, § 1, eff. Nov. 1, 2019.

§47-564.1. Off-premises displays of new motor vehicles.

Licensing of off-premises displays of new motor vehicles and off-premise sales of new motorized recreational vehicles.

A. The Oklahoma Motor Vehicle Commission shall provide for off-premise displays of new motor vehicles by currently licensed new motor vehicle dealers. An off-premise event may be held for display purposes only under the following conditions:

1. The motor vehicles are for display purposes only and not for sale at the off-premise display event;
2. No selling activities shall be conducted;
3. The display is in dealer's factory-approved area of sales and service responsibility;
4. The dealer must obtain written approval from the manufacturer or distributor; and
5. The dealer is required to obtain approval for the display location from the sponsoring entity.

B. The Oklahoma Motor Vehicle Commission is authorized to provide a variance to the distance requirements specified in this section, for any off-premise display event if:

1. The off-premise display is conducted within municipal, county, or state-owned or controlled facilities or within the grounds of any county, district, or state fair; and
2. The request for the variance must be in writing to the Commission no less than thirty (30) days prior to the off-premise display event.

Added by Laws 1985, c. 229, § 7, eff. Nov. 1, 1985. Amended by Laws 1986, c. 101, § 1, emerg. eff. April 5, 1986; Laws 1993, c. 56, § 1, eff. Sept. 1, 1993; Laws 2001, c. 91, § 1, eff. Nov. 1, 2001; Laws 2005, c. 228, § 2, eff. Nov. 1, 2005; Laws 2008, c. 315, § 3, emerg. eff. June 2, 2008; Laws 2011, c. 272, § 21, eff. Jan. 1, 2012.

§47-564.2. Certificate of registration for new motor vehicle salesperson – Penalties.

It shall be punishable by an administrative fine not to exceed Five Hundred Dollars (\$500.00) for any person, firm, association, corporation or trust to engage in business as, or serve in the capacity of, a new motor vehicle salesperson in this state without first obtaining a certificate of registration with the Oklahoma Motor Vehicle Commission. The cost of registration for each new salesperson shall be set at Twenty-five Dollars (\$25.00) to be renewed annually. The cost of registration is to be borne by the employing entity of the new salesperson. The Commission shall promulgate rules and procedures necessary for the implementation and creation of the registry and the issuance of certificates of registration.

Added by Laws 2019, c. 79, § 7, eff. Nov. 1, 2019.

§47-565. Denial, revocation or suspension of license - Right of first refusal.

A. The Oklahoma Motor Vehicle Commission may deny an application for a license, or revoke or suspend a license or impose a fine not to exceed Ten Thousand Dollars (\$10,000.00) against a manufacturer or distributor or a fine not to exceed One Thousand Dollars (\$1,000.00) against a dealer per occurrence that any provision of Sections 561 through 567, 572, 578.1, 579 and 579.1 of this title is violated or for any of the following reasons:

1. On satisfactory proof of unfitness of the applicant in any application for any license under the provisions of Section 561 et seq. of this title;

2. For any material misstatement made by an applicant in any application for any license under the provisions of Section 561 et seq. of this title;

3. For any failure to comply with any provision of Section 561 et seq. of this title or any rule promulgated by the Commission under authority vested in it by Section 561 et seq. of this title;

4. A change of condition after license is granted resulting in failure to maintain the qualifications for license;

5. Being a new motor vehicle dealer who:

- a. has required a purchaser of a new motor vehicle, as a condition of sale and delivery thereof, to also purchase special features, appliances, accessories or equipment not desired or requested by the purchaser and installed by the dealer,
- b. uses any false or misleading advertising in connection with business as a new motor vehicle dealer,
- c. has committed any unlawful act which resulted in the revocation of any similar license in another state,
- d. has failed or refused to perform any written agreement with any retail buyer involving the sale of a motor vehicle,
- e. has been convicted of a crime involving moral turpitude,
- f. has committed a fraudulent act in selling, purchasing or otherwise dealing in new motor vehicles or has misrepresented the terms and conditions of a sale, purchase or contract for sale or purchase of a new motor vehicle or any interest therein including an option to purchase such vehicle,
- g. has failed to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license, or
- h. completes any sale or transaction of an extended service contract, extended maintenance plan, or similar

product using contract forms that do not conspicuously disclose the identity of the service contract provider;

6. Being a new motor vehicle salesperson who is not employed as such by a licensed new motor vehicle dealer;
7. Being a new motor vehicle dealer who:
 - a. does not have an established place of business,
 - b. does not provide for a suitable repair shop separate from the display room with ample space to repair or recondition one or more vehicles at the same time, and which is equipped with such parts, tools and equipment as may be requisite for the servicing of motor vehicles in such a manner as to make them comply with the safety laws of this state and to properly fulfill the dealer's or manufacturer's warranty obligation,
 - c. does not hold a franchise in effect with a manufacturer or distributor of new or unused motor vehicles for the sale of the same and is not authorized by the manufacturer or distributor to render predelivery preparation of such vehicles sold to purchasers and to perform any authorized post-sale work pursuant to the manufacturer's or distributor's warranty,
 - d. employs or utilizes the services of used motor vehicle lots or dealers or other unlicensed persons in connection with the sale of new motor vehicles,
 - e. does not properly service a new motor vehicle before delivery of same to the original purchaser thereof, or
 - f. fails to order and stock a reasonable number of new motor vehicles necessary to meet customer demand for each of the new motor vehicles included in the new motor vehicle dealer's franchise agreement, unless the new motor vehicles are not readily available from the manufacturer or distributor due to limited production;
8. Being a factory that has:
 - a. either induced or attempted to induce by means of coercion or intimidation, any new motor vehicle dealer:
 - (1) to accept delivery of any motor vehicle or vehicles, parts or accessories therefor, or any other commodities including advertising material which shall not have been ordered by the new motor vehicle dealer,
 - (2) to order or accept delivery of any motor vehicle with special features, appliances, accessories or equipment not included in the list price of the motor vehicles as publicly advertised by the manufacturer thereof, or

- (3) to order or accept delivery of any parts, accessories, equipment, machinery, tools, appliances or any commodity whatsoever, or
 - b. induced under threat or discrimination by the withholding from delivery to a motor vehicle dealer certain models of motor vehicles, changing or amending unilaterally the dealer's allotment of motor vehicles and/or withholding and delaying delivery of such vehicles out of the ordinary course of business, in order to induce by such coercion any such dealer to participate or contribute to any local or national advertising fund controlled directly or indirectly by the factory or for any other purposes such as contest, "give-aways" or other so-called sales promotional devices and/or change of quotas in any sales contest; or has required motor vehicle dealers, as a condition to receiving their vehicle allotment, to order a certain percentage of the vehicles with optional equipment not specified by the new motor vehicle dealer; however, nothing in this section shall prohibit a factory from supporting an advertising association which is open to all dealers on the same basis;
- 9. Being a factory that:
 - a. has attempted to coerce or has coerced any new motor vehicle dealer to enter into any agreement or to cancel any agreement, or fails to act in good faith and in a fair, equitable and nondiscriminatory manner; or has directly or indirectly coerced, intimidated, threatened or restrained any motor vehicle dealer; or has acted dishonestly, or has failed to act in accordance with the reasonable standards of fair dealing,
 - b. has failed to compensate its dealers for the work and services they are required to perform in connection with the dealer's delivery and preparation obligations according to the agreements on file with the Commission which must be found by the Commission to be reasonable, or fail to adequately and fairly compensate its dealers for labor, parts and other expenses incurred by such dealer to perform under and comply with manufacturer's warranty agreements. Adequate and fair compensation for parts shall be established by the dealer submitting to the manufacturer or distributor one hundred sequential nonwarranty customer-paid service repair orders which contain warranty-like parts, or ninety (90) consecutive days of nonwarranty customer-paid service repair orders which contain warranty-like parts, whichever is less, covering repairs made no more

than one hundred eighty (180) days before the submission and declaring the average percentage markup. Adequate and fair compensation for labor shall be established by the dealer submitting to the manufacturer or distributor one hundred sequential customer-paid service repair orders which contain labor charges, or ninety (90) consecutive days of customer-paid service repair orders which contain labor charges, whichever is less. When submitting repair orders to calculate a labor rate, a dealer need not include repair orders for routine maintenance. A manufacturer or distributor may, not later than thirty (30) days after submission, rebut that declared rate in writing by reasonably substantiating that the rate is inaccurate or unreasonable in light of the practices of all other franchised motor vehicle dealers in an economically similar part of the state offering the same line-make vehicles. The retail rate shall go into effect thirty (30) days following the approval by the manufacturer, subject to audit of the submitted repair orders by the franchisor and a rebuttal of the declared rate as described above. If the declared rate is rebutted, the manufacturer or distributor shall propose an adjustment in writing of the average percentage markup based on that rebuttal not later than thirty (30) days after submission. If the dealer does not agree with the proposed average percentage markup, the dealer may file a protest with the Commission not later than thirty (30) days after receipt of that proposal by the manufacturer or distributor. In the event a protest is filed, the manufacturer or distributor shall have the burden of proof to establish the new motor vehicle dealer's submitted rate was inaccurate or unreasonable in light of the practices of all other franchised motor vehicle dealers in an economically similar part of the state. A manufacturer or distributor may not retaliate against any new motor vehicle dealer seeking to exercise its rights under this provision. A manufacturer or distributor may require a dealer to submit repair orders in accordance with this section in order to validate a dealer's retail rate for parts or labor not more often than once every twelve (12) months. All claims made by dealers for compensation for delivery, preparation and warranty work shall be paid within thirty (30) days after approval and shall be approved or disapproved within thirty (30) days after receipt. When any claim is

disapproved, the dealer shall be notified in writing of the grounds for disapproval. The dealer's delivery, preparation and warranty obligations as filed with the Commission shall constitute the dealer's sole responsibility for product liability as between the dealer and manufacturer. A factory may reasonably and periodically audit a new motor vehicle dealer to determine the validity of paid claims for dealer compensation or any charge-backs for warranty parts or service compensation. Except in cases of suspected fraud, audits of warranty payments shall only be for the one-year period immediately following the date of the payment. A manufacturer shall reserve the right to reasonable, periodic audits to determine the validity of paid claims for dealer compensation or any charge-backs for consumer or dealer incentives. Except in cases of suspected fraud, audits of incentive payments shall only be for a one-year period immediately following the date of the payment. A factory shall not deny a claim or charge a new motor vehicle dealer back subsequent to the payment of the claim unless the factory can show that the claim was false or fraudulent or that the new motor vehicle dealer failed to reasonably substantiate the claim by the written reasonable procedures of the factory. The factory shall provide written notice to a dealer of a proposed charge-back that is the result of an audit along with the specific audit results and proposed charge-back amount. A dealer that receives notice of a proposed charge-back pursuant to a factory's audit has the right to file a protest with the Commission within thirty (30) days after receipt of the notice of the charge-back or audit results, whichever is later. The factory is prohibited from implementing the charge-back or debiting the dealer's account until either the time frame for filing a protest has passed or a final adjudication is rendered by the Commission, whichever is later, unless the dealer has agreed to the charge-back or charge-backs,

- c. unreasonably fails or refuses to offer to its same line-make franchised dealers all models manufactured for that line-make, or unreasonably requires a dealer to pay any extra fee, purchase unreasonable advertising displays or other materials, or remodel, renovate, or recondition the dealer's existing facilities as a prerequisite to receiving a model or series of vehicles. The failure to deliver any such new motor

vehicle shall not be considered a violation of the section if the failure is not arbitrary or is due to lack of manufacturing capacity or to a strike or labor difficulty, a shortage of materials, a freight embargo or other cause over which the manufacturer has no control. However, this subparagraph shall not apply to recreational vehicles or limited production model vehicles,

- d. except as necessary to comply with a health or safety law, or to comply with a technology requirement which is necessary to sell or service a motor vehicle that the franchised motor vehicle dealer is authorized or licensed by the franchisor to sell or service, requires a new motor vehicle dealer to construct a new facility or substantially renovate the new motor vehicle dealer's existing facility unless the facility construction or renovation is justified by the economic conditions existing at the time, as well as the reasonably foreseeable projections, in the automotive industry. However, this subparagraph shall not apply if the factory provides money, credit, allowance, reimbursement, or additional vehicle allocation to a dealer to compensate the dealer for the cost of, or a portion of the cost of, the facility construction or renovation,
- e. requires a new motor vehicle dealer to establish an exclusive facility, unless supported by reasonable business, market and economic considerations; provided, that this provision shall not restrict the terms of any agreement for such exclusive facility voluntarily entered into and supported by valuable consideration separate from the new motor vehicle dealer's right to sell and service motor vehicles for the franchisor,
- f. requires a new motor vehicle dealer to enter into a site-control agreement covering any or all of the new motor vehicle dealer's facilities or premises; provided, that this provision shall not restrict the terms of any site-control agreement voluntarily entered into and supported by valuable consideration separate from the new motor vehicle dealer's right to sell and service motor vehicles for the franchisor. Notwithstanding the foregoing or the terms of any site-control agreement, a site-control agreement automatically extinguishes if all of the factory's franchises that operated from the location that are the subject of the site-control agreement are terminated by

the factory as part of the discontinuance of a product line, or

- g. requires a new motor vehicle dealer to purchase goods or services for the construction, renovation, or improvement of the dealer's facility from a vendor chosen by the factory if goods or services available from other sources are of substantially similar quality and design and comply with all applicable laws; provided, however, that such goods are not subject to the factory's intellectual property or trademark rights and the new motor vehicle dealer has received the factory's approval, which approval may not be unreasonably withheld. Nothing in this subparagraph may be construed to allow a new motor vehicle dealer to impair or eliminate a factory's intellectual property, trademark rights or trade dress usage guidelines. Nothing in this section prohibits the enforcement of a voluntary agreement between the factory and the new motor vehicle dealer where separate and valuable consideration has been offered and accepted;

10. Being a factory that establishes a system of motor vehicle allocation or distribution which is unfair, inequitable or unreasonably discriminatory. Upon the request of any dealer franchised by it, a factory shall disclose in writing to the dealer the basis upon which new motor vehicles are allocated, scheduled and delivered among the dealers of the same line-make for that factory;

11. Being a factory that sells directly or indirectly new motor vehicles to any retail consumer in the state except through a new motor vehicle dealer holding a franchise for the line-make that includes the new motor vehicle. This paragraph does not apply to factory sales of new motor vehicles to its employees, family members of employees, retirees and family members of retirees, not-for-profit organizations or the federal, state or local governments. The provisions of this paragraph shall not preclude a factory from providing information to a consumer for the purpose of marketing or facilitating a sale of a new motor vehicle or from establishing a program to sell or offer to sell new motor vehicles through participating dealers;

12. a. Being a factory which directly or indirectly:

- (1) owns any ownership interest or has any financial interest in a new motor vehicle dealer or any person who sells products or services to the public,
- (2) operates or controls a new motor vehicle dealer, or
- (3) acts in the capacity of a new motor vehicle dealer.

- b. (1) This paragraph does not prohibit a factory from owning or controlling a new motor vehicle dealer while in a bona fide relationship with a dealer development candidate who has made a substantial initial investment in the franchise and whose initial investment is subject to potential loss. The dealer development candidate can reasonably expect to acquire full ownership of a new motor vehicle dealer within a reasonable period of time not to exceed ten (10) years and on reasonable terms and conditions. The ten-year acquisition period may be expanded for good cause shown.
- (2) This paragraph does not prohibit a factory from owning, operating, controlling or acting in the capacity of a motor vehicle dealer for a period not to exceed twelve (12) months during the transition from one dealer to another dealer if the dealership is for sale at a reasonable price and on reasonable terms and conditions to an independent qualified buyer. On showing by a factory of good cause, the Oklahoma Motor Vehicle Commission may extend the time limit set forth above; extensions may be granted for periods not to exceed twelve (12) months.
- (3) This paragraph does not prohibit a factory from owning, operating or controlling or acting in the capacity of a motor vehicle dealer which was in operation prior to January 1, 2000.
- (4) This paragraph does not prohibit a factory from owning, directly or indirectly, a minority interest in an entity that owns, operates or controls motor vehicle dealerships of the same line-make franchised by the manufacturer, provided that each of the following conditions are met:
- (a) all of the motor vehicle dealerships selling the motor vehicles of that manufacturer in this state trade exclusively in the line-make of that manufacturer,
 - (b) all of the franchise agreements of the manufacturer confer rights on the dealer of the line-make to develop and operate, within a defined geographic territory or area, as many dealership facilities as the dealer and manufacturer shall agree are appropriate,
 - (c) at the time the manufacturer first acquires an ownership interest or assumes operation, the distance between any dealership thus

owned or operated and the nearest unaffiliated motor vehicle dealership trading in the same line-make is not less than seventy (70) miles,

- (d) during any period in which the manufacturer has such an ownership interest, the manufacturer has no more than three franchise agreements with new motor vehicle dealers licensed by the Oklahoma Motor Vehicle Commission to do business within the state, and
- (e) prior to January 1, 2000, the factory shall have furnished or made available to prospective motor vehicle dealers an offering-circular in accordance with the Trade Regulation Rule on Franchising of the Federal Trade Commission, and any guidelines and exemptions issued thereunder, which disclose the possibility that the factory may from time to time seek to own or acquire, directly or indirectly, ownership interests in retail dealerships;

13. Being a factory which directly or indirectly makes available for public disclosure any proprietary information provided to the factory by a new motor vehicle dealer, other than in composite form to dealers in the same line-make or in response to a subpoena or order of the Commission or a court. Proprietary information includes, but is not limited to, information based on:

- a. any information derived from monthly financial statements provided to the factory, and
- b. any information regarding any aspect of the profitability of a particular new motor vehicle dealer;

14. Being a factory which does not provide or direct leads in a fair, equitable and timely manner. Nothing in this paragraph shall be construed to require a factory to disregard the preference of a consumer in providing or directing a lead;

15. Being a factory which used the customer list of a new motor vehicle dealer for the purpose of unfairly competing with dealers;

16. Being a factory which prohibits a new motor vehicle dealer from relocating after a written request by such new motor vehicle dealer if:

- a. the facility and the proposed new location satisfies or meets the written reasonable guidelines of the factory. Reasonable guidelines do not include site control unless agreed to as set forth in subparagraphs e and f of paragraph 9 of this subsection,

- b. the proposed new location is within the area of responsibility of the new motor vehicle dealer pursuant to Section 578.1 of this title, and
- c. the factory has sixty (60) days from receipt of the new motor vehicle dealer's relocation request to approve or deny the request. The failure to approve or deny the request within the sixty-day time frame shall constitute approval of the request;

17. Being a factory which prohibits a new motor vehicle dealer from adding additional line-makes to its existing facility, if, after adding the additional line-makes, the facility satisfies the written reasonable capitalization standards and facility guidelines of each factory. Reasonable facility guidelines do not include a requirement to maintain site control unless agreed to by the dealer as set forth in subparagraphs e and f of paragraph 9 of this subsection;

18. Being a factory that increases prices of new motor vehicles which the new motor vehicle dealer had ordered for retail consumers and notified the factory prior to the dealer's receipt of the written official price increase notification. A sales contract signed by a retail consumer accompanied with proof of order submission to the factory shall constitute evidence of each such order, provided that the vehicle is in fact delivered to the customer. Price differences applicable to new models or series motor vehicles at the time of the introduction of new models or series shall not be considered a price increase for purposes of this paragraph. Price changes caused by any of the following shall not be subject to the provisions of this paragraph:

- a. the addition to a motor vehicle of required or optional equipment pursuant to state or federal law,
- b. revaluation of the United States dollar in the case of foreign-made vehicles or components, or
- c. an increase in transportation charges due to increased rates imposed by common or contract carriers;

19. Being a factory that requires a new motor vehicle dealer to participate monetarily in an advertising campaign or contest, or purchase any promotional materials, showroom or other display decoration or materials at the expense of the new motor vehicle dealer without consent of the dealer, which consent shall not be unreasonably withheld;

20. Being a factory that denies any new motor vehicle dealer the right of free association with any other new motor vehicle dealer for any lawful purpose, unless otherwise permitted by this chapter; or

21. Being a factory that requires a new motor vehicle dealer to sell, offer to sell or sell exclusively an extended service contract, extended maintenance plan or similar product, such as gap products offered, endorsed or sponsored by the factory by the following means:

- a. by an act or statement from the factory that will in any manner adversely impact the dealer,
- b. by measuring the dealer's performance under the franchise based on the sale of extended service contracts, extended maintenance plans or similar products offered, endorsed or sponsored by the manufacturer or distributor.

B. Notwithstanding the terms of any franchise agreement, in the event of a proposed sale or transfer of a dealership, the manufacturer or distributor shall be permitted to exercise a right of first refusal to acquire the assets or ownership interest of the dealer of the new vehicle dealership, if such sale or transfer is conditioned upon the manufacturer or dealer entering into a dealer agreement with the proposed new owner or transferee, only if all the following requirements are met:

1. To exercise its right of first refusal, the factory must notify the dealer in writing within sixty (60) days of receipt of the completed proposal for the proposed sale transfer;
2. The exercise of the right of first refusal will result in the dealer and the owner of the dealership receiving the same or greater consideration as they have contracted to receive in connection with the proposed change of ownership or transfer;
3. The proposed sale or transfer of the assets of the dealership does not involve the transfer or sale to a member or members of the family of one or more dealer owners, or to a qualified manager or a partnership or corporation controlled by such persons; and
4. The factory agrees to pay the reasonable expenses, including attorney fees which do not exceed the usual, customary and reasonable fees charged for similar work done for other clients incurred by the proposed new owner and transferee prior to the exercise by the factory of its right of first refusal in negotiating and implementing the contract for the proposed sale or transfer of the dealership or dealership assets. Notwithstanding the foregoing, no payment of expenses and attorney fees shall be required if the proposed new dealer or transferee has not submitted or caused to be submitted an accounting of those expenses within thirty (30) days of receipt of the written request of the factory for such an accounting. The accounting may be requested by a factory before exercising its right of first refusal.

C. Nothing in this section shall prohibit, limit, restrict or impose conditions on:

1. Business activities, including without limitation the dealings with motor vehicle manufacturers and the representatives and affiliates of motor vehicle manufacturers, of any person that is primarily engaged in the business of short-term, not to exceed twelve (12) months, rental of motor vehicles and industrial and construction equipment and activities incidental to that business, provided that:

- a. any motor vehicle sold by that person is limited to used motor vehicles that have been previously used exclusively and regularly by that person in the conduct of business and used motor vehicles traded in on motor vehicles sold by that person,
- b. warranty repairs performed by that person on motor vehicles are limited to those motor vehicles that it owns, previously owned or takes in trade, and
- c. motor vehicle financing provided by that person to retail consumers for motor vehicles is limited to used vehicles sold by that person in the conduct of business; or

2. The direct or indirect ownership, affiliation or control of a person described in paragraph 1 of this subsection.

Added by Laws 1953, p. 182, § 5, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 208, § 7, emerg. eff. July 16, 1959; Laws 1969, c. 241, § 4, emerg. eff. April 21, 1969; Laws 1970, c. 197, § 4, emerg. eff. April 13, 1970; Laws 1973, c. 189, § 2, emerg. eff. May 17, 1973; Laws 1980, c. 85, § 11, eff. Jan. 1, 1981; Laws 1980, c. 134, § 1, emerg. eff. April 15, 1980; Laws 1985, c. 229, § 8, eff. Nov. 1, 1985; Laws 1998, c. 269, § 3, eff. Nov. 1, 1998; Laws 2000, c. 341, § 2, eff. Nov. 1, 2000; Laws 2001, c. 148, § 3, emerg. eff. April 30, 2001; Laws 2005, c. 141, § 1, emerg. eff. May 5, 2005; Laws 2008, c. 315, § 4, emerg. eff. June 2, 2008; Laws 2014, c. 402, § 1, eff. Nov. 1, 2014; Laws 2019, c. 79, § 2, eff. Nov. 1, 2019.

§47-565.1. Manufacturer's or distributor's prevention or refusal to honor succession to dealership by legal heir or devisee of new motor vehicle dealer - Procedure.

Notwithstanding the terms of any franchise agreement, and subject to the following conditions contained in paragraphs 1 through 5 of this section, any manufacturer or distributor who prevents or refuses to honor the succession to a dealership by any legal heir or devisee under the will of a new motor vehicle dealer or under the laws of descent and distribution of this state without good cause or good faith, as defined in this section, shall be subject to the following procedure:

1. Within one hundred twenty (120) days after the death of the new motor vehicle dealer, the manufacturer shall receive a written notice from any legal heir or devisee who intends to establish a successor dealership. If timely notice is not so received, then this paragraph shall not apply, and any succession shall be governed solely by the terms of the franchise;

2. Within thirty (30) days of receipt of the legal heir's or devisee's timely written notice, the manufacturer may request, and the legal heir or devisee shall, within a reasonable time, provide any information which is reasonably necessary for the manufacturer to

evaluate the proposed successor dealer and dealership, including, but not limited to, applications, proposals for facilities and financing;

3. Within sixty (60) days of receipt of such information, the manufacturer shall approve or disapprove the proposed successor dealership, and in case of disapproval shall communicate in writing such disapproval and grounds for disapproval to the legal heir or devisee;

4. Failure of the manufacturer to act in a timely manner with respect to any time period described above shall constitute a waiver of the manufacturer's right to disapprove the proposed succession;

5. Within ten (10) days of its receipt of the manufacturer's notice of disapproval, the legal heir or devisee may file a protest of the manufacturer's decision with the Oklahoma Motor Vehicle Commission and request a hearing. Such hearing shall be heard in a substantially similar manner as provided by Section 566 of this title, except that the Commission shall render a final decision within sixty (60) days of the filing of the protest. The manufacturer shall have the burden of proof to show that its disapproval was for a good cause and in good faith. A denial shall not be for good cause and in good faith unless the factory establishes that the legal heir or devisee, or the legal heir or devisee's controlling executive management, is not of good moral character or fails to meet the written, reasonable and uniformly applied requirements of the manufacturer or distributor relating to financial qualifications, general business experience, and other requirements relating to prospective franchisees. However, a legal heir that is of good moral character in accordance with the factory's qualifications and meets the factory's financial qualifications may rely on controlling executive management that is of good moral character and meets the factory's qualifications for general business experience and other requirements relating to prospective franchises. The disapproval by the manufacturer shall be final if the legal heir or devisee fails to file a timely protest of such disapproval. In the event that the Commission finds that the manufacturer's disapproval was not made for good cause, then it shall issue a final order requiring the manufacturer to honor the successor designated in the notice sent by the legal heir or devisee. Notwithstanding anything to the contrary in this section, a new motor vehicle dealer may designate any person as successor by filing a written instrument pursuant to the franchise with the manufacturer during the new motor vehicle dealer's lifetime. In such a case, the written instrument and franchise shall govern the dealership succession.

The suspension, revocation or refusal to issue or renew a license or the imposition of any other penalty by the Commission shall be in addition to any penalty which might be imposed upon any licensee upon judgment or conviction in a court of competent jurisdiction for any

violation of the provisions of Sections 561 through 567, 572, 578.1, 579 and 579.1 of this title.

Added by Laws 1985, c. 229, § 9, eff. Nov. 1, 1985. Amended by Laws 2001, c. 148, § 4, emerg. eff. April 30, 2001; Laws 2014, c. 402, § 2, eff. Nov. 1, 2014.

§47-565.2. Termination, cancellation or nonrenewal of new motor vehicle dealer franchise.

A. Irrespective of the terms, provisions or conditions of any franchise, or the terms or provisions of any waiver, no manufacturer shall terminate, cancel or fail to renew any franchise with a licensed new motor vehicle dealer unless the manufacturer has satisfied the notice requirements as provided in this section and has good cause for cancellation, termination or nonrenewal. The manufacturer shall not attempt to cancel or fail to renew the franchise agreement of a new motor vehicle dealer in this state unfairly and without just provocation or without due regard to the equities of the dealer or without good faith as defined herein. As used herein, "good faith" means the duty of each party to any franchise agreement to act in a fair and equitable manner toward each other, with freedom from coercion or intimidation or threats thereof from each other.

B. Irrespective of the terms, provisions or conditions of any franchise, or the terms or provisions of any waiver, good cause shall exist for the purpose of a termination, cancellation, or nonrenewal when:

1. The new motor vehicle dealer has failed to comply with a provision of the franchise, which provision is both reasonable and of material significance to the franchise relationship, or the new motor vehicle dealer has failed to comply with reasonable performance criteria for sales or service established by the manufacturer, and the dealer has been notified by written notice from the manufacturer; and

2. The new motor vehicle dealer has received written notification of failure to comply with the manufacturer's reasonable sales performance standards, capitalization requirements, facility commitments, business related equipment acquisitions or other such remediable failings exclusive of those reasons enumerated in paragraph 1 of subsection C of this section, and the new motor vehicle dealer has been afforded a reasonable opportunity of not less than six (6) months to comply with such a provision or criteria.

C. Irrespective of the terms, provisions or conditions of any franchise agreement prior to the termination, cancellation or nonrenewal of any franchise, the manufacturer shall furnish notification of such termination, cancellation or nonrenewal to the new motor vehicle dealer and the Oklahoma Motor Vehicle Commission as follows:

1. Not less than ninety (90) days prior to the effective date of such termination, cancellation or nonrenewal unless for a cause described in paragraph 2 of this subsection;

2. Not less than fifteen (15) days prior to the effective date of such termination, cancellation or nonrenewal with respect to any of the following:

- a. insolvency of the new motor vehicle dealer, or the filing of any petition by or against the motor vehicle dealer under any bankruptcy or receivership law,
- b. failure of the new motor vehicle dealer to conduct its customary sales and service operations during its customary business hours for seven (7) consecutive business days, provided that such failure to conduct business shall not be due to an act of God or circumstances beyond the direct control of the new motor vehicle dealer, or
- c. conviction of the new motor vehicle dealer of any felony which is punishable by imprisonment or a violation of the Federal Odometer Act; and

3. Not less than one hundred eighty (180) days prior to the effective date of such termination or cancellation where the manufacturer or distributor is discontinuing the sale of the product line.

The notification required by this subsection shall be by certified mail, return receipt requested, and shall contain a statement of intent to terminate, to cancel or to not renew the franchise, a statement of the reasons for the termination, cancellation or nonrenewal and the date the termination shall take effect.

D. Upon the affected new motor vehicle dealer's receipt of the aforementioned notice of termination, cancellation or nonrenewal, the new motor vehicle dealer shall have the right to file a protest of such threatened termination, cancellation or nonrenewal with the Commission within thirty (30) days and request a hearing. Such hearing shall be held in accordance with the provisions of the Administrative Procedures Act, Sections 301 through 326 of Title 75 of the Oklahoma Statutes, to determine if the threatened cancellation, termination or nonrenewal of the franchise has been for good cause and if the factory has complied with its obligations pursuant to subsections A, B and C of this section and the factory shall have the burden of proof. If the Commission finds that the threatened cancellation, termination or nonrenewal of the franchise has not been for good cause or violates subsection A, B or C of this section, then it shall issue a final order stating that the threatened termination is wrongful. A factory shall have the right to appeal such order. During the pendency of the hearing and after the decision, the franchise shall remain in full force and effect,

including the right to transfer the franchise. If the Commission finds that the threatened cancellation, termination or nonrenewal is for good cause and does not violate subsection A, B or C of this section, the new motor vehicle dealer shall have the right to an appeal. During the pendency of the action, including the final decision or appeal, the franchise shall remain in full force and effect, including the right to transfer the franchise. If the new motor vehicle dealer prevails in the threatened termination action, the Commission shall award to the new motor vehicle dealer the attorney fees and costs incurred to defend the action.

E. If the factory prevails in an action to terminate, cancel or not renew any franchise, the new motor vehicle dealer shall be allowed fair and reasonable compensation by the manufacturer for:

1. New current and previous model year vehicle inventory which has been acquired from the manufacturer, and which is unused and has not been damaged or altered while in the dealer's possession;

2. Supplies and parts which have been acquired from the manufacturer, for the purpose of this section, limited to any and all supplies and parts that are listed on the current parts price sheet available to the dealer;

3. Equipment and furnishings, provided the new motor vehicle dealer purchased them from the manufacturer or its approved sources; and

4. Special tools, with such fair and reasonable compensation to be paid by the manufacturer within ninety (90) days of the effective date of the termination, cancellation or nonrenewal, provided the new motor vehicle dealer has clear title to the inventory and other items and is in a position to convey that title to the manufacturer.

- a. For the purposes of paragraph 1 of this subsection, fair and reasonable compensation shall be no less than the net acquisition price of the vehicle paid by the new motor vehicle dealer.
- b. For the purposes of paragraphs 2, 3 and 4 of this subsection, fair and reasonable compensation shall be the net acquisition price paid by the new motor vehicle dealer less a twenty-percent (20%) straight-line depreciation for each year following the dealer's acquisition of the supplies, parts, equipment, furnishings and/or special tools.

F. If a factory prevails in an action to terminate, cancel or not renew any franchise and the new motor vehicle dealer is leasing the dealership facilities, the manufacturer shall pay a reasonable rent to the lessor in accordance with and subject to the provisions of subsection G of this section. Nothing in this section shall be construed to relieve a dealer of its duty to mitigate damages.

G. 1. Such reasonable rental value shall be paid only to the extent the dealership premises are recognized in the franchise and only if they are:

- a. used solely for performance in accordance with the franchise. If the facility is used for the operation of more than one franchise, the reasonable rent shall be paid based upon the portion of the facility utilized by the franchise being terminated, canceled or nonrenewed, and
- b. not substantially in excess of facilities recommended by the manufacturer.

2. If the facilities are owned by the new motor vehicle dealer, within ninety (90) days following the effective date of the termination, cancellation or nonrenewal the manufacturer will either:

- a. locate a qualified purchaser who will offer to purchase the dealership facilities at a reasonable price,
- b. locate a qualified lessee who will offer to lease the premises for the remaining lease term at the rent set forth in the lease, or
- c. failing the foregoing, lease the dealership facilities at a reasonable rental value for the portion of the facility that is recognized in the franchise agreement for one (1) year.

3. If the facilities are leased by the new motor vehicle dealer, within ninety (90) days following the effective date of the termination, cancellation or nonrenewal the manufacturer will either:

- a. locate a tenant or tenants satisfactory to the lessor, who will sublet or assume the balance of the lease,
- b. arrange with the lessor for the cancellation of the lease without penalty to the dealer, or
- c. failing the foregoing, lease the dealership facilities at a reasonable rent for the portion of the facility that is recognized in the franchise agreement for one (1) year.

4. The manufacturer shall not be obligated to provide assistance under this section if the new motor vehicle dealer:

- a. fails to accept a bona fide offer from a prospective purchaser, subleases or assignee,
- b. refuses to execute a settlement agreement with the lessor if such agreement with the lessor would be without cost to the dealer, or
- c. fails to make written request for assistance under this section within ninety (90) days after the effective date of the termination, cancellation or nonrenewal.

5. The manufacturer shall be entitled to occupy and use any space for which it pays rent required by this section.

H. In addition to the repurchase requirements set forth in subsections E and G of this section, in the event the termination or cancellation is the result of a discontinuance of a product line, the manufacturer or distributor shall compensate the new motor vehicle dealer in an amount equivalent to the fair market value of the terminated franchise as of the date of the manufacturer's or distributor's announcement or provide the new motor vehicle dealer with a replacement franchise on substantially similar terms and conditions as those offered to other same line-make dealers. The dealer may immediately request payment under this provision following the announcement in exchange for cancelling any further franchise rights, except payments owed to the dealer in the ordinary course of business, or may request payment under this provision upon the final termination, cancellation or nonrenewal of the franchise. In either case, payment under this provision shall be made not later than ninety (90) days after the fair market value is determined. If the factory and dealer cannot agree on the fair market value of the terminated franchise or agree to a process to determine the fair market value, then the factory and dealer shall utilize a neutral third party mediator to resolve the disagreement. Added by Laws 1985, c. 229, § 10, eff. Nov. 1, 1985. Amended by Laws 2000, c. 341, § 3, eff. Nov. 1, 2000; Laws 2014, c. 402, § 3, eff. Nov. 1, 2014.

§47-565.3. Notice to manufacturer or distributor of proposed sale, transfer, or assignment of franchise.

A. A franchised vehicle dealer proposing a sale, transfer, or assignment of a franchise agreement or the business and assets of a dealership or an interest in a dealership to another person, hereinafter transferee, shall notify the manufacturer or distributor whose vehicles the dealer is franchised to sell of the proposed action of the dealer. The manufacturer or distributor may make written request to the transferee to submit completed application forms and related information generally utilized by a manufacturer to evaluate such a proposal and a copy of all agreements related to the proposed sale, transfer, or assignment.

B. The approval by the manufacturer or distributor of the sale, transfer, or assignment shall not be unreasonably withheld unless the transferee is not of good moral character or fails to meet the written, reasonable, and uniformly applied requirements of the manufacturer or distributor relating to prospective franchisees. Approval of the transfer shall not be made contingent upon the transferee meeting unreasonable facility requirements or performance standards, but may be made contingent upon the transferee meeting reasonable written requirements. The burden of proof shall be upon the manufacturer or distributor to show good cause existed to withhold approval. The manufacturer or distributor that has made

such a determination shall send a letter by certified mail to the dealer and the applicant of its refusal to approve the proposal, which shall include a statement of the specific grounds for refusal, within sixty (60) days after the later of:

1. Receipt by the manufacturer or distributor of the notice of the proposed sale, transfer, or assignment; or
2. Receipt by the manufacturer or distributor of the information requested from the transferee pursuant to subsection A of this section if the manufacturer or distributor has requested such information within fifteen (15) days of receipt of written notice of the proposed sale, transfer, or assignment.

C. Failure of the manufacturer or distributor to send its notice of refusal pursuant to subsection B of this section shall mean that the application for the proposed sale, transfer, or assignment is approved.

D. A dealer receiving notice of refusal of the sale, transfer, or assignment shall have the right to file a protest with the Commission within thirty (30) days of receipt of the refusal. A dealer receiving notice that the sale, transfer or assignment is contingent upon the transferee meeting facility and/or performance standards shall have the right to file a protest with the Commission within thirty (30) days of receipt of the notice. In the event a protest is filed, the manufacturer or distributor shall have the burden of proof to establish the transferee or the transferee's controlling executive management is not of good moral character or fails to meet the written reasonable and uniformly applied requirements of the manufacturer or distributor relating to prospective franchisees or that the facility requirements are not reasonable based on the reasons set forth in subparagraph d of paragraph 9 of Section 565 of this title.

Added by Laws 1999, c. 132, § 1, emerg. eff. April 27, 1999. Amended by Laws 2014, c. 402, § 4, eff. Nov. 1, 2014.

§47-566. Procedure for denial, suspension or revocation of license or imposing fine.

The Commission may deny any application for license, or suspend or revoke a license issued or impose a fine, only after a hearing of which the applicant, or licensee affected, shall be given at least ten (10) days' written notice specifying the reason for denying the applicant a license, or, in the case of a revocation or suspension or imposition of a fine, the offenses of which the licensee is charged. Such notices may be served as provided by law for the service of notices, or mailing a copy by registered mail to the last-known residence or business address of such applicant or licensee. The hearing on such charges shall be at such time and place as the Commission may prescribe and the aforementioned notice shall further specify the time and place. If such applicant or licensee is a motor

vehicle salesperson, factory representative or distributor representative, the Commission shall in like manner also notify the person, firm, association, corporation or trust with whom he or she is associated, or in whose association he or she is about to enter. The Commission shall have the power to compel the production of all records, papers and other documents which may be deemed relevant to the proceeding bearing upon the complaints. The Commission shall have the power to subpoena and bring before it any person, or take testimony of any such person by deposition, with the same fees and mileage and in the same manner as prescribed in proceedings before courts of the state in civil cases. Any party to such hearing shall have the right to the attendance of witnesses in his behalf upon designating to the Commission the person or persons sought to be subpoenaed.

Amended by Laws 1985, c. 229, § 11, eff. Nov. 1, 1985.

§47-566.1. Application of Administrative Procedures Act.

All rulings, orders, decisions, procedures or acts of the Oklahoma Motor Vehicle Commission shall be subject to the provisions of the Administrative Procedures Act, Sections 301 through 326 of Title 75 of the Oklahoma Statutes.

Added by Laws 1985, c. 229, § 12, eff. Nov. 1, 1985.

§47-567. Injunctions.

The Oklahoma Motor Vehicle Commission is hereby authorized, without cost bond or deposit, to institute injunctive actions in courts of competent jurisdiction, in the name of the State of Oklahoma on the relation of the Commission, to enforce the provisions of Sections 561 through 567, 572, 578.1, 579 and 579.1 of this title. Any licensee or other person who violates or threatens to violate any provision of this chapter or rule promulgated thereunder or order of the Commission may be enjoined from so doing.

Added by Laws 1953, p. 184, § 7, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 210, § 9, emerg. eff. July 16, 1959; Laws 1970, c. 197, § 5, emerg. eff. April 13, 1970; Laws 1985, c. 229, § 13, eff. Nov. 1, 1985; Laws 2001, c. 148, § 5, emerg. eff. April 30, 2001.

§47-572. Venue in damage actions.

Any action brought to recover any damages that may be sustained by any motor vehicle dealer may be brought in the county in which said dealer is located and in addition to the action for damages he shall be entitled to sue for and have injunctive relief against the threatened loss, damage or injury to his business or property because of any violation of Sections 565 through 566 and 579 of this title or the threatened cancellation, termination or failure to renew any franchise agreement between any factory and said dealer, and the court may grant such injunctive relief, including temporary

restraining orders, as it deems just and proper, notwithstanding any other provisions of law, and in addition to any other remedy which may be afforded under any other statute of this state.
Added by Laws 1970, c. 197, § 9, emerg. eff. April 13, 1970. Amended by Laws 1985, c. 229, § 14, eff. Nov. 1, 1985; Laws 2000, c. 341, § 4, eff. Nov. 1, 2000.

§47-573. Liberal construction.

All provisions in this chapter shall be liberally interpreted to protect the public from fraud in the business of purchasing or selling motor vehicles and to protect the investments of its citizens in motor vehicles and dealerships and to protect the transportation system of the state and shall further be interpreted to affect existing as well as future franchise agreements.
Laws 1970, c. 197, § 10, emerg. eff. April 13, 1970.

§47-576. Petty cash fund - Creation.

There is hereby created a petty cash fund not to exceed One Hundred Dollars (\$100.00) for the Oklahoma Motor Vehicle Commission, which may be expended for small authorized expenses of the Commission.
Laws 1975, c. 116, § 1, emerg. eff. May 9, 1975.

§47-577. Administration.

The Director of the Office of Management and Enterprise Services is authorized to prescribe forms, systems and procedures for its administration. The petty cash fund may be reimbursed from time to time by the filing of proper claims, accompanied by valid receipts for expenditures made.
Added by Laws 1975, c. 116, § 2, emerg. eff. May 9, 1975. Amended by Laws 2012, c. 304, § 178.

§47-578. Repealed by Laws 2000, c. 341, § 8, eff. Nov. 1, 2000.

§47-578.1. Procedures for establishing or relocating new motor vehicle dealers within certain areas.

A. Notwithstanding the terms of a franchise and notwithstanding the terms of a waiver, if a factory intends or proposes to enter into a franchise to establish an additional new motor vehicle dealer or to relocate an existing new motor vehicle dealer within or into a relevant market area in which the same line-make of motor vehicle is currently represented, the factory shall provide at least sixty (60) days advance written notice to the Commission and to each new motor vehicle dealer of the same line-make in the relevant market area, of the intention of the factory to establish an additional new motor vehicle dealer or to relocate an existing new motor vehicle dealer within or into the relevant market area. For purposes of this

section, the "relevant market area" means the area within a radius of fifteen (15) miles of the site of the proposed new motor vehicle dealership. The notice shall be sent by certified mail to each party and shall include the following information:

1. The specific location at which the additional or relocated motor vehicle dealer will be established;
2. The date on or after which the additional or relocated motor vehicle intends to commence business at the proposed location;
3. The identity of all motor vehicle dealers who are franchised to sell the same line-make vehicles as the proposed dealer and who have licensed locations within the relevant market area;
4. The names and addresses of the person intended to be franchised as the proposed additional or relocated motor vehicle dealership, the principal investors in the proposed additional or relocated motor vehicle dealership, and the proposed dealer operator of the proposed additional or relocated motor vehicle dealership; and
5. The specific grounds or reasons for the proposed establishment of an additional motor vehicle dealer or relocation of an existing dealer.

B. This section does not apply:

1. To the relocation of an existing new motor vehicle dealer within the relevant market area of that dealer; provided, that the relocation not be at a site within ten (10) miles of a licensed new motor vehicle dealer for the same line-make of motor vehicle;
2. To a proposed additional new motor vehicle dealer which is to be established at or within two (2) miles of a location at which a former licensed new motor vehicle dealer for the same line-make of new motor vehicle had ceased operating within the previous two (2) years;
3. To the relocation of an existing new motor vehicle dealer within two (2) miles of the existing site of the new motor vehicle dealership; or
4. To the relocation of an existing new motor vehicle dealer if the proposed site of the relocated new motor vehicle dealership is farther away from all other new motor vehicle dealers of the same line-make in that relevant market area.

C. Within thirty (30) days after receipt of the notice, or within thirty (30) days after the end of an appeal procedure provided by the factory, whichever is greater, a new motor vehicle dealer so notified or entitled to notice may file a petition with the Commission protesting the proposed establishment or relocation. The petition shall contain a short statement setting forth the reasons for the objection of the dealer to the proposed establishment or relocation. Upon filing of a protest, the Commission shall promptly notify the factory that a timely protest has been filed and shall schedule a hearing, which shall be held within one hundred twenty (120) days of the filing of a timely protest. The factory shall not

establish or relocate the new motor vehicle dealer until the Commission has held a hearing and has determined that there is good cause for permitting the proposed establishment or relocation. When more than one protest is filed against the establishment or relocation of the same dealer, the Commission shall consolidate the hearings to expedite disposition of the matter.

D. The burden of proof to establish that good cause exists for permitting the proposed establishment of a new motor vehicle dealer or relocating an existing new motor vehicle dealership shall be on the applicant who seeks to establish a new motor vehicle dealership or the relocation of an existing new motor vehicle dealership.

Added by Laws 2000, c. 341, § 5, eff. Nov. 1, 2000.

§47-579. Considerations in determining good cause for establishment or relocation of additional franchise.

In determining whether good cause has been established for permitting the proposed establishment or relocation of an additional franchise for the same line-make, the Oklahoma Motor Vehicle Commission shall take into consideration, and must be persuaded, that good cause exists for entering into or relocating an additional franchise for the same line-make by the greater weight of facts and the existing circumstances, including, but not limited to:

1. Permanency of the investment of the proposed dealership;
2. Effect on the retail new motor vehicle business and the consuming public in the relevant market area;
3. Whether it is injurious to the public welfare for an additional new motor vehicle dealership to be established;
4. Whether the new motor vehicle dealers of the same line-make in that relevant market area are providing adequate competition and convenient consumer care for the motor vehicle sales and service facilities, equipment, supply of motor vehicle parts, and qualified service personnel; and
5. Whether the establishment of an additional new motor vehicle dealership would increase competition, and therefore be in the public interest.

Added by Laws 1980, c. 134, § 4, emerg. eff. April 15, 1980. Amended by Laws 1985, c. 229, § 16, eff. Nov. 1, 1985; Laws 2000, c. 341, § 6, eff. Nov. 1, 2000.

§47-579.1. Certain vehicle brokering unlawful - Penalties.

A. It shall be unlawful to be a broker.

B. For the purposes of this section, "broker" means a person who, for a fee, commission or other valuable consideration, arranges or offers to arrange a transaction involving the sale of a new motor vehicle, and who is not:

1. A new motor vehicle dealer or employee of such a dealer;
2. A distributor or employee of such a distributor;

3. A motor vehicle manufacturer or employee of such a manufacturer; or

4. An auctioneer or any other person engaged in the auto auction business.

However, an individual shall not be deemed to be a broker if the individual is the owner of the new or used motor vehicle which is the object of the brokering transaction.

C. Any person convicted of being a broker as defined by this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year and a fine of not more than One Thousand Dollars (\$1,000.00). Any person convicted of a second or subsequent offense shall be guilty of a Schedule G felony offense, and the fine for a felony violation of this section shall be not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00).

Added by Laws 1985, c. 229, § 17, eff. Nov. 1, 1985. Amended by Laws 1995, c. 324, § 1, eff. Nov. 1, 1995; Laws 1998, c. 269, § 4, eff. Nov. 1, 1998; Laws 2000, c. 341, § 7, eff. Nov. 1, 2000.

§47-580. Denial, revocation or suspension of license.

The Commission may deny an application for a license, or revoke or suspend a license after it has been granted, if any party fails to comply with Section 3 or 4 of this act.

Laws 1980, c. 134, § 5, emerg. eff. April 15, 1980.

§47-580.2. Insurance coverage on vehicles on loan from authorized motor vehicle dealer.

During the time a person is operating a motor vehicle with the express or implied permission of an authorized motor vehicle dealer, as defined in Section 562 of this title, such person's motor vehicle liability policy shall have primary coverage with the motor vehicle liability policy of the dealer having secondary coverage until the vehicle is returned. The change in financial responsibility shall be evidenced by a release signed by the person operating the vehicle with the express or implied permission of the dealer with the release to be returned to the person upon the return of the motor vehicle to the dealer. The motor vehicle liability policy of such person shall meet the minimum financial responsibility requirements found in Section 7-324 of this title.

This section shall apply only to the loan of a motor vehicle by an authorized motor vehicle dealer which loan occurs without financial remuneration in the form of a fee or lease charge.

Added by Laws 1980, c. 167, § 1, eff. Oct. 1, 1980.

§47-581. Definitions.

As used in Section 581 et seq. of this title:

1. "Commission" means the Oklahoma Used Motor Vehicle and Parts Commission;
2. "Compensation" means anything of value including money, merchandise, rebates on purchases, trading stamps or any other thing of value;
3. "Consignment sale" means the sale of used motor vehicles belonging to another by a used motor vehicle dealer, whether or not title is transferred from the consignor to the used motor vehicle dealer;
4. "Factory" means a manufacturer, distributor, factory branch, distributor branch, factory representative or distributor representative, which manufactures or distributes vehicle products;
5. "Manufactured home" means a residential dwelling in one or more sections built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401, et seq. and rules promulgated pursuant thereto;
6.
 - a. "Manufactured home dealer" means any person who, for a commission or with intent to make a profit or gain of money or other thing of value, sells, offers to sell, or attempts to negotiate a sale or exchange of interest in, new or used manufactured homes, or that is engaged wholly or in part in the business of selling any new and unused, or used, or both new and used manufactured homes. A valid franchise letter as proof of authorization to sell any new manufactured home product line or lines shall be attached to the application for a dealer license to sell manufactured homes. "Manufactured home dealer" shall include a manufactured home auction. A manufactured home auction shall mean any person selling more than twenty-five manufactured homes in an auction or liquidation format. Only licensed manufactured home dealers shall be authorized to purchase manufactured homes at such auctions.
 - b. "Manufactured home dealer" shall not include any person who sells or contracts for the sale of a personally titled manufactured home or homes, or any person acting as an auctioneer who has been engaged by a seller to direct, conduct, control, or be responsible for the sale of manufactured homes as a part of an auction or liquidation of an estate, or any Oklahoma licensed real estate broker or sales associate when buying or selling used mobile homes as a part of a real estate business. No person shall be considered a manufactured home dealer as to any manufactured home purchased or acquired by the person for purposes other than resale; provided, that the restriction set forth in this sentence shall not prevent an otherwise qualified

person from utilizing a single manufactured home as a sales office.

c. A holder of a lien on a manufactured home may sell, exchange, or transfer by lease-purchase the repossessed manufactured home and shall not be required to be licensed pursuant to this chapter. If the lienholder contracts with a person or company to sell the repossessed manufactured home and the person or company is not an employee, officer or principal of the lienholder, such person or company shall be licensed pursuant to this chapter.

d. "Manufactured home dealer" shall not include any person who sells mobile or manufactured homes located in a mobile or manufactured home park or community;

7. "Manufactured home salesperson" means any person who has been engaged by a manufactured home dealer to buy, sell, exchange, negotiate, or act as an agent for the purchase, sale, or exchange of an interest in a manufactured home;

8. "Manufactured home installer" means a person who is engaged in the business of installing or setting up manufactured homes and/or mobile homes as defined herein;

9. "Manufactured home manufacturer" means a person who manufactures, assembles, and sells new manufactured homes to new manufactured home retailers for resale in this state;

10. "Mobile home" means a residential dwelling fabricated in an off-site manufacturing facility, designed to be a permanent residence, but which is still transportable, that was built prior to the enacting of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq.;

11. "Person" means an individual, business, corporation, partnership, association, limited liability corporation, trust, firm, or company or legal entity, but does not include any political subdivision;

12. "Ready for occupancy" means a mobile or manufactured home which is installed and anchored properly and has utilities connected to service;

13. "Rebuilder" means a used motor vehicle dealer who is engaged in the business of rebuilding repairable motor vehicles and who has paid the fee for and been issued a rebuilder certificate as provided by Section 591.5 of this title;

14. "Restricted manufactured home park dealer" means any person operating a mobile or manufactured home park who, for a commission or with intent to make a profit or gain of money or other thing of value, sells, offers to sell, or attempts to negotiate a sale or exchange of interest in, new or used manufactured homes, or that is engaged wholly or in part in the business of selling any new and unused, or used, or both new and used manufactured homes; provided,

every mobile or manufactured home sold pursuant to a restricted manufactured home park dealer license shall be located in the licensed mobile or manufactured home park and ready for occupancy;

15. "Retail implement dealer" means a business engaged primarily in the sale of farm tractors as defined in Section 1-118 of this title or implements of husbandry as defined in Section 1-125 of this title or a combination thereof;

16. "Sale" or "sell" means the act of selling, brokering, exchanging, exchanging of an interest in, or renting with the option of purchasing, a new or used manufactured home for commission, profit, or gain of money or other thing of value;

17. "Used motor vehicle" means any motor vehicle, as that term is defined in the Oklahoma Vehicle License and Registration Act, but not including any all-terrain vehicles, utility vehicles, and motorcycles used exclusively for off-road use which are sold by a retail implement dealer, which has been sold, bargained, exchanged, given away or the title thereto transferred from the person who first took title from the manufacturer, importer, or dealer or agent of the manufacturer or importer, or so used as to have become what is commonly known as a "secondhand motor vehicle". In the event of transfer, on the statement of origin, from the original franchised dealer to any other dealer or individual other than a franchised dealer of the same make of vehicle, the vehicle shall be considered a used motor vehicle and must be titled in the new owner's name;

18. "Used motor vehicle auction" means any business other than salvage pools which regularly engages in the sale or trade, or negotiates the sale or trade, of used motor vehicles by auction, whether by open or closed bid or by sale to or purchase by used motor vehicle dealers or individuals;

19. a. "Used motor vehicle dealer" means any person who, for a commission or with intent to make a profit or gain of money or other thing of value, sells, brokers, exchanges, rents with option to purchase, or offers or attempts to negotiate a sale or exchange of an interest in used motor vehicles, or who is engaged wholly or in part in the business of selling used motor vehicles, whether or not such motor vehicles are owned by the person.

- b. "Used motor vehicle dealer" shall not include:
- (1) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting pursuant to the judgment or order of any court,
 - (2) public officers while performing their official duties,
 - (3) employees of persons enumerated in the definition of "used motor vehicle dealer" when engaged in the

- specific performance of their duties as such employees,
- (4) mortgagees or secured parties as to sales of motor vehicles constituting collateral on a mortgage or security agreement, if the mortgagees or secured parties shall not realize for their own account from such sales any monies in excess of the outstanding balance secured by such mortgage or security agreement, plus the costs of collection,
 - (5) any person acting as an auctioneer who has been engaged by a seller to direct, conduct, control, or be responsible for the sale of used motor vehicles as part of an estate auction or liquidation,
 - (6) any person, firm, corporation, or other legal entity who sells, or contracts for the sale of, the vehicles of the person, firm, corporation, or other legal entity when such vehicles are sold in liquidation, and any person, firm, corporation, or other legal entity who serves as an agent in such sale. The exclusion provided in this paragraph shall not extend to any person, firm, corporation, or other legal entity whose business is the purchase, sale, or rental with option to purchase, of motor vehicles, or to a location used for such purposes,
 - (7) any person acting as an auctioneer who has been engaged by a seller to direct, conduct, control, or be responsible for the sale of used motor vehicles as part of an auction held at a licensed used motor vehicle dealer location. The exclusion provided in this division shall not extend to a person who auctions five or more used motor vehicles in a nonliquidation sale held at a licensed used motor vehicle dealer location which is not regularly used as a vehicle auction, or
 - (8) any retail implement dealer that sells all-terrain vehicles, utility vehicles, and motorcycles used exclusively for off-road use;

20. "Used motor vehicle salesperson" means a person employed by a licensed used motor vehicle dealer to sell, broker, exchange, or negotiate a purchase, sale, or rental with option to purchase, used motor vehicles or an interest in used motor vehicles. The term "used motor vehicle salesperson" shall not include any person who:

- a. uses the person's own funds for such transactions, or

- b. operates independently as a used motor vehicle dealer using a licensed used motor vehicle dealer's license number; and

21. "Wholesale used motor vehicle dealer" means any person who, for a commission or with intent to make a profit or gain of money or other thing of value, sells, brokers, exchanges, rents with option to purchase, or offers or attempts to negotiate a sale or exchange of interest in used motor vehicles exclusively to used motor vehicle dealers, or who is engaged in the business of selling used motor vehicles exclusively to used motor vehicle dealers, whether or not such motor vehicles are owned by the person.

Added by Laws 1980, c. 85, § 16, eff. Jan. 1, 1981. Amended by Laws 1982, c. 188, § 1, operative Oct. 1, 1982; Laws 1984, c. 89, § 1, eff. Nov. 1, 1984; Laws 1989, c. 57, § 1, operative July 1, 1989; Laws 1992, c. 200, § 3, eff. July 1, 1992; Laws 1992, c. 373, § 9, eff. July 1, 1992; Laws 1993, c. 281, § 1, emerg. eff. June 3, 1993; Laws 1994, c. 115, § 1, emerg. eff. April 24, 1994; Laws 1996, c. 332, § 1, eff. Nov. 1, 1996; Laws 1997, c. 168, § 1, eff. Nov. 1, 1997; Laws 1998, c. 289, § 2, emerg. eff. May 27, 1998; Laws 1999, c. 155, § 1, eff. July 1, 1999; Laws 2000, c. 150, § 1, eff. July 1, 2000; Laws 2001, c. 148, § 6, emerg. eff. April 30, 2001; Laws 2003, c. 483, § 1, eff. June 16, 2003; Laws 2005, c. 298, § 1, eff. Nov. 1, 2005; Laws 2013, c. 145, § 1, eff. Nov. 1, 2013; Laws 2015, c. 223, § 1, eff. Nov. 1, 2015; Laws 2019, c. 79, § 3, eff. Nov. 1, 2019.

NOTE: Laws 1992, c. 140, § 1 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992.

§47-582. Used Motor Vehicle and Parts Commission.

A. There is hereby created the Oklahoma Used Motor Vehicle and Parts Commission, to be composed of ten (10) members who shall be selected as follows:

1. One member shall be appointed from each congressional district and any remaining members, including the chair, shall be appointed from the state at large. However, when congressional districts are redrawn, each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member; provided, the chair shall be appointed at large without regard to congressional district representation on the board;

2. All members shall be appointed by the Governor, by and with the advice and consent of the Senate;

3. a. each of the members appointed from a congressional district shall, at the time of appointment, be a resident in good faith of the congressional district from which appointed, and
- b. each of the members appointed from the state at large shall, at the time of appointment and during the period of service, be residents in good faith of the state;

4. Each member shall be of good moral character and, for the ten-year period immediately preceding appointment, each of the used motor vehicle dealer representatives shall have been licensed for and actually engaged in the distribution or sale of used motor vehicles; each of the dismantler representatives shall have actually been licensed for and engaged in the principal business of dismantling or disassembling motor vehicles for the purpose of selling the parts thereof; and the manufactured housing representative shall have been licensed for and actually engaged in the principal business of selling manufactured homes; and

5. Eight members plus the chair shall be engaged in the used motor vehicle industry or the automotive dismantler industry. There shall not be fewer than five members engaged in the principal business of the sale of used motor vehicles and there shall not be fewer than two members engaged in the principal business of dismantling or disassembling motor vehicles for the purpose of selling the parts thereof. One of the at-large members shall be engaged in the principal business of selling manufactured homes as a licensed manufactured home dealer. Being engaged in one or more of such pursuits shall not disqualify a person otherwise qualified from serving on the Commission.

B. 1. The term of the chair shall be coterminous with that of the Governor making the appointment, and until a successor is appointed and is qualified.

2. The terms of office of each member of the Commission shall be subject to the following:

- a. the Commission shall determine and certify the trade associations of manufactured home dealers that represent ten percent (10%) or more of the number of licensed manufactured home dealers in the state and shall certify each such association to the Governor. The Governor shall request a minimum of ten names from each such association and shall select one member from the manufactured home industry from the names provided,
- b. each member actively serving July 1, 2000, who was appointed on or before June 30, 2000, shall remain and fulfill the term of his or her membership as set forth at the appointment,
- c. except for the chair, the term of office of each member of the Commission shall be for six (6) years,

- d. except for the chair and the at-large members, the term of office of any member will automatically expire if the member moves out of the congressional district from which appointed; however, if the congressional districts are modified each member shall complete the current term of office as provided in this section,
- e. in event of death, resignation, or removal of any person serving on the Commission, the vacancy shall be filled by appointment as aforesaid for the unexpired portion of the term,
- f. except for the chair, when the term of a member automatically expires, the vacancy shall be filled by appointment of a qualified successor for a term of six (6) years as aforesaid, except that the member shall serve until a successor is appointed and qualified.

3. The chair and each member of the Commission shall take and subscribe to the oath of office required of public officers.

C. The chair and members of the Commission shall receive Thirty Dollars (\$30.00) for each and every day actually and necessarily spent in attending the meetings of the Commission, and shall be reimbursed for subsistence and traveling expenses incurred in the performance of their duties hereunder as provided by the State Travel Reimbursement Act; provided that such meeting payments shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum to any one person.

- D. 1. a. The Commission shall appoint a qualified person to serve as Executive Director who shall have had sufficient management and organizational experience in the automotive industry to direct the functions of the Commission.
- b. The Executive Director shall be appointed for a term of six (6) years, and shall not be subject to dismissal or removal without cause.
- c. The Commission shall fix the salary and define and prescribe the duties of the Executive Director.
- d. The Executive Director shall be in charge of the Commission's office, shall devote such time as necessary to fulfill the duties thereof, and, before entering upon these duties, shall take and subscribe to the oath of office.

2. The Commission may employ such clerical, technical, legal and other help and incur such expenses as may be necessary for the proper discharge of its duties under Section 581 et seq. of this title.

3. The Commission shall maintain its office and transact its business in Oklahoma City, and is authorized to adopt and use a seal.

- E. 1. a. The Commission is hereby vested with the powers and duties necessary and proper to enable it to fully and

effectively carry out the provisions and objectives of Section 581 et seq. of this title, and is hereby authorized and empowered, pursuant to the Administrative Procedures Act, to make and enforce all reasonable rules and to adopt and prescribe all forms necessary to accomplish said purpose.

- b. The Commission shall promulgate rules for the licensing of manufactured home installers and the installation, which is the blocking, anchoring and leveling of mobile and manufactured homes that meet the standards of the manufacturer's manual or the Commission.
- c. The Commission shall promulgate rules to prescribe the contents of manufactured home sales agreements and to require that each manufactured home manufacturer issue with each new manufactured home a warranty comparable to warranties generally in use in the industry warranting the manufactured home to be free from material defects.
- d. The enumeration of any power or authority herein shall not be construed to deny, impair, disparage or limit any others necessary to the attainment thereof.
- e. A copy of all rules adopted by the Commission shall be filed and recorded in the office of the Secretary of State and the State Librarian and Archivist, and same may be amended, modified or repealed from time to time.

2. The Commission's powers and duties shall include, but not be limited to, the following:

- a. to license used motor vehicle dealers, wholesale used motor vehicle dealers, dismantlers, manufactured home dealers, manufactured home manufacturers, and manufactured home installers,
- b. to inspect used motor vehicle dealer, dismantler and manufactured home dealer locations, and manufactured home manufacturers' factories or assembly sites to ensure that they are in an approved location, meet local zoning or other municipal requirements, and have sufficient facilities which shall include, but not be limited to, for retail businesses, a business sign, a listed and usable telephone number, a restroom, and a sales office,
- c. to inspect wholesale used motor vehicle dealer locations to ensure that they are in an approved location, meet local zoning or other municipal requirements, and have sufficient facilities which shall include, but not be limited to, a listed and usable telephone number in the dealer's name and a business office where records of the business are kept,

- d. to require all dealer sales to have a condition of sale such as a warranty disclaimer, implied or written warranty or a service contract approved by the Commission,
- e. to work with consumers and dealers to hear complaints on used vehicles and manufactured homes, including installation, and
- f. to serve as a dispute resolution panel for binding arbitration in accordance with Section 1851 et seq. of Title 12 of the Oklahoma Statutes in contract controversies between licensed used motor vehicle dealers, dismantlers and manufactured housing dealers, manufactured home dealers, installers, and manufacturers and their consumers when, by mutual written agreement executed after the dispute between the parties has arisen, both parties have agreed to use the Commission as their arbitration panel for contract disputes.

F. 1. All fees and charges collected under the provisions of Section 581 et seq. of this title shall be deposited by the Executive Director in the State Treasury in accordance with the depository laws of this state in a special fund to be known as the "Oklahoma Used Motor Vehicle and Parts Commission Fund", which fund is hereby created. Except as hereinafter provided, the monies in the fund shall be used by the Commission for the purpose of carrying out and enforcing the provisions of Section 581 et seq. of this title. Expenditures from the fund shall be warrants issued by the State Treasurer against claims submitted by the Commission to the Director of the Office of Management and Enterprise Services for approval.

2. At the close of each fiscal year, the Commission shall file with the Governor and the State Auditor and Inspector a true and correct report of all fees and charges collected and received by it during the preceding fiscal year and shall at the same time pay into the General Revenue Fund of the state a sum equal to ten percent (10%) of the gross fees and charges so collected and received.

3. All expenses incurred by the Commission in carrying out the provisions of Section 581 et seq. of this title including, but not limited to, per diem, wages, salaries, rent, postage, advertising, supplies, bond premiums, travel and subsistence for the Commissioners, the Executive Director, employees, and legal counsel, and printing and utilities, shall be a proper charge against the fund, exclusive of the portion thereof to be paid into the General Revenue Fund as above set out; provided, that in no event shall liability ever accrue hereunder against the state in any sum whatsoever, or against the Oklahoma Used Motor Vehicle and Parts Commission Fund, in excess of the ninety percent (90%) of the fees and charges deposited therein.

Added by Laws 1980, c. 85, § 17, eff. Jan. 1, 1981. Amended by Laws 1989, c. 57, § 2, operative July 1, 1989; Laws 1992, c. 140, § 2, eff. Sept. 1, 1992; Laws 1993, c. 281, § 2, emerg. eff. June 3, 1993; Laws 1997, c. 212, § 1, eff. Nov. 1, 1997; Laws 1999, c. 155, § 2, eff. July 1, 1999; Laws 2000, c. 150, § 2, eff. July 1, 2000; Laws 2002, c. 375, § 5, eff. Nov. 5, 2002; Laws 2003, c. 229, § 1, emerg. eff. May 20, 2003; Laws 2005, c. 298, § 2, eff. Nov. 1, 2005; Laws 2006, c. 305, § 1, eff. July 1, 2006; Laws 2012, c. 304, § 179; Laws 2019, c. 79, § 4, eff. Nov. 1, 2019.

§47-582.1. Manufactured Home Advisory Committee.

A. There is hereby created the Manufactured Home Advisory Committee which shall consist of five (5) members who shall be appointed as follows:

1. The members shall be appointed by the Governor from a list of not less than twenty names submitted by the Trade Association of Manufactured Home Dealers, as certified by the Commission, as set forth herein;

2. The members shall be appointed for terms of three (3) years; except that, for the first committee appointed, two members shall be appointed for two (2) years with terms ending June 30, 2002, two members shall be appointed for three (3) years with terms ending June 30, 2003, and one member shall be appointed for four (4) years with a term ending June 30, 2004; and

3. The members shall be licensed and primarily engaged in the manufactured housing industry.

B. The Manufactured Home Advisory Committee shall choose from their membership a person to act as the chair and shall meet as necessary.

C. The Manufactured Home Advisory Committee shall provide specific recommendations and advice to the Commission on manufactured home industry issues including, but not limited to:

1. Claims or complaints concerning noncompliances, defects, serious defects, or imminent safety hazards filed by consumers and to resolve such claims or complaints;

2. Adoption of guidelines for the installation of manufactured homes and mobile homes; and

3. Licensure requirements for manufactured home dealers, manufactured home manufacturers, and manufactured home installers.

Added by Laws 2000, c. 150, § 5, eff. July 1, 2000.

§47-583. See the following versions:

OS 47-583v1 (HB 1094, Laws 2019, c. 79, § 5).

OS 47-583v2 (SB 716, Laws 2019, c. 221, § 1).

§47-583.1. Certificate of registration for used motor vehicle or manufactured home salesperson – Penalties.

A. It shall be punishable by an administrative fine not to exceed Five Hundred Dollars (\$500.00) for any person, firm, association, corporation or trust to engage in business as, or serve in the capacity of, a used motor vehicle salesperson in this state without first obtaining a certificate of registration with the Oklahoma Used Motor Vehicle and Parts Commission. The cost of registration for each new salesperson shall be set at Twenty-five Dollars (\$25.00) to be renewed annually. The cost of registration is to be borne by the employing entity of the new salesperson. The Commission shall promulgate rules and procedures necessary for the implementation and creation of the registry and the issuance of certificates of registration.

B. It shall be punishable by an administrative fine not to exceed Five Hundred Dollars (\$500.00) for any person, firm, association, corporation or trust to engage in business as, or serve in the capacity of, a manufactured home salesperson in this state without first obtaining a certificate of registration with the Oklahoma Used Motor Vehicle and Parts Commission. The cost of registration for each new salesperson shall be set at Twenty-five Dollars (\$25.00) to be renewed annually. The cost of registration is to be borne by the employing entity of the new salesperson. The Commission shall promulgate rules and procedures necessary for the implementation and creation of the registry and the issuance of certificates of registration.

Added by Laws 2019, c. 79, § 8, eff. Nov. 1, 2019.

§47-583v1. License required - Application - Fees - Specifications and display - Bond - Liability insurance.

A. 1. It shall be unlawful and constitute a misdemeanor for any person to engage in business as, or serve in the capacity of, or act as a used motor vehicle dealer, wholesale used motor vehicle dealer, manufactured home dealer, restricted manufactured home park dealer, manufactured home installer, or manufactured home manufacturer selling directly to a licensed manufactured home dealer in this state without first obtaining a license or following other requirements therefor as provided in this section.

2. a. Any person engaging, acting, or serving in the capacity of a used motor vehicle dealer, a manufactured home dealer, restricted manufactured home park dealer, a manufactured home installer, or a manufactured home manufacturer, or having more than one place where any such business, or combination of businesses, is carried on or conducted shall be required to obtain and hold a current license for each such business, in which engaged.

b. If after a hearing in accordance with the provisions of Section 585 of this title, the Oklahoma Used Motor

Vehicle and Parts Commission shall find any person installing a mobile or manufactured home to be in violation of any of the provisions of this act, such person may be subject to an administrative fine of not more than Five Hundred Dollars (\$500.00) for each violation. Each day a person is in violation of this act may constitute a separate violation. All administrative fines collected pursuant to the provisions of this subparagraph shall be deposited in the fund established in Section 582 of this title. Administrative fines imposed pursuant to this subparagraph may be enforceable in the district courts of this state.

3. Any person except persons penalized by administrative fine violating the provisions of this section shall, upon conviction, be punished by a fine not to exceed Five Hundred Dollars (\$500.00). A second or subsequent conviction shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00); provided that each day such unlicensed person violates this section shall constitute a separate offense, and any vehicle involved in a violation of this subsection shall be considered a separate offense.

B. 1. Applications for licenses required to be obtained under the provisions of the Oklahoma Used Motor Vehicle and Parts Commission shall be verified by the oath or affirmation of the applicant and shall be on forms prescribed by the Commission and furnished to the applicants, and shall contain such information as the Commission deems necessary to enable it to fully determine the qualifications and eligibility of the several applicants to receive the license or licenses applied for. The Commission shall require in the application, or otherwise, information relating to:

- a. the applicant's financial standing,
- b. the applicant's business integrity,
- c. whether the applicant has an established place of business and is engaged in the pursuit, avocation, or business for which a license, or licenses, is applied for,
- d. whether the applicant is able to properly conduct the business for which a license, or licenses, is applied for, and
- e. such other pertinent information consistent with the safeguarding of the public interest and the public welfare.

2. All applications for license or licenses shall be accompanied by the appropriate fee or fees in accordance with the schedule hereinafter provided. In the event any application is denied and the license applied for is not issued, the entire license fee shall be returned to the applicant.

3. All bonds and licenses issued under the provisions of this act shall expire on December 31, following the date of issue and shall be nontransferable. All applications for renewal of licenses shall be submitted by November 1 of each year of expiration, and licenses for completed renewals received by November 1 shall be issued by January 10. If applications have not been made for renewal of licenses, such licenses shall expire on December 31 and it shall be illegal for any person to represent himself or herself and act as a dealer thereafter. Tag agents shall be notified not to accept dealers' titles until such time as licenses have been issued. Beginning January 1, 2016, all licenses shall be issued for a period of two (2) years and the appropriate fees shall be assessed. The Commission shall adopt rules necessary to implement the two-year licensing provisions.

C. The schedule of license fees to be charged and received by the Commission for the licenses issued hereunder shall be as follows:

1. For each used motor vehicle dealer's license and each wholesale used motor vehicle dealer's license, Six Hundred Dollars (\$600.00). If a used motor vehicle dealer or a wholesale used motor vehicle dealer has once been licensed by the Commission in the classification for which he or she applies for a renewal of the license, the fee for each subsequent renewal shall be Three Hundred Dollars (\$300.00); provided, if an applicant holds a license to conduct business as an automotive dismantler and parts recycler issued pursuant to Section 591.1 et seq. of this title, the initial fee shall be Two Hundred Dollars (\$200.00) and the renewal fee shall be Two Hundred Dollars (\$200.00). If an applicant is applying simultaneously for a license under this paragraph and a license under paragraph 1 of Section 591.5 of this title, the initial application fee shall be Four Hundred Dollars (\$400.00). For the reinstatement of a used motor vehicle dealer's license after revocation for cancellation or expiration of insurance pursuant to subsection F of this section, the fee shall be Two Hundred Dollars (\$200.00);

2. For a used motor vehicle dealer's license, for each place of business in addition to the principal place of business, Two Hundred Dollars (\$200.00);

3. For each holder who possesses a valid new motor vehicle dealer's license from the Oklahoma Motor Vehicle Commission, Two Hundred Dollars (\$200.00) shall be the initial fee for a used motor vehicle license and the fee for each subsequent renewal shall be Two Hundred Dollars (\$200.00);

4. a. For each manufactured home dealer's license or a restricted manufactured home park dealer's license, Six Hundred Dollars (\$600.00), and for each place of business in addition to the principal place of business, Four Hundred Dollars (\$400.00), and

- b. For each renewal of a manufactured home dealer's license or a restricted manufactured home park dealer's license, and renewal for each place of business in addition to the principal place of business, Three Hundred Dollars (\$300.00);
- 5.
 - a. For each manufactured home installer's license, Four Hundred Dollars (\$400.00), and
 - b. For each renewal of a manufactured home installer's license, Four Hundred Dollars (\$400.00); and
- 6.
 - a. For each manufactured home manufacturer selling directly to a licensed manufactured home dealer in this state, One Thousand Five Hundred Dollars (\$1,500.00), and
 - b. For each renewal of a manufactured home manufacturer's license, One Thousand Five Hundred Dollars (\$1,500.00).

D. 1. The license issued to each used motor vehicle dealer, each wholesale used motor vehicle dealer, each restricted manufactured home park dealer and each manufactured home dealer shall specify the location of the place of business. If the business location is changed, the Oklahoma Used Motor Vehicle and Parts Commission shall be notified immediately of the change and the Commission may endorse the change of location on the license. The fee for a change of location shall be One Hundred Dollars (\$100.00), and the fee for a change of name, Twenty-five Dollars (\$25.00). The license of each licensee shall be posted in a conspicuous place in the place or places of business of the licensee.

2. The license issued to each manufactured home installer, and each manufactured home manufacturer shall specify the location of the place of business. If the business location is changed, the Oklahoma Used Motor Vehicle and Parts Commission shall be notified immediately of the change and the Commission may endorse the change of location on the license without charge. The license of each licensee shall be posted in a conspicuous place in the place or places of business of the licensee.

3. Every manufactured home installer shall have the license available for inspection at the primary place of business of the licensee. This license shall be valid for the licensee and all of the employees of the licensee. Any person who is not an employee of the licensee must obtain a separate manufactured home installer license regardless of whether such person is acting in the capacity of a contractor or subcontractor.

- E. 1. a. Each applicant for a used motor vehicle dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Twenty-five Thousand Dollars (\$25,000.00). Each new applicant for a used motor vehicle dealer's license for the purpose of conducting a used motor vehicle auction shall

- procure and file with the Commission a good and sufficient bond in the amount of Fifty Thousand Dollars (\$50,000.00). An applicant who intends to conduct a used motor vehicle auction who provides proof that the applicant has check and title insurance in an amount not less than Fifty Thousand Dollars (\$50,000.00) shall only be required to have a bond in the amount of Twenty-five Thousand Dollars (\$25,000.00).
- b. Each new applicant for a used motor vehicle dealer license for the purpose of conducting a used motor vehicle business which will consist primarily of non-auction consignment sales which are projected to equal Five Hundred Thousand Dollars (\$500,000.00) or more in gross annual sales shall procure and file with the Commission a good and sufficient bond in the amount of Fifty Thousand Dollars (\$50,000.00). The Commission shall prescribe by rule the method of operation of the non-auction consignment dealer in order to properly protect the interests of all parties to the transaction and to provide sanctions against dealers who fail to comply with the rules.
 - c. Each applicant for a wholesale used motor vehicle dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Twenty-five Thousand Dollars (\$25,000.00).
 - d. Any used motor vehicle dealer who, for the purpose of being a rebuilder, applies for a rebuilder certificate, as provided in Section 591.5 of this title, whether as a new application or renewal, shall procure and file with the Commission a good and sufficient bond in the amount of Fifteen Thousand Dollars (\$15,000.00), in addition to any other bonds required.
 - e. Each applicant for a manufactured home dealer's license or a restricted manufactured home park dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Thirty Thousand Dollars (\$30,000.00).
 - f. Each manufactured home manufacturing facility selling directly to a licensed manufactured home dealer in this state shall procure and file with the Commission a good and sufficient bond in the amount of Thirty Thousand Dollars (\$30,000.00). In addition to all other conditions and requirements set forth herein, the bond shall require the availability of prompt and full warranty service by the manufacturer to comply with all warranties expressed or implied in connection with each manufactured home which is manufactured for resale in

this state. A manufacturer may not sell, exchange, or lease-purchase a manufactured home to a person in this state who is not a licensed manufactured home dealer.

- g. The bond shall be approved as to form by the Attorney General and conditioned that the applicant shall not practice fraud, make any fraudulent representation, or violate any of the provisions of this act in the conduct of the business for which the applicant is licensed. One of the purposes of the bond is to provide reimbursement for any loss or damage suffered by any person by reason of issuance of a certificate of title by a used motor vehicle dealer, a wholesale used motor vehicle dealer, a restricted manufactured home park dealer or a manufactured home dealer.

2. The bonds as required by this section shall be maintained throughout the period of licensure. Should the bond be canceled for any reason, the license shall be revoked as of the date of cancellation unless a new bond is furnished prior to such date.

F. Any used motor vehicle dealer or wholesale used motor vehicle dealer is required to furnish and keep in force a minimum of Twenty-five Thousand Dollars (\$25,000.00) of single liability insurance coverage on all vehicles offered for sale or used in any other capacity in demonstrating or utilizing the streets and roadways in accordance with the financial responsibility laws of this state.

G. Any manufactured home dealer or restricted manufactured home park dealer is required to furnish and keep in force a minimum of One Hundred Thousand Dollars (\$100,000.00) of garage liability or general liability with products and completed operations insurance coverage.

H. Any manufactured home installer is required to furnish and keep in force a minimum of Twenty-five Thousand Dollars (\$25,000.00) of general liability with products and completed operations insurance coverage.

Added by Laws 1980, c. 85, § 18, eff. Jan. 1, 1981. Amended by Laws 1980, c. 273, § 17, eff. Jan. 1, 1981; Laws 1989, c. 57, § 3, operative July 1, 1989; Laws 1992, c. 242, § 1, eff. July 1, 1992; Laws 1992, c. 373, § 10, eff. July 1, 1992; Laws 1996, c. 332, § 2, eff. Nov. 1, 1996; Laws 1997, c. 2, § 8, emerg. eff. Feb. 26, 1997; Laws 1999, c. 155, § 3, eff. July 1, 1999; Laws 2000, c. 150, § 3, eff. July 1, 2000; Laws 2000, c. 334, § 4, eff. July 1, 2000; Laws 2001, c. 60, § 1, eff. July 1, 2001; Laws 2005, c. 298, § 3, eff. Nov. 1, 2005; Laws 2006, c. 213, § 3, eff. Nov. 1, 2006; Laws 2013, c. 145, § 2, eff. Nov. 1, 2013; Laws 2014, c. 4, § 11, emerg. eff. April 2, 2014; Laws 2015, c. 386, § 1, eff. Nov. 1, 2015; Laws 2019, c. 79, § 5, eff. Nov. 1, 2019.

NOTE: Laws 1992, c. 140, § 3 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992. Laws 1996, c. 249, § 8 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2000, c. 75, § 1 and Laws

2000, c. 126, § 1 repealed by Laws 2000, c. 334, § 8, eff. July 1, 2000. Laws 2013, c. 164, § 1 repealed by Laws 2014, c. 4, § 12, emerg. eff. April 2, 2014. Laws 2013, c. 196, § 1 repealed by Laws 2014, c. 4, § 13, emerg. eff. April 2, 2014.

§47-583v2. License required - Application - Fees - Specifications and display - Bond - Liability insurance.

A. 1. It shall be unlawful and constitute a misdemeanor for any person to engage in business as, or serve in the capacity of, or act as a used motor vehicle dealer, used motor vehicle salesperson, wholesale used motor vehicle dealer, manufactured home dealer, restricted manufactured home park dealer, manufactured home salesperson, manufactured home installer, or manufactured home manufacturer selling directly to a licensed manufactured home dealer in this state without first obtaining a license or following other requirements therefor as provided in this section.

2. a. Any person engaging, acting, or serving in the capacity of a used motor vehicle dealer and/or a used motor vehicle salesperson, a manufactured home dealer, restricted manufactured home park dealer, manufactured home salesperson, a manufactured home installer, or a manufactured home manufacturer, or having more than one place where any such business, or combination of businesses, is carried on or conducted shall be required to obtain and hold a current license for each such business, in which engaged.

b. A used motor vehicle dealer's license shall authorize one person to sell without a salesperson's license in the event such person shall be the owner of a proprietorship, or the person designated as principal in the dealer's franchise or the managing officer or one partner if no principal person is named in the franchise.

c. If after a hearing in accordance with the provisions of Section 585 of this title, the Oklahoma Used Motor Vehicle and Parts Commission shall find any person installing a mobile or manufactured home to be in violation of any of the provisions of this act, such person may be subject to an administrative fine of not more than Five Hundred Dollars (\$500.00) for each violation. Each day a person is in violation of this act may constitute a separate violation. All administrative fines collected pursuant to the provisions of this subparagraph shall be deposited in the fund established in Section 582 of this title. Administrative fines imposed pursuant to this

subparagraph may be enforceable in the district courts of this state.

- d. A salesperson's license may not be issued under a wholesale used motor vehicle dealer's license.

3. Any person except persons penalized by administrative fine violating the provisions of this section shall, upon conviction, be fined not to exceed Five Hundred Dollars (\$500.00). A second or subsequent conviction shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00); provided that each day such unlicensed person violates this section shall constitute a separate offense, and any vehicle involved in a violation of this subsection shall be considered a separate offense.

B. 1. Applications for licenses required to be obtained under the provisions of the Oklahoma Used Motor Vehicle and Parts Commission shall be verified by the oath or affirmation of the applicant and shall be on forms prescribed by the Commission and furnished to the applicants, and shall contain such information as the Commission deems necessary to enable it to fully determine the qualifications and eligibility of the several applicants to receive the license or licenses applied for. The Commission shall require in the application, or otherwise, information relating to:

- a. the applicant's financial standing,
- b. the applicant's business integrity,
- c. whether the applicant has an established place of business and is engaged in the pursuit, avocation, or business for which a license, or licenses, is applied for,
- d. whether the applicant is able to properly conduct the business for which a license, or licenses, is applied for, and
- e. such other pertinent information consistent with the safeguarding of the public interest and the public welfare.

2. All applications for license or licenses shall be accompanied by the appropriate fee or fees in accordance with the schedule hereinafter provided. In the event any application is denied and the license applied for is not issued, the entire license fee shall be returned to the applicant.

3. All bonds and licenses issued under the provisions of this act shall expire on December 31, following the date of issue and shall be nontransferable. All applications for renewal of licenses shall be submitted by November 1 of each year of expiration, and licenses for completed renewals received by November 1 shall be issued by January 10. If applications have not been made for renewal of licenses, such licenses shall expire on December 31 and it shall be illegal for any person to represent himself or herself and act as a dealer thereafter. Tag agents shall be notified not to accept

dealers' titles until such time as licenses have been issued. Beginning January 1, 2016, all licenses shall be issued for a period of two (2) years and the appropriate fees shall be assessed. The Commission shall adopt rules necessary to implement the two-year licensing provisions.

4. A used motor vehicle salesperson's license shall permit the licensee to engage in the activities of a used motor vehicle salesperson. Salespersons shall not be allowed to sell vehicles unless applications and fees are on file with the Commission and the motor vehicle salesperson's or temporary salesperson's license issued. A temporary salesperson's license, salesperson's renewal or reissue of salesperson's license shall be deemed to have been issued when the appropriate application and fee have been properly addressed and mailed to the Commission.

Dealers' payrolls and other evidence will be checked to ascertain that all salespersons for such dealers are licensed.

C. The schedule of license fees to be charged and received by the Commission for the licenses issued hereunder shall be as follows:

1. For each used motor vehicle dealer's license and each wholesale used motor vehicle dealer's license, Six Hundred Dollars (\$600.00). If a used motor vehicle dealer or a wholesale used motor vehicle dealer has once been licensed by the Commission in the classification for which he or she applies for a renewal of the license, the fee for each subsequent renewal shall be Three Hundred Dollars (\$300.00); provided, if an applicant holds a license to conduct business as an automotive dismantler and parts recycler issued pursuant to Section 591.1 et seq. of this title, the initial fee shall be Two Hundred Dollars (\$200.00) and the renewal fee shall be Two Hundred Dollars (\$200.00). If an applicant is applying simultaneously for a license under this paragraph and a license under paragraph 1 of Section 591.5 of this title, the initial application fee shall be Four Hundred Dollars (\$400.00). For the reinstatement of a used motor vehicle dealer's license after revocation for cancellation or expiration of insurance pursuant to subsection F of this section, the fee shall be Two Hundred Dollars (\$200.00);

2. For a used motor vehicle dealer's license, for each place of business in addition to the principal place of business, Two Hundred Dollars (\$200.00);

3. For each used motor vehicle salesperson's license and renewal, Fifty Dollars (\$50.00), and for a transfer, Fifty Dollars (\$50.00);

4. For each holder who possesses a valid new motor vehicle dealer's license from the Oklahoma Motor Vehicle Commission, Two Hundred Dollars (\$200.00) shall be the initial fee for a used motor vehicle license and the fee for each subsequent renewal shall be Two Hundred Dollars (\$200.00);

5. a. For each manufactured home dealer's license or a restricted manufactured home park dealer's license, Six Hundred Dollars (\$600.00), and for each place of business in addition to the principal place of business, Four Hundred Dollars (\$400.00), and
 - b. For each renewal of a manufactured home dealer's license or a restricted manufactured home park dealer's license, and renewal for each place of business in addition to the principal place of business, Three Hundred Dollars (\$300.00);
 6. a. For each manufactured home installer's license, Four Hundred Dollars (\$400.00), and
 - b. For each renewal of a manufactured home installer's license, Four Hundred Dollars (\$400.00);
 7. a. For each manufactured home manufacturer selling directly to a licensed manufactured home dealer in this state, One Thousand Five Hundred Dollars (\$1,500.00), and
 - b. For each renewal of a manufactured home manufacturer's license, One Thousand Five Hundred Dollars (\$1,500.00);
 8. For each manufactured home salesperson's license or renewal thereof, Fifty Dollars (\$50.00), and for each transfer, Fifty Dollars (\$50.00);
 9. Any manufactured home manufacturer who sells a new manufactured home to be shipped to or sited in the State of Oklahoma shall pay an installation inspection fee of Seventy-five Dollars (\$75.00) for each new single-wide manufactured home and One Hundred Twenty-five Dollars (\$125.00) for each new multi-floor manufactured home; and
 10. A used manufactured home inspection fee of Seventy-five Dollars (\$75.00) shall be paid by the installer at or before the time of installation of any used manufactured home sited and installed in the State of Oklahoma.
- D. 1. The license issued to each used motor vehicle dealer, each wholesale used motor vehicle dealer, each restricted manufactured home park dealer and each manufactured home dealer shall specify the location of the place of business. If the business location is changed, the Oklahoma Used Motor Vehicle and Parts Commission shall be notified immediately of the change and the Commission may endorse the change of location on the license. The fee for a change of location shall be One Hundred Dollars (\$100.00), and the fee for a change of name, Twenty-five Dollars (\$25.00). The license of each licensee shall be posted in a conspicuous place in the place or places of business of the licensee.
2. The license issued to each manufactured home installer, and each manufactured home manufacturer shall specify the location of the place of business. If the business location is changed, the Oklahoma

Used Motor Vehicle and Parts Commission shall be notified immediately of the change and the Commission may endorse the change of location on the license without charge. The license of each licensee shall be posted in a conspicuous place in the place or places of business of the licensee.

3. Every used motor vehicle salesperson shall have the license upon his or her person when engaged in business, and shall display same upon request. The name of the employer of the salesperson shall be stated on the license and if there is a change of employer, the license holder shall immediately mail the license to the Commission for its endorsement of the change thereon. There shall be no penalty for not having a license upon his or her person.

4. Every manufactured home installer shall have the license available for inspection at the primary place of business of the licensee. This license shall be valid for the licensee and all of the employees of the licensee. Any person who is not an employee of the licensee must obtain a separate manufactured home installer license regardless of whether such person is acting in the capacity of a contractor or subcontractor.

E. 1. a. Each applicant for a used motor vehicle dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Twenty-five Thousand Dollars (\$25,000.00). Each new applicant for a used motor vehicle dealer's license for the purpose of conducting a used motor vehicle auction shall procure and file with the Commission a good and sufficient bond in the amount of Fifty Thousand Dollars (\$50,000.00). An applicant who intends to conduct a used motor vehicle auction who provides proof that the applicant has check and title insurance in an amount not less than Fifty Thousand Dollars (\$50,000.00) shall only be required to have a bond in the amount of Twenty-five Thousand Dollars (\$25,000.00).

b. Each new applicant for a used motor vehicle dealer license for the purpose of conducting a used motor vehicle business which will consist primarily of non-auction consignment sales which are projected to equal Five Hundred Thousand Dollars (\$500,000.00) or more in gross annual sales shall procure and file with the Commission a good and sufficient bond in the amount of Fifty Thousand Dollars (\$50,000.00). The Commission shall prescribe by rule the method of operation of the non-auction consignment dealer in order to properly protect the interests of all parties to the transaction and to provide sanctions against dealers who fail to comply with the rules.

- c. Each applicant for a wholesale used motor vehicle dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Twenty-five Thousand Dollars (\$25,000.00).
- d. Any used motor vehicle dealer who, for the purpose of being a rebuilder, applies for a rebuilder certificate, as provided in Section 591.5 of this title, whether as a new application or renewal, shall procure and file with the Commission a good and sufficient bond in the amount of Fifteen Thousand Dollars (\$15,000.00), in addition to any other bonds required.
- e. Each applicant for a manufactured home dealer's license or a restricted manufactured home park dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Thirty Thousand Dollars (\$30,000.00).
- f. Each manufactured home manufacturing facility selling directly to a licensed manufactured home dealer in this state shall procure and file with the Commission a good and sufficient bond in the amount of Thirty Thousand Dollars (\$30,000.00). In addition to all other conditions and requirements set forth herein, the bond shall require the availability of prompt and full warranty service by the manufacturer to comply with all warranties expressed or implied in connection with each manufactured home which is manufactured for resale in this state. A manufacturer may not sell, exchange, or lease-purchase a manufactured home to a person in this state who is not a licensed manufactured home dealer.
- g. The bond shall be approved as to form by the Attorney General and conditioned that the applicant shall not practice fraud, make any fraudulent representation, or violate any of the provisions of this act in the conduct of the business for which the applicant is licensed. One of the purposes of the bond is to provide reimbursement for any loss or damage suffered by any person by reason of issuance of a certificate of title by a used motor vehicle dealer, a wholesale used motor vehicle dealer, a restricted manufactured home park dealer or a manufactured home dealer.

2. The bonds as required by this section shall be maintained throughout the period of licensure. Should the bond be canceled for any reason, the license shall be revoked as of the date of cancellation unless a new bond is furnished prior to such date.

F. Any used motor vehicle dealer or wholesale used motor vehicle dealer is required to furnish and keep in force a minimum of Twenty-five Thousand Dollars (\$25,000.00) of single liability insurance

coverage on all vehicles offered for sale or used in any other capacity in demonstrating or utilizing the streets and roadways in accordance with the financial responsibility laws of this state.

G. Any manufactured home dealer or restricted manufactured home park dealer is required to furnish and keep in force a minimum of One Hundred Thousand Dollars (\$100,000.00) of garage liability or general liability with products and completed operations insurance coverage.

H. Any manufactured home installer is required to furnish and keep in force a minimum of Twenty-five Thousand Dollars (\$25,000.00) of general liability with products and completed operations insurance coverage.

Added by Laws 1980, c. 85, § 18, eff. Jan. 1, 1981. Amended by Laws 1980, c. 273, § 17, eff. Jan. 1, 1981; Laws 1989, c. 57, § 3, operative July 1, 1989; Laws 1992, c. 242, § 1, eff. July 1, 1992; Laws 1992, c. 373, § 10, eff. July 1, 1992; Laws 1996, c. 332, § 2, eff. Nov. 1, 1996; Laws 1997, c. 2, § 8, emerg. eff. Feb. 26, 1997; Laws 1999, c. 155, § 3, eff. July 1, 1999; Laws 2000, c. 150, § 3, eff. July 1, 2000; Laws 2000, c. 334, § 4, eff. July 1, 2000; Laws 2001, c. 60, § 1, eff. July 1, 2001; Laws 2005, c. 298, § 3, eff. Nov. 1, 2005; Laws 2006, c. 213, § 3, eff. Nov. 1, 2006; Laws 2013, c. 145, § 2, eff. Nov. 1, 2013; Laws 2014, c. 4, § 11, emerg. eff. April 2, 2014; Laws 2015, c. 386, § 1, eff. Nov. 1, 2015; Laws 2019, c. 221, § 1, eff. Nov. 1, 2019.

NOTE: Laws 1992, c. 140, § 3 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992. Laws 1996, c. 249, § 8 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2000, c. 75, § 1 and Laws 2000, c. 126, § 1 repealed by Laws 2000, c. 334, § 8, eff. July 1, 2000. Laws 2013, c. 164, § 1 repealed by Laws 2014, c. 4, § 12, emerg. eff. April 2, 2014. Laws 2013, c. 196, § 1 repealed by Laws 2014, c. 4, § 13, emerg. eff. April 2, 2014.

§47-584. Denial, revocation or suspension of license - Fine - Grounds.

A. The Oklahoma Used Motor Vehicle and Parts Commission may deny an application for a license, impose a fine not to exceed One Thousand Dollars (\$1,000.00) per occurrence and/or revoke or suspend a license after it has been granted, when any provision of Sections 581 through 588 of this title is violated or for any of the following reasons:

1. On satisfactory proof of unfitness of the applicant or the licensee, as the case may be, under the standards established by Sections 581 through 588 of this title;

2. For fraud practices or any material misstatement made by an applicant in any application for license under the provisions of Sections 581 through 588 of this title;

3. For any willful failure to comply with any provision of Section 581 et seq. of this title or with any rule promulgated by the

Commission under authority vested in it by Sections 581 through 588 of this title;

4. Change of condition after license is granted resulting in failure to maintain the qualifications for license;

5. Continued or flagrant violation of any of the rules of the Commission;

6. Being a used motor vehicle dealer, a wholesale used motor vehicle dealer, or a manufactured home dealer, a restricted manufactured home park dealer, a manufactured home installer or a manufactured home manufacturer who:

- a. resorts to or uses any false or misleading advertising in connection with business as a used motor vehicle dealer, wholesale used motor vehicle dealer or a restricted manufactured home park dealer or manufactured home dealer, installer or manufacturer,
- b. has committed any unlawful act which resulted in the revocation of any similar license in another state,
- c. has been convicted of a crime involving moral turpitude,
- d. has committed a fraudulent act in selling, purchasing or otherwise dealing in motor vehicles or manufactured homes or has misrepresented the terms and conditions of a sale, purchase or contract for sale or purchase of a motor vehicle or manufactured home or any interest therein including an option to purchase such motor vehicles or manufactured homes,
- e. has engaged in business under a past or present license issued pursuant to Sections 581 through 588 of this title, in such a manner as to cause injury to the public or to those with whom the licensee is dealing,
- f. has failed to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license,
- g. has failed or refused to furnish and keep in force any bond required under Sections 581 through 588 of this title,
- h. has installed or attempted to install a manufactured home in an unworkmanlike manner, or
- i. employs unlicensed persons in connection with the sale of manufactured homes;

7. Being a used motor vehicle dealer who:

- a. does not have an established place of business,
- b. employs unlicensed persons in connection with the sale of used vehicles,
- c. fails or refuses to furnish or keep in force single limit liability insurance on any vehicle offered for

sale and otherwise required under the financial responsibility laws of this state, or

- d. is not operating from the address shown on the license if this change has not been reported to the Commission; or

8. Being a manufactured home dealer or a restricted manufactured home park dealer who:

- a. does not have an established place of business,
- b. fails or refuses to furnish or keep in force garage liability and completed operations insurance, or
- c. is not operating from the address shown on the license if this change has not been reported to the Commission.

B. 1. The Commission shall deny an application for a license, or revoke or suspend a license after it has been granted, if a manufactured home dealer does not meet the following guidelines and restrictions:

- a. a display area for manufactured homes which is easily accessible, with sufficient parking for the public,
- b. an office for conducting business where the books, records, and files are kept, with access to a restroom for the public,
- c. a place of business which meets all zoning occupancy and other requirements of the appropriate local government and regular occupancy by a person, firm, or corporation engaged in the business of selling manufactured homes, and
- d. a place of business which is separate and apart from any other dealer's location.

2. The Commission shall deny an application for a restricted manufactured home park dealer license, or revoke or suspend a license after it has been granted, if a manufactured home park dealer does not satisfy the following guidelines and restrictions:

- a. only mobile or manufactured homes that are "ready for occupancy" are sold or offered for sale,
- b. maintains an office for conducting business where the books, records, and files are kept, with access to a restroom for the public,
- c. maintains a place of business which meets all zoning, occupancy and other requirements of the appropriate local government and regular occupancy by a person, firm or corporation engaged in the business of selling manufactured homes inside a park, and
- d. maintains a place of business which is separate and apart from any other dealer's location.

C. The Commission shall deny an application for a license, or revoke or suspend a license after it has been granted, if a manufactured home installer:

1. Installs or attempts to install a manufactured home in a manner that is not in compliance with installation standards as set by the Commission pursuant to rule; or

2. Violates or fails to comply with any applicable rule as promulgated by the Commission concerning manufactured home installers.

D. The Commission shall deny an application for a license, or revoke or suspend a license after it has been granted, if a manufactured home manufacturer violates or fails to comply with any applicable rule as promulgated by the Commission concerning manufactured home manufacturers.

E. The Commission shall deny an application for a license by a motor vehicle manufacturer or factory if the application is for the purpose of selling used motor vehicles to any retail consumer in the state, other than through its retail franchised dealers, or acting as a broker between a seller and a retail buyer. This subsection does not prohibit a manufacturer from selling used motor vehicles where the retail customer is a nonprofit organization or a federal, state, or local government or agency. This subsection does not prohibit a manufacturer from providing information to a consumer for the purpose of marketing or facilitating the sale of used motor vehicles or from establishing a program to sell or offer to sell used motor vehicles through the manufacturer's retail franchised dealers as provided for in Sections 561 through 580.2 of this title. This subsection shall not prevent a factory from obtaining a wholesale used motor vehicle dealer's license or the factory's financing subsidiary from obtaining a wholesale used motor vehicle dealer's license.

F. If the Commission denies issuance of a license the Commission shall provide the grounds for the action to the applicant in writing and allow the applicant sixty (60) days to resolve any issues that are the grounds for the action.

G. Each of the aforementioned grounds for suspension, revocation, or denial of issuance or renewal of license shall also constitute a violation of Sections 581 through 588 of this title, unless the person involved has been tried and acquitted of the offense constituting such grounds.

The suspension, revocation or refusal to issue or renew a license or the imposition of any other penalty by the Commission shall be in addition to any penalty which might be imposed upon any licensee upon a conviction at law for any violation of Sections 581 through 588 of this title.

Added by Laws 1980, c. 85, § 19, eff. Jan. 1, 1981. Amended by Laws 1989, c. 57, § 4, operative July 1, 1989; Laws 1992, c. 140, § 4, eff. Sept. 1, 1992; Laws 2000, c. 150, § 4, eff. July 1, 2000; Laws 2001, c. 148, § 7, emerg. eff. April 30, 2001; Laws 2005, c. 298, § 4, eff. Nov. 1, 2005; Laws 2009, c. 39, § 1, eff. Nov. 1, 2009; Laws

2013, c. 145, § 3, eff. Nov. 1, 2013; Laws 2019, c. 79, § 6, eff. Nov. 1, 2019.

§47-585. Denial, suspension or revocation of license - Fine - Appeal.

A. The Commission may deny any application for license, or suspend or revoke a license issued, or impose a fine, in accordance with the provisions of the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes. If the applicant or licensee is a used motor vehicle salesperson, the Commission shall in like manner also notify the person, firm, association, corporation or trust with whom associated, or in whose association the applicant or licensee is about to enter. The Commission shall have the power to compel the production of records and papers bearing upon the complaints. The Commission shall have the power to subpoena and bring before it any person in this state, or take testimony of any such person by deposition, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure before courts of the state in civil cases. Any party to the hearing shall have the right to the attendance of witnesses in his behalf upon designating to the Commission the person or persons sought to be subpoenaed. If the Commission shall determine that any licensee is guilty of violation of any of the provisions of this act, the license of the licensee shall be suspended or revoked, or a fine imposed as authorized by this act.

B. The Commission may assess a fine not to exceed One Hundred Dollars (\$100.00) against a used motor vehicle dealer who:

1. Willfully fails to deliver certificates of title to purchasers of used motor vehicles within thirty (30) days of the sale of the vehicles;
2. Fails to properly reassign the certificate of title to a used motor vehicle as required by law upon the sale or transfer of ownership of the used motor vehicle;
3. Sells an extended insurance warranty to a purchaser, but fails to provide a copy of the warranty to the purchaser or fails to disclose who the third party insurer will be; or
4. Delivers a used motor vehicle to a potential purchaser with the intent to sell the vehicle, but does not complete the transaction within fifteen (15) calendar days of the delivery of the used motor vehicle.

C. An appeal from the decision of the Commission to suspend or revoke a license or to impose a fine shall be taken in accordance with Article II of the Administrative Procedures Act, Section 308a et seq. of Title 75 of the Oklahoma Statutes.

D. Any applicant or licensee who knowingly or willfully makes or causes to be made any false statement of a fact required under the provisions of Section 581 et seq. of this title shall be subject to

an administrative fine not to exceed One Thousand Dollars (\$1,000.00).

Added by Laws 1980, c. 85, § 20, eff. Jan. 1, 1981. Amended by Laws 1994, c. 121, § 1, eff. Sept. 1, 1994; Laws 1996, c. 332, § 3, eff. Nov. 1, 1996; Laws 2000, c. 126, § 2, eff. July 1, 2000; Laws 2005, c. 298, § 5, eff. Nov. 1, 2005; Laws 2009, c. 385, § 1, eff. Nov. 1, 2009.

§47-586. Injunctions.

The Commission is hereby authorized, without cost bond or deposit, to institute injunctive actions in courts of competent jurisdiction, in the name of the state on the relation of said Commission, to enforce the provisions of Sections 16 through 20 of this act. Any licensee or other person who violates or threatens to violate any provision of this act or rule or regulation enacted thereunder may be enjoined from committing or continuing the violation or engaging in the business for which a license has been issued under this act, in an action brought by any person who will be or is damaged or aggrieved by the violation or threatened violation. Laws 1980, c. 85, § 21, eff. Jan. 1, 1981.

§47-587. Petty cash fund.

A. There is hereby created a petty cash fund not to exceed One Hundred Dollars (\$100.00) for the Oklahoma Used Motor Vehicle and Parts Commission, which may be expended for small authorized expenses of the Commission.

B. The Director of the Office of Management and Enterprise Services is authorized to prescribe forms, systems and procedures for its administration. The petty cash fund may be reimbursed from time to time by the filing of proper claims, accompanied by valid receipts for expenditures made.

C.

Added by Laws 1980, c. 85, § 22, eff. Jan. 1, 1981. Amended by Laws 2012, c. 304, § 180.

§47-588. Owner-installed manufactured homes.

Nothing in Section 581 et seq. of Title 47 of the Oklahoma Statutes shall be construed as prohibiting a person who has purchased a manufactured home to be used by the person for his or her own personal use from installing the manufactured home without holding a license; provided, nothing in this section shall be construed as continuing or extending any warranty otherwise terminated or voided by the owner's installation or attempted installation.

Added by Laws 2000, c. 150, § 6, eff. July 1, 2000.

§47-591.1. Short Title.

This act shall be known and may be cited as the "Automotive Dismantlers and Parts Recycler Act".

Laws 1980, c. 273, § 1, eff. Jan. 1, 1981.

§47-591.2. Definitions.

As used in Section 591.1 et seq. of this title:

1. "Automotive dismantler and parts recycler" means a person, firm or corporation engaged in the business of purchasing, dismantling, or disassembling used motor vehicles for the purpose of selling the parts thereof, but shall not include a person who is primarily engaged in the business of rebuilding repairable motor vehicles;

2. "Motor vehicle" means every automobile, motorcycle, mobile trailer, semitrailer, truck, truck-tractor, trailer and other device which is self-propelled or drawn, in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except such as is moved by animal power or used exclusively upon stationary rails or tracks, or an implement of husbandry;

3. "Place of business" means the place owned or leased and regularly occupied by a person, firm or corporation engaged in the business of an automotive dismantler and parts recycler, where the products for sale are displayed and offered for sale, and where the books and records required for the conduct of the business are maintained and kept;

4. "Salvage pool" means any person or business which regularly conducts a salvage disposal sale;

5. "Salvage disposal sale" means a scheduled sale at auction or by private bid of wrecked or repairable motor vehicles by insurance underwriters, or insurance companies, used motor vehicle dealers or automotive dismantlers and parts recyclers, either retail or wholesale; and

6. "Commission" means the Oklahoma Used Motor Vehicle and Parts Commission; and

7. "License" means the license issued pursuant to Section 591.1 et seq. of this title to operate an automotive dismantler and parts recycler business.

Added by Laws 1980, c. 273, § 2, eff. Jan. 1, 1981. Amended by Laws 1986, c. 220, § 1, eff. Nov. 1, 1986; Laws 1988, c. 92, § 1, emerg. eff. March 29, 1988; Laws 1996, c. 332, § 4, eff. Nov. 1, 1996.

§47-591.3. License required - Power and authority of Commission.

A. No person, firm or corporation in this state, unless licensed pursuant to the Automotive Dismantlers and Parts Recycler Act, shall be engaged in the business of an automotive dismantler and parts recycler.

B. The Commission is hereby vested with the powers and duties necessary and proper to enable it to fully and effectively carry out

the provisions and objectives of this act, and is hereby authorized and empowered to make and enforce all reasonable rules and regulations and to adopt and prescribe all forms necessary to accomplish said purpose provided this authority shall in no manner restrict or alter compliance by the Commission with the Oklahoma Central Purchasing Act. The enumeration of any power or authority herein shall not be construed to deny, impair, disparage or limit any others necessary to the attainment thereof. A copy of all rules and regulations adopted by the Commission shall be filed and recorded in the office of the Secretary of State and the State Librarian and Archivist, and same may be amended, modified or repealed from time to time.

Amended by Laws 1986, c. 220, § 2, eff. Nov. 1, 1986; Laws 1987, c. 231, § 3, eff. July 1, 1987.

§47-591.4. Application for license - Form - Grounds for refusal to issue license or B.I.D. card.

A. Every person, firm or corporation desiring to engage in the business of an automotive dismantler and parts recycler shall apply in writing, on a form to be prescribed by the Oklahoma Used Motor Vehicle and Parts Commission, which form shall contain:

1. The name of the applicant;
2. The street address of the applicant's principal place of business;
3. The type of business organization of the applicant;
4. The applicant's financial statement;
5. The legal description of the proposed place of business, together with written verification from the appropriate local authorities that the place of business meets the licensing and zoning requirements of the municipality or county where located; and
6. Such additional information as may be required by the Commission.

B. Notwithstanding subsection A of this section, the Commission may decline to issue an original license to any person, firm or corporation that does not, in good faith, meet the requirements of the Automotive Dismantlers and Parts Recycler Act; or whose proposed place of business does not meet the applicable zoning requirements; or whose proposed use is deemed inappropriate by the Commission due to surrounding property uses or objections from the immediate surrounding neighbors, such that the place of business would be deemed to be a private or public nuisance; or whose place of business is not properly screened by natural objects, plantings, opaque fences of a height not less than six (6) nor more than eight (8) feet or other appropriate sightproofing, so as to screen where possible vehicles and parts stored outside of buildings from view from immediately adjacent property.

Added by Laws 1980, c. 273, § 4, eff. Jan. 1, 1981. Amended by Laws 1986, c. 220, § 3, eff. Nov. 1, 1986; Laws 2004, c. 519, § 26, eff. Nov. 1, 2004; Laws 2015, c. 386, § 2, eff. Nov. 1, 2015.

§47-591.5. Fees - Amendment of application - Term of license.

An application for a license shall be accompanied by the following fees:

1. Six Hundred Dollars (\$600.00) for an initial license for an applicant's established principal place of business, Three Hundred Dollars (\$300.00) for a renewal license for an applicant's established place of business and Two Hundred Dollars (\$200.00) for each additional place of business, if any, to which the application pertains; provided, if an applicant holds a used motor vehicle dealer's license issued pursuant to paragraph 1 of subsection C of Section 583 of this title, for an applicant's established place of business the initial license fee shall be Two Hundred Dollars (\$200.00) and the renewal fee shall be Two Hundred Dollars (\$200.00); provided further, if an applicant is applying simultaneously for a license under this paragraph and under paragraph 1 of subsection C of Section 583 of this title, the initial application fee shall be Four Hundred Dollars (\$400.00). If an applicant for or holder of a used motor vehicle dealer's license also applies for a rebuilder certificate, the initial fee for the certificate shall be Six Hundred Dollars (\$600.00) and the renewal fee shall be Three Hundred Dollars (\$300.00). License fees shall be returnable only in the event that the application is denied by the Commission.

2. Any change which renders no longer accurate any information contained in an application for a license filed with the Commission shall be amended within thirty (30) days after the occurrence of the change on a form prescribed by the Commission by rule, accompanied by a fee of One Hundred Dollars (\$100.00), provided, the fee for a change of name shall be Fifty Dollars (\$50.00).

3. Every license issued to an automobile dismantler and parts recycler shall expire on December 31 of each year and shall be renewed on or before January 1 of the following year.

Added by Laws 1980, c. 273, § 5, eff. Jan. 1, 1981. Amended by Laws 1992, c. 242, § 2, eff. July 1, 1992; Laws 1998, c. 289, § 3, emerg. eff. May 27, 1998; Laws 2005, c. 163, § 1, eff. July 1, 2005; Laws 2006, c. 213, § 4, eff. Nov. 1, 2006; Laws 2015, c. 386, § 3, eff. Nov. 1, 2015.

§47-591.6. Register of purchases and sales - Inspection of parts.

Every automotive dismantler and parts recycler shall keep a register of all purchases and sales of motor vehicles for three (3) years from the date of purchase or sale, showing the make, model, year, style, vehicle identification number, and name and address of the purchaser or seller of the motor vehicle. Such registers shall

be made available for inspection by properly identified employees or agents of the Oklahoma Used Motor Vehicle and Parts Commission or identified law enforcement officers of the state, county and municipality where the business of the automotive dismantler and parts recycler is located, during reasonable business hours on business days. The inspection authority shall include the right to inspect any motor vehicle or parts thereof owned by or stored at the automotive dismantler and parts recycler's place of business. Amended by Laws 1986, c. 220, § 4, eff. Nov. 1, 1986.

§47-591.7. Certain licenses not required.

An automotive dismantler and parts recycler may, as an end result of the conduct of his principal business, accumulate nonrecyclable hulks and parts and may scrap such nonrecyclable hulks and parts without first obtaining a separate license as a scrap processor or as a junk dealer. A licensed automotive dismantler and parts recycler shall not be required to obtain a separate license as an automobile dealer, an automobile accessory dealer, an automobile garage or shop, or a storage garage or yard, to engage in the business of an automotive dismantler and parts recycler as set forth herein. Laws 1980, c. 273, § 7, eff. Jan. 1, 1981.

§47-591.8. Transfer of certificate of title - Salvage or junked title - Inspection of certificates of title and vehicles - Destruction of license plates - Reporting of vehicle identification numbers - Time limit.

A. An automotive dismantler and parts recycler, duly licensed by this act, shall have the authority to transfer the certificate of title to a motor vehicle as a dealer. Prior to the sale of any motor vehicles at salvage pools or salvage disposal sales, a salvage title or junked title shall be issued for any salvage or junked vehicle as defined in Section 1105 of this title.

B. Any and all certificates of title, whether original, salvage, rebuilt, or junked titles, salvage certificates, other certificates of ownership, or ownership records, as approved by the Oklahoma Tax Commission, to vehicles owned by a licensed automotive dismantler and parts recycler, which vehicles have been dismantled, destroyed, or otherwise processed so that the vehicles are no longer capable of being used as motor vehicles, shall be inspected by properly identified employees or agents of the Oklahoma Used Motor Vehicle and Parts Commission, at least annually, at the place of business of the licensed automotive dismantler and parts recycler. Upon verification that the vehicle is no longer capable of being used as a motor vehicle, the employee or agent of the Commission shall remove the license plate and the certificate of title, salvage certificate, other certificate of ownership or ownership record from the licensed automotive dismantler and parts recycler. The Commission shall

destroy the license plate and deliver the certificates and ownership records to the Oklahoma Tax Commission.

C. Each licensed automotive dismantler and parts recycler that dismantles, destroys, or otherwise processes vehicles so that the vehicles are no longer capable of being used as motor vehicles, each month, shall report the vehicle identification numbers of the vehicles to the Oklahoma Tax Commission, upon forms prescribed by the Oklahoma Tax Commission. The report shall include any vehicle which is a hull, junked, abandoned or not a complete, self-propelling vehicle, if there is a vehicle identification number for the incomplete vehicle. The Oklahoma Tax Commission shall cancel said certificates of title. The vehicle identification numbers on the certificates of titles, salvage titles, other certificates of ownership or ownership records to motor vehicles no longer capable of being used as motor vehicles shall be preserved in the computer files of the Oklahoma Tax Commission for at least five (5) years from the date the certificates of title are delivered by the Commission to the Oklahoma Tax Commission.

D. Each vehicle or incomplete vehicle required to be reported to the Oklahoma Tax Commission by this section shall be reported on or before the fifteenth day of the next succeeding month after the month in which the vehicle or incomplete vehicle was received by the licensed automotive dismantler and parts recycler. Each vehicle or incomplete vehicle, which is incapable of operation or use on the public roads or has no resale value except as a source of parts, scrap or junk or has an eighty percent (80%) loss in fair market value, possessed by a licensed automotive dismantler and parts recycler on the effective date of this act shall be reported to the Oklahoma Tax Commission within ninety (90) days. The vehicle identification numbers on all reported vehicles shall be preserved in the computer of the Oklahoma Tax Commission for at least five (5) years, even if the ownership records may have been previously destroyed or surrendered to the Oklahoma Tax Commission.

E. If the vehicle identification number for a vehicle, which is incapable of operation or use on the public roads and has no resale value except as a source of parts, scrap or junk or has an eighty percent (80%) loss in fair market value, is not reported to the Oklahoma Tax Commission, the licensed automotive dismantler and parts recycler shall be required to obtain a junked title for said vehicle. An Oklahoma licensed automotive dismantler and parts recycler shall not be required to obtain a junked title for a junked vehicle or any other vehicle which is dismantled, destroyed or otherwise processed so that the vehicle is no longer capable of being operated or used on the public roads, if the vehicle is reported to the Oklahoma Tax Commission.

Amended by Laws 1988, c. 201, § 6, eff. Jan. 1, 1989; Laws 1989, c. 290, § 8, emerg. eff. May 24, 1989.

§47-591.9. Refusal, cancellation, suspension or revocation of license or buyer's identification card (B.I.D.).

The Oklahoma Used Motor Vehicle and Parts Commission is authorized to refuse, cancel, suspend or revoke a license to any person, firm or corporation for the following reasons:

1. Failure to meet the requirements of the Automotive Dismantlers and Parts Recycler Act;
2. Failure to continue to meet the requirements of this act or of the rules promulgated by the Commission pursuant to the provisions of the Automotive Dismantlers and Parts Recycler Act;
3. Upon satisfactory proof of unfitness of the applicant or the licensee, as the case may be, under the standards established by the Automotive Dismantlers and Parts Recycler Act;
4. For the felony conviction of a state or federal law by an applicant, licensee, partner of an applicant or licensee, director, officer, or stockholder in the case of a corporate applicant or licensee, or an employee, manager, or any person having a pecuniary interest in the business involving:
 - a. theft,
 - b. violation of the Oklahoma certificate of title law or similar laws of other states,
 - c. alteration, obliteration, or removal of a vehicle identification number, or
 - d. any other act directly relating to the ability of the applicant or licensee to conduct an automotive dismantler and parts recycling business;
5. Commission of any unlawful act which resulted in the revocation of any similar license in another state; or
6. Engaging in business under a past or present license issued pursuant to the Automotive Dismantlers and Parts Recycler Act in such a manner as to cause injury to the public or to those with whom the licensee has dealt.

Added by Laws 1980, c. 273, § 9, eff. Jan. 1, 1981. Amended by Laws 1986, c. 220, § 5, eff. Nov. 1, 1986; Laws 1996, c. 332, § 5, eff. Nov. 1, 1996; Laws 2004, c. 519, § 27, eff. Nov. 1, 2004; Laws 2006, c. 213, § 5, eff. Nov. 1, 2006; Laws 2015, c. 386, § 4, eff. Nov. 1, 2015.

§47-591.10. Notification of refusal, cancellation, suspension or revocation of license or buyer's identification card (B.I.D.) - Hearing - Appeal - Fines.

A. Any person, firm or corporation who is refused a license or whose license is canceled, suspended or revoked shall be notified in person or by mail with return receipt requested to the address given on the application of the applicant or licensee and, upon written request within fifteen (15) days of receipt of such notice, shall be

given a hearing upon the proposed action. The hearing may be conducted by the Commission and shall be held no more than thirty (30) days from receipt of the written request for a hearing. The hearing may be informal and the rules of evidence of the courts of Oklahoma shall not be required. Appeals from the decision of the Commission shall be governed by the Administrative Procedures Act.

B. In addition to the cancellation, suspension, revocation or refusal to issue or renew a license or the imposition of any other penalty by the Commission, the Commission is hereby authorized to impose administrative fines for violations of the Automotive Dismantlers and Parts Recycler Act in the amounts not to exceed Five Hundred Dollars (\$500.00) for a first violation, One Thousand Dollars (\$1,000.00) for a second violation and Five Thousand Dollars (\$5,000.00) for a third violation.

Added by Laws 1980, c. 273, § 10, eff. Jan. 1, 1981. Amended by Laws 2004, c. 519, § 28, eff. Nov. 1, 2004; Laws 2006, c. 213, § 6, eff. Nov. 1, 2006; Laws 2015, c. 386, § 5, eff. Nov. 1, 2015.

§47-591.11. Salvage pool or salvage disposal sales - Sales to unqualified buyers prohibited - Insurance company sales - Payment - Register - Consignment auction.

A. Sales at a salvage pool or salvage disposal sale may be opened only to:

1. A person who is a resident of this state;
2. A company representative of a business that is based in this state; or
3. A person who may legally purchase salvage vehicles in his or her home state or country.

B. It shall be the duty of the owner, manager or person in charge of any salvage pool or salvage disposal sale to prohibit the bidding by any person who is not qualified to purchase salvage vehicles as provided in subsection A of this section and, further, to refuse to sell to any person any wrecked or repairable motor vehicle if such person is not qualified to purchase salvage vehicles as provided in subsection A of this section.

C. Any salvage pool or salvage disposal sale that is facilitating in the sale of a motor vehicle for an insurance company must provide on its website the full seventeen-digit vehicle identification number (VIN) and the name of the insurance company that is selling the motor vehicle.

D. The salvage pool or salvage disposal sale shall show the buyer's identification number of the winning bidder on any sale that takes place on the Internet or by online bidding for all salvage motor vehicles being sold for an insurance company.

E. It shall be the duty of the owner, manager or person in charge of any salvage pool or salvage disposal sale to remit payments to the Oklahoma Used Motor Vehicle and Parts Commission. Such

payments shall be calculated by multiplying the total number of salvage vehicle sales transactions during a certain period times Two Dollars (\$2.00). The first payment shall not be calculated on any sales transactions prior to November 1, 2007. The payments shall not be made more often than one payment each month. The payments shall be transmitted to the Oklahoma Used Motor Vehicle and Parts Commission at any time during the thirty (30) days immediately following the period for which the payment was calculated.

F. Every salvage pool shall keep a register of all sales of salvage vehicles showing the make, model, year, style, vehicle identification number, and names and addresses of the purchaser and seller of the motor vehicle. Such registers shall be submitted to the Oklahoma Used Motor Vehicle and Parts Commission on a regular basis.

G. The provisions of this section shall not apply to a regularly scheduled vehicle consignment auction conducted by a used motor vehicle dealer which sells salvage vehicles, damaged vehicles, wrecked vehicles or repairable vehicles for someone other than a public insurance company. Such auction may sell these vehicles as an incident to the sale of operable vehicles, but shall not constitute a primary part of the business.

Added by Laws 1980, c. 273, § 11, eff. Jan. 1, 1981. Amended by Laws 1992, c. 242, § 3, eff. July 1, 1992; Laws 1996, c. 332, § 6, eff. Nov. 1, 1996; Laws 2004, c. 519, § 29, eff. Nov. 1, 2004; Laws 2006, c. 107, § 1, eff. Nov. 1, 2006; Laws 2006, c. 213, § 7, eff. Nov. 1, 2006; Laws 2007, c. 56, § 1, eff. Nov. 1, 2007; Laws 2008, c. 333, § 1, eff. Nov. 1, 2008; Laws 2015, c. 386, § 6, eff. Nov. 1, 2015.

§47-591.12. Repealed by Laws 2007, c. 56, § 3, eff. Nov. 1, 2007.

§47-591.13. Violations - Penalties.

Any person violating any provision of the Automotive Dismantlers and Parts Recycler Act or operating as a rebuilder as used in Section 581 et seq. of this title without a rebuilder certificate shall be guilty of a misdemeanor and upon the first conviction thereof shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) with impoundment of the vehicle until all taxes and fees are paid and upon the second conviction thereof shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) with impoundment of the vehicle until all taxes and fees are paid and upon the third or subsequent conviction thereof shall be punished by a fine of not less than One Thousand Five Hundred Dollars (\$1,500.00) with impoundment of the vehicle until all taxes and fees are paid or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. If a vehicle is impounded pursuant to the provisions of this section, the vehicle shall not be released to the owner until the owner provides proof of security or an affidavit that

the vehicle will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title. Each vehicle involved in a violation of this section shall be considered a separate offense. The penalties collected from the payment of the fines shall, after deduction of court costs, be paid to the Oklahoma Used Motor Vehicle and Parts Commission Fund as created by Section 582 of this title.

Added by Laws 1980, c. 273, § 13, eff. Jan. 1, 1981. Amended by Laws 2007, c. 56, § 2, eff. Nov. 1, 2007.

§47-591.14. Automotive dismantlers and parts recyclers - Engaging in business without license - Injunction - Venue.

When any person, firm or corporation is engaged in the business of an automotive dismantler and parts recycler without being licensed as required by Section 591.4 of Title 47 of the Oklahoma Statutes, the Oklahoma Used Motor Vehicle and Parts Commission may institute, in the name of the State of Oklahoma ex rel. Oklahoma Used Motor Vehicle and Parts Commission, any necessary action to enjoin such person, firm or corporation from continuing in the business of an automotive dismantler and parts recycler until a license has been issued to such person, firm or corporation by the Oklahoma Used Motor Vehicle and Parts Commission. Upon proper evidence, a temporary restraining order shall be issued. An injunction shall issue without requirement of a bond of any kind from the state. The venue of any action authorized by this section shall be in the county wherein the business activity complained of is conducted.

Added by Laws 1989, c. 290, § 7, emerg. eff. May 24, 1989.

§47-592.1. Short title - Oklahoma Crusher Act.

This act shall be known and may be cited as the "Oklahoma Crusher Act".

Added by Laws 2014, c. 376, § 1, eff. Nov. 1, 2014.

§47-592.2. Definitions.

As used in the Oklahoma Crusher Act:

1. "Commission" means the Oklahoma Used Motor Vehicle and Parts Commission;

2. "Crusher" means a person engaged in the business of crushing or shredding used motor vehicles, trailers, or nonmotorized recreational vehicles; and

3. "Person" means an individual, partnership, corporation, limited liability company, joint venture, trust, association, or any other legal entity however organized.

Added by Laws 2014, c. 376, § 2, eff. Nov. 1, 2014.

§47-592.3. License required - Exemption.

A. No person shall engage in business as a crusher without first obtaining a license from the Oklahoma Used Motor Vehicle and Parts Commission specifically authorizing engagement in such business.

B. A person licensed as a scrap metal dealer in this state who is engaged primarily in the business of a scrap metal dealer and who crushes vehicles only at its licensed scrap metal dealer location shall be exempt from the licensing requirements of this act. A person licensed as a scrap metal dealer who fails to keep records of crushed vehicles as required by the Scrap Metal Dealers Act shall not be entitled to the exemption herein. Any crusher who is an independent contractor employed to crush vehicles for a scrap metal dealer shall not be exempt from the requirements of this act. Any law enforcement officer or employee of the Used Motor Vehicle and Parts Commission shall be authorized to inspect the records of any licensed scrap metal dealer pertaining to crushed vehicles to verify compliance with this provision.

Added by Laws 2014, c. 376, § 3, eff. Nov. 1, 2014.

§47-592.4. License eligibility.

A. To be eligible for a crusher license, an applicant shall:

1. Be of good moral character;
2. Have net assets of at least Twenty-five Thousand Dollars (\$25,000.00); and
3. Show that the crusher operation will be operated lawfully and fairly within the purpose of the Oklahoma Crusher Act.

B. The Commission shall find ineligible an applicant who:

1. Has a felony conviction which relates to the duties and responsibilities of the occupation of crusher, or has any felony conviction less than five (5) years before the date of application for a license;
2. Is unfit to conduct the business of a crusher as determined by the Commission, taking into consideration the business integrity, financial standing, moral character, or ability to conduct the business of a crusher of the applicant; and
3. Fails to provide any information requested by the Commission in any initial or renewal application for license.

Added by Laws 2014, c. 376, § 4, eff. Nov. 1, 2014.

§47-592.5. License application.

A. Applications for a crusher license shall be under oath and shall state the full name and place of residence of the applicant. If the applicant has more than one member, the full name and residence of each member shall be stated. The application shall give the location of the business headquarters, and shall contain such relevant information as the Commission shall require.

B. Each applicant for a crusher license at the time of filing the application shall file with the Commission a bond in the amount

of Twenty-five Thousand Dollars (\$25,000.00) for each license with a surety company qualified to do business in this state. The bond shall be approved as to form by the Attorney General and conditioned that the applicant shall not practice fraud, make any fraudulent representation, or violate any of the provisions of the Oklahoma Crusher Act or any of the rules made by the Commission hereunder in the conduct of the business for which the applicant is licensed and will pay to the state and to any person or persons any and all amounts of money that may become due or owing to the state or to such person or persons from the obligor under and by virtue of the provisions of the Oklahoma Crusher Act during the time such bond is in effect. The bond shall run to the benefit of the state and of any person or persons who may have cause of action against the obligor of the bond under the provisions of the Oklahoma Crusher Act up to the maximum amount of the bond.

C. Each licensee shall maintain on file with the Commission a written appointment of a resident of this state as his or her agent for service of all judicial or other process or legal notice, unless the licensee has appointed an agent under another statute of this state. In case of noncompliance, such service may be made on the Commission.

Added by Laws 2014, c. 376, § 5, eff. Nov. 1, 2014.

§47-592.6. License investigation - Fees.

A. Upon the filing of an application and bond and payment of the annual fee and an investigation fee, the Commission shall conduct an investigation. If the Commission finds that the financial responsibility, experience, character and general fitness of the applicant are such as to warrant belief that the business will be operated lawfully and fairly, within the purposes of this act, and the applicant meets the eligibility requirements of this act and the rules of the Commission, the Commission shall grant the application and issue to the applicant a license which will be evidence of the authority of the applicant to do business pursuant to the Oklahoma Crusher Act.

B. If the Commission does not find facts sufficient to warrant issuance of a license, the Commission may deny the application. In the event of denial of the application, the investigation fee shall be retained by the Commission, but the annual license fee shall be returned to the applicant.

C. The Commission shall prescribe by rule a fee for each initial application, investigation fee, renewal application, late fee for renewals not received by June 1, and fee for each license change, duplicate license or returned check.

Added by Laws 2014, c. 376, § 6, eff. Nov. 1, 2014.

§47-592.7. License display - Transferability - Annual fee.

A. Each license shall state the name of the licensee and the address at which the business office is located and where the records of the business are to be permanently maintained. The license shall be displayed at the business location. The license shall not be transferable.

B. Each license shall remain in full force and effect until relinquished, suspended, revoked or expired. Every licensee, on or before June 1, shall pay the Commission an annual fee for the succeeding one-year licensing period, July 1 through June 30. If the annual fee remains unpaid by June 15, the license shall thereupon expire on June 30. If the renewal application is received after June 15, a late fee shall be charged.

Added by Laws 2014, c. 376, § 7, eff. Nov. 1, 2014.

§47-592.8. Proof of ownership - Restrictions - Vehicle report.

A. Prior to the purchase of a used motor vehicle, trailer, or nonmotorized recreational vehicle, the crusher shall require the following proof of ownership from the person selling the used motor vehicle, trailer, or nonmotorized recreational vehicle:

1. A certificate of title in the name of the seller that shows no outstanding liens;

2. A notarized power of attorney from the individual on the certificate of title authorizing the seller to dispose of the vehicle on behalf of the owner;

3. A bill of sale from the owner as identified by the certificate of title to the person presenting the vehicle to be crushed or shredded;

4. A statement of ownership from the seller stating that the vehicle to be crushed was purchased from the lawful owner, accompanied by a bill of sale from the lawful owner including a statement that there are no outstanding liens on the vehicle, and a statement that the vehicle is inoperable or incapable of operation or use on the highway and has no resale value except as scrap; or

5. Paperwork from a licensed wrecker operator showing that the wrecker operator has properly foreclosed its lien on the used motor vehicle, trailer or nonmotorized recreational vehicle to be crushed or shredded, and that the person selling the vehicle is the owner of the vehicle as shown on the return of sale in the foreclosure form. Provided, if the paperwork is subsequently proven to be fraudulent or falsified by the wrecker operator, the license of the wrecker operator may be suspended or revoked.

B. A crusher shall not:

1. Accept any vehicle to be crushed or shredded from a person under the age of eighteen (18) years;

2. Buy a vehicle from a person unable to supply verification of identity by photo I.D. by either a state-issued identification card, driver license or federal-government-issued identification card or by

readable fingerprint of right or left index finger on the purchase document to be retained in the records of the crusher; or

3. Crush or shred any vehicle purchased until making the report and waiting the time period required herein.

C. A crusher shall:

1. Make available a copy or report within three (3) days of any purchase of a vehicle to the local law enforcement agency of the municipality or other political subdivision in which the crusher is located or temporarily operating. Such copy or report shall be shown upon request to the representative of the Commission or to any authorized peace officer;

2. Hold the vehicle in the state and condition in which it was purchased for a period of three (3) days after submitting the report required in paragraph 1 of this subsection; and

3. Include in the report:

- a. the name, address and telephone number of the crusher whereby the crusher may be immediately contacted,
- b. the name, address, race, sex, weight, height, date of birth and identifying number of the seller as verified by either a state-issued identification card, driver license or federal-government-issued identification card or by readable fingerprint of right or left index finger on the purchase document to be retained in the records of the crusher, and
- c. a description of the vehicle, the manufacturer of the vehicle, the vehicle identification numbers of the vehicle, and the date and time of the purchase of the vehicle.

D. A licensed automotive dismantler engaging the services of a crusher shall not be required to produce proof of ownership to the crusher before selling to the crusher vehicles or other property purchased by the automotive dismantler in the ordinary course of business.

E. A crusher shall not have the right of reassignment of a certificate of title.

Added by Laws 2014, c. 376, § 8, eff. Nov. 1, 2014.

§47-592.9. Rule authority - Criminal penalties - Injunctive actions.

A. Rulemaking Power. The Oklahoma Used Motor Vehicle and Parts Commission may adopt, amend and repeal such rules as are necessary for the enforcement of the provisions of the Oklahoma Crusher Act and consistent with its provisions.

B. Criminal Penalties.

1. Any person who engages in the business of operating as a crusher without first obtaining the license prescribed in the Oklahoma Crusher Act or any person who receives, obtains or possesses and crushes any vehicle or other property which the person knows to

be subject to an outstanding lien shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not in excess of One Thousand Dollars (\$1,000.00), by confinement in the county jail for not more than six (6) months, or by both.

2. Any person who engages in the business of operating as a crusher without first obtaining the license prescribed in the Oklahoma Crusher Act and who receives, obtains or possesses any vehicle or other property which he or she knows to be stolen shall be guilty of a felony offense of receiving, obtaining or possessing stolen property and, upon conviction, shall be subject to the penalties which may be imposed for such crime.

3. Any person selling a vehicle or other property to a crusher who uses false or altered identification or makes a false declaration of ownership or lien status as related to the provisions of the Oklahoma Crusher Act shall be guilty of a felony, and upon conviction shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than five (5) years, or in the county jail for a term of not more than one (1) year, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

4. Any person who fails to repay a crusher the full amount received from the sale of a vehicle or other property after being officially notified by a peace officer or the Commission that the vehicle or other property the person sold to the crusher was stolen shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a term of not to exceed six (6) months, or a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

C. Injunctive Action. The Commission may institute, in the name of the State of Oklahoma ex rel. Oklahoma Used Motor Vehicle and Parts Commission, any necessary action to enjoin any person, firm, or corporation from engaging in the business of a crusher without a license, or for any violations of this act. An injunction shall issue without the requirement of a bond of any kind from the state. The venue of any action authorized by this section shall be in the county wherein the business activity complained of is conducted. Added by Laws 2014, c. 376, § 9, eff. Nov. 1, 2014.

§47-592.10. Violations.

The Used Motor Vehicle and Parts Commission may deny an application for a license, impose a fine not to exceed One Thousand Dollars (\$1,000.00) per occurrence, or revoke or suspend a license after it has been granted, when any provision of this act is violated or for any of the following reasons:

1. On satisfactory proof of unfitness of the applicant or licensee, as the case may be;

2. For fraud practices or any material misstatement made by an applicant in any application for licensure pursuant to this act;
3. For willful failure to comply with any provisions of this act or with any rule promulgated by the Commission pursuant to this act;
4. Change of condition after license is granted resulting in failure to maintain the qualifications for license;
5. Continued or flagrant violation of any of the rules of the Commission promulgated pursuant to this act; or
6. Being a crusher or shredder who:
 - a. has committed any unlawful act which resulted in the revocation of any similar license in this state or another state,
 - b. has been convicted of a crime involving moral turpitude,
 - c. has committed a fraudulent act in buying, selling or otherwise dealing in used motor vehicles, trailers, or nonmotorized vehicles to be crushed or shredded, or disposed of as crushed or shredded,
 - d. has engaged in business under a past or present license in such a manner as to cause injury to the public or to those with whom the licensee is dealing, or
 - e. has failed to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license.

Added by Laws 2014, c. 376, § 10, eff. Nov. 1, 2014.

§47-595. Batteries - "Rebuilt" molded into container.

Whoever assembles or rebuilds an electric storage battery for use on automobiles, in whole or in part, out of second-hand or used material such as containers, separators, plates, groups or other battery parts and sells same or offers same for sale in the State of Oklahoma without the word "rebuilt" molded into the side of the container in letters which are at least one (1) inch high and five-eighths (5/8) inch wide, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or be imprisoned for a term not exceeding six (6) months, or both.

Added by Laws 1961, p. 412, § 12-412. Amended by Laws 2003, c. 411, § 63, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-412 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-596. Short title.

Sections 2 through 19 of this act shall be known and may be cited as the "Recreational Vehicle Franchise Act".

Added by Laws 2011, c. 272, § 2, eff. Jan. 1, 2012.

§47-596.1. Definitions.

As used in this act:

1. "Area of sales responsibility" means a geographical area agreed to by a dealer and the manufacturer in a dealer agreement in which the dealer has the exclusive right to display or sell the new recreational vehicles of a manufacturer of a particular line-make to the public;

2. "Camping trailer" means a vehicular unit that is mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use;

3. "Dealer" means any person, firm, corporation, or business entity licensed or required to be licensed pursuant to the provisions of this act to sell new recreational vehicles;

4. "Dealer agreement" means a written agreement or contract entered into between a manufacturer and a dealer that establishes the legal rights and obligations of the parties to that agreement or contract and pursuant to which the dealer is authorized to sell new recreational vehicles manufactured or distributed by the manufacturer;

5. "Established place of business" means a permanently enclosed building or structure, easily accessible to the public, with a paved or graveled lot for customer parking and for the showing and storage of vehicles. Established place of business shall not mean tents, temporary stands, lots, or other temporary quarters. The established place of business shall have a sign visible from the outside of the business which identifies the recreational vehicle dealership. The established place of business shall have an indoor office with public areas sufficient to conduct sales transactions with customers and have restroom facilities available for the public. The established place of business shall include a service and parts area, separated from the public areas, equipped with tools, equipment, and replacement parts necessary for reasonably expected warranty and service needs;

6. "Factory campaign" means an effort by a warrantor to contact recreational vehicle owners or recreational vehicle dealers in order to address an issue concerning a recreational vehicle problem, defective part or equipment;

7. "Factory representative" means any officer or agent engaged as a representative of a manufacturer of recreational vehicles or a factory branch for the purpose of making or promoting the sale of recreational vehicles of the manufacturer or for supervising or contacting dealers or prospective dealers of the manufacturer;

8. "Family member" means any of the following:

- a. a spouse of an individual,
- b. a child, grandchild, parent, sibling, niece, or nephew of an individual, or

- c. the spouse of a child, grandchild, parent, sibling, niece, or nephew of an individual;

9. "Fifth wheel trailer" means a vehicular unit mounted on wheels that is designed to provide temporary living quarters for recreational, camping or travel use of such size and weight as to not require a special highway movement permit and is designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the rear axle of the tow vehicle;

10. "Line-make" means a specific series of recreational vehicle products that meet all of the following:

- a. are identified by a common series trade name or trademark,
- b. are targeted to a particular market segment based on the decor, features, equipment, size, weight, and price range,
- c. have dimensions and interior floor plans that distinguish the recreational vehicles from recreational vehicles that have substantially the same decor, features, equipment, weight, and price,
- d. belong to a single, distinct classification of recreational vehicle product type that has a substantial degree of commonality in the construction of the chassis, frame, and body, and
- e. are authorized for sale by the dealer in the dealer agreement;

11. "Manufacturer" means a person that manufactures or wholesales recreational vehicles or that distributes or wholesales recreational vehicles to dealers;

12. "Motor home" means a motorized, vehicular unit designed to provide temporary living quarters for recreational, camping or travel use;

13. "OMVC" means the Oklahoma Motor Vehicle Commission;

14. "Person" means an individual, partnership, corporation, limited liability company, association, trust, estate, or other legal entity;

15. "Proprietary part" means a recreational vehicle part manufactured by or for a manufacturer and sold exclusively by a manufacturer;

16. "Recreational vehicle" means a vehicle that:

- a. is primarily designed as a vehicle that also provides temporary living quarters for noncommercial, recreational or camping use,
- b. is built to the standards of the National Fire Protection Association for recreational vehicles,
- c. has its own motive power or is mounted on or towed by another vehicle,

- d. is regulated by the National Highway Traffic Safety Administration as a vehicle or vehicle equipment,
- e. does not require a special highway use permit for operation on the highways, and
- f. an individual can easily transport and set up on a daily basis.

Recreational vehicles includes motor homes, travel trailers, fifth wheel travel trailers, folding camping trailers and truck campers;

17. "Recreational vehicle salesperson" means any person who, for gain or compensation of any kind, either directly or indirectly, regularly or occasionally, by any form of agreement or arrangement, sells or negotiates for the sale of any new recreational vehicle for any new recreational vehicle dealer to any one or more third parties;

18. "Transient customer" means a person who:

- a. owns a recreational vehicle,
- b. is temporarily traveling through the area of sales responsibility of a dealer,
- c. engages the dealer to perform service work on that recreational vehicle, and
- d. requires repairs that relate to the safe operations of that recreational vehicle or, if not undertaken, are of a nature that would render that recreational vehicle unusable;

19. "Travel trailer" means a vehicular unit mounted on wheels that is designed to provide temporary living quarters for recreational, camping or travel use of such size and weight as to not require a special highway movement permit when towed by a motorized vehicle;

20. "Truck camper" means a portable unit that is constructed to provide temporary living quarters for recreational, camping or travel use and consists of a roof, floor and sides and is designed to be loaded onto and unloaded from the back of a pickup truck; and

21. "Warrantor" means a manufacturer or any other person that provides a warranty to the consumer in connection with a new recreational vehicle or parts, accessories, or components of a new recreational vehicle. The term does not include a person that provides a service contract, mechanical or other insurance, or an extended warranty sold for separate consideration by a dealer or other person not controlled by a warrantor.

Added by Laws 2011, c. 272, § 3, eff. Jan. 1, 2012.

§47-596.2. New recreational vehicle dealer - Licensure - License fees.

A. It shall be unlawful for any person, firm, association, corporation or trust to engage in business as, or serve in the capacity of, or act as a new recreational vehicle dealer, or new

recreational vehicle salesperson in this state without first obtaining a license as provided for by law.

B. The schedule of license fees to be charged and received by the OMVC for the licenses issued hereunder shall be as follows:

1. For each manufacturer or distributor of new recreational vehicles, an initial fee of Four Hundred Dollars (\$400.00) with an annual renewal fee of Three Hundred Dollars (\$300.00);

2. For each factory representative, an initial fee of One Hundred Dollars (\$100.00) with an annual renewal fee of One Hundred Dollars (\$100.00);

3. For each new motor home dealer, an initial fee of Three Hundred Dollars (\$300.00) per franchise sold at each licensed location with an annual renewal fee of One Hundred Dollars (\$100.00) per franchise sold at each licensed location;

4. For each fifth wheel trailer, travel trailer, camping trailer and truck camper dealer, an initial fee of Three Hundred Dollars (\$300.00) per manufacturer represented at each licensed location with an annual renewal fee of One Hundred Dollars (\$100.00) per manufacturer represented at each location; and

5. For each salesperson, an initial fee of Twenty-five Dollars (\$25.00) with an annual renewal fee of Twenty-five Dollars (\$25.00).

C. A manufacturer shall not sell or display for sale a recreational vehicle in this state except to a dealer or through a dealer that is licensed by the OMVC to sell recreational vehicles in the State of Oklahoma. The manufacturer shall also be required to have a dealer agreement with the dealer that meets the requirements of this act and is signed by both parties.

D. A dealer shall not sell or display for sale a new recreational vehicle in this state unless the dealer is licensed by the OMVC to sell recreational vehicles in the State of Oklahoma. The dealer shall also be required to have a dealer agreement with the manufacturer of the recreational vehicle that meets the requirements of this act and is signed by both parties.

Added by Laws 2011, c. 272, § 4, eff. Jan. 1, 2012.

§47-596.3. Dealer sales responsibility.

A. All of the following conditions shall apply to the area of sales responsibility of a dealer included in a dealer agreement between a manufacturer and a dealer:

1. The manufacturer shall designate in the dealer agreement the area of sales responsibility exclusively assigned to the dealer;

2. The manufacturer shall not change the area of sales responsibility of a dealer or establish another dealer for the same line-make in that area during the term of the dealer agreement; and

3. The area of sales responsibility may not be reviewed or changed without the consent of both parties until one (1) year after the execution of the dealer agreement.

B. A dealer may not conduct sales activity or display for sale recreational vehicles outside of its designated area of sales responsibility.

C. A dealer may sell off-premise within the area of sales responsibility of the dealer under the following circumstances:

1. At sanctioned recreational vehicle shows where the sales event is held off-premise and at least sixty-seven percent (67%) of the recreational vehicle dealers that are located within a sixty-mile radius of the location of the show participate in the show. A sanctioned recreational vehicle show may be held only under the following conditions:

- a. the sponsoring entity of the sales event shall obtain a permit from the OMVC at the rate of Two Hundred Dollars (\$200.00) per event. The permit shall be for a period not to exceed ten (10) consecutive days,
- b. dealer permits for a sanctioned recreational vehicle show described in this paragraph shall be obtained from the OMVC at a rate of Fifteen Dollars (\$15.00) for each motor home per sanctioned recreational vehicle show,
- c. new recreational vehicle dealers whose manufacturer-approved area of responsibility includes the event location shall be eligible to participate in the sanctioned recreational vehicle show,
- d. new recreational vehicle dealers shall obtain written approval from the manufacturer or distributor to participate in the sanctioned recreational vehicle show, and
- e. the sanctioned recreational vehicle show shall be conducted within municipal, county, or state-owned or controlled facilities or within the grounds of any county, district, or state fair; and

2. At nonsanctioned recreational vehicle shows where one or more dealers may sell recreational vehicles off-premise under the following conditions:

- a. dealer permits for a nonsanctioned recreational vehicle show described in this paragraph shall be obtained from the OMVC at a rate of Fifteen Dollars (\$15.00) for each recreational vehicle per nonsanctioned recreational vehicle show,
- b. the location of the nonsanctioned recreational vehicle show shall be within the manufacturer-approved area of responsibility,
- c. the nonsanctioned recreational vehicle show shall occur no more than five (5) consecutive days per event, excluding county, district, or state fairs,

- d. each dealer may participate in no more than eight nonsanctioned recreational vehicle shows per calendar year, and
- e. nonsanctioned recreational vehicle shows shall be held on privately owned property no closer than two and one-half (2 1/2) miles to any other nonparticipating recreational vehicle dealer; provided, however a nonsanctioned recreational vehicle show may be held on county or municipally owned property with no mileage barrier restriction.

D. A dealer may display a recreational vehicle within the designated area of responsibility of the dealer for promotional purposes. At an off-premise display event, no sales activities shall be conducted including, but not limited to, negotiations, financing and accepting credit applications. Sales or finance personnel shall not be permitted to participate at an off-premise display event. A permit for the off-premise display event shall not be required.

E. A dealer agreement shall include a designated principal of the dealer. A dealer agreement may identify a family member as the successor of the principal or include a succession plan of the dealer. A dealer may at any time change a designation or succession plan made in the dealer agreement by providing written notice to the manufacturer.

Added by Laws 2011, c. 272, § 5, eff. Jan. 1, 2012.

§47-596.4. Dealer agreement renewal.

In a renewal of a dealer agreement, the manufacturer may not impose on the dealer stocking requirements or retail sales targets that are inconsistent with market growth or contraction in the area of sales responsibility of the dealer.

Added by Laws 2011, c. 272, § 6, eff. Jan. 1, 2012.

§47-596.5. Manufacturer termination of dealer agreement - Good cause - Notice - Repurchase of inventory.

A. A manufacturer, directly or through any officer, agent, or employee, may terminate or not renew a dealer agreement without good cause. If the manufacturer terminates or does not renew the dealer agreement without good cause, the manufacturer shall comply with the provisions of subsections D and E of this section. If the manufacturer terminates or does not renew the dealer agreement with good cause, the provisions of subsections D and E of this section shall not apply.

B. A manufacturer has the burden of showing good cause for terminating or not renewing a dealer agreement. All of the following factors shall be considered in determining whether there is good cause for a proposed termination or nonrenewal of a dealer agreement by a manufacturer:

1. The extent of the penetration of the dealer in the relevant market area;

2. The extent and quality of the service of the dealer under recreational vehicle warranties;

3. The nature and extent of the investment of the dealer in business of the dealer;

4. The adequacy of the service facilities, equipment, parts, supplies, and personnel of the dealer;

5. The effect of the proposed action on the community;

6. Whether the dealer fails to follow agreed-upon procedures or standards related to the overall operation of the dealership; and

7. The performance by the dealer under the terms of dealer agreement.

C. Except as otherwise provided in this section, a manufacturer shall provide a dealer with written notice of a termination or nonrenewal of a dealer agreement. All of the following conditions apply to a notice described in this subsection:

1. Except as provided in paragraph 4 or 5 of this subsection, the manufacturer shall provide written notice at least ninety (90) days before the effective date of the termination or nonrenewal of the dealer agreement;

2. The notice shall state all of the reasons for the termination or nonrenewal of the dealer agreement;

3. The notice shall state that if the dealer provides to the manufacturer a written notification of the intent of the dealer to cure all claimed deficiencies within thirty (30) days after the dealer receives the notice, the dealer shall have one hundred twenty (120) days after the date of the notice to correct the claimed deficiencies. If all of the deficiencies are corrected within the one-hundred-twenty-day time period, the notice shall be deemed void and the manufacturer shall not terminate or not renew the dealer agreement because of the claimed deficiencies stated in the notice. If the dealer does not provide a notification of intent to cure deficiencies within the thirty-day time period, the termination or nonrenewal of the dealer agreement shall take effect sixty (60) days after the dealer received the notice from the manufacturer;

4. A manufacturer may reduce the notice period described in paragraph 1 of this subsection from ninety (90) days to thirty (30) days and shall not be required to allow the dealer an opportunity to correct the deficiencies if the grounds for termination or nonrenewal of the dealer agreement by the manufacturer are any of the specific categories of good cause described in subsection F of this section; and

5. A manufacturer shall not be required to provide notice or an opportunity to correct deficiencies under this subsection if the grounds for termination or nonrenewal of the dealer agreement by the manufacturer includes one of the following:

- a. the dealer becomes insolvent,
- b. the dealer is bankrupt, or
- c. the dealer makes an assignment for the benefit of creditors.

D. If a manufacturer terminates or does not renew a dealer agreement for good cause under this section the dealer, at its option, may require the manufacturer to repurchase any of the following from the dealer:

1. All new, untitled recreational vehicles that were acquired from the manufacturer within eighteen (18) months before the effective date of the notice of termination of the dealer agreement that have not been used, except for demonstration purposes and have not been altered or damaged, may be repurchased at one hundred percent (100%) of the net invoice cost of the recreational vehicles, including transportation, less applicable rebates and discounts to the dealer;

2. All current and undamaged accessories and proprietary parts sold to the dealer for resale within the eighteen (18) months prior to the effective date of the termination of the dealer agreement that are accompanied by the original invoice may be repurchased at one hundred five percent (105%) of the original net price paid to the manufacturer to compensate the dealer for handling, packing, and shipping the accessories and parts; and

3. Any properly functioning diagnostic equipment, special tools, current signage, and other equipment and machinery, purchased by the dealer within the five (5) years prior to the effective date of the termination of the dealer agreement at the request of the manufacturer, if such equipment or machinery cannot be used in the normal course of the ongoing business of the dealer, may be repurchased at one hundred percent (100%) of the net cost of the dealer, plus freight, destination, delivery, and distribution charges and sales taxes.

E. The dealer shall promptly return or arrange for the return of all of the items the manufacturer is required to repurchase under subsection D of this section at the expense of the manufacturer.

F. As used in this section, "good cause" includes, but is not limited to, any of the following:

1. A conviction of a felony or a plea of guilty or nolo contendere to a felony by a dealer or an owner of a dealership of a crime that was committed during the time frame of the current dealer agreement; provided, there is full disclosure, in writing, of any felony conviction or plea of guilty or nolo contendere to any such felony crime that occurred within ten (10) years of entering into such dealer agreement;

2. Abandonment or permanent closing of the business operations of a dealer for twenty-one (21) consecutive business days without contacting the manufacturer prior to the closing unless the closing

is due to an act of God, strike, labor difficulty, or other cause over which the dealer has no control;

3. A material misrepresentation to a manufacturer by a dealer that severely affects the business relationship between the dealer and the manufacturer;

4. Suspension or revocation of the license of a dealer or refusal to renew the license of the dealer by the OMVC;

5. A material violation of any of the provisions of the Recreational Vehicle Franchise Act by a dealer; or

6. The dealer becomes insolvent, is bankrupt, or makes an assignment for the benefit of creditors.

Added by Laws 2011, c. 272, § 7, eff. Jan. 1, 2012.

§47-596.6. Dealer termination of dealer agreement - Good cause - Notice - Repurchase of inventory.

A. A dealer may terminate a dealer agreement with a manufacturer with or without good cause. If the dealer terminates or does not renew the dealer agreement with good cause, the manufacturer shall comply with the provisions of paragraphs D and E of this section. If the dealer terminates or does not renew the dealer agreement without good cause, the provisions of paragraphs D and E of this section shall not apply. A dealer that terminates a dealer agreement shall provide the manufacturer with written notice at least ninety (90) days prior to the effective date of the termination of the dealer agreement.

B. All of the following conditions shall apply to a termination of a dealer agreement under this section for good cause:

1. The notice described in subsection A of this section shall state all reasons for the proposed termination;

2. The notice described in subsection A of this section shall state that if the manufacturer provides to the dealer a written notification of intent to cure all claimed deficiencies within thirty (30) days after the manufacturer receives the notice, the manufacturer shall have one hundred twenty (120) days after the date of the notice to correct the deficiencies. If all of the deficiencies are corrected within the one-hundred-twenty-day period, the notice shall be deemed void and the dealer shall not terminate the dealer agreement because of the claimed deficiencies stated in the notice. If the manufacturer does not provide a notification of intent to cure deficiencies within thirty (30) days of receiving the notice to terminate the dealer agreement, the termination shall take effect sixty (60) days after the manufacturer received from the dealer the notice to terminate;

3. A dealer may reduce the notice period described in subsection A of this section from ninety (90) days to thirty (30) days and shall not be required to allow the manufacturer an opportunity to correct the deficiencies if the grounds for termination or nonrenewal of the

dealer agreement by the dealer are any of the specific categories of good cause described in subsection C of this section; and

4. A dealer is not required to provide notice or an opportunity to correct deficiencies under this section if the grounds for termination or nonrenewal of the dealer agreement by the dealer includes one of the following:

- a. the manufacturer becomes insolvent,
- b. the manufacturer is bankrupt, or
- c. the manufacturer makes an assignment for the benefit of creditors.

C. The dealer has the burden of showing good cause. Any one of the following categories is considered good cause for a proposed termination of a dealer agreement by a dealer:

1. A conviction of a felony or a plea of guilty or nolo contendere to a felony by a manufacturer of a crime that was committed during the time frame of the current dealer agreement; provided, there is full disclosure, in writing, of any felony conviction or plea of guilty or nolo contendere to any such felony crime that occurred within ten (10) years of entering into such dealer agreement;

2. Abandonment or permanent closing of the business operations of the manufacturer for twenty-one (21) consecutive business days without contacting the dealer prior to the closing unless the closing is due to an act of God, strike, labor difficulty, or other cause over which the manufacturer has no control;

3. A material misrepresentation to the dealer by the manufacturer that severely affects the business relationship between the dealer and manufacturer;

4. A material violation of any of the provisions of the Recreational Vehicle Franchise Act by the manufacturer;

5. A material breach of the dealer agreement by the manufacturer; or

6. The manufacturer becomes insolvent, is bankrupt, or makes an assignment for the benefit of creditors.

D. If the manufacturer fails to cure any claimed deficiencies pursuant to subsection B of this section, the dealer may require that the manufacturer repurchase any of the following from the dealer:

1. All new, untitled recreational vehicles that were acquired from the manufacturer within eighteen (18) months prior to the effective date of the notice of termination of the dealer agreement that have not been used, except for demonstration purposes, and that have not been altered or damaged, may be repurchased at one hundred percent (100%) of the net invoice cost of the recreational vehicles, including transportation, less applicable rebates and discounts to the dealer;

2. All current and undamaged accessories and proprietary parts sold to the dealer for resale within eighteen (18) months prior to

the effective date of the termination of the dealer agreement that are accompanied by the original invoice may be repurchased at one hundred five percent (105%) of the original net price paid to the manufacturer to compensate the dealer for handling, packing, and shipping the accessories and parts; and

3. Any properly functioning diagnostic equipment, special tools, current signage, and other equipment and machinery, purchased by the dealer within five (5) years prior to the effective date of the termination of the dealer agreement if such equipment or machinery cannot be used in the normal course of the ongoing business of the dealer, may be repurchased at one hundred percent (100%) of the net cost of the dealer, plus freight, destination, delivery, and distribution charges and sales taxes.

E. The dealer shall promptly return or arrange for the return of all of the items the manufacturer is required to repurchase under subsection D of this section at the expense of the manufacturer.
Added by Laws 2011, c. 272, § 8, eff. Jan. 1, 2012.

§47-596.7. Sale of inventory after termination of dealer agreement.

The OMVC may not prohibit a dealer from selling the remaining in stock inventory of a particular line-make after a dealer agreement has been terminated or not renewed pursuant to the provisions of Section 7 or 8 of this act. If recreational vehicles of a line-make are not returned or required to be returned to the manufacturer, the dealer may continue to sell all line-makes that were subject to the dealer agreement and are currently in stock until those line-makes are no longer in the dealer inventory.

Added by Laws 2011, c. 272, § 9, eff. Jan. 1, 2012.

§47-596.8. Sale of business assets - Conditions.

A. All of the following conditions shall apply to a proposed sale of the business assets, transfer of the stock, or other transaction that will result in a change of ownership of a dealer, except a transaction described in subsection B of this section:

1. The dealer shall provide written notice to the manufacturer at least ninety (90) days prior to the proposed closing of the transaction;

2. If the dealer is not in breach of the dealer agreement or in violation of the provisions of this act at the time the dealer provides the notice described in paragraph 1 of this subsection, the manufacturer shall not object to the proposed transaction, unless the prospective transferee meets one or more of the following:

a. the prospective transferee was previously a party to a dealer agreement with the manufacturer that the manufacturer terminated,

- b. in the preceding ten (10) years, the prospective transferee was convicted of a felony crime or any crime of fraud, deceit or moral turpitude,
- c. the prospective transferee does not have an application for a recreational vehicle dealer license pending with the OMVC or a tentative dealer agreement with a recreational vehicle manufacturer to conduct business as a dealer in this state,
- d. the prospective transferee does not have an active line of credit sufficient to purchase recreational vehicles from the manufacturer according to the terms of the dealer agreement, or
- e. in the preceding ten (10) years, the prospective transferee was bankrupt or insolvent, made a general assignment for the benefit of creditors, or a receiver, trustee, or conservator was appointed to take possession of the business or property of the prospective transferee;

3. If the manufacturer objects to the proposed transaction, the manufacturer shall give written notice of an objection, including the reasons by the manufacturer for objecting, to the dealer within thirty (30) days after receiving the notice described in paragraph 1 of this subsection. If the manufacturer does not give notice of an objection within the thirty-day time period, the proposed transaction shall be considered approved by the manufacturer; and

4. For purposes of paragraph 3 of this subsection, the manufacturer has the burden of demonstrating why the manufacturer objects to the proposed transaction.

B. All of the following conditions apply concerning the death, incapacity, or retirement of the designated principal of a dealer:

1. The manufacturer shall provide the dealer an opportunity to designate, in writing, a family member as a successor to the dealer in the event of the death, incapacity, or retirement of the designated principal;

2. The manufacturer shall not prevent or refuse to honor the succession to a dealership by a family member of the deceased, incapacitated, or retired designated principal of that dealer unless the manufacturer previously provided written notice to the dealer of any objections to the succession plan of the dealer within thirty (30) days after receiving the succession plan of the dealer or any modification of the succession plan of the dealer;

3. Except as provided in paragraph 5 of this subsection, unless the dealer is in breach of the dealer agreement, a manufacturer shall not object to the succession to a dealership by a family member of the deceased, incapacitated, or retired designated principal, unless the successor meets one or more of the following:

- a. in the preceding ten (10) years, the successor was convicted of a felony crime or any crime of fraud, deceit or moral turpitude,
- b. in the preceding ten (10) years, the successor was bankrupt, insolvent, or made an assignment for the benefit of creditors,
- c. the successor was previously a party to a dealer agreement with the manufacturer that the manufacturer terminated for a breach of a dealer agreement,
- d. the successor does not have an active line of credit sufficient to purchase recreational vehicles from the manufacturer according to the terms of the dealer agreement, or
- e. the successor does not have an application for a recreational vehicle dealer license pending with the OMVC or a tentative dealer agreement with a recreational vehicle manufacturer to conduct business as a dealer in this state;

4. The manufacturer has the burden of proof regarding any objection to the succession to a dealership by a family member of the deceased, incapacitated, or retired designated principal; and

5. The consent of the manufacturer shall be required for the succession to a dealership by a family member of the deceased, incapacitated, or retired designated principal if the succession involves a relocation of the business or an alteration of the terms and conditions of the dealer agreement.

Added by Laws 2011, c. 272, § 10, eff. Jan. 1, 2012.

§47-596.9. Warrantor obligations - Approval of claims.

A. A warrantor has all of the following obligations to each dealer engaged in the sale or lease of products that are covered by a warranty from that warrantor:

- 1. To specify in writing to the dealer the obligations of the dealer, if any, for preparation, delivery, and warranty service on its products;
- 2. To compensate the dealer for warranty service required of the dealer by the warrantor;
- 3. To provide the dealer with a schedule of compensation the warrantor will pay for warranty work and the time allowances of the warrantor for the performance of that work. All of the following conditions apply to the schedule of compensation required under this paragraph:
 - a. reasonable compensation for diagnostic work and warranty labor,
 - b. time allowances in the schedule for the diagnosis and performance of warranty labor shall be reasonable for the work to be performed, and

c. the compensation of a dealer for warranty labor shall be the actual retail labor rates charged by the dealer in the community in which the dealer is doing business;

4. To reimburse the dealer for warranty parts at actual wholesale cost, plus a minimum thirty percent (30%) handling charge and any freight costs to return warranty parts to the warrantor; and

5. To deny dealer claims for warranty compensation only for cause, including, but not limited to, performance of nonwarranty repairs, material noncompliance with the published policies and procedures of the warrantor, lack of material documentation of claims, fraud, or misrepresentation.

B. A warrantor may conduct audits of the records of a dealer that sells or leases its warranted products on a reasonable basis.

C. A dealer shall submit warranty claims to a warrantor within sixty (60) days after completing all warranty work on a warranted product.

D. A dealer shall notify the warrantor in writing if the dealer is unable to perform material or repetitive warranty repairs as soon as is reasonably possible.

E. A warrantor shall approve or disapprove a warranty claim on a warranted product in writing within thirty (30) days after the date the dealer submits the claim, if the claim is submitted in the manner and in the form prescribed by the warrantor. If a claim that is properly submitted is not specifically disapproved in writing by a warrantor within the thirty-day time period, the claim shall be considered approved by the warrantor and the warrantor shall pay the amount of the claim to the dealer within sixty (60) days after the dealer submitted the claim.

Added by Laws 2011, c. 272, § 11, eff. Jan. 1, 2012.

§47-596.10. Warrantor prohibited acts.

A. A warrantor shall not do any of the following:

1. Fail to perform all of its warranty obligations with respect to a warranted product;

2. In any written notice of a factory campaign to recreational vehicle owners and dealers, fail to include the expected date by which necessary parts and equipment, including tires and chassis or chassis parts if required, will be available to dealers to perform the factory campaign work. The warrantor shall provide sufficient parts to the dealer to perform the factory campaign work. If the number of parts provided to the dealer pursuant to this paragraph exceed the requirements of the dealer to perform the factory campaign work, the dealer may return unused parts to the warrantor for credit after completion of the factory campaign;

3. Subject to the provisions of Section 14 of this act, fail to compensate a dealer for authorized repairs of warranted products

damaged during the manufacturing process or damaged while in transit to the dealer if the warrantor selected the carrier;

4. Fail to compensate a dealer for authorized warranty service under this section in accordance with the applicable schedule of compensation provided to the dealer pursuant to Section 11 of this act if the warranty service is performed in a timely and competent manner;

5. Intentionally misrepresent in any way to a purchaser of a warranted product that any warranty concerning the manufacture, performance, or design of the warranted product is made by the dealer either as a warrantor or cowarrantor; or

6. Require a dealer to make warranties to customers in any manner related to the manufacture of a warranted product.

B. A warrantor shall indemnify the dealer for any money paid or costs incurred by a dealer in connection with a claim or cause of action asserted against the dealer to the extent that payment or costs incurred are based on the negligence or intentional misconduct of the warrantor. A warrantor shall not limit the obligation to indemnify described in this subsection by agreement with the dealer. The dealer shall provide a warrantor with a copy of any claim or complaint in which an allegation described in this subsection is made within ten (10) days after receiving that claim or complaint.

C. As used in this section and Section 13 of this act:

1. "Products" mean new recreational vehicles or parts, accessories, or components of new recreational vehicles; and

2. "Warranted products" mean products subject to a warranty from a specific warrantor.

Added by Laws 2011, c. 272, § 12, eff. Jan. 1, 2012.

§47-596.11. Dealer prohibited acts.

A. A dealer shall not do any of the following:

1. If a transient customer requests service work on a recreational vehicle of a line-make that the dealer is authorized to display and sell, fail to perform any warranty service work authorized by a warrantor in a reasonably competent and timely manner if failure to make such repairs would result in a safety related issue or might render the recreational vehicle unusable;

2. Make a fraudulent warranty claim to a warrantor; or

3. Misrepresent the terms of any warranty.

B. A dealer shall indemnify a warrantor for any money paid or costs incurred by a warrantor in connection with a claim or cause of action asserted against the warrantor to the extent that payment or costs incurred are based on the negligence or intentional misconduct of the dealer. A dealer shall not limit the obligation to indemnify described in this subsection by agreement with the warrantor. The warrantor shall provide a dealer with a copy of any claim or

complaint in which an allegation described in this subsection is made within ten (10) days after receiving the claim or complaint.
Added by Laws 2011, c. 272, § 13, eff. Jan. 1, 2012.

§47-596.12. Damaged recreational vehicle prior to shipment.

A. All of the following conditions apply if a new recreational vehicle is damaged before it is shipped to a dealer, or is damaged in transit to the dealer and the manufacturer selected the carrier or means of transportation:

1. The dealer shall notify the manufacturer of the damage within the time period specified in the dealer agreement and do one of the following:

- a. in the notice, request authorization to replace the components, parts, and accessories damaged, or otherwise correct the damage, from the manufacturer, or
- b. reject the recreational vehicle within the time period specified in the dealer agreement;

2. If the manufacturer refuses or fails to authorize repair of the damage within ten (10) days after receiving notice under paragraph 1 of this subsection or if the dealer rejects the recreational vehicle because of the damage within the time period specified in the dealer agreement, ownership of the recreational vehicle reverts to the manufacturer; and

3. The dealer shall exercise due care in the custody of the damaged recreational vehicle; provided, the dealer shall have no financial or other obligation with respect to that recreational vehicle.

B. A dealer agreement shall include a time period for inspection and rejection of damaged recreational vehicles under subsection A of this section that is not less than two (2) business days after the physical delivery of the recreational vehicle to the dealer.

C. If a dealer determines that a new recreational vehicle has an unreasonable number of miles on the odometer at the time the recreational vehicle is delivered to the dealer, the dealer may reject the recreational vehicle and said ownership of the recreational vehicle shall revert to the manufacturer. However, if the number of miles on the odometer of the recreational vehicle is less than the sum of the distance between the dealer and the factory of the manufacturer or point of distribution plus one hundred (100) miles, the dealer may not consider the number of miles on the odometer unreasonable for purposes of this subsection.

Added by Laws 2011, c. 272, § 14, eff. Jan. 1, 2012.

§47-596.13. Coercion by manufacturer.

A. A manufacturer shall not coerce or attempt to coerce a dealer to purchase a product or service that the dealer did not order.

B. A manufacturer shall not coerce or attempt to coerce a dealer to enter into any agreement with the manufacturer.

C. A manufacturer shall not coerce or attempt to coerce a dealer to enter into an agreement with the manufacturer or any other person that requires the dealer to submit any disputes by the dealer to binding arbitration or otherwise waive the rights or responsibilities of the dealer under the provisions of this act.

D. As used in this section, the term "coerce" includes, but is not limited to:

1. Threatening to terminate or not renew a dealer agreement without good cause;

2. Threatening to withhold line-makes or other product lines the dealer is entitled to display and sell under the dealer agreement; or

3. Delay delivery of recreational vehicles as an inducement to amend the dealer agreement.

Added by Laws 2011, c. 272, § 15, eff. Jan. 1, 2012.

§47-596.14. Denial of application for license.

The Oklahoma Motor Vehicle Commission may deny an application for a license, revoke or suspend a license, impose a fine against a manufacturer or distributor in an amount not to exceed Ten Thousand Dollars (\$10,000.00) per occurrence, or impose a fine against a dealer in an amount not to exceed One Thousand Dollars (\$1,000.00) per occurrence if any provision of the Recreational Vehicle Franchise Act of Title 47 of the Oklahoma Statutes is violated or for any of the following reasons:

1. On satisfactory proof of unfitness of the applicant in any application for any license under the provisions of the Recreational Vehicle Franchise Act;

2. For any material misstatement made by an applicant in any application for any license under the provisions of the Recreational Vehicle Franchise Act;

3. For any failure to comply with any provision of the Recreational Vehicle Franchise Act or any rule promulgated by the OMVC under authority vested to the OMVC pursuant to the Recreational Vehicle Franchise Act;

4. A change of condition after a license is granted resulting in the failure to maintain the qualifications for a license;

5. Being a new recreational vehicle dealer or new recreational vehicle salesperson who:

- a. has required a purchaser of a new recreational vehicle, as a condition of sale and delivery thereof, to also purchase special features, appliances, accessories or equipment not desired or requested by the purchaser and installed by the dealer,

- b. uses any false or misleading advertising in connection with business as a new recreational vehicle dealer or vehicle salesperson,
- c. has committed any unlawful act which resulted in the revocation of any similar license in another state,
- d. has failed or refused to perform any written agreement with any retail buyer involving the sale of a recreational vehicle,
- e. has been convicted of a crime involving moral turpitude,
- f. has committed a fraudulent act in selling, purchasing or otherwise dealing in new recreational vehicles or has misrepresented the terms and conditions of a sale, purchase or contract for sale or purchase of a new recreational vehicle or any interest therein including an option to purchase such vehicle, or
- g. has failed to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license;

6. Being a new recreational vehicle salesperson who is not employed as such by a licensed new recreational vehicle dealer;

7. Being a new recreational vehicle dealer who:

- a. does not have an established place of business,
- b. does not provide for a suitable repair shop separate from the display room with ample space to repair or recondition one or more recreational vehicles at the same time and equipped with tools, equipment, and replacement parts as may be necessary for the servicing of recreational vehicles in such a manner as to make such vehicles comply with the safety laws of this state and properly fulfill the warranty obligation of the dealer or manufacturer,
- c. does not hold a dealer agreement in effect with a manufacturer or distributor of new or unused recreational vehicles for the sale of the same and is not authorized by the manufacturer or distributor to render predelivery preparation of such vehicles sold to purchasers and perform authorized postsale work pursuant to the warranty of the manufacturer or distributor,
- d. employs unlicensed salespersons or employs or utilizes the services of used recreational vehicle lots, dealers or other unlicensed persons in connection with the sale of new recreational vehicles; or

8. Being a factory that has:

- a. induced or attempted to induce by means of coercion or intimidation any new recreational vehicle dealer:

- (1) to accept delivery of any recreational vehicle or vehicles, parts or accessories for recreational vehicles, or any other commodities including advertising material which shall not have been ordered by the new recreational vehicle dealer,
 - (2) to order or accept delivery of any recreational vehicle with special features, appliances, accessories or equipment not included in the list price of the recreational vehicles as publicly advertised by the manufacturer of the recreational vehicle, or
 - (3) to order or accept delivery of any parts, accessories, equipment, machinery, tools, appliances or any commodity whatsoever,
- b. induced under threat or discrimination by the withholding from delivery to a recreational vehicle dealer certain models of recreational vehicles, changing or amending unilaterally the allotment of recreational vehicles of a dealer or withholding and delaying delivery of such vehicles out of the ordinary course of business, in order to induce a dealer by such coercion to participate or contribute to any local or national advertising fund controlled directly or indirectly by the factory or for any other purposes including contests, giveaways, other sales promotional devices, or change of quotas in any sales contest, or
- c. required recreational vehicle dealers, as a condition of receiving the vehicle allotment of the dealer, to order a certain percentage of the recreational vehicles with optional equipment not specified by the new recreational vehicle dealer; however, nothing in this paragraph shall prohibit a factory from supporting an advertising association which is open to all dealers on the same basis.

The Commission may deny any application for license, or suspend or revoke a license issued, or impose a fine, only after a hearing for which the applicant or licensee affected shall be given at least ten (10) days' written notice specifying the reason for denying the applicant a license, or, in the case of a revocation or suspension or imposition of a fine, the offense which the licensee is alleged to have committed. The notice may be served as provided by law for the service of notices, or mailing a copy by registered mail to the last-known residence or business address of the applicant or licensee. The hearing on alleged violations shall be at such time and place as the Commission may prescribe and the aforementioned notice shall further specify the time and place. If the applicant or licensee is a motor vehicle salesperson, factory representative or distributor

representative, the Commission shall in like manner additionally notify the person, firm, association, corporation or trust with whom he or she is associated, or in whose association he or she is about to enter. The Commission shall have the power to compel the production of all records, papers and other documents which may be deemed relevant to the proceeding bearing upon the complaints. The Commission shall have the power to subpoena and bring before it any person, or take testimony of any person by deposition, with the same fees and mileage and in the same manner as prescribed in the proceedings before courts of the state in civil cases. Any party to the hearing shall have the right to the attendance of witnesses in his or her behalf upon designating to the Commission the person or persons sought to be subpoenaed.

Added by Laws 2011, c. 272, § 16, eff. Jan. 1, 2012.

§47-596.15. Cause of action - Damages - Mediation.

A. A dealer, manufacturer, or warrantor injured by another party who has violated a provision of this act may bring a civil action in court for the recovery of actual damages. The court shall award attorney fees and costs to the prevailing party in a civil action under this section.

B. Venue for a civil action filed pursuant to this section shall be the county in which the business of the dealer is located. In an action involving more than one dealer, any county in which the business of any dealer that is party to the action is located is a proper venue for that action.

C. Before bringing a civil action under this section, the party bringing suit for an alleged violation of this act shall serve a written demand for mediation on the offending party. The demand for mediation shall include a brief statement of the dispute and the relief sought by the party making the demand. The party making the demand for mediation shall serve the demand by certified mail to one of the following addresses:

1. In an action between a dealer and a manufacturer, the address stated in the dealer agreement between the parties;

2. In an action between a dealer and a warrantor that is not a manufacturer, the address stated in any agreement between the parties; or

3. In an action between two dealers, the address of the offending dealer in the records of the OMVC.

D. Within twenty (20) days after a demand for mediation is served under subsection C of this section, the parties shall mutually select an independent mediator who is approved by the OMVC, and meet with that mediator for the purpose of attempting to resolve the dispute at a location in this state selected by the mediator. The mediator may extend the date of the meeting for good cause shown by either party or if the parties agree to the extension.

E. The service of a demand for mediation under subsection C of this section tolls the time for the filing of any complaint, petition, protest, or other action under this act until representatives of both parties have met with the mediator selected pursuant to subsection D of this section for the purpose of attempting to resolve the dispute. If a complaint, petition, protest, or other action is filed before that meeting, the court shall enter an order suspending the proceeding or action until the mediation meeting has occurred and may, if all of the parties to the proceeding or action stipulate in writing that they wish to continue to mediate under this section, enter an order suspending the proceeding or action for as long a period as the court considers appropriate. The court may modify, extend, or revoke a suspension order issued under this subsection if it considers that action appropriate.

F. Each of the parties to the mediation under this section is responsible for its own attorney fees. The parties shall equally divide the cost of the mediator.

Added by Laws 2011, c. 272, § 17, eff. Jan. 1, 2012.

§47-596.16. Remedies.

A. In addition to any remedy available under the provisions of this act or otherwise available by law, a manufacturer, warrantor, or dealer may apply to the court for the grant, after a hearing and for cause shown, of a temporary or permanent injunction or other equitable relief restraining any person from doing any of the following:

1. Acting as a dealer without a proper license;
2. Violating or continuing to violate the provisions of this act. A single violation of the provisions of this act shall be a sufficient basis for the court to grant equitable relief under this section; or
3. Failing or refusing to comply with any requirement of the provisions of this act.

B. The court may not require a bond as a condition to the grant of equitable relief under this section.

C. If, on January 1, 2011, a dealership does not meet the requirements of the definition of established place of business as defined in Section 3 of this act, the dealership shall be eligible for licensing by the OMVC for that location. If the dealership moves the dealership to a new location, the new dealership shall comply with the requirements of the definition of established place of business as defined in Section 3 of this act.

Added by Laws 2011, c. 272, § 18, eff. Jan. 1, 2012.

§47-601. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-602. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-603. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-604. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-605. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-606. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-607. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-608. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-609. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-610. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-611. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-701. Guaranteed arrest bond certificates - Automobile clubs or associations.

(a) Any automobile club or other association may issue guaranteed arrest bond certificates valid for one (1) year from date of issue as provided in this act in an amount not to exceed Five Hundred Dollars (\$500.00) on each undertaking, provided such certificates have been fully guaranteed or reinsured by an insurer then licensed by the Insurance Commissioner to transact surety business in this state and such guarantee or reinsurance by the insurer covers all certificates issued by the automobile club or other association during the term of the guarantee or reinsurance written by the insurer. Such insurer shall first file with the Insurance Commissioner an undertaking thus to become surety. Such guaranteed arrest bond certificates may be issued also in conjunction with automobile liability insurance policies by any insurer authorized to then write automobile liability insurance within this state upon such insurer filing with the Insurance Commissioner an undertaking thus to become such surety.

(b) Such undertaking shall be in the form prescribed by the Commissioner of Insurance and shall state the following:

(1) The name and address of the automobile clubs, association or companies with respect to the guaranteed arrest bond certificates of which the surety company undertakes to be surety.

(2) The unqualified obligation of the surety company to pay the fine or forfeiture in an amount not to exceed Five Hundred Dollars (\$500.00) of any person who, after posting a guaranteed arrest bond certificate with respect to which the surety company has undertaken

to be surety, fails to make the appearance to guarantee which, the guaranteed arrest bond certificate was posted.

(3) The term "guaranteed arrest bond certificate" as used herein means any printed card or other certificate issued by an automobile club, association or insurance company to any of its members or insureds, which card or certificate is signed by the member or insured and contains a printed statement that such automobile club, association or insurance company and a surety company or an insurance company authorized to transact both automobile liability insurance and surety business, guarantee the appearance of the person whose signature appears on the card or certificate and that they will in the event of failure of the person to appear in court at the time of trial, pay any fine or forfeiture imposed on the person in an amount not exceeding Five Hundred Dollars (\$500.00).

(c) Any guaranteed arrest bond certificate with respect to which a surety company has become surety, or a guaranteed arrest bond certificate issued by an insurance company authorized to transact both automobile liability insurance and surety business within this state, as herein provided, shall, when posted by the person whose signature appears thereon, be accepted in lieu of cash bail or other bond in an amount not to exceed Five Hundred Dollars (\$500.00) as a bail bond, to guarantee the appearance of such person in any court in this state, including all municipal courts in this state, at such time as may be required by such court, when the person is arrested for violation of any motor vehicle law of this state or any motor vehicle ordinance of any municipality in this state, except for the offense of driving under the influence of intoxicating liquors or of drugs or for any felony committed prior to the date of expiration on such guaranteed arrest bond certificates; provided, that any such guaranteed arrest bond certificates so posted as bail bond in any court in this state shall be subject to the forfeiture and enforcement provisions with respect to bail bonds in criminal cases as otherwise provided by law or as hereafter may be provided by law, and that any such guaranteed arrest bond certificate posted as a bail bond in any municipal court of this state shall be subject to the forfeiture and enforcement provisions, if any, of the charter or ordinance of the particular municipality pertaining to bail bonds posted.

(d) The State Insurance Commissioner shall notify in writing each chief of municipal police department, each county sheriff and each judge of the district court of this state, the name of each surety, insurance company, automobile club or association authorized to issue guaranteed arrest bond certificates, as provided in this act. The Insurance Commissioner shall also inform such officials of each additional organization which may thereafter become qualified to issue such certificates and in the event any such organization shall

be disqualified from issuing such certificates, the Commissioner shall forthwith inform such officials of such disqualification. Amended by Laws 1987, c. 226, § 8, operative July 1, 1987.

§47-702. Guaranteed arrest bond certificates - Trucking associations.

(a) Any trucking association may issue guaranteed arrest bond certificates valid for one (1) year from January 1 of the year of issue as provided in this act in an amount not to exceed One Thousand Dollars (\$1,000.00) on each undertaking, provided such certificates have been fully guaranteed by the trucking association or reinsured by an insurer then licensed by the Insurance Commissioner to transact surety business in this state and such guarantee or reinsurance by the insurer covers all certificates issued by the trucking association or other association during the term of the guarantee or reinsurance written by the insurer. Such insurer shall first file with the Insurance Commissioner an undertaking thus to become surety. The guarantee by the trucking association shall, at the discretion of the Insurance Commissioner, be secured by a deposit with the Insurance Commissioner of up to Fifty Thousand Dollars (\$50,000.00), either cash or bond at the discretion of the Commissioner, to guarantee performance of said undertaking. Such guaranteed arrest bond certificates may be issued also in conjunction with automobile liability policies by any insurer authorized to then write automobile liability insurance within this state upon such insurer filing with the Insurance Commissioner an undertaking thus to become such surety.

(b) Such undertaking shall be in the form prescribed by the Commissioner of Insurance and shall state the following:

(1) The name and address of the trucking association, association or companies with respect to the guaranteed arrest bond certificates of which the surety company undertakes to be surety.

(2) The unqualified obligation of the surety company to pay the fine or forfeiture in an amount not to exceed One Thousand Dollars (\$1,000.00) of any person who, after posting a guaranteed arrest bond certificate with respect to which the surety company has undertaken to be surety, fails to make the appearance to guarantee which, the guaranteed arrest bond certificate was posted.

(3) The term "guaranteed arrest bond certificate" as used herein means any printed card or other certificate issued by a trucking association, association or insurance company to any of its members or insured, which card or certificate is signed by the member or insured and contains a printed statement that such trucking association, association or insurance company and a surety company or an insurance company authorized to transact automobile liability insurance business, guarantee the appearance of the person whose signature appears on the card or certificate and that they will, in the event of failure of the person to appear in court at the time of

trial, pay any fine or forfeiture imposed on the person in an amount not exceeding One Thousand Dollars (\$1,000.00).

(c) Any guaranteed arrest bond certificate with respect to which a surety company has become surety, or a guaranteed arrest bond certificate issued by an insurance company authorized to transact automobile liability insurance business within this state, as herein provided, shall, when posted by the person whose signature appears thereon, be accepted in lieu of cash bail or other bond in an amount not to exceed One Thousand Dollars (\$1,000.00) as a bail bond, to guarantee the appearance of such person in any court in this state, including all municipal courts in this state, at such time as may be required by such court, when the person is arrested for violation of any motor vehicle law of this state or any motor vehicle ordinance of any municipality in this state, committed prior to the date of expiration on such guaranteed arrest bond certificates, except for the offense of driving under the influence of intoxicating liquors or of drugs or for any felony; provided, that any such guaranteed arrest bond certificates so posted as bail bond in any court in this state shall be subject to the forfeiture and enforcement provisions with respect to bail bonds in criminal cases as otherwise provided by law or as hereafter may be provided by law, and that any such guaranteed arrest bond certificate posted as a bail bond in any municipal court of this state shall be subject to the forfeiture and enforcement provisions, if any, of the charter or ordinance of the particular municipality pertaining to bail bonds posted.

(d) The State Insurance Commissioner shall notify in writing the State Commissioner of Public Safety, each chief of municipal police department, each county sheriff of this state, the name of each surety, insurance company, trucking association, or association authorized to issue guaranteed arrest bond certificates, as provided in this act. The Insurance Commissioner shall also inform such officials of each additional organization which may thereafter become qualified to issue such certificates and in the event any such organization shall be disqualified from issuing such certificates, the Commissioner shall forthwith inform such officials of such disqualification, at least ten (10) days prior to such disqualification.

Amended by Laws 1987, c. 226, § 9, operative July 1, 1987.

§47-751. Implied consent to breath test, blood test or other test for determining presence or concentration of alcohol or other intoxicating substance.

A. 1. Any person who operates a motor vehicle upon the public roads, highways, streets, turnpikes or other public place or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings within this state shall be deemed to have given consent to a test or tests of such person's

blood or breath, for the purpose of determining the alcohol concentration as defined in Section 756 of this title, and such person's blood, saliva or urine for determining the presence or concentration of any other intoxicating substance therein as defined in this section, if arrested for any offense arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle upon the public roads, highways, streets, turnpikes or other public place or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings while under the influence of alcohol or other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, or if the person is involved in a traffic accident that resulted in the immediate death or serious injury of any person and is removed from the scene of the accident to a hospital or other health care facility outside the State of Oklahoma before a law enforcement officer can effect an arrest.

2. A law enforcement officer, having reasonable grounds to believe that such person was operating or in actual physical control of a motor vehicle while under the influence may direct the administration of or administer the test or tests.

As used in this title, the term "other intoxicating substance" shall mean any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act and any other substance, other than alcohol, which is capable of being ingested, inhaled, injected or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor functions.

B. The law enforcement agency by which the arresting officer is employed may designate, in accordance with the rules of the Board of Tests for Alcohol and Drug Influence, hereinafter referred to as the Board, whether blood or breath is to be tested for the alcohol concentration thereof, and whether blood, saliva or urine is to be tested for the presence or concentration of any other intoxicating substance therein.

In the event that law enforcement agency does not designate the test to be administered, breath shall be the substance tested for alcohol concentration. Blood may also be tested to determine the alcohol concentration thereof in the event that breath cannot be tested to determine the alcohol concentration thereof because of the lack of an approved device or qualified person to administer a breath test or because such breath test for any other reason cannot be administered in accordance with the rules of the Board.

In the event the law enforcement agency does not designate the test to be administered, blood, saliva or urine shall be the substance tested for the presence or concentration of any other

intoxicating substance or the combination of alcohol and any other intoxicating substance.

C. In the event the person is incapable of submitting to and successfully completing, by reason of illness or injury or other physical disability, the test to be administered, an alternate test may be administered in accordance with the rules of the Board.

D. Any person who is unconscious or otherwise incapable of refusing to submit to a test of such person's blood or breath to determine the alcohol concentration thereof, or to a test of such person's blood, saliva or urine to determine the presence or concentration of any other intoxicating substance therein, shall be deemed not to have withdrawn the consent provided by subsection A of this section, and such test may be administered as provided herein.

An unconscious person who has been issued a citation by a law enforcement officer for one of the offenses listed in subsection A of this section is arrested for purposes of this section. The arresting officer must leave a copy of the citation with the arrested person which may be accomplished by handing it to the arrested person, or by leaving it with the personal effects of the arrested party, so as to inform the unconscious person of the arrest.

Any person who has been arrested for one of the offenses listed in subsection A of this section who is unconscious or injured and who requires immediate medical treatment as determined by a treating physician may be released on the person's own recognizance for medical reasons by the arresting officer. The arresting officer who releases an arrested person on the person's own recognizance must indicate the release on the face of the citation. Any person released on his or her own recognizance for medical reasons shall remain at liberty pending the filing of charges.

E. In addition to any test designated by the arresting officer, the arrested person may also designate any additional test to be administered to determine the concentration of alcohol, or the presence or concentration of any other intoxicating substance or the combination of alcohol and any other intoxicating substance. The cost of such additional test shall be at the expense of the arrested person.

A sufficient quantity of any specimen obtained at the designation of the arrested person shall be available to the law enforcement agency employing the arresting officer. Such specimens shall be treated in accordance with the rules applicable to the specimens obtained by an arresting officer.

F. When a law enforcement officer has determined that the blood alcohol content of an individual is to be tested for the presence or concentration of alcohol, other intoxicating substance, or the combination of alcohol and any other intoxicating substance, the law enforcement officer shall inform the individual to be tested that the

withdrawal of blood shall only be performed by certain medical personnel as provided for in Section 752 of this title.

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

Added by Laws 1967, c. 86, § 1, eff. Jan. 1, 1969. Amended by Laws 1975, c. 119, § 1, emerg. eff. May 13, 1975; Laws 1982, c. 273, § 4, operative Oct. 1, 1982; Laws 1982, c. 294, § 2, operative July 1, 1982; Laws 1994, c. 387, § 6, eff. July 1, 1995; Laws 1995, c. 313, § 4, eff. July 1, 1995; Laws 1999, c. 106, § 6, emerg. eff. April 19, 1999; Laws 2002, c. 410, § 1, eff. Nov. 1, 2002; Laws 2004, c. 548, § 2, emerg. eff. June 9, 2004; Laws 2005, c. 1, § 58, emerg. eff. March 15, 2005; Laws 2005, c. 189, § 2, eff. Nov. 1, 2005; Laws 2006, c. 173, § 4, eff. July 1, 2006; Laws 2017, c. 392, § 10, eff. Nov. 1, 2017; Laws 2019, c. 400, § 12, eff. Nov. 1, 2019.

NOTE: Laws 2004, c. 418, § 20 repealed by Laws 2005, c. 1, § 59, emerg. eff. March 15, 2005.

§47-752. Administration of tests - Authorization - Liability - Laboratories - Independent analysis - Costs.

A. Only a licensed medical doctor, licensed osteopathic physician, licensed chiropractic physician, registered nurse, licensed practical nurse, physician's assistant, certified by the State Board of Medical Licensure and Supervision, an employee of a hospital or other health care facility authorized by the hospital or health care facility to withdraw blood, or other qualified person authorized by the Board of Tests for Alcohol and Drug Influence acting at the request of a law enforcement officer may withdraw blood for the purpose of having a determination made of its concentration of alcohol or the presence or concentration of other intoxicating substance. Only qualified persons authorized by the Board may collect breath, saliva or urine, or administer tests of breath under the provisions of this title.

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

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

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

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

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

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

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

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

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

choosing and approved by the Board for an independent analysis. Neither the tested person, nor any agent of such person, shall have access to the additional blood, saliva or urine specimen prior to the completion of the independent analysis, except the analyst performing the independent analysis and agents of the analyst.

F. When a test of breath is performed for the purpose of determining the alcohol concentration thereof, except when such test is performed by means of an automated analyzer as designated by the Board, a sufficient quantity of breath, or of the alcohol content of a fixed or measured quantity of breath, shall be obtained, in accordance with the rules and regulations of the Board, to enable the tested person, at his or her own option and expense, to have an independent analysis thereof, except the analyst performing the independent analysis and agents of the analyst.

G. The costs of collecting blood, breath, saliva or urine specimens for the purpose of determining the alcohol or other intoxicating substance thereof, by or at the direction of a law enforcement officer, shall be borne by the law enforcement agency employing such officer; provided, if the person is convicted for any offense involving the operation of a motor vehicle while under the influence of or while impaired by alcohol or an intoxicating substance, or both, as a direct result of the incident which caused the collection of blood, saliva or urine specimens, an amount equal to the costs shall become a part of the court costs of the person and shall be collected by the court and remitted to the law enforcement agency bearing the costs. The cost of collecting, retaining and sending or delivering to an independent laboratory the excess specimens of blood, breath, saliva or urine for independent analysis at the option of the tested person shall also be borne by such law enforcement agency. The cost of the independent analysis of such specimen of blood, breath, saliva or urine shall be borne by the tested person at whose option such analysis is performed. The tested person, or his or her agent, shall make all necessary arrangements for the performance of such independent analysis other than the forwarding or delivery of such specimen.

H. Tests of blood or breath for the purpose of determining the alcohol concentration thereof, and tests of blood, saliva or urine for the purpose of determining the presence or concentration of any other intoxicating substance therein, under the provisions of this title, whether administered by or at the direction of a law enforcement officer or administered independently, at the option of the tested person, on the excess specimen of such person's blood, breath, saliva or urine, to be considered valid and admissible in evidence under the provisions of this title, shall have been administered or performed in accordance with the rules and regulations of the Board, or performed by a laboratory that is exempt from the Board rules pursuant to Section 759 of this title.

I. Any person who has been arrested for any offense arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle while under the influence of alcohol, any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance who is not requested by a law enforcement officer to submit to a test shall be entitled to have an independent test of his or her blood, breath, saliva or urine which is appropriate as determined by the Board for the purpose of determining its alcohol concentration or the presence or concentration of any other intoxicating substance therein, performed by a person of his or her own choosing who is qualified as stipulated in this section. The arrested person shall bear the responsibility for making all necessary arrangements for the administration of such independent test and for the independent analysis of any specimens obtained, and bear all costs thereof. The failure or inability of the arrested person to obtain an independent test shall not preclude the admission of other competent evidence bearing upon the question of whether such person was under the influence of alcohol, or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance.

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

1. The tested person, or his or her attorney;
2. The Commissioner of Public Safety; and
3. The Fatality Analysis Reporting System (FARS) analyst of the state, upon request.

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

Added by Laws 1967, c. 86, § 2, eff. Jan. 1, 1969. Amended by Laws 1982, c. 273, § 5, operative Oct. 1, 1982; Laws 1982, c. 294, § 3, operative July 1, 1982; Laws 1986, c. 75, § 1, eff. Nov. 1, 1986; Laws 1987, c. 118, § 4, operative July 1, 1987; Laws 1989, c. 134, § 1, eff. Nov. 1, 1989; Laws 1990, c. 274, § 1, emerg. eff. May 25, 1990; Laws 1991, c. 87, § 1, emerg. eff. April 22, 1991; Laws 1992, c. 382, § 8, emerg. eff. June 9, 1992; Laws 2002, c. 410, § 2, eff. Nov. 1, 2002; Laws 2004, c. 418, § 21, eff. July 1, 2004; Laws 2005, c. 394, § 15, emerg. eff. June 6, 2005; Laws 2006, c. 173, § 5, eff. July 1, 2006; Laws 2009, c. 214, § 1, eff. Nov. 1, 2009; Laws 2011, c. 335, § 11; Laws 2017, c. 392, § 11, eff. Nov. 1, 2017; Laws 2019, c. 400, § 13, eff. Nov. 1, 2019.

§47-753. Refusal to submit to test.

A. If a conscious person under arrest refuses to submit to testing of his or her blood or breath for the purpose of determining the alcohol concentration thereof, or to a test of his or her blood, saliva or urine for the purpose of determining the presence or concentration of any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, none shall be given except upon the issuance of a search warrant or unless the investigating officer has probable cause to believe that the person under arrest, while intoxicated, has operated the motor vehicle in such a manner as to have caused the death or serious physical injury of any other person or persons. In such event, such test otherwise authorized by law may be made in the same manner as if a search warrant had been issued for such test or tests. The sample shall be taken in a medically acceptable manner as authorized by Section 752 of this title. The Commissioner of Public Safety, upon the receipt of a sworn report of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public roads, highways, streets, turnpikes or other public place of this state while under the influence of alcohol, any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, or that the person had refused to submit to the test or tests, shall revoke the license to drive and any nonresident operating privilege for a period provided by Section 6-205.1 of this title. If the person is a resident or nonresident without a license or permit to operate a motor vehicle in this state, the Commissioner of Public Safety shall deny to the person the issuance of a license or permit for a period provided by Section 6-205.1 of this title subject to a review as provided in Section 754 of this title. The revocation or denial shall become effective thirty (30) days after the arrested person is given written notice thereof by the officer or by the Department of Public Safety as provided in Section 754 of this title.

B. The Department shall immediately reinstate the driving privilege of the person if:

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

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

Added by Laws 1967, c. 86, § 3, eff. Jan. 1, 1969. Amended by Laws 1975, c. 119, § 2, emerg. eff. May 13, 1975; Laws 1982, c. 273, § 6, operative Oct. 1, 1982; Laws 1982, c. 294, § 4, operative July 1, 1982; Laws 1985, c. 118, § 1, eff. Nov. 1, 1985; Laws 1988, c. 242, §

10, eff. Nov. 1, 1988; Laws 1993, c. 238, § 6, emerg. eff. May 26, 1993; Laws 1999, c. 106, § 7, emerg. eff. April 19, 1999; Laws 2006, c. 173, § 6, eff. July 1, 2006; Laws 2015, c. 131, § 1, eff. Nov. 1, 2015; Laws 2017, c. 392, § 12, eff. Nov. 1, 2017; Laws 2019, c. 400, § 14, eff. Nov. 1, 2019.

§47-754. Seizure of license - Temporary driving privileges - Administrative revocation.

A. Any arrested person who is under twenty-one (21) years of age and has any measurable quantity of alcohol in the person's blood or breath, or any person twenty-one (21) years of age or older whose alcohol concentration is eight-hundredths (0.08) or more as shown by a breath test administered according to the provisions of this title, or any arrested person who has refused to submit to a breath or blood test, shall immediately surrender his or her driver license, permit or other evidence of driving privilege to the arresting law enforcement officer. The officer shall seize any driver license, permit, or other evidence of driving privilege surrendered by or found on the arrested person during a search.

B. If the evidence of driving privilege surrendered to or seized by the officer has not expired and otherwise appears valid, the officer shall issue to the arrested person a dated receipt for that driver license, permit, or other evidence of driving privilege on a form prescribed by the Department of Public Safety. This receipt shall be recognized as a driver license and shall authorize the arrested person to operate a motor vehicle for a period not to exceed thirty (30) days. The receipt form shall contain and constitute a notice of revocation of driving privilege by the Department effective in thirty (30) days. The evidence of driving privilege and a copy of the receipt form issued to the arrested person shall be attached to the sworn report of the officer and shall be submitted by mail or in person to the Department within seventy-two (72) hours of the issuance of the receipt. The failure of the officer to timely file this report shall not affect the authority of the Department to revoke the driving privilege of the arrested person.

C. Upon receipt of a written blood or breath test report reflecting that the arrested person, if under twenty-one (21) years of age, had any measurable quantity of alcohol in the blood or breath of the person, or, if the arrested person is twenty-one (21) years of age or older, a blood or breath alcohol concentration of eight-hundredths (0.08) or more, accompanied by a sworn report from a law enforcement officer that the officer had reasonable grounds to believe the arrested person had been operating or was in actual physical control of a motor vehicle while under the influence of alcohol as prohibited by law, the Department shall revoke or deny the driving privilege of the arrested person for a period as provided by Section 6-205.1 of this title, unless the person has successfully

completed or is currently participating in the Impaired Driver Accountability Program. Revocation or denial of the driving privilege of the arrested person shall become effective thirty (30) days after the arrested person is given written notice thereof by the officer as provided in this section or by the Department as provided in Section 2-116 of this title.

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

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

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

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

- a. the person refused to submit to the test or tests, and
- b. the person was informed that driving privileges would be revoked or denied if the person refused to submit to the test or tests.

E. After the hearing, the district court shall order the revocation or denial either rescinded or sustained.

Added by Laws 1967, c. 86, § 4, eff. Jan. 1, 1969. Amended by Laws 1975, c. 119, § 3, emerg. eff. May 13, 1975; Laws 1982, c. 273, § 7, operative Oct. 1, 1982; Laws 1982, c. 294, § 5, operative July 1, 1982; Laws 1986, c. 279, § 24, operative July 1, 1986; Laws 1988, c. 242, § 11, eff. Nov. 1, 1988; Laws 1993, c. 238, § 7, emerg. eff. May

26, 1993; Laws 1994, c. 387, § 7, eff. July 1, 1995; Laws 1995, c. 313, § 5, eff. July 1, 1995; Laws 1996, c. 309, § 7, eff. Nov. 1, 1996; Laws 1997, c. 2, § 9, emerg. eff. Feb. 26, 1997; Laws 1997, c. 227, § 1, emerg. eff. May 20, 1997; Laws 1999, c. 106, § 8, emerg. eff. April 19, 1999; Laws 2001, c. 437, § 24, eff. July 1, 2001; Laws 2004, c. 418, § 22, eff. July 1, 2004; Laws 2005, c. 394, § 16, emerg. eff. June 6, 2005; Laws 2017, c. 392, § 13, eff. Nov. 1, 2017; Laws 2019, c. 400, § 15, eff. Nov. 1, 2019.
NOTE: Laws 1996, c. 199, § 4 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997.

§47-754.1. Modification of revocation or denial if no other adequate means of transportation exists - Ignition interlock device - Rules.

A. Modification of a revocation or denial arising under the provisions of Section 6-205.1 of this title or under the provisions of Sections 751 through 754 or 761 of this title shall apply to Class D driver licenses only.

B. As a prerequisite and condition of any modification, the person shall be required to have installed an ignition interlock device approved by the Board of Tests for Alcohol and Drug Influence, at the person's own expense, upon any motor vehicle operated by the person. The Department shall require, as a condition of modification, the device to be installed upon any vehicle owned or leased, as reflected on the vehicle registration, by an employer of the person for use by the employer, except when the employer requests the ignition interlock device not be installed. The request shall be in writing and notarized on the official letterhead of the employer and provided by the person to the Department; provided, a request shall not be accepted by the Department under the following circumstances:

1. When the person is self-employed or owns part or all of the company or corporation, or exercises control over some part of the business which owns or leases the vehicle;

2. When the person is employed by a relative who either is within the first degree of consanguinity or who resides in the same household; or

3. When the person has had a prior revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or to Section 753 or 754 of this title.

The person shall comply with all provisions of law and rule regarding ignition interlock devices.

C. Upon the issuance of a modification order pursuant to this section, Section 17 of this act, or under the provisions of paragraph 1, 2, or 3 of subsection A or paragraph 1, 2, or 3 of subsection B of Section 6-205.1 of this title, for a violation of this title, the person shall pay a modification fee of One Hundred Seventy-five Dollars (\$175.00) to the Department. For each modification fee

collected pursuant to the provisions of this subsection, One Hundred Dollars (\$100.00) shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury and Seventy-five Dollars (\$75.00) shall be remitted to the State Treasurer to be credited to the Department of Public Safety Restricted Revolving Fund. All monies accruing to the credit of the Department of Public Safety Restricted Revolving Fund from modification fees shall be budgeted and expended solely for the purpose of administering the provisions of this section and Section 17 of this act.

D. The Board of Tests for Alcohol and Drug Influence shall promulgate such rules as are necessary to implement and administer the provisions of this subsection relating to ignition interlock devices and the providers of such devices.

Added by Laws 1985, c. 229, § 1, emerg. eff. July 8, 1985. Amended by Laws 1985, c. 338, § 10, eff. Nov. 1, 1985; Laws 1986, c. 279, § 25, operative July 1, 1986; Laws 1987, c. 5, § 162, emerg. eff. March 11, 1987; Laws 1988, c. 242, § 12, eff. Nov. 1, 1988; Laws 1993, c. 314, § 3, emerg. eff. June 7, 1993; Laws 1995, c. 313, § 6, eff. July 1, 1995; Laws 1996, c. 309, § 8, eff. Nov. 1, 1996; Laws 1997, c. 420, § 6, emerg. eff. June 13, 1997; Laws 1999, c. 106, § 9, emerg. eff. April 19, 1999; Laws 2004, c. 418, § 23, eff. July 1, 2004; Laws 2005, c. 1, § 60, eff. Sept. 1, 2005; Laws 2005, c. 394, § 17, eff. Sept. 1, 2005; Laws 2009, c. 388, § 4, eff. Nov. 1, 2009; Laws 2010, c. 345, § 3, eff. Nov. 1, 2010; Laws 2012, c. 283, § 14, eff. July 1, 2012; Laws 2013, c. 393, § 4, eff. Oct. 1, 2013; Laws 2017, c. 392, § 14, eff. Nov. 1, 2017; Laws 2019, c. 400, § 16, eff. Nov. 1, 2019. NOTE: Laws 2004, c. 390, § 16 repealed by Laws 2005, c. 1, § 61, eff. Sept. 1, 2005.

§47-754.2. District court order to modify a revocation or denial.

The district court shall modify, upon request, the revocation or denial occurring pursuant to Section 753 or 754 of Title 47 of the Oklahoma Statutes. The district court shall enter a written order directing the Department of Public Safety to allow driving, subject to the limitations of Section 6-205.1 of Title 47 of the Oklahoma Statutes and the requirement of an ignition interlock device as provided in Section 754.1 of Title 47 of the Oklahoma Statutes; provided, any modification under this paragraph shall apply to Class D driver licenses only.

Added by Laws 2019, c. 400, § 17, eff. Nov. 1, 2019.

§47-755. Repealed by Laws 2017, c. 392, § 16, eff. Nov. 1, 2017.

§47-756. Admission of evidence shown by tests.

A. Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while

driving or in actual physical control of a motor vehicle while under the influence of alcohol or any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, evidence of the alcohol concentration in the blood or breath of the person as shown by analysis of the blood or breath of the person performed in accordance with the provisions of Sections 752 and 759 of this title or evidence of the presence or concentration of any other intoxicating substance as shown by analysis of such person's blood, breath, saliva, or urine specimens in accordance with the provisions of Sections 752 and 759 of this title is admissible. Evidence that the person has refused to submit to a test or tests is also admissible. For the purpose of this title, when the person is under the age of twenty-one (21) years, evidence that there was, at the time of the test, any measurable quantity of alcohol is prima facie evidence that the person is under the influence of alcohol in violation of Section 11-906.4 of this title. For persons twenty-one years of age or older:

1. Evidence that there was, at the time of the test, an alcohol concentration of five-hundredths (0.05) or less is prima facie evidence that the person was not under the influence of alcohol;

2. Evidence that there was, at the time of the test, an alcohol concentration in excess of five-hundredths (0.05) but less than eight-hundredths (0.08) is relevant evidence that the person's ability to operate a motor vehicle was impaired by alcohol. However, no person shall be convicted of the offense of operating or being in actual physical control of a motor vehicle while such person's ability to operate such vehicle was impaired by alcohol solely because there was, at the time of the test, an alcohol concentration in excess of five-hundredths (0.05) but less than eight-hundredths (0.08) in the blood or breath of the person in the absence of additional evidence that such person's ability to operate such vehicle was affected by alcohol to the extent that the public health and safety was threatened or that the person had violated a state statute or local ordinance in the operation of a motor vehicle; and

3. Evidence that there was, at the time of the test, an alcohol concentration of eight-hundredths (0.08) or more shall be admitted as prima facie evidence that the person was under the influence of alcohol.

B. For purposes of this title, "alcohol concentration" means grams of alcohol per one hundred (100) milliliters of blood if the blood was tested, or grams of alcohol per two hundred ten (210) liters of breath if the breath was tested.

C. To be admissible in a proceeding, the evidence must first be qualified by establishing that the test was administered to the person within two (2) hours after the arrest of the person.

D. Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while

driving or in actual physical control of a motor vehicle while under the influence of alcohol, the following may be considered as evidence that the test of the breath of the person was validly administered in accordance with the rules of the Board of Tests for Alcohol and Drug Influence:

1. A report, test result or other documentation indicating the test was performed by an operator holding a permit issued by the Board of Tests for Alcohol and Drug Influence;

2. A report, test result or other documentation indicating the test was performed after the installation of a dry gas cylinder by the Board of Tests for Alcohol and Drug Influence and before the expiration date of the cylinder;

3. A report, test result or other documentation reflecting the results of two breath samples within 0.03g/210L of each other; or

4. A report, test result or other documentation reflecting a control test within 0.01g/210L of the target value of the control.

E. Results of the test of a the breath or blood of the person, if admissible, shall be admitted without reference to measurement uncertainty.

F. 1. At any hearing, documents retained by the Board of Tests of Alcohol and Drug Influence to reflect maintenance on an instrument maintained by the Board for the measurement of alcohol concentration in a person's breath, which have been made available to the accused by the office of the district attorney at least ten (10) days prior to the hearing, when certified as correct by the persons making the report shall be received as evidence of the facts and findings stated, if relevant and otherwise admissible in evidence. If a report is deemed relevant by the state or the accused, the court shall admit the report without the testimony of the person making the report, unless the court, pursuant to paragraph 2 of this subsection, orders the person making the report to appear.

2. The court, upon motion of the state or the accused at least five (5) days prior to the hearing, shall order the attendance of the person making a report intended to be submitted as evidence, pursuant to paragraph 1 of this subsection, when it appears there is a substantial likelihood that material evidence not contained in such report may be produced by the testimony of the person having prepared the report.

Added by Laws 1967, c. 86, § 6, eff. Jan. 1, 1969. Amended by Laws 1972, c. 192, § 1; Laws 1982, c. 294, § 6, operative July 1, 1982; Laws 1984, c. 217, § 1, eff. Nov. 1, 1984; Laws 1994, c. 387, § 8, eff. July 1, 1995; Laws 1995, c. 313, § 8, eff. July 1, 1995; Laws 1996, c. 309, § 10, eff. Nov. 1, 1996; Laws 2000, 1st Ex. Sess., c. 8, § 21, eff. July 1, 2000; Laws 2001, c. 437, § 25, eff. July 1, 2001; Laws 2006, c. 173, § 7, eff. July 1, 2006; Laws 2017, c. 392, § 15, eff. Nov. 1, 2017.

§47-757. Other competent evidence - Admissibility.

The provisions of Sections 751 through 761 of this title do not limit the introduction of any other competent evidence bearing on the question of whether the person was under the influence of alcohol or any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance.

Amended by Laws 1982, c. 294, § 7, operative July 1, 1982.

§47-758. Repealed by Laws 2000, c. 189, § 14, eff. July 1, 2000.

§47-759. Board of Tests for Alcohol and Drug Influence - Powers and duties - Revolving fund.

A. There is hereby re-created, to continue until July 1, 2022, in accordance with the provisions of the Oklahoma Sunset Law, the Board of Tests for Alcohol and Drug Influence to be composed of the following members beginning July 1, 2015:

1. The Dean of the Oklahoma State University College of Osteopathic Medicine, or a designee;

2. The Dean of the University of Oklahoma College of Medicine, or a designee;

3. The Commissioner of Public Safety, or a designee;

4. The Director of the Oklahoma State Bureau of Investigation, or a designee;

5. The State Commissioner of Health, or a designee;

6. The Director of the Council on Law Enforcement Education and Training, or a designee;

7. One certified peace officer who is a member of a local law enforcement agency selected by the Oklahoma Sheriffs and Peace Officers Association; and

8. One person selected by the Oklahoma Association of Chiefs of Police.

Members shall serve without pay other than reimbursement of necessary and actual expenses as provided in the State Travel Reimbursement Act. Each member shall receive an appointment in writing which shall become a permanent part of the records of the Board. The chair and vice-chair shall be elected from the membership of the Board every two (2) years. The Board is authorized to appoint a State Director of Tests for Alcohol and Drug Influence and other employees, including, but not limited to, persons to conduct training and provide administrative assistance as necessary for the performance of its functions, subject to available funding and authorized full-time equivalent employee limitations. The Board may expend appropriated funds for purposes consistent with Sections 751 through 761 of this title and Sections 301 through 308 of Title 3 of the Oklahoma Statutes. The Legislature shall appropriate funds to the Department of Public Safety for the support of the Board of Tests For Alcohol and Drug Influence and its employees, if any. Upon the transfer of

any employees from the Alcohol Drug Countermeasures Unit of the Department of Public Safety to the Board of Tests For Alcohol and Drug Influence on July 1, 2003, all funds of the Unit appropriated and budgeted shall be transferred to the Board, and may be budgeted and expended to support the functions and personnel of the Board.

B. Collection and analysis of a person's blood, breath, saliva or urine, to be considered valid and admissible in evidence, whether performed by or at the direction of a law enforcement officer or at the request of the tested person, shall have been performed in compliance with the rules adopted by the Board of Tests for Alcohol and Drug Influence and by an individual possessing a valid permit issued by the Board for this purpose or shall have been performed by a laboratory accredited in Toxicology by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) or accredited by the American Board of Forensic Toxicology (ABFT).

C. The Board of Tests for Alcohol and Drug Influence is authorized to approve laboratories for the analysis, provided by the provisions of this title, of specimens of blood, breath, saliva and urine, and to administer a program for regular monitoring of such laboratories. The Board is authorized to prescribe uniform standards and conditions for, and to approve satisfactory methods, procedures, techniques, devices, equipment and records for tests and analyses and to prescribe and approve the requisite education and training for the performance of such tests and analyses. The Board shall establish standards for and ascertain the qualifications and competence of individuals to administer and conduct such tests and analyses, and to issue permits to laboratories and to individuals which shall be subject to suspension or revocation at the discretion of the Board. The Board is authorized to prescribe uniform standards, conditions, methods, procedures, techniques, devices, equipment and records for the collection, handling, retention, storage, preservation and delivery of specimens of blood, breath, saliva and urine obtained for the purpose of determining the alcohol concentration thereof or the presence or concentration of any other intoxicating substance therein. The Board may take such other actions as may be reasonably necessary or appropriate to effectuate the purposes of Sections 751 through 761 of this title and Sections 301 through 308 of Title 3 of the Oklahoma Statutes, and may adopt, amend and repeal such other rules consistent with this chapter as the Board shall determine proper. Laboratories accredited in Toxicology by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) or accredited by the American Board of Forensic Toxicology (ABFT) are exempt from the provisions of this subsection.

D. The Board shall promulgate rules adopting uniform standards and conditions and rules approving devices, equipment, methods, procedures, techniques, and records for screening tests administered for the purpose of determining the presence or concentration of

alcohol or any other intoxicating substance in a person's blood, breath, saliva or urine. Such screening tests shall be performed in compliance with the rules adopted by the Board of Tests for Alcohol and Drug Influence.

E. The Board may set rules and charge appropriate fees for operations incidental to its required duties and responsibilities.

F. There is hereby created in the State Treasury a revolving fund for the Board of Tests for Alcohol and Drug Influence to be designated the "Board of Tests for Alcohol and Drug Influence Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies received pursuant to the provisions of subsection E of this section and any funds previously deposited in the Board of Tests for Alcohol and Drug Influence Revolving Fund. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Board of Tests for Alcohol and Drug Influence for operating expenses of the Board. Expenditures from the funds shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1967, c. 86, § 9, eff. Jan. 1, 1969. Amended by Laws 1969, c. 244, § 1, emerg. eff. April 21, 1969; Laws 1978, c. 282, § 1, emerg. eff. May 10, 1978; Laws 1982, c. 294, § 8, operative July 1, 1982; Laws 1988, c. 225, § 6; Laws 1991, c. 248, § 9, eff. Sept. 1, 1991; Laws 1994, c. 107, § 1, eff. July 1, 1994; Laws 2000, c. 90, § 1; Laws 2003, c. 461, § 12, eff. July 1, 2003; Laws 2004, c. 129, § 1, eff. Nov. 1, 2004; Laws 2004, c. 418, § 24, eff. July 1, 2004; Laws 2006, c. 55, § 1; Laws 2006, c. 173, § 8, eff. July 1, 2006; Laws 2012, c. 304, § 181; Laws 2013, c. 15, § 32, emerg. eff. April 8, 2013; Laws 2015, c. 125, § 1, eff. July 1, 2015.

NOTE: Laws 2012, c. 61, § 1 repealed by Laws 2013, c. 15, § 33, emerg. eff. April 8, 2013.

§47-759.1. Abolition of Alcohol Drug Countermeasures Unit - Transfer of powers, duties, and responsibilities.

A. Notwithstanding any other provision of law, effective July 1, 2003, the Alcohol Drug Countermeasures Unit of the Department of Public Safety is hereby abolished. The powers, duties, and responsibilities exercised by the Unit listed in this section pursuant to law shall be transferred to the Board of Tests for Alcohol and Drug Influence. All records, property, matters pending, obligations and funds of the Unit shall be transferred to the Board of Tests for Alcohol and Drug Influence pursuant to the provisions of this section.

B. The employees of the Alcohol Drug Countermeasures Unit of the Department of Public Safety whose duties are transferred pursuant to this section shall be transferred to the Board of Tests for Alcohol

and Drug Influence or may accept another position with the Department of Public Safety. Employees transferred pursuant to this section shall not be required to accept a lesser grade or salary than entitled to on the effective date of the transfer. No entrance exam shall be required for any employee transferred pursuant to this section. All employees transferred shall retain sick and annual time accrued and any retirement benefits which have accrued during their tenure with the Department of Public Safety. The transfer of employees pursuant to this section between agencies shall be coordinated with the Office of Personnel Management.
Added by Laws 2003, c. 461, § 9, eff. July 1, 2003.

§47-761. Operation of motor vehicle while impaired - Penalties - Suspensions - Violations not bondable.

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

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

1. The first suspension shall be for thirty (30) days;
2. The second suspension shall be for a period of six (6) months, which may be modified; provided, any modification under this paragraph shall apply to Class D motor vehicles only; and
3. The third or subsequent suspension shall be for twelve (12) months, which may be modified; provided, any modification under this paragraph shall apply to Class D motor vehicles only.

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

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

D. Any person who is found guilty of a violation of the provisions of this section or pleading guilty or nolo contendere for a violation of any provision of this section shall be ordered to participate in, prior to sentencing, an alcohol and drug assessment and evaluation by an assessment agency or assessment personnel

certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the receptivity to treatment and prognosis of the person. The court shall order the person to reimburse the agency or assessor for the assessment and evaluation. The fee for an assessment and evaluation shall be the amount provided in subsection C of Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation shall be conducted at a certified assessment agency, the office of a certified assessor or at another location as ordered by the court. The agency or assessor shall, within seventy-two (72) hours from the time the person is assessed, submit a written report to the court for the purpose of assisting the court in its final sentencing determination. If such report indicates that the evaluation shows that the defendant would benefit from a ten-hour or twenty-four-hour alcohol and drug substance abuse course or a treatment program or both, the court shall, as a condition of any sentence imposed, including a deferred sentence and a suspended sentence, require the person to follow all recommendations identified by the assessment and evaluation and ordered by the court. No person, agency or facility operating an alcohol and drug substance abuse evaluation program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated pursuant to this section for any treatment program or alcohol and drug substance abuse service in which such person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or alcohol and drug substance abuse service offered by such person, agency or facility. Any evaluation report submitted to the court pursuant to this subsection shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence and any other sanction authorized by law for failure or refusal to comply with an order of the court.

Added by Laws 1972, c. 192, § 2. Amended by Laws 1975, c. 119, § 5, emerg. eff. May 13, 1975; Laws 1978, c. 109, § 1; Laws 1987, c. 224, § 16, eff. Nov. 1, 1987; Laws 1992, c. 217, § 17, eff. July 1, 1992; Laws 1994, c. 387, § 9, eff. July 1, 1995; Laws 1995, c. 1, § 18, emerg. eff. March 2, 1995; Laws 1999, c. 395, § 2, eff. Nov. 1, 1999; Laws 2003, c. 178, § 4, eff. July 1, 2003; Laws 2010, c. 345, § 4, eff. Nov. 1, 2010.

NOTE: Laws 1994, c. 308, § 4 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995.

§47-762. Repealed by Laws 1995, c. 313, § 10, eff. July 1, 1995.

§47-781. Enactment - Text.

The Driver License Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

DIVER LICENSE COMPACT

ARTICLE 1. FINDINGS AND DECLARATION OF POLICY

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II. DEFINITIONS

As used in this Compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of a bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III. REPORTS OF CONVICTION

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code,

or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

ARTICLE IV. EFFECT OF CONVICTION

(a) The licensing authority in the home state, for the purpose of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this Compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this article, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature, and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article.

ARTICLE V. APPLICATIONS FOR NEW LICENSES

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one (1) year from the date the license was revoked, such person may make application for a new license if permitted by law. The

licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI. APPLICABILITY OF OTHER LAWS

Except as expressly required by provisions of this Compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

ARTICLE VII. COMPACT ADMINISTRATOR AND INTERCHANGE OF INFORMATION

(a) The head of the licensing authority of each party state shall be the administrator of this Compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this Compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this Compact.

ARTICLE VIII. ENTRY INTO FORCE AND WITHDRAWAL

(a) This Compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six (6) months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all the party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the Compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the Constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any state party thereto, the Compact shall remain in full force

and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.
Added by Laws 1967, c. 162, § 1, eff. July 1, 1967.

§47-782. Licensing authority.

As used in the Compact, the term "licensing authority" with reference to this state, shall mean the Department of Public Safety. Said Department of Public Safety shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV and V of the Compact.

Laws 1967, c. 162, § 2, eff. July 1, 1967.

§47-783. Compensation and expenses of administrator.

The Compact administrator provided for in Article VII of the Compact shall not be entitled to any additional compensation on account of his service as such administrator, but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office of employment.

Laws 1967, c. 162, § 3, eff. July 1, 1967.

§47-784. Executive head.

As used in the Compact, with reference to this state, the term "executive head" shall mean the Governor.

Laws 1967, c. 162, § 4, eff. July 1, 1967.

§47-785. Reports to Department of Public Safety.

Any court or other agency of this state, or a subdivision thereof, which has jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive, shall report any such action and the adjudication upon which it is based to the Department of Public Safety within ten (10) days on forms furnished by said Department.

Added by Laws 1967, c. 162, § 5, eff. July 1, 1967.

§47-786. Enforcement of Article IV.

The Department of Public Safety shall enforce the provisions of Article IV of this Compact under authority granted by 47 O.S.1961, Sections 6-202, 6-203, 6-205 and 6-206.

Laws 1967, c. 162, § 6, eff. July 1, 1967.

§47-787. Review of act or omission.

Any act or omission of any official or employee of this state done or omitted pursuant to, or in enforcing, the provisions of the Driver License Compact shall be subject to review in the district

court of Oklahoma County, but any review of the validity of any conviction reported pursuant to the compact shall be limited to establishing the identity of the person so convicted.
Laws 1967, c. 162, § 7, eff. July 1, 1967.

§47-789. Short title.

This act may be known and may be cited as the "Nonresident Violator Compact".

Added by Laws 1985, c. 70, § 1, eff. Jan. 1, 1986.

§47-790. Nonresident Violator Compact.

The Nonresident Violator Compact, hereinafter called "the compact", is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

ARTICLE I. FINDINGS, DECLARATION OF POLICY AND PURPOSE

A. The party jurisdictions find that:

1. In most instances, a motorist who is cited for a traffic violation in a jurisdiction other than his home jurisdiction:

- a. must post collateral or bond to secure appearance for trial at a later date; or
- b. if unable to post collateral or bond, is taken into custody until the collateral or bond is posted; or
- c. is taken directly to court for his trial to be held.

2. In some instances, the motorist's driver's license may be deposited as collateral to be returned after he has complied with the terms of the citation.

3. The purpose of the practices described in paragraphs 1 and 2 is to ensure compliance with the terms of a traffic citation by the motorist who, if permitted to continue on his way after receiving the traffic citation, could return to his home jurisdiction and disregard his duty under the terms of the traffic citation.

4. A motorist receiving a traffic citation in his home jurisdiction is permitted, except for certain violations, to accept the citation from the officer at the scene of the violation and to immediately continue on his way after promising or being instructed to comply with the terms of the citation.

5. The practice described in paragraph 1 causes unnecessary inconvenience and, at times, a hardship for the motorist who is unable at the time to post collateral, furnish a bond, stand trial, or pay the fine, and thus is compelled to remain in custody until some arrangement can be made.

6. The deposit of a driver's license as a bail bond, as described in paragraph 2, is viewed with disfavor.

7. The practices described herein consume an undue amount of law enforcement time.

B. It is the policy of the party jurisdictions to:

1. Seek compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles in each of the jurisdictions.

2. Allow motorists to accept a traffic citation for certain violations and proceed on their way without delay whether or not the motorist is a resident of the jurisdiction in which the citation was issued.

3. Extend cooperation to its fullest extent among the jurisdictions for obtaining compliance with the terms of a traffic citation issued in one jurisdiction to a resident of another jurisdiction.

4. Maximize effective utilization of law enforcement personnel and assist court systems in the efficient disposition of traffic violations.

C. The purpose of this compact is to:

1. Provide a means through which the party jurisdictions may participate in a reciprocal program to effectuate the policies enumerated, in paragraph B, in a uniform and orderly manner.

2. Provide for the fair and impartial treatment of traffic violators operating within party jurisdictions in recognition of the motorist's right of due process and the sovereign status of a party jurisdiction.

ARTICLE II. DEFINITIONS

A. In the Nonresident Violator Compact, the following words have the meaning indicated, unless the context requires otherwise.

B. 1. "Citation" means any summons, ticket, or other official document issued by a police officer for a traffic violation containing an order which requires the motorist to respond.

2. "Collateral" means any cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation.

3. "Court" means a court of law or traffic tribunal.

4. "Driver's license" means any license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.

5. "Home jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator.

6. "Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist.

7. "Jurisdiction" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

8. "Motorist" means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction.

9. "Personal recognizance" means an agreement by a motorist made at the time of issuance of the traffic citation that he will comply with the terms of that traffic citation.

10. "Police officer" means any individual authorized by the party jurisdiction to issue a citation for a traffic violation.

11. "Terms of the citation" means those options expressly stated upon the citation.

ARTICLE III. PROCEDURE FOR ISSUING JURISDICTION

A. When issuing a citation for a traffic violation, a police officer shall issue the citation to a motorist who possesses a driver's license issued by a party jurisdiction and shall not, subject to the exceptions noted in paragraph B of this article, require the motorist to post collateral to secure appearance, if the officer receives the motorist's personal recognizance that he or she will comply with the terms of the citation.

B. Personal recognizance is acceptable only if not prohibited by law. If mandatory appearance is required, it must take place immediately following issuance of the citation.

C. Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued. The report shall be made in accordance with procedures specified by the issuing jurisdiction and shall contain information as specified in the Compact Manual as minimum requirements for effective processing by the home jurisdiction.

D. Upon receipt of the report, the licensing authority of the issuing jurisdiction shall transmit to the licensing authority in the home jurisdiction of the motorist the information in a form and content as contained in the Compact Manual.

E. The licensing authority of the issuing jurisdiction may not suspend the privilege of a motorist for whom a report has been transmitted.

F. The licensing authority of the issuing jurisdiction shall not transmit a report on any violation if the date of transmission is more than six months after the date on which the traffic citation was issued.

G. The licensing authority of the issuing jurisdiction shall not transmit a report on any violation where the date of issuance of the citation predates the most recent of the effective dates of entry for the two jurisdictions affected.

ARTICLE IV. PROCEDURE FOR HOME JURISDICTION

A. Upon receipt of a report of a failure to comply from the licensing authority of the issuing jurisdiction, the licensing authority of the home jurisdiction shall notify the motorist and initiate a suspension action, in accordance with the home jurisdiction's procedures, to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority.

B. The licensing authority of the home jurisdiction shall maintain a record of actions taken and make reports to issuing jurisdictions as provided in the Compact Manual.

ARTICLE V. APPLICABILITY OF OTHER LAWS

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party jurisdiction to apply any of its other laws relating to licenses to drive to any person or circumstance, or to invalidate or prevent any driver license agreement or other cooperative arrangement between a party jurisdiction and a nonparty jurisdiction.

ARTICLE VI. COMPACT ADMINISTRATOR PROCEDURES

A. For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a Board of Compact Administrators is established. The board shall be composed of one representative from each party jurisdiction to be known as the compact administrator. The compact administrator shall be appointed by the jurisdiction executive and will serve and be subject to removal in accordance with the laws of the jurisdiction he represents. A compact administrator may provide for the discharge of his duties and the performance of his functions as a board member by an alternate. An alternate may not be entitled to serve unless written notification of his identity has been given to the board.

B. Each member of the Board of Compact Administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of votes on the board are cast in favor. Action by the board shall be only at a meeting at which a majority of the party jurisdictions are represented.

C. The board shall elect annually, from its membership, a chairman and a vice-chairman.

D. The board shall adopt bylaws, not inconsistent with the provisions of this compact or the laws of a party jurisdiction, for the conduct of its business and shall have the power to amend and rescind its bylaws.

E. The board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any jurisdiction, the United States, or any other governmental agency, and may receive, utilize and dispose of the same.

F. The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, person, firm or corporation, or any private nonprofit organization or institution.

G. The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions

of this compact. All procedures and forms adopted pursuant to board action shall be contained in the Compact Manual.

ARTICLE VII. ENTRY INTO COMPACT AND WITHDRAWAL

A. This compact shall become effective when it has been adopted by at least two jurisdictions.

B. 1. Entry into the compact shall be made by a Resolution of Ratification executed by the authorized officials of the applying jurisdiction and submitted to the chairman of the board.

2. The resolution shall be in a form and content as provided in the Compact Manual and shall include statements that in substance are as follows:

a. a citation of the authority by which the jurisdiction is empowered to become a party to this compact.

b. agreement to comply with the terms and provisions of the compact.

c. that compact entry is with all jurisdictions then party to the compact and with any jurisdiction that legally becomes a party to the compact.

3. The effective date of entry shall be specified by the applying jurisdiction, but it shall not be less than sixty (60) days after notice has been given, by the chairman of the Board of Compact Administrators or by the secretariat of the board to each party jurisdiction that the resolution from the applying jurisdiction has been received.

C. A party jurisdiction may withdraw from this compact by official written notice to the other party jurisdictions, but a withdrawal shall not take effect until ninety (90) days after notice of withdrawal is given. The notice shall be directed to the compact administrator of each member jurisdiction. No withdrawal shall affect the validity of this compact as to the remaining party jurisdictions.

ARTICLE VIII. EXCEPTIONS

The provisions of this compact shall not apply to parking or standing violations, highway weight limit violations, and violations of law governing the transportation of hazardous materials.

ARTICLE IX. AMENDMENTS TO THE COMPACT

A. This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the Board of Compact Administrators and may be initiated by one or more party jurisdictions.

B. Adoption of an amendment shall require endorsement of all party jurisdictions and shall become effective thirty (30) days after the date of the last endorsement.

C. Failure of a party jurisdiction to respond to the compact chairman within one hundred twenty (120) days after receipt of the proposed amendment shall constitute endorsement.

ARTICLE X. CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party jurisdiction or of the United States or the applicability thereof to any government, agency, person or circumstance the compact shall not be affected thereby. If this compact shall be held contrary to the constitution of any jurisdiction party thereto, the compact shall remain in full force and effect as to the remaining jurisdictions and in full force and effect as to the jurisdiction affected as to all severable matters.

Added by Laws 1985, c. 70, § 2, eff. Jan. 1, 1986.

§47-801. Definitions.

As used in Section 801 et seq. of this title:

(A) "Commercial driver training school" or "school" means a business enterprise conducted by an individual, association, partnership, or corporation, for the education and training of persons, either practically or theoretically, or both, to operate or drive motor vehicles and/or to prepare an applicant for an examination given by the state for a driver license including a restricted Class D license for persons fifteen and one-half (15 1/2) years old as defined in Section 6-105 of this title, and charging a consideration or tuition for such services.

(B) "Instructor" means any person, whether acting for himself as operator of a commercial driver training school or for any such school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of persons learning to operate or drive motor vehicles or preparing to take an examination for a driver license including a restricted Class D license for persons fifteen and one-half (15 1/2) years old as defined in Section 6-105 of this title, and any person who supervises the work of any other such instructor.

(C) "Commissioner" means the Commissioner of Public Safety.

Added by Laws 1967, c. 167, § 1. Amended by Laws 1993, c. 314, § 5, emerg. eff. June 7, 1993; Laws 1995, c. 23, § 16, eff. Nov. 1, 1995.

§47-802. Administration and enforcement - Human trafficking information and course of study.

A. The Commissioner shall adopt and prescribe such regulations concerning the administration and enforcement of Section 801 et seq. of this title as are necessary to carry out the intent of this act and to protect the public. The Commissioner or his authorized representative shall inspect the school facilities and equipment of applicants and licensees and examine applicants for instructor's licenses.

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

C. 1. The Commissioner may require that the course of study for training students for Class A, B or C commercial licenses shall include training on the recognition, prevention and reporting of human trafficking. If required, the Commissioner shall regularly review and update the training to take into account changes and trends in human trafficking. The Commissioner shall collaborate with organizations that specialize in the recognition and prevention of human trafficking.

2. The Commissioner may identify and establish industry specific materials for use in the instruction required on the recognition, prevention and effective reporting of human trafficking by people training to obtain a Class A, B or C commercial license.

Added by Laws 1967, c. 167, § 2. Amended by Laws 2018, c. 48, § 1, eff. Nov. 1, 2018; Laws 2019, c. 279, § 1, eff. Nov. 1, 2019.

§47-803. School license.

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

(B) Regulations adopted by the Commissioner shall state the requirements for a school license, including requirements concerning location, equipment, courses of instruction, instructors, previous records of the school and instructors, financial statements, schedule of fees and charges, character and reputation of the operators and instructors, insurance in such sum and with such provisions as the Commissioner deems necessary to protect adequately the interests of the public, and such other matters as the Commissioner may prescribe for the protection of the public.

(C) Every school offering instruction for a restricted Class D license for persons fifteen and one-half (15 1/2) years old as defined in Section 6-105 of this title must provide for a minimum number of hours of actual classroom and field driving instruction as determined by the Commissioner.

Laws 1967, c. 167, § 3; Laws 1993, c. 314, § 6, emerg. eff. June 7, 1993.

§47-804. Instructor's license.

A. No person shall act as an instructor unless such person applies for and obtains from the Commissioner of Public Safety a license in the manner and form prescribed by the Commissioner.

B. Rules promulgated by the Commissioner shall state the requirements for an instructor's license, including requirements concerning moral character, physical condition, knowledge of the courses of instruction, motor vehicle laws and safety principles and practices, previous personnel and employment records, and such other matters as the Commissioner may prescribe for the protection of the public.

Added by Laws 1967, c. 167, § 4. Amended by Laws 1995, c. 320, § 4, eff. July 1, 1995; Laws 1997, c. 201, § 4, eff. Nov. 1, 1997; Laws 2001, c. 131, § 10, eff. July 1, 2001.

§47-805. License fees.

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

Amended by Laws 1983, c. 286, § 28, operative July 1, 1983; Laws 1987, c. 5, § 163, emerg. eff. March 11, 1987.

§47-806. Suspension or revocation of license.

The Commissioner may cancel, suspend, revoke, or refuse to issue or renew a school or instructor's license in any case where he finds the licensee or applicant has not complied with, or has violated, any of the provisions of this Act or any regulation adopted by the Commissioner hereunder. Any canceled, suspended or revoked license shall be returned to the Commissioner by the licensee, and its holder shall not be eligible to apply for a license under this act until three (3) months have elapsed since the date of suspension or revocation.

Added by Laws 1967, c. 167, § 6.

§47-807. Persons and schools exempt.

The provisions of this act shall not apply to any person giving driver training lessons without charge, to employers maintaining driver training schools without charge for their employees only, or to schools or classes conducted by colleges, universities and high schools for regularly enrolled, full-time students as a part of the normal program for such institutions.

Laws 1967, c. 167, § 7.

§47-808. Penalties.

Violation of any provision of this act or any regulation promulgated pursuant hereto, shall constitute a misdemeanor, and any person, firm, or corporation, upon conviction therefor, shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or imprisonment for not more than thirty (30) days in the county jail, or by both such fine and imprisonment.
Laws 1967, c. 167, § 8.

§47-851. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-852. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-853. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-854. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-854.1. Renumbered as § 2-143 of this title by Laws 2001, c. 435, § 15, eff. July 1, 2001.

NOTE: Renumbering by Laws 2001, c. 435, § 15 was editorially renumbered from § 2-142 of this title to avoid duplication in numbering.

§47-855. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-855.1. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001 and by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

NOTE: Laws 2001, c. 153, § 9 repealed this section without reference to amendment by Laws 2001, c. 33, § 38, eff. July 1, 2001, which reads as follows:

§47-855.1. Official inspectors - License - Revocation or suspension.

A. 1. The Commissioner of Public Safety shall designate official inspectors and shall issue licenses for and furnish instructions and all necessary forms to said official inspectors for the inspection of vehicles and the issuance of official certificates of inspection or rejection.

2. Application for a license as an official inspector shall be made upon an official form and shall be granted only when the Commissioner of Public Safety, after appropriate training, examination and investigation, is satisfied that the applicant is eligible in accordance with the requirements as prescribed by the Commissioner to make such inspections. The Commissioner shall prescribe by rule the training requirements for all official inspectors, and the applicant shall complete all training requirements, including any subsequent additional training requirements which the Commissioner deems necessary for licensed official inspectors.

3. The Commissioner and the Oklahoma Department of Career and Technology Education may enter into an interlocal agreement to carry out the requirements of this subsection.

B. Any employee of a station, facility or conversion center which converts motor vehicles to have the capability of being fueled by alternative fuels, as defined by Section 130.2 of Title 74 of the Oklahoma Statutes, may be authorized by the Commissioner to perform inspections as provided in Chapter 70 of this title. Subject to the application requirements specified in this section, the Commissioner of Public Safety shall issue an official inspector license to any such person who qualifies for a license as an official inspector.

C. The Commissioner of Public Safety shall properly supervise and cause inspections to be made of the performance of persons licensed under this section and shall suspend or revoke and require the surrender of the license issued to the person who is not properly conducting inspections.

D. No license shall be revoked or suspended except upon notice to the licensee and to the employer of the licensee and after an opportunity to be heard by the Commissioner. A license may be temporarily suspended without notice pending any investigation or hearing. Whenever any license has been revoked, no license shall be reissued to an applicant until after the expiration of a period of one (1) year from the date of such revocation.

§47-856. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-856.1. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-856.1A. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-856.2. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-856.3. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-856.4. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-856.5. Repealed by Laws 1996, c. 287, § 3.

§47-857. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-858. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-858.1. Repealed by Laws 1998, c. 158, § 5, eff. Nov. 1, 1998.

§47-859. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-860. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-901. Abandonment unlawful - Determination.

It shall be unlawful to abandon a motor vehicle on a highway or other public property. Any member of the Oklahoma Highway Patrol or any qualified sheriff, deputy sheriff or any member of any city police department shall deem a vehicle abandoned and shall have the authority to remove or direct the removal of a vehicle when found upon any portion of the highway, shoulder, or right-of-way, if after a period of forty-eight (48) hours there is no evidence of an apparent owner who intends to remove the vehicle.

Laws 1967, c. 363, § 1, emerg. eff. May 22, 1967.

§47-902. Authorization to remove abandoned vehicle.

If such officer has reasonable cause to believe a vehicle has been abandoned in a location which would be hazardous to the free flow of traffic or be highly susceptible to damage from vandalism or other harm, he shall have the authority to remove or direct the removal of the vehicle immediately. At the time of ordering the removal of an abandoned vehicle, the authorizing officer shall also determine the sale value of the vehicle and certify that amount on the removal order.

Amended by Laws 1987, c. 233, § 2, eff. Nov. 1, 1987.

§47-903. Notice of impoundment - Civil liability.

Any such officer who has directed the impoundment of any vehicle, or an authorized person in the employing agency of the officer, shall within seventy-two (72) hours of the impoundment notify the Department of Public Safety of such impoundment. The notice of impoundment shall contain the name and address of the owner, if known, the make, model, vehicle identification number, registration number, date stored, place stored and the estimated value of the vehicle as determined by the officer. Upon receipt of such notice of impoundment, the Department of Public Safety shall, within seventy-two (72) hours, request the Oklahoma Tax Commission or other appropriate motor license agent to furnish the name and address of the owner of and any lienholder on the vehicle and shall within three (3) days from receipt of the requested information send a notice to the owner and any lienholder by regular mail, postage prepaid, at the addresses furnished by the Tax Commission or motor license agent, of the location of the vehicle. This section shall not be construed to create any civil liability upon the state, any agency of the state or employee thereof for failure to provide such notice to the owner or lienholder.

Added by Laws 1967, c. 363, § 3, emerg. eff. May 22, 1967. Amended by Laws 1985, c. 140, § 1, emerg. eff. June 7, 1985; Laws 1987, c. 233, § 3, eff. Nov. 1, 1987; Laws 1988, c. 290, § 17, operative July 1, 1988; Laws 2010, c. 440, § 5, eff. Nov. 1, 2010.

§47-903A. Contest of removal or storage - Hearing - Exemptions.

A. After the removal or storage of any abandoned or wrecked vehicle at the request of a public agency, the registered or legal owner of the vehicle, or their agent, may contest the validity of the removal or storage, by filing a written request for a hearing with the public agency. The written request may be filed before or after the vehicle is retrieved from the storage operator. Provided, however, the public agency shall not be required to conduct a hearing if the request is received more than ten (10) days following actual

or constructive notice to the owner or driver of the vehicle that said vehicle has been so removed or stored. Any such hearing shall be scheduled within seventy-two (72) hours of the request, excluding weekends and holidays. The public agency may authorize its own officer or employee to conduct the hearing, so long as the hearing officer is not the same person who directed the removal or storage of the vehicle. The public agency may, with the consent of the person requesting the hearing, schedule the hearing by telephone and conduct the hearing on the merits by telephone conference call.

The hearing officer shall apply the law to the evidence and make a determination whether the vehicle removal and storage was justified. If deemed unjustified, the public agency shall bear the cost of hookup and tow mileage, and the operator shall waive all storage costs in such cases as a condition of eligibility to respond to a service call request from a public agency. The vehicle owner or agent shall not be charged any type of fee or costs relating to impoundment or storage in such case. If the tow and storage is deemed justified, the owner or agent shall bear the cost of reasonable tow and storage. In either case, prior to the release of the vehicle to the owner or agent, proof of security or an affidavit that the vehicle will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title, shall be furnished to the public agency.

B. Failure of either the registered or legal owner, or their agent, to timely request or to timely appear upon a scheduled hearing shall satisfy the hearing requirement of this section.

C. The hearing conducted by the public agency pursuant to this section shall not be governed by the Administrative Procedures Act, Section 301 et seq. of Title 75 of the Oklahoma Statutes. The owner of a stored vehicle may, either in lieu of such hearing or after such hearing, file a petition in the district court of the county wherein the vehicle is stored. The district court is vested with original jurisdiction to conduct a de novo hearing and determine the validity of removal and storage.

D. The provisions of this section shall not apply to the removal of vehicles abated pursuant to Section 954A of this title.

Added by Laws 1986, c. 144, § 8, emerg. eff. April 21, 1986. Amended by Laws 1987, c. 233, § 5, eff. Nov. 1, 1987. Renumbered from § 963 by Laws 1987, c. 233, § 6, eff. Nov. 1, 1987. Amended by Laws 1993, c. 153, § 2, eff. Sept. 1, 1993.

§47-904. Payment of cost of removal and storage.

The owner of a motor vehicle or lienholder of the vehicle abandoned in violation of Section 901 et seq. of this title, or the owner of any vehicle or lienholder of the vehicle or insurer accepting liability for paying a claim on a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner which shall

have been lawfully removed from any highway or other public property may regain possession of the vehicle in accordance with regulations of the Department of Public Safety upon payment of the reasonable cost of removal and storage of such vehicle. The operator is authorized to collect all lawful fees from the owner, lienholder that seeks possession of a vehicle under a security interest, agent, or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner of the towed vehicle for the performance of any and all such services. An operator shall release the vehicle from storage upon authorization from the owner, agent or lienholder of the vehicle or in the case of a total loss, the insurer accepting liability for paying the claim on the vehicle or purchasing the vehicle where the vehicle is to be moved to an insurance pool yard for sale.

The cost of removal and storage shall be paid to the wrecker or towing service.

Added by Laws 1967, c. 363, § 4, emerg. eff. May 22, 1967. Amended by Laws 1985, c. 140, § 2, emerg. eff. June 7, 1985; Laws 1987, c. 233, § 4, eff. Nov. 1, 1987; Laws 1988, c. 290, § 18, operative July 1, 1988; Laws 1993, c. 153, § 3, eff. Sept. 1, 1993; Laws 1996, c. 175, § 1, eff. July 1, 1997; Laws 2000, c. 303, § 1, eff. July 1, 2000; Laws 2002, c. 133, § 2, eff. Nov. 1, 2002; Laws 2006, c. 158, § 1, emerg. eff. May 15, 2006.

NOTE: Laws 1987, c. 205, § 70 repealed by Laws 1988, c. 290, § 25, operative July 1, 1988.

§47-904.1. Lienholder defined.

A lienholder as used in Sections 903, 904 and 954A of this title shall mean those lienholders as shown on the vehicle title.

Added by Laws 1985, c. 140, § 4, emerg. eff. June 7, 1985. Amended by Laws 2002, c. 387, § 1.

§47-907. Special liens.

Every person lawfully in possession of an abandoned vehicle shall have a special lien thereon for the compensation due him from the owner of such abandoned vehicle for all expenses incurred.

Laws 1968, c. 167, § 1, emerg. eff. April 11, 1968.

§47-908. Foreclosure of lien - Notice.

Said lien may be foreclosed by a sale of such abandoned vehicle upon giving notice and in the manner following: The notice shall contain:

(a) The name of the party bringing action and the name of the owner or any person claiming any interest therein.

(b) A full description of the vehicle, giving all available information as to the make, year, serial number, license tag with year and the state from which the tag was issued.

(c) A full statement of all the facts.

(d) The amount of the claim, giving a full description of the work, labor, storage or any other costs involved.

(e) The date, time and place of the sale.

(f) The notice shall be posted in three public places in the county in which the vehicle is to be sold at least ten (10) days before the time specified therein for such sale, and a copy of said notice shall be mailed to the owner and any other person claiming any interest in the abandoned motor vehicle, at their last-known mailing address, by registered mail on the same date of posting said notice. Laws 1968, c. 167, § 2, emerg. eff. April 11, 1968.

§47-909. Time to commence proceedings.

Proceedings for such sale under this act shall not be commenced until ten (10) days after said lien has accrued.

Laws 1968, c. 167, § 3, emerg. eff. April 11, 1968.

§47-910. Return of sale.

A return of such sale shall be made at the time of sale and proof of posting and mailing of the notice of sale of abandoned vehicle.

Laws 1968, c. 167, § 4, emerg. eff. April 11, 1968.

§47-911. Disposition of proceeds of sale.

The proceeds from the sale of an abandoned vehicle made pursuant to Section 908 of this title shall be applied in the following order:

1. to the reasonable cost incurred in the sale of the abandoned vehicle;

2. to the satisfaction of the special lien provided for in Section 907 of this title;

3. to the satisfaction of any indebtedness secured by a subordinate security interest or lien in the vehicle;

4. to the owner if such owner is known, and if such owner or the address of such owner is not known, to the Oklahoma Tax Commission to be remitted to the State Treasurer and by him deposited in the General Revenue Fund.

Amended by Laws 1988, c. 67, § 1, emerg. eff. March 25, 1988.

§47-951. Definitions.

As used in Sections 951 through 965 of this title and Sections 1 through 3 of this act:

1. "Wrecker or wrecker vehicle" means any motor vehicle that is equipped with any device designed to tow another vehicle or combination of vehicles. The use of the term "wrecker" or "wrecker vehicle" shall be construed to include a combination wrecker or combination wrecker vehicle, as defined in paragraph 2 of this section, unless a specific differentiation is otherwise described;

2. "Combination wrecker" or "combination wrecker vehicle" means any wrecker vehicle which is designed and equipped with two separate and distinct devices to tow simultaneously two or more other vehicles or combinations of vehicles, whether or not both devices are in use simultaneously. One of the devices shall allow another vehicle to be loaded onto and transported upon the wrecker vehicle, and one of the devices shall allow another vehicle to be attached to and pulled by the wrecker vehicle;

3. "Tow" or "towing" means the use of a wrecker vehicle to lift, pull, move, haul or otherwise transport any other vehicle by means of:

- a. attaching the vehicle to and pulling the vehicle with the wrecker vehicle, or
- b. loading the vehicle onto and transporting the vehicle upon the wrecker vehicle;

4. "Rollback equipment" means a towing device or equipment upon which the towed vehicle is loaded and transported, removing the towed vehicle completely from the surface of the roadway. The term "rollback equipment" shall include car haulers;

5. "Dolly" means a towing device or equipment which lifts and suspends one axle of the towed vehicle above the surface of the roadway;

6. "Wrecker or towing service" means engaging in the business of or performing the act of towing or offering to tow any vehicle, except:

- a. where the operator owns the towed vehicle and displays on both sides of the wrecker vehicle in plainly visible letters not less than two (2) inches in height the words "NOT FOR HIRE",
- b. where the service is performed by a transporter as defined in Section 1-181 of this title,
- c. where service is performed in conjunction with the transportation of household goods and property,
- d. where the wrecker vehicle is owned or operated by the United States government, the State of Oklahoma, or any department or political subdivision thereof, or
- e. where the service is performed by an out-of-state wrecker service at the request of the vehicle owner or operator, the vehicle is not involved in a collision, and is being towed:
 - (1) in either direction across the border between Oklahoma and a neighboring state, or
 - (2) through Oklahoma in transit to another state;provided, the out-of-state wrecker service shall comply with all other requirements regarding interstate commerce as set forth in law;

7. "Commissioner" means the Commissioner of Public Safety;

8. "Commission" means the Corporation Commission;

9. "Department" means the Department of Public Safety;

10. "Nonconsensual tow" means the transportation of a vehicle without the consent or knowledge of the vehicle's owner, possessor, agent, insurer, lienholder, or any other person in possession of or in charge of any vehicle and includes the transportation or towing of the vehicle under lawful circumstances or necessity for the public interest including removing from the roadway for public safety or public convenience, or accidents, by any law enforcement officer or property agent or removal from public or private property as a result of abandonment or unauthorized parking by the property owner, agent, possessor, or other legal entity for the property owner;

11. "Operator" means any person owning or operating a wrecker vehicle or wrecker or towing service;

12. "Officer" means any duly authorized law enforcement officer;

13. "Roadway" means any public street, road, highway or turnpike or the median, easement or shoulder of a roadway;

14. "Service call" means the act of responding to a request for service with a wrecker vehicle in which a service is performed; and

15. "Vehicle" shall:

a. have the same meaning as defined in Section 1-186 of this title, and

b. for the purposes of this chapter when referring to a vehicle or combination of vehicles being towed or stored, include a vessel. The term "vessel" shall have the same meaning as defined in Section 4002 of Title 63 of the Oklahoma Statutes.

Added by Laws 1970, c. 323, § 1. Amended by Laws 1982, c. 170, § 1, operative Oct. 1, 1982; Laws 1983, c. 109, § 1, eff. Nov. 1, 1983; Laws 1986, c. 144, § 1, emerg. eff. April 21, 1986; Laws 1988, c. 290, § 19, operative July 1, 1988; Laws 1995, c. 50, § 1, emerg. eff. April 10, 1995; Laws 1999, c. 125, § 2, emerg. eff. April 26, 1999; Laws 2002, c. 66, § 1; Laws 2003, c. 279, § 8, emerg. eff. May 26, 2003; Laws 2004, c. 418, § 25, eff. July 1, 2004; Laws 2011, c. 355, § 4, eff. Nov. 1, 2011.

§47-952. Rulemaking authority - Requests for service by political subdivisions - Official rotation logs.

A. Except for the rates established by the Corporation Commission and other provisions as provided for by law, the Department of Public Safety shall have the power and authority necessary to license, supervise, govern and control wrecker vehicles and wrecker or towing services.

B. The Department of Public Safety shall adopt and prescribe such rules as are necessary to carry out the intent of Section 951 et seq. of this title.

The rules shall state the requirements for facilities, for storage of vehicles, necessary towing equipment, the records to be kept by operators, liability insurance and insurance covering the vehicle and its contents while in storage in such sum and with such provisions as the Department deems necessary to adequately protect the interests of the public, and such other matters as the Department may prescribe for the protection of the public.

C. Unless otherwise regulated by the governing body of the political subdivision, the wrecker vehicle used to perform wrecker or towing services requested by a political subdivision of this state for removal of a vehicle from public property for reasons listed in Section 955 of this title shall be from the licensed wrecker or towing service whose location is nearest to the vehicle to be towed. Requests for service may be alternated or rotated among all such licensed wrecker or towing services which are located within a reasonable radius of each other. In cities of less than fifty thousand (50,000) population, all such licensed wrecker or towing services located near or in the city limits of such cities shall be considered as being equal distance and shall be called on an equal basis as nearly as possible. The police chief of any municipality and the county sheriff of each county shall keep rotation logs on all requested tows, except where there are insufficient licensed wrecker or towing services available to rotate such services or services are contracted after a competitive bid process. Rotation logs shall be made available for public inspection upon request. Any calls made from cell phones or two-way radios by any law enforcement officer or employee of any municipality or county to any wrecker service shall be listed on the rotation or call logs and made available for public inspection. A wrecker service shall not be removed from rotation without notification to the wrecker operator stating the reason for removal from the rotation log. All notification for removal from a rotation log shall be mailed to the wrecker service owner at least ten (10) days before removal from the rotation log and shall state the procedure and requirements for reinstatement.

D. Except as otherwise provided in this subsection, the Department and any municipality, county or other political subdivision of this state shall not place any wrecker or towing service upon an official rotation log for the performance of services carried out pursuant to the request of or at the direction of any officer of the Department or municipality, county or political subdivision unless the service meets the following requirements:

1. Principal business facilities are located within Oklahoma;
2. Tow trucks are registered and licensed in Oklahoma; and
3. Owner is a resident of the State of Oklahoma or the service is an Oklahoma corporation.

In the event a licensed wrecker or towing service is not located within a county, a wrecker or towing service that is located outside

of the county or this state and does not meet the above qualifications may be placed on the rotation log for the county or any municipality or political subdivision located within the county.

When performing services at the request of any officer, no operator or wrecker or towing service upon the rotation logs shall charge fees in excess of the maximum rates for services performed within this state, including incorporated and unincorporated areas, as established by the Commission.

E. The Department shall place a licensed Class AA wrecker service on the Highway Patrol Rotation Log in a highway patrol troop district in which the place of business and the primary storage facility of the wrecker service are located upon written request filed by the wrecker service with the Department. Upon further request of the wrecker service, the Commissioner of Public Safety or the Department employee with statewide responsibility for administration of wrecker services may place a wrecker service on the Highway Patrol Rotation Log in a district adjacent to the district in which the place of business and the primary storage facility of the wrecker service are located if the wrecker service is in proximity to and within a reasonable radius of the boundary of the district. When a wrecker service is placed on the rotation log in a district, the Department shall notify the wrecker service and the troop commander of the district.

F. The Commissioner of Public Safety or the Department employee with statewide responsibility for administration of wrecker services shall be responsible for establishing geographical areas of rotation within the troop districts and for notifying each wrecker service of the geographical areas of rotation to which the service is assigned.

G. The Department shall make all rotation logs available for public inspection at the state office and shall make rotation logs for a highway patrol troop district available for public inspection at the district office.

Added by Laws 1970, c. 323, § 2. Amended by Laws 1982, c. 170, § 2, operative Oct. 1, 1982; Laws 1983, c. 109, § 2, eff. Nov. 1, 1983; Laws 1986, c. 144, § 2, emerg. eff. April 21, 1986; Laws 1995, c. 50, § 2, emerg. eff. April 10, 1995; Laws 2001, c. 255, § 2, eff. July 1, 2001; Laws 2002, c. 387, § 2; Laws 2003, c. 316, § 1, emerg. eff. May 28, 2003; Laws 2005, c. 193, § 1, eff. Nov. 1, 2005; Laws 2011, c. 355, § 5, eff. Nov. 1, 2011.

§47-953. Licenses - Fees - Renewal - Disciplinary actions - Civil enforcement actions.

A. No operator shall be permitted nor shall any employee of any operator be permitted, allowed or caused to solicit business or make service calls without the operator first having obtained from the Department of Public Safety a license to operate a wrecker or towing service. The number of the license shall be displayed, in

conformance with rules of the Department, on both sides of every wrecker vehicle operated by the wrecker or towing service.

B. The license fee required by this section shall be in lieu of the motor carrier filing fee as required in Section 165 of this title. No applicant for a wrecker license shall be required to prove public convenience and necessity, file notices, nor shall a public hearing be held. The fee for such license shall be One Hundred Dollars (\$100.00), of which Ten Dollars (\$10.00) shall be allocated to the Department for the administration of the Nonconsensual Towing Act of 2011.

C. All licenses shall expire on the last day of the calendar year and may be renewed annually at a cost of Fifty Dollars (\$50.00) upon application to the Department as prescribed by rule. No license fee shall be refunded in the event that the license is suspended or revoked.

D. The Department shall issue a letter of reprimand, cancel, suspend, revoke, or refuse to issue or renew the license of an operator when it finds the licensee or applicant has not complied with or has violated any of the provisions of the Nonconsensual Towing Act of 2011, or any rules adopted by the Department. A suspension or revocation shall be for a period of time deemed appropriate by the Department for the violation. Any canceled, suspended, or revoked license shall be returned to the Department by the operator, and the operator shall not be eligible to apply for another license until the period of suspension or revocation has elapsed.

E. The provisions of the Administrative Procedures Act are expressly made applicable to the Nonconsensual Towing Act of 2011.

F. In any civil action to enforce the equal application of the alternation or rotation of wrecker or towing services regulated by a political subdivision of the state, the prevailing party shall be allowed attorney fees determined by the court, to be taxed and collected as costs.

G. Fees collected pursuant to the provisions of this section shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury except as provided by subsection H of this section.

H. Fees allocated to the Department by this section shall be deposited in the Department of Public Safety Restricted Revolving Fund.

Added by Laws 1970, c. 323, § 3. Amended by Laws 1977, c. 73, § 1, emerg. eff. May 25, 1977; Laws 1980, c. 11, § 1, eff. Oct. 1, 1980; Laws 1982, c. 170, § 3, operative Oct. 1, 1982; Laws 1983, c. 286, § 32, operative July 1, 1983; Laws 1984, c. 264, § 9, operative July 1, 1984; Laws 1986, c. 144, § 3, emerg. eff. April 21, 1986; Laws 1987, c. 5, § 167, emerg. eff. March 11, 1987; Laws 1995, c. 50, § 3,

emerg. eff. April 10, 1995; Laws 2004, c. 418, § 26, eff. July 1, 2004; Laws 2012, c. 283, § 15, eff. July 1, 2012.

§47-953.1. Maximum fees and charges.

A. The rates established by the Corporation Commission shall determine the nonconsensual tow maximum fees and charges for wrecker or towing services performed in this state, including incorporated and unincorporated areas, by a wrecker or towing service licensed by the Department of Public Safety when that service appears on the rotation log of the Department or on the rotation log of any municipality, county or other political subdivision of this state, and the services performed are at the request or at the direction of any officer of the Department or of a municipality, county, or political subdivision. No wrecker or towing service in the performance of transporting or storing vehicles or other property towed as a result of a nonconsensual tow shall charge any fee which exceeds the maximum rates established by the Commission. Such rates shall be in addition to any other rates, fees or charges authorized, allowed or required by law and costs to collect such fees. Any wrecker or towing service is authorized to collect from the owner, lienholder, agent or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner of any towed or stored vehicle, the fee required by Section 904 of this title including environmental remediation fees and services.

B. When wrecker or towing services are performed as provided in subsection A of this section:

1. Each performance of a wrecker or towing service shall be recorded by the operator on a bill or invoice as prescribed by rules of the Department and by order of the Commission;

2. Nothing herein shall limit the right of an operator who has provided or caused to be provided wrecker or towing services to require prepayment, in part or in full, or guarantee of payment of any charges incurred for providing such services;

3. This section shall not be construed to require an operator to charge a fee for the performance of any wrecker or towing services; and

4. The operator is authorized to collect all lawful fees from the owner, lienholder or agent or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner of the towed vehicle for the performance of any and all such services and costs to collect such fees. An operator shall release the vehicle from storage upon authorization from the owner, agent or lienholder of the vehicle or, in the case of a total loss, the insurer accepting liability for paying the claim for the vehicle or purchasing the vehicle where the vehicle is to be moved to an insurance pool yard for sale.

C. The rates in subsections D through G of this section shall be applicable until superseded by rates established by the Commission.

D. Distance rates.

1. Rates in this subsection shall apply to the distance the towed vehicle is transported and shall include services of the operator of the wrecker vehicle. Hourly rates, as provided in subsection E of this section, may be applied in lieu of distance rates. Hourly rates may be applied from the time the wrecker vehicle is assigned to the service call until the time it is released from service either upon return to the premises of the wrecker or towing service or upon being assigned to perform another wrecker or towing service, whichever occurs first. When the hourly rate is applied in lieu of distance towing rates, the operator may not apply the two-hour minimum prescribed in subsection E of this section nor may hookup or mileage charges, as prescribed in this section, be applied.

Such distance rates shall be computed via the shortest highway mileage as determined from the latest official Oklahoma Department of Transportation state highway map, except as follows:

- a. for distances or portions of distances not specifically provided for in the governing highway map, the actual mileage via the shortest practical route will apply,
- b. in computing distances, fractions of a mile will be retained until the final and full mileage is determined, at which time any remaining fraction shall be increased to the next whole mile,
- c. when, due to circumstances beyond the control of the wrecker or towing service, roadway conditions make it impractical to travel via the shortest route, distance rates shall be computed based on the shortest practical route over which the wrecker vehicle and the vehicle it is towing can be moved, which route shall be noted on the bill or invoice, or
- d. when the wrecker or towing service is performed upon any turnpike or toll road, the turnpike or toll road mileage shall be used to determine the distance rates charged and the turnpike or toll road fees may be added to the bill or invoice.

2. Maximum distance rates shall be as follows:

Weight of Towed Vehicle (In pounds, including equipment and lading)	Distance Towed	Rate Per Mile
Single vehicle: 8,000 or less	25 miles or less	\$3.00
Single vehicle: 8,000 or less	Over 25 miles	\$2.50
Single vehicle: 8,001 to 12,000	25 miles or less	\$3.40
Single vehicle: 8,001 to 12,000	Over 25 miles	\$3.00
Single vehicle: 12,001 to 40,000	Any	\$5.75
Single vehicle: 40,000 or over	Any	\$6.75

Combination wrecker vehicle

with GVWR of 24,000 or over \$180.00 \$45.00

4. a. Maximum hourly rates for extra labor shall be Thirty Dollars (\$30.00) per person per hour.
- b. Maximum hourly rates for skilled or specialized labor and/or equipment shall be the actual customary and ordinary rates charged for such labor and/or equipment. When skilled or specialized labor or equipment is required, the wrecker operator's cost for such skilled or specialized labor or equipment plus a twenty-five percent (25%) gross profit markup to cover overhead costs for such labor will be added to the invoice or freight bill to be collected in addition to all other applicable charges.

F. Hookup Rates.

1. Rates in this subsection shall apply to the hookup of a vehicle to a wrecker vehicle when such hookup is performed in connection with a wrecker or towing service described in this section. Such hookup rate shall include the first fifteen (15) minutes of such service, for which there shall be no additional fee charged, but shall not include the use of a dolly or rollback equipment or a combination wrecker vehicle to accomplish such hookup, for which an additional fee may be charged as provided in subsection G of this section. Hookup shall include, but not be limited to, the attachment of a vehicle to or the loading of a vehicle onto a wrecker vehicle.

2. Maximum hookup rates shall be as follows:

Weight of Vehicle Being Hooked Up

(In pounds, including equipment and lading)	Rate
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Single vehicle: 8,000 or less	\$65.00
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Single vehicle: 8,001 to 12,000	\$75.00
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Single vehicle: 12,001 to 24,000	\$85.00
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Single vehicle: 24,001 or over	\$95.00
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Combination of vehicles	\$95.00
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G. Additional Service Rates.

1. Rates in this subsection shall apply to the performance of the following services:

- a. the disconnection and reconnection of a towed vehicle's drive line when necessary to prevent mechanical damage to such vehicle,
- b. the removal and replacement of a towed vehicle's axle when necessary to prevent mechanical damage to such vehicle, or
- c. the use of a dolly or rollback equipment when essential to prevent mechanical damage to a towed vehicle or when

neither end of such vehicle is capable of being towed safely while in contact with the roadway.

2. Maximum additional service rates shall be as follows:

Weight of Towed Vehicle (In pounds, including equipment and lading)	Service Performed		
	Disconnect Drive Line; Remove Axle	Reconnect Drive Line; Replace Axle	Use of Dolly or Rollback Equipment
Rate Per Service Performed			
8,000 or less	\$10.00	\$15.00	\$25.00
8,001 to 12,000	\$15.00	\$20.00	\$30.00
Rate Per 15 Minutes of Service Performed			
12,001 or over	\$20.00	\$20.00	Not applicable

H. An operator shall be required to provide reasonable documentation to substantiate all lawful fees charged the owner, lienholder, agent or insurer paying the claim for the towed vehicle. Fees for which the operator is being reimbursed or having paid to a third party, shall include copies of the invoice or other appropriate documents to substantiate such payment to said third party.

I. Wrecker fees, including maximum distance, hourly, and hookup rates shall be adjusted weekly by adding a fuel surcharge as provided in this section. The fuel surcharge shall be based on the Department of Energy "weekly retail on-highway diesel prices" for the "Midwest region" using Two Dollars (\$2.00) per gallon as the base price with no fees added. The wrecker fees shall be adjusted to allow a one-percent increase in fees for every ten-cent increase in fuel cost starting at Two Dollars and ten cents (\$2.10) per gallon.

J. When skilled or specialized labor or equipment is required, the cost incurred by the wrecker operator for such skilled or specialized labor or equipment plus an additional twenty-five percent (25%) gross profit markup or gross profit margin shall be allowed to cover overhead costs for such labor and will be added to the invoice or freight bill to be collected in addition to all other applicable charges. This applies to labor and equipment not regulated by the Commission.

K. Wrecker operators shall be allowed to obtain ownership and insurer information, including accident reports and other public records, from the Oklahoma Tax Commission or other states' motor vehicle agencies or from law enforcement agencies for the purpose of determining ownership and responsibility for wrecker fees. In the event a state of origin is not known, the Department of Public Safety and the Oklahoma Tax Commission shall assist in providing such information. The wrecker operator is authorized to collect lawful fees for such costs and services from the owner, lienholder that seeks possession of a vehicle under a security interest, agent, or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the owner of any towed or stored vehicle.

Added by Laws 1995, c. 50, § 4, emerg. eff. April 10, 1995. Amended by Laws 1998, c. 413, § 1, eff. Nov. 1, 1998; Laws 2000, c. 303, § 2, eff. July 1, 2000; Laws 2002, c. 133, § 3, eff. Nov. 1, 2002; Laws 2004, c. 360, § 2, emerg. eff. May 27, 2004; Laws 2006, c. 158, § 2, emerg. eff. May 15, 2006; Laws 2011, c. 355, § 6, eff. Nov. 1, 2011.

§47-953.2. Fees and charges for storage and after-hours release of towed vehicles.

A. The rates established by order of the Corporation Commission shall determine the maximum fees and charges for the storage and after-hours release of nonconsensual towed vehicles, including incorporated and unincorporated areas, by a wrecker or towing service licensed by the Department of Public Safety. No wrecker or towing service shall charge any fee for nonconsensual towed vehicles and storage which exceeds the maximum rates established by the Commission. Such rates shall be in addition to any other rates, fees or charges authorized, allowed or required by law, including environmental remediation fees and services.

B. 1. Storage or after-hours release of a towed vehicle, or both, provided by a wrecker or towing service shall be recorded by the operator on a bill or invoice as prescribed by rules of the Department.

2. Nothing herein shall limit the right of an operator who has provided or caused to be provided storage or after-hours release of a towed vehicle, or both, to require prepayment, in part or in full, or guarantee of payment of any charges incurred for providing such services.

3. This section shall not be construed to require an operator to charge a fee for the storage or after-hours release, or both, of any towed vehicle.

4. The operator is authorized to collect all lawful fees from the owner, lienholder or agent of the towed vehicle or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner for the performance of any and all such services. An operator shall release the vehicle from storage upon authorization from the owner, agent or lienholder of the vehicle or in the case of a total loss, the insurer accepting liability for paying the claim for the vehicle or purchasing the vehicle where the vehicle is to be moved to an insurance pool yard for sale.

C. The rates in subsections D through F of this section shall be applicable until superseded by rates established by the Commission.

D. Outdoor Storage Rates.

1. Rates in this subsection shall apply to the outdoor storage of a towed vehicle. Rates may be applied from the time the towed vehicle is brought onto the outdoor storage facility premises. Rates shall apply to each calendar day of outdoor storage; provided, the

maximum twenty-four-hour fee, as provided for in this section, may be charged for any towed vehicle which is stored for a portion of a twenty-four-hour period.

2. Maximum outdoor storage rates shall be as follows:

Type of Towed Vehicle	Rate per Each 24-hour Period or Portion Thereof
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	\$15.00
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	\$20.00
Single vehicle or combination of vehicles over 30 feet in length and up to 8 feet in width	\$25.00
Single vehicle or combination of vehicles over 30 feet in length and over 8 feet in width	\$35.00

E. Indoor Storage Rates:

1. Rates in this subsection shall apply to the indoor storage of a towed vehicle. Rates may be applied from the time the towed vehicle is brought into the indoor storage facility premises. Rates shall apply to each calendar day of indoor storage; provided, the maximum twenty-four-hour fee, as provided for in this section, may be charged for any towed vehicle which is stored for a portion of a twenty-four-hour period.

2. Maximum indoor storage rates shall be as follows:

Type of Towed Vehicle	Rate per Each 24-hour Period or Portion Thereof
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	\$25.00
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	\$30.00
Single vehicle or combination of vehicles over 30 feet in length and up to 8 feet in width	\$35.00
Single vehicle or combination of vehicles over 30 feet in length and over 8 feet in width	\$45.00

3. For purposes of this subsection, "indoor storage" means the vehicle is kept in an enclosed facility.

F. After-Hours Release Rate.

1. The rate in this subsection shall apply to the release of a towed vehicle to the owner, lienholder, or agent when such release occurs at a time other than normal business hours.

2. As used in this subsection:

- a. "after-hours release rate" shall mean the rate charged for the release of a towed vehicle between the hours of midnight and 8:00 a.m., or between the hours of 4:00 p.m. and midnight Monday through Friday, or any time on Saturday, Sunday or a national holiday, and
- b. "national holiday" shall mean New Year's Day, Martin Luther King Day, George Washington's Birthday, on the third Monday in February, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day, and shall further include the Friday before such national holiday which falls on a Saturday and the Monday following such national holiday which falls on a Sunday.

3. The maximum after-hours release rate shall be Fifteen Dollars (\$15.00) per quarter hour for the release of any single vehicle or combination of vehicles.

G. An operator shall be required to provide reasonable documentation to substantiate all lawful fees charged the owner, lienholder, agent or insurer accepting liability for paying the claim for the towed vehicle or purchasing the towed vehicle. Fees for which the operator is being reimbursed, or having paid to a third party, shall include copies of the invoice or other appropriate documents to substantiate the payment to the third party.

Added by Laws 1998, c. 413, § 2, eff. Nov. 1, 1998. Amended by Laws 2000, c. 303, § 3, eff. July 1, 2000; Laws 2002, c. 133, § 4, eff. Nov. 1, 2002; Laws 2002, c. 387, § 3; Laws 2004, c. 360, § 3, emerg. eff. May 27, 2004; Laws 2011, c. 355, § 7, eff. Nov. 1, 2011.

§47-954. Enforcement.

A. The Department of Public Safety shall be charged with the duty of enforcing the provisions of Section 951 et seq. of this title for licensed wreckers and towing services operating in this state.

B. Duly appointed peace officers of the political subdivisions of this state shall have authority to detain and arrest any person operating a wrecker or tow truck or offering towing services to the public for a charge without a valid license issued pursuant to the provisions of Section 951 et seq. of this title. Such officers, upon reasonable belief that any wrecker or tow truck is being operated without proper authority or without a valid license issued pursuant to Section 951 et seq. of this title, shall be authorized to require the operator thereof to stop and exhibit such documentation as may be required to establish his or her authority to tow or transport another vehicle or to prove possession of a valid wrecker or tow

service license issued in this state. Any person convicted of operating a wrecker or tow truck or offering towing services to the public for a charge in this state without a license shall be guilty of a misdemeanor and punished with a fine of One Thousand Dollars (\$1,000.00). Law enforcement shall impound the tow truck being used in violation of this section.

Added by Laws 1970, c. 323, § 4. Amended by Laws 1980, c. 11, § 2, eff. Oct. 1, 1980; Laws 1986, c. 144, § 4, emerg. eff. April 21, 1986; Laws 2010, c. 211, § 1, eff. July 1, 2010; Laws 2019, c. 391, § 2, eff. Nov. 1, 2019.

§47-954A. Abandoned motor vehicle - Removal.

A. In addition to any procedure provided by local ordinance, whenever the owner or legal possessor of real property or an authorized agent has reasonable cause to believe that a vehicle has been abandoned thereon, said vehicle having been on said property for a minimum of forty-eight (48) hours, or whenever a vehicle is left upon said real property without express or implied permission, such vehicle may be removed as provided in this section.

B. 1. The owner, legal possessor or authorized agent may request any licensed Class AA wrecker service within the county wherein the real property is located to remove the abandoned vehicle from the premises by signing a Tow Request and Authorization Form prescribed by the Department of Public Safety and furnished to licensed Class AA wrecker service operators as hereinafter provided.

2. If the owner, legal possessor or authorized agent of the property owner is unable to obtain the services of a licensed Class AA wrecker service to remove the abandoned vehicle in a reasonable amount of time, the owner, legal possessor or authorized agent may contact and request that a licensed Class AA wrecker service from an adjacent county perform the service. A notation shall be made on the Tow Request and Authorization Form that a licensed Class AA wrecker service in the county in which the real property is located was contacted but the licensed Class AA wrecker service was not able to perform the removal in a reasonable amount of time.

C. A licensed Class AA wrecker service removing an abandoned vehicle pursuant to this section shall be subject to the maximum rates established by the Corporation Commission.

D. The Department shall design and promulgate a suitable Tow Request and Authorization Form to be completed in quadruplicate, containing space for the following information:

1. A description of the vehicle, including the type of vehicle, year of manufacture, name of the manufacturer, vehicle color or colors, identification number and license tag number;

2. The name, address and business telephone number of the licensed Class AA wrecker service;

3. The name, address, telephone number and driver license number or state-issued identification card number of the real property owner, legal possessor or authorized agent;

4. Inventory of personal property within the vehicle to be towed;

5. Time and date the form is completed; and

6. Signatures of the driver of the wrecker vehicle and of the owner, legal possessor or authorized agent of the real property.

The Department or the Commission may require additional information on the Tow Request and Authorization Form. The driver license number or state-issued identification card number of the real property owner, legal possessor or authorized agent shall not be disclosed by the Department or the Commission to any entity inquiring about services performed without a court order or without written consent from the property owner, legal possessor or authorized agent.

E. The real property owner, legal possessor or authorized agent and the wrecker vehicle driver shall jointly, and each in the presence of the other, inventory personal property found within or upon the vehicle and each shall accordingly sign a statement on the form reflecting this requirement has been fulfilled. In the event an inventory cannot be completed, the reasons therefor shall be clearly stated on the form.

F. A copy of the completed Tow Request and Authorization Form shall be retained by the signatories and the licensed Class AA wrecker service shall maintain the wrecker vehicle driver's copy for not less than one (1) year, or longer if required by the Department or the Commission. The licensed Class AA wrecker service shall forthwith send the completed original Tow Request and Authorization Form to the Department and the remaining copy of the completed form to the local police department of the municipality in which the real property is located, or the sheriff's office of the county from which the vehicle was towed, if the real property is located outside of an incorporated municipality. A facsimile copy of the Tow Request and Authorization Form shall be considered the original form if a printed or digital confirmation of the facsimile transmission is available.

G. Within three (3) business days of the time indicated on the form, the licensed Class AA wrecker service shall request the Oklahoma Tax Commission or other appropriate motor license agent to furnish the name and address of the current owner of and any lienholder upon the vehicle. The Tax Commission or appropriate motor license agent shall respond in person or by certified mail to the licensed Class AA wrecker service within five (5) business days from the receipt of the request for information. The Department and the Oklahoma Tax Commission shall render assistance to ascertain ownership, if needed. The licensed Class AA wrecker service shall, within seven (7) days from receipt of the requested information from the Oklahoma Tax Commission or other motor license agent, send a

notice of the location of the vehicle by certified mail, postage prepaid, at the addresses furnished, to the owner and any lienholder of the vehicle. The owner or lienholder may regain possession of the vehicle in accordance with rules of the Department upon payment of the licensed Class AA wrecker services, costs of certified mailing and the reasonable cost of towing and storage of the vehicle. If the licensed Class AA wrecker service has not complied with the notification procedures required by this subsection, the owner or lienholder shall not be required to pay for storage of the vehicle.

H. No licensed Class AA wrecker service or operator of a licensed Class AA wrecker service shall tow or cause to be towed a vehicle pursuant to this section until the form furnished by the Department has been appropriately completed by the parties as required by rules of the Department.

Added by Laws 1982, c. 170, § 6, operative Oct. 1, 1982. Amended by Laws 1983, c. 109, § 3, eff. Nov. 1, 1983; Laws 1985, c. 140, § 3, emerg. eff. June 7, 1985; Laws 1995, c. 50, § 5, emerg. eff. April 10, 1995; Laws 1999, c. 215, § 1, eff. July 1, 1999; Laws 2001, c. 175, § 1, eff. July 1, 2001; Laws 2010, c. 82, § 1, eff. Nov. 1, 2010; Laws 2011, c. 355, § 8, eff. Nov. 1, 2011; Laws 2013, c. 137, § 1, eff. Nov. 1, 2013.

§47-955. Towing of vehicle from roadway - Grounds and licensed wrecker liability.

A. Any officer of the Department of Public Safety or any other political subdivision of this state is hereby authorized to cause to be towed any vehicle found upon public roads, highways, streets, turnpikes, private parking lots accessible to the public, other public places or upon any private road, street, alley or lane which provides access to one or more single-family or multifamily dwellings when:

1. Report has been made that the vehicle has been stolen or taken without the consent of its owner;

2. The officer has reason to believe the vehicle has been abandoned as defined in Sections 901 and 902 of this title;

3. The person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested or summoned before a proper magistrate without unnecessary delay;

4. At the scene of an accident, if the owner or driver is not in a position to take charge of the vehicle and direct or request its proper removal;

5. The officer has probable cause that the person operating the vehicle has not been granted driving privileges or that the driving privileges of the person are currently suspended, revoked, canceled, denied, or disqualified;

6. The officer has probable cause that the vehicle has been used in the commission of a felony offense and the officer has obtained a search warrant authorizing the search and seizure of the vehicle;

7. The officer has probable cause that the vehicle is not insured as required by the Compulsory Insurance Law of this state; or

8. The vehicle is involved in a fatal motor vehicle collision and is needed for evidentiary purposes.

No vehicle shall be released after impoundment unless the owner provides to the storing facility proof of valid insurance or an affidavit of nonuse on the roadway, or in the event of a release request from an insurer or the representative of the insurer who has accepted liability for the vehicle, no such proof of insurance or affidavit of nonuse on the roadway shall be required.

B. A licensed wrecker operator is not liable for damage to a vehicle, vessel, or cargo that obstructs the normal movement of traffic or creates a hazard to traffic and is removed in compliance with the request of a law enforcement officer, unless there is failure to exercise reasonable care in the performance of the act or for conduct that is willful or malicious.

C. Each officer of the Department shall use the services of the licensed wrecker operator whose location is nearest to the vehicle to be towed in all instances in subsection A of this section. The requests for services may be alternated or rotated among all licensed wrecker operators who are located within a reasonable radius of each other. In like manner, the officer shall advise any person requesting information as to the availability of a wrecker or towing service, the name of the nearest licensed wrecker operator, giving equal consideration to all licensed wrecker operators located within a reasonable radius of each other. In cities of less than fifty thousand (50,000) population, all licensed wrecker operators located near or in the city limits of such cities shall be considered as being equal distance and shall be called on an equal basis as nearly as possible. In counties bordering other states, if the officer deems safety and time considerations warrant, the officer may call a wrecker or towing service that is not on the rotation log.

D. Any officer of the Department who has been requested by a person in need of wrecker or towing service to call a specific wrecker or towing service for such person, and who calls a different wrecker or towing service other than the one requested, without the consent of the person, except where hazardous conditions exist, shall be suspended from the Department, without compensation, for a period of thirty (30) days, except in instances where a vehicle is removed from the roadway under the authority of paragraphs 3, 4 and 6 of subsection A of this section.

E. Operators conducting a tow under this section shall release all personal property within the vehicle to an insurer or representative of the insurer who has accepted liability for the

vehicle, or to any person upon proof of ownership of the vehicle and an Oklahoma driver license or other state or federally issued photo identification. Upon the release of personal property to an insurer or representative of the insurer, wrecker operators shall be exempt from all liability and shall be held harmless for any losses or claims of loss. Personal property shall include everything in a vehicle except the vehicle, the attached or installed equipment, vehicle keys or devices to start and unlock the vehicle, and the spare tire and tools to change the tire. Interlock devices may be removed pursuant to Section 11-902a of this title. If release of personal property occurs during normal business hours as prescribed by the Corporation Commission, it shall be at no cost to the registered owner or the owner prior to the repossession. After-hour fees may be assessed as prescribed by this Chapter or by the Corporation Commission, when the release of property is made after the prescribed normal business hours.

F. The operator of a wrecker or towing service may request a person offering proof of ownership of personal property and any interlock device to execute a form provided by the operator exempting the operator from liability for such release.

Added by Laws 1970, c. 323, § 5. Amended by Laws 1982, c. 170, § 4, operative Oct. 1, 1982; Laws 1995, c. 50, § 6, emerg. eff. April 10, 1995; Laws 2002, c. 387, § 4; Laws 2005, c. 220, § 1, eff. Nov. 1, 2005; Laws 2009, c. 14, § 1, eff. Nov. 1, 2009; Laws 2010, c. 369, § 1, eff. Nov. 1, 2010; Laws 2011, c. 1, § 17, emerg. eff. March 18, 2011; Laws 2013, c. 222, § 1, eff. Nov. 1, 2013; Laws 2014, c. 283, § 1, eff. Nov. 1, 2014.

NOTE: Laws 2010, c. 440, § 6 repealed by Laws 2011, c. 1, § 18, emerg. eff. March 18, 2011.

§47-956. Gifts prohibited - Financial interest of officers.

A. No operator, employee, or contractor of a wrecker or towing service or of a person or business that derives any business or income from a wrecker or towing service shall offer, and no officer or employee of the Corporation Commission, Department of Public Safety or any political subdivision of the state shall accept, directly or indirectly, any compensation, gift, loan, favor or service given for the purpose of influencing the officer or employee in the discharge of official duties of the person.

B. Except as provided in subsection C of this section, no officer of the Commission, Department or any law enforcement officer of any political subdivision of the state shall have any interest, financial or otherwise, in a wrecker or towing service, or with a person or in a business that derives business or income from a wrecker or towing service, nor shall a wrecker or towing service or a person or business that derives any business or income from a wrecker or towing service employ such officer.

C. An officer of the Commission, Department or a law enforcement officer of any political subdivision may have an interest, financial or otherwise, in or may be employed by a wrecker or towing service when the sole purpose and only business of the wrecker or towing service is to perform repossessions of vehicles which are subject to lien and are being repossessed by the lien holder of record.

Added by Laws 1970, c. 323, § 6. Amended by Laws 1982, c. 170, § 5, operative Oct. 1, 1982; Laws 1983, c. 109, § 4, eff. Nov. 1, 1983; Laws 1995, c. 50, § 7, emerg. eff. April 10, 1995; Laws 2002, c. 474, § 3, emerg. eff. June 6, 2002; Laws 2005, c. 179, § 1, eff. July 1, 2005; Laws 2011, c. 355, § 9, eff. Nov. 1, 2011.

§47-957. Independent employment of wrecker or towing services.

The provisions of Section 951 et seq. of this title shall not preclude any person from employing or contracting with any wrecker or towing service of his own choice, except where hazardous conditions exist.

Added by Laws 1970, c. 323, § 7. Amended by Laws 1995, c. 50, § 8, emerg. eff. April 10, 1995.

§47-958. Violations and penalties.

Violation of any provision of Section 951 et seq. of this title or any regulation promulgated pursuant hereto shall constitute a misdemeanor, and any person, upon conviction therefor, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) or imprisonment for not more than thirty (30) days in the county jail, or both such fine and imprisonment.

Amended by Laws 1986, c. 144, § 5, emerg. eff. April 21, 1986.

§47-961. Referral fees - Misdemeanor.

It shall be unlawful and constitute a misdemeanor offense for any person, firm, corporation or association to charge, directly or indirectly, any wrecker service operator any fee or other compensation for referral of service calls to such operator.

Laws 1977, c. 73, § 2, emerg. eff. May 25, 1977.

§47-962. Possessory lien - Foreclosure - Collection of wrecker or towing fees.

A. Every person legally entitled to compensation for the removal or storage of any vehicle subject to registration, which vehicle's removal has been authorized by any public agency, has a lien on the vehicle, dependent on possession. The lien is deemed to arise on the date of possession of the vehicle. Any person perfecting a lien under this section shall foreclose this lien according to the provisions for sale under Sections 908 through 911 of this title.

B. Every owner of such vehicle towed or stored pursuant to Section 955 of this title shall be responsible for the total amount of the debt for services rendered.

C. Any wrecker or towing service is authorized to collect from the owner, lienholder that seeks possession of a vehicle under a security interest, agent, or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle, the fee authorized by Section 904 of this title.

Added by Laws 1986, c. 144, § 7, emerg. eff. April 21, 1986. Amended by Laws 2003, c. 214, §2, eff. July 1, 2003; Laws 2006, c. 158, § 3, emerg. eff. May 15, 2006.

§47-964. Report of vehicles parked or stored more than 30 days.

Whenever a vehicle that is subject to registration in this state has been stored, parked or left in a garage, trailer park, or any type of storage or parking lot for a period of thirty (30) days, the owner of the garage, trailer park or lot shall, within five (5) days after the expiration of that period, report the make, motor and serial number of the vehicle to the Department of Public Safety. Provided, these provisions shall not apply where arrangements have been made for continuous storage or parking by the owner of the motor vehicle so parked or stored, and where the owner of said motor vehicle so parked or stored is personally known to the owner or operator of the garage, trailer park, storage or parking lot. Any person who fails to report a vehicle as required under this section shall forfeit all claims for storage of the vehicle, and shall be subject to a fine not to exceed Twenty-five Dollars (\$25.00), and each day's failure to make a report as required by this section shall constitute a separate offense.

Added by Laws 1986, c. 144, § 9, emerg. eff. April 21, 1986. Amended by Laws 2003, c. 279, § 9, emerg. eff. May 26, 2003.

§47-965. Notification of law enforcement after repossession.

Any wrecker or towing service that repossesses a vehicle at the request of the lienholder of record shall, within two (2) hours of the time the vehicle is repossessed, notify either the local law enforcement authority or sheriff's office of the county where the vehicle was located. The wrecker or towing service operator shall furnish the law enforcement agency with information concerning the tow including, but not limited to, a description of the vehicle, the physical address or approximate location of where the vehicle was repossessed, the name of the owner of the vehicle and the name of the lienholder of the vehicle. The wrecker or towing service operator shall further be required to provide to the law enforcement agency the name, address and business telephone number of the wrecker or towing service provider.

Added by Laws 2010, c. 39, § 5, eff. Nov. 1, 2010.

§47-966. Nonconsensual Towing Act of 2011 - Application of act - Rates.

A. This act shall be known and may be cited as the "Nonconsensual Towing Act of 2011".

B. The provisions of this act shall apply to every wrecker operating within the State of Oklahoma removing and storing vehicles from Oklahoma roads and highways or private property as a result of a nonconsensual tow.

C. The Corporation Commission, by Commission order, shall have the power and authority necessary:

1. To establish wrecker rates for the transportation and storage of motor vehicles removed due to a nonconsensual tow from Oklahoma roads and highways or private property;

2. To supervise and enforce such rates; and

3. To mediate and adjudicate complaints that may arise from charges assessed as a result of such vehicle removal.

D. Rates as specified in Sections 953.1 and 953.2 of Title 47 of the Oklahoma Statutes shall remain in effect until rates are established by order of the Commission.

E. Rates established by the Commission shall be fair and reasonable.

F. The Commission may assess fines or other penalties to any wrecker or towing service for failure to comply with prescribed rates as established by the Commission, failure to pay a levied assessment or comply with any applicable order of the Commission. Repeat violations by a wrecker or towing service are cause for revocation of its license issued by the Department of Public Safety.

G. The Department shall cooperate with the Commission to implement this act and may enter into agreements to facilitate this act.

Added by Laws 2011, c. 355, § 1, eff. Nov. 1, 2011.

§47-967. Assessments - Budgetary limits.

A. The Corporation Commission is hereby authorized to assess a fee upon each wrecker or towing service licensed by the Department of Public Safety and placed upon an official rotation log, as specified in Section 952 of Title 47 of the Oklahoma Statutes, to perform nonconsensual tows.

B. Each wrecker or towing service shall pay the assessment, levied pursuant to this section, on an annual basis.

C. The assessment shall be predicated upon the number of wrecker or towing vehicles utilized by the wrecker or towing service to conduct its Department-licensed operations.

D. Commencing with assessments made after June 30, 2017, failing to pay the wrecker or towing services assessment by the due date established by the Corporation Commission shall result in an

additional penalty of twenty-five percent (25%) per vehicle. The Transportation Division Director, or designee, may waive the penalty for good cause shown. Failure to pay the assessment and penalty within thirty (30) days of the notice of penalty issued by the Corporation Commission shall result in revocation of the wrecker or towing license issued by the Department.

E. Beginning fiscal year 2013, the Legislature shall establish budgetary limits for the Commission to fulfill the duties of the Nonconsensual Towing Act of 2011. The total assessments levied pursuant to this section shall not exceed the amount of the budgetary limits and indirect costs for related support functions established by the Legislature for any fiscal year. Annual budgetary limits shall stay in effect unless superseded by action of the Legislature. Added by Laws 2011, c. 355, § 2, eff. Nov. 1, 2011. Amended by Laws 2017, c. 141, § 1, eff. July 1, 2017.

§47-968. Appointment of unclassified employees.

The Corporation Commission is authorized to appoint unclassified employees to perform the duties and responsibilities associated with the Nonconsensual Towing Act of 2011.

Added by Laws 2011, c. 355, § 3, eff. Nov. 1, 2011.

§47-1001. Short title.

This act shall be known as the "Oklahoma Ridesharing Act".
Laws 1980, c. 184, § 1, eff. Oct. 1, 1980.

§47-1002. Ridesharing arrangement defined.

As used in this act, ridesharing arrangement means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of the driver. The term shall include ridesharing arrangements known as carpools, vanpools and buspools. Provided, however, a ridesharing arrangement shall not be construed for any purpose as a common carrier or common carrier for hire.

Laws 1980, c. 184, § 2, eff. Oct. 1, 1980.

§47-1003. Non-liability of employer.

An employer shall not be liable for injuries to passengers and other persons because he provides information, incentives or otherwise encourages his employees to participate in ridesharing arrangements.

Laws 1980, c. 184, § 3, eff. Oct. 1, 1980.

§47-1004. Money or other benefits received by driver not to constitute income for tax purposes.

Money and other benefits, other than salary, received by a driver in a ridesharing arrangement using a motor vehicle with a seating

capacity for not more than fifteen (15) persons, including the driver, shall not constitute income for the purpose of Sections 2351 et seq. of Title 68, imposing taxes on income.
Laws 1980, c. 184, § 4, eff. Oct. 1, 1980.

§47-1005. Certain ridesharing vehicles not to be construed as motor bus or taxicab for registration purposes.

A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be construed as a motor bus or taxicab for purposes of registration, equipment requirements or rules of the road under Chapter 56 of Title 47.

Laws 1980, c. 184, § 5, eff. Oct. 1, 1980.

§47-1006. Rideshare drivers not deemed commercial operators or drivers.

The driver in a ridesharing arrangement shall not be deemed a commercial operator or driver nor shall he be deemed to be transporting persons for compensation under the driver licensing provisions of Title 47 of the Oklahoma Statutes.

Added by Laws 1980, c. 184, § 6, eff. Oct. 1, 1980. Amended by Laws 1995, c. 23, § 17, eff. Nov. 1, 1995.

§47-1010. Short title - Oklahoma Transportation Network Company Services Act.

This act shall be known and may be cited as the "Oklahoma Transportation Network Company Services Act".

Added by Laws 2015, c. 279, § 1, eff. July 1, 2015.

§47-1011. Definitions.

As used in the Oklahoma Transportation Network Company Services Act:

1. "Digital network" means any online-enabled application, software, website or system offered or utilized by a TNC that enables the prearrangement of rides with TNC drivers;

2. "Personal vehicle" means a vehicle that is used by a TNC driver in connection with providing prearranged rides and is:

a. owned, leased or otherwise authorized for use by the TNC driver, and

b. not a taxicab, limousine, or other similar for-hire vehicle of a motor carrier service;

3. "Prearranged ride" means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A prearranged ride does not include shared expense

carpool or vanpool arrangements or transportation provided using a taxi, limousine, or other for-hire vehicle pursuant to state law;

4. "Transportation network company (TNC)" means a business entity licensed pursuant to this act and operating in Oklahoma that uses a digital network or software application service to connect passengers to transportation network company services provided by transportation network company drivers. A TNC does not provide taxicab, limousine, or other similar for-hire motor carrier service. A TNC shall not be deemed to control, direct or manage the personal vehicles or participating drivers that connect to its digital network, except where agreed to by written contract. Further, a transportation network company shall not include an individual, corporation, partnership, sole proprietorship, or other entity solely arranging nonemergency medical transportation for individuals qualifying for Medicaid or Medicare pursuant to a contract with a governmental entity or managed care organization;

5. "Transportation network company driver (TNC driver)" means an individual who:

- a. receives connections to potential passengers and related services from a TNC in exchange for payment of a fee to the TNC, and
- b. uses a personal vehicle to provide prearranged rides to passengers upon connection through a digital network controlled by a TNC in return for compensation or payment of a fee; and

6. "Transportation network company passenger (TNC passenger)" means an individual or persons who use a digital network to connect with a TNC driver who provides prearranged rides to the passenger in the driver's personal vehicle between points chosen by the passenger. Added by Laws 2015, c. 279, § 2, eff. July 1, 2015.

§47-1012. Application of act to persons and entities.

Transportation network companies or transportation network company drivers shall not be considered motor carriers of persons as defined in Section 230.23 of Title 47 of the Oklahoma Statutes, nor shall TNCs or TNC drivers be considered to provide taxicab, limousine, or similar for-hire motor carrier service. Added by Laws 2015, c. 279, § 3, eff. July 1, 2015.

§47-1013. Permits - Rules - Commission authority.

A. A person shall not operate a transportation network company in Oklahoma without first having obtained a permit from the Oklahoma Corporation Commission (Commission).

B. The Commission shall issue a permit to each applicant that presents proof, in a form prescribed by the Commission, that the applicant meets the requirements for a TNC set forth in this act, and

proof of insurance required by this act and pays to the Commission an annual permit fee of Five Thousand Dollars (\$5,000.00).

C. The Commission shall promulgate rules as needed to implement the provisions of this act. The Commission may also set additional fees and assess fines for noncompliance with this act or with promulgated rules.

D. The authority of the Commission shall be limited to permitting and regulation of TNCs to ensure compliance by TNCs with the provisions of this act and shall not include jurisdiction to adjudicate private causes of action arising from the provision of prearranged rides.

E. The Commission shall have the authority to examine the records of TNCs for the purpose of enforcement of this act, including a random sample of the TNC's records related to prearranged rides and TNC drivers at the Oklahoma City offices of the Commission, unless an alternative location is agreed to by the Commission and the TNC. Such examinations shall not occur more than two times per year unless necessary to investigate a complaint. Records obtained by the Commission pursuant to this act shall not be subject to disclosure under the Oklahoma Open Records Act and shall be kept confidential by the Commission, except as may be required in a Commission proceeding.

F. Failure of a TNC to comply with the provisions of this act may result in the denial or revocation of the TNC permit or fines as assessed by the Commission.

Added by Laws 2015, c. 279, § 4, eff. July 1, 2015.

§47-1014. Agent for service of process.

Transportation network companies shall maintain an agent for service of process in the State of Oklahoma.

Added by Laws 2015, c. 279, § 5, eff. July 1, 2015.

§47-1015. Fares and rates.

Transportation network companies may determine and charge a fare for the services provided to passengers; provided, that if a fare is charged the TNC shall disclose to passengers the fare-calculation method on its website or within the software application service. The TNC shall also provide passengers with the applicable rates being charged and the option to receive an estimated fare before the passenger enters the TNC driver's vehicle.

Added by Laws 2015, c. 279, § 6, eff. July 1, 2015.

§47-1016. Driver photograph - License plate information - Company logo or emblem.

A transportation network company's software application or website shall display a picture of the TNC driver and the license plate number of the motor vehicle utilized for providing the prearranged ride before the passenger enters the TNC driver's

vehicle. A TNC that voluntarily elects to require TNC drivers to display the TNC company emblem or logo while in operation to identify the TNC vehicle and driver shall not in any way alter the contractual relationship between the parties or create an employer/employee relationship where one was not intended to exist by the parties. Added by Laws 2015, c. 279, § 7, eff. July 1, 2015. Amended by Laws 2017, c. 290, § 1, eff. Nov. 1, 2017.

§47-1017. Electronic receipt.

Within a reasonable period of time, as established by the Oklahoma Corporation Commission, following the completion of a trip, the transportation network company shall transmit an electronic receipt to the passenger that lists:

1. The origin and destination of the trip;
2. The total time and distance of the trip; and
3. An itemization of the total fare paid, if any.

Added by Laws 2015, c. 279, § 8, eff. July 1, 2015.

§47-1018. Zero tolerance policy for drugs or alcohol - Complaints.

A. Transportation network companies shall implement a zero-tolerance policy against TNC drivers operating under the influence of drugs or alcohol while providing prearranged rides or while logged into the TNC's digital network but not providing prearranged rides, and shall provide notice of this policy on its digital network, as well as procedures to report a complaint about a driver with whom a passenger was matched and who the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

B. Upon receipt of such passenger complaint alleging a violation of the zero-tolerance policy, the TNC shall immediately suspend such TNC driver's access to the TNC's digital network, and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

C. TNCs shall maintain records relevant to the enforcement of this requirement for a period of at least two (2) years from the date that a passenger complaint is received by the TNC.

Added by Laws 2015, c. 279, § 9, eff. July 1, 2015.

§47-1019. Driver applications - Background check - Updates.

A. Prior to permitting an individual to act as a transportation network company driver on its digital network, the TNC shall:

1. Require the individual to submit an application to the TNC, which includes information regarding his or her address, age, driver license, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC;

2. Conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include a check of:

- a. the Multi-State/Multi-Jurisdictional Criminal Records Locator or other similar commercial nationwide database with validation through a primary source search, and
- b. the National Sex Offender Registry database; and

3. Obtain and review a driving history research report for such individual.

B. TNCs shall not permit an individual to act as a TNC driver on its digital network who:

1. Has had more than three moving violations in the prior three-year period, or one major violation, including but not limited to attempting to evade the police, reckless driving, or driving on a suspended or revoked license, in the prior three-year period;

2. Has been convicted, within the past seven (7) years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, theft, acts of violence, or acts of terror;

3. Is a match in the National Sex Offender Registry database;

4. Does not possess a valid driver license;

5. Does not possess current proof of motor vehicle registration for the motor vehicle(s) used to provide prearranged rides;

6. Does not possess proof of the automobile liability insurance required by law or rule for the motor vehicle(s) used to provide prearranged rides; or

7. Is not at least nineteen (19) years of age.

C. TNCs shall implement a procedure for periodic information updates for each TNC driver's vehicle(s) and motor vehicle insurance and for rechecks of each TNC driver for the criminal background and driving record information required by paragraph A of this section to ensure continued compliance by each driver with the requirements of paragraph B of this section.

Added by Laws 2015, c. 279, § 10, eff. July 1, 2015.

§47-1020. Vehicle equipment standards.

Transportation network companies shall require that any motor vehicle(s) that a TNC driver will use to provide prearranged rides meets the equipment standards required of private motor vehicles under Section 12-101 et seq. of Title 47 of the Oklahoma Statutes. Added by Laws 2015, c. 279, § 11, eff. July 1, 2015.

§47-1021. Acceptance of rides - Payments.

A. Transportation network companies shall implement a policy requiring TNC drivers to exclusively accept rides booked through a TNC's digital network or software application service and prohibiting

solicitation of street hails or acceptance of unsolicited street hails.

B. TNCs shall implement a policy prohibiting solicitation or acceptance of cash payments from passengers. A TNC may accept payment for prearranged rides made electronically using the TNC's digital network or software application or by check mailed to the TNC at an address provided by the TNC.

Added by Laws 2015, c. 279, § 12, eff. July 1, 2015. Amended by Laws 2019, c. 129, § 1, emerg. eff. April 23, 2019.

§47-1022. Seating capacity - Passengers.

Transportation network companies shall adopt a policy prohibiting the provision of prearranged rides in any vehicle with a manufacturer's designed seating capacity of more than fifteen persons, including the driver, and prohibiting the transportation of multiple passengers in numbers exceeding the manufacturer's designed seating capacity.

Added by Laws 2015, c. 279, § 13, eff. July 1, 2015.

§47-1023. Nondiscrimination and accessibility.

A. Transportation network companies shall adopt a policy of nondiscrimination on the basis of destination, race, color, national origin, religious belief, religious affiliation, sex, disability, or age with respect to passengers and potential passengers and notify TNC drivers of such policy.

B. TNCs shall require TNC drivers to comply with all applicable laws regarding nondiscrimination against passengers or potential passengers on the basis of destination, race, color, national origin, religious belief, religious affiliation, sex, disability, or age.

C. TNCs shall require TNC drivers to comply with all applicable laws relating to accommodation of service animals.

D. TNCs shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.

E. TNCs shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a TNC cannot arrange a wheelchair-accessible prearranged ride in any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible service, if available.

Added by Laws 2015, c. 279, § 14, eff. July 1, 2015.

§47-1024. Recordkeeping.

Transportation network companies shall maintain:

1. Individual trip records for at least two (2) years from the date each trip was provided; and

2. TNC driver records at least until the two-year anniversary of the date on which a TNC driver's activation on the TNC digital network has ended.

Added by Laws 2015, c. 279, § 15, eff. July 1, 2015.

§47-1025. Insurance requirements.

A. On or before July 1, 2015, and thereafter, a transportation network company driver or TNC on the TNC driver's behalf shall maintain primary automobile insurance that recognizes that the driver is a TNC driver or otherwise uses a vehicle to transport passengers for compensation and covers the driver:

1. While the driver is both logged on to and available to receive transportation requests on the TNC's digital network; or

2. While the driver is engaged in providing prearranged rides.

B. The following automobile insurance requirements shall apply while a TNC driver is both logged on to the TNC's digital network and available to receive transportation requests but is not engaged in prearranged rides:

1. Primary automobile liability insurance in the amount of at least Fifty Thousand Dollars (\$50,000.00) for death and bodily injury per person, One Hundred Thousand Dollars (\$100,000.00) for death and bodily injury per incident, and Twenty-five Thousand Dollars (\$25,000.00) for property damage;

2. Uninsured motorist coverage where not waived pursuant to Section 3636 of Title 36 of the Oklahoma Statutes; and

3. The coverage requirements of this subsection may be satisfied by any of the following:

a. automobile insurance maintained by the TNC driver,

b. automobile insurance maintained by the TNC, or

c. any combination of subparagraphs a and b of this paragraph.

C. The following automobile insurance requirements shall apply while a TNC driver is engaged in a prearranged ride:

1. Primary automobile liability insurance that provides at least One Million Dollars (\$1,000,000.00) for death, bodily injury, and property damage;

2. Uninsured motorist coverage where not waived pursuant to Section 3636 of Title 36 of the Oklahoma Statutes; and

3. The coverage requirements of this subsection may be satisfied by any of the following:

a. automobile insurance maintained by the TNC driver,

b. automobile insurance maintained by the TNC, or

c. any combination of subparagraphs a and b of this paragraph.

D. If insurance maintained by a TNC driver in subsection B or C of this section has lapsed or does not provide the required coverage, insurance maintained by a TNC shall provide the coverage required by

this section beginning with the first dollar of a claim and have the duty to defend such claim.

E. Coverage under an automobile insurance policy maintained by the TNC shall not be dependent on a personal automobile insurer first denying a claim nor shall a personal automobile insurance policy be required to first deny a claim.

F. Insurance required by this section may be placed with an insurer authorized to do business in this state or with a surplus lines insurer eligible under Section 1100 et seq. of Title 36 of the Oklahoma Statutes.

G. Insurance satisfying the requirements of this section shall be deemed to satisfy the financial responsibility requirement for a motor vehicle under Chapter 7 of the Oklahoma Highway Safety Code of Section 7-101 et seq. of this title, while the TNC driver is logged into the network.

H. A TNC driver shall carry proof of coverage satisfying subsections B and C of this section with him or her at all times during his or her use of a vehicle in connection with a transportation network company's digital network. Proof of coverage may be presented in electronic format. In the event of an accident, a TNC driver shall provide this insurance coverage information to the directly interested parties, automobile insurers and investigating police officers, upon request pursuant to Section 7-102 et seq. of this title. Upon such request, a TNC driver shall also disclose to directly interested parties, automobile insurers, and investigating police officers whether he or she was logged on to the TNC's digital network or on a prearranged ride at the time of an accident. Added by Laws 2015, c. 279, § 16, eff. July 1, 2015. Amended by Laws 2017, c. 290, § 2, eff. Nov. 1, 2017.

§47-1026. Insurance disclosures to drivers.

The transportation network company shall disclose in writing to TNC drivers the following before they are allowed to accept a request for a prearranged ride on the TNC's digital network:

1. The insurance coverage, including the types of coverage and the limits for each coverage, that the TNC provides while the TNC driver uses a personal vehicle in connection with a TNC's digital network; and

2. That the TNC driver's own automobile insurance policy might not provide any coverage while the driver is logged on to the TNC's digital network and is available to receive transportation requests or is engaged in prearranged rides depending on its terms.

Added by Laws 2015, c. 279, § 17, eff. July 1, 2015.

§47-1027. Coverage exclusions by insurers.

A. Insurers that write automobile insurance in Oklahoma may exclude any and all coverage afforded under the owner's insurance

policy for any loss or injury that occurs while a transportation network company driver is logged on to a TNC's digital network or while a driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in an automobile insurance policy including, but not limited to:

1. Liability coverage for bodily injury and property damage;
2. Uninsured and underinsured motorist coverage;
3. Medical payments coverage;
4. Comprehensive physical damage coverage; and
5. Collision physical damage coverage.

B. Such exclusions shall apply notwithstanding any requirement under Chapter 7 of the Oklahoma Highway Safety Code of Section 7-101 et seq. of Title 47 of the Oklahoma Statutes. Nothing in this section implies or requires that a personal automobile insurance policy provide coverage while the TNC driver is logged on to the TNC's digital network, while the TNC driver is engaged in a prearranged ride or while the driver otherwise uses a vehicle to transport passengers for compensation.

Nothing shall be deemed to preclude an insurer from providing coverage for the TNC driver's vehicle, if it chooses to do so by contract or endorsement.

C. Automobile insurers that exclude coverage as permitted in Section 16 of this act shall have no duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this article shall be deemed to invalidate or limit an exclusion contained in a policy already in use or approved for use in this state prior to the enactment of this act that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.

An automobile insurer that defends or indemnifies a claim against a TNC driver that is excluded under the terms of its policy shall have a right of contribution against other insurers that provide automobile insurance to the same TNC driver in satisfaction of the coverage requirements of Section 16 of this act at the time of loss.

D. In a claims coverage investigation, TNCs and any insurer potentially providing coverage under Section 16 of this act shall cooperate to facilitate the exchange of relevant information with directly involved parties and any insurer of the TNC driver if applicable, including the precise times that a TNC driver logged on and off of the TNC's digital network in the twelve-hour period immediately preceding and in the twelve-hour period immediately following the accident and disclose to one another a clear description of the coverage, exclusions and limits provided under any automobile insurance maintained under Section 16 of this act.
Added by Laws 2015, c. 279, § 18, eff. July 1, 2015.

§47-1028. Claim payments.

If a transportation network company's insurer makes a payment for a claim covered under comprehensive or collision insurance coverage, the TNC shall cause its insurer to issue the payment directly to the business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder.

Added by Laws 2015, c. 279, § 19, eff. July 1, 2015.

§47-1029. Disclosure of passenger information.

Transportation network companies shall not disclose a passenger's personally identifiable information to a third party unless:

1. The passenger consents;
2. Disclosure is required by a legal obligation; or
3. Disclosure is required to protect or defend the terms of use of the service or to investigate violations of those terms.

In addition, a TNC shall be permitted to share a passenger's name and telephone number with the TNC driver providing prearranged rides to such passenger only to facilitate correct identification of the passenger by the TNC driver, or to facilitate communication between the passenger and the driver regarding prearranged rides. TNCs shall prohibit the use by TNC drivers of a passenger's name, telephone number, or other personal information for any purpose other than those listed in this section.

Added by Laws 2015, c. 279, § 20, eff. July 1, 2015.

§47-1030. Exclusive jurisdiction of the Oklahoma Corporation Commission.

Notwithstanding any other provision of law, the regulation, licensing or permitting of transportation network companies for the provisions of prearranged rides is within the exclusive jurisdiction of the Oklahoma Corporation Commission as set forth in the Oklahoma Transportation Network Company Services Act and any rules promulgated by the Commission consistent with the act. No political subdivision of the state may impose a tax on, or require a license for, a TNC or a TNC driver for the provision of prearranged rides or subject a TNC to the political subdivision's rate requirement, entry requirement, operational requirement or other requirements.

Added by Laws 2015, c. 279, § 21, eff. July 1, 2015.

§47-1101. Short title.

Sections 4 through 58 of this act shall be known and may be cited as the "Oklahoma Vehicle License and Registration Act".

Added by Laws 1985, c. 179, § 4, operative July 1, 1985.

§47-1102. Definitions.

As used in the Oklahoma Vehicle License and Registration Act:

1. "All-terrain vehicle" means a vehicle manufactured and used exclusively for off-highway use traveling on four or more non-highway tires, and being fifty (50) inches or less in width;

2. "Carrying capacity" means the carrying capacity of a vehicle as determined or declared in tons of cargo or payload by the owner; provided, that such declared capacity shall not be less than the minimum tonnage capacity fixed, listed or advertised by the manufacturer of any vehicle;

3. "Certificate of title" means a document which is proof of legal ownership of a motor vehicle as described and provided for in Section 1105 of this title;

4. "Chips and oil" or the term "road oil and crushed rock" means, with respect to materials authorized for use in the surfacing of roads or highways in this title or in any equivalent statute pertaining to road or highway surfacing in the State of Oklahoma, any asphaltic materials. Wherever chips and oil or road oil and crushed rock are authorized for use in the surfacing of roads or highways in this state, whether by the Department of Transportation, or by the county commissioners, or other road building authority subject to the Oklahoma Vehicle License and Registration Act, asphaltic materials are also authorized for use in such surfacing and construction;

5. "Combined laden weight" means the weight of a truck or station wagon and its cargo or payload transported thereon, or the weight of a truck or truck-tractor plus the weight of any trailers or semitrailers together with the cargo or payload transported thereon;

6. "Commercial trailer" means any trailer, as defined in Section 1-180 of this title, or semitrailer, as defined in Section 1-162 of this title, when such trailer or semitrailer is used primarily for business or commercial purposes;

7. "Commercial trailer dealer" means any person, firm or corporation engaged in the business of selling any new and unused, or used, or both new and used commercial trailers;

8. "Commercial vehicle" means any vehicle over eight thousand (8,000) pounds combined laden weight used primarily for business or commercial purposes. Each motor vehicle being registered pursuant to the provisions of this section shall have the name of the commercial establishment or the words "Commercial Vehicle" permanently and prominently displayed upon the outside of the vehicle in letters not less than two (2) inches high. Such letters shall be in sharp contrast to the background and shall be of sufficient shape and color as to be readily legible during daylight hours, from a distance of fifty (50) feet while the vehicle is not in motion;

9. "Commission" or "Tax Commission" means the Oklahoma Tax Commission;

10. "Construction machinery" means machines or devices drawn as trailers which are designed and used for construction, tree trimming and waste maintenance projects, which derive no revenue from the

transportation of persons or property, whose use of the highway is only incidental and which are not mounted or affixed to another vehicle; provided, construction machinery shall not include implements of husbandry as defined in Section 1-125 of this title;

11. "Dealer" means any person, firm, association, corporation or trust who sells, solicits or advertises the sale of new and unused motor vehicles and holds a bona fide contract or franchise in effect with a manufacturer or distributor of a particular make of new or unused motor vehicle or vehicles for the sale of same;

12. "Mini-truck" means a foreign-manufactured import or domestic-manufactured vehicle powered by an internal combustion engine with a piston or rotor displacement of one thousand cubic centimeters (1,000 cu cm) or less, which is sixty-seven (67) inches or less in width, with an unladen dry weight of three thousand four hundred (3,400) pounds or less, traveling on four or more tires, having a top speed of approximately fifty-five (55) miles per hour, equipped with a bed or compartment for hauling, and having an enclosed passenger cab;

13. "Interstate commerce" means any commerce moving between any place in a state and any place in another state or between places in the same state through another state;

14. "Laden weight" means the combined weight of a vehicle when fully equipped for use and the cargo or payload transported thereon; provided, that in no event shall the laden weight be less than the unladen weight of the vehicle fully equipped for use, plus the manufacturer's rated carrying capacity;

15. "Local authorities" means every county, municipality or local board or body having authority to adopt police regulations under the Constitution and laws of this state;

16. "Low-speed electrical vehicle" means any four-wheeled electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour and is manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R. 571.500;

17. "Manufactured home" means a residential dwelling built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and rules promulgated pursuant thereto and the rules promulgated by the Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section 582 of this title. Manufactured home shall not mean a park model recreational vehicle as defined in this section;

18. "Manufactured home dealer" means any person, firm or corporation engaged in the business of selling any new and unused, or used, or both new and used manufactured homes. Such information and

a valid franchise letter as proof of authorization to sell any such new manufactured home product line or lines shall be attached to the application for a dealer license to sell manufactured homes.

"Manufactured home dealer" shall not include any person, firm or corporation who sells or contracts for the sale of the dealer's own personally titled manufactured home or homes. No person, firm or corporation shall be considered a manufactured home dealer as to any manufactured home purchased or acquired by such person, firm or corporation for purposes other than resale; provided, that the restriction set forth in this sentence shall not prevent an otherwise qualified person, firm or corporation from utilizing a single manufactured home as a sales office;

19. "Medium-speed electrical vehicle" means any self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one (1) mile is more than thirty (30) miles per hour but not greater than thirty-five (35) miles per hour;

20. "Motor license agent" means any person appointed, designated or authorized by the Oklahoma Tax Commission to collect the fees and to enforce the provisions provided for in the Oklahoma Vehicle License and Registration Act;

21. "New vehicle" or "unused vehicle" means a vehicle which has been in the possession of the manufacturer, distributor or wholesaler or has been sold only by the manufacturer, distributor or wholesaler to a dealer;

22. "Nonresident" means any person who is not a resident of this state;

23. "Off-road motorcycle" means any motorcycle, as defined in Section 1-135 of this title, when such motorcycle has been manufactured for and used exclusively off roads, highways and any other paved surfaces;

24. "Owner" means any person owning, operating or possessing any vehicle herein defined;

25. "Park model recreational vehicle" means a vehicle that is:

- a. designed and marketed as temporary living quarters for camping, recreational, seasonal or travel use,
- b. not permanently affixed to real property for use as a permanent dwelling,
- c. built on a single chassis mounted on wheels with a gross trailer area not exceeding four hundred (400) square feet in the setup mode, and
- d. certified by the manufacturer as complying with standard A119.5 of the American National Standards Institute, Inc.;

26. "Person" means any individual, copartner, joint venture, association, corporation, limited liability company, estate, trust, business trust, syndicate, the State of Oklahoma, or any county,

city, municipality, school district or other political subdivision thereof, or any group or combination acting as a unit, or any receiver appointed by the state or federal court;

27. "Rebodied vehicle" means a vehicle:

- a. which has been assembled using a new body or new major component which is of the identical type as the original vehicle and is licensed by the manufacturer of the original vehicle and other original, new or reconditioned parts. For purposes of this paragraph, "new body or new major component" means a new body, cab, frame, front end clip or rear end clip,
- b. which is not a salvage, rebuilt, or junked vehicle as defined by paragraph 1, 2, or 6 of subsection A of Section 1105 of this title, and
- c. for which the Tax Commission has assigned or will assign a new identifying number;

28. "Recreational off-highway vehicle" means a vehicle manufactured and used exclusively for off-highway use, traveling on four or more non-highway tires, and being sixty-five (65) inches or less in width;

29. "Recreational vehicle" means every vehicle which is built on or permanently attached to a self-propelled motor chassis or chassis cab which becomes an integral part of the completed vehicle and is capable of being operated on the highways. In order to qualify as a recreational vehicle pursuant to this paragraph such vehicle shall be permanently constructed and equipped for human habitation, having its own sleeping and kitchen facilities, including permanently affixed cooking facilities, water tanks and holding tank with permanent toilet facilities. Recreational vehicle shall not include manufactured homes or any vehicle with portable sleeping, toilet and kitchen facilities which are designed to be removed from such vehicle. Recreational vehicle shall include park model recreational vehicles as defined in this section;

30. "Remanufactured vehicle" means a vehicle which has been assembled by a vehicle remanufacturer using a new body and which may include original, reconditioned, or remanufactured parts, and which is not a salvage, rebuilt, or junked vehicle as defined by paragraphs 1, 2, and 6, respectively, of subsection A of Section 1105 of this title;

31. "Rental trailer" means all small or utility trailers or semitrailers constructed and suitable for towing by a passenger automobile and designed only for carrying property, when the trailers or semitrailers are owned by, or are in the possession of, any person engaged in renting or leasing such trailers or semitrailers for intrastate or interstate use or combined intrastate and interstate use;

32. "Special mobilized machinery" means special purpose machines or devices, either self-propelled or drawn as trailers or semitrailers, which derive no revenue from the transportation of persons or property, whose use of the highway is only incidental, and whose useful revenue producing service is performed at destinations in an area away from the traveled surface of an established open highway;

33. "State" means the State of Oklahoma;

34. "Station wagon" means any passenger vehicle which does not have a separate luggage compartment or trunk and which does not have open beds, and has one or more rear seats readily lifted out or folded, whether same is called a station wagon or ranch wagon;

35. "Travel trailer" means any vehicular portable structure built on a chassis, used as a temporary dwelling for travel, recreational or vacation use, and, when factory-equipped for the road, it shall have a body width not exceeding eight (8) feet and an overall length not exceeding forty (40) feet, including the hitch or coupling;

36. "Travel trailer dealer" means any person, firm or corporation engaged in the business of selling any new and unused, or used, or both new and used travel trailers. Such information and a valid franchise letter as proof of authorization to sell any such new travel trailer product line or lines shall be attached to the application for a dealer license to sell travel trailers. "Travel trailer dealer" shall not include any person, firm or corporation who sells or contracts for the sale of his or her own personally titled travel trailer or trailers. No person, firm or corporation shall be considered as a travel trailer dealer as to any travel trailer purchased or acquired by such person, firm or corporation for purposes other than resale;

37. "Used motor vehicle dealer" means "used motor vehicle dealer" as defined in Section 581 of this title;

38. "Used vehicle" means any vehicle which has been sold, bargained, exchanged or given away, or used to the extent that it has become what is commonly known, and generally recognized, as a "secondhand" vehicle. This shall also include any vehicle other than a remanufactured vehicle, regardless of age, owned by any person who is not a dealer;

39. "Utility vehicle" means a vehicle powered by an internal combustion engine, manufactured and used exclusively for off-highway use, equipped with seating for two or more people and a steering wheel, traveling on four or more wheels;

40. "Vehicle" means any type of conveyance or device in, upon or by which a person or property is or may be transported from one location to another upon the avenues of public access within the state. "Vehicle" does not include bicycles, trailers except travel trailers and rental trailers, or implements of husbandry as defined

in Section 1-125 of this title. All implements of husbandry used as conveyances shall be required to display the owner's driver license number or license plate number of any vehicle owned by the owner of the implement of husbandry on the rear of the implement in numbers not less than two (2) inches in height. The use of the owner's Social Security number on the rear of the implement of husbandry shall not be required; and

41. "Vehicle remanufacturer" means a commercial entity which assembles remanufactured vehicles.

Added by Laws 1985, c. 179, § 5, operative July 1, 1985. Amended by Laws 1988, c. 167, § 1, emerg. eff. May 24, 1988; Laws 1988, c. 281, § 22, operative July 1, 1988; Laws 1991, c. 308, § 1, eff. July 1, 1991; Laws 1992, c. 104, § 1, eff. Sept. 1, 1992; Laws 1993, c. 93, § 1, eff. July 1, 1993; Laws 1994, c. 278, § 3, eff. Sept. 1, 1994; Laws 1998, c. 199, § 1, eff. Nov. 1, 1998; Laws 2000, c. 150, § 7, eff. July 1, 2000; Laws 2001, c. 5, § 25, emerg. eff. March 21, 2001; Laws 2001, c. 243, § 4, eff. Nov. 1, 2001; Laws 2002, c. 22, § 14, emerg. eff. March 8, 2002; Laws 2004, c. 534, § 1, eff. Nov. 1, 2004; Laws 2005, c. 284, § 1, eff. July 1, 2005; Laws 2006, c. 295, § 2, eff. July 1, 2006; Laws 2007, c. 177, § 1, eff. Nov. 1, 2007; Laws 2008, c. 98, § 5, eff. July 1, 2008; Laws 2008, c. 127, § 1, eff. Nov. 1, 2008; Laws 2008, c. 302, § 6, emerg. eff. June 2, 2008; Laws 2010, c. 312, § 1, eff. Nov. 1, 2010; Laws 2011, c. 110, § 1, eff. Nov. 1, 2011; Laws 2011, c. 148, § 1, eff. Nov. 1, 2011; Laws 2013, c. 52, § 1, eff. Nov. 1, 2013; Laws 2013, c. 191, § 3, eff. Nov. 1, 2013; Laws 2014, c. 229, § 1, eff. July 1, 2014; Laws 2016, c. 57, § 1, eff. Nov. 1, 2016.

NOTE: Laws 2000, c. 80, § 2 repealed by Laws 2001, c. 5, § 26, emerg. eff. March 21, 2001. Laws 2001, c. 149, § 1 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002. Laws 2008, c. 297, § 2 repealed by Laws 2009, c. 2, § 11, emerg. eff. March 12, 2009.

§47-1103. Legislative intent.

It is the intent of the Legislature that the owner or owners of every vehicle in this state shall possess a certificate of title as proof of ownership and that every vehicle shall be registered in the name of the owner or owners thereof. All registration and license fees and mileage taxes imposed by this act shall be for the purpose of providing funds for the general governmental functions of the state, counties, municipalities and schools and for the maintenance and upkeep of the avenues of public access of this state. Such registration and license fees shall apply to every vehicle operated upon, over, along or across any avenue of public access within this state and when paid in full, shall be in lieu of all other taxes, general and local, unless otherwise specifically provided.

Added by Laws 1985, c. 179, § 6, operative July 1, 1985.

§47-1104. Apportionment of fees, taxes and penalties collected.

A. Unless otherwise provided by law, all fees, taxes and penalties collected or received pursuant to the Oklahoma Vehicle License and Registration Act or Section 1-101 et seq. of this title shall be apportioned and distributed monthly by the Oklahoma Tax Commission in accordance with this section.

B. 1. The following percentages of the monies referred to in subsection A of this section shall be apportioned to the various school districts in accordance with paragraph 2 of this subsection:

- a. from October 1, 2000, until June 30, 2001, thirty-five and forty-six one-hundredths percent (35.46%),
- b. for the year beginning July 1, 2001, and ending June 30, 2002, thirty-five and ninety-one one-hundredths percent (35.91%),
- c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, thirty-six and twenty one-hundredths percent (36.20%),
- d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, thirty-six and twenty one-hundredths percent (36.20%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and
- e. for the year beginning July 1, 2019, and all subsequent years, thirty-six and twenty one-hundredths percent (36.20%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be apportioned to the various school districts so that each district shall receive an amount based upon the proportion that each district's average daily attendance bears to the total average daily attendance of those districts entitled to receive funds pursuant to this section as certified by the State Department of Education.

Each district's allocation of funds shall be remitted to the county treasurer of the county wherein the administrative headquarters of the district are located.

No district shall be eligible for the funds herein provided unless the district makes an ad valorem tax levy of fifteen (15)

mills and maintains nine (9) years of instruction and pursuant to the rules of the State Board of Education, is authorized to maintain ten (10) years of instruction.

C. The following percentages of the monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the General Revenue Fund of the State Treasury:

1. From October 1, 2000, until June 30, 2001, forty-five and ninety-seven one-hundredths percent (45.97%);

2. For the year beginning July 1, 2001, and ending June 30, 2002, forty-five and twenty-nine one-hundredths percent (45.29%);

3. For the year beginning July 1, 2002, and for the subsequent fiscal years ending June 30, 2007, forty-four and eighty-four one-hundredths percent (44.84%);

4. For the year beginning July 1, 2007, and ending June 30, 2008, thirty-nine and eighty-four one-hundredths percent (39.84%);

5. For the year beginning July 1, 2008, and ending June 30, 2009, thirty-four and eighty-four one-hundredths percent (34.84%);

6. For the period beginning July 1, 2009, and ending December 31, 2012, twenty-nine and eighty-four one-hundredths percent (29.84%);

7. For the period beginning January 1, 2013, and ending June 30, 2013, twenty-nine and thirty-four one-hundredths percent (29.34%);

8. For the year beginning July 1, 2013, and ending June 30, 2014, twenty-six and eighty-four one-hundredths percent (26.84%); and

9. For the year beginning July 1, 2014, through the year ending June 30, 2019, twenty-four and eighty-four one-hundredths percent (24.84%).

D. The following percentages of the monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the State Transportation Fund:

1. From October 1, 2000, until June 30, 2001, thirty one-hundredths percent (0.30%);

2. For the year beginning July 1, 2001, through the year ending on June 30, 2015, thirty-one one-hundredths percent (0.31%);

3. For the year beginning July 1, 2015, through the year ending on June 30, 2019, thirty-one one-hundredths percent (0.31%), but in no event shall the amount apportioned in any fiscal year pursuant to this paragraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund; and

4. For the year beginning July 1, 2019, and all subsequent years, thirty-one one-hundredths percent (0.31%), but in no event shall the amount apportioned in any fiscal year pursuant to this paragraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and

Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

E. 1. The following percentages of the monies referred to in subsection A of this section shall be apportioned to the various counties as set forth in paragraph 2 of this section:

- a. from October 1, 2000, until June 30, 2001, seven and nine one-hundredths percent (7.09%),
- b. for the year beginning July 1, 2001, and ending June 30, 2002, seven and eighteen one-hundredths percent (7.18%),
- c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, seven and twenty-four one-hundredths percent (7.24%),
- d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, seven and twenty-four one-hundredths percent (7.24%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and
- e. for the year beginning July 1, 2019, and all subsequent years, seven and twenty-four one-hundredths percent (7.24%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be apportioned as follows: forty percent (40%) of such sum shall be distributed to the various counties in that proportion which the county road mileage of each county bears to the entire state road mileage as certified by the Transportation Commission and the remaining sixty percent (60%) of such sum shall be distributed to the various counties on the basis which the population and area of each county bears to the total population and area of the state. The population shall be as shown by the last Federal Census or the most recent annual estimate provided by the United States Bureau of the Census. The funds shall be used for the purpose of constructing and maintaining county highways; provided, however, the county treasurer may deposit so much of the funds in the sinking fund as may be necessary for the retirement of interest and annual accrual of indebtedness created by the issuance of county or township bonds for road purposes. Such

deposits to the sinking fund shall not exceed forty percent (40%) of the funds allocated to a county pursuant to this paragraph.

F. 1. The following percentages of the monies referred to in subsection A of this section shall be remitted to the county treasurers of the respective counties and by them deposited in a separate special revenue fund to be used by the county commissioners in accordance with paragraph 2 of this subsection:

- a. from October 1, 2000, until June 30, 2001, two and fifty-three one-hundredths percent (2.53%),
- b. for the year beginning July 1, 2001, and ending June 30, 2002, two and fifty-six one-hundredths percent (2.56%),
- c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, two and fifty-nine one-hundredths percent (2.59%),
- d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, two and fifty-nine one-hundredths percent (2.59%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and
- e. for the year beginning July 1, 2019, and all subsequent years, two and fifty-nine one-hundredths percent (2.59%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be used for the primary purpose of matching federal funds for the construction of federal aid projects on county roads, or constructing and maintaining county or township highways and permanent bridges of such counties. The distribution of monies apportioned by this paragraph shall be made upon the basis of the current formula based upon road mileage, area and population as related to county road improvement and maintenance costs. Provided, however, the Department of Transportation may update the formula factors from time to time as necessary to account for changing conditions.

G. 1. The following percentages of the monies referred to in subsection A of this section shall be transmitted by the Tax

Commission to the various counties as set forth in paragraph 2 of this subsection:

- a. from October 1, 2000, until June 30, 2001, three and fifty-five one-hundredths percent (3.55%),
- b. for the year beginning July 1, 2001, and ending June 30, 2002, three and fifty-nine one-hundredths percent (3.59%),
- c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, three and sixty-two one-hundredths percent (3.62%),
- d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, three and sixty-two one-hundredths percent (3.62%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and
- e. for the year beginning July 1, 2019, and all subsequent years, three and sixty-two one-hundredths percent (3.62%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be transmitted to the various counties on the basis of a formula to be developed by the Department of Transportation. Such formula shall be similar to that currently used for the distribution of County Bridge Program Funds, but also taking into consideration the effect of terrain and traffic volume as related to county road improvement and maintenance costs. Provided, however, the Department of Transportation may update the formula factors from time to time as necessary to account for changing conditions. The funds shall be transmitted to the various county treasurers to be deposited in the county highway fund of their respective counties.

H. 1. The following percentages of the monies referred to in subsection A of this section shall be apportioned to the various counties as set forth in paragraph 2 of this subsection:

- a. from October 1, 2000, until June 30, 2001, eighty-one one-hundredths percent (0.81%),
- b. for the year beginning July 1, 2001, and ending June 30, 2002, eighty-two one-hundredths percent (0.82%),

- c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, eighty-three one-hundredths percent (0.83%),
- d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, eighty-three one-hundredths percent (0.83%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and
- e. for the year beginning July 1, 2019, and all subsequent years, eighty-three one-hundredths percent (0.83%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be apportioned to the various counties based upon the proportion that each county's population bears to the total state population.

Each county's allocation of funds shall be remitted to the various county treasurers to be deposited in the general fund of the county and used for the support of county government.

I. 1. The following percentages of the monies referred to in subsection A of this section shall be apportioned to the various cities and incorporated towns as set forth in paragraph 2 of this subsection:

- a. from October 1, 2000, until June 30, 2001, three and four one-hundredths percent (3.04%),
- b. for the year beginning July 1, 2001, and ending June 30, 2002, three and eight one-hundredths percent (3.08%),
- c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, three and ten one-hundredths percent (3.10%),
- d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, three and ten one-hundredths percent (3.10%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and

- e. for the year beginning July 1, 2019, and all subsequent years, three and ten one-hundredths percent (3.10%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be apportioned to the various cities and incorporated towns based upon the proportion that each city or incorporated town's population bears to the total population of all cities and incorporated towns in the state. Such funds shall be remitted to the various county treasurers for allocation to the various cities and incorporated towns. All such funds shall be used for the construction, maintenance, repair, improvement and lighting of streets and alleys. Provided, however, the governing board of any city or town may, with the approval of the county excise board, transfer any surplus funds to the general revenue fund of such city or town whenever an emergency requires such a transfer.

J. The following percentages of the monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the Oklahoma Law Enforcement Retirement Fund:

- 1. From October 1, 2000, until June 30, 2001, one and twenty-two one-hundredths percent (1.22%);
- 2. For the year beginning July 1, 2001, and ending June 30, 2002, one and twenty-three one-hundredths percent (1.23%); and
- 3. For the year beginning July 1, 2002, and all subsequent years, one and twenty-four one-hundredths percent (1.24%).

K. Three one-hundredths of one percent (3/100 of 1%) of the monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the Wildlife Conservation Fund. Seventy-five percent (75%) of the funds shall be used for fish habitat restoration and twenty-five percent (25%) of the funds shall be used in the fish hatchery system for fish production.

L. 1. For the year beginning July 1, 2007, and ending June 30, 2008, five percent (5%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

2. For the year beginning July 1, 2008, and ending June 30, 2009, ten percent (10%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

3. For the period beginning July 1, 2009, and ending December 31, 2012, fifteen percent (15%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

4. For the period beginning January 1, 2013, and ending June 30, 2013, fifteen and fifty one-hundredths percent (15.50%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

5. For the year beginning July 1, 2013, and ending June 30, 2014, eighteen percent (18%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

6. For the year beginning July 1, 2014, twenty percent (20%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

7. For the year beginning July 1, 2015, through the year ending on June 30, 2019, twenty percent (20%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes, but in no event shall the total amount apportioned in any fiscal year pursuant to this paragraph exceed One Hundred Twenty Million Dollars (\$120,000,000.00). Any amounts in excess of One Hundred Twenty Million Dollars (\$120,000,000.00) shall be placed to the credit of the General Revenue Fund.

8. For the year beginning July 1, 2019, and all subsequent years, twenty percent (20%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes, but in no event shall the total amount apportioned in any fiscal year pursuant to this paragraph exceed One Hundred Twenty Million Dollars (\$120,000,000.00). Any amounts in excess of One Hundred Twenty Million Dollars (\$120,000,000.00) shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

M. Twenty-four and eighty-four one-hundredths percent (24.84%) of the monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

N. Monies allocated to counties by this section may be estimated by the county excise board in the budget for the county as anticipated revenue to the extent of ninety percent (90%) of the previous year's income from such source; provided, not more than fifteen percent (15%) can be encumbered during any month.

O. Notwithstanding any other provisions of this section, for the fiscal year beginning July 1, 2003, the first One Hundred Thousand Dollars (\$100,000.00) of the monies collected or received by the Tax Commission pursuant to the registration of motorcycles and mopeds in this state shall be placed to the credit of the Oklahoma Tax Commission Revolving Fund.

Added by Laws 1985, c. 179, § 7, operative July 1, 1985. Amended by Laws 1985, c. 197, § 1, operative July 1, 1985; Laws 1985, c. 351, § 13, emerg. eff. July 31, 1985; Laws 1986, c. 72, § 1, emerg. eff. April 2, 1986; Laws 1986, c. 152, § 1, operative July 1, 1986; Laws 1986, c. 223, § 27, operative July 1, 1986; Laws 1986, c. 295, § 1, eff. July 1, 1986; Laws 1987, c. 5, § 139, operative March 31, 1987; Laws 1989, c. 58, § 1, operative July 1, 1989; Laws 1989, c. 352, § 1, operative July 1, 1989; Laws 1989, 1st Ex. Sess., c. 1, § 6, eff. July 1, 1990; Laws 1989, 1st Ex. Sess., c. 2, § 94, emerg. eff. April 25, 1990; Laws 1990, c. 298, § 9; Laws 1991, c. 261, § 1, eff. Sept. 1, 1991; Laws 1995, c. 305, § 1, eff. July 1, 1995; Laws 1997, c. 294, § 1, eff. July 1, 1997; Laws 2000, c. 250, § 2, eff. Oct. 1, 2000, and adopted by State Question No. 691, Legislative Referendum No. 319, at election held Aug. 22, 2000; Laws 2003, c. 139, § 1, eff. July 1, 2003; Laws 2006, 2nd Ex. Sess., c. 45, § 1, eff. July 1, 2007; Laws 2012, c. 347, § 1, eff. July 1, 2012; Laws 2015, c. 350, § 1, eff. July 1, 2015; Laws 2017, c. 272, § 1; Laws 2018, 2nd Ex. Sess., c. 18, § 2, eff. July 1, 2019.

NOTE: Section 4 of House Bill No. 1014, c. 18, of the 2nd Extraordinary Session of the 56th Oklahoma Legislature states that the provisions of this section shall be contingent upon the enactment of the provisions of House Bill No. 1010, c. 8, of the 2nd Extraordinary Session of the 56th Oklahoma Legislature. House Bill No. 1010 was signed by the Governor on March 29, 2018.

NOTE: Laws 1989, c. 44, § 1 repealed by Laws 1989, c. 290, § 14, emerg. eff. May 24, 1989 and by Laws 1989, c. 346, § 76, emerg. eff. June 3, 1989 and by Laws 1989, c. 352, § 10, operative July 1, 1989. Laws 1989, c. 290, § 9 repealed by Laws 1989, 1st Ex. Sess., c. 1, § 19, eff. July 1, 1990 and by Laws 1990, c. 337, § 26. Laws 1989, c. 346, § 71 repealed by Laws 1989, 1st Ex. Sess., c. 1, § 19, eff. July 1, 1990 and by Laws 1990, c. 337, § 26. Laws 1986, c. 284, § 2 repealed by Laws 1998, c. 5, § 29, emerg. eff. March 4, 1998.

§47-1104.1. University or college supporter license plate fees - Adoptive Grant Program for Oklahomans with Intellectual Disabilities - Revolving fund - Annual report.

A. Twenty-three Dollars (\$23.00) of the fee authorized by Section 1135.5 of this title for university or college supporter license plates which are received each year by the Oklahoma Tax Commission or its motor license agents shall be apportioned as follows:

1. Twenty Dollars (\$20.00) of the fee for each license plate designating a particular state university or college shall be apportioned to the particular state university or college so designated on the license plate. Twenty Dollars (\$20.00) of the fee for each license plate designating a particular private university or college shall be apportioned to the particular private university or college so designated on the license plate and may be used by the private university or college as compensation for use of the symbols, words, or letters authorized by the private university or college for use on the license plate; and

2. Three Dollars (\$3.00) shall be deposited to the Adaptive Grant Program for Oklahomans with Intellectual Disabilities Revolving Fund created by this section to be used for educational purposes.

B. There is hereby created in the State Treasury a revolving fund for the Department of Human Services to be designated the "Adaptive Grant Program for Oklahomans with Intellectual Disabilities Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all funds deposited therein pursuant to the provisions of paragraph 2 of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Human Services for the administration of the Adaptive Grant Program for Oklahomans with Intellectual Disabilities.

C. The Director of the Department of Human Services is hereby directed to promulgate rules to create the Adaptive Grant Program for Oklahomans with Intellectual Disabilities Program to provide financial assistance in adaptation of furnishings, fixtures, vehicles, equipment or structures in order to meet any special needs of Oklahomans with intellectual disabilities; provided, recipients of grants awarded pursuant to the program shall be limited to those programs, projects or persons not otherwise qualifying for state or federal funding. The Department of Human Services is authorized to contract with a statewide private, nonprofit foundation certified to be a 501(c)(3) organization by the Internal Revenue Service for administration of the program.

D. The Director of Human Services shall prepare an annual report on the Program. Such report shall be submitted to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

Added by Laws 1990, c. 228, § 2, eff. Sept. 1, 1990. Amended by Laws 1996, c. 313, § 2, eff. Nov. 1, 1996; Laws 2004, c. 504, § 1, eff.

July 1, 2004; Laws 2010, c. 413, § 11, eff. July 1, 2010; Laws 2019, c. 475, § 32, eff. Nov. 1, 2019.

§47-1104.2. Environmental Education Revolving Fund.

A. Twenty-four Dollars (\$24.00) of the fee authorized by Section 14 of this act for environmental awareness license plates which are received each year by the Oklahoma Tax Commission or its motor license agents shall be deposited to the Environmental Education Revolving Fund created by this section.

B. There is hereby created in the State Treasury a revolving fund for the Department of Environmental Quality to be designated the "Environmental Education Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all funds deposited therein pursuant to the provisions of subsection A of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department of Environmental Quality for environmental education programs.

Added by Laws 1992, c. 112, § 2, eff. Sept. 1, 1992. Amended by Laws 1993, c. 145, § 352, eff. July 1, 1993; Laws 2004, c. 504, § 2, eff. July 1, 2004.

§47-1104.3. Agricultural awareness special license plate fee - Ag in the Classroom Education Revolving Fund.

A. Twenty-four Dollars (\$24.00) of the fee authorized by Section 1135.5 of this title for Agricultural Awareness license plates shall be deposited to the Ag in the Classroom Education Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Agriculture to be designated the "Ag in the Classroom Education Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the provisions of subsection A of this section. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of Ag in the Classroom Education Program. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1999, c. 367, § 3, eff. Nov. 1, 1999. Amended by Laws 2004, c. 504, § 3, eff. July 1, 2004; Laws 2012, c. 304, § 182.

§47-1104.4. OSU Extension Service License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Four-H license plates shall be deposited in

the OSU Extension Service License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for Oklahoma State University Extension Service to be designated the "OSU Extension Service License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma State University Extension Service pursuant to the provisions of Section 1135.5 of this title. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma State University Extension Service for the purpose of expenses related to agricultural programs for youth. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2000, c. 233, § 2, eff. Nov. 1, 2000. Amended by Laws 2004, c. 504, § 4, eff. July 1, 2004; Laws 2012, c. 304, § 183.

§47-1104.5. Special license plate fee - Urban Forestry and Beautification Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Urban Forestry and Beautification license plates shall be deposited to the Urban Forestry and Beautification Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Forestry Division of the State Department of Agriculture to be designated "Urban Forestry and Beautification Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the provisions of paragraph 1 of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Division for the purpose of contracting with or providing grants to nonprofit organizations that develop and operate programs to encourage urban forestry and beautification. Such organizations may apply to the Department for grants to be paid from the fund, or the Department may solicit bids for contracts for particular services related to urban forestry and beautification to be paid from the fund. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2001, c. 323, § 2, eff. Nov. 1, 2001. Amended by Laws 2004, c. 504, § 5, eff. July 1, 2004; Laws 2012, c. 304, § 184.

§47-1104.6. Choose Life Assistance Program Revolving Fund - Applications for funds - Restrictions on use of funds.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 14 of this act for Choose Life license plates shall be deposited to the Choose Life Assistance Program created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Department of Human Services to be designated the Choose Life Assistance Program. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all the monies received by the Department of Human Services pursuant to the provisions of Section 14 of this act. All monies accruing to the credit of the fund are appropriated and shall be distributed at the beginning of each fiscal year in a pro rata share to all nonprofit organizations that provide services to the community that include counseling and meeting the physical needs of pregnant women who are committed to placing their children for adoption. Any unused funds in excess of ten percent (10%) of the funds allocated to a nonprofit organization shall be returned to the Choose Life Assistance Program Revolving Fund at the end of the fiscal year to be aggregated and distributed with the next fiscal year distribution.

C. To apply for and receive the funds available through the Choose Life Assistance Program, an organization must deliver to the Department of Human Services an affidavit signed by a duly appointed representative of the organization that states the following:

1. The organization is a nonprofit organization;
2. The organization does not discriminate for any reason, including, but not limited to, race, marital status, gender, religion, national origin, handicap or age;
3. The organization counsels pregnant women who are committed to placing their children for adoption;
4. The organization is not involved or associated with any abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising;
5. The organization does not charge women for any services received;
6. The organization understands that sixty percent (60%) of the funds received by an organization can only be used to provide for the material needs of pregnant women who are committed to placing their children for adoption, including clothing, housing, medical care, food, utilities, and transportation. Such funds may also be expended on infants awaiting placement with adoptive parents. Forty percent (40%) of the funds may be used for adoption, counseling, training, or advertising, but may not be used for administrative expenses, legal expenses, or capital expenditures.

7. The organization understands that no funds may be used for administrative expenses, legal expenses, or capital expenditures;

8. The organization understands that any unused funds at the end of the fiscal year that exceed ten percent (10%) of the funds received by the organization during the fiscal year must be returned to the Choose Life Assistance Program Revolving Fund to be aggregated and distributed with the next fiscal year distribution; and

9. The organization understands that each organization that receives such funds must submit to an annual audit of such funds verifying that the funds received were used in the manner prescribed by statute.

D. Funds may not be distributed to any organization that is involved or associated with abortion activities, including counseling for or referral to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising, and funds may not be distributed to any organization that charges women for services received.

E. Sixty percent (60%) of the funds received by an organization can only be used to provide for the material needs of pregnant women who are committed to placing their children for adoption, including clothing, housing, medical care, food, utilities, and transportation. Such funds may also be expended on infants awaiting placement with adoptive parents. Forty percent (40%) of the funds may be used for adoption, counseling, training, or advertising, but may not be used for administrative expenses, legal expenses, or capital expenditures.

F. Each organization that receives funds must submit to an annual audit of such funds verifying that the funds received were used in the manner prescribed in this section.

Added by Laws 2002, c. 179, § 2, eff. Nov. 1, 2002. Amended by Laws 2004, c. 504, § 6, eff. July 1, 2004.

§47-1104.7. Future Farmers of America special license plate - Fee.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Future Farmers of America license plates shall be deposited to the Oklahoma Department of Career and Technology Education Agriculture Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Career and Technology Education to be designated the "Oklahoma Department of Career and Technology Education Agriculture Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of funding programs and services to encourage students to consider agriculture as a

career choice. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2002, c. 319, § 2, eff. July 1, 2002. Amended by Laws 2004, c. 504, § 7, eff. July 1, 2004; Laws 2012, c. 304, § 185.

§47-1104.8. Color Oklahoma Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Color Oklahoma license plates shall be deposited to the Color Oklahoma Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Native Plant Society to be designated the "Color Oklahoma Revolving Fund" and administered by the Oklahoma Department of Tourism and Recreation. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Department of Tourism and Recreation pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Department of Tourism and Recreation pursuant to a contract with the Oklahoma Native Plant Society for the purpose of preserving and planting wildflowers and native plants in Oklahoma and promoting wildflower heritage through education. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2004, c. 504, § 8, eff. July 1, 2004. Amended by Laws 2005, c. 416, § 1, eff. Nov. 1, 2005; Laws 2012, c. 304, § 186.

§47-1104.9. Oklahoma Central Cancer Registry Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Fight Cancer license plates shall be deposited to the Oklahoma Central Cancer Registry Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Oklahoma Central Cancer Registry Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the implementation of the Oklahoma Central Cancer Registry.

Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the

Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2004, c. 504, § 9, eff. July 1, 2004. Amended by Laws 2012, c. 304, § 187.

§47-1104.10. Animal Friendly Revolving Fund.

A. The fee authorized by Section 1135.5 of this title shall be deposited to the Animal Friendly Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Agriculture, Food, and Forestry to be designated the "Animal Friendly Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Department of Agriculture, Food, and Forestry for the purpose of contracting with or providing grants to organizations of veterinary clinics that develop and operate programs that provide dog or cat spaying and neutering services and nonprofit organizations that provide shelter to unwanted stray dogs and cats. Such organizations may apply to the Department for grants to be paid from the fund. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2004, c. 504, § 18, eff. July 1, 2004. Amended by Laws 2012, c. 304, § 188.

§47-1104.11. Patriot License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for the Patriot License Plate shall be deposited in the Patriot License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Military Department of Oklahoma to be designated the "Patriot License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Military Department of Oklahoma pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Military Department of Oklahoma for any deployment-related purpose for members of the Oklahoma National Guard or the production of historical documents, displays, videos, and books that capture the National Guard's involvement in overseas deployments and domestic operations within the United States for members of the Oklahoma National Guard, Oklahoma public school

libraries, and civic leaders, as determined by the Adjutant General. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2005, c. 416, § 2, eff. Nov. 1, 2005. Amended by Laws 2012, c. 304, § 189; Laws 2015, c. 316, § 1, emerg. eff. May 12, 2015.

§47-1104.12. Oklahoma Quarter Horse Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for the Oklahoma Quarter Horse License Plate shall be deposited in the Oklahoma Quarter Horse Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Horse Racing Commission to be designated the "Oklahoma Quarter Horse Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Horse Racing Commission pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Horse Racing Commission for the support of any statewide organization dedicated to promoting the American Quarter Horse in Oklahoma through sharing information, events, and activities for the amateur, youth, and professional horsemen. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2006, c. 152, § 3, eff. July 1, 2006. Amended by Laws 2012, c. 304, § 190.

§47-1104.13. Oklahoma Zoological Society Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Oklahoma City Zoo license plates shall be deposited to the Oklahoma Zoological Society Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Department of Wildlife Conservation to be designated the "Oklahoma Zoological Society Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department of Wildlife Conservation pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Wildlife Conservation for grants to the Oklahoma Zoological Society for the purpose of contributing to an understanding and preservation

of the earth's natural resources through positive recreational and educational experiences and conducting and participating in scientifically-based conservation programs that benefit animal and plant communities. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2006, c. 275, § 4, emerg. eff. June 7, 2006. Amended by Laws 2012, c. 304, § 191.

§47-1104.14. Oklahoma Prevent Birth Defects, Premature Birth and Infant Mortality Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for the Oklahoma March of Dimes license plate shall be deposited to the Oklahoma Prevent Birth Defects, Premature Birth and Infant Mortality Fund established in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund to be designated the "Oklahoma Prevent Birth Defects, Premature Birth and Infant Mortality Fund" and administered by the State Department of Health. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all the monies received by the State Department of Health pursuant to the provisions of Section 1135.5 of this title. All monies accruing to the credit of the fund are appropriated and may be budgeted and expended by the State Department of Health at the beginning of each fiscal year for the purpose of providing grants to the Oklahoma Chapter of March of Dimes for purposes of preventing birth defects, premature birth and infant mortality. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2006, c. 275, § 5, emerg. eff. June 7, 2006. Amended by Laws 2012, c. 304, § 192.

§47-1104.15. Oklahoma Association for the Deaf License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for the Oklahoma Association for the Deaf License Plate shall be deposited in the Oklahoma Association for the Deaf License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Department of Rehabilitation Services to be designated the "Oklahoma Association for the Deaf License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the

Department of Rehabilitation Services pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Rehabilitation Services to promote the interests of the deaf and to advance the social, educational, cultural, and economic well being of the deaf. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2006, c. 311, § 22, emerg. eff. June 8, 2006. Amended by Laws 2012, c. 304, § 193.

NOTE: This section was editorially renumbered from § 1104.13 of this title to avoid duplication in numbering.

§47-1104.16. Buffalo Soldier License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Buffalo Soldier license plates shall be deposited to the Buffalo Soldier License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Veterans Affairs to be designated the "Buffalo Soldier License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Department of Veterans Affairs pursuant to subsection A of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Department of Veterans Affairs for the purpose of providing grants to nonprofit organizations exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), whose primary purpose is to establish and maintain a plaza in this state as a lasting tribute and memorial to the African-American members of the 9th and 10th Horse Cavalry and to interface with regional museums and sites to gather and share historical and artistic data to honor those soldiers. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2010, c. 366, § 4, eff. Nov. 1, 2010. Amended by Laws 2012, c. 304, § 194.

§47-1104.17. Prevent Blindness Oklahoma License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Prevent Blindness Oklahoma license plates shall be deposited to the Prevent Blindness Oklahoma License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Prevent Blindness Oklahoma License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to subsection A of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the purpose of providing grants to nonprofit organizations exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), whose primary purpose is providing vision screenings to school age children in all seventy-seven counties in this state. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2010, c. 366, § 5, eff. Nov. 1, 2010. Amended by Laws 2012, c. 304, § 195.

§47-1104.18. Oklahoma Friends of the Capitol License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for the Oklahoma State Capitol Restoration License Plate shall be deposited in the Oklahoma Friends of the Capitol License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Office of Management and Enterprise Services to be designated the "Oklahoma Friends of the Capitol License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Office of Management and Enterprise Services pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended by the Office of Management and Enterprise Services for restoration of the Oklahoma State Capitol. Before the Office makes any expenditure from the fund, the expenditure shall be approved by the State Capitol Preservation Commission created pursuant to Section 4102 of Title 74 of the Oklahoma Statutes. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2010, c. 366, § 6, eff. Nov. 1, 2010. Amended by Laws 2012, c. 304, § 196.

§47-1104.19. Pancreatic Cancer Research License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by paragraph 47 of subsection B of Section 1135.5 of this title for pancreatic cancer research license plates shall be deposited to the Pancreatic Cancer Research License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Pancreatic Cancer Research License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to subsection A of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Health to provide grants to the University of Oklahoma Foundation, Pancreatic Cancer Research Fund for the purpose of funding research into early detection and treating and curing of pancreatic cancer in this state. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. The Oklahoma Legislature hereby finds that the University of Oklahoma Foundation, Pancreatic Cancer Research Fund provides an important service to the inhabitants of this state as a community and further finds that the services performed by the University of Oklahoma Foundation, Pancreatic Cancer Research Fund are adequate consideration for the funds received pursuant to this section. Added by Laws 2011, c. 248, § 3, eff. Nov. 1, 2011. Amended by Laws 2012, c. 304, § 197.

§47-1104.20. Alzheimer's Research License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Alzheimer's Research license plates shall be deposited to the Alzheimer's Research License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Alzheimer's Research License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to subsection A of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the purpose of providing grants to the Oklahoma Chapter of the Alzheimer's Association for purposes of eliminating Alzheimer's disease through the advancement of research, to provide and enhance

care and support those with Alzheimer's and to reduce the risk of dementia through the promotion of brain health. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. The Oklahoma Legislature hereby finds that the Alzheimer's Association provides an important service to the inhabitants of this state as a community and further finds that the services performed by the Alzheimer's Association are adequate consideration for the funds received pursuant to this section.

Added by Laws 2011, c. 248, § 4, eff. Nov. 1, 2011. Amended by Laws 2012, c. 304, § 198.

§47-1104.21. Hospice and Palliative Care License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Hospice and Palliative Care license plates shall be deposited to the Hospice and Palliative Care License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Hospice and Palliative Care License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to subsection A of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the purpose of providing grants to the Oklahoma Hospice and Palliative Care Association for the purposes of leading the efforts to unify Oklahoma hospices with the resources and information that will promote each hospice to provide quality hospice care to their community. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. The Oklahoma Legislature hereby finds that the Oklahoma Hospice and Palliative Care Association provides an important service to the inhabitants of this state as a community and further finds that the services performed by the Oklahoma Hospice and Palliative Care Association are adequate consideration for the funds received pursuant to this section.

Added by Laws 2011, c. 248, § 5, eff. Nov. 1, 2011. Amended by Laws 2012, c. 304, § 199.

§47-1104.22. Juvenile Diabetes Research License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Juvenile Diabetes Research license plates shall be deposited to the Juvenile Diabetes Research License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Juvenile Diabetes Research License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to subsection A of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the purpose of providing grants to the Oklahoma Chapters of the Juvenile Diabetes Research Foundation for purposes of finding a cure for type 1 diabetes and its complications through the support of research and working to develop new and better treatments to improve the lives of people who have type 1 diabetes and keep them as healthy as possible. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. The Oklahoma Legislature hereby finds that the Juvenile Diabetes Research Foundation provides an important service to the inhabitants of this state as a community and further finds that the services performed by the Juvenile Diabetes Research Foundation are adequate consideration for the funds received pursuant to this section.

Added by Laws 2011, c. 248, § 6, eff. Nov. 1, 2011. Amended by Laws 2012, c. 304, § 200.

§47-1104.23. Deer Creek Schools Foundation License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for Deer Creek Schools Foundation license plates shall be deposited to the Deer Creek Schools Foundation License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Education to be designated the "Deer Creek Schools Foundation License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Education pursuant to subsection A of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Education for the purpose of providing grants to the Deer Creek Schools Foundation for purposes of promoting and funding the academic and artistic

achievement of all students and teachers of Deer Creek Public Schools. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. The Oklahoma Legislature hereby finds that the Deer Creek Schools Foundation provides an important service to the inhabitants of this state as a community and further finds that the services performed by the Deer Creek Schools Foundation are adequate consideration for the funds received pursuant to this section. Added by Laws 2013, c. 197, § 3, eff. Nov. 1, 2013.

§47-1104.24. Oklahoma Lupus License Plate Revolving Fund.

A. Twenty-five Dollars (\$25.00) of the fee authorized by Section 1135.5 of this title for Lupus Awareness and Education license plates shall be deposited to the Oklahoma Lupus License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund to be designated the "Oklahoma Lupus License Plate Revolving Fund" and administered by the State Department of Health. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to the provisions of subsection A of this section. All monies accruing to the credit of such fund are hereby appropriated and shall be budgeted and expended by the State Department of Health for the purpose of providing grants to the Lupus Foundation of Oklahoma for the purpose of lupus awareness, education, outreach, referral, research or treatment in this state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. The Oklahoma Legislature hereby finds that the Lupus Foundation of Oklahoma provides an important service to the inhabitants of this state as a community and further finds that the services performed by the Lupus Foundation of Oklahoma are adequate consideration for the funds received pursuant to this section. Added by Laws 2013, c. 197, § 4, eff. Nov. 1, 2013.

§47-1104.25. Oklahoma Association of Chiefs of Police License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by paragraph 51 of subsection B of Section 1135.5 of Title 47 of the Oklahoma Statutes for Chiefs of Police license plates shall be deposited to the Oklahoma Association of Chiefs of Police License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Public Safety to be designated the "Oklahoma Association of Chiefs of Police License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Public Safety pursuant to subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Public Safety to assist with funding for training and education for law enforcement agencies throughout the state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2013, c. 365, § 1, eff. Nov. 1, 2013.

NOTE: Editorially renumbered from Title 47, § 1104.23 to avoid a duplication in numbering.

§47-1104.26. Oklahoma Nurses License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for Oklahoma Nurses license plates shall be deposited to the Oklahoma Nurses License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Board of Nursing to be designated the "Oklahoma Nurses License Plate Revolving Fund". The fund shall consist of all monies received by the Oklahoma Board of Nursing pursuant to subsection A of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Board of Nursing for the purpose of providing grants to the Oklahoma Nurses Foundation to fulfill its mission. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2014, c. 372, § 4, eff. Nov. 1, 2014.

§47-1104.27. Oklahoma Concerns of Police Survivors License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for Remembering Fallen Heroes license plates shall be deposited to the Oklahoma Concerns of Police Survivors License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Public Safety to be designated the "Oklahoma Concerns of Police Survivors License Plate Revolving

Fund". The fund shall consist of all monies received pursuant to subsection A of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Department of Public Safety for the purpose of providing programs and services to surviving families of Oklahoma's fallen law enforcement officers. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2015, c. 378, § 3, eff. Nov. 1, 2015.

§47-1104.28. Piedmont Public Schools Education Foundation License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for Piedmont Education Foundation license plates shall be deposited to the Piedmont Public Schools Education Foundation License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Education to be designated the "Piedmont Public Schools Education Foundation License Plate Revolving Fund". The fund shall consist of all monies received pursuant to subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Education for grants to the Piedmont Public Schools Education Foundation to fund scholarships and teacher grants to Piedmont School District's students and teachers. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2017, c.97, § 3 eff. Nov. 1, 2017.

§47-1104.29. Prisoner of War and Missing in Action License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for the Prisoner of War and Missing in Action License Plate shall be deposited in the Prisoner of War and Missing in Action License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Veterans Affairs to be designated the "Prisoner of War and Missing in Action License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby

appropriated and may be budgeted and expended by the Department for any purpose related to Oklahoma residents who are American veterans. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2017, c. 331, § 5, eff. Nov. 1, 2017.

NOTE: Editorially renumbered from § 1104.28 of this title to avoid duplication in numbering.

§47-1104.30. Down Syndrome Association of Central Oklahoma License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for the Down Syndrome Association of Central Oklahoma license plates shall be deposited to the Down Syndrome Association of Central Oklahoma License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Human Services to be designated the "Down Syndrome Association of Central Oklahoma License Plate Revolving Fund". The fund shall consist of all monies received pursuant to subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Human Services for grants to the Down Syndrome Association of Central Oklahoma to raise awareness and provide resources, as well as promote acceptance and inclusion for people with Down Syndrome. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2018, c. 226, § 3, eff. Nov. 1, 2018.

§47-1104.31. Elk City Education Foundation License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for the Elk City Education Foundation plates shall be deposited to the Elk City Education Foundation License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Education to be designated the "Elk City Education Foundation License Plate Revolving Fund". The fund shall consist of all monies received pursuant to subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Education for grants to the Elk City Education Foundation to fund scholarships and teacher grants to Elk City School District's

students and teachers. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2018, c. 226, § 4, eff. Nov. 1, 2018.

§47-1104.32. Extraordinary Educators License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for the Extraordinary Educators License Plate shall be deposited in the Extraordinary Educators License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Education to be designated the "Extraordinary Educators License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of providing grants to school superintendents for distribution to educators who propose extraordinary activities, projects or lessons for students from kindergarten through eighth grade. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2018, c. 226, § 5, eff. Nov. 1, 2018.

§47-1105. Definitions - Certificate of title - Application - Evidence of ownership and compliance with federal law - Liens and encumbrances - Fees - Notice of nonuse or theft.

A. As used in the Oklahoma Vehicle License and Registration Act:

1. "Salvage vehicle" means any vehicle which is within the last ten (10) model years and which has been damaged by collision or other occurrence to the extent that the cost of repairing the vehicle for safe operation on the highway exceeds sixty percent (60%) of its fair market value, as defined by Section 1111 of this title, immediately prior to the damage. For purposes of this section, actual repair costs shall only include labor and parts for actual damage to the suspension, motor, transmission, frame or unibody and designated structural components;

2. "Rebuilt vehicle" means any salvage vehicle which has been rebuilt and inspected for the purpose of registration and title;

3. "Flood-damaged vehicle" means a salvage or rebuilt vehicle which was damaged by flooding or a vehicle which was submerged at a level to or above the dashboard of the vehicle and on which an amount of loss was paid by the insurer;

4. "Unrecovered-theft vehicle" means a vehicle which has been stolen and not yet recovered;

5. "Recovered-theft vehicle" means a vehicle, including a salvage or rebuilt vehicle, which was recovered from a theft; and

6. "Junked vehicle" means any vehicle which is incapable of operation or use on the highway, has no resale value except as a source of parts or scrap and has an eighty percent (80%) loss in fair market value.

B. The owner of every vehicle in this state shall possess a certificate of title as proof of ownership of such vehicle, except those vehicles registered pursuant to Section 1120 of this title and trailers registered pursuant to Section 1133 of this title, previously titled by anyone in another state and engaged in interstate commerce, and except as provided in subsection M of this section. Except for owners that possess an agricultural exemption permit pursuant to Section 1358.1 of Title 68 of the Oklahoma Statutes, the owner of an all-terrain vehicle or a motorcycle used exclusively off roads or highways in this state which is purchased or the ownership of which is transferred on or after July 1, 2005, and the owner of a utility vehicle used exclusively off roads and highways in this state which is purchased or the ownership of which is transferred on or after July 1, 2008, shall possess a certificate of title as proof of ownership. Any person possessing an agricultural exemption permit and owning an all-terrain vehicle or a motorcycle used exclusively off roads or highways in this state which is purchased or the ownership of which is transferred on or after July 1, 2008, shall possess a certificate of title as proof of ownership. Upon receipt of proper application information by such owner, the Oklahoma Tax Commission shall issue an original or transfer certificate of title. Until July 1, 2008, any security interest in an all-terrain vehicle that attached and was perfected before July 1, 2005, and that has not otherwise terminated shall remain perfected, and shall take priority over any subsequently perfected security interest in the same all-terrain vehicle, notwithstanding that a certificate of title may have been issued with respect to the same all-terrain vehicle on or after July 1, 2005, and that a lien may have been recorded on said certificate of title. There shall be eight types of certificates of title:

1. Original title for any motor vehicle which is not a remanufactured, salvage, unrecovered-theft, rebuilt, rebodied or junked vehicle;

2. Salvage title for any motor vehicle which is a salvage vehicle or is specified as a salvage vehicle or the equivalent thereof on a certificate of title from another state;

3. Rebuilt title for any motor vehicle which is a rebuilt vehicle;

4. Junked title for any motor vehicle which is a junked vehicle or is specified as a junked vehicle or the equivalent thereof on a certificate of title from another state;

5. Classic title for any motor vehicle, except a junked vehicle, which is twenty-five (25) model years or older;

6. Remanufactured title for any vehicle which is a remanufactured vehicle;

7. Unrecovered-theft title for any motor vehicle which has been stolen and not recovered; and

8. Rebodied title for any motor vehicle which is a rebodied vehicle.

Application for a certificate of title, whether the initial certificate of title or a duplicate, may be made to the Tax Commission or any motor license agent. When application is made with a motor license agent, the application information shall be transmitted either electronically or by mail to the Tax Commission by the motor license agent. If the application information is transmitted electronically, the motor license agent shall forward the required application along with evidence of ownership, where required, by mail. Where the transmission of application information cannot be performed electronically, the Tax Commission is authorized to provide postage paid envelopes to motor license agents for the purpose of mailing the application along with evidence of ownership, where required. The Tax Commission shall upon receipt of proper application information issue an Oklahoma certificate of title. The certificates may be mailed to the applicant. Upon issuance of a certificate of title, the Tax Commission shall provide the appropriate motor license agent with confirmation of such issuance.

C. 1. The application for certificate of title shall be upon a blank form furnished by the Tax Commission, containing:

- a. a full description of the vehicle,
- b. the manufacturer's serial or other identification number,
- c. the motor number and the date on which first sold by the manufacturer or dealer to the owner,
- d. any distinguishing marks,
- e. a statement of the applicant's source of title,
- f. any security interest upon the vehicle, and
- g. such other information as the Tax Commission may require.

2. The application for a certificate of title for a vehicle which is within the last seven (7) model years shall require a declaration as to whether the vehicle has been damaged by collision or other occurrence and whether the vehicle has been recovered from theft and the extent of the damage to the vehicle. The declaration shall be made by the owner of a vehicle if:

- a. the vehicle has been damaged or stolen,

- b. the owner did or did not receive any payment for the loss from an insurer, or
- c. the vehicle is titled or registered in a state that does not classify the vehicle or brand the title because of damage to or loss of the vehicle similar to the classifications or brands utilized by this state.

The declaration shall be based upon the best information and knowledge of the owner and shall be in addition to the requirements specified in paragraph 1 of this subsection. The Tax Commission shall not issue a certificate of title for a vehicle which is subject to the provisions of this paragraph without the required declaration, completed and signed by the owner of the vehicle. Upon receipt of an application without the properly completed declaration, the Tax Commission shall return the application to the applicant with notice that the title may not be issued without the required declaration. Nothing in this paragraph shall prohibit the Tax Commission from recognizing the type of or brand on a title or other ownership document issued by another state or the inspection conducted in another state and issuing the appropriate certificate of title for the vehicle.

3. The certificate of title shall have the following security features:

- a. intaglio printing or security thread, with or without watermark,
- b. latent images,
- c. fluorescent inks,
- d. micro print,
- e. void background, and
- f. color coding.

4. Each title issued pursuant to the provisions of the Oklahoma Vehicle License and Registration Act shall be color coded as determined by the Tax Commission.

5. The certificate of title shall be of such size and design and color as the Tax Commission may direct pursuant to the provisions of this section. The title shall be on colored paper or other material as designated by the Tax Commission and be of such intensity or hue as will allow easy identification as to whether the title is an original title, a salvage title, a rebuilt title, remanufactured title, rebodied title or a junked title. The type of title shall be identified on the front of the certificate of title. The original title, rebuilt title, remanufactured title, an unrecovered-theft title, rebodied title or classic title shall be identified by the word "Original", "Rebuilt", "Remanufactured", "Unrecovered Theft", "Rebodied" or "Classic" printed in the upper right quadrant of the certificate of title, in the space which is currently captioned "type of title". A rebodied title shall also identify on the front of the title the year, make and model of the originally manufactured vehicle

which has been rebodied and display a notation that reads as follows: "This vehicle has been assembled with new major components licensed by the original manufacturer".

D. 1. To obtain an original certificate of title for a vehicle that is being registered for the first time in this state which has not been previously registered in any other state, the applicant shall be required to deliver, as evidence of ownership, a manufacturer's certificate of origin properly assigned by the manufacturer, distributor, or dealer licensed in this or any other state shown thereon to be the last transferee to the applicant upon a form to be prescribed and approved by the Tax Commission. A manufacturer's certificate of origin shall contain:

- a. the manufacturer's serial or other identification number,
- b. date on which first sold by the manufacturer to the dealer,
- c. any distinguishing marks including model and the year same was made,
- d. a statement of any security interests upon the vehicle, and
- e. such other information as the Tax Commission may require.

2. The manufacturer's certificate of origin shall have the following security features:

- a. intaglio printing or security thread, with or without watermark,
- b. latent images,
- c. fluorescent inks,
- d. micro print, and
- e. void background.

E. In the absence of a dealer's or manufacturer's number, the Tax Commission may assign such identifying number to the vehicle, which shall be permanently stamped, burned or pressed or attached into the vehicle, and a certificate of title shall be delivered to the applicant upon payment of all fees and taxes, and the remaining copies shall be permanently filed and indexed by the Tax Commission. The Tax Commission shall assign an identifying number to any rebuilt vehicle if the vehicle identification number displayed on the rebuilt vehicle does not accurately describe the vehicle as rebuilt. The motor license agent, at the time of inspection of the rebuilt vehicle pursuant to Section 1111 of this title, shall identify the make, model, and year for the body to accurately describe the rebuilt vehicle. At the time of the inspection, an appropriate identifying number shall be permanently stamped, burned, pressed, or attached on the rebuilt vehicle. The assigned identifying number shall be recorded on the certificate of title for the rebuilt vehicle. The dealer's or manufacturer's vehicle identification number on the

rebuilt vehicle shall be preserved in the computer files of the Tax Commission for at least five (5) years.

F. When registering for the first time in this state a vehicle which was not originally manufactured for sale in the United States, to obtain a certificate of title, the Tax Commission shall require the applicant to deliver:

1. As evidence of ownership, if the vehicle has not previously been titled in the United States, the documents constituting valid proof of ownership in the country in which the vehicle was originally purchased, together with a notarized translation of any such documents; and

2. As evidence of compliance with federal law, copies of the bond release letters for the vehicle issued by the United States Environmental Protection Agency and the United States Department of Transportation, together with a receipt issued by the Internal Revenue Service indicating that the applicable federal gas guzzler tax has been paid.

The Tax Commission shall not issue a certificate of title for a vehicle which is subject to the provisions of this paragraph without the required documentation from agencies of the United States and evidence of ownership. Upon receipt of an application without the required documentation, the Tax Commission shall return the application to the applicant with notice that the certificate of title may not be issued without the required documentation. Nothing in this paragraph shall prohibit the Tax Commission from issuing certificates of title for antique or classic vehicles not driven upon the public streets, roads, or highways, for mini-trucks registered pursuant to Section 1151.3 of this title, or for medium-speed electric vehicles.

G. When registering in this state a vehicle which was titled in another state and which title contains the name of a secured party on the face of the other state certificate of title, or such state certificate is being held by the secured party in that state or any other state, the Tax Commission or the motor license agent shall complete a lien entry form as prescribed by the Tax Commission. The owner of such vehicle shall file an affidavit with the Tax Commission or the motor license agent stating that title to the vehicle is being held by a secured party, has not been issued pursuant to the laws of the state where titled, and that there is an existing lien or encumbrance on the vehicle. The current name and address of the secured party or lienholder shall also be stated in the affidavit. The form of the affidavit shall be prescribed by the Tax Commission and contain any other information deemed necessary by the Tax Commission. A statement of the lien or encumbrance shall be included on the Oklahoma certificate of title and the lien or encumbrance shall be deemed continuously perfected as though it had been perfected pursuant to Section 1110 of this title. For completing the

lien entry form and recording the security interest on the certificate of title, the Tax Commission or the motor license agent shall collect a fee of Three Dollars (\$3.00) which shall be in addition to other fees provided by the Oklahoma Vehicle License and Registration Act. The fee, if collected by the motor license agent pursuant to this subsection, shall be retained by the motor license agent.

H. The charge for each certificate of title issued, except for junked titles as defined in paragraph 4 of subsection B of this section, shall be Eleven Dollars (\$11.00), which charge shall be in addition to any other fees or taxes imposed by law for such vehicle. One Dollar (\$1.00) of each such charge shall be deposited in the Oklahoma Tax Commission Reimbursement Fund. However, the charge shall not apply to any vehicle which is to be registered in this state pursuant to the provisions of Section 1120 or 1133 of this title and which was registered in another state at least sixty (60) days prior to the time it is required to be registered in this state. When an insurer requests a salvage or junk title in the name of the insurer resulting from the settlement of a total loss claim and upon presentation of appropriate proof of loss documentation as required by the Commission, such transfer may be processed as one title transaction, without first requiring issuance of a replacement certificate of title in the name of the vehicle owner. The fee shall be Twenty-two Dollars (\$22.00). Two Dollars (\$2.00) of this fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund.

I. The vehicle identification number of a junked vehicle shall be preserved in the computer files of the Tax Commission for a period of not less than five (5) years. The charge of junked titles as defined in paragraph 4 of subsection B of this section shall be Four Dollars (\$4.00). The fee remitted to the Tax Commission shall be deposited in the Oklahoma Tax Commission Reimbursement Fund.

J. If a vehicle is sold to a resident of another state destroyed, dismantled, or ceases to be used as a vehicle, the owner shall immediately notify the Tax Commission. Absent evidence to the contrary, failure to notify the Tax Commission shall be prima facie evidence that the vehicle has been in continuous operation in this state.

K. If a vehicle is stolen, the owner shall immediately notify the appropriate law enforcement agency. Immediately after receiving such notification, the law enforcement agency shall notify the Tax Commission.

L. Except for all-terrain vehicles, utility vehicles and motorcycles used exclusively for off-road use, no title for an out-of-state vehicle, except any commercial truck or truck-tractor registered pursuant to Section 1120 of this title which is engaged in interstate commerce or any trailer or semitrailer registered pursuant to Section 1133 of this title which is engaged in interstate

commerce, shall be issued without an inspection of such vehicle and payment of a fee of Four Dollars (\$4.00) for such inspection; provided, the Tax Commission may enter into reciprocal agreements with other states for such inspections to be performed at locations outside the boundaries of this state for vehicles which:

1. Are offered for sale at auction;
2. Have been solely used as vehicles for rent under the ownership of a licensed motor vehicle dealer or a person engaged in the business of renting motor vehicles; or
3. Have not been registered in this or any other state for more than one (1) year.

The inspection shall include a comparison of the vehicle identification number on the vehicle with the number recorded on the ownership records and the recording of the actual odometer reading on the vehicle. The four-dollar fee shall be collected by the motor license agent or Tax Commission when the title is issued. The motor license agent shall retain Two Dollars (\$2.00). The remaining Two Dollars (\$2.00) shall be deposited in the Oklahoma Tax Commission Reimbursement Fund.

The Tax Commission may allow the inspection to be performed at a location out-of-state by another state's department of motor vehicles or state police.

M. No title for any out-of-state vehicle offered for sale at salvage pools, salvage disposal sales, or an auction, or by a dealer or a licensed automotive dismantler and parts recycler, shall be issued without an inspection to compare the vehicle identification number on the vehicle with the number recorded on the ownership record and to record the actual odometer reading on the vehicle. Upon request of the seller, person or entity conducting an auction, dealer or licensed dismantler, the inspection shall be conducted at the location or place of business of the sale, auction, dealer, or the dismantler. The inspection shall be conducted by any motor license agent or a duly authorized employee thereof; provided, if the vehicle identification number on the vehicle offered for sale at salvage pools, salvage disposal sales or a classic or antique auction does not match the number recorded on the ownership record, the inspection may be conducted at the location of or place of business of such sale or auction by any state, county or city law enforcement officer. The Tax Commission may enter into reciprocal agreements with other states for such inspections to be performed at locations outside the boundaries of this state for vehicles which:

1. Are offered for sale at auction;
2. Have been solely used as vehicles for rent under the ownership of a licensed motor vehicle dealer or a person engaged in the business of renting motor vehicles; or
3. Have not been registered in this or any other state for more than one (1) year.

The inspection shall be certified upon forms prescribed by the Tax Commission. The name and other identification of the authorized person conducting the inspection shall be legibly printed or typed on the form. Prior to any inspection by any employee of a motor license agent, the motor license agent shall notify the Tax Commission of the name and any other identification information requested by the Tax Commission of the authorized person. A signature specimen of the authorized person shall be submitted to the Tax Commission by the employing motor license agent. If the authorization to inspect vehicles is withdrawn or the employer-employee relationship is terminated, the motor license agent, immediately, shall notify the Tax Commission and return any remaining inspection forms to the Tax Commission. The fee for the inspection shall be Four Dollars (\$4.00). The motor license agent shall retain Three Dollars (\$3.00) of the fee. Fees received by a motor license agent or an authorized employee thereof shall be handled and accounted for in the manner as prescribed by law for any other fees paid to or received by a motor license agent. Out-of-state vehicles brought into this state by a person licensed in another state to sell new or used vehicles to be sold within this state at a motor vehicle auction which is limited to dealer-to-dealer transactions shall not be required to be inspected, unless the vehicle is purchased by an Oklahoma dealer. Any person licensed in another state to sell new or used motor vehicles, who offers a motor vehicle for sale within this state at a motor vehicle auction which is limited to dealer-to-dealer transactions, shall not be within the definition of "owner" in Section 1102 of this title, for purposes of Section 1101 et seq. of this title.

N. A licensed motor vehicle dealer, upon payment of a fee of Fifteen Dollars (\$15.00), may reassign an out-of-state certificate of title to a used motor vehicle provided such dealer obtains the appropriate inspection form required by either subsection L or M of this section and attaches the form to the out-of-state certificate of title. Motor license agents shall be allowed to retain Two Dollars and twenty-five cents (\$2.25) of the fee plus an additional Two Dollars (\$2.00) or Three Dollars (\$3.00) as provided in subsections L and M of this section for performance of the inspection. Two Dollars (\$2.00) of the fee shall be deposited in the Tax Commission Reimbursement Fund. An out-of-state vehicle which has been rebuilt shall be inspected pursuant to the provisions of Section 1111 of this title. The Tax Commission shall train motor license agents in interpreting vehicle identification numbers to assure that it accurately describes the vehicle and to detect rollback or alteration of the odometer. Failure of a motor license agent to inspect the vehicle and make the required notations shall be a misdemeanor punishable by a fine of not more than One Thousand Dollars (\$1,000.00) for the first offense and Five Thousand Dollars (\$5,000.00) for the second offense or subsequent offense, or by

imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

O. The ownership of any unrecovered vehicle which has been declared a total loss by an insurer because of theft shall be transferred to the insurer by an unrecovered-theft vehicle title; provided, the ownership of any such vehicle which has been declared a total loss by an insurer licensed by the Insurance Department of the State of Oklahoma and maintaining a multi-state motor vehicle salvage processing center in this state shall be transferred to the insurer by a salvage or an unrecovered-theft title without the requirement of a visual inspection of the vehicle identification number by the insurer. Upon recovery of the vehicle, the ownership shall be transferred by an original title, salvage title, or junked title, as may be appropriate based upon an estimate of the amount of loss submitted by the insurer.

P. When an insurance company makes a total loss settlement on a total loss vehicle and the insurance company or a salvage pool authorized by the insurance company is unable to obtain the properly endorsed certificate of ownership or other evidence of ownership acceptable to the Oklahoma Tax Commission within thirty (30) days following acceptance by the owner of an offer of an amount in settlement of a total loss, that insurance company or salvage pool, on a form provided by the Oklahoma Tax Commission and signed under penalty of perjury, may request the Oklahoma Tax Commission to issue the applicable salvage title for the vehicle. The request shall include information declaring that the requester has made at least two written attempts to obtain the certificate of ownership or other acceptable evidence of title.

Q. The owner of any vehicle which is incapable of operation or use on the public roads and has no resale value, except as parts, scrap or junk, may deliver the certificate of title to the vehicle to the Tax Commission for cancellation. Upon verification that any perfected lien against the vehicle has been released, the certificate of title shall be canceled without any fee, charge, or cost required from the owner. The vehicle identification numbers on the certificates of title shall be preserved in the computer files of the Tax Commission for at least five (5) years from the date of cancellation of the certificate of title. The Tax Commission shall prescribe and provide an affidavit form to be completed by the owner of any vehicle for which the certificate of title is canceled. No title or registration shall subsequently be issued for a vehicle for which the certificate of title has been surrendered pursuant to this subsection. The Tax Commission shall prescribe a form for the transfer of ownership of a vehicle for which the certificate of title has been canceled.

R. The owner of a vehicle which is not within the last ten (10) model years, not roadworthy and not capable of repair for operation

or use on the roads and highways, or a vehicle which is being sold to a scrap metal dealer pursuant to Section 11-92 of Title 2 of the Oklahoma Statutes, shall transfer the vehicle only upon a certificate of ownership prescribed by the Tax Commission, if the certificate of title to the vehicle is lost, has been canceled, or otherwise not available. The prescribed ownership form shall include the names and addresses of the buyer and seller, the driver license number or social security number of the seller, the make and model of the vehicle, and the public vehicle identification number. If there is no public vehicle identification number, the vehicle shall be inspected by a law enforcement officer to verify the absence of the number on the vehicle and the prescribed ownership form shall include a signed statement, by such officer, verifying the absence of the number.

The certificate of ownership shall be completed in triplicate. The buyer and seller shall each retain a copy. Within thirty (30) days of the transaction, the seller shall submit one copy to the Tax Commission or a motor license agent accompanied with a fee of Four Dollars (\$4.00). One Dollar (\$1.00) shall be retained by the motor license agent and Three Dollars (\$3.00) shall be deposited in the Oklahoma Tax Commission Reimbursement Fund in the State Treasury.

Upon receipt of the certificate, the Tax Commission shall verify that any perfected lien upon the vehicle has been released. If the lien is not released, the Tax Commission shall mail notice of the transfer to the lienholder at the lienholder's last-known address. If a certificate of title has been issued, it shall be canceled and the vehicle identification number shall be preserved in the computer of the Tax Commission for at least five (5) years. The buyer of the vehicle may not be sued and shall not be liable for monetary damages to the lienholder, however, the vehicle shall be subject to a valid repossession by a lienholder.

S. The Tax Commission shall notify the chief administrative officer of the agency or department responsible for issuing motor vehicle certificates of title in each state in the United States of the types of motor vehicle certificate of title effective in Oklahoma on and after January 1, 1989.

T. When registering for the first time in this state a remanufactured vehicle which has not been registered in any other state since its remanufacture, before issuing a certificate of title, the Tax Commission shall require the applicant to deliver a statement of origin from the remanufacturer.

U. If a vehicle is sold to a foreign buyer pursuant to the provisions of the Automotive Dismantlers and Parts Recycler Act, the licensed seller shall stamp the title with: "EXPORT ONLY. NONTRANSFERABLE IN THE UNITED STATES." The licensed seller shall supply the Tax Commission the title number, the vehicle identification number and the foreign buyer's bid identification

number on a form prescribed by the Tax Commission. The Tax Commission shall cancel the title, and the vehicle identification number shall be preserved in the computer files of the Tax Commission for a period of not less than five (5) years.

V. The Tax Commission shall not be considered a necessary party to any lawsuit which is instigated for the purpose of determining ownership of a vehicle, wherein the Tax Commission's only involvement would be to issue title, and the court shall issue an order dismissing the Tax Commission from the pending action. In the event no other party or lienholder can be identified as to ownership or claim, the Tax Commission shall accept an affidavit of ownership from the party claiming ownership and issue proper title thereon.

Added by Laws 1985, c. 179, § 8, operative July 1, 1985. Amended by Laws 1986, c. 147, § 4, eff. Nov. 1, 1986; Laws 1988, c. 163, § 3, emerg. eff. May 16, 1988; Laws 1988, c. 201, § 7, eff. Jan. 1, 1989; Laws 1988, c. 240, § 2, eff. Jan. 1, 1989; Laws 1989, c. 58, § 2, operative July 1, 1989; Laws 1989, c. 290, § 10, emerg. eff. May 24, 1989; Laws 1989, c. 349, § 1, emerg. eff. June 3, 1989; Laws 1990, c. 181, § 1, eff. Sept. 1, 1990; Laws 1991, c. 74, § 3, eff. Sept. 1, 1991; Laws 1991, c. 153, § 2, eff. Sept. 1, 1991; Laws 1992, c. 375, § 2, eff. Sept. 1, 1992; Laws 1994, c. 301, § 1, eff. Sept. 1, 1994; Laws 1995, c. 101, § 1, eff. Nov. 1, 1995; Laws 1995, c. 208, § 2, eff. July 1, 1995; Laws 1998, c. 413, § 3, eff. Nov. 1, 1998; Laws 2000, c. 80, § 3, emerg. eff. April 14, 2000; Laws 2000, c. 250, § 3, eff. Oct. 1, 2000 (State Question No. 691, Legislative Referendum No. 319, adopted at election held Aug. 22, 2000); Laws 2002, c. 454, § 1, eff. July 1, 2002; Laws 2003, c. 233, § 1, eff. Nov. 1, 2003; Laws 2003, c. 431, § 4, eff. Nov. 1, 2003; Laws 2004, c. 519, § 30, eff. Nov. 1, 2004; Laws 2005, c. 1, § 62, emerg. eff. March 15, 2005; Laws 2005, c. 284, § 2, eff. July 1, 2005; Laws 2006, c. 295, § 3, eff. July 1, 2006; Laws 2007, c. 202, § 1, eff. Nov. 1, 2007; Laws 2008, c. 60, § 1, eff. Nov. 1, 2008; Laws 2008, c. 98, § 6, eff. July 1, 2008; Laws 2008, c. 127, § 2, eff. Nov. 1, 2008; Laws 2008, c. 297, § 3, eff. Nov. 1, 2008; Laws 2011, c. 148, § 2, eff. Nov. 1, 2011; Laws 2012, c. 158, § 1, eff. July 1, 2012; Laws 2016, c. 133, § 2, eff. Nov. 1, 2016.

NOTE: Laws 1988, c. 179, § 3 repealed by Laws 1989, c. 290, § 14, emerg. eff. May 24, 1989. Laws 1991, c. 25, § 1 repealed by Laws 1991, c. 153, § 3, eff. Sept. 1, 1991. Laws 2004, c. 534, § 2 repealed by Laws 2005, c. 1, § 63, emerg. eff. March 15, 2005.

NOTE: Laws 2008, c. 297, § 5 repeals Laws 2008, c. 60, § 1; however, Laws 2008, c. 60, § 1 was previously superseded by Laws 2008, c. 98, § 6 then Laws 2008, c. 127, § 2 and then Laws 2008, c. 297, § 3.

§47-1105.1. Definitions.

In addition to the terms defined by the Oklahoma Vehicle License and Registration Act, for the purposes of Sections 1 and 2 of this act:

1. "Completed vehicle" means a multi-stage vehicle that does not require any additional manufacturing operations to perform its intended functions, except addition of readily attachable components or minor finishing operations;

2. "Final-stage manufacturer" means a person who performs manufacturing operations on an incomplete vehicle so that it becomes a completed vehicle;

3. "First-stage manufacturer" means a person who initially manufactures an incomplete vehicle;

4. "Incomplete vehicle" means an assemblage of power train, steering system, and braking system to the extent that those systems are to be a part of the completed vehicle and that requires additional manufacturing operations, except addition of readily attachable components or minor finishing operation, to become a completed vehicle;

5. "Minor finishing operations" includes painting, upholstering, or other cosmetic modifications;

6. "Multi-stage vehicle" means a vehicle that requires manufacturing operations, performed by separate manufacturers, to produce a completed vehicle;

7. "Multi-stage manufacturer" means a person who performs manufacturing operations on an incomplete vehicle;

8. "Readily attachable components" includes any mirror, extra light, or tire and rim assembly; and

9. "Vehicle identification number" or "VIN" means the number assigned to the vehicle by the first-stage manufacturer.

Added by Laws 1986, c. 147, § 1, eff. Nov. 1, 1986.

§47-1105.2. Vehicle identification numbers and certificate of origin for multi-stage vehicles - Transfer of ownership - Certificate of title.

A. The first-stage manufacturer of a vehicle shall assign a vehicle identification number (VIN) to each completed or incomplete vehicle it manufactures.

B. The VIN identifying the completed vehicle after multi-stage manufacture shall be the first-stage manufacturer's VIN, and shall be the only VIN which is recorded or data-entered in the files of the Oklahoma Tax Commission.

C. Transfer of ownership of a completed vehicle shall be made on the final-stage manufacturer's certificate of origin prescribed by the Commission pursuant to this act. All manufacturer's certificates of origin for a multi-stage vehicle shall accompany the application for title and the title document shall reflect the first-stage

manufacturer's VIN and the final-stage manufacturer's make, name and model year.

D. Transfer of ownership of a multi-stage vehicle by first-stage manufacturer, multi-stage manufacturers, and final-stage manufacturers shall be made as provided in this subsection.

1. At the time that any first-stage manufacturer transfers to a multi-stage manufacturer an incomplete vehicle that is to be sold, or registered for the first time in this state, the first-stage manufacturer shall give the multi-stage manufacturer a manufacturer's certificate of origin for the incomplete vehicle assigned to the multi-stage manufacturer by the first-stage manufacturer. Ownership of the incomplete vehicle shall be transferred to the multi-stage manufacturer on the manufacturer's certificate of origin issued by the first-stage manufacturer; and

2. At the time that any final-stage manufacturer transfers to a dealer, distributor, or other purchaser a completed vehicle that is to be sold, or registered for the first time in this state, the final-stage manufacturer shall give the dealer, distributor, or other purchaser all manufacturer's certificates of origin. Ownership of the completed vehicle shall be transferred from the final-stage manufacturer to its dealers or distributors or any other purchaser on the manufacturer's certificate of origin issued by the final-stage manufacturer. Subsequent transfers between a dealer and a retail purchaser shall occur on the manufacturer's certificate of origin issued by the final-stage manufacturer.

E. To obtain an original certificate of title for a multi-stage vehicle that is being registered for the first time in this state a vehicle that has not been previously registered in any other state, the applicant shall be required to deliver, as evidence of ownership, all manufacturer's certificates of origin and shall otherwise comply with the provisions of Section 1105 of Title 47 of the Oklahoma Statutes.

Added by Laws 1986, c. 147, § 2, eff. Nov. 1, 1986.

§47-1105.3. Necessity of vehicle identification number - Obliteration, erasure, etc.

Every vehicle shall have and contain a vehicle identification number, which number shall not be obliterated, erased, mutilated, removed, or missing. This section shall not affect those persons authorized by law to have in their possession a motor vehicle on which the manufacturer's number or numbers have been obliterated, erased, mutilated, removed, or missing.

Added by Laws 1986, c. 147, § 3, eff. Nov. 1, 1986.

§47-1105.4. Repealed by Laws 2019, c. 172, § 2, eff. Nov. 1, 2019.

§47-1105.5. Background checks.

The Oklahoma Tax Commission shall be authorized to require employees of the Commission in positions that have access to sensitive law enforcement data to supply all information and documentation required in order to be subjected to a criminal history search by the Oklahoma State Bureau of Investigation, as well as be fingerprinted for submission of the fingerprints through the Oklahoma State Bureau of Investigation to the Federal Bureau of Investigation for a national criminal history check. The Commission shall be the recipient of the results of the record check.

No employee of the Commission shall be eligible to enroll in the Oklahoma Law Enforcement Telecommunications System training course until the Oklahoma State Bureau of Investigation and the Federal Bureau of Investigation have reported to the Commission that the person has no felony record and the Commission has reported to the Department of Public Safety that the applicant does not have a felony record and is not participating in a deferred sentence or deferred prosecution agreement for a felony. In accordance with Section 150.9 of Title 74 of the Oklahoma Statutes, this includes a national criminal history record with a fingerprint analysis.

The Commission shall request searches of the online and off-line files of the National Crime Information Center (NCIC), or any successor federal agency which supplies such information, to identify vehicles which have been reported stolen. Such searches will be requested only by Commission employees who have satisfied the background check provisions of this section.

The Commission is authorized to promulgate rules necessary to implement the provisions of this section.

Added by Laws 2013, c. 333, § 1, eff. Nov. 1, 2013.

§47-1106. Refusal or revocation of title

A. 1. If the Oklahoma Tax Commission shall determine at any time that an applicant for a certificate of title of a vehicle is not entitled thereto, it may refuse to issue such certificate or to register such vehicle.

2. The Oklahoma Tax Commission may for a similar reason, after ten (10) days' notice and a hearing, revoke the registration and the certificate of title already acquired on any outstanding certificate of title. Said notice may be served in person or by registered mail.

B. 1. The Oklahoma Tax Commission may refuse registration and issuance of a certificate of title of a commercial motor vehicle, or any transfer of title and registration of a commercial motor vehicle, to a commercial motor carrier whose ability to operate has been terminated or denied by a federal agency.

2. The Oklahoma Tax Commission may revoke the registration, certificate of title, and license plate of a commercial motor vehicle if the vehicle has been assigned to be operated by a commercial motor

carrier whose ability to operate has been terminated or denied by a federal agency.

C. The Corporation Commission may revoke, suspend or deny registration of and/or issuance of license plates for a commercial motor vehicle licensed pursuant to the jurisdiction of the Corporation Commission and whose ability to operate has been terminated or denied by a state or federal agency.

Added by Laws 1985, c. 179, § 9, operative July 1, 1985. Amended by Laws 2004, c. 390, § 18, eff. July 1, 2004; Laws 2006, c. 238, § 7, emerg. eff. June 6, 2006; Laws 2016, c. 235, § 1, eff. July 1, 2016.

§47-1107. Sale or transfer of ownership of vehicle - Violations - Penalties.

A. In the event of the sale or transfer of the ownership of a vehicle for which a certificate of title has been issued as provided by Section 1105 of this title, the holder of such certificate shall endorse on the back of same a complete assignment thereof with warranty of title in form printed thereon with a statement of all liens or encumbrances on the vehicle, sworn to before a notary public or some other person authorized by law to take acknowledgments, and deliver same to the purchaser or transferee at the time of delivery to the purchaser or transferee of the vehicle; provided, a transfer of the ownership of a vehicle to an insurer resulting from the settlement of a total loss claim shall not require a notarized signature on the certificate of title. The purchaser or transferee, unless such person is a bona fide used motor vehicle dealer licensed by this state, a retail implement dealer in connection with the purchase or transfer of off-road vehicles or a charitable organization shall, within thirty (30) days from the time of delivery to the purchaser or transferee of the vehicle, present the assigned certificate of title and the insurance security verification to the vehicle to the Oklahoma Tax Commission, or one of its motor license agents, accompanied by a fee of Eleven Dollars (\$11.00), together with any motor vehicle excise tax or license fee that may be due, whereupon a new certificate of title, shall be issued to the assignee. One Dollar (\$1.00) of each fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund. Any charitable organization utilizing the exemption authorized by this subsection shall receive training as prescribed by the Oklahoma Used Motor Vehicle and Parts Commission.

B. A licensed dealer, a retail implement dealer in connection with the sale or disposal of off-road vehicles or a charitable organization shall, on selling or otherwise disposing of a vehicle, execute and deliver to the purchaser thereof the certificate of title properly and completely reassigned. Thereupon, the purchaser of the vehicle shall present the reassigned certificate to the Commission, or a motor license agent, accompanied by a fee of Eleven Dollars

(\$11.00), and any motor vehicle excise tax or license fee that may be due, whereupon a new certificate of title will be issued to the purchaser. One Dollar (\$1.00) of each fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund. The certificate, when so assigned and returned to the Commission, together with any subsequent assignment or reissue thereof, shall be appropriately filed and indexed so that at all times it will be possible to trace title to the vehicle designated therein. Provided, when the ownership of any motor vehicle shall pass by operation of law, the person owning the vehicle may, upon furnishing satisfactory proof to the Commission of ownership, procure a title to the motor vehicle, regardless of whether a certificate of title has ever been issued. The dealer shall execute and deliver to the purchaser bills of sale on forms prescribed by the Commission for all new vehicles sold by the dealer. On presentation of a bill of sale executed on forms prescribed by the Commission, by a manufacturer or dealer for a new vehicle sold in this state, accompanied by remittance in the sum of Eleven Dollars (\$11.00), together with any motor vehicle excise tax or license fee that may be due, a certificate of title shall be issued in accordance with the provisions of the Oklahoma Vehicle License and Registration Act. One Dollar (\$1.00) of each fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund. For purposes of this subsection, "charitable organization" shall mean any organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3) and which is registered as a charitable organization with the Oklahoma Secretary of State and the Oklahoma Attorney General's office; "off-road vehicles" means all-terrain vehicles, utility vehicles, and motorcycles used exclusively for off-road use; "retail implement dealer" means a business engaged primarily in the sale of farm tractors as defined in Section 1-118 of this title or implements of husbandry as defined in Section 1-125 of this title or a combination thereof.

C. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon the first conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00), with impoundment of the vehicle until all taxes and fees are paid. A second or subsequent conviction shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), with impoundment of the vehicle until all taxes and fees are paid. If a vehicle is impounded pursuant to the provisions of this section, the vehicle shall not be released to the owner until the owner provides proof of security or an affidavit that the vehicle will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title. Each vehicle involved in a violation of this section shall be considered a separate offense.

Added by Laws 1985, c. 179, § 10, operative July 1, 1985. Amended by Laws 1985, c. 197, § 2, operative July 1, 1985; Laws 1986, c. 172, § 1, eff. July 1, 1986; Laws 1988, c. 163, § 4, emerg. eff. May 16, 1988; Laws 1988, c. 201, § 8, eff. Jan. 1, 1989; Laws 1989, c. 290, § 1, emerg. eff. May 24, 1989; Laws 1990, c. 337, § 10; Laws 1993, c. 153, § 4, eff. Sept. 1, 1993; Laws 1996, c. 128, § 1, eff. Nov. 1, 1996; Laws 1999, c. 178, § 1, eff. Nov. 1, 1999; Laws 2005, c. 381, § 5, eff. July 1, 2005; Laws 2015, c. 223, § 2, eff. Nov. 1, 2015; Laws 2016, c. 210, § 21, emerg. eff. April 26, 2016.

NOTE: Laws 1989, c. 57, § 5 repealed by Laws 1990, c. 337, § 26. Laws 2015, c. 318, § 1 repealed by Laws 2016, c. 210, § 22, emerg. eff. April 26, 2016.

§47-1107.1. Verification and certification of mileage - Disclosure statement.

A. In addition to requirements of Section 1107 of this title, the transferor of any vehicle shall verify the mileage at the time of transfer of such vehicle and the mileage so stated shall be shown on the face of the certificate of title to be issued to the transferee. The transferor shall disclose the mileage to the transferee in writing on the title or separate document attached to the title in a form to be determined by the Commission.

B. In the disclosure required under this section, the transferor shall also certify that to the best of his knowledge:

1. the odometer reading reflects the actual mileage; or
2. the odometer reading does not reflect actual mileage; or
3. the mileage is in excess of the mechanical limits of the odometer.

C. The transferor and transferee shall sign the disclosure statement and print their name.

Added by Laws 1989, c. 290, § 2, emerg. eff. May 24, 1989.

§47-1107.2. Odometer disclosure statement - Exempted vehicles.

A transferor of any of the following vehicles shall not be required to execute an odometer disclosure statement;

1. A vehicle having a gross vehicle weight rating of more than sixteen thousand (16,000) pounds;
2. A vehicle that is not self-propelled;
3. A vehicle that is ten (10) years old or older;
4. A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications;
5. An all-terrain vehicle;
6. A motorcycle used exclusively off-road;
7. A new motor vehicle prior to its transfer to the first retail purchaser; or
8. A utility vehicle.

Added by Laws 1989, c. 290, § 3, emerg. eff. May 24, 1989. Amended by Laws 2005, c. 284, § 3, eff. July 1, 2005; Laws 2008, c. 98, § 7, eff. July 1, 2008.

§47-1107.3. Certificate of title - Terms to stamp in accordance with odometer disclosure statement.

The Commission or motor license agent shall use the following terms to stamp the certificate of title in accordance with the odometer disclosure statement:

1. ACTUAL;
2. NOT ACTUAL;
3. EXCEEDS MECHANICAL LIMITS; OR
4. ODOMETER DISCREPANCY.

The stamp "ODOMETER DISCREPANCY" shall be used if the mileage verified in any disclosure statement is an amount less than the mileage depicted on the title to be transferred.

Added by Laws 1989, c. 290, § 4, emerg. eff. May 24, 1989.

§47-1107.4. Written notice of transfer - Fee - Presumptions.

A. Upon the transfer of a vehicle, the transferor may file a written notice of transfer with the Tax Commission or a motor license agent. On receipt of a written notice of transfer, the Commission shall indicate the transfer on the vehicle records maintained by the Commission. The written notice of transfer shall contain the following information:

1. The vehicle identification number of the vehicle;
2. The number of the license plate issued to the vehicle, if any;
3. The full name and address of the transferor;
4. The full name and address of the transferee;
5. The date the transferor delivered possession of the vehicle to the transferee; and
6. The signature of the transferor.

B. There shall be assessed a fee of Ten Dollars (\$10.00) when filing the notice of transfer. Seven Dollars (\$7.00) of the fee shall be retained by the motor license agent. Three Dollars (\$3.00) of the fee shall be apportioned to the Oklahoma Tax Commission Reimbursement Fund.

C. After the date of the transfer of the vehicle as shown on the records of the Commission, the transferee of the vehicle shown on the records is rebuttably presumed to be:

1. The owner of the vehicle; and
2. Subject to civil and criminal liability arising out of the use, operation, or abandonment of a vehicle, to the extent that ownership of the vehicle subjects the owner of the vehicle to civil or criminal liability pursuant to law.

D. This section does not impose or establish any civil or criminal liability on the owner of a vehicle who transfers ownership of the vehicle but does not file a written notice of transfer with the Commission.

Added by Laws 2005, c. 381, § 6, eff. July 1, 2005.

§47-1107.5. Transfer of title in transfer-on-death form

A. The title of a motor vehicle that is not subject to any lien or other encumbrance may be transferred in transfer-on-death form by filing with the Tax Commission a written notice of transfer signed by the transferor and designating the transferee. Such notice shall transfer ownership of the vehicle to the transferee upon the death of the transferor. The notice shall include:

1. The vehicle identification number of the vehicle;
2. The number of the license plate issued to the vehicle, if

any;

3. The full name and address of the transferor;
4. The full name and address of the transferee; and
5. The signature of the transferor. The signature or consent of

or notice to the transferee shall not be required for any purpose during the lifetime of the transferor.

B. A designation of the transferee may be revoked or changed at any time prior to the death of the transferor by filing an amended notice with the Tax Commission.

C. To accept a certificate of title of a motor vehicle pursuant to notice filed under subsection A of this act, the designated transferee shall execute an affidavit verifying the death of the transferor owner and submit to the Tax Commission. After the date of the transfer of the vehicle as evidenced by the submitted affidavit and the records of the Commission, the Commission shall issue a title reflecting the transfer of ownership.

Added by Laws 2016, c. 105, § 1, eff. Nov. 1, 2016.

§47-1108. Lost title - Replacement.

With the exception of an insurer applying for a salvage or junk certificate of title resulting from the settlement of a total loss claim, as provided in subsection H of Section 1105 of this title, in case of a lost certificate of title, the loss of which is accounted for to the satisfaction of the Commission or one of its motor license agents, the Commission or one of its motor license agents may issue duplicates. There shall be a replacement fee of Eleven Dollars (\$11.00) for such duplicate title. One Dollar (\$1.00) of each such fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund.

Added by Laws 1985, c. 179, § 11, operative July 1, 1985. Amended by Laws 1988, c. 201, § 9, eff. Jan. 1, 1989; Laws 2012, c. 158, § 2, eff. July 1, 2012.

§47-1109. Confidentiality of information - Disclosure - Fees - Construction - Penalty for violation.

A. All information contained in certificates of title, applications therefor, vehicle registration records and computer data files is hereby declared to be confidential information and shall not be copied by anyone or disclosed to anyone other than employees of the Oklahoma Tax Commission or the Corporation Commission in the regular course of their employment, except as provided in subsection B of this section. As used in this section, "personal information" means information that identifies an individual including name, address (excluding the five-digit zip code) and telephone number, but does not include information on vehicular accidents, driving violations and driver's status.

B. Personal information referred to in subsection A of this section shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purpose of Titles I and IV of the Anti Car Theft Act of 1992, the Automobile Information Disclosure Act (15 U.S.C., Section 1231 et seq.), the Clean Air Act (42 U.S.C., Section 7401 et seq.) and Chapters 301, 305 and 321-331 of Title 49 of the United States Code and may be disclosed as follows:

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

2. For use by any motor vehicle manufacturer or an authorized representative thereof in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles, motor vehicle parts and dealers, motor vehicle market research activities, including survey research, and removal of non-owner records from the original owner records of motor vehicle manufacturers. The confidentiality of the information shall be protected, as set out above, and used only for the purpose stated; provided, further, that the Tax Commission or Corporation Commission shall be authorized to review the use of and the measures employed to safeguard the information; and provided, further, that the manufacturer or representative shall bear the cost incurred by the Tax Commission or Corporation Commission in the production of the information requested. If the confidentiality provisions, as set out

above, are violated, the provisions of subsection D of Section 205 of Title 68 of the Oklahoma Statutes shall apply and the privilege of obtaining information shall be terminated. Any manufacturer or representative violating the provisions of this paragraph, upon conviction, shall be punishable by a fine not to exceed Fifty Thousand Dollars (\$50,000.00);

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

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

5. For use by a legitimate business or its agents, employees, or contractors for use in the normal course of business, upon payment of a fee of One Dollar (\$1.00) per vehicle record page to the Tax Commission, the Corporation Commission or any motor license agent, but only:

- a. to verify the accuracy of personal information submitted by the individual to whom the information pertains to the business or its agents, employees, or contractors, or
- b. to obtain the correct information, if such information submitted by the individual to whom the information pertains to the business is not correct, or is no longer correct, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against the individual;

6. For use in connection with any civil, criminal, administrative or arbitral proceeding in any federal, state or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state or local court, upon payment of a fee of One Dollar (\$1.00) per vehicle record page to the Tax Commission, the Corporation Commission or any motor license agent;

7. For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, anti-fraud activities, rating or underwriting, upon payment of a fee of One Dollar (\$1.00) per vehicle record page to the Tax Commission, the Corporation Commission or any motor license agent;

8. For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection, upon payment of a fee of One Dollar (\$1.00) per vehicle record page to the Tax Commission, the Corporation Commission or any motor license agent;

9. For use by a requester, upon payment of a fee of One Dollar (\$1.00) per vehicle record page to the Tax Commission, the Corporation Commission or any motor license agent, if the requester demonstrates that it has obtained the written consent of the individual to whom the information pertains;

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

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

The Tax Commission shall collect a reasonable fee to recover the costs of providing the data. As used in this section, the term "vehicle record page" means a computer-generated printout of the motor vehicle inquiry screen. Information provided on the motor vehicle inquiry screen printout shall include the current vehicle owner name and address, vehicle make, model and year, identifying numbers for the vehicle license plate, certificate of title and vehicle identification number, relevant dates relating to the vehicle registration and certificate of title, lienholder information and lien status.

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

There shall be an informational search and retrieval fee of Five Dollars (\$5.00) per vehicle computer record search. If the Tax Commission or Corporation Commission performs a manual search, the fee shall be Seven Dollars and fifty cents (\$7.50) per vehicle. The Tax Commission is authorized to promulgate rules whereby motor license agents, when requesting such documentation in the performance of their duties, are exempt from this retrieval fee. Certified copies of vehicle certificates of title and applications therefor shall be included within the informational search and retrieval by the Tax Commission or Corporation Commission for a fee of Ten Dollars (\$10.00). Such duly certified copies may be received in evidence with the same effect as the original when the original is not in the possession or under the control of the party desiring to use the same.

D. Requesters authorized by this section to receive information shall submit to the Tax Commission, Corporation Commission or motor license agent an affidavit supported by such documentation as the Tax Commission or Corporation Commission may require, on a form prescribed by the Tax Commission or Corporation Commission certifying that the information is requested for a lawful and legitimate purpose and will not be further disseminated.

E. Notwithstanding the foregoing, the Tax Commission or Corporation Commission may allow the release of information from its motor vehicle records upon magnetic tape consisting only of the following information:

1. The date of the certificate of title;
2. The certificate of title number;
3. The type of title issued for the vehicle;
4. The odometer reading from the certificate of title;
5. The year in which the vehicle was manufactured;
6. The vehicle identification number for the vehicle;
7. The make of the vehicle; and
8. The location in which the vehicle is registered.

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

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

G. Fees received by a motor license agent pursuant to the provisions of this section shall not be included in the maximum sum that may be retained by motor license agents as compensation pursuant to the provisions of Section 1143 of this title.

H. All funds collected by the Tax Commission pursuant to the provisions of this section shall be deposited in the Oklahoma Tax Commission Revolving Fund. All funds collected by the Corporation Commission pursuant to the provisions of this section shall be apportioned as provided in subsection C of Section 3 of this act.

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

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

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

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

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

Added by Laws 1985, c. 179, § 12, operative July 1, 1985. Amended by Laws 1986, c. 147, § 5, eff. Nov. 1, 1986; Laws 1988, c. 67, § 2, emerg. eff. March 25, 1988; Laws 1989, c. 159, § 1, eff. July 1, 1989; Laws 1991, c. 261, § 2, eff. Sept. 1, 1991; Laws 1997, c. 294, § 2, eff. July 1, 1997; Laws 1998, c. 355, § 1, emerg. eff. June 5, 1998; Laws 2000, c. 314, § 2, eff. July 1, 2000; Laws 2004, c. 534, § 3, eff. Nov. 1, 2004; Laws 2005, c. 1, § 64, emerg. eff. March 15, 2005; Laws 2006, c. 295, § 4, eff. July 1, 2006; Laws 2007, c. 330, § 2; Laws 2010, c. 389, § 1, emerg. eff. June 7, 2010.

NOTE: Laws 2004, c. 522, § 11 repealed by Laws 2005, c. 1, § 65, emerg. eff. March 15, 2005.

§47-1110. Perfection of security interest - Release - Filing and indexing - Effectiveness, duration, assignment or termination - Priority in manufactured home.

A. 1. Except for a security interest in vehicles held by a dealer for sale or lease, a vehicle registered by a federally recognized Indian tribe as provided in subsection G of this section, and a vehicle being registered in this state which was previously registered in another state and which title contains the name of a secured party on the face of the other state certificate or title, and except as otherwise provided in subsection B of Section 1105 of this title, a security interest in a vehicle as to which a certificate of title may be properly issued by the Oklahoma Tax Commission shall be perfected only when a lien entry form, and the existing certificate of title, if any, or application for a certificate of title and manufacturer's certificate of origin containing the name and address of the secured party and the date of the security agreement and the required fee are delivered to the Tax Commission or to a motor license agent. As used in this section, the

term "dealer" shall be defined as provided in Section 1-112 of this title and the term "security interest" shall be defined as provided in paragraph (35) of Section 1-201 of Title 12A of the Oklahoma Statutes. When a vehicle title is presented to a motor license agent for transferring or registering and the documents reflect a lien holder, the motor license agent shall perfect the lien pursuant to subsection G of Section 1105 of this title. For the purposes of this section, the term "vehicle" shall not include special mobilized machinery, machinery used in highway construction or road material construction and rubber-tired road construction vehicles including rubber-tired cranes. The filing and duration of perfection of a security interest, pursuant to the provisions of Title 12A of the Oklahoma Statutes, including, but not limited to, Section 1-9-311 of Title 12A of the Oklahoma Statutes, shall not be applicable to perfection of security interests in vehicles as to which a certificate of title may be properly issued by the Tax Commission, except as to vehicles held by a dealer for sale or lease and except as provided in subsection D of this section. In all other respects Title 12A of the Oklahoma Statutes shall be applicable to such security interests in vehicles as to which a certificate of title may be properly issued by the Tax Commission.

2. Whenever a person creates a security interest in a vehicle, the person shall surrender to the secured party the certificate of title or the signed application for a new certificate of title, on the form prescribed by the Tax Commission, and the manufacturer's certificate of origin. The secured party shall deliver the lien entry form and the required lien filing fee within twenty-five (25) days as provided hereafter with certificate of title or the application for certificate of title and the manufacturer's certificate of origin to the Tax Commission or to a motor license agent. If the lien entry form, the lien filing fee and the certificate of title or application for certificate of title and the manufacturer's certificate of origin are delivered to the Tax Commission or to a motor license agent within twenty-five (25) days after the date of the lien entry form, perfection of the security interest shall begin from the date of the execution of the lien entry form, but otherwise, perfection of the security interest shall begin from the date of the delivery to the Tax Commission or to a motor license agent.

3. a. For each security interest recorded on a certificate of title, or manufacturer's certificate of origin, such person shall pay a fee of Ten Dollars (\$10.00), which shall be in addition to other fees provided for in the Oklahoma Vehicle License and Registration Act. Upon the receipt of the lien entry form and the required fees with either the certificate of title or an application for certificate of title and manufacturer's

certificate of origin, a motor license agent shall, by placement of a clearly distinguishing mark, record the date and number shown in a conspicuous place, on each of these instruments. Of the ten-dollar fee, the motor license agent shall retain Two Dollars (\$2.00) for recording the security interest lien.

- b. It shall be unlawful for any person to solicit, accept or receive any gratuity or compensation for acting as a messenger and for acting as the agent or representative of another person in applying for the recording of a security interest or for the registration of a motor vehicle and obtaining the license plates or for the issuance of a certificate of title therefor unless the Tax Commission has appointed and approved the person to perform such acts; and before acting as a messenger, any such person shall furnish to the Tax Commission a surety bond in such amount as the Tax Commission shall determine appropriate.

4. The certificate of title or the application for certificate of title and manufacturer's certificate of origin with the record of the date of receipt clearly marked thereon shall be returned to the debtor together with a notice that the debtor is required to register and pay all additional fees and taxes due within thirty (30) days from the date of purchase of the vehicle.

5. Any person creating a security interest in a vehicle that has been previously registered in the debtor's name and on which all taxes due the state have been paid shall surrender the certificate of ownership to the secured party. The secured party shall have the duty to record the security interest as provided in this section and shall, at the same time, obtain a new certificate of title which shall show the secured interest on the face of the certificate of title.

6. The lien entry form with the date and assigned number thereof clearly marked thereon shall be returned to the secured party. If the lien entry form is received and authenticated, as herein provided, by a motor license agent, the agent shall make a report thereof to the Tax Commission upon the forms and in the manner as may be prescribed by the Tax Commission.

7. The Tax Commission shall have the duty to record the lien upon the face of the certificate of title issued at the time of registering and paying all fees and taxes due on the vehicle.

B. 1. A secured party shall, within seven (7) business days after the satisfaction of the security interest, furnish directly or by mail a release of a security interest to the Tax Commission and mail a copy thereof to the last-known address of the debtor. If the security interest has been satisfied by payment from a licensed used motor vehicle dealer to whom the motor vehicle has been transferred,

the secured party shall also, within seven (7) business days after such satisfaction, mail an additional copy of the release to the dealer. If the secured party fails to furnish the release as required, the secured party shall be liable to the debtor for a penalty of One Hundred Dollars (\$100.00). Following the seven (7) business days after satisfaction of the lien and upon receipt by the lienholder of written communication demanding the release of the lien, thereafter the penalty shall increase to One Hundred Dollars (\$100.00) per day for each additional day beyond seven (7) business days until accumulating to One Thousand Five Hundred Dollars (\$1,500.00) or the value of the vehicle, whichever is less, and, in addition, any loss caused to the debtor by such failure.

2. Upon release of a security interest the owner may obtain a new certificate of title omitting reference to the security interest, by submitting to the Tax Commission or to a motor license agent:

- a. a release signed by the secured party, an application for new certificate of title and the proper fees, or
- b. by submitting to the Tax Commission or the motor license agent an affidavit, supported by such documentation as the Tax Commission may require, by the owner on a form prescribed by the Tax Commission stating that the security interest has been satisfied and stating the reasons why a release cannot be obtained, an application for a new certificate of title and the proper fees.

Upon receiving such affidavit that the security interest has been satisfied, the Tax Commission shall issue a new certificate of title eliminating the satisfied security interest and the name and address of the secured parties who have been paid and satisfied. The Tax Commission shall accept a release of a security interest in any form that identifies the debtor, the secured party, and the vehicle, and contains the signature of the secured party. The Tax Commission shall not require any particular form for the release of a security interest.

The words "security interest" when used in the Oklahoma Vehicle License and Registration Act do not include liens dependent upon possession.

C. The Tax Commission shall file and index certificates of title so that at all times it will be possible to trace a certificate of title to the vehicle designated therein, identify the lien entry form, and the names and addresses of secured parties, or their assignees, so that all or any part of such information may be made readily available to those who make legitimate inquiry of the Tax Commission as to the existence or nonexistence of security interest in the vehicle.

D. 1. Any security interest in a vehicle properly perfected prior to July 1, 1979, may be continued as to its effectiveness or

duration as provided by Sections 1-9-501 and 1-9-515 of Title 12A of the Oklahoma Statutes, or may be terminated, assigned or released as provided by Sections 1-9-512, 1-9-513 and 1-9-514 of Title 12A of the Oklahoma Statutes, as fully as if this section had not been enacted, or, at the option of the secured party, may also be perfected under this section, and, if so perfected, the time of perfection under this section shall be the date the security interest was originally perfected under the prior law.

2. Upon request of the secured party, the debtor or any other holder of the certificate of title shall surrender the certificate of title to the secured party and shall do such other acts as may be required to perfect the security interest under this section.

E. If a manufactured home is permanently affixed to real estate, the original document of title may be surrendered to the Tax Commission or a motor license agent for cancellation. When the document of title is surrendered, the owner shall provide the legal description or the appropriate tract or parcel number of the real estate and other information as may be required on a form provided by the Tax Commission. The Tax Commission may not cancel a document of title if a lien has been registered or recorded. The Tax Commission or motor license agent shall notify the owner and any lienholder that the title has been surrendered to the Tax Commission and that the Tax Commission may not cancel the title until the lien is released. Such notification shall include a description of the lien and such notification to the owner shall be accompanied by the return of title surrendered. Permanent attachment to real estate does not affect the validity of a lien recorded or registered with the Tax Commission before the document of title is cancelled pursuant to this section. The rights of a prior lienholder pursuant to a security agreement or the provisions of a credit transaction and the rights of the state pursuant to a tax lien are preserved. The Tax Commission or motor license agent shall forward the information to the county assessor of the county where the real estate is located and indicate whether the original document of title has been canceled. A fee of Five Dollars (\$5.00) shall accompany the application for cancellation of title. When the fee is paid by a person making an application directly with the Tax Commission, the fee shall be deposited in the Oklahoma Tax Commission Revolving Fund. A fee paid to a motor license agent shall be retained by the agent. The owner of a manufactured home upon which the document of title has been properly surrendered, may apply to the Tax Commission for issuance of a new original certificate of title upon submission of: (1) an attestation from the homeowner indicating ownership of the manufactured home and the nonexistence of any security interest or lien of record in the manufactured home, and (2) a title opinion by a licensed attorney, determining that the owner of the manufactured home has marketable title to the real property upon which the manufactured home is located and that no

documents filed of record in the county clerk's office concerning the real property contain a mortgage, recorded financial statement, judgment, or lien of record. Persons or entities to whom the title opinion is addressed may rely on the title opinion. A security interest in a manufactured home perfected pursuant to this section shall have priority over a conflicting interest of a mortgagee or other lien encumbrancer, or the owner of the real property upon which the manufactured home became affixed or otherwise permanently attached. The holder of the security interest in the manufactured home, upon default, may remove the manufactured home from such real property. The holder of the security interest in the manufactured home shall reimburse the owner of the real property who is not the debtor and who has not otherwise agreed to access the real property for the cost of repair of any physical injury to the real property, but shall not be liable for any diminution in value to the real property caused by the removal of the manufactured home, trespass, or any other damages caused by the removal. The debtor shall notify the holder of the security interest in the manufactured home of the street address, if any, and the legal description of the real property upon which the manufactured home is affixed or otherwise permanently attached and shall sign such other documents, including any appropriate mortgage, as may reasonably be requested by the holder of such security interest.

F. In the case of motor vehicles or trailers, notwithstanding any other provision of law, a transaction does not create a sale or security interest merely because it provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle or trailer.

G. A security interest in vehicles registered by a federally recognized Indian tribe shall be deemed valid under Oklahoma law if validly perfected under the applicable tribal law and the lien is noted on the face of the tribal certificate of title.

Added by Laws 1985, c. 179, § 13, operative July 1, 1985. Amended by Laws 1988, c. 167, § 2, emerg. eff. May 24, 1988; Laws 1989, c. 58, § 3, operative July 1, 1989; Laws 1991, c. 117, § 134, eff. Jan. 1, 1992; Laws 1991, c. 335, § 16, emerg. eff. June 15, 1991; Laws 1995, c. 126, § 1; Laws 1996, c. 38, § 1, eff. Nov. 1, 1996; Laws 1999, c. 92, § 3, eff. Nov. 1, 1999; Laws 2000, c. 371, § 173, eff. July 1, 2001; Laws 2001, c. 25, § 1, eff. July 1, 2001; Laws 2001, c. 358, § 4, eff. July 1, 2001; Laws 2002, c. 417, § 2, eff. July 1, 2002; Laws 2004, c. 85, § 1, emerg. eff. April 13, 2004; Laws 2007, c. 37, § 1, eff. Nov. 1, 2007; Laws 2007, c. 202, § 2, eff. Nov. 1, 2007; Laws 2015, c. 224, § 1, eff. Nov. 1, 2015.

NOTE: Laws 1988, c. 166, § 12 repealed by Laws 1989, c. 58, § 4, operative July 1, 1989. Laws 1991, c. 107, § 1 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991.

§47-1111. Salvage title - New title.

A. As used in this section:

1. "Loss" means the cost, in dollars, to repair or replace a vehicle which has been damaged by collision or other occurrence. The amount paid by an insurer to a holder of the certificate of title for repair of a damaged vehicle shall be prima facie evidence of the amount of the loss. The amount paid by an insurer to a holder of the certificate of title for replacement of a damaged vehicle less the resale value of the damaged vehicle shall be prima facie evidence of the amount of the loss;

2. "Fair market value" means the value of a vehicle as listed in the current National Auto Dealers Association guidebook or other similar guidebook or the actual cash value, whichever is greater;

3. "Resale value" means the amount, in dollars, paid to the holder of a certificate of title by a willing buyer for a vehicle damaged by collision or other occurrence or recovered from theft;

4. "Total loss" means a loss which is equal to the fair market value of the vehicle immediately prior to the damage to or theft of the vehicle; and

5. "Vehicle" means a vehicle, as defined in paragraph 40 of Section 1102 of this title, manufactured within the last ten (10) model years.

B. Any insurance company that pays a total loss on a claim for any vehicle including, but not limited to, a flood-damaged vehicle or recovered-theft vehicle, any junk dealer who receives a motor vehicle which is to be used for junk or for parts, or any other person permanently dismantling or junking a vehicle shall receive the certificate of title from the current holder of the certificate of title, shall detach the license plate from the vehicle, and shall return the license plate and the certificate of title to the Oklahoma Tax Commission or a motor license agent within thirty (30) days from receipt of the certificate, or insurance companies may provide alternate documentation within thirty (30) days pursuant to subsection P of Section 1105 of this title. The Tax Commission shall cancel the certificate of title to the vehicle used for junk or parts and shall preserve the vehicle identification numbers on the certificate of title in the computer files for at least five (5) years. No certificate of title may be reissued on a junked vehicle as defined in Section 1105 of this title, unless reissued pursuant to paragraph 3 of subsection C of this section. The Tax Commission shall transfer ownership of a stolen vehicle, not recovered from theft at the time of transfer, by salvage or unrecovered-theft title to the insurer. The Tax Commission shall transfer ownership of a vehicle damaged by flooding or other occurrence to the insurer by an original title, salvage title, or junked title, as may be appropriate, based upon an estimate of the amount of loss submitted

by the insurer. All license plates surrendered to the Tax Commission shall be destroyed.

C. 1. If an insurance company pays a claim for a loss which is less than a total loss but the cost of repairing the vehicle for safe operation on the highway exceeds sixty percent (60%) of the fair market value of the vehicle, or if any vehicle not insured is damaged to the extent that the cost of repair for safe operation on the highway exceeds sixty percent (60%) of the fair market value of the vehicle, any holder of the certificate of title for the vehicle shall return the certificate of title to the Tax Commission or a motor license agent within thirty (30) days from receipt of payment for the loss.

2. Upon receipt of the certificate, the Tax Commission or motor license agent shall issue a salvage title for the vehicle. The title for any vehicle damaged by flooding shall be stamped with the words "Flood Damaged", and for any such vehicle which was recovered from a theft, the salvage title or rebuilt title shall be stamped with the words "Recovered Theft". A licensed dealer subject to the provisions of the Automotive Dismantlers and Parts Recycler Act, Section 591.1 et seq. of this title, shall not be required to pay registration fees, excise taxes, back taxes, or penalties on a vehicle as a prerequisite to obtaining a salvage title.

3. If the actual documented cost of repairing the vehicle for safe operation on the highway does not exceed sixty percent (60%) of the fair market value of the vehicle as defined in this section, the certificate of title shall be reissued to the holder and the vehicle shall not be subject to inspection as required under this section. The actual documented cost of repairing the vehicle pursuant to this paragraph shall be certified by the insurance company paying the loss.

D. If a motor vehicle with a salvage title is placed in operative condition, application shall be made to the Tax Commission or a motor license agent for a rebuilt title. A visual inspection of the vehicle and examination of the vehicle identification numbers shall be conducted prior to the issuance of a rebuilt title. At the time of issuance, the salvage title shall be returned to the Tax Commission by the owner, or by the motor license agent if the motor license agent issues the rebuilt title. A visual inspection shall also be made of any out-of-state vehicle to be registered and titled in this state if the vehicle is within the class of vehicles for which a rebuilt title is required and a similar inspection has not been conducted by another state. The certificate of title for the rebuilt vehicle shall be stamped with the words, "This Rebuilt Vehicle Has Been Inspected by the Appropriate State Official".

E. 1. The visual inspections and examination of vehicle identification numbers shall include, but not be limited to:

- a. comparison of the vehicle identification numbers with the number recorded on the ownership records,
- b. inspection of the vehicle identification numbers and the VIN plate to detect possible alteration or other fraud,
- c. interpretation of the vehicle identification number recorded on the ownership documents to assure that it accurately describes the motor vehicle in question, and
- d. inspection of the odometer of the vehicle to detect rollback or alteration.

2. All vehicle damage shall be repaired before the examination is conducted. The following paperwork shall be presented to the motor license agent: the salvage title and original receipts for all parts placed on the vehicle. Components such as doors, motor, and transmission shall indicate the serial number or the vehicle identification number (VIN) of the auto the part was purchased from or removed from.

F. The visual inspection and vehicle identification numbers examination shall be performed by a motor license agent at the location designated by the motor license agent. If the location of the inspection is not the place of business of the rebuilder, the motor license agent shall issue a permit authorizing the applicant to operate the vehicle upon the public streets, roads, and highways in route to and from the designated location for the inspection. The inspection and examination shall be performed within ten (10) working days after the owner of the vehicle requests the inspection and examination. Requests shall be made by completing the request form prescribed and provided by the Tax Commission.

G. Inspection and examination of a rebuilt vehicle shall be performed by a person employed by a motor license agent.

H. The fee for the examination by the motor license agent shall be Twenty-five Dollars (\$25.00), which shall be paid at the time of issuance of the certificate of title for the rebuilt vehicle. The motor license agent shall retain Five Dollars (\$5.00) and shall remit Twenty Dollars (\$20.00) to the Tax Commission which shall retain Ten Dollars (\$10.00) and transmit Ten Dollars (\$10.00) to the State Treasurer for deposit in the Department of Public Safety Revolving Fund. The motor license agent and its employees and agents may not be sued for and shall not be liable for any damages allegedly arising out of the inspection of a vehicle or any acts or omissions in the performance of the inspection. The motor license agent may be held liable for any damages to the vehicle caused by the negligent acts or omissions in the performance of the inspection. Any person may be liable for any damages to a vehicle caused by the intentional acts or omissions in the performance of the inspection.

I. The rebuilt title and any subsequent transfers of such title shall also reflect that the vehicle was a salvage vehicle, flood-

damaged vehicle or recovered-theft vehicle, if applicable, and also shall include the salvage date.

J. Any title for a motor vehicle issued pursuant to the laws of any other state which reflects that such vehicle is a salvage vehicle, a rebuilt vehicle or a junked vehicle or has any other brand or classification notation by that state shall be retained on the new title issued by the Tax Commission unless the actual documented cost of repairing the vehicle for safe operation on the highway does not exceed sixty percent (60%) of the fair market value of the vehicle as provided by this section.

K. When the insurance company pays a loss on a vehicle which is registered at the time of mishap, accident, burning, or flooding, the appropriate certificate of title shall be issued without the payment of additional registration fees or excise taxes, upon the submission of a police report or insurance adjuster's report and a declaration by the insurer that the vehicle is held for sale to a dealer. If the owner of the vehicle or other insured retains ownership of the damaged vehicle, the Tax Commission shall notify the owner or insured of the requirements of this section.

L. Any insurance company that pays a claim for a loss where the cost of repairing the vehicle for safe operation on the highway exceeds sixty percent (60%) of the market value of the vehicle or pays a claim for a flood-damaged vehicle as defined in Section 1105 of this title shall notify, in writing, the holder of the certificate of title of the requirements of this section and shall notify the Tax Commission of the payment of such claim. The notice shall include the estimated total damage percentage determination of the actual cash value made by the insurance company to repair the vehicle for safe operation on the highway. The insurance company shall also send a copy of the notification to the holder of the title. The Tax Commission shall provide notice to the owner of the vehicle in writing requiring the owner to surrender the title along with the fee to the Tax Commission or one of its motor license agents within thirty (30) days from the receipt of notice for the issuance of the appropriate title based on the amount of loss. The Tax Commission shall reissue the appropriate title with the words "Flood Damaged" on the face of the title in the case of a flood-damaged vehicle; provided, no insurance company shall pay a claim for less than the amount to which the holder of the certificate of title is rightfully entitled in order to avoid compliance with this section.

M. Except as provided for in subsection N of this section, any person, firm, corporation, or other legal entity convicted of violating any provision of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than Three Hundred Dollars (\$300.00) or by incarceration in the county jail for not more than six (6) months, or by both the fine and incarceration.

N. Any owner of a titled vehicle who has knowledge that the title is not the proper type for the vehicle and, with intent to misrepresent the vehicle, fails to make the appropriate title changes, shall be guilty of a misdemeanor. Any person who has knowledge that the title is not the proper type for the vehicle, and with intent to misrepresent the vehicle, buys or receives any vehicle for which the appropriate title changes have not been made as required by this act shall be guilty of a misdemeanor. Any person found guilty in accordance with the provisions of this subsection shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) for the first offense or Five Thousand Dollars (\$5,000.00) for the second or subsequent offense, or by imprisonment in the county jail for a term not exceeding six (6) months, or by both such fine and imprisonment.

O. Any owner of a salvage or junked vehicle shall submit the certificate of title to the Tax Commission or motor license agent for issuance of an appropriate title. Any holder of a certificate of title issued by this state, to a vehicle which no longer exists, shall surrender the certificate of title to the Tax Commission for cancellation. The vehicle identification number on the canceled certificate of title shall be preserved in the computer of the Tax Commission for at least five (5) years.

Nothing in this section shall be construed to prevent the transfer of ownership of a vehicle by assignment of the title to a used car dealer, wholesale used car dealer, or a licensed automotive dismantler or parts recycler.

Added by Laws 1985, c. 179, § 14, operative July 1, 1985. Amended by Laws 1985, c. 352, § 1, eff. Nov. 1, 1985; Laws 1988, c. 163, § 5, emerg. eff. May 16, 1988; Laws 1988, c. 201, § 10, eff. Jan. 1, 1989; Laws 1988, c. 240, § 3, eff. Jan. 1, 1989; Laws 1989, c. 290, § 11, emerg. eff. May 24, 1989; Laws 1989, c. 349, § 3, emerg. eff. June 3, 1989; Laws 1994, c. 301, § 2, eff. Sept. 1, 1994; Laws 1995, c. 208, § 3, eff. July 1, 1995; Laws 1995, c. 324, § 2, eff. Nov. 1, 1995; Laws 1998, c. 289, § 4, emerg. eff. May 27, 1998; Laws 2001, c. 358, § 5, eff. July 1, 2001; Laws 2005, c. 355, § 2, eff. Nov. 1, 2005; Laws 2008, c. 60, § 2, eff. Nov. 1, 2008; Laws 2010, c. 321, § 2, eff. Nov. 1, 2010; Laws 2012, c. 158, § 3, eff. July 1, 2012; Laws 2019, c. 172, § 1, eff. Nov. 1, 2019.

§47-1112. Application for registration - Information required - False statements.

A. Every owner of a vehicle possessing a certificate of title shall, before using the same in this state, make an application for the registration of such vehicle with a motor license agent. The application shall contain such information as shall be required by the Oklahoma Tax Commission. Every owner, when making application for registration, shall furnish the following information:

1. A full description of the vehicle including the make, model, color, manufacturer's serial or other identification number, any security interest upon the vehicle, an odometer reading of the vehicle when applicable, and the insurance security verification to the vehicle;

2. The correct name and address, the name of the city, county and state in which the person in whose name the vehicle is to be registered resides, the driver license number of the owner if the owner has a driver license or the Federal Employers Identification Number of the owner if such owner is not an individual, and such other information as may be prescribed by the Commission; and

3. a. The name of the carrier of the owner's insurance policy for such vehicle,
- b. The policy number of the owner's policy for such vehicle, if available, or the name of the agent or office where the existence of security may be verified, if other than the carrier,
- c. The effective dates of the owner's policy for such vehicle, and
- d. A statement of the existence of a nonuse affidavit if filed by the vehicle owner pursuant to the provisions of Section 7-607 of this title.

B. Any owner or lessee of a noncommercial vehicle possessing a certificate of title may, at the time of initial application for registration or application for renewal, inform the Tax Commission that the owner, lessee or someone who may be operating the vehicle is deaf, hard-of-hearing, autistic or suffers from Apraxia or a communication disorder. That information, if provided, shall be available to law enforcement through the Tax Commission's vehicle registration system to assist law enforcement in identifying the operator of the vehicle as possibly being deaf, hard-of-hearing, autistic or suffering from Apraxia or a communication disorder. As used in this section, "communication disorder" is defined as impairment in the ability to receive, send, process and comprehend concepts or verbal, nonverbal and graphic symbol systems.

C. In every case where a vehicle has been registered upon an application containing any false statement of a fact required in this section to be shown in an application for the registration thereof, the Commission shall give written notice of at least five (5) days to the owner of the vehicle, and shall require the owner to appear before it for the purpose of showing cause why the registration should not be canceled. Unless satisfactory explanation is given by the owner concerning such false statement, the Commission shall cancel the registration. The owner of the vehicle shall then be required to immediately reregister the vehicle and pay the required fees. The owner shall not be entitled to refund or credit for the

fees paid for registration of the motor vehicle made under the application which contained any false statement of fact.

D. The Commission shall insert in the application forms appropriate notice to the applicant that any false statement of a fact required to be shown in such application for registration subjects the applicant to prosecution.

Added by Laws 1985, c. 179, § 15, operative July 1, 1985. Amended by Laws 1989, c. 290, § 12, emerg. eff. May 24, 1989; Laws 1990, c. 298, § 10; Laws 1991, c. 342, § 4, emerg. eff. June 15, 1991; Laws 2000, c. 250, § 4, eff. Oct. 1, 2000, and adopted by State Question No. 691, Legislative Referendum No. 319, at election held Aug. 22, 2000. Amended by Laws 2018, c. 208, § 1, eff. July 1, 2019; Laws 2019, c. 325, § 1, eff. Nov. 1, 2019.

§47-1112.1. Motor vehicle dealers - Disclosure of certain vehicle damage.

A. Every dealer shall disclose in writing to the purchaser of a new or previously unregistered motor vehicle, prior to entering into a contract for the vehicle or, if unknown at that time, prior to delivery of the vehicle, the following information:

1. Any material damage known by the dealer to have been sustained by the vehicle and subsequently repaired; and

2. Any damage, including but not limited to material damage or flood damage, known by the dealer to have been sustained by the vehicle and not repaired.

B. For purposes of this section, "material damage" means damage sustained by a motor vehicle as follows:

1. The damage required repairs having a value, including parts and labor calculated at the repairer's cost, exceeding three percent (3%) of the manufacturer's suggested retail price of the vehicle or Five Hundred Dollars (\$500.00), whichever is greater. The replacement of damaged or stolen components, excluding the cost of repainting or refinishing those components, if replaced by the installation of new original manufacturer's equipment, parts, or accessories that are bolted or otherwise attached as a unit to the vehicle, including but not limited to, the hood, bumpers, fenders, mechanical parts, instrument panels, moldings, glass, tires, wheels, and electronic instruments, shall be excluded from damage calculation, except that any damage having a cumulative repair or replacement value which exceeds ten percent (10%) of the manufacturer's suggested retail price of the vehicle shall be deemed material damage;

2. The damage was to the frame or drive train of the motor vehicle;

3. The damage occurred in connection with a theft of the entire vehicle; or

4. The damage was to the suspension of the vehicle requiring repairs other than wheel balancing or alignment.

Added by Laws 1991, c. 49, § 1, eff. July 1, 1991.

§47-1112.1A. Registration of vintage vehicles.

A. As used in this section "vintage vehicle" means a passenger automobile or truck having no more than two axles and for which no Oklahoma certificate of title exists in the records of the Oklahoma Tax Commission prior to January 1, 1980, and which has not been registered in the records of the Oklahoma Tax Commission or any other state for a period of fifteen (15) or more years prior to the date as of which the application for the certificate of title is made.

B. A person or other legal entity may register a vintage vehicle and obtain an Oklahoma certificate of title for the vehicle upon payment of a fee of Two Hundred Fifty Dollars (\$250.00) and providing a verified statement, under oath, submitted to the Oklahoma Tax Commission with the following information:

1. The name of the person or other legal entity to which the certificate of title will be issued;

2. The personal or business address at which the vehicle will be located when not in use on the roads and highways of the state;

3. The manufacturer of the vehicle whether or not the manufacturer is still conducting business;

4. The model of the vehicle using either the designation provided by the original manufacturer or an equivalent designation;

5. The Vehicle Identification Number (VIN) if the vehicle had a VIN at the time of its original manufacture;

6. The price at which the vintage vehicle was acquired by the person or other legal entity making application for a vintage vehicle title; and

7. A statement that the vehicle is not currently subject to the lien of any person or other legal entity for the purchase price of the vehicle, for expenses associated with repair or refurbishment of the vehicle, storage charges or any other purpose.

C. The fee prescribed by subsection B of this section shall be nonrefundable even if the Oklahoma Tax Commission denies the issuance of a certificate of title for the vintage vehicle for any reason.

D. Upon review of the information contained in the application for a certificate of title, the Oklahoma Tax Commission shall determine whether or not the title may be issued.

E. If a vintage vehicle certificate of title is issued, the person or other legal entity making application shall make payment of the motor vehicle excise tax required by Section 2103 of Title 68 of the Oklahoma Statutes and the applicable rate of sales tax imposed pursuant to Section 1354 of Title 68 of the Oklahoma Statutes.

F. Once a certificate of title has been issued for a vintage vehicle as provided by this section, the vehicle shall be subject to

the annual registration requirements in the same manner and subject to the same fees as provided by law for other motor vehicles.
Added by Laws 2019, c. 47, § 1, eff. Nov. 1, 2019.

§47-1112.2. Transferability of license plates.

A. Effective July 1, 2019, the registration license plate and certificate of registration shall be issued to, and remain in the name of, the owner of the vehicle registered and the license plates shall not be transferable between motor vehicle owners. When a vehicle is sold or transferred in the state, the following registration procedures shall apply:

1. When a current and valid Oklahoma motor vehicle license plate has been obtained for use on a motor vehicle and the vehicle has been sold or otherwise transferred to a new owner, the license plate shall be removed from the vehicle and retained by the original plate owner.

2. In the event an owner purchases, trades, exchanges, or otherwise acquires another vehicle of the same license registration classification, the Oklahoma Tax Commission shall authorize the transfer of the current and valid license plate previously obtained by the owner to the replacement vehicle for the remainder of the current registration period. In the event the owner acquires a vehicle requiring payment of additional registration fees, the owner shall request a transfer of the license plate to the newly acquired vehicle and pay the difference in registration fees. The fee shall be calculated on a monthly prorated basis. The owner shall not be entitled to a refund:

- a. when the registration fee for the vehicle to which the plate(s) is to be assigned is less than the registration fee for that vehicle to which the license plate(s) was last assigned, or
- b. if the owner does not have or does not acquire another vehicle to which the license plate may be transferred.

3. In the event the owner of a license plate purchases, trades, exchanges or otherwise acquires a vehicle for which a license plate has been issued during the current registration period, and the license plate has not been removed by the previous owner in accordance with this section, the new owner of the vehicle shall remove and return the license plate to the Tax Commission or a motor license agent. However, if the license plate has expired, the new owner shall not be required to surrender the license plate.

4. If a person purchases a motor vehicle from which the number plates have been removed pursuant to this section, the person may operate the motor vehicle for five (5) days from the date of purchase without number plates if a dated notarized bill of sale is carried in the motor vehicle.

B. 1. The new owner of a motor vehicle shall, within thirty (30) calendar days from the date of vehicle purchase or acquisition,

make application to record the registration of the vehicle by the transfer to, or purchase of, a license plate for the newly acquired vehicle with the Tax Commission or motor license agent and shall pay all taxes and fees provided by law.

2. Any person failing to register a motor vehicle by timely transferring the license plate as provided by this section shall pay the penalty levied in Section 1132 of Title 47 of the Oklahoma Statutes.

C. A surviving spouse, desiring to operate a vehicle devolving from a deceased spouse, shall present an application for certificate of title to the Tax Commission or motor license agent in his or her name within thirty (30) days of obtaining ownership. The Tax Commission or motor license agent shall then transfer the license plate to the surviving spouse.

D. The Oklahoma Tax Commission shall be authorized to promulgate such rules as may be required to implement the license plate transfers authorized by this section; including, but not limited to, such rules as may be required for a system under which the license plate is registered to an individual and not a vehicle for all license plates issued on or after July 1, 2019.

Added by Laws 2018, c. 208, § 2, eff. July 1, 2019.

§47-1112.3. Documentation required in possession or in vehicle.

A. Except as otherwise provided in subsection B of this section, at all times while a vehicle is being used or operated on the roads of this state, the operator of the vehicle shall have in his or her possession or carry in the vehicle and exhibit upon demand to any peace officer of the state or duly authorized employee of the Department of Public Safety, either a:

1. Registration certificate or an official copy thereof;
2. True copy of rental or lease documentation issued for a motor vehicle;
3. Registration certificate or an official copy thereof issued for a replacement vehicle in the same registration period;
4. Temporary receipt printed upon self-initiated electronic renewal of a registration via the Internet; or
5. Cab card issued for a vehicle registered under the International Registration Plan.

B. The provisions of subsection A of this section shall not apply to the first thirty (30) days after purchase of a replacement vehicle.

Added by Laws 2018, c. 208, § 3, eff. July 1, 2019.

§47-1113. Issuance of certificate of registration, license plates and decals - Requirements and specifications for license plates - Issuance of license plates without documentary evidence of ownership

- Registration certificate to be in possession of commercial vehicle operator - Manufactured homes.

A. 1. Except for all-terrain vehicles, utility vehicles and motorcycles used exclusively off roads and highways, upon the filing of a registration application and the payment of the fees provided for in the Oklahoma Vehicle License and Registration Act, the Oklahoma Tax Commission or Corporation Commission, as applicable, shall assign to the vehicle described in the application a distinctive number, and issue to the owner of the vehicle a certificate of registration, one license plate and a yearly decal. The Oklahoma Tax Commission shall assign an all-terrain vehicle, utility vehicle or motorcycle used exclusively off roads and highways a distinctive number and issue to the owner a certificate of registration and a decal but not a license plate. For each subsequent registration year, the Tax Commission shall issue a yearly decal to be affixed to the license plate, except for an all-terrain vehicle, utility vehicle or motorcycle used exclusively off roads and highways. The initial decal for an all-terrain vehicle, utility vehicle or motorcycle shall be attached to the front of the vehicle and shall be in clear view. The decal shall be on the front or on the front fork of the motorcycle used exclusively off roads and highways and the decal shall be in clear view. The yearly decal shall have an identification number and the last two numbers of the registration year for which it shall expire. Except as provided by Section 1113A of this title, the license plate shall be affixed to the exterior of the vehicle until a replacement license plate is applied for. If the owner applies for a replacement license plate, the Tax Commission shall charge the fee provided for in Section 1114 of this title. The yearly decal will validate the license plate for each registration period other than the year the license plate is issued. The license plate and decal shall be of such size, color, design and numbering as the Tax Commission may direct. However, yearly decals issued to the owner of a vehicle who has filed an affidavit with the appropriate motor license agent in accordance with Section 7-607 of this title shall be a separate and distinct color from all other decals issued under this section. Before the effective date of this act, the Tax Commission shall also issue a monthly decal which shall include a two-letter abbreviation corresponding to the county in which the vehicle is registered. The Tax Commission shall issue all decals in the possession of the Tax Commission on the effective date of this act before issuing any decals which do not contain the county abbreviation.

2. The license plate shall be securely attached to the rear of the vehicle, except truck-tractor plates which shall be attached to the front of the vehicle. The Tax Commission may, with the concurrence of the Department of Public Safety, by Joint Rule, change and direct the manner, place and location of display of any vehicle

license plate when such action is deemed in the public interest. The license plate, decal and all letters and numbers shall be clearly visible at all times. The operation of a vehicle in this state, regardless of where such vehicle is registered, upon which the license plate is covered, overlaid or otherwise screened with any material, whether such material be clear, translucent, tinted or opaque, shall be a violation of this paragraph.

3. Upon payment of the annual registration fee provided in Section 1133 of this title, the Tax Commission or Corporation Commission, as applicable, or a motor license agent may issue a permanent nonexpiring license plate to an owner of one hundred or more commercial motor vehicles and for vehicles registered under the provisions of Section 1120 of this title. Upon payment of the annual registration fee, the Tax Commission or Corporation Commission shall issue a certificate of registration that shall be carried at all times in the vehicle for which it is issued. Provided, if the registrant submits its application through electronic means, such qualified owners of one hundred or more commercial motor vehicles, properly registered pursuant to the provisions of Section 1133 of this title, may elect to receive a permanent certificate of registration that shall be carried at all times in the vehicle for which it is issued.

4. Every vehicle owned by an agency of this state shall be exempt from the payment of registration fees required by this title. Provided, such vehicle shall be registered and shall otherwise comply with the provisions of the Oklahoma Vehicle License and Registration Act.

B. The license plates required under the provisions of this title shall conform to the requirements and specifications listed hereinafter:

1. Each license plate shall have a space for the placement of the yearly decals for each succeeding year of registration after the initial issue;

2. The provisions of the Oklahoma Vehicle License and Registration Act regarding the issuance of yearly decals shall not apply to the issuance of apportioned license plates, including license plates for state vehicles, and exempt plates for governmental entities and fire departments organized pursuant to Section 592 of Title 18 of the Oklahoma Statutes;

3. All license plates and decals shall be made with reflectorized material as a background to the letters, numbers and characters displayed thereon. The reflectorized material shall be of such a nature as to provide effective and dependable brightness during the service period for which the license plate or decal is issued;

4. Except as otherwise provided in this subsection, the Tax Commission shall design appropriate official license plates for all

state vehicles. Such license plates shall be permanent in nature and designed in such manner as to remain with the vehicle for the duration of the vehicle's life span or until the title is transferred to a nongovernmental owner;

5. Within the limits prescribed in this section, the Tax Commission shall design appropriate official license plates for vehicles of the Oklahoma Highway Patrol. The license plates shall have the legend "Oklahoma OK" and shall contain the letters "OHP" followed by the state seal and the badge number of the Highway Patrol officer to whom the vehicle is assigned. The words "Oklahoma Highway Patrol" shall also be included on such license plates;

6. Within the limits prescribed in this section, the Tax Commission shall design appropriate official license plates for vehicles of the Oklahoma Military Department. Such license plates shall have the legend "Oklahoma OK" and shall contain the letters "OMD" followed by the state seal and three numbers or letters as designated by the Adjutant General. The words "Oklahoma Military Department" shall also be included on such license plates;

7. Within the limits prescribed in this section, the Tax Commission shall design appropriate official license plates for vehicles of the Oklahoma Department of Corrections. Such license plates shall contain the letters "DOC" followed by the Department of Corrections badge and three numbers or letters or combination of both as designated by the Director of the agency. The words "Department of Corrections" shall also be included on such license plates; and

8. Within the limits prescribed in this section, the Oklahoma Tourism and Recreation Department shall design any license plates required by the initiation of a license plate reissuance by the Oklahoma Tax Commission at the request of the Department of Public Safety pursuant to the provisions of Section 1113.2 of this title. Any such new designs shall be submitted by the Oklahoma Tourism and Recreation Department to the Department of Public Safety for its approval prior to being issued by the Oklahoma Tax Commission.

C. Where the applicant has satisfactorily shown that the applicant owns the vehicle sought to be registered but is unable to produce documentary evidence of the ownership, a license plate may be issued upon approval by the Tax Commission or Corporation Commission, as applicable. In such instances the reason for not issuing a certificate of title shall be indicated on the receipt given to the applicant. It shall still be the duty of the applicant to immediately take all necessary steps to obtain the Oklahoma certificate of title and it shall be unlawful for the applicant to sell the vehicle until the certificate has been obtained in the applicant's name.

D. The certificate of registration provided for in this section shall be in convenient form, and the certificate of registration, or a certified copy or photostatic copy thereof, duly authenticated by

the Tax Commission or Corporation Commission, as applicable, shall be carried at all times in or upon all vehicles so registered, in such manner as to permit a ready examination thereof upon demand by any peace officer of the state or duly authorized employee of the Department of Public Safety. Any such officer or agent may seize and hold such vehicle when the operator of the same does not have the registration certificate in the operator's possession or when any such officer or agent determines that the registration certificate has been obtained by misrepresentation of any essential or material fact or when any number or identifying information appearing on such certificate has been changed, altered, obliterated or concealed in any way, until the proper registration or identification of such vehicle has been made or produced by the owner thereof.

E. The purchaser of a new or used manufactured home shall, within thirty (30) days of the date of purchase, register the home with the Tax Commission or a motor license agent pursuant to the provisions of Section 1117 of this title. For a new manufactured home, it shall be the responsibility of the dealer selling the home to place a temporary license plate on the home in the same manner as provided in Section 1128 of this title for other new motor vehicles. For the first year that any manufactured home is registered in this state, the Tax Commission shall issue a metal license plate which shall be affixed to the manufactured home. The temporary dealer license plate or the metal license plate shall be displayed on the manufactured home at all times when upon a public roadway; provided, a repossession affidavit issued pursuant to Sections 1110 and 1126 of this title shall be permissible in lieu of a current license plate and decal for the purposes of removing a repossessed manufactured home to a secure location. Manufactured homes previously registered and subject to ad valorem taxation as provided by law shall have a decal affixed at the time ad valorem taxes are paid for such manufactured home; provided, for a manufactured home permanently affixed to real estate, no decal or license plate shall be required to be affixed and the owner thereof shall be given a receipt upon payment of ad valorem taxes due on the home. The Tax Commission shall make sufficient plates and decals available to the various motor license agents of the state in order for an owner of a manufactured home to acquire the plate or decal. A one-dollar fee shall be charged for issuance of any plate or decal. The fee shall be apportioned each month to the General Revenue Fund of the State Treasury.

F. The decal shall be easily visible for purposes of verification by a county assessor that the manufactured home is properly assessed for ad valorem taxation. In the first year of registration, a decal shall be issued for placement on the license plate indicating payment of applicable registration fees and excise taxes. A duplicate manufactured home registration decal shall be

affixed inside the window nearest the front door of the manufactured home. In the second and all subsequent years for which the manufactured home is subject to ad valorem taxation, an annual decal shall be affixed inside the window nearest the front door as evidence of payment of ad valorem taxes. The Tax Commission shall issue decals to the various county treasurers of the state in order for a manufactured home owner to obtain such decal each year. Upon presentation of a valid ad valorem tax receipt, the manufactured home owner shall be issued the annual decal.

G. Upon the registration of a manufactured home in this state for the first time or upon discovery of a manufactured home previously registered within this state for which the information required by this subsection is not known, the Tax Commission shall obtain:

1. The name of the owner of the manufactured home;
2. The serial number or identification number of the manufactured home;
3. A legal description or address of the location for the home;
4. The actual retail selling price of the manufactured home excluding Oklahoma taxes;
5. The certificate of title number for the home; and
6. Any other information which the Tax Commission deems to be necessary.

The application for registration shall also include the school district in which the manufactured home is located or is to be located. The information shall be entered into a computer data system which shall be used by the Tax Commission to provide information to county assessors upon request by the assessor. The assessor may request any information from the system in order to properly assess a manufactured home for ad valorem taxation.

Added by Laws 1985, c. 179, § 16, operative July 1, 1985. Amended by Laws 1986, c. 198, § 1, eff. July 1, 1987; Laws 1987, c. 216, § 1, eff. Nov. 1, 1987; Laws 1988, c. 80, § 1, eff. Jan. 1, 1989; Laws 1988, c. 281, § 18, operative Jan. 1, 1989; Laws 1990, c. 116, § 1, operative July 1, 1990; Laws 1992, c. 368, § 1, eff. July 1, 1992; Laws 1993, c. 266, § 1, eff. Sept. 1, 1993; Laws 1994, c. 2, § 16, emerg. eff. March 2, 1994; Laws 1995, c. 101, § 2, eff. Nov. 1, 1995; Laws 1995, c. 358, § 5, eff. Nov. 1, 1995; Laws 1996, c. 22, § 4, eff. July 1, 1996; Laws 1997, c. 192, § 1, eff. Jan. 1, 1998; Laws 1998, c. 403, § 1, emerg. eff. June 10, 1998; Laws 1999, c. 1, § 14, emerg. eff. Feb. 24, 1999; Laws 1999, c. 367, § 1, eff. Nov. 1, 1999; Laws 2000, c. 189, § 8, eff. July 1, 2000; Laws 2000, c. 314, § 3, eff. July 1, 2000; Laws 2001, c. 131, § 11, eff. July 1, 2001; Laws 2002, c. 417, § 3, eff. July 1, 2002; Laws 2004, c. 222, § 3, eff. Nov. 1, 2004; Laws 2004, c. 534, § 4, eff. Nov. 1, 2004; Laws 2005, c. 1, § 66, emerg. eff. March 15, 2005; Laws 2005, c. 190, § 14, eff. Sept. 1, 2005; Laws 2005, c. 284, § 4, eff. July 1, 2005; Laws 2008,

c. 98, § 8, eff. July 1, 2008; Laws 2008, c. 335, § 3, eff. July 1, 2008; Laws 2009, c. 183, § 14, eff. Nov. 1, 2009; Laws 2009, c. 426, § 1, eff. Nov. 1, 2009; Laws 2017, c. 98, § 1; Laws 2017, c. 331, § 1, eff. Nov. 1, 2017; Laws 2018, c. 208, § 4, eff. July 1, 2019.

NOTE: Laws 1993, c. 262, § 1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1995, c. 18, § 1 repealed by Laws 1995, c. 358, § 12, emerg. eff. June 9, 1995. Laws 1995, c. 58, § 1 repealed by Laws 1995, c. 358, § 13, eff. Nov. 1, 1995. Laws 1998, c. 355, § 2 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999. Laws 2004, c. 522, § 12 repealed by Laws 2005, c. 1, § 67, emerg. eff. March 15, 2005.

§47-1113.2. Reissue of official vehicle license plates.

A. The Executive Director of the Oklahoma Tax Commission shall initiate the reissue of the official vehicle license plates and substitute therefor a new license plate designed by the Oklahoma Tourism and Recreation Department with the approval of the Department of Public Safety.

B. 1. In addition to all other vehicle registration fees specified by law, beginning July 1, 2016, there is levied and there shall be paid to the Oklahoma Tax Commission a fee of Five Dollars (\$5.00) upon every vehicle to be registered.

2. Beginning July 1, 2016, and ending June 30, 2017:

- a. eighty percent (80%) of all monies collected under the provisions of this subsection shall be deposited by the Oklahoma Tax Commission in the State Treasury to the credit of the State Public Safety Fund created in Section 2-147 of this title, and
- b. twenty percent (20%) of all monies collected under the provisions of this subsection shall be deposited by the Oklahoma Tax Commission to the credit of the Oklahoma Tax Commission Fund created in Section 221 of Title 62 of the Oklahoma Statutes.

3. Beginning July 1, 2017, all monies collected under the provisions of this subsection shall be deposited by the Oklahoma Tax Commission to the credit of the State Public Safety Fund created in Section 2-147 of this title.

C. In addition to the monies apportioned by Section 1104 of this title, the following amounts of monies shall be placed to the credit of the Oklahoma Tax Commission Fund for the purpose of conducting a new general issue of license plates commencing January 1, 2017:

1. For the fiscal year beginning July 1, 2016, and ending June 30, 2017, the first One Million Eight Hundred Thousand Dollars (\$1,800,000.00) collected or received by the Tax Commission pursuant to the registration of vehicles as provided by the Oklahoma Vehicle License and Registration Act; and

2. For the fiscal year beginning July 1, 2017, and ending June 30, 2018, the first Two Million Dollars (\$2,000,000.00) collected or received by the Tax Commission pursuant to the registration of vehicles as provided by the Oklahoma Vehicle License and Registration Act.

D. Subject to the Oklahoma Tax Commission Fund receiving credit for the funds referenced in subsection C of this section, the Executive Director shall devise a numbering system suitable for a new general issue of license plates commencing January 1, 2017. Unless otherwise provided by the Oklahoma Vehicle License and Registration Act, new license plates will be issued to all registrants applying for an original or renewal registration on or after January 1, 2017, and will continue until all previously issued license plates have been replaced. Upon receipt of the new general issue license plate, registrants shall replace any previously issued Oklahoma general issue license plate currently displayed on their vehicle.

E. The Tax Commission shall have the authority to promulgate any rules necessary to implement such a new general issue.

F. Except for vehicles registered pursuant to the provisions of Section 1120 of this title and certain official special license plates, the new license plate design provided for in subsection A of this section shall be a part of all license plates issued on or after January 1, 2017. The Oklahoma Tax Commission may establish procedures for the purpose of allowing current registrants to reserve their present general issue or personalized license plate numbers for a fee of Fifteen Dollars (\$15.00), provided payment of the fees is received by the Tax Commission on or before November 1, 2016. The fees shall be deposited into the Oklahoma Tax Commission Reimbursement Fund for the purpose of conducting the new general issue of license plates.

G. The license plates shall be issued with identification numbers and letters in a color that provides a distinct contrast with a light-colored background in the plate identification area. All license plates and decals shall be made with reflectorized material as a background to the letters, numbers and characters displayed thereon. The reflectorized material shall be of such a nature as to provide effective and dependable brightness during the service period for which the license plate or decal is issued.

H. In furtherance of the public safety of Oklahoma drivers, the Department of Public Safety may request that the Oklahoma Tax Commission initiate subsequent reissues of the official vehicle license plate. Provided however, such request shall not occur more frequently than five (5) years following the most recent reissue. Upon such request and subject to the Tax Commission receiving the necessary funds the Tax Commission shall initiate the reissue. Added by Laws 2008, c. 335, § 1, eff. July 1, 2008. Amended by Laws 2016, c. 359, § 1; Laws 2017, c. 1, § 7, emerg. eff. March 2, 2017.

§47-1113.3. Oklahoma License Plate Design Task Force.

A. There is hereby created, to continue until December 31, 2007, the "Oklahoma License Plate Design Task Force".

B. The task force shall consist of six (6) members:

1. Two members shall be appointed by the Governor;

2. Two members shall be appointed by the Speaker of the Oklahoma House of Representatives; and

3. Two members shall be appointed by the President Pro Tempore of the State Senate.

C. The Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the State Senate shall each designate one member to serve as cochairs of the task force. The cochairs shall convene the first meeting of the task force. The members of the task force shall elect any other officers during the first meeting and upon a vacancy in any office. The task force shall meet as often as necessary.

D. Appointments to the task force shall be made by July 15, 2007. Vacancies in any position shall be filled in the same manner as the original appointment.

E. A majority of the members of the task force shall constitute a quorum. A majority of the members present at a meeting may act for the task force.

F. Nonlegislative members of the task force shall be reimbursed by their appointing agencies or respective agencies for necessary travel expenses incurred in the performance of duties pursuant to the provisions of the State Travel Reimbursement Act. Legislative members of the task force shall be reimbursed for necessary travel expenses incurred in the performance of duties in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes.

G. Administrative support for the task force including, but not limited to, personnel necessary to ensure the proper performance of the duties and responsibilities of the task force shall be provided by the Oklahoma Tax Commission to be supplemented, if necessary, by the state agencies involved in the task force, and the staff of the Oklahoma House of Representatives and the State Senate. All participating state agencies shall provide for any administrative support requested by the task force.

H. The task force shall study and choose the design of a new official Oklahoma license plate in consultation with the Tax Commission and the Department of Public Safety.

I. The task force shall publish a final report by December 31, 2007.

J. The final decision of the task force shall be communicated to the Tax Commission which shall, contingent upon statutory authorization, implement the license plate reissue using the design selected by the task force.

Added by Laws 2007, c. 348, § 2, emerg. eff. June 4, 2007.

§47-1113A. Definitions.

A. As used in this section:

1. "First vehicle" means the vehicle from which a license plate is removed and transferred to a second vehicle;
2. "Second vehicle" means the vehicle to which a license plate is transferred after removal from a first vehicle; and
3. "Vehicle" means a passenger vehicle and does not include farm or commercial vehicles.

B. A person may retain the license plate of any vehicle registered to such person for purposes of transferring such license plate to a second vehicle registered to such person. The license plate removed from the first vehicle may be transferred to a new or used second vehicle. The procedure for transfer shall be as follows:

1. If the license plate removed from the first vehicle is transferred to a new motor vehicle, the owner shall obtain a replacement license plate from the Commission or one of its motor license agents upon payment of the fee required for a replacement plate and an additional Ten Dollars (\$10.00). The replacement plate shall bear an expiration date that corresponds to the expiration date on the license plate removed from the first vehicle. The replacement plate shall be affixed to the first vehicle immediately upon removal of the existing license plate. The license plate removed from the first vehicle shall be affixed to the second vehicle upon payment by the owner of all applicable registration and license fees. Transfer of a license plate to a new motor vehicle as authorized by this paragraph shall not relieve the owner of payment for registration or license fees applicable to such new motor vehicle as required by this title.

2. If the license plate removed from the first vehicle is transferred to a second vehicle already displaying a license plate, the owner shall obtain the replacement license plate required by paragraph 1 of this subsection. The replacement plate shall be affixed to the first vehicle and shall bear the expiration date of the license plate removed from the first vehicle. The license plate from the second vehicle shall be removed and returned to the Commission or one of its motor license agents. The license plate removed from the first vehicle shall then be affixed to the second vehicle. The removed plate from the first vehicle shall bear an expiration date identical to the plate removed from the second vehicle.

C. The Oklahoma Tax Commission shall be authorized to promulgate such rules or regulations as may be required to implement the license plate transfers authorized by this section.

D. In the event a person fails to obtain a replacement license plate as provided for in this section within the time prescribed for

the registration of the new or used second vehicle, a penalty of twenty-five cents (\$0.25) per day shall be assessed from the day following the period prescribed for registration to the date of acquisition of the replacement license plate, such penalty to accrue for no more than thirty (30) days, at the end of which time the penalty shall be twice the registration cost of such vehicle. Added by Laws 1986, c. 198, § 2, eff. July 1, 1987.

§47-1114. Lost, mutilated or destroyed license plate or decal - Replacement - Prohibition of issuance.

In the event of loss, mutilation, or destruction of a license plate or decal, the owner of such registered vehicle shall file an affidavit showing such fact and obtain another plate or decal. Provided, that the Oklahoma Tax Commission shall have the authority to prohibit the issuance of any replacement plate or decal if the license plate was seized pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of this title for failure to comply with the Compulsory Insurance Law until the owner or operator of the vehicle from which the license plate was seized complies with division 2 of subparagraph b of paragraph 1 of subsection A of Section 7-606 of this title. The charge shall be Four Dollars (\$4.00) for each replacement plate or decal.

Added by Laws 1985, c. 179, § 17, operative July 1, 1985. Amended by Laws 2014, c. 404, § 1, emerg. eff. June 3, 2014.

§47-1114.1. Computation of annual license fee.

In computing the annual registration and licensing fees for any vehicle in this state, the amount of such fee plus any other statutory fees shall be rounded to the nearest dollar.

Amended by Laws 1989, c. 346, § 72, eff. Jan. 1, 1990

§47-1114.2. Residency requirements for motor license agent.

Any motor license agent appointed according to the provisions of Section 1140 of this title shall have been a resident of the county in which the agency is located for a period of six (6) months prior to appointment. If a motor license agent moves his or her residence to a place outside the county in which the agency is located, the agent shall forfeit the appointment. Provided, if the incorporated limits of a municipality encompass an area in more than one county, the provisions of this section shall not prohibit a motor license agent from moving the agency to a county in which the agent does not reside, with the consent of the Oklahoma Tax Commission, as long as the agency continues to be located in the same municipality and as long as other requirements of this title applicable to motor license agents are met.

Added by Laws 1985, c. 345, § 12, emerg. eff. July 30, 1985. Amended by Laws 2001, c. 149, § 2, eff. Nov. 1, 2001.

§47-1115. Vehicles required to be registered - Registration schedule - Delinquent registration - Penalties.

A. Unless provided otherwise by statute, the following vehicles shall be registered annually: manufactured homes, vehicles registered with a permanent nonexpiring license plate pursuant to Section 1113 of this title, and commercial vehicles registered pursuant to the installment plan provided in subsection H of Section 1133 of this title. The following schedule shall apply for such vehicle purchased in this state or brought into this state by residents of this state:

1. Between January 1 and March 31, the payment of the full annual fee shall be required;
2. Between April 1 and June 30, the payment of three-fourths (3/4) the annual fee shall be required;
3. Between July 1 and September 30, the payment of one-half (1/2) the annual fee shall be required; and
4. Between October 1 and November 30, one-fourth (1/4) the annual fee shall be required.

License plates or decals for each year shall be made available on December 1 of each preceding year for such vehicles. Any person who purchases such vehicle or manufactured home between December 1 and December 31 of any year shall register it within thirty (30) days from date of purchase and obtain a license plate or Manufactured Home License Registration Decal, as appropriate, for the following calendar year upon payment of the full annual fee. Unless provided otherwise by statute, all annual license, registration and other fees for such vehicles shall be due and payable on January 1 of each year and if not paid by February 1 shall be deemed delinquent.

B. 1. All vehicles, other than those required to be registered pursuant to the provisions of subsection A of this section, shall be registered on a staggered system of registration and licensing on a monthly series basis to distribute the work of registering such vehicles as uniformly and expeditiously as practicable throughout the calendar year unless otherwise provided in this section. After the end of the month following the expiration date, the license and registration fees for the new registration period shall become delinquent.

2. All fleet vehicles registered pursuant to new applications approved pursuant to the provisions of Section 1120 of this title shall be registered on a staggered system monthly basis.

3. Applicants seeking to establish Oklahoma as the base jurisdiction for registering apportioned fleet vehicles shall have a one-time option of registering for a period of not less than six (6) months nor greater than eighteen (18) months. Subsequent renewals for these registrants will be for twelve (12) months, expiring on the last day of the month chosen by the registrant under the one-time

option as provided herein. In addition, registrants with multiple fleets may designate a different registration month of expiration for each fleet.

As used in this section, "fleet" shall have the same meaning as set forth in the International Registration Plan.

4. Effective January 1, 2004, all motorcycles and mopeds shall be registered on a staggered system of registration. The Oklahoma Tax Commission shall notify in writing, prior to December 1, 2003, all owners of motorcycles or mopeds registered as of such date, who shall have a one-time option of registering for a period of not less than three (3) months nor greater than fifteen (15) months. Subsequent renewals for these registrants will be for twelve (12) months, expiring on the last day of the month chosen by the registrant under the one-time option as provided herein. All motorcycles and mopeds registered pursuant to new applications received on or after December 1, 2003, shall also be registered pursuant to the provisions of this paragraph.

5. Any three or more commercial vehicles owned by the same person and previously registered in this state may be registered at the same time regardless of the month or months in which they were previously registered. The month in which the commercial vehicles are newly registered shall be the month in which their registration is renewed annually. If a commercial vehicle is registered pursuant to this paragraph in the same calendar year in which it was previously registered, license and registration fees shall be prorated to account for the difference between the previous renewal month and the new renewal month and those fees shall be due at the time of registration pursuant to this paragraph.

C. The following penalties shall apply for delinquent registration fees:

1. For fleet vehicles required to be registered pursuant to the provisions of Section 1120 of this title for which a properly completed application for registration has not been received by the Corporation Commission by the last day of the month following the registration expiration date, a penalty of thirty percent (30%) of the Oklahoma portion of the annual registration fee, or Two Hundred Dollars (\$200.00), whichever is greater, shall be assessed. The license and registration cards issued by the Corporation Commission for each fleet vehicle shall be valid until two (2) months after the registration expiration date;

2. For commercial vehicles registered under the provisions of subsection B of this section, except those vehicles registered pursuant to Section 1133.1 of this title, a penalty shall be assessed after the last day of the month following the registration expiration date. A penalty of twenty-five cents (\$0.25) per day shall be added to the license fee of such vehicle and shall accrue for one (1) month. Thereafter, the penalty shall be thirty percent (30%) of the

annual registration fee, or Two Hundred Dollars (\$200.00), whichever is greater;

3. For new or used manufactured homes, not registered within thirty (30) days from date of purchase or date such manufactured home was brought into this state, a penalty equal to the registration fee shall be assessed; or

4. For all vehicles a penalty shall be assessed after the last day of the month following the expiration date and no penalty shall be waived by the Oklahoma Tax Commission or any motor license agent except as provided for in subsection H of Section 1133 and subsection C of Section 1127 of this title. A penalty of One Dollar (\$1.00) per day shall be added to the license fee of such vehicle, provided that the penalty shall not exceed One Hundred Dollars (\$100.00). Of each dollar penalty collected pursuant to this subsection:

- a. twenty-one cents (\$0.21) shall be apportioned as provided in Section 1104 of this title,
- b. twenty-one cents (\$0.21) shall be retained by the motor license agent, and
- c. fifty-eight cents (\$0.58) shall be deposited in the General Revenue Fund.

D. In addition to all other penalties provided in the Oklahoma Vehicle License and Registration Act, the following penalties shall be imposed and collected by any Enforcement Officer of the Corporation Commission upon finding any commercial vehicle being operated in violation of the provisions of the Oklahoma Vehicle License and Registration Act.

The penalties shall apply to any commercial vehicle found to be operating in violation of the following provisions:

1. A penalty of not less than Fifty Dollars (\$50.00) shall be imposed upon any person found to be operating a commercial vehicle sixty (60) days after the end of the month in which the license plate or registration credentials expire without the current year license plate or registration credential displayed. Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section 1167 of this title. Revenue from such penalties shall be apportioned as provided in Section 1167 of this title;

2. A penalty of not less than Fifty Dollars (\$50.00) shall be imposed for any person operating a commercial vehicle subject to the provisions of Section 1120 or Section 1133 of this title without the proper display of, or, carrying in such commercial vehicle, the identification credentials issued by the Corporation Commission as evidence of payment of the fee or tax as provided in Section 1120 or Section 1133 of this title. Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section 1167 of this title. Revenue from such

penalties shall be apportioned as provided in Section 1167 of this title; and

3. A penalty of not less than One Hundred Dollars (\$100.00) shall be imposed for any person that fails to register any commercial vehicle subject to the Oklahoma Vehicle License and Registration Act. Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section 1167 of this title. Revenue from such penalties shall be apportioned as provided in Section 1167 of this title.

E. The Tax Commission, or Corporation Commission with respect to vehicles registered under Section 1120 or Section 1133 of this title, shall assess the registration fees and penalties for the year or years a vehicle was not registered. For vehicles not registered for two (2) or more years, the registration fees and penalties shall be due only for the current year and one (1) previous year.

F. In addition to any other penalty prescribed by law, there shall be a penalty of not less than Twenty Dollars (\$20.00) upon a finding by an enforcement officer that:

1. The registration of a vehicle registered pursuant to Section 1132 of this title is expired and it is sixty (60) or more days after the end of the month of expiration; or

2. The registration fees for a vehicle that is subject to the registration fees pursuant to Section 1132 of this title have not been paid.

Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section 1167 of this title. Revenue from such penalties shall be apportioned as provided in Section 1167 of this title.

G. If a vehicle is donated to a nonprofit charitable organization, the nonprofit charitable organization shall be exempt from paying any current or past due registration fees, excise tax, transfer fees, and penalties and interest. However, after the donation, if the person donating the vehicle, or someone on behalf of such person, purchases the same vehicle back from the nonprofit charitable organization to which the vehicle was donated, such person shall be liable for all current and past-due registration fees, excise tax, title or transfer fees, and penalties and interest on such vehicle.

Added by Laws 1985, c. 179, § 18, operative July 1, 1985. Amended by Laws 1985, c. 197, § 3, operative July 1, 1985; Laws 1987, c. 6, § 6, emerg. eff. March 16, 1987; Laws 1987, c. 232, § 3, emerg. eff. July 5, 1987; Laws 1988, c. 163, § 6, emerg. eff. May 16, 1988; Laws 1988, c. 201, § 11, emerg. eff. June 10, 1988; Laws 1988, c. 240, § 4, emerg. eff. June 24, 1988; Laws 1990, c. 116, § 2, operative July 1, 1990; Laws 1997, c. 13, § 1, eff. Nov. 1, 1997; Laws 1999, c. 232, § 2, eff. July 1, 1999; Laws 2000, c. 6, § 12, emerg. eff. March 20, 2000; Laws 2000, c. 288, § 1, eff. July 1, 2000; Laws 2003, c. 139, §

2, eff. July 1, 2003; Laws 2004, c. 534, § 5, eff. Nov. 1, 2004; Laws 2005, c. 1, § 68, emerg. eff. March 15, 2005; Laws 2006, c. 238, § 8, emerg. eff. June 6, 2006; Laws 2009, c. 443, § 1, eff. July 1, 2009; Laws 2010, c. 412, § 18, eff. July 1, 2010; Laws 2011, c. 1, § 19, emerg. eff. March 18, 2011; Laws 2011, c. 376, § 1; Laws 2012, c. 337, § 1; Laws 2019, c. 14, § 1, eff. Nov. 1, 2019.

NOTE: Laws 1999, c. 178, § 2 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2004, c. 522, § 13 repealed by Laws 2005, c. 1, § 69, emerg. eff. March 15, 2005. Laws 2010, c. 335, § 1 repealed by Laws 2011, c. 1, § 20, emerg. eff. March 18, 2011.

§47-1115.1. Seizure of vehicles not bearing or displaying proper license plate - Sale.

In addition to the penalties provided in the Oklahoma Vehicle License and Registration Act, after ninety (90) days from the expiration date for annual registration of a vehicle, the Corporation Commission, Department of Public Safety, county sheriffs, and all other duly authorized peace officers of this state may seize and take into custody every vehicle owned within this state not bearing or displaying a proper license plate required by the Oklahoma Vehicle License and Registration Act. The vehicle shall not be released to the owner until it is duly registered and the license, registration, or title fee and penalties due are paid in full, proof of security or an affidavit that the vehicle will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title, is furnished, and the cost of seizure, including the reasonable cost of taking the vehicle into custody and storing the vehicle, have been paid. In the event the owner of any vehicle seized fails to pay such fees and penalties due, together with cost of seizure and storage, and fails to provide proof of security or an affidavit that the vehicle will not be used on public highways or public streets, the Office of Management and Enterprise Services shall proceed to sell the vehicle by posting not fewer than five notices of sale in five different public places in the county where the vehicle is located, one of such notices to be posted at the place where the vehicle is stored. A copy of the notice shall also be sent by certified mail, restricted delivery, with return receipt requested, to the last-known address of the registered owner of the vehicle. The vehicle shall be sold at such sale subject to the following terms and conditions:

1. In the event the sale price is equal to, or greater than, the total costs of sale, seizure and the fee and penalty, the purchaser shall be issued a certificate of purchase, license plate, manufactured home registration receipt and decal and registration certificate;

2. In the event the sale price is less than the total costs of sale, seizure, and the fee and penalty, the vehicle shall be sold as

junk to the highest bidder, whereupon the bidder shall receive a certificate of purchase; and if the vehicle be dismantled, the record to the junked vehicle shall be canceled. If not dismantled, the vehicle shall be immediately registered; and

3. Any residual amount remaining unclaimed by the delinquent owner shall be administered in accordance with the Uniform Unclaimed Property Act.

Added by Laws 1986, c. 144, § 10, emerg. eff. April 21, 1986.

Amended by Laws 1987, c. 6, § 7, emerg. eff. March 16, 1987; Laws 1991, c. 331, § 52, eff. Sept. 1, 1991; Laws 1993, c. 153, § 5, eff. Sept. 1, 1993; Laws 1998, c. 423, § 1; Laws 1999, c. 1, § 15, emerg. eff. Feb. 24, 1999; Laws 2004, c. 522, § 14, eff. July 1, 2004; Laws 2009, c. 181, § 1, eff. July 1, 2009; Laws 2012, c. 304, § 201.

NOTE: Laws 1998, c. 293, § 2 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999.

§47-1115.2. Preemption of orders, ordinances, or regulations of municipalities or other political subdivisions - Exceptions.

A. The Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way the enforcement of registration and licensing of automobiles to the complete exclusion of any order, ordinance, or regulation by any municipality or other political subdivision of this state. Any existing or future orders, ordinances, or regulations in this field, except as provided for in subsection B of this section, are null and void.

B. Nothing contained in this section shall prohibit any order, ordinance, or regulation of any municipality from enacting and enforcing laws prohibiting and penalizing conduct prohibited by Sections 1101 through 1151.1 of Title 47 of the Oklahoma Statutes, but the provisions of such order, ordinance, or regulation by a municipality shall not be more stringent than those of the Oklahoma Vehicle License and Registration Act.

Added by Laws 2004, c. 178, § 3, eff. Nov. 1, 2004.

§47-1115.3. All-terrain vehicles, utility vehicles, and motorcycles - Registration.

A. Except as otherwise provided by this section, all-terrain vehicles, utility vehicles and motorcycles used exclusively off roads or highways shall be registered once with the Oklahoma Tax Commission within thirty (30) days after purchase.

B. For all-terrain vehicles or motorcycles used exclusively off roads or highways purchased prior to July 1, 2005, registration, as otherwise required by Section 1115 of this title, shall not be required, but shall be allowed at the option of the owner of the all-terrain vehicle or motorcycle used exclusively off roads or highways.

C. For utility vehicles used exclusively off roads or highways purchased prior to July 1, 2008, registration, as otherwise required

by Section 1115 of this title, shall not be required but shall be allowed at the option of the owner of the utility vehicle used exclusively off roads or highways.

D. All-terrain vehicles, utility vehicles or motorcycles used exclusively off roads or highways owned or purchased by a person that possesses an agricultural exemption pursuant to Section 1358.1 of Title 68 of the Oklahoma Statutes may be registered as provided by this section, but shall not require registration.

Added by Laws 2005, c. 284, § 5, eff. July 1, 2005. Amended by Laws 2008, c. 98, § 9, eff. July 1, 2008.

§47-1116. Registration periods.

Twelve registration periods shall be established for vehicles required to be registered on a staggered basis. The registration periods shall start on the first day of each calendar month and shall end on the last day of that month. Unless otherwise provided, all such vehicles where the date of execution of transfer of ownership occurs in this state at any time during a calendar month shall be subject to registration and payment of the fee for the registration period commencing the first day of the month of such date of execution of transfer.

A person who registers more than one vehicle may have all of such vehicles initially registered at the same time or at separate times. Any person who obtains a vehicle may, upon registration, have the registration period adjusted to allow future registration of all such vehicles at the same period or at a different period.

Added by Laws 1985, c. 179, § 19, operative July 1, 1985.

§47-1116.1. New vehicles - Dealer license plate or decal - Registration period.

A license plate or decal bearing an expiration date of four (4) months from the date of registration shall be issued for a vehicle registered in the name of a manufacturer or dealer of new motor vehicles. Such license plate or decal shall be issued if the vehicle so registered is exempt from the vehicle excise tax pursuant to the provisions of subsection (k) of Section 2105 of Title 68 of the Oklahoma Statutes. It shall be unlawful for any person other than a manufacturer, licensed dealer, person contemplating purchase of the vehicle or person holding a valid salesman's license issued by the Oklahoma Motor Vehicle Commission to operate the vehicle after the expiration of the four-month registration period.

Added by Laws 1988, c. 34, § 2, emerg. eff. March 17, 1988.

§47-1116.2. Operation of golf carts by persons with physical disability.

A. Notwithstanding any other provision of law, any person with a physical disability as defined by Section 15-112 of Title 47 of the

Oklahoma Statutes shall be authorized to operate golf carts to the extent that the physically disabled person is capable as determined by a physician as defined by Section 15-112 of Title 47 of the Oklahoma Statutes if:

1. Such operation is within the boundaries of a park owned by this state;
2. Operation occurs during daylight hours only;
3. The golf cart does not exceed the speed limit in such area as determined by the Oklahoma Tourism and Recreation Department;
4. The golf cart is not operated on roadways within park boundaries with posted speed limits greater than twenty-five (25) miles per hour;
5. The operator of such golf cart possesses a valid driver license; and
6. The operator of such golf cart shall provide certified proof of his or her disability.

B. The Tourism and Recreation Commission shall designate areas of operation for golf carts in each state park as appropriate, and establish rules for the safe operation of golf carts pursuant to this act.

Added by Laws 2002, c. 318, § 1, eff. Nov. 1, 2002. Renumbered from Title 47, § 1151.2 by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008.

§47-1117. Manufactured home - Registration - Certificate of title.

A. Unless otherwise provided by law, any person purchasing a new or used manufactured home or owning a manufactured home which has not been registered in this state shall register such manufactured home pursuant to the provisions of subsection B of this section and obtain a certificate of title as provided in Section 1105 of this title.

B. The application for registration and certificate of title shall be made to the Oklahoma Tax Commission or to a motor license agent. Such application shall be accompanied by the registration fees required by Section 1135 of this title and any penalties thereon. The application for registration and certificate of title shall include:

1. The name of the owner of the manufactured home;
2. The serial number or identification number of the manufactured home;
3. A legal description or address of the location;
4. The actual retail selling price of the manufactured home excluding Oklahoma taxes; and
5. Any other information which the Tax Commission deems to be necessary.

The application for registration shall also include the school district in which the manufactured home is located or is to be located.

Upon the filing of an application for registration and certificate of title, the payment of fees as required by Section 1133 of this title, the excise tax as provided for in Section 2104.3 of Title 68 of the Oklahoma Statutes and the furnishing of proof satisfactory to the Tax Commission or motor license agent that all ad valorem taxes have been paid, the Tax Commission or motor license agent shall assign the manufactured home a distinctive number and shall issue to the owner of the manufactured home a certificate of title, a manufactured home registration receipt, Manufactured Home Registration Decal, a vehicle registration decal and an excise tax receipt. The certificate of title number shall be recorded in the computer data system required by Section 1113 of this title in order to collect and store information concerning the subsequent ad valorem tax payments for such manufactured home. The receipts and Manufactured Home Registration Decal shall be permanently attached to the title by the Tax Commission or agent. An excise tax receipt so attached shall constitute evidence of payment of the excise tax required by the provisions of Section 2104.3 of Title 68 of the Oklahoma Statutes. Thereafter, the owner of a manufactured home shall be assessed the ad valorem tax as provided in Section 2801 et seq. of Title 68 of the Oklahoma Statutes. A duplicate Manufactured Home Registration Decal shall be affixed inside the window nearest the front door of the manufactured home before it is moved upon any public roadway.

C. If an applicant has satisfactorily shown to the Tax Commission or to a motor license agent, that the applicant owns the manufactured home sought to be registered, but is unable to produce the documentary evidence of title, the Tax Commission or motor license agent may issue a manufactured home registration receipt, Manufactured Home Registration Decal, vehicle registration decal and excise tax receipt to the applicant. In such instances, the Tax Commission or motor license agent shall indicate on the receipt given the applicant the reason for not issuing a certificate of title. It shall be the duty of the applicant to immediately take all necessary steps to obtain an Oklahoma certificate of title. It shall be unlawful for such applicant to sell the manufactured home until such title has been obtained by the applicant. After receiving a certificate of title, the applicant shall then take such title, registration and excise tax receipts and Manufactured Home Registration Decal to the Tax Commission or motor license agent for permanent attachment of the receipts to the title.

D. The Department of Public Safety shall issue a permit immediately to the holder of a perfected security interest or licensed representative thereof, if the holder or representative is bonded by the state, to move the manufactured home to a secure location with a repossession affidavit. However, all excise taxes and ad valorem taxes due on such a manufactured home shall be

required to be paid within thirty (30) days of the issuance of the permit. A certificate of title for a manufactured home shall not be issued pursuant to a repossession prior to the furnishing of proof satisfactory to the Tax Commission or motor license agent that all ad valorem taxes due have been paid.

E. The Department shall issue a permit immediately to a licensed manufactured home dealer to move a trade-in to a secure location with a trade-in affidavit. However, all excise taxes and ad valorem taxes due on such a manufactured home trade-in shall be required to be paid within thirty (30) days of the issuance of the permit. A certificate of title for a manufactured home trade-in shall not be issued prior to the furnishing of proof satisfactory to the Tax Commission or a motor license agent that all ad valorem taxes due have been paid. A receipt evidencing payment of ad valorem taxes for the current year shall constitute satisfactory proof that all ad valorem taxes due have been paid.

Added by Laws 1985, c. 179, § 20, operative July 1, 1985. Amended by Laws 1988, c. 80, § 2, eff. Jan. 1, 1989; Laws 1990, c. 24, § 1, operative July 1, 1990; Laws 1997, c. 192, § 2, eff. Jan. 1, 1998; Laws 1998, c. 403, § 2, emerg. eff. June 10, 1998; Laws 2002, c. 417, § 4, eff. July 1, 2002.

§47-1118. Issuance of certificates of title for manufactured homes - School district maps - Commission not party in lawsuits to determine ownership.

A. The Oklahoma Tax Commission and motor license agents shall issue a certificate of title which conforms to the provisions of Section 1117 of this title to any person applying for a certificate of title for a manufactured home.

B. The Tax Commission shall provide each motor license agent with a school district map of the county designating the boundaries of each school district and the code number of each district.

C. The State Department of Education shall provide the Tax Commission with a school district map designating the boundaries of each school district and the code number of each district.

D. The Tax Commission shall not be considered a necessary party to any lawsuit which is instigated for the purpose of determining ownership of a manufactured home, wherein the Tax Commission's only involvement would be to issue title, and the court shall issue an order dismissing the Tax Commission from the pending action.

Added by Laws 1985, c. 179, § 21, operative July 1, 1985. Amended by Laws 1988, c. 80, § 3, eff. Jan. 1, 1989; Laws 1997, c. 192, § 3, eff. Jan. 1, 1998; Laws 2006, c. 295, § 5, eff. July 1, 2006.

§47-1119. Manufactured home - Information to be furnished county assessor in county of location.

Upon proper registration and receipt of a certificate of title pursuant to the provisions of Section 1117 of this title by the person owning a new or used manufactured home, the Oklahoma Tax Commission shall furnish by June 1 and by December 31 of each year to the county assessor in the county in which the manufactured home is or is to be located the following information:

1. The name of the owner of the manufactured home;
2. The serial number or identification number of the manufactured home;
3. The legal description, the address, or the location where the manufactured home is to be located;
4. The actual retail selling price of the manufactured home, excluding Oklahoma state taxes;
5. The registration number issued for the manufactured home; and
6. Any other information necessary to enable the county assessor to list and assess the proper ad valorem tax required by Section 2801 et seq. of Title 68 of the Oklahoma Statutes. If ownership of such a manufactured home has passed by operation of law and a new certificate of title has been issued for such home, the Tax Commission shall also furnish such information to the appropriate county assessors.

Added by Laws 1985, c. 179, § 22, operative July 1, 1985. Amended by Laws 1985, c. 238, § 2, emerg. eff. July 8, 1985; Laws 1988, c. 80, § 4, eff. Jan. 1, 1989; Laws 1997, c. 192, § 4, eff. Jan. 1, 1998.

§47-1120. Proportional registration

A. The Corporation Commission may, when in the interest of the State of Oklahoma and its residents, enter into the International Registration Plan or other compacts or agreements with other states to permit motor vehicle registration and license taxes on any truck, bus, or truck-tractor on a proportional basis commensurate with the use of Oklahoma highways. Proportional registration under such plans may be permitted for vehicles engaged in interstate commerce or combined interstate and intrastate commerce. Any action taken by the Oklahoma Tax Commission with respect to the International Registration Plan or other such compacts or agreements prior to July 1, 2004, shall remain in effect unless altered by the Corporation Commission pursuant to its authority to do so after the effective date of this act.

B. The Corporation Commission shall require that such proportional registration be based on the percentage of miles actually operated by such vehicles or fleets of vehicles in the State of Oklahoma in the reporting period in proportion to the total fleet miles operated both within and without Oklahoma. If the registrant did not incur mileage during the preceding reporting period, the registrant shall pay fees for its future operations in accordance with the International Registration Plan. Such percentage figure, so

determined by the Corporation Commission, shall be the Oklahoma mileage factor. In computing the taxes under the foregoing formula, the Corporation Commission shall first compute the license fees for the entire fleet and then multiply the amount by the Oklahoma mileage factor on a dollar basis.

C. Upon receipt of the Oklahoma license and registration tax, which shall be paid by cash and/or certified funds, as computed under the provisions of the Oklahoma Vehicle License and Registration Act, the Corporation Commission shall register all such fleet vehicles, and shall issue a license plate, cab card or decal for each of such vehicles identifying it as part of an interstate fleet. The Corporation Commission may, upon satisfactory review of the payment history of an applicant, waive the requirement for payment in cash or certified funds.

D. Vehicles so registered on a prorated basis shall be considered fully licensed in Oklahoma and shall be exempt from all further registration or license fees under the provisions of the Oklahoma Vehicle License and Registration Act; provided that such fleet vehicles are proportionally licensed in some other state, territory or possession of the United States or some foreign province, state or country with which the Corporation Commission has entered into a prorationing compact or agreement.

If a vehicle is permanently withdrawn from a proportionally registered fleet and a replacement vehicle is added to the fleet in the same calendar month, the replacement vehicle shall be considered fully registered as provided in Section 1133 of this title and Section 14-109 of this title, if the replacement vehicle is registered for a weight equal to or less than the vehicle permanently withdrawn, or if additional registration fees are paid when the replacement vehicle is registered for a weight greater than the vehicle withdrawn. If a vehicle is permanently withdrawn from a proportionally registered fleet and is not replaced by another vehicle in the same calendar month, credit shall be allowed as otherwise provided in this section.

E. Vehicles subsequently added to a proportionally registered fleet after commencement of the registration year shall be proportionally registered by applying the mileage percentage used in the original application for such fleet for such registration period to the regular registration fees due with respect to such vehicle for the remainder of the registration year.

F. If a vehicle is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold or otherwise completely removed from service, credit shall be allowed. Such credit shall be a sum equal to the amount paid with respect to such vehicle when it was first proportionally registered in the registration year, reduced by those months elapsing since the beginning of the registration year. The credit may be applied

against subsequent additions to the fleet, with the exception of vehicles removed from a renewal fleet and later added back to the same fleet, to be prorated or for other additional registration fees assessed. In no event shall credit be allowed for fees beyond such registration year, nor shall any such amount be subject to refund. Provided, further, that vehicles removed from a prorated fleet or sold to a nonprorated fleet for operation in Oklahoma shall be registered in Oklahoma for the remaining portion of the year.

G. The records of total mileage operated in all states upon which the application is made for a period of three (3) years following the year upon which the application is based shall be preserved. Upon request of the Corporation Commission, such records shall be made available for audit as to accuracy of computation and payments. The Corporation Commission may enter into agreements with agencies of other states administering motor vehicle registration laws for joint audits of any such records.

H. The Corporation Commission may enter into compacts or agreements with other states or other countries or subdivisions of such countries allowing reciprocal privileges to vehicles based in such other states and operating in interstate commerce if the vehicles are properly registered therein.

I. Interchanged vehicles properly registered in another state may be granted reciprocal privileges when engaged in a continuous movement in interstate commerce, but must register in this state if used in intrastate commerce.

J. In addition to those taxes or fees imposed by the Oklahoma Vehicle License and Registration Act, the same or substantially the same type or category of tax or fee may be imposed upon an out-of-state resident as is imposed upon residents of Oklahoma for the same or substantially similar use of a vehicle in such other state in the amount, or approximate total amount, of any fee or tax, including property, motor fuel, excise, sales, use or mileage tax required by the laws of such other state to be paid by a resident of this state making the same or similar use of a like vehicle in such state.

The Corporation Commission shall have the authority to promulgate rules which provide procedures for implementation of comparable regulatory fees and taxes for vehicles used in this state by residents of other states.

Any revenue derived from this subsection shall be apportioned in the same manner as provided in Section 1104 of this title.

It is the intention of the Legislature that the motor vehicle registration and licensing fees assessed against residents of other states operating similar vehicles in Oklahoma be comparably the same as the motor vehicle registration and licensing fees assessed against residents of Oklahoma operating a similar vehicle for a similar purpose in such other state; and that the Corporation Commission diligently monitor the motor vehicle registration and licensing fees

assessed against residents of Oklahoma by other states and to provide for uniform treatment of Oklahoma residents operating vehicles in other states and for residents of other states operating vehicles in Oklahoma.

Added by Laws 1985, c. 179, § 23, operative July 1, 1985. Amended by Laws 1987, c. 6, § 9, emerg. eff. March 16, 1987; Laws 1989, c. 218, § 2, emerg. eff. May 9, 1989; Laws 1995, c. 24, § 1, eff. Nov. 1, 1995; Laws 1997, c. 294, § 3, eff. July 1, 1997; Laws 1999, c. 232, § 3, eff. July 1, 1999; Laws 2001, c. 358, § 6, eff. July 1, 2001; Laws 2004, c. 522, § 15, eff. July 1, 2004; Laws 2008, c. 168, § 2, emerg. eff. May 12, 2008; Laws 2009, c. 182, § 2, eff. Nov. 1, 2009; Laws 2016, c. 235, § 2, eff. July 1, 2016.

NOTE: Laws 2004, c. 534, § 6 repealed by Laws 2005, c. 1, § 70, emerg. eff. March 15, 2005.

§47-1120.1. Entry into International Registration Plan or other compacts or agreements - Assessment and payment of fees.

A. The Corporation Commission, when in the interest of the State of Oklahoma and its residents, may enter into the International Registration Plan or other compacts or agreements with other states to permit motor vehicle registration and license taxes on any motor vehicle to be used as a rental motor vehicle as defined in the International Registration Plan.

B. The Tax Commission or Corporation Commission, as applicable, shall require that each rental motor vehicle be assessed the following registration fees in lieu of the fee schedule set forth in Section 1132 of this title:

1. A fee of Fifteen Dollars (\$15.00) shall be assessed for the first year of registration in this or any other state; and

2. A fee of Ten Dollars (\$10.00) shall be assessed in the first year and each subsequent year of registration in this or any other state.

C. Upon registration and payment of the fees required by this section, the owner shall receive a license plate which shall be valid until the vehicle is permanently withdrawn from the rental fleet of the owner.

Added by Laws 1991, c. 331, § 61, eff. Sept. 1, 1991. Amended by Laws 2004, c. 534, § 7, eff. Nov. 1, 2004; Laws 2005, c. 1, § 71, emerg. eff. March 15, 2005.

NOTE: Laws 2004, c. 522, § 16 repealed by Laws 2005, c. 1, § 72, emerg. eff. March 15, 2005.

§47-1120.2. Transfer of International Registration Plan revenues collected.

On a monthly basis, the Corporation Commission shall transfer to the Oklahoma Tax Commission the amount of net revenue collected under the International Registration Plan to be apportioned by the Tax

Commission in accordance with the provisions of Section 1104 of Title 47 of the Oklahoma Statutes.

Added by Laws 2005, c. 479, § 2, eff. July 1, 2005.

NOTE: Laws 2005, c. 411, § 1 repealed by Laws 2006, c. 16, § 33, emerg. eff. March 29, 2006.

§47-1121. Dishonored checks - Collection - Cancellation of license.

A. When, at the time of registration of any vehicle, payment is made by check for fees and taxes and the check is not paid by the bank on which drawn for any reason, after said check has been presented for payment a second time, such certificate of registration and other such instruments issued at the time of registration of such vehicle shall be invalid. The motor license agent shall transmit all documents and the dishonored check to the Oklahoma Tax Commission for credit to the motor license agent's account. The Commission may enter into a contract for the collection of dishonored checks and canceled instruments. In all such cases, such vehicles shall be subject to the license fees and penalties provided in this act as though no attempt to register the vehicle had been made and the motor license agent shall charge the person issuing the check a fee of Twenty-five Dollars (\$25.00) for each check to cover the costs of processing each returned check. An individual who subsequently purchases any such vehicle shall not be required, as a condition for registration of the vehicle, to pay any tax, fee or penalty due resulting from the dishonored check.

A mortgagee who repossesses any such vehicle shall not be required, as a condition for registration of said vehicle, to pay the dishonored check penalties which had accrued as of the date of such repossession.

B. Whenever payment is made by check for any Oklahoma driver license and the check is not paid by the bank on which drawn for any reason, after said check has been presented for payment a second time, such driver license shall be invalid and all driving privileges of the holder of the driver license shall be canceled. The motor license agent shall transmit the dishonored check to the Oklahoma Tax Commission for credit to the motor license agents account. The Commission may enter into a contract for the collection of dishonored checks. The motor license agent shall charge the person issuing the check a fee of Twenty-five Dollars (\$25.00) for each check to cover the cost of processing each returned check. The motor license agent shall transmit a copy of all documents associated with the application and issuance of the driver license and a copy of the dishonored check to the Department of Public Safety.

Added by Laws 1985, c. 179, § 24, operative July 1, 1985. Amended by Laws 1987, c. 43, § 1, eff. Nov. 1, 1987; Laws 1989, c. 284, § 1, emerg. eff. May 22, 1989; Laws 1993, c. 294, § 1, eff. Sept. 1, 1993;

Laws 1994, c. 128, § 1, eff. July 1, 1994; Laws 2008, c. 378, § 1, eff. July 1, 2009.

§47-1122. Temporary license - Fee.

A. Whenever any nonresident owning any motor bus, truck, truck-tractor, trailer or semitrailer, which has been registered under the laws of another state and bears a current registration from such state, brings such vehicle into this state, for the purpose of using the vehicle for hire or other commercial purpose, for a temporary period of time not to exceed ninety (90) days, such person may, immediately after entering this state, upon the filing of an application therefor with the Commission, and the payment of a license fee equal to one-eighth ($1/8$) of the annual license fee required of such vehicle, register same for a period of thirty (30) days in lieu of obtaining an annual registration and license therefor; he may upon payment of one-fourth ($1/4$) of the annual license fee register it for a period of sixty (60) days or for ninety (90) days upon the payment of three-eighths ($3/8$) of the annual license fee in lieu of obtaining annual registration and license therefor. Upon failure of any person to obtain or renew this temporary license when first available, the fee due for the remaining portion of the year shall become due and must be paid.

B. It will not be necessary for such person to obtain an Oklahoma certificate of title evidencing ownership of such vehicle, if the applicant therefor has been issued a valid certificate of title or ownership for such vehicle by his home state. The Commission will issue a certificate of registration covering each temporary license provided by the terms of this section.

C. Provided, however, that the provisions of this section for temporary licenses shall not apply to the residents of any other state when the laws of such other state do not provide temporary licensing for approximately comparable license fees for vehicles being used in such other state by residents of Oklahoma under the same or substantially similar purposes, terms and conditions; and, provided further that, irrespective of the amount of the temporary license fees provided in this section, the amount of any temporary license fee for a vehicle of a resident of any such state shall be determined and fixed by the Commission in the amount, or the approximate total amount, of any license fee and any other taxes, including property and mileage taxes, required by the laws of such other state to be paid by a resident of Oklahoma making the same use of a similar vehicle in such state.

Added by Laws 1985, c. 179, § 25, operative July 1, 1985.

§47-1123. Reciprocal compacts and agreements.

The Oklahoma Tax Commission is hereby authorized and empowered to enter into and make reciprocal compacts and agreements when the

Commission deems same to be in the interest of the residents of the State of Oklahoma, with the proper authorities of other states, concerning all motor vehicles engaged in foreign and interstate commerce upon and over the public highways.

Such compacts and agreements shall grant to the residents of other states privileges substantially like and equal to those granted by such states to Oklahoma residents; provided, that such compacts and agreements shall not supersede or suspend any laws, rules or regulations of this state applying to vehicles operated intrastate in this state. Privileges so granted shall extend only to persons who comply with the laws of the state of their residence. Such compacts and agreements shall not operate to supersede or suspend the application of any laws of this state, except insofar as they apply to the payment of vehicle license fees or other motor vehicle taxes charged residents of the states with which such compacts and agreements are made; provided, however, that the power and authority and discretion of the Corporation Commission to make and enforce rules and regulations governing motor carriers for hire, or to grant or deny certificates or permits to motor carriers for hire shall not be superseded or suspended by any such compact and agreement. Added by Laws 1985, c. 179, § 26, operative July 1, 1985.

§47-1124. Temporary permit - Fee.

A. Any person, firm or corporation owning or possessing a commercial vehicle who:

1. Is a resident of the United States;
2. Is required to register the vehicle under the laws of this state;
3. Is not authorized to drive the vehicle on the public roads of this state for lack of registration or reciprocity of this state's laws with the laws of the state in which the vehicle is registered; and

4. Operates the vehicle for commercial purposes;

may receive a temporary permit from the Corporation Commission. The permit shall be recognized in lieu of registration in this state. The permit shall indicate the time and date of its issuance and shall be valid for a period not to exceed seventy-two (72) hours from such indicated time.

B. A fee of Twelve Dollars (\$12.00) shall be charged for the issuance of the temporary permit which shall be apportioned in the same manner as other vehicle license fees are apportioned under the terms of the motor vehicle license and registration laws of this state.

C. The temporary permit shall not be issued to any person, firm or corporation owning or possessing a commercial vehicle, truck, truck-tractor, trailer, semitrailer or motor bus, who has been apprehended for violating the registration laws of this state. If

apprehended, the vehicle shall be immediately subject to such registration laws. Possession of the temporary permit shall not affect any liability or duty which the owner or operator of a vehicle might otherwise have by law. An operator of a vehicle possessing an expired, altered or undated temporary permit shall be deemed to be operating an unregistered motor vehicle and shall be subject to registration and penalties therefor as provided by law.

D. The Corporation Commission may enter into an agreement with any person or corporation located within or without the state for transmission of temporary permits for a commercial vehicle by way of a facsimile machine or other device when the Corporation Commission determines that such agreement is in the best interests of the state.

E. The Corporation Commission may enter into an agreement with any state for transmission of that state's temporary permits for a commercial vehicle by way of a facsimile machine or other device when the Corporation Commission determines that such agreement is in the best interests of the state.

F. Any provision of this act providing for proportional registration under reciprocal agreements and the International Registration Plan that relate to the promulgation of rules shall not be subject to the provisions of Section 1151 of this title. The Corporation Commission may promulgate such rules as it deems necessary to administer the provisions of this section. The Corporation Commission may prescribe an application form for the temporary permit and such other forms as it deems appropriate.

G. The provisions of this section shall not apply to vehicles entering this state for the express purpose of transporting the resources and equipment necessary to support production activities of the motion picture, television and video film industries operating within the state. Any such vehicle properly registered under the laws of another state or not registered with this state pursuant to the provisions of the International Registration Plan and used for the above-stated purpose shall not be subject to the registration requirements as set forth in Section 1101 et seq. of this title while conducting said business.

Added by Laws 1985, c. 179, § 27, operative July 1, 1985. Amended by Laws 1987, c. 6, § 8, emerg. eff. March 16, 1987; Laws 1989, c. 218, § 3, emerg. eff. May 9, 1989; Laws 1995, c. 11, § 1, emerg. eff. Mar. 27, 1995; Laws 2004, c. 522, § 17, eff. July 1, 2004; Laws 2008, c. 168, § 3, emerg. eff. May 12, 2008; Laws 2009, c. 182, § 3, eff. Nov. 1, 2009.

§47-1124.1. Temporary permit or authorization for vehicle subject to proportional registration.

The Corporation Commission is authorized to issue temporary permits or authorization for any vehicle to be proportionally registered in this state or which is currently proportionally

registered in this state under the provisions of the International Registration Plan. Temporary permits may be issued for vehicles added to the fleet, duplicate cab cards, corrected cab cards, replacement license plates, adding jurisdictions, and weight increases to established accounts in good standing. New accounts may be issued temporary permits only after all fees are paid. Such temporary permit or authorization shall authorize a vehicle to be driven on the public roads of this state pending completion by the Corporation Commission of an application for proportional registration of such vehicle. The temporary permit or authorization shall be recognized in lieu of registration in this state. The temporary permit or authorization shall clearly indicate the date of issuance and the date of expiration, which shall be forty-five (45) days, including the day of issuance. The Corporation Commission may enter into reciprocal agreements with other states for recognition of temporary permits or authorizations.

The Corporation Commission may assign the temporary permits or authorization to registrants subject to proportional registration and such registrants may issue the temporary permits or authorization as needed for the operation of vehicles that will be operated as a fleet of proportionally registered vehicles. Registrants shall be accountable for all temporary permits or authorization assigned to them by the Corporation Commission and shall be subject to audit by the Corporation Commission.

The Corporation Commission may enter into an agreement with any person located within or without the state for the distribution and issuance of temporary permits or authorizations for any vehicle which is currently proportionally registered in this state under the provisions of the International Registration Plan when the Corporation Commission determines that such agreement is in the best interest of the state. Any such person or corporation shall be accountable for all temporary permits or authorizations assigned to them by the Corporation Commission and shall be subject to audit by the Corporation Commission.

The phrase "currently proportionally registered", as used in this section, shall be defined as any prorated account for which a properly completed original application has been received by the Corporation Commission and all corresponding and assessed fees have been paid in full.

Self-issue temporary permits or authorizations may be issued to a maximum of twenty-five percent (25%) of the size of the registrant's fleet, and any registrant with a fleet of fewer than six vehicles may be assigned one self-issue permit.

An application shall be filed with the Corporation Commission within fifteen (15) days to proportionally register any vehicle for which a temporary permit or authorization has been issued.

Any registrant that has entered into such an agreement with the Corporation Commission, that is unable to produce, or refuses to produce, upon request by the Corporation Commission, any unissued temporary permit or authorization assigned to such registrant, shall be subject to the following penalty:

A fee of One Hundred Eighty Dollars (\$180.00) which is an amount equal to the fee for the number of seventy-two-hour temporary permits, provided for in Section 1124 of this title, that would be required for the operation of a vehicle for a forty-five-day period.

If, as the result of an audit, it is determined that any registrant that has entered into such an agreement with the Corporation Commission has used temporary permits or authorizations to avoid payment of proportional registration fees, all remaining unissued temporary permits or authorizations in the possession of such registrant that has entered into such an agreement with the Corporation Commission shall be returned to the Corporation Commission, and the Corporation Commission may deny further use of temporary permits or authorizations by such registrant that has entered into such an agreement with the Corporation Commission for a minimum period of six (6) months.

Added by Laws 1986, c. 269, § 9, operative July 1, 1986. Amended by Laws 1987, c. 6, § 10, emerg. eff. March 16, 1987; Laws 1997, c. 294, § 4, eff. July 1, 1997; Laws 2001, c. 358, § 7, eff. July 1, 2001; Laws 2004, c. 534, § 8, eff. Nov. 1, 2004; Laws 2005, c. 1, § 73, emerg. eff. March 15, 2005; Laws 2008, c. 168, § 4, emerg. eff. May 12, 2008.

NOTE: Laws 2004, c. 522, § 18 repealed by Laws 2005, c. 1, § 74, emerg. eff. March 15, 2005.

§47-1124.2. Hunters permits.

A. The Corporation Commission shall be authorized to issue permits, commonly known as "hunters permits", for any vehicles to be proportionally registered pursuant to the provisions of Section 1120 of this title. This temporary registration shall be honored by all member jurisdictions of the International Registration Plan.

B. The permit authorized by this section shall be issued in a manner that will allow an owner, not operating as a lessor, to move an empty vehicle from one lessee-carrier fleet to another without violating general registration laws.

C. The permit authorized by this section shall be valid for a period of forty-five (45) days, including the day of issuance. A fee in the amount of Twenty-five Dollars (\$25.00) shall be charged for the issuance of the permit. All fees collected from the issuance of the permits shall be apportioned pursuant to Section 1104 of this title.

D. A separate permit shall be required for each proportionally registered power unit and trailer and shall not be issued for a

registered gross weight in excess of the empty weight of such vehicle or trailer.

E. The permits authorized by this section may be obtained from the Corporation Commission, or any person or corporation located within or without the state if the Corporation Commission has entered into an agreement for transmission of these permits with such person or corporation upon determination that an agreement shall be in the best interest of the state.

Added by Laws 2001, c. 358, § 8, eff. July 1, 2001. Amended by Laws 2008, c. 168, § 5, emerg. eff. May 12, 2008.

§47-1125. Certain nonresident vehicle owners required to register vehicle - Exceptions.

A. If the owner of a vehicle becomes employed in this state, the vehicle is deemed to be subject to tax in this state and, within thirty (30) days from the date of employment, shall be registered upon the same terms and conditions that resident owners are required to register such vehicles in this state. However, the owner of the vehicle who is employed in this state and commutes daily from an adjoining state shall be exempt from the provisions in this section. The penalty for failure to register the vehicle in the manner provided in this subsection shall be equal to the license or registration fee due, and any such vehicle may be seized and held at any time for any such delinquency and sold for nonpayment of the license or registration fees in the same manner that domestic vehicles may be seized and sold at any time of the year upon ten (10) days' notice.

If the vehicle is detained by a law enforcement officer of this state and it is determined that the owner of such vehicle has failed to comply with the provisions of this subsection, a penalty of Ten Dollars (\$10.00) shall be assessed in addition to the penalties previously provided in this section. This penalty of Ten Dollars (\$10.00) shall be paid to the pension fund of the law enforcement officer, as defined in Section 1-147 of Title 47 of the Oklahoma Statutes, who detained the vehicle.

B. Any student certified as a full-time-equivalent student by an institution of higher learning in this state and being a nonresident of Oklahoma, presently attending any institution of higher learning, shall not be required to purchase an Oklahoma license plate, provided that the state of residence of such student affords a similar exemption to Oklahoma students attending institutions of higher learning in such state. This exception for nonresident students does not apply when such student registers to vote as a resident in Oklahoma.

C. Any vehicle, including a manufactured home, other than a commercial truck which is owned by a visiting nonresident and is properly registered in its native state for the current year and

remains here for any period in excess of sixty (60) days shall be registered upon the same terms and conditions that resident owners are required to register such vehicles in this state. Any vehicle within this state, owned by a nonresident which is not properly registered in its native state for the current year, shall be registered under the same terms and conditions as such domestic vehicles are required to be registered.

Added by Laws 1985, c. 179, § 28, operative July 1, 1985. Amended by Laws 1987, c. 212, § 1, eff. Nov. 1, 1987; Laws 1988, c. 290, § 20, operative July 1, 1988.

§47-1126. Repossessed vehicle - Registration.

A. At any time that a mortgagee repossesses a vehicle on which the registration has become delinquent as of the date of such repossession, the mortgagee shall not be required, as a condition for registration of said vehicle, to pay the penalties which had accrued as of the date of such repossession otherwise prescribed in this act. Provided that said penalties shall not be waived unless such vehicle is registered by the mortgagee within five (5) days after it is repossessed. Provided further, that if the mortgagor, or spouse, becomes the owner of the vehicle within ninety (90) days from the date of repossession, the penalty shall reattach and be paid when the new title is applied for.

B. Upon each vehicle repossessed by a mortgagee, a fee of Forty-six Dollars (\$46.00) shall be assessed. This fee shall be in lieu of any applicable vehicle excise tax and registration fees. Each motor license agent accepting applications for certificates of title for such vehicles shall receive Seven Dollars (\$7.00) to be deducted from the license fee specified in this subsection for each application accepted.

Added by Laws 1985, c. 179, § 30, operative July 1, 1985. Amended by Laws 1987, c. 205, § 71, operative July 1, 1987; Laws 1988, c. 240, § 5, eff. July 1, 1988; Laws 1989, c. 277, § 1, eff. Nov. 1, 1989; Laws 1991, c. 261, § 3, eff. Sept. 1, 1991.

§47-1127. Military personnel - Registration of vehicles - Exemption from penalties.

A. All vehicles owned by members of the Armed Forces of the United States, the Reserve Corps of the Armed Forces of the United States, and the Oklahoma National Guard or their spouses assigned to duty in this state in compliance with official military or naval orders or owned by the spouse, who resides in Oklahoma, of a member of the Armed Forces of the United States serving in a foreign country, which vehicles are not being used in a trade or business or for any commercial purpose, are hereby classified specially for vehicle license and registration purposes in this state. Any such vehicle which is not registered and licensed for the current year in

the state of residence or domicile of the service member, Guardsman, or Reservist or of the spouse owning the vehicle must be registered for the current year in Oklahoma as herein provided, except that any such vehicle which has been licensed in some other state by such service member, Guardsman, Reservist, or spouse while the service member, Guardsman, or Reservist was stationed in the other state may be operated in this state for the remainder of the year or period for which it is licensed. If such vehicle currently is registered with the Armed Forces of the United States rather than being registered in a state and the service member, Guardsman, or Reservist is transferred to a duty station within this state pursuant to military orders, the service member, Guardsman, Reservist, or spouse owning the vehicle shall not be required to register the vehicle in this state for a period of thirty (30) days after the date the service member, Guardsman, or Reservist is required to report for duty pursuant to the military.

The service member, Guardsman, Reservist, or spouse applying for the registration of any such vehicle shall submit an appropriate statement, to be attached to the vehicle registration application, showing the following: A description of the vehicle owned by the applicant; the state and address of the applicant's legal residence or domicile; and that the applicant or applicant's spouse is actively serving in the Armed Forces of the United States assigned or stationed at a named location in compliance with official military orders. The statement shall be signed by the applicant and certified to by a proper officer of the organization to which the service member, Guardsman, or Reservist is assigned for duty. Provided, in lieu of certification by an officer, the applicant may submit copies of written orders documenting that the service member, Guardsman, or Reservist is actively serving at the time of application for registration. The application shall be accompanied by a registration fee of Fifteen Dollars (\$15.00).

B. Any Oklahoma resident who is stationed out of state due to an official assignment of the Armed Forces of the United States or their spouse shall be entitled to register his or her vehicle or vehicles in this state for the same registration fee afforded members of the Armed Forces of the United States assigned to duty in this state pursuant to subsection A of this section. Such Oklahoma resident or their spouse who is stationed out of state due to an official assignment of the Armed Forces of the United States shall be exempt from the vehicle inspection requirements of Section 1105 of this title; provided, such Oklahoma resident or his or her spouse who is stationed out of state presents valid documentation acceptable to the Oklahoma Tax Commission evidencing that such inspection has been made by an out-of-state authority acceptable to the Tax Commission.

Any Oklahoma resident who is stationed out of state due to an official assignment of the Armed Forces of the United States may

authorize a designated representative to register his or her vehicle or vehicles as provided for in this subsection if the service member, Guardsman, or Reservist is not able to register the vehicle at the appropriate time.

C. Any Oklahoma resident who is a member of the Armed Forces of the United States, Reserve Corps of the Armed Forces of the United States or the Oklahoma National Guard stationed outside of the state due to official assignment of the Armed Forces of the United States, or his or her spouse, shall be exempt from the penalties assessed pursuant to paragraph 4 of subsection C of Section 1115, subsection F of Section 1132 and subsection C of Section 1151 of this title for the duration of such official assignment and for a period of sixty (60) days after such assignment ends. If registration is not completed after the sixtieth day, the expiration date and the period for assessment of penalties shall commence on the sixty-first day. The exemption provided for in this section shall be granted only if the service member, Guardsman, Reservist, or spouse registering such vehicle submits an appropriate statement, to be attached to the vehicle registration application, showing the following: A description of the vehicle owned by the applicant; the state and address of the applicant's legal residence or domicile; and that the applicant or applicant's spouse is actively serving in the Armed Forces of the United States assigned or stationed at a named location outside the state in compliance with official military orders. The statement shall be signed by the applicant and certified to by a proper officer of the organization to which the service member, Guardsman, or Reservist is assigned for duty. Provided, in lieu of certification by an officer, the applicant may submit copies of written orders documenting that the service member, Guardsman, or Reservist is actively serving at the time of application for registration.

D. The reduced registration fee provided herein shall not apply to vehicles owned by retired members of the Armed Forces, inactive members of the Reserve Corps of the Armed Forces, inactive members of the Oklahoma National Guard and other members and former members of the Armed Forces of the United States who are not actively serving. Added by Laws 1985, c. 179, § 30, operative July 1, 1985. Amended by Laws 1987, c. 205, § 71, operative July 1, 1987; Laws 1988, c. 240, § 5, eff. July 1, 1988; Laws 1989, c. 277, § 1, eff. Nov. 1, 1989; Laws 1990, c. 337, § 11; Laws 1993, c. 17, § 1, eff. July 1, 1993; Laws 2006, c. 60, § 1, eff. Nov. 1, 2006; Laws 2010, c. 335, § 2, eff. Nov. 1, 2010; Laws 2014, c. 413, § 1, eff. Nov. 1, 2014; Laws 2016, c. 209, § 1, eff. Nov. 1, 2016; Laws 2017, c. 273, § 2, eff. Nov. 1, 2017.

NOTE: Laws 1989, c. 161, § 2 repealed by Laws 1990, c. 337, § 26.

§47-1128. Manufacturer's or dealer's license - In-transit license plates.

A. Every person manufacturing or having a contract to sell new vehicles in this state shall file a verified application for a general distinctive number for all new vehicles owned or controlled by the manufacturer or dealer; provided, the Oklahoma Tax Commission shall issue a license to sell such new motor vehicles only for those types of new vehicles for which the applicant has a sales contract or franchise; provided, further, that no license shall be issued to any applicant that has not complied with the provisions of Sections 561 through 568 of this title and does not hold a current license issued by the Oklahoma Motor Vehicle Commission pursuant thereto. A separate manufacturer's or dealer's license shall be required for each separate county within which such manufacturer or dealer has an established place of business and upon payment of a license fee of Ten Dollars (\$10.00) there shall be assigned and issued to such manufacturer or dealer a Certificate of Registration and one license plate which shall be displayed upon each vehicle of such manufacturer or dealer when same is operated, driven, or displayed on any street, road, or highway, in the same manner as hereinbefore provided for vehicles owned by other persons. Such a manufacturer or dealer in new vehicles may obtain as many additional license plates as may be desired, upon the payment of the sum of Ten Dollars (\$10.00) for each additional plate; provided that no such license plate issued to any manufacturer or dealer shall be used or displayed upon any secondhand or used vehicle, or upon any new vehicle which is used for a service car, or private use, or for hire. Any person, with consent of the dealer, may operate a motor vehicle, with the dealer's tag affixed, while contemplating purchase, so long as this intent is limited to a consecutive seventy-two-hour period, or a weekend. An individual holding a valid salesman's license issued by the Oklahoma Motor Vehicle Commission shall not be subject to this limitation. If such person also buys and sells used vehicles, he shall, after obtaining his new motor vehicle dealer's license from the Oklahoma Motor Vehicle Commission, also obtain a used motor vehicle dealer's license, from the Used Motor Vehicle and Parts Commission, the cost of which shall be as prescribed in Section 1101 et seq. of this title.

B. Each dealer and used motor vehicle dealer shall keep a record of the purchase and sale of each motor vehicle he buys or sells, which shall show the name of the seller or buyer as the case may be, and a complete description of the vehicle purchased or sold, and such other information as the Commission may prescribe.

C. Application for manufacturer's or dealer's license must show that such dealer or manufacturer has not violated any of the provisions of this section; and such license shall be nonassignable; and any such license may be suspended temporarily or revoked by the

Commission for violation or failure to comply with this section; provided, the holder of such license shall be given ten (10) days' notice of hearing to suspend or cancel such license. If any such person subject to any of the licenses required in this section fails to obtain it when due, a penalty of twenty-five cents (\$0.25) per day on each such license shall be charged in the same manner as is now provided on delinquent motor vehicle registrations, and after a period of thirty (30) days such penalty shall be equal to the license fee. It shall be the duty of every person licensed to sell new or used motor vehicles to advise each purchaser in writing about his title requirements and payment of any taxes due. Each used motor vehicle must display a proper Oklahoma license plate or a used dealer's license plate.

D. Every person engaged in the business of transporting and delivering new or used vehicles by driving, either singly or by towbar, saddle mount or full mount method, engaging in drive-away operations as defined in Section 3 of Title 85 of the Oklahoma Statutes, or any combination thereof, from the manufacturer or shipper to the dealer or consignee and using the public highways of this state shall file with the Commission a verified application for in-transit license plates to identify such vehicles. The application shall provide for a general distinctive number for all vehicles so transported. Upon payment of a license fee of Ten Dollars (\$10.00) there shall be assigned and issued to such person one in-transit plate. Such in-transit plate shall be used by such person only on vehicles when so transported. Such person may obtain as many additional in-transit plates as desired upon payment of a fee of Ten Dollars (\$10.00) for each additional plate. Provided, a used motor vehicle dealer shall use a used dealer license plate in lieu of the in-transit license plate for transporting a used motor vehicle and, in such cases, shall be exempt from making application for an in-transit license plate. Provided further, only a person who possesses a valid motor carrier authority issued by the Federal Motor Carrier Safety Administration, or a valid for-hire authority issued by the Corporation Commission may use the in-transit license plates obtained by them as herein authorized for transporting new or used manufactured homes from one location to another location within Oklahoma or from a point in another state to a point in this state. Nothing contained in this section shall relieve any person from the payment of license fees otherwise provided by law. When the Commission deems it advisable and in the public interest, it may require the holder of any in-transit license, or any person making application therefor, to file a proper surety bond in any amount it deems proper, not to exceed Ten Thousand Dollars (\$10,000.00).

E. The Oklahoma Tax Commission shall issue dealer licenses to new and used manufactured home dealers, new and used travel trailer dealers and new and used commercial trailer dealers.

F. All licenses provided for in this section shall expire on December 31 of each year.

Added by Laws 1985, c. 179, § 31, operative July 1, 1985. Amended by Laws 1985, c. 238, § 3, emerg. eff. July 8, 1985; Laws 1986, c. 172, § 2, eff. July 1, 1986; Laws 1988, c. 167, § 3, emerg. eff. May 24, 1988; Laws 1990, c. 315, § 4, eff. July 1, 1990; Laws 1993, c. 93, § 2, eff. July 1, 1993; Laws 1997, c. 188, § 2, eff. Nov. 1, 1997; Laws 2008, c. 378, § 2, eff. July 1, 2008; Laws 2016, c. 159, § 1, eff. Nov. 1, 2017.

§47-1129. Special mobilized machinery - Registration procedure - Exemptions.

A. Special mobilized machinery shall not be subject to any section or provision of the Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of this title, except the provisions of this section.

Special mobilized machinery shall be permitted the use of the highways of this state when proper registration and permits, as provided in this section, are in the possession of the operator.

B. Owners of qualifying equipment hereunder may elect to register such equipment either under this section or under other applicable provisions of this act. Application covering qualifying equipment may be made to the Oklahoma Tax Commission or their authorized agents for registering special mobilized machinery. Upon payment of a registration fee of Twenty-five Dollars (\$25.00), the applicant shall be granted a certificate of registration in acknowledgment of qualification by the Commission. The certificate of registration must at all times be carried with the equipment and be available for inspection by an investigating officer.

C. In addition to the registration fee, the Commission shall collect at time of registration an additional fee of Five Hundred Fifty Dollars (\$550.00) per unit for equipment qualifying under the terms of this section. This fee of Five Hundred Fifty Dollars (\$550.00) shall include the constitutional ad valorem tax and shall be allocated by the Commission in the same manner and percentage as registration and permit fees are presently allocated under the provisions of this act. Payment of this fee shall be due on January 1 of each calendar year and must be paid in no event later than February 1 of each calendar year. The penalty for noncompliance with this provision shall be a double fee in the amount of One Thousand One Hundred Dollars (\$1,100.00). For qualifying equipment purchased during the calendar year, the Commission shall collect a fee which shall be pro rata of the annual fee as hereinbefore defined. Provided, however, the fee for qualifying equipment registered in another state and utilized for emergency or temporary service, not to exceed thirty (30) days, shall be calculated in the same manner as set forth in subsection A of Section 1122 of this title.

D. Other provisions of this section relating to registration and other laws of this state relating to registration, fees, or licensing shall not apply to such special mobilized equipment when the same is manufactured in Oklahoma and sold for delivery and exclusive use without the state or when returned temporarily for modification or repair. In addition, the registration, fees, and licensing provisions of the laws of this state shall not apply to special mobilized equipment temporarily brought into the state, with subsequent movement back out of the state, solely for fabrication, repair, testing, alteration, modification, refurbishing, or maintenance. This subsection shall in no way exempt the equipment described herein from the levy of ad valorem taxes.

Added by Laws 1985, c. 179, § 32, operative July 1, 1985. Amended by Laws 1993, c. 252, § 4, emerg. eff. May 26, 1993; Laws 1996, c. 220, § 3, emerg. eff. May 23, 1996; Laws 2000, c. 189, § 9, eff. July 1, 2000; Laws 2004, c. 390, § 19, eff. July 1, 2004.

§47-1130. Oklahoma Tax Commission Fund - Deposit of fees for use in mailings.

Any fees received by the Commission designated by law to be used for mailing of vehicle title registration or licenses as a result of the vehicle notification program shall be placed to the credit of the Oklahoma Tax Commission Fund.

Added by Laws 1985, c. 179, § 33, operative July 1, 1985. Amended by Laws 1986, c. 269, § 14, operative July 1, 1986.

§47-1131. Order renewal - Notification.

The Oklahoma Tax Commission shall annually notify all persons within the state who have a previous registration on record of the period for registration renewal. The Tax Commission shall send the notifications to the electronic mail address provided by the person. If a person does not provide an electronic mail address then the Tax Commission shall notify the person through the mail. The notifications shall contain all necessary information for such registration and licensing including a breakdown of all charges to be paid by the owner and shall contain instructions as to the procedure for renewal upon presentation to a motor license agent or by return mail to the Commission's state office. The content and form of the notice shall be determined by the Commission. Use of a postcard or electronic mail type renewal notice is specifically permitted. The Commission shall provide information on its public website instructing persons on the procedure for obtaining an annual notification via electronic mail, outlining all charges and fees associated with the registration of a vehicle, as well as an explanation of the apportionment of vehicle fees and penalties. The cost of mailing shall be One Dollar (\$1.00) for license plates and fifty cents (\$0.50) for decals, titles or other forms or devices

provided in this act. Provided, that the Commission may adjust any mailing costs as deemed appropriate to allow for increased or additional fees charged by the United States Postal Service.

Failure by any applicant to receive notification of renewal as provided by this act shall not excuse the applicant from properly obtaining any registration or license at the proper time by presenting proof of ownership to the Commission's state office or to a motor license agent.

Added by Laws 1985, c. 179, § 34, operative July 1, 1985. Amended by Laws 1990, c. 264, § 112, operative June 1, 1990; Laws 2010, c. 389, § 2, emerg. eff. June 7, 2010.

§47-1132. Vehicle registration fees - Assessment - Computation.

A. For all vehicles, unless otherwise specifically provided by the Oklahoma Vehicle License and Registration Act, a registration fee shall be assessed at the time of initial registration by the owner and annually thereafter, for the use of the avenues of public access within this state in the following amounts:

1. For the first through the fourth year of registration in this state or any other state, Eighty-five Dollars (\$85.00);
2. For the fifth through the eighth year of registration in this state or any other state, Seventy-five Dollars (\$75.00);
3. For the ninth through the twelfth year of registration in this state or any other state, Fifty-five Dollars (\$55.00);
4. For the thirteenth through the sixteenth year of registration in this state or any other state, Thirty-five Dollars (\$35.00); and
5. For the seventeenth and any following year of registration in this state or any other state, Fifteen Dollars (\$15.00).

The registration fee provided for in this subsection shall be in lieu of all other taxes, general or local, unless otherwise specifically provided.

B. For all-terrain vehicles and motorcycles used exclusively for use off roads or highways purchased on or after July 1, 2005, and for all-terrain vehicles and motorcycles used exclusively for use off roads or highways purchased prior to July 1, 2005, which the owner chooses to register pursuant to the provisions of Section 1115.3 of this title, an initial and nonrecurring registration fee of Eleven Dollars (\$11.00) shall be assessed at the time of initial registration by the owner. Nine Dollars (\$9.00) of the registration fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund. Two Dollars (\$2.00) of the registration fee shall be retained by the motor license agent. The fees required by subsection A of this section shall not be required for all-terrain vehicles or motorcycles used exclusively off roads and highways.

C. For utility vehicles used exclusively for use off roads or highways purchased on or after July 1, 2008, and for utility vehicles used exclusively for use off roads or highways purchased prior to

July 1, 2008, which the owner chooses to register pursuant to the provisions of Section 1115.3 of this title, an initial and nonrecurring registration fee of Eleven Dollars (\$11.00) shall be assessed at the time of initial registration by the owner. Nine Dollars (\$9.00) of the registration fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund. Two Dollars (\$2.00) of the registration fee shall be retained by the motor license agent. The fees required by subsection A of this section shall not be required for utility vehicles used exclusively off roads and highways.

D. There shall be a credit allowed with respect to the fee for registration of a new vehicle which is a replacement for:

1. A new original vehicle which is stolen from the purchaser/registrant within ninety (90) days of the date of purchase of the original vehicle as certified by a police report or other documentation as required by the Oklahoma Tax Commission; or

2. A defective new original vehicle returned by the purchaser/registrant to the seller within six (6) months of the date of purchase of the defective new original vehicle as certified by the manufacturer.

The credit shall be in the amount of the fee for registration which was paid for the new original vehicle and shall be applied to the registration fee for the replacement vehicle. In no event will the credit be refunded.

E. Upon every transfer or change of ownership of a vehicle, the new owner shall obtain title for and, except in the case of salvage vehicles and manufactured homes, register the vehicle within thirty (30) days of change of ownership and pay a transfer fee of Fifteen Dollars (\$15.00) in addition to any other fees provided for in this act. No new decal shall be issued to the registrant. Thereafter, the owner shall register the vehicle annually on the anniversary date of its initial registration in this state and shall pay the fees provided in subsection A of this section and receive a decal evidencing such payment. Provided, used motor vehicle dealers shall be exempt from the provisions of this section.

F. In the event a new or used vehicle is not registered, titled and tagged within thirty (30) days from the date of transfer of ownership, the penalty for the failure of the owner of the vehicle to register the vehicle within thirty (30) days shall be One Dollar (\$1.00) per day, provided that in no event shall the penalty exceed One Hundred Dollars (\$100.00). No penalty shall be waived by the Oklahoma Tax Commission or any motor license agent except as provided in subsection C of Section 1127 of this title. Of each dollar penalty collected pursuant to this subsection:

1. Twenty-one cents (\$0.21) shall be apportioned as provided in Section 1104 of this title;

2. Twenty-one cents (\$0.21) shall be retained by the motor license agent; and

3. Fifty-eight cents (\$0.58) shall be deposited in the General Revenue Fund.

Added by Laws 1985, c. 179, § 35, operative July 1, 1985. Amended by Laws 1986, c. 172, § 3, eff. July 1, 1986; Laws 1986, c. 294, § 1, emerg. eff. June 24, 1986; Laws 1988, c. 156, § 1, emerg. eff. May 5, 1988; Laws 1988, c. 201, § 12, emerg. eff. June 10, 1988; Laws 1995, c. 10, § 1, eff. July 1, 1995; Laws 2000, c. 250, § 5, eff. Oct. 1, 2000; Laws 2005, c. 284, § 6, eff. July 1, 2005; Laws 2008, c. 98, § 10, eff. July 1, 2008; Laws 2009, c. 443, § 2, eff. July 1, 2009; Laws 2010, c. 412, § 19, eff. July 1, 2010; Laws 2011, c. 1, § 21, emerg. eff. March 18, 2011; Laws 2011, c. 376, § 2; Laws 2012, c. 337, § 2.

NOTE: Laws 2000, c. 250, § 11 provides: "This act shall become effective October 1, 2000, upon approval by the people." State Question No. 691, Legislative Referendum No. 319, was approved by the people Aug. 22, 2000.

NOTE: Laws 2010, c. 335, § 3 repealed by Laws 2011, c. 1, § 22, emerg. eff. March 18, 2011.

§47-1132.1. License and registration fee.

A. There is levied and there shall be paid to the Oklahoma Tax Commission a fee of Three Dollars (\$3.00) upon every vehicle to be registered or licensed, except for those licensed pursuant to subsection (c) of Section 1210.34 of Title 70 of the Oklahoma Statutes. Said fee shall accrue and shall be collectible upon each vehicle under the same circumstances and shall be payable in the same manner and times as apply to vehicle licenses and registrations under the provisions of the Oklahoma Vehicle License and Registration Act; provided, said fee shall be paid in full for the then current year at the time any vehicle is first registered in a calendar year.

B. Two-thirds of the monies collected pursuant to this section shall be transferred by the Tax Commission each month to the State Treasurer for deposit in the General Revenue Fund. For the fiscal year beginning July 1, 1999, of the remaining one-third of the monies collected pursuant to this section each fiscal year, the first Four Hundred Thousand Dollars (\$400,000.00) shall be transferred by the Tax Commission to the State Treasurer for deposit in the Motor Vehicle Driver Education Revolving Fund created in Section 2 of this act and any amount in excess of Four Hundred Thousand Dollars (\$400,000.00) shall be transferred by the Tax Commission to the State Treasurer for deposit in the General Revenue Fund. For the fiscal year beginning July 1, 2000, and for each fiscal year thereafter, of the remaining one-third of the monies collected pursuant to this section each fiscal year, the first Nine Hundred Thousand Dollars (\$900,000.00) shall be transferred by the Tax Commission to the State

Treasurer for deposit in the Motor Vehicle Driver Education Revolving Fund created in Section 2 of this act and any amount in excess of Nine Hundred Thousand Dollars (\$900,000.00) shall be transferred by the Tax Commission to the State Treasurer for deposit in the General Revenue Fund.

C. The collection and payment of said fee shall be a prerequisite to license or registration of any vehicle, except for those licensed pursuant to subsection (c) of Section 1210.34 of Title 70 of the Oklahoma Statutes.

Added by Laws 1987, c. 204, § 126, operative July 1, 1987. Amended by Laws 1994, c. 243, § 2, eff. Sept. 1, 1994; Laws 1998, c. 424, § 1, eff. July 1, 1998.

§47-1132.2. Motor Vehicle Driver Education Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Board of Education to be designated the "Motor Vehicle Driver Education Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies apportioned to the fund pursuant to the provisions of Section 1132.1 of this title. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Board of Education to assist in defraying the cost of motor vehicle driver education. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1998, c. 424, § 2, eff. July 1, 1998. Amended by Laws 2012, c. 304, § 202.

§47-1132.3. Credit for registration fee for replacement of vehicles destroyed by tornadoes.

A. There shall be a credit allowed with respect to the fee for registration of a vehicle which is a replacement for a vehicle which was destroyed by a tornado and which was registered pursuant to the provisions of Section 1132 of this title on the date of destruction. For the purposes of this section, "tornado" means a tornado which occurred in calendar year 2013 or any subsequent tornado for which a Presidential Major Disaster Declaration was issued. The credit shall be a prorated amount based on the fee paid for the registration of the destroyed vehicle for the period of registration remaining as of the date of destruction, and shall be applied to the registration fee for the replacement vehicle pursuant to the provisions of Section 1132 of this title. In no event will the credit be refunded.

B. There shall be a credit allowed with respect to the fee for registration of a vehicle which is a replacement for a vehicle which was destroyed by a tornado in calendar year 2012 or calendar year 2013 for which a Presidential Major Disaster Declaration was not

issued, and which was registered pursuant to the provisions of Section 1132 of this title on the date of destruction. The credit shall be a prorated amount based on the fee paid for the registration of the destroyed vehicle for the period of registration remaining as of the date of destruction and shall be applied to the registration fee for the replacement vehicle pursuant to the provisions of Section 1132 of this title.

Added by Laws 1999, c. 186, § 1, emerg. eff. May 21, 1999. Amended by Laws 2002, c. 454, § 3, eff. July 1, 2002; Laws 2003, c. 374, § 1, emerg. eff. June 4, 2003; Laws 2013, c. 370, § 1, emerg. eff. May 29, 2013; Laws 2014, c. 215, § 1, emerg. eff. May 2, 2014; Laws 2014, c. 329, § 1, emerg. eff. May 23, 2014.

§47-1132.4. Additional fee - Apportionment of revenue.

A. In addition to other vehicle registration fees specified by law, there is levied and there shall be paid to the Oklahoma Tax Commission a fee of One Dollar (\$1.00) upon every vehicle to be registered. The fee shall accrue and shall be collectible upon each vehicle under the same circumstances and shall be payable in the same manner and times as apply to vehicle registrations under the provisions of the Oklahoma Vehicle License and Registration Act; provided, the fee shall be paid in full for the then current year at the time any vehicle is first registered in a calendar year.

B. Revenue from the fee levied in subsection A of this section shall be apportioned as follows:

1. Fifty percent (50%) of the revenues shall be credited to the General Revenue Fund in the State Treasury; and

2. Fifty percent (50%) of the revenues shall be deposited to the Oklahoma Law Enforcement Retirement Fund; provided, the first Eight Hundred Fifty Thousand Dollars (\$850,000.00) of the revenues apportioned pursuant to the provisions of this paragraph each fiscal year shall be deposited to the Department of Public Safety Patrol Vehicle Revolving Fund created in Section 2-143 of this title for the purpose of purchasing patrol vehicles and aircraft.

C. The collection and payment of the fees specified in this section shall be a prerequisite to license or registration of any vehicles.

Added by Laws 2001, c. 153, § 8, eff. July 1, 2001. Amended by Laws 2002, c. 397, § 30, eff. Nov. 1, 2002; Laws 2003, c. 461, § 13, eff. July 1, 2003.

NOTE: Effective date for Laws 2001, c. 153, § 8 added by Laws 2001, c. 246, § 1, emerg. eff. May 23, 2001, and by Laws 2001, c. 361, § 13, eff. July 1, 2001.

§47-1132.5. Additional fee payable to Oklahoma Tax Commission.

A. In addition to other vehicle registration fees specified by law, beginning September 1, 2003, through August 30, 2005, there is

levied and there shall be paid to the Oklahoma Tax Commission a fee of Two Dollars (\$2.00) upon every vehicle to be registered. The fee shall accrue and shall be collectible upon each vehicle under the same circumstances and shall be payable in the same manner and times as apply to vehicle registrations under the provisions of the Oklahoma Vehicle License and Registration Act; provided, the fee shall be paid in full for the then current year at the time any vehicle is first registered in a calendar year.

B. Revenue from the fee levied in subsection A of this section shall be transferred each month to the Department of Public Safety for deposit in the Department of Public Safety Revolving Fund.

C. The collection and payment of the fee specified in this section shall be a prerequisite to licensing or registration of any vehicles.

Added by Laws 2003, c. 396, § 1, eff. Sept. 1, 2003.

§47-1132.6. Registered motorcycle fee.

A. In addition to other vehicle registration fees specified by law, there is levied and there shall be paid to the Oklahoma Tax Commission a fee of Three Dollars (\$3.00) upon every motorcycle registered pursuant to Section 1132 of Title 47 of the Oklahoma Statutes for use on roads and highways. The fee shall accrue and shall be collectible upon each motorcycle registered for use on roads and highways under the same circumstances and shall be payable in the same manner and times as apply to the registration of motorcycles for use on roads and highways under the provisions of the Oklahoma Vehicle License and Registration Act; provided, the fee shall be paid in full for the then current year at the time any vehicle is first registered in a calendar year.

B. Revenue from the fee levied in subsection A of this section shall be transferred each month to the Department of Public Safety for deposit in the **Motorcycle Safety and Education Program Revolving Fund created pursuant to Section 40-123 of Title 47 of the Oklahoma Statutes.**

C. The collection and payment of the fee specified in this section shall be a prerequisite to licensing or registration of any motorcycle.

Added by Laws 2010, c. 59, § 1, eff. Nov. 1, 2010.

§47-1132.7. Motor Fuels Tax Fee for electric-drive and hybrid-drive motor vehicles.

A. In addition to other vehicle registration fees specified by law, for the year beginning January 1, 2018, and for each year thereafter, there is hereby levied and there shall be paid to the Oklahoma Tax Commission a Motor Fuels Tax Fee of:

1. One Hundred Dollars (\$100.00) upon every electric-drive motor vehicle to be registered; and

2. Thirty Dollars (\$30.00) upon every hybrid-drive motor vehicle to be registered.

The fee shall accrue and shall be collectible upon each electric-drive motor vehicle and hybrid-drive motor vehicle under the same circumstances and shall be payable in the same manner and times as apply to vehicle registrations under the provisions of the Oklahoma Vehicle License and Registration Act; provided, the fee shall be paid in full for the then current year at the time any electric-drive motor vehicle or hybrid-drive motor vehicle is first registered in a calendar year.

B. The collection and payment of the fee specified in this section shall be a prerequisite to licensing or registration of any electric-drive motor vehicle or hybrid-drive motor vehicle.

C. Revenue from the fee provided for in subsection A of this section shall be deposited in the State Treasury to the credit of the State Highway Construction and Maintenance Fund created in Section 1501 of Title 69 of the Oklahoma Statutes.

D. For purposes of this section:

1. "Electric-drive motor vehicle" means a vehicle subject to a registration fee as provided for in subsection A of Section 1132 of Title 47 of the Oklahoma Statutes that is propelled solely by electrical energy and is not capable of using gasoline, diesel or any other fuel for propulsion; and

2. "Hybrid-drive motor vehicle" means a vehicle subject to a registration fee as provided for in subsection A of Section 1132 of Title 47 of the Oklahoma Statutes that is capable of being propelled at least in part by electrical energy through the use of a battery storage system of at least four (4) kilowatt-hours, is capable of being recharged from an external source of electricity and is also capable of using gasoline, diesel fuel or alternative fuel to propel the vehicle.

Added by Laws 2017, c. 347, § 1, eff. Nov. 1, 2017.

§47-1132A. Registration renewals - Selection of motor license agents - Fees.

A. In any online system administered by the Oklahoma Tax Commission dealing with the Oklahoma Vehicle License and Registration Act the Tax Commission shall include a step where the individual must select between any motor license agent in the state and the Tax Commission to process any registration renewal.

B. Motor license agents selected as provided in subsection A of this section shall receive all fees provided by statute for registration renewals processed by the motor license agent through any online system administered by the Tax Commission; provided, the amount of fees remitted to the motor license agent for each registration renewal processed by the motor license agent through any

online system administered by the Tax Commission shall be reduced by One Dollar and fifty-six cents (\$1.56).

C. The selection step required pursuant to subsection A of this section shall be installed and operational no later than September 1, 2010.

Added by Laws 2010, c. 476, § 1, emerg. eff. June 10, 2010.

§47-1132B. Administration of electronic transactions - Motor license agent fees.

A. If any service or transaction which a motor license agent is authorized by law to provide is administered through any state agency by means of an electronic transaction or online system, such agency shall include a step where the individual must select between any motor license agent in the state and the agency for processing the service or transaction. This section shall not apply to registrations processed pursuant to Section 1120 of Title 47 of the Oklahoma Statutes.

B. Motor license agents selected as provided in subsection A of this section shall receive all fees provided by statute for the service or transaction processed by the motor license agent through any electronic transaction or online system administered by a state agency.

Added by Laws 2013, c. 206, § 1, eff. Nov. 1, 2013.

§47-1133. Registration of commercial vehicles.

A. The following license fees shall be paid annually to the Oklahoma Tax Commission or Corporation Commission, as applicable, upon the registration of the following vehicles:

Except as provided in this subsection, for each commercial vehicle over eight thousand (8,000) pounds as defined in Section 1102 of this title, the license fee shall be based on the combined laden weight of the vehicle or combination of vehicles. The license fees shall be computed and assessed at the following rates:

1. From 8,001 pounds to 15,000 pounds	\$ 95.00
2. From 15,001 pounds to 18,000 pounds	120.00
3. From 18,001 pounds to 21,000 pounds	155.00
4. From 21,001 pounds to 24,000 pounds	190.00
5. From 24,001 pounds to 27,000 pounds	225.00
6. From 27,001 pounds to 30,000 pounds	260.00
7. From 30,001 pounds to 33,000 pounds	295.00
8. From 33,001 pounds to 36,000 pounds	325.00
9. From 36,001 pounds to 39,000 pounds	350.00
10. From 39,001 pounds to 42,000 pounds	375.00
11. From 42,001 pounds to 45,000 pounds	400.00
12. From 45,001 pounds to 48,000 pounds	425.00
13. From 48,001 pounds to 51,000 pounds	450.00
14. From 51,001 pounds to 54,000 pounds	475.00

15.	From 54,001 pounds to 57,000 pounds	648.00
16.	From 57,001 pounds to 60,000 pounds	681.00
17.	From 60,001 pounds to 63,000 pounds	713.00
18.	From 63,001 pounds to 66,000 pounds	746.00
19.	From 66,001 pounds to 69,000 pounds	778.00
20.	From 69,001 pounds to 72,000 pounds	817.00
21.	From 72,001 pounds to 73,280 pounds	857.00
22.	From 73,281 pounds to 74,000 pounds	870.00
23.	From 74,001 pounds to 75,000 pounds	883.00
24.	From 75,001 pounds to 76,000 pounds	896.00
25.	From 76,001 pounds to 77,000 pounds	909.00
26.	From 77,001 pounds to 78,000 pounds	922.00
27.	From 78,001 pounds to 79,000 pounds	935.00
28.	From 79,001 pounds to 80,000 pounds	948.00
29.	From 80,001 pounds to 81,000 pounds	961.00
30.	From 81,001 pounds to 82,000 pounds	974.00
31.	From 82,001 pounds to 83,000 pounds	987.00
32.	From 83,001 pounds to 84,000 pounds	1000.00
33.	From 84,001 pounds to 85,000 pounds	1013.00
34.	From 85,001 pounds to 86,000 pounds	1026.00
35.	From 86,001 pounds to 87,000 pounds	1039.00
36.	From 87,001 pounds to 88,000 pounds	1052.00
37.	From 88,001 pounds to 89,000 pounds	1065.00
38.	From 89,001 pounds to 90,000 pounds	1078.00

For the purposes of this section, the license fee of a wrecker or tow vehicle shall be based on the gross weight of the wrecker or tow vehicle alone without any inclusion of weight for a vehicle towed by the wrecker or tow vehicle.

B. After the fifth year's registration in this or any other state, the license fee upon any truck registered on a basis of the combined laden weight not in excess of fifteen thousand (15,000) pounds shall be assessed at fifty percent (50%) of the fee computed and assessed for each of the first five (5) years. On the seventh and all subsequent years of registration in this or any other state, on such truck, such license fees shall be assessed and computed at fifty percent (50%) of the amount due on the sixth year's registration. In no event shall such annual license fee on any truck be less than Ten Dollars (\$10.00) nor shall the annual license fee of any truck-tractor be less than Ninety-five Dollars (\$95.00).

C. In addition to the fees required by subsection A of this section, there shall be paid a registration fee of Forty Dollars (\$40.00) upon the first registration in this state after July 1, 1985, and upon the transfer of ownership of any frac tank, as defined by Section 54 of Title 17 of the Oklahoma Statutes, construction machinery, as defined by Section 1102 of this title, rental trailer, commercial trailer or semitrailer designed to be pulled and usually pulled by a truck or truck-tractor.

Thereafter, a fee of Four Dollars (\$4.00) shall be paid annually for each frac tank, construction machinery, rental trailer, commercial trailer or semitrailer. The fee of Four Dollars (\$4.00) shall be due and payable on January 1 of each year on any frac tank, construction machinery, rental trailer, commercial trailer or semitrailer registered under this section.

Upon the payment of the registration fee of Forty Dollars (\$40.00), a nonexpiring registration certificate and identification plate shall be issued for each frac tank, construction machinery, rental trailer, commercial trailer or semitrailer. The nonexpiring identification plate shall remain displayed on the frac tank, construction machinery, rental trailer, commercial trailer or semitrailer for which the identification plate is issued until such frac tank, construction machinery, trailer or semitrailer is sold or removed from service.

A receipt shall be issued upon the payment of the annual fee. The receipt shall show the total fee paid for one or more frac tanks, construction machinery units, rental trailers, commercial trailers or semitrailers. The receipt shall be retained by the owner of any frac tank, construction machinery, rental trailer, commercial trailer or semitrailer for a period of three (3) years and shall be subject to audit by the Tax Commission or Corporation Commission.

Any frac tank, construction machinery, commercial trailer or semitrailer licensed pursuant to this section shall not be permitted to be operated on the highways of this state when such frac tank, construction machinery, commercial trailer or semitrailer is being operated by a resident of this state, or is being operated by a person operating a vehicle or vehicles domiciled in this state and required by law to be licensed in Oklahoma, unless the pulling truck or truck-tractor has been licensed pursuant to this section or is twenty-four thousand (24,000) pounds or less and operating under a valid temporary license plate provided by Section 1137.1 or 1137.3 of this title. In no event shall any truck, truck-tractor, frac tank, construction machinery, trailer, or semitrailer used in the furtherance of any commercial enterprise be permitted to operate on the highways of this state or register at a smaller license fee than that prescribed in this section except as provided in this section.

D. For each fiscal year, notwithstanding the provisions of Section 1104 of this title, the first Four Hundred Thousand Dollars (\$400,000.00) of all monies collected pursuant to subsections A, B and C of this section shall be paid by the Tax Commission to the State Treasurer of the State of Oklahoma who shall deposit same each fiscal year, or such lesser amount as may accrue each fiscal year, under the provisions of this section to the credit of the General Revenue Fund of the State Treasury. All monies collected in excess of Four Hundred Thousand Dollars (\$400,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title.

E. If any vehicle is used for a purpose other than that for which it has been registered, the owner of the vehicle shall be required to immediately reregister the vehicle at the appropriate rate. If any vehicle is placed or operated upon any street, road or highway of this state with a laden weight in excess of that for which it is licensed, the license fee for such increased laden weight shall become due, and the owner of the vehicle shall be required to immediately reregister the vehicle at the increased rate. Provided that, in either event there shall be credited upon the increased license fee for such reregistration for any portion of the year or period remaining after the change in use or increase in laden weight shall have occurred a proportionate part of the license fees previously paid. If this reregistration is made voluntarily by the owner, the ratable proportion of the credit allowed shall be determined as of the date the reregistration is voluntarily made. If the reregistration is not voluntarily made but occurs as a result of the discovery by any enforcement officer of an improper operation of the vehicle, that shall be considered prima facie evidence that it has been improperly registered for the entire portion of the year covered by the improper registration. Provided further that the ratable credit shall be allowed only on the first reregistration of any vehicle during any calendar year. If, during the calendar year, subsequent changes of license plate are desired, the ratable credit shall not be allowed but the owner of the vehicle shall be required to pay the license fee due for that portion of the calendar year remaining without benefit of any additional credits. No owner of a motor vehicle shall possess at any time more than one license plate for any vehicle owned by such person. No reregistration shall be made until the current license plate previously issued has been surrendered.

Any person who has paid a fee under the terms and provisions of this subsection may at any time within one (1) year after the payment of such fee file with the Tax Commission or Corporation Commission a claim under oath for refund stating the grounds therefor. However, the Tax Commission or Corporation Commission shall allow refunds only where the amount of tax paid has been erroneously computed or determined through clerical errors or miscalculations. No refund shall be allowed by the Tax Commission or Corporation Commission of a tax paid by the person where such payment is made through a mistake as to the legal misinterpretation or construction of the provisions of this section. Any refunds made by the Tax Commission or Corporation Commission pursuant to this subsection shall be made out of any monies collected pursuant to this subsection and which have not been apportioned.

F. The annual license fee required by this section is intended to cover only the motor vehicle for which it is issued. The Tax Commission or Corporation Commission upon application, when a

licensed truck-tractor has been destroyed by fire or accident, shall credit the unused portion of the annual license fee of the vehicle toward the license fee of a replacement vehicle of equal registered weight. The amount of credit shall not exceed the license fee due on the replacement vehicle. The Tax Commission or Corporation Commission shall not be required to make a refund. If the replacement vehicle is to be registered at a greater weight, the applicant shall pay an additional sum equivalent to the difference between the unused portion of the annual license fee for the original motor vehicle and the license fee due for the replacement motor vehicle.

G. The license fees provided for in this section shall be paid each year whether or not the vehicle is operated on the public highway.

H. Notwithstanding the provision of any other statute in respect to the time for payment of license fees on motor vehicles, if the total amount of the annual license fees due from any resident owner, either individual, partnership, or Oklahoma corporation, upon the registration, on or before January 15 of any year, of commercial trucks, truck-tractors, frac tanks, construction machinery, trailers or semitrailers exceeds the sum of One Thousand Dollars (\$1,000.00), the license fees may be paid in equal semiannual installments. The first installment shall be paid at the time of the application for registration of the vehicles and not later than January 15 of each year, and the second installment shall be paid on or before the first day of July of such year.

This subsection shall not operate to reduce the amount of the license fees due. If any installment is not paid on or before the date due, all unpaid installments of license fees for such year on each vehicle shall be deemed delinquent and immediately due and payable, and there shall be added a penalty of twenty-five cents (\$0.25) per day to the balance of the license fee due on each vehicle for each day the balance remains unpaid up to thirty (30) days, after which the penalty due on each vehicle shall be Twenty-five Dollars (\$25.00). The penalty for vehicles registered by weight in excess of eight thousand (8,000) pounds shall be an amount equal to the license fee. On and after the thirtieth day each such vehicle involved shall be considered as improperly licensed and as not currently registered, and all of the provisions of the Oklahoma Vehicle License and Registration Act relating to enforcement, including the provisions for the seizure and sale of vehicles not registered and not displaying current license plates, shall apply to the vehicles.

All fees and taxes levied by the Oklahoma Vehicle License and Registration Act shall become and remain a first lien upon the vehicle upon which the fees or taxes are due until paid. The lien shall have priority to all other liens. No title to any vehicle may be transferred until the unpaid balance on the vehicle has been paid

in full. Provided that any unpaid balance of the license fees shall remain and become a lien against any and all property of the owner, both real and personal, for so long as any license tag fee balance shall remain unpaid. Any unpaid balance under these provisions shall be immediately due and payable by the owner if any vehicle is sold, wrecked, or otherwise retired from service.

Any person electing to pay license fees on a semiannual installment basis, as herein authorized, shall be required to purchase a new license tag for the last half and shall pay the sum of Four Dollars (\$4.00) for each tag to cover the costs of the license tags. The license tags for each half shall be plainly marked in designating the half for which they were issued. A validation sticker may be used in lieu of a metal tag where appropriate. Such license tag fee shall be, in addition to the license fees or any other fees, collected on each application as provided by statute and shall be apportioned according to the provisions of Section 1104 of this title.

I. Any person pulling or towing any vehicle intended to be resold, into or through this state, shall pay a fee of Three Dollars (\$3.00) for the vehicle towing and Three Dollars (\$3.00) for the one being towed. It shall be unlawful to operate any series of such units on the public highways of this state at a distance closer than five hundred (500) feet from each other. All fees and taxes levied by the terms and provisions of this section shall become and remain a first lien upon the vehicle upon which the fees or taxes are due until paid. The lien shall be prior, superior, and paramount to all other liens of whatsoever kind or character.

J. In addition to any other penalties prescribed by law, the following penalty shall be imposed by enforcement officers upon any owner or operator of a commercial vehicle registered under the provisions of this section when the laden weight or combined laden weight of such vehicle is found to be in excess of that for which registered. The penalty shall be imposed each and every time a vehicle is found to be in violation of the registered laden weight or combined laden weight.

The penalty shall be not less than Twenty Dollars (\$20.00) when such vehicle exceeds the laden weight or combined laden weight by two thousand one (2,001) pounds; thereafter, an additional penalty of not less than Twenty Dollars (\$20.00) shall be imposed for each additional one thousand (1,000) pounds or fraction thereof of weight in excess of the registered laden weight or combined laden weight. Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section 1167 of this title. Revenue from such penalties shall be apportioned as provided in Section 1167 of this title.

Added by Laws 1985, c. 179, § 36, operative July 1, 1985. Amended by Laws 1987, c. 6, § 11, emerg. eff. March 16, 1987; Laws 1988, c. 179,

§ 4, operative July 1, 1988; Laws 1992, c. 179, § 3, eff. July 1, 1992; Laws 1993, c. 259, § 46, operative Sept. 1, 1993; Laws 1997, c. 294, § 5, eff. July 1, 1997; Laws 1998, c. 5, § 15, emerg. eff. March 4, 1998; Laws 2004, c. 555, § 1, eff. Nov. 1, 2004; Laws 2005, c. 1, § 75, emerg. eff. March 15, 2005; Laws 2008, c. 168, § 6, emerg. eff. May 12, 2008; Laws 2012, c. 295, § 1, eff. Nov. 1, 2012; Laws 2013, c. 52, § 2, eff. Nov. 1, 2013; Laws 2014, c. 296, § 2, eff. July 1, 2014.

NOTE: Laws 1997, c. 13, § 2 repealed by Laws 1998, c. 5, § 29, emerg. eff. March 4, 1998. Laws 2004, c. 522, § 19 repealed by Laws 2005, c. 1, § 76, emerg. eff. March 15, 2005.

§47-1133.1. Vehicles having combined laden weight of 8,000 pounds or less primarily used for business - Registration as commercial vehicles having combined laden weight of more than 8,000 and less than 15,001 pounds.

A. Any vehicle, including a station wagon as defined in paragraph 26 of Section 1102 of this title, which has a combined laden weight of eight thousand (8,000) pounds or less and is used primarily for business or commercial purposes may be registered, pursuant to Section 1133 of this title, as a commercial vehicle having a combined laden weight over eight thousand (8,000) pounds and less than fifteen thousand and one (15,001) pounds. Such vehicles or station wagons registered pursuant to this section shall be assessed the license fees for such commercial vehicle pursuant to Section 1133 of this title.

B. Upon initial registration by a person of a vehicle or station wagon pursuant to the provisions of this section, and upon transfer of ownership of any such vehicle or station wagon, any person claiming the right to register a vehicle or station wagon pursuant to subsection A of this section shall make further proof that the person does in fact conduct a business or commercial enterprise or is employed by a person conducting a business or commercial enterprise that uses the vehicle or station wagon primarily for the use of that business or commercial enterprise by presenting a permit to do business pursuant to Section 1364 of Title 68 of the Oklahoma Statutes or a Federal Employers Identification Number or, if a sole proprietor, a copy of Schedule C from their most recent federal income tax return.

C. The failure of any owner of a vehicle or station wagon to properly label the vehicle or station wagon or to properly utilize the vehicle or station wagon for the purposes required by this section shall result in the issuance of a new license plate at the rate specified in Section 1132 of this title and in addition a penalty of fifty percent (50%) of the cost of such license shall be assessed against the owner.

D. In addition to the requirements of Section 1133 of this title, any commercial vehicle having a combined laden weight over eight thousand (8,000) pounds and less than fifteen thousand and one (15,001) pounds shall be subject to the requirements of this section. Added by Laws 1986, c. 25, § 1, eff. Nov. 1, 1986. Amended by Laws 1986, c. 294, § 2, emerg. eff. June 24, 1986; Laws 1988, c. 281, § 23, operative July 1, 1988; Laws 1989, c. 161, § 1, operative July 1, 1989; Laws 1992, c. 104, § 2, eff. Sept. 1, 1992; Laws 1994, c. 19, § 1, eff. Sept. 1, 1994; Laws 2001, c. 149, § 3, eff. Nov. 1, 2001; Laws 2004, c. 534, § 9, eff. Nov. 1, 2004.

§47-1133.2. Commercial vehicles - Display of registrant's name - Violations - Nonresident vehicles.

A. Every commercial motor vehicle, whether private, contract or for hire:

1. Of twenty-six thousand one (26,001) pounds or greater weight;
2. Designed to transport more than eight (8) passengers, including the driver, for compensation;
3. Designed to transport more than fifteen (15) passengers, including the driver, not for compensation; or
4. Transporting hazardous materials in a quantity requiring placarding in accordance with 49 Code of Federal Regulations, Part 172, Subpart F,

shall display the name of the vehicle registrant on each side of the vehicle in two-inch letters or greater which shall be legible from a distance of fifty (50) feet. The city or town serving as the registrant's principal place of business or postal address shall be displayed in two-inch letters or greater on each side of the vehicle adjacent to the registrant's name. Provided however, if the motor carrier holds a valid United States Department of Transportation number, whether for interstate or solely intrastate purposes, the motor carrier's markings shall be in compliance with 49 CFR 390.21.

B. Those not complying with the provisions of this section shall be assessed a fine of not less than One Hundred Dollars (\$100.00). Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of Section 1166 et seq. of this title. Revenue from such fines shall be apportioned as provided in Section 1166 et seq. of this title. Any person in violation of the provisions of this section may be cited by the Oklahoma Highway Patrol, the Corporation Commission, or any county sheriff or municipal law enforcement officer. Any fines collected by a county sheriff or municipal law enforcement officer shall be deposited in the respective county or municipal treasury.

C. After a fine has been assessed pursuant to the provisions of subsection B of this section, the offender shall have ten (10) days to display the name of the registrant on the vehicle as provided in subsection A of this section.

D. The name on the side of the vehicle may differ from the name on the vehicle registration only if a bona fide legal lease is in the vehicle.

Added by Laws 1985, c. 205, § 3, eff. July 1, 1985. Renumbered from Title 47, § 22.5s by Laws 2001, c. 309, § 8, eff. Nov. 1, 2001.

Amended by Laws 2004, c. 522, § 20, eff. July 1, 2004; Laws 2014, c. 296, § 3, eff. July 1, 2014.

§47-1133.3. Noncommercial boat trailers and utility-type trailers - Annual registration.

At the option of the owner, the Oklahoma Tax Commission is authorized to register boat trailers and utility-type trailers, which are not being utilized in a commercial capacity, on an annual basis for a fee of One Dollar (\$1.00).

Added by Laws 2008, c. 378, § 3, eff. July 1, 2008.

§47-1133.4. Single or combination farm use vehicle.

A. No state agency, unless required under federal law, shall require any single or combination farm use vehicle included in this section to participate in the United States Department of Transportation identification numbering system.

B. For the purposes of this section, single or combination farm use vehicle is a vehicle or vehicles with a gross combined weight rating of more than twenty-six thousand one (26,001) pounds if:

1. It is entitled to be registered with a farm tag and has a farm tag attached thereto;

2. It is controlled and operated by a farmer or rancher, his or her family or employees;

3. It is used to transport either agricultural products, livestock, farm machinery, farm supplies or any combination of those materials to or from a farm;

4. It is not used in the operations of a common or contract motor carrier; and

5. It is not transporting hazardous materials as defined under the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act.

Added by Laws 2019, c. 67, § 1, eff. Nov. 1, 2019.

§47-1134. Farm vehicles - License fees - Exemptions.

A. Upon each pickup, truck or truck-tractor owned and operated by one or more farmers and used primarily for farm use, and not for commercial or industrial purposes, the license fee shall be Thirty Dollars (\$30.00). As used in this section, the term "pickup" shall mean a small, light truck with an open back or box used for hauling and designed primarily for the carrying of property rather than people. The term "truck" shall mean a motor vehicle designed or

converted primarily for carrying or hauling farm commodities, property, livestock, or equipment, rather than people.

B. The fees assessed pursuant to this section shall not apply to trailers or semitrailers or combinations thereof used primarily for farm use and for the transportation of products of the farm by the producer thereof. Such fee shall not apply to any trailer or semitrailer or combinations thereof when used primarily for the transportation of any article or articles owned by the operator of the trailer or semitrailer or combinations thereof and not used in the furtherance of or incident to any commercial or industrial enterprise. The provisions of Section 1134.2 of this title shall apply to any trailers or semitrailers when used primarily for the transportation of logs, ties, stave bolts and posts, direct from forest to sawmill.

C. For the purpose of this section, a trailer or semitrailer or combination thereof owned by a farmer and used primarily for the purpose of transporting farm products to market or for the purpose of transporting to the farm material or things to be used thereon, and not for commercial or industrial purposes, may be registered for One Dollar (\$1.00); provided, any such trailer used by the holder of a certificate of convenience and necessity issued by the Oklahoma Corporation Commission or the Interstate Commerce Commission shall be conclusively presumed to be used in and for a commercial use, and must be licensed as such, paying the license fees provided in Section 1133 of this title.

D. Before a party shall be allowed to purchase a license plate or claim an exception or exemption under this section, the party shall:

1. Show an income tax Schedule F for the preceding year; or
2. Present a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of the Oklahoma Statutes.

A violation shall be grounds for revocation of driver's license. Any person who signs the affidavit as required by this section when the person does not believe that the information in the affidavit is true or knows it is not true, upon conviction, shall be guilty of perjury and shall be punished as provided for by law.

E. Any person owning a truck upon which the farm truck license fee has been paid in Oklahoma for the current year and whose truck may be needed during grain harvests or other seasonal farming activities for hauling farm products other than his or her own, or for hauling gravel, shale or other road materials for rural roads, may make application with the Oklahoma Tax Commission for a short term commercial license for such truck for a period of time not to exceed ninety (90) days as provided for in subsection F of this section, or may make application in accordance with the Motor Carrier Harvest Permit Act of 2006 if applicable.

F. Upon such application, the Tax Commission shall issue a temporary commercial truck license and register the truck upon payment of the following fees:

1. For thirty (30) days a fee equal to one-eighth (1/8) of the annual commercial license fee required for such truck.

2. For sixty (60) days a fee equal to one-fourth (1/4) of the annual commercial license fee required for such truck.

3. For ninety (90) days a fee equal to three-eighths (3/8) of the annual commercial license fee required for such truck.

G. Provided, however, the provisions of this section shall not apply to the transportation of persons or property for hire.

Added by Laws 1985, c. 179, § 37, operative July 1, 1985. Amended by Laws 1986, c. 294, § 3, emerg. eff. June 24, 1986; Laws 1987, c. 232, § 6, emerg. eff. July 5, 1987; Laws 1988, c. 167, § 4, emerg. eff. May 24, 1988; Laws 1991, c. 164, § 1, eff. Sept. 1, 1991; Laws 1992, c. 187, § 1, emerg. eff. May 7, 1992; Laws 1995, c. 27, § 7, eff. July 1, 1995; Laws 1996, c. 229, § 2, eff. July 1, 1996; Laws 1999, c. 158, § 1, eff. Nov. 1, 1999; Laws 2006, c. 140, § 4, emerg. eff. May 10, 2006.

§47-1134.1. Taxicabs, privately owned school buses, intercity and intracity motorbuses - License fee.

The following license fees shall be paid annually to the Oklahoma Tax Commission or Oklahoma Corporation Commission, as applicable, upon the registration of the following vehicles;

1. For each taxicab with a seating capacity of ten (10) or less people, the license fee shall be Twenty-five Dollars (\$25.00) and paid to the Oklahoma Tax Commission;

2. For each school bus privately owned and used exclusively for transporting school children, the fee shall be based on seating capacity. For each such school bus with a seating capacity of fifteen (15) or less people, the fee shall be Twenty Dollars (\$20.00). For each such school bus with a seating capacity of more than fifteen (15) people, the fee shall be Twenty-five Dollars (\$25.00) and paid to the Oklahoma Tax Commission;

3. For each intercity motor bus, the fee shall be based on seating capacity and paid to the Oklahoma Tax Commission, or for those buses registered under Section 1120 of this title, paid to the Oklahoma Corporation Commission. For each intercity motor bus with a seating capacity of eleven (11) or less people, the fee shall be Seven Dollars and fifty cents (\$7.50) per seat. For each intercity motor bus with a seating capacity of over eleven (11) but not more than twenty-three (23) people, the fee shall be Nine Dollars (\$9.00) per seat. For each intercity motor bus with a seating capacity of more than twenty-three (23) people, the fee shall be Ten Dollars (\$10.00) per seat. The seating capacity shall be determined by the number of seats available for passengers where separate seats are

used, or by allowing sixteen (16) inches of seating space where separate seats are not used. Provided, that upon all intercity motor buses the license fees provided herein shall after the first year's registration in this or any other state be assessed at eighty percent (80%) of the fee computed and assessed as provided herein; and thereafter shall be assessed at eighty percent (80%) of the previous year's fee so computed for seven (7) successive years, but in no event shall the fee be thus reduced below Ten Dollars (\$10.00). Provided, that the Commission shall issue intercity motor bus registration certificates for motor buses having a seating capacity of not exceeding five (5) seats upon application and payment of necessary fee without further requirements;

4. For each intracity motor bus, the fee shall be based on seating capacity and paid to the Oklahoma Tax Commission. For each intracity motor bus having a seating capacity of not to exceed eight (8) people, the fee shall be Forty Dollars (\$40.00). For each intracity motor bus having a seating capacity in excess of eight (8) and not more than fifteen (15) people, the fee shall be Five Dollars (\$5.00) per seat. For each intracity motor bus having a seating capacity in excess of fifteen (15) and not more than twenty-five (25) people, the fee shall be Six Dollars (\$6.00) per seat. For each intracity motor bus having a seating capacity in excess of twenty-five (25) people, the fee shall be Seven Dollars (\$7.00) per seat. Provided that after the first year's registration of any intracity bus in this or any other state, the license fee thereon shall be assessed at eighty percent (80%) of the fee computed and assessed for the first year, and thereafter, the fee shall be assessed and computed at eighty percent (80%) of the previous year's fee, and shall be so computed and assessed for the next seven (7) consecutive years, after the first year; provided further, that the fee shall not be reduced to less than Twenty-five Dollars (\$25.00). Added by Laws 1985, c. 197, § 4, operative July 1, 1985. Amended by Laws 1993, c. 11, § 2, eff. Sept. 1, 1993; Laws 2014, c. 296, § 4, eff. July 1, 2014; Laws 2015, c. 21, § 1, eff. Nov. 1, 2015.

§47-1134.2. Vehicles used primarily for transporting unfinished and unprocessed forest products - License fee - Affidavit.

A. For each motor vehicle used primarily for the purpose of transporting unfinished and unprocessed forest products, logs, ties, stave bolts and posts, originating and produced in this state from the point of production or harvesting to the point at which they shall first undergo any processing, preparation for processing, conversion or transformation from their raw or natural state, the annual license fee shall be Two Hundred Fifty Dollars (\$250.00).

B. The Oklahoma Tax Commission shall design appropriate license plates for all vehicles registered pursuant to the provisions of this section. Such license plates shall be permanent in nature and shall

be designed in such manner as to remain with the vehicle for the duration of the vehicle's life span or until the title is transferred or the vehicle is no longer used for the purposes specified in subsection A of this section.

C. For purposes of this section, the term "motor vehicle" means a truck or truck-tractor or the combination of a truck or truck-tractor pulling a trailer or semitrailer. When a truck or truck-tractor pulling a trailer or semitrailer is licensed pursuant to the provisions of this section, a separate license plate shall be issued for each truck or truck-tractor and for each trailer or semitrailer for the fee prescribed in subsection A of this section.

D. Before a person shall be allowed to license a vehicle pursuant to the provisions of this section, the person shall sign an affidavit attesting to the fact that he is familiar with the purposes for which vehicles may be used and that he will not use such vehicle for any other purpose. Any person who signs such an affidavit when such person does not believe that the information in the affidavit is true or knows it is not true, upon conviction, shall be guilty of perjury and shall be punished as provided for by law. A violation of the provisions of this section shall also be grounds for revocation of driver's license.

Added by Laws 1992, c. 187, § 2, emerg. eff. May 7, 1992.

§47-1134.3. Wrecker or towing vehicles - License plates - Registration.

A. Each operator of a wrecker or towing service licensed pursuant to Sections 951 through 957 of this title operating a wrecker, wrecker vehicle, combination wrecker, combination wrecker vehicle, or any other motor vehicle which:

1. Is required to be registered in this state pursuant to the Oklahoma Vehicle License and Registration Act except for any vehicle which is properly registered on a proportional basis pursuant to Section 1120 of this title; and

2. Is used primarily for towing other motor vehicles shall register such vehicle in accordance with this section.

B. The Oklahoma Tax Commission shall design an appropriate license plate for all wrecker vehicles registered pursuant to this section. Such license plates shall be permanent in nature and shall be designed in such manner as to remain with the vehicle for the duration of the vehicle's life span or until the title is transferred or the vehicle is no longer used for the purposes specified in Sections 951 through 957 of this title.

C. When registering the vehicle, a person shall be required to submit to the Oklahoma Tax Commission or a motor license agent a copy of the license issued pursuant to law to operate a wrecker or towing service. In addition, a security verification form as required pursuant to Sections 7-601.1 and 7-602 of this title shall be

presented clearly setting forth on the face of such verification the vehicle identification number (VIN) of the vehicle being registered.

D. The owner of any wrecker or towing vehicle not properly registered pursuant to this section or the Oklahoma Vehicle License and Registration Act shall be immediately notified in writing by the Tax Commission, and such owner shall be subject to any penalties and fines imposed by law for improper registration of a vehicle, for failure to register a vehicle, or for failure to display a proper commercial license plate and decal. The owner shall also be subject to revocation of the owner's license to operate a wrecker or towing service.

E. Whenever a term defined in Section 951 of this title is used in this section, it shall have the meaning provided in that section. Added by Laws 1998, c. 134, § 1, eff. Nov. 1, 1998. Amended by Laws 1999, c. 25, § 1, eff. Nov. 1, 1999.

§47-1134.4. Transporting cotton modules - License fees - Penalties.

A. For each motor vehicle registered in this state and used for the purpose of transporting cotton modules from the point of production to the first point of delivery or cotton gin, the annual license fee shall be Sixty Dollars (\$60.00). Fees collected pursuant to this section shall be apportioned pursuant to Section 1104 of Title 47 of the Oklahoma Statutes.

B. The Oklahoma Tax Commission shall design appropriate license plates for all vehicles registered pursuant to this section. The license plates shall be permanent in nature and shall be designed in a manner as to remain with the vehicle for the duration of the vehicle's life span or until the title is transferred or the vehicle is no longer used for the purposes specified in subsection A of this section.

C. Any person, firm or corporation who transports cotton modules without the license required in this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as follows:

1. For the first such violation, by a fine of Five Hundred Dollars (\$500.00);
2. For the second such violation, by a fine of One Thousand Dollars (\$1,000.00); and
3. For the third and subsequent violations, by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00).

D. A motor vehicle subject to the license requirement in this section shall be exempt from the license required pursuant to Section 1133 of Title 47 of the Oklahoma Statutes.

Added by Laws 2012, c. 227, § 1, emerg. eff. May 8, 2012.

§47-1135. Manufactured homes - License fees.

License fees for a manufactured home registered pursuant to the provisions of Section 20 of this act shall be as follows:

1. Where the actual retail selling price, excluding Oklahoma state taxes, is One Thousand Five Hundred Dollars (\$1,500.00) or less, the registration fee shall be Twenty-five Dollars (\$25.00);

2. Where the actual retail selling price, excluding Oklahoma state taxes, is in excess of One Thousand Five Hundred Dollars (\$1,500.00), the registration fee shall be Twenty-five Dollars (\$25.00) plus seventy-five cents (\$0.75) for each One Hundred Dollars (\$100.00) or any fraction thereof, in excess of One Thousand Five Hundred Dollars (\$1,500.00).

Added by Laws 1985, c. 179, § 38, operative July 1, 1985.

§47-1135.1. Special license plates - Political subdivisions - Tax exemption or nonprofit - Physical disability - Indian tribe - Hearing impaired - Antique vehicles - Honorary consul.

A. The Oklahoma Tax Commission is hereby authorized to design and issue appropriate official special license plates to persons as provided by this section.

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

Except as provided in subsection B of this section, special license plates shall be renewed each year by the Tax Commission or a motor license agent. The Tax Commission shall annually notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a motor license agent or the Tax Commission. The license plates shall be issued on a staggered system. The motor license agent fees shall be paid out of the Oklahoma Tax Commission Reimbursement Fund.

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

1. Political Subdivision Plates - such plates shall be designed for any vehicle owned by any political subdivision of this state having obtained a proper Oklahoma certificate of title. Such political subdivisions shall file an annual report with the Tax Commission stating the agency where such vehicle is located. Such license plates shall be permanent in nature and designed in such a manner as to remain with the vehicle for the duration of the life span of the vehicle or until the title is transferred to an owner who is not a political subdivision.

The registration fee shall be Eight Dollars (\$8.00) and shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

2. Tax-Exempt or Nonprofit License Plates - such plates shall be designed for:

- a. any motor bus, manufactured home, or mobile chapel and power unit owned and operated by a religious corporation or society of this state holding a valid exemption from taxation issued pursuant to Section 501(a) of the Internal Revenue Code, 26 U.S.C., Section 501(a), and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code, as amended, 26 U.S.C., Section 501(c)(3), and that is used by the corporation or society solely for the furtherance of its religious functions,
- b. any vehicle owned and operated only by nonprofit organizations devoted exclusively to youth programs including, but not limited to, the Girl Scouts and Boy Scouts of America,
- c. any vehicle, except passenger automobiles, owned or operated by nonprofit organizations actually involved in programs for the employment of the handicapped and used exclusively in the transportation of goods or materials for such organization,
- d. any vehicle owned and operated by a nonprofit organization that provides older persons transportation to and from medical, dental and religious services and relief from business and social isolation,
- e. any vehicle owned and operated by a private nonprofit organization that:
 - (1) warehouses and distributes surplus foods to other nonprofit agencies and organizations, and
 - (2) holds a valid exemption from taxation issued pursuant to Section 501(c) of the Internal Revenue Code, as amended, 26 U.S.C., Section 501(c), and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code, as amended, and
 - (3) uses such vehicle exclusively for the transportation of such surplus foods,
- f. any vehicle which:
 - (1) is owned and operated by a private, nonprofit organization which is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and which is primarily funded by a fraternal or civic service organization with at least one hundred local chapters or clubs, and
 - (2) is designed and used to provide mobile health screening services to the general public at no cost to the recipient, and for which no

- reimbursement of any kind is received from any health insurance provider, health maintenance organization or governmental program, or
- g. any vehicle owned and operated by the Civil Air Patrol, a congressionally chartered corporation that also serves an auxiliary of the United States Air Force and which is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and is used exclusively for its corporate missions of aerospace education, cadet programs and emergency services. Such license plates shall be permanent in nature and designed in such a manner as to remain with the vehicle for the duration of the life span of the vehicle or until the title to such vehicle is transferred to an owner who is not subject to this exemption. Such vehicles shall be exempt from the registration fees levied under Section 1132 of this title, except that an initial registration fee of Twenty-five Dollars (\$25.00) shall apply to each vehicle.

Any person claiming to be eligible for a tax-exempt or nonprofit license plate under the provisions of this paragraph must have the name of the tax-exempt or nonprofit organization prominently displayed upon the outside of the vehicle, except those vehicles registered pursuant to the provisions of subparagraph b of this paragraph, unless such display is prohibited by federal or state law or by state agency rules. No vehicle shall be licensed as a tax-exempt or nonprofit vehicle unless the vehicle has affixed on each side thereof, in letters not less than two (2) inches high and two (2) inches wide, the name of the tax-exempt or nonprofit organization or the insignia or other symbol of such organization which shall be of sufficient size, shape and color as to be readily legible during daylight hours from a distance of fifty (50) feet while the vehicle is not in motion.

Except as provided in subparagraph g of this paragraph, the registration fee shall be Eight Dollars (\$8.00) and shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

3. Physically Disabled License Plates - such plates shall be designed for persons who are eligible for a physically disabled placard under the provisions of Section 15-112 of this title. It shall prominently display the international accessibility symbol, which is a stylized human figure in a wheelchair. The Tax Commission shall also design physically disabled license plates for motorcycles owned by persons who are eligible for a physically disabled placard pursuant to the provisions of Section 15-112 of this title. Upon the death of the physically disabled person, the disabled license plate

shall be returned to the Tax Commission. There shall be no fee for such plate in addition to the rate provided by the Oklahoma Vehicle License and Registration Act for the registration of the vehicle. For an additional fee of Ten Dollars (\$10.00), a person eligible for a physically disabled license plate shall have the option of purchasing a duplicate physically disabled special license plate which shall be securely attached to the front of the vehicle. The original physically disabled special license plate shall be securely attached to the rear of the vehicle at all times.

Any person who is eligible for a physically disabled license plate and whose vehicle has had modifications because of the physical disability of the owner or of a family member within the second degree of consanguinity of the owner, may register the vehicle for a flat fee of Twenty-five Dollars (\$25.00). This fee shall be in lieu of all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

4. Indian Tribal License Plates - such plates shall be designed for any vehicle of a native American Indian Tribal Association exempted in Sections 201 through 204 of Public Law 97-473 and used by the tribal association exclusively for the furtherance of its tribal functions.

The registration fee shall be Eight Dollars (\$8.00) and shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

5. Hearing Impaired License Plates - such plates shall be designed for persons who are hearing impaired. Such persons may apply for a hearing-impaired license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon the presentment of an application on a form furnished by the Tax Commission and certified by a physician holding a valid license to practice pursuant to the licensing provisions of Title 59 of the Oklahoma Statutes, attesting that the person is hearing impaired. The license plate shall be designed so that such persons may be readily identified as being hearing impaired. There shall be no additional fee for the plate, but all other registration fees provided by the Oklahoma Vehicle License and Registration Act shall apply;

6. Antique or Classic Vehicles License Plates - such plates shall be designed and issued for any vehicle twenty-five (25) years of age or older, based upon the date of manufacture thereof and which travels on the highways of this state primarily incidental to historical or exhibition purposes only.

The registration fee shall be Eight Dollars (\$8.00) and shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title. Any person registering an antique or classic vehicle may elect to have the vehicle registered for a ten-year period. The registration fee for the elected ten-year registration shall be Seventy-five Dollars

(\$75.00). The motor license agent registering the antique or classic vehicle for a ten-year period shall receive one hundred percent (100%) of the fees the motor license agent would have otherwise received pursuant to subsection A of Section 1141.1 of this title if the antique or classic vehicle had been registered on an annual basis; and

7. Honorary Consul License Plates - such plates shall be designed to include the words "Honorary Consul" and issued to persons who are honorary consuls authorized by the United States to perform consular duties. Persons applying for such license plates must show proof of standing as an honorary consul. The fee for such plate shall be Eight Dollars (\$8.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The owner of the vehicle that possesses such license plates shall return the special license plates to the Oklahoma Tax Commission if the owner disposes of the vehicle during the registration year or ceases to be authorized to perform consular duties.

C. Special license plates provided by this section shall be designed in such a manner as to identify the use or ownership of the vehicle. Use of any vehicle possessing a special license plate provided by this section for any purpose not specified herein shall be grounds for revocation of the special license plate and registration certificate.

D. The fees provided by this section shall be deposited in the Oklahoma Tax Commission Reimbursement Fund.
Added by Laws 2004, c. 504, § 10, eff. July 1, 2004. Amended by Laws 2007, c. 272, § 1, eff. Nov. 1, 2007; Laws 2010, c. 302, § 6, emerg. eff. June 5, 2010; Laws 2016, c. 26, § 1, eff. Nov. 1, 2016.

§47-1135.2. Special license plates - Armed forces - Medals of honor - Police and sheriff - Legislators and officials - Volunteers - Victims and survivors - Amateur radio operators - Alumni.

A. The Oklahoma Tax Commission is hereby authorized to design and issue appropriate official special license plates to persons in recognition of their service or awards as provided by this section.

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

Special license plates shall be renewed each year by the Tax Commission or a motor license agent. The Tax Commission shall annually notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a motor license agent or the Tax Commission. The license plates shall be

issued on a staggered system except for legislative plates and amateur radio operator license plates.

The Tax Commission is hereby directed to develop and implement a system whereby motor license agents are permitted to accept applications for special license plates authorized under this section. The motor license agent shall confirm the applicant's eligibility, if applicable, collect and deposit any amount specifically authorized by law, accept and process the necessary information directly into such system and generate a receipt accordingly. For performance of these duties, motor license agents shall retain the fee provided in Section 1141.1 of this title for registration of a motor vehicle. The motor license agent fees for acceptance of applications and renewals shall be paid out of the Oklahoma Tax Commission Reimbursement Fund.

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

1. Prisoner of War License Plates - such plates shall be designed for honorably discharged or present members of the United States Armed Forces and civilians who were former prisoners of war held by a foreign country and who can provide proper certification of that status. Such persons may apply for a prisoner of war license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased former prisoner of war, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a prisoner of war license plate for one vehicle with a rated carrying capacity of one (1) ton or less. The fee provided by this section for the special license plate authorized by this paragraph shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

2. National Guard License Plates - such plates shall be designed for active or retired members of the Oklahoma National Guard. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually;

3. Air National Guard License Plates - such plates shall be designed for active or retired members of the Oklahoma Air National Guard. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually;

4. United States Armed Forces - such plates shall be designed for active, retired, former or reserve members of the United States Armed Forces, and shall identify which branch of service, and carry the emblem and name of either the Army, Navy, Air Force, Marines or Coast Guard, according to the branch of service to which the member belongs or did belong. Former members who have been dishonorably

discharged shall not be eligible for such plates. Persons applying for such license plate must show proof of present or past military service by presenting a valid Uniformed Services Identity Card or the United States Department of Defense Form (DD)214. Retired or former members who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually;

5. Congressional Medal of Honor Recipient License Plates - such plates shall be designed for any resident of this state who has been awarded the Congressional Medal of Honor. Such persons may apply for a Congressional Medal of Honor recipient license plate for each vehicle with a rated carrying capacity of one (1) ton or less. There shall be no registration fee for the issuance of this plate;

6. Missing In Action License Plates - such plates shall be designed to honor members of the United States Armed Forces who are missing in action. The spouse of such missing person, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, and each parent of the missing person may apply for a missing in action license plate upon presenting proper certification that the person is missing in action and that the person making the application is the qualifying spouse or the parent of the missing person. The qualifying spouse and each parent of the missing person may each apply for the missing in action license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

7. Purple Heart Recipient License Plates - such plates shall be designed for any resident of this state presenting proper certification from the United States Department of Veterans Affairs or the Armed Forces of the United States certifying that such resident has been awarded the Purple Heart military decoration. Such persons may apply for a Purple Heart recipient license plate for vehicles having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased veteran who has been awarded the Purple Heart military decoration, if such spouse has not since remarried, or if remarried, the remarriage has been terminated by death, divorce or annulment, may apply for such plate for one vehicle with a rated carrying capacity of one (1) ton or less. The license plate created by this paragraph shall be exempt from the fee provided by this section for special license plates;

8. Pearl Harbor Survivor License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

- a. a member of the United States Armed Forces on December 7, 1941,
- b. stationed on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the

island of Oahu, or offshore at a distance not to exceed three (3) miles, and

- c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for a Pearl Harbor Survivor license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

9. Iwo Jima License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

- a. a member of the United States Armed Forces in February of 1945,
- b. stationed in February of 1945 on or in the immediate vicinity of the island of Iwo Jima, and
- c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for an Iwo Jima license plate for each vehicle with a rated carrying capacity of one (1) ton or less.

Such license plate shall have the legend "Oklahoma OK" and shall contain three letters and three numbers. Between the letters and numbers shall be a logo of the flag-raising at Iwo Jima. Below the letters, logo and numbers, the plate shall contain the words "FEB." at the left, "Iwo Jima" in the center and "1945" at the right. Such plates shall not be subject to the design requirements of any other license plates prescribed by law other than the space for the placement of the yearly decals for each succeeding year of registration after the initial issue;

10. D-Day Survivor License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

- a. a member of the United States Armed Forces on June 6, 1944,
- b. a participant in the Allied invasion of the coast of Normandy on June 6, 1944; provided, if such participation cannot be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States, the Tax Commission may, in its discretion, accept evidence of such participation from the person applying for the license plate, and
- c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for a D-Day Survivor license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

11. Killed in Action License Plates - such plates shall be designed to honor members of the United States Armed Forces who were

killed in action. The spouse of the deceased person, if the spouse has not remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a killed in action license plate upon presenting proper certification that the person was killed in action and that the person making the application is the qualifying spouse of the deceased person. The qualifying spouse may apply for a killed in action license plate for no more than two vehicles with each vehicle with a rated carrying capacity of one (1) ton or less. The fee provided by this section for the special license plate authorized by this paragraph shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

12. Gold Star Parents License Plates - such plates shall be designed to honor members of the United States Armed Forces who were killed during a war. The parents of the deceased person may apply for a gold star license plate upon presenting proper certification that the person was killed during a war and that the person making the application is the parent of the deceased person. The parent may apply for a gold star parent license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The fee provided by this section for the special license plate authorized by this paragraph shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

13. Military Decoration License Plates - such plates shall be designed for any resident of this state who has been awarded the Distinguished Service Medal, the Distinguished Service Cross, the Distinguished Flying Cross, the Bronze Star military decoration or the Silver Star military decoration. Such persons may apply for a military decoration license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

14. Vietnam Veteran License Plates - such plates shall be designed for honorably discharged or present members of the United States Armed Forces who served in the Vietnam Conflict. Such persons may apply for a Vietnam veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

15. Police Officer License Plates - such plates shall be designed for any currently employed, reserve or retired municipal police officer or full-time, reserve or retired university police officer certified by the Council on Law Enforcement Education and Training or common education police officer certified by the Council on Law Enforcement Education and Training. Police officers may apply for police officer license plates for vehicles with a rated capacity of one (1) ton or less or for a motorcycle upon proof of employment by or retirement from a municipal, university or common education police department by either an identification card or letter from the chief of the police department or the Oklahoma Police Pension and

Retirement Board. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The license plates shall be designed in consultation with municipal police departments of this state; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate;

16. World War II Veteran License Plates - such plates shall be designed to honor honorably discharged former members of the United States Armed Forces who are residents of this state and who can be verified by the Oklahoma Military Department, the Department of Veterans Affairs or the Armed Forces of the United States as having served on federal active duty anytime during the period from September 16, 1940, to December 7, 1945. The former members may apply for a World War II Veteran license plate for vehicles with a rated carrying capacity of one (1) ton or less.

The license plate shall have the legend "Oklahoma" and shall contain, in the center of the plate, either the Thunderbird Insignia of the 45th Infantry Division in the prescribed red and gold coloring or the emblem of the Army, Navy, U.S. Army Air Corps, Marines or Coast Guard according to the branch of service to which the member belonged. For the purpose of license plate identification, the plate shall contain four digits, two digits at the left and two digits at the right of the insignia or emblem. Centered on the bottom of the license plate shall be the words "WORLD WAR II";

17. Korean War Veteran License Plates - such plates shall be designed to honor honorably discharged former members of the United States Armed Forces who are residents of this state and who can be verified by the Oklahoma Military Department, the Department of Veterans Affairs or the Armed Forces of the United States as having served on federal active duty anytime during the period from June 27, 1950, to January 31, 1955, both dates inclusive. The former members may apply for a Korean War Veteran license plate for vehicles with a rated carrying capacity of one (1) ton or less.

The license plate shall have the legend "OKLAHOMA" and shall contain, in the center of the plate, either the Thunderbird Insignia of the 45th Infantry Division in the prescribed red and gold coloring or the emblem of the Army, Navy, Air Force, Marines or Coast Guard according to the branch of service to which the member belonged. For the purpose of license plate identification, the plate shall contain four digits, two digits at the left and two digits at the right of the insignia or emblem. Centered on the bottom of the license plate shall be the word "KOREA";

18. Municipal Official License Plates - such plates shall be designed for persons elected to a municipal office in this state and shall designate the name of the municipality and the district or ward

in which the municipal official serves. The plates shall only be produced upon application;

19. Red Cross Volunteer License Plates - such plates shall be designed to honor American Red Cross volunteers and staff who are residents of this state. Such persons must present an identification card issued by the American Red Cross and bearing a photograph of the person. The license plate shall be designed with the assistance of the American Red Cross and shall have the legend "Oklahoma OK!" in the color Pantone 186C Red. Below the legend the symbol of the American Red Cross and no more than three letters and three numbers shall be in the color Pantone 186C Red. Below the symbol and letters and numbers shall be the words "American Red Cross" in black. The plates shall not be subject to the design requirements of any other license plates prescribed by law other than the space for the placement of the yearly decals for each succeeding year of registration after the initial issue;

20. Desert Storm License Plates - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who served in the Persian Gulf Crisis and the Desert Storm operation. Such persons may apply for a Desert Storm license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

21. Military Reserve Unit License Plates - such plates shall be designed and issued to any honorably discharged or present member of a reserve unit of the United States Armed Forces. Such persons may apply for a Military Reserve Unit license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

22. Oklahoma City Bombing Victims and Survivors License Plates - such plates shall be designed and issued to any victim or survivor of the bombing attack on the Alfred P. Murrah Federal Building in downtown Oklahoma City on April 19, 1995;

23. Civil Air Patrol License Plates - such plates shall be designed and issued to any person who is a member of the Civil Air Patrol. Such persons may apply for a Civil Air Patrol license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of membership in the Civil Air Patrol. The license plate shall be designed in consultation with the Civil Air Patrol;

24. Ninety-Nines License Plates - such plates shall be designed and issued to members of the Ninety-Nines. Persons applying for such license plate must show proof of membership in the Ninety-Nines. The license plates shall be designed in consultation with the Ninety-Nines;

25. Combat Infantryman Badge License Plates - such plates shall be designed to honor recipients of the Combat Infantryman Badge. The plate shall have the legend "Oklahoma OK". Below the legend shall be the Combat Infantryman Badge and three numbers. Below the badge and the numbers shall be the words "Combat Infantryman Badge". Such

persons may apply for a Combat Infantryman Badge license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

26. Somalia Combat Veterans License Plates - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who saw combat in the United Nations relief effort. Such persons may apply for a Somalia Combat Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

27. Police Chaplain License Plates - such plates shall be designed and issued to members of the International Conference of Police Chaplains (ICPC) who have completed the ICPC requirements for basic certification as a police chaplain. The license plates shall be designed in consultation with the ICPC;

28. Joint Service Commendation Medal License Plates - such plates shall be designed and issued to any resident of this state who has been awarded the Joint Service Commendation Medal by the United States Secretary of Defense;

29. Merchant Marine License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission by the Oklahoma Department of Veterans Affairs, and issued to any person who during combat was a member of the Merchant Marines as certified by the Oklahoma Department of Veterans Affairs. Such license plate may be issued for each vehicle with a rated carrying capacity of one (1) ton or less;

30. Legislative License Plates - such plates shall be designed for persons elected to the Oklahoma Legislature and shall designate the house of the Legislature in which the legislator serves and the district number;

31. Disabled Veterans License Plates - such plates shall be designed for persons presenting proper certification from the United States Department of Veterans Affairs or the Armed Forces of the United States certifying such veteran has a service-connected disability rating of fifty percent (50%) or more, regardless which agency pays the disability benefits, or that such veteran has been awarded a vehicle by the United States government or receives a grant from the United States Department of Veterans Affairs for the purchase of an automobile due to a service-connected disability rating or due to the loss of use of a limb or an eye. Such persons may apply to the Tax Commission for a disabled veterans license plate or to a motor license agent for a regular license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased disabled veteran, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, or a surviving spouse in receipt of Dependency and Indemnity Compensation from the United States Department of Veterans Affairs, may apply for a disabled veterans license plate for one

vehicle with a rated carrying capacity of one (1) ton or less. The fee provided by this section for the special license plate authorized by this paragraph shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title. The total expense of this license plate shall not exceed Five Dollars (\$5.00).

If the person qualifies for a disabled veterans license plate and is also eligible for a physically disabled placard under the provisions of Section 15-112 of this title, the person shall be eligible to receive a disabled veterans license plate that also displays the international accessibility symbol, which is a stylized human figure in a wheelchair. Upon the death of the disabled veteran with a disabled veterans license plate with the international accessibility symbol, the plate shall be returned to the Tax Commission;

32. United States Air Force Association License Plates - such plates shall be designed for members of the United States Air Force Association. Persons applying for such license plate must show proof of membership in the Association. The license plates shall be designed in consultation with the Association;

33. Oklahoma Military Academy Alumni License Plates - such plates shall be designed and issued to any resident of this state who is an alumnus of the Oklahoma Military Academy. Such persons may apply for an Oklahoma Military Academy Alumnus license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The license plates shall be designed in consultation with the Oklahoma Military Academy and shall contain the shield of the Academy;

34. Amateur Radio Operator License Plates - such plates shall be designed and issued to any person, holding a valid operator's license, technician class or better, issued by the Federal Communications Commission, and who is also the owner of a motor vehicle currently registered in Oklahoma, in which has been installed amateur mobile transmitting and receiving equipment. Eligible persons shall be entitled to two special vehicle identification plates as herein provided. Application for such identification plates shall be on a form prescribed by the Tax Commission and the plates issued to such applicant shall have stamped thereon the word "Oklahoma" and bear the official call letters of the radio station assigned by the Federal Communications Commission to the individual amateur operator thereof. All applications for such plates must be made to the Tax Commission on or before the first day of October of any year for such plates for the following calendar year and must be accompanied by the fee required in this section together with a certificate, or such other evidence as the Tax Commission may require, of proof that applicant has a valid technician class or better amateur operator's license and proof of applicant's ownership of a vehicle in which radio receiving and transmitting equipment is

installed. Applicants shall only be entitled to one set of special identification plates in any one (1) year, and such calendar year shall be stamped thereon. The right to such special identification plates herein provided for shall continue until the amateur radio operator's license of the person to whom such plates are issued expires or is revoked;

35. American Legion License Plates - such plates shall be designed for members of the American Legion. Persons applying for such license plate must show proof of membership. The license plates shall be designed in consultation with the American Legion of Oklahoma;

36. Deputy Sheriff License Plates - such plates shall be designed for any currently employed or retired county sheriff or deputy sheriff. County sheriffs or deputy sheriffs may apply for such plates for vehicles with a rated capacity of one (1) ton or less upon proof of employment by or retirement from a county sheriff's office by either an identification card or letter from the county sheriff or a government-sponsored retirement board from which the county sheriff or deputy sheriff may be receiving a pension. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The license plates shall be designed in consultation with the county sheriff offices of this state;

37. Gold Star Surviving Spouse License Plates - such plates shall be designed to honor the surviving spouses and children of qualified veterans. As used in this paragraph, "qualified veteran" shall mean:

- a. any person honorably discharged from any branch of the United States Armed Forces or as a member of the Oklahoma National Guard, who died as a direct result of the performance of duties for any branch of the United States Armed Forces or Oklahoma National Guard while on active military duty, or
- b. any person honorably discharged from any branch of the United States Armed Forces or as a member of the Oklahoma National Guard, who died as a result of injury, illness or disease caused by the performance of such duties while on active duty, whether the death occurred while on active duty or after the honorable discharge of such person.

The fee provided by this section for the special license plate authorized by this paragraph shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

38. Korea Defense Service Medal License Plates - such plates shall be designed and issued to any resident of this state who has

been awarded the Korea Defense Service Medal by the United States Secretary of Defense. Such persons may apply for a Korea Defense Service Medal license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

39. 180th Infantry License Plates - such plates shall be designed for members and prior members of the 180th Infantry. Persons applying for such license plate must obtain and provide proof of their membership from the 180th Infantry Association. The license plates shall be designed in consultation with the 180th Infantry;

40. Operation Iraqi Freedom Veteran License Plates - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who served in Operation Iraqi Freedom. Such person may apply for an Operation Iraqi Freedom Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less, or for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate;

41. United States Air Force Academy Alumni License Plates - such plates shall be designed and issued to any resident of this state who is an alumnus of the United States Air Force Academy. Such persons may apply for a United States Air Force Academy Alumnus license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

42. Operation Enduring Freedom Veteran License Plate - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who served in Operation Enduring Freedom on or after September 11, 2001. The license plate shall be designed in consultation with the Military Department of the State of Oklahoma. Such person may apply for an Operation Enduring Freedom Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less, or for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate;

43. Military Multi-Decoration License Plate - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who qualifies for more than one military decoration license plate pursuant to the provisions of this section. The Tax Commission shall develop and implement a system whereby the designs of the eligible license plates can be included together on a single license plate. Such person may apply for a Military Multi-Decoration license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

44. Global War on Terror Expeditionary License Plate - such plates shall be designed and issued to any honorably discharged or

present member of the United States Armed Forces who has earned a Global War on Terror Expeditionary decoration. The license plate shall be designed in consultation with the United States Institute of Heraldry and the Military Department of the State of Oklahoma. Such person may apply for a Global War on Terror Expeditionary license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

45. Legion of Merit Medal Recipient License Plates - such plates shall be designed for any resident of this state presenting proper certification from the United States Department of Veterans Affairs or the Armed Forces of the United States certifying that such resident has been awarded the Legion of Merit military decoration. Such persons may apply for a Legion of Merit recipient license plate for vehicles having a rated carrying capacity of one (1) ton or less. The license plate shall be designed in consultation with the Military Department of the State of Oklahoma;

46. 1-179th License Plates - such plates shall be designed for members, prior members and members of the household of a member or former member of the 1-179th Infantry. Persons applying for such license plate must obtain and provide proof of their membership association with the 1-179th Infantry Association. The license plate shall be designed in consultation with the 1-179th Infantry;

47. 2-179th License Plates - such plates shall be designed for members, prior members and members of the household of a member or former member of the 2-179th Infantry. Persons applying for such license plate must obtain and provide proof of their membership association with the 2-179th Infantry Association. The license plate shall be designed in consultation with the 2-179th Infantry;

48. Combat Action Ribbon Recipient License Plates - such plates shall be designed to honor recipients of the Combat Action Ribbon who present proper certification from the United States Department of the Navy. The license plate shall include the Combat Action Ribbon earned by the recipient. Such persons may apply for a Combat Action Ribbon Recipient license plate for vehicles having a rated carrying capacity of one (1) ton or less;

49. Oklahoma Submarine Veterans License Plate - such plates shall be designed for any resident of this state who is a United States submarine veteran and presents either a Department of Defense form 214 or other documentation certifying such service. Such persons may apply for an Oklahoma Submarine Veterans license plate for vehicles having a rated capacity of one (1) ton or less. The license plate design shall include both gold and silver dolphins to represent both officer and enlisted service members;

50. United States Navy Seabees and Civil Engineer Corps License Plate - such plates shall be designed and issued to any honorably discharged or present member of the United States Navy Seabees or Civil Engineer Corps. Such persons may apply for a United States

Navy Seabees and Civil Engineer Corps license plate for vehicles having a rated carrying capacity of one (1) ton or less. The license plate shall be designed in consultation with the Military Department of the State of Oklahoma;

51. Combat Action Badge Recipient License Plate - such plates shall be designed to honor recipients of the Combat Action Badge who present proper certification from the United States Army. The license plate shall include the Combat Action Badge earned by the recipient. Such persons may apply for a Combat Action Badge Recipient license plate for vehicles having a rated carrying capacity of one (1) ton or less, or for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate;

52. Iraq Combat Veteran License Plate - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who saw combat in Operation Iraqi Freedom. Such persons may apply for an Iraq Combat Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less, or for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate;

53. Afghanistan Combat Veteran License Plate - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who saw combat in Operation Enduring Freedom. Such persons may apply for an Afghanistan Combat Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less, or for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate; and

54. Special Forces Association - such plates shall be designed and issued to any honorably discharged or present member of the Army Special Forces qualified and authorized to wear upon the person's United States military uniform the Army Special Forces Tab. Persons applying for the Special Forces Association license plate must provide a copy of the orders awarding the Special Forces Tab or authorizing its wear upon a United States military uniform. The license plate shall be designed in consultation with the Special Forces Association, Chapter 32-50. The Tax Commission shall produce up to two distinct designs for the Special Forces Association license plate. Qualified persons may select one design at the time of application. The plates shall be issued to any qualified person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates.

C. Unless otherwise provided by this section, the fee for such plates shall be Eight Dollars (\$8.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Such fees shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act.

Added by Laws 2004, c. 504, § 11, eff. July 1, 2004. Amended by Laws 2005, c. 416, § 3, eff. Nov. 1, 2005; Laws 2006, c. 152, § 1, eff. July 1, 2006; Laws 2006, c. 272, § 5, eff. Nov. 1, 2006; Laws 2007, c. 1, § 31, eff. July 1, 2007; Laws 2009, c. 311, § 1, eff. Nov. 1, 2009; Laws 2010, c. 366, § 1, eff. Nov. 1, 2010; Laws 2011, c. 1, § 23, emerg. eff. March 18, 2011; Laws 2012, c. 204, § 1, eff. Nov. 1, 2012; Laws 2013, c. 365, § 2, eff. Nov. 1, 2013; Laws 2014, c. 79, § 1, eff. Nov. 1, 2014; Laws 2014, c. 249, § 1, eff. Nov. 1, 2014; Laws 2014, c. 372, § 1, eff. Nov. 1, 2014; Laws 2015, c. 54, § 12, emerg. eff. April 10, 2015; Laws 2019, c. 434, § 1, eff. Nov. 1, 2019.

NOTE: Laws 2006, c. 275, § 1 repealed by Laws 2007, c. 1, § 32, eff. July 1, 2007. Laws 2006, c. 311, § 23 repealed by Laws 2007, c. 1, § 33, eff. July 1, 2007. Laws 2006, 2nd Ex. Sess., c. 44, § 22 repealed by Laws 2007, c. 1, § 34, eff. July 1, 2007. Laws 2010, c. 302, § 7 repealed by Laws 2011, c. 1, § 24, emerg. eff. March 18, 2011. Laws 2014, c. 351, § 1 repealed by Laws 2015, c. 54, § 13, emerg. eff. April 10, 2015.

§47-1135.3. Special license plates - Associations, fraternities, sororities, orders, clubs, schools - Commemoration of occasions - Demonstration of support or affiliation.

A. The Oklahoma Tax Commission is hereby authorized to design and issue appropriate official special license plates to persons wishing to demonstrate support, interest, or membership to or for an organization, occupation, cause or other subject as provided by this section.

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

Special license plates shall be renewed each year by the Tax Commission or a motor license agent, unless authorized by the Tax Commission to be renewed for a period greater than one (1) year. The Tax Commission shall notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a motor license agent or the Tax Commission. The license plates shall be issued on a staggered system.

The Tax Commission is hereby directed to develop and implement a system whereby motor license agents are permitted to accept

applications for special license plates authorized under this section. The motor license agent shall confirm the applicant's eligibility, if applicable, collect and deposit any amount specifically authorized by law, accept and process the necessary information directly into such system and generate a receipt accordingly. For performance of these duties, motor license agents shall retain the fee provided in Section 1141.1 of this title for registration of a motor vehicle. The motor license agent fees for acceptance of applications and renewals shall be paid out of the Oklahoma Tax Commission Reimbursement Fund.

If fewer than one hundred of any type of special license plates authorized prior to January 1, 2004, are issued prior to January 1, 2006, the Tax Commission shall discontinue issuance and renewal of that type of special license plate. Any such authorized special license plate registrant shall be allowed to display the license plate upon the designated vehicle until the registration expiration date. After such time the expired special license plate shall be removed from the vehicle.

Except as otherwise provided in law, for special license plates authorized on or after July 1, 2004, no special license plates shall be developed or issued by the Tax Commission until the Commission receives one hundred (100) prepaid applications therefor. The prepaid applications must be received by the Tax Commission within one hundred eighty (180) days of the effective date of the authorization or the authority to issue shall be null and void. In the event one hundred (100) prepaid applications are not received by the Tax Commission within such prescribed time period any payment so received shall be refunded accordingly.

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

1. Round and Square Dance License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for round and square dancing;

2. National Association for the Advancement of Colored People License Plate - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the NAACP, and issued to any person wishing to demonstrate support for the NAACP;

3. National Rifle Association License Plate - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the National Rifle Association, and issued to any person wishing to demonstrate support for the National Rifle Association;

4. Masonic Fraternity License Plate - such plates shall be designed and issued to any resident of this state who is a member of a Masonic Fraternity of Oklahoma. Such persons may apply for a Masonic Fraternity license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Masonic

Fraternity membership or upon the presentment of an application for a Masonic Fraternity license plate authorized and approved by the Grand Lodge of Oklahoma. The license plates shall be designed in consultation with the Masonic Fraternities of Oklahoma and shall contain the Masonic emblem;

5. Shriner's Hospitals for Burned and Crippled Children License Plate - such plates shall be designed to demonstrate support for Shriner's Hospitals for Burned and Crippled Children and shall be issued to any resident of this state who is a member of a Shriner's Temple in Oklahoma. The license plate shall be designed in consultation with the Shriner's Temples in Oklahoma and shall contain the Shriner's emblem;

6. Balloonists License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for hot air ballooning in this state;

7. Order of the Eastern Star License Plate - such plates shall be designed and issued to any resident of this state who is a member of an Order of the Eastern Star. Such persons may apply for an Order of the Eastern Star license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of an Order of the Eastern Star membership or upon the presentment of an application for an Order of the Eastern Star license plate authorized and approved by the organization. The license plate shall be designed in consultation with the Order of the Eastern Star and shall contain the Order of the Eastern Star emblem;

8. Knights of Columbus License Plate - such plates shall be designed and issued to any resident of this state who is a member of the Knights of Columbus. Such persons may apply for a Knights of Columbus license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Knights of Columbus membership or upon the presentment of an application for a Knights of Columbus license plate authorized and approved by the organization. The license plate shall be designed in consultation with the Knights of Columbus and shall contain the Knights of Columbus emblem;

9. Jaycees License Plate - such plates shall be designed and issued to members of the Jaycees. Persons applying for such license plate must show proof of membership in the Jaycees. The license plates shall be designed in consultation with the Jaycees;

10. Kiwanis International License Plate - such plates shall be designed and issued to members of Kiwanis International. Persons applying for such license plate must show proof of membership in Kiwanis International. The license plates shall be designed in consultation with Kiwanis International;

11. Certified Public Accountants License Plate - such plates shall be designed and issued to any resident of this state who is a Certified Public Accountant. Such persons may apply for a Certified Public Accountant license plate for each vehicle with a rated

carrying capacity of one (1) ton or less upon proof of status as a Certified Public Accountant. The license plates shall be designed in consultation with the Oklahoma Society of Certified Public Accountants;

12. Civil Emergency Management License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the state civil emergency management system. Persons applying for such license plate must show proof of official affiliation by presenting a nonexpired proof of employment, affiliation or retirement in the form of an identification card or letter on official letterhead from a municipal, county or state emergency management department head;

13. Civilian Conservation Corps License Plate - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the Civilian Conservation Corps Association, and issued to any person wishing to demonstrate support of the Civilian Conservation Corps;

14. Rotarian License Plate - such plates shall be designed and issued to any resident of this state who is a member of a Rotarian Club of Oklahoma. Such persons may apply for a Rotarian license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Rotarian Club membership or upon the presentment of an application for a Rotarian license plate authorized and approved by a Rotarian Club of Oklahoma. The license plates shall be designed in consultation with the five Rotarian District Governors and shall contain the Rotarian emblem;

15. Benevolent Protective Order of Elks License Plate - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the Benevolent Protective Order of Elks, and issued to any resident of this state who is a member of the Benevolent Protective Order of Elks;

16. Humane Society License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Humane Society of the United States. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Humane Society logo;

17. Oklahoma Mustang Club License Plate - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the Oklahoma Mustang Club, and issued to any resident of this state who is a member of the Oklahoma Mustang Club. Such persons may apply for an Oklahoma Mustang Club license plate upon presentment of proof of membership in the Oklahoma Mustang Club. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates;

18. American Business Clubs (AMBUCS) License Plate - such plates shall be designed and issued to members of American Business Clubs.

Persons applying for such license plate must show proof of membership in AMBUCS. The license plates shall be designed in consultation with American Business Clubs;

19. West Point 200th Anniversary License Plate - such plates shall be designed and issued to any person wishing to commemorate the Two Hundredth Anniversary of the founding of the United States Military Academy at West Point, New York. The license plates shall be designed in consultation with the West Point Society of Central Oklahoma;

20. Oklahoma Aquarium License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the Oklahoma Aquarium. The license plates shall be designed in consultation with the Oklahoma Aquarium;

21. The Pride of Broken Arrow License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for The Pride of Broken Arrow marching band. The plates shall be designed in consultation with the Broken Arrow Public School System;

22. Fellowship of Christian Athletes License Plate - such plates shall be designed in consultation with the Fellowship of Christian Athletes and issued to members and supporters of the Fellowship of Christian Athletes;

23. Parrothead Club License Plate - such plates shall be designed and issued to members and supporters of the Parrothead Club. The license plate shall be issued to any person in any combination of numbers and letters from one to a maximum of seven as for personalized license plates;

24. Oklahoma Bicycling Coalition License Plate - such plates shall be designed and issued to any person who is a member of the Oklahoma Bicycling Coalition. The license plates shall be designed in consultation with the Oklahoma Bicycling Coalition;

25. Electric Lineman License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for Oklahoma's electric linemen. The license plates shall be designed in consultation with the Oklahoma Electric Superintendent's Association;

26. Alpha Kappa Alpha License Plate - such plates shall be designed and issued to any person who is a member of Alpha Kappa Alpha Sorority. The license plates shall be designed in consultation with the Oklahoma Chapter of Alpha Kappa Alpha Sorority;

27. The National Pan-Hellenic Council Incorporated License Plate - such plates shall be designed and issued to any person wishing to demonstrate support to any of the nine sororities and fraternities recognized by the National Pan-Hellenic Council Incorporated. The license plates shall be designed in consultation with the Oklahoma Chapter of the National Pan-Hellenic Council Incorporated;

28. Organ, Eye and Tissue License Plate - such plates shall be designed and issued to persons wishing to demonstrate support and increase awareness for organ, eye and tissue donation. The license

plates shall be designed in consultation with the State Department of Health;

29. Central Oklahoma Habitat for Humanity License Plate - such plates shall be designed and issued to persons wishing to demonstrate support and increase awareness for Habitat for Humanity. The license plate shall be designed in consultation with Central Oklahoma Habitat for Humanity;

30. Family Career and Community Leaders of America Incorporated License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for Family Career and Community Leaders of America Incorporated. The license plates shall be designed in consultation with Family Career and Community Leaders of America Incorporated;

31. Delta Sigma Theta License Plate - such plates shall be designed and issued to any person who is a member of Delta Sigma Theta Sorority. The license plates shall be designed in consultation with the Oklahoma Chapter of Delta Sigma Theta Sorority Incorporated;

32. Omega Psi Phi License Plate - such plates shall be designed and issued to any person who is a member of Omega Psi Phi Fraternity. The license plates shall be designed in consultation with the Oklahoma Chapter of Omega Psi Phi Fraternity Incorporated;

33. Alpha Phi Alpha License Plate - such plates shall be designed and issued to any person who is a member of Alpha Phi Alpha Fraternity. The license plates shall be designed in consultation with the Oklahoma Chapter of Alpha Phi Alpha Fraternity Incorporated;

34. 50th Anniversary of the Interstate System of Highways License Plate - such plates shall be designed and issued to persons wishing to commemorate the 50th Anniversary of the Interstate System of Highways. The license plates shall be designed in consultation with the American Association of State Highway and Transportation Officials;

35. Kappa Alpha Psi License Plate - such plates shall be designed and issued to any person who is a member of Kappa Alpha Psi Fraternity. The license plates shall be designed in consultation with the Oklahoma Chapter of Kappa Alpha Psi Fraternity Incorporated;

36. Sigma Gamma Rho License Plate - such plates shall be designed and issued to any person who is a member of Sigma Gamma Rho Sorority. The license plates shall be designed in consultation with the Oklahoma Chapter of Sigma Gamma Rho Sorority Incorporated. Subject to the provisions of subsection A of this section, the Sigma Gamma Rho License Plate is hereby reauthorized effective November 1, 2013;

37. Multiple Sclerosis License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for and increase awareness of multiple sclerosis. The license plates shall be designed in consultation with the Oklahoma Chapter of the National Multiple Sclerosis Society;

38. Frederick Douglass High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Frederick Douglass High School located in Oklahoma City. The plates shall be designed in consultation with representatives of Frederick Douglass High School National Alumni Association;

39. United States Air Force Academy License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the United States Air Force Academy;

40. In God We Trust License Plate - such plates shall be designed to include the motto, "In God We Trust", and shall be issued to any person wishing to demonstrate support for the motto;

41. National Weather Center License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the National Weather Center in Norman. The plates shall be designed in consultation with representatives of the National Weather Center Directors;

42. Make-A-Wish Foundation License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the Make-A-Wish Foundation. The license plates shall be designed in consultation with the Oklahoma Chapter of the National Make-A-Wish Foundation;

43. South Central Section PGA Foundation License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the South Central Section PGA Foundation. The license plates shall be designed in consultation with the South Central Section PGA Foundation;

44. Putnam City High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Putnam City High School. The plates shall be designed in consultation with representatives of Putnam City High School Alumni Association, Inc.;

45. Autism Awareness License Plate - such plates shall be designed and issued to any person wishing to increase awareness of autism. The license plate shall be designed in consultation with the Oklahoma Autism Network;

46. Oklahoma Blood Institute License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Blood Institute. The license plates shall be designed in consultation with the Oklahoma Blood Institute;

47. Zeta Phi Beta and Phi Beta Sigma License Plate - such plates shall be designed and issued to any person who is a member of Zeta Phi Beta Sorority or Phi Beta Sigma Fraternity. The license plates shall be designed in consultation with the Oklahoma chapters of Zeta Phi Beta Sorority Incorporated and Phi Beta Sigma Fraternity Incorporated;

48. Star Spencer High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support

for Star Spencer High School located in Oklahoma City. The plates shall be designed in consultation with representatives of the Star Spencer High School Alumni Association. Subject to the provisions of subsection A of this section, the Star Spencer High School License Plate is hereby reauthorized effective November 1, 2015;

49. Northeast High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Northeast High School located in Oklahoma City. The plates shall be designed in consultation with representatives of the Northeast High School Alumni Association;

50. Oklahoma City Central High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma City Central High School Alumni Association. The plates shall be designed in consultation with representatives of the Oklahoma City Central High School Alumni Association;

51. Oklahoma Rifle Association License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Rifle Association. The plates shall be designed in consultation with representatives of the Oklahoma Rifle Association;

52. Oklahoma City Thunder License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma City Thunder. The license plate shall be designed in consultation with the Oklahoma City Thunder organization;

53. Ovarian Cancer Awareness License Plate - such plates shall be designed and issued to any person wishing to increase awareness of ovarian cancer. The license plate shall be designed in consultation with the HOPE in Oklahoma organization;

54. BMW Car Club of America License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the BMW Car Club of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plate shall be designed in consultation with the Sunbelt Chapter of the BMW Car Club of America. Subject to the provisions of subsection A of this section, the BMW Car Club of America License Plate is hereby reauthorized effective November 1, 2013;

55. Don't Tread On Me License Plate - such plates shall be designed to include the yellow background and rattlesnake emblem above the motto "DON'T TREAD ON ME" as found on the historic Gadsden flag, and shall be issued to any person wishing to demonstrate support for the freedom and liberty of the Republic;

56. Oklahomans for the Arts License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for arts, culture and creative industries as well as arts education. The plates shall be designed in consultation with Oklahomans for the Arts;

57. Oklahoma City Barons License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma City Barons. The license plate shall be designed in consultation with the Oklahoma City Barons organization. The license plates shall be issued to any person in any combination of numbers and letters from one to a maximum of six;

58. Oklahoma City Redhawks License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma City Redhawks. The license plate shall be designed in consultation with the Oklahoma City Redhawks organization;

59. Tulsa Shock License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa Shock. The license plate shall be designed in consultation with the Tulsa Shock organization;

60. Tulsa Oilers License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa Oilers. The license plate shall be designed in consultation with the Tulsa Oilers organization;

61. Tulsa Drillers License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa Drillers. The license plate shall be designed in consultation with the Tulsa Drillers organization;

62. Millwood School District License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Millwood School District. The license plate shall be designed in consultation with representatives of the Millwood School District;

63. Booker T. Washington High School License Plate - such plates shall be issued to persons wishing to demonstrate support for Booker T. Washington High School and shall be designed in consultation with the Booker T. Washington High School National Alumni Association;

64. Oklahoma Current State Flag License Plate - such plates shall be designed to include the current Oklahoma state flag and issued to any person wishing to demonstrate support for the current Oklahoma state flag. The plates shall be designed in consultation with the Friends of the Oklahoma History Center;

65. Oklahoma Original State Flag License Plate - such plates shall be designed to include the original Oklahoma state flag and issued to any person wishing to demonstrate support for the original Oklahoma state flag. The plates shall be designed in consultation with the Friends of the Oklahoma History Center. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. Subject to the provisions of subsection A of this section, the Oklahoma Original State Flag license plate is hereby reauthorized effective November 1, 2015;

66. Tulsa 66ers License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa 66ers. The plates shall be designed in consultation with the Tulsa 66ers Organization;

67. Frederick Bombers License Plate - such plates shall be issued to persons wishing to demonstrate support for the Frederick School District and shall be designed in consultation with representatives of the Frederick School District;

68. 911 Dispatcher License Plate - such plates shall be issued to persons wishing to demonstrate support for 911 dispatchers. Persons applying for such license plate must show proof of current employment as a 911 dispatcher or sign an attestation that they are a currently employed or retired 911 dispatcher;

69. Oklahoma Fosters License Plate - such plates shall be issued to persons wishing to demonstrate support for the Oklahoma Fosters Initiative and shall be designed in consultation with the Oklahoma Fosters Initiative;

70. Red Dirt Jeeps License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Red Dirt Jeeps and such plates shall be designed in consultation with Red Dirt Jeeps, L.L.C.;

71. Sons of the American Revolution License Plate - such plates shall be issued to persons wishing to demonstrate support for the Sons of the American Revolution for a vehicle or motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. Such plates shall be designed in consultation with the Oklahoma Society of the Sons of the American Revolution. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate;

72. Daughters of the American Revolution License Plate - such plates shall be issued to persons wishing to demonstrate support for the Daughters of the American Revolution for a vehicle or motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. Such plates shall be designed in consultation with the Oklahoma Society of the Daughters of the American Revolution. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate;

73. Air Medal License Plate - such plates shall be designed and issued to Air Medal recipients. An individual requesting the plate is required, at the time of application, to show proof he or she is a recipient of the Air Medal or sign an attestation stating that he or she is a medal recipient. The plates shall be designed to include the Air Medal emblem and shall include the words "Air Medal" on the plate;

74. Oklahoma Institute for Child Advocacy License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Institute for Child Advocacy. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plates shall contain the official Oklahoma Institute for Child Advocacy logo;

75. The Pride of Oklahoma Marching Band License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Pride of Oklahoma marching band. The plates shall be designed in consultation with the University of Oklahoma;

76. The Spirit of Oklahoma State Marching Band License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Spirit of Oklahoma State marching band. The plates shall be designed in consultation with Oklahoma State University;

77. Southeast Spartans License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Southeast High School Spartans and such plates shall be designed in consultation with the Southeast High School Alumni Association;

78. Catoosa High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Catoosa High School located in Catoosa. The plates shall bear the image of the Catoosa High School mascot and be designed in consultation with representatives of Catoosa High School;

79. Toastmasters International License Plate - such plates shall be issued to persons wishing to demonstrate support for Toastmasters International and shall be designed in consultation with District 16 of Toastmasters International;

80. Millwood High School Alumni License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Millwood High School Alumni. The license plate shall be designed in consultation with representatives of the Millwood High School Alumni Association;

81. Patriot Guard Riders License Plate - such plates shall be issued to persons wishing to demonstrate support for Patriot Guard Riders and shall be designed in consultation with the Patriot Guard Riders of Oklahoma; and

82. Bixby School District License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Bixby School District. The license plate shall be designed in consultation with representatives of the Bixby School District.

C. The fee for such plates shall be Fifteen Dollars (\$15.00) per year of renewal and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Unless otherwise provided in this section, the fee shall be

apportioned as follows: Eight Dollars (\$8.00) per year of renewal of the special license plate fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act and the remaining Seven Dollars (\$7.00) per year of renewal of the special license plate fee shall be apportioned as provided in Section 1104 of this title.

Added by Laws 2004, c. 504, § 12, eff. July 1, 2004. Amended by Laws 2005, c. 416, § 4, eff. Nov. 1, 2005; Laws 2006, c. 311, § 24, emerg. eff. June 8, 2006; Laws 2007, c. 1, § 35, emerg. eff. Feb. 22, 2007; Laws 2009, c. 311, § 2, eff. Nov. 1, 2009; Laws 2010, c. 366, § 2, eff. Nov. 1, 2010; Laws 2011, c. 248, § 1, eff. Nov. 1, 2011; Laws 2013, c. 197, § 1, eff. Nov. 1, 2013; Laws 2013, c. 365, § 3, eff. Nov. 1, 2013; Laws 2014, c. 4, § 14, emerg. eff. April 2, 2014; Laws 2014, c. 351, § 2, eff. Nov. 1, 2014; Laws 2015, c. 54, § 14, emerg. eff. April 10, 2015; Laws 2015, c. 372, § 1, eff. Nov. 1, 2015; Laws 2016, c. 210, § 23, emerg. eff. April 26, 2016; Laws 2017, c. 97, § 1, eff. Nov. 1, 2017; Laws 2017, c. 331, § 2, eff. Nov. 1, 2017; Laws 2018, c. 226, § 1, eff. Nov. 1, 2018; Laws 2019, c. 25, § 24, emerg. eff. April 4, 2019; Laws 2019, c. 236, § 1, eff. Nov. 1, 2019; Laws 2019, c. 434, § 2, emerg. eff. May 23, 2019.

NOTE: Editorially renumbered from § 1135.3 of Title 68 to provide consistency in numbering.

NOTE: Laws 2006, c. 275, § 2 repealed by Laws 2007, c. 1, § 36, emerg. eff. Feb. 22, 2007. Laws 2013, c. 229, § 2 repealed by Laws 2014, c. 4, § 15, emerg. eff. April 2, 2014. Laws 2014, c. 372, § 2 repealed by Laws 2015, c. 54, § 15, emerg. eff. April 10, 2015. Laws 2015, c. 378, § 1 repealed by Laws 2016, c. 210, § 24, emerg. eff. April 26, 2016. Laws 2018, c. 293, § 1 repealed by Laws 2019, c. 25, § 25, emerg. eff. April 4, 2019.

§47-1135.4. Personalized license plates.

A. The Oklahoma Tax Commission is hereby authorized to design and issue personalized license plates. The personalized license plates shall be issued on a staggered system except for vintage decals.

Personalized special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The personalized special license plate may then be used on another vehicle but only after such other vehicle has been registered for the current year.

Personalized special license plates shall be renewed each year by the Tax Commission or a motor license agent, unless authorized by the Tax Commission to be renewed for a period greater than one (1) year. The Tax Commission shall notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon

presentation to a motor license agent or the Tax Commission. The motor license agent fees for renewals shall be paid out of the Oklahoma Tax Commission Reimbursement Fund.

B. Such plates shall be designed and issued for the following:

1. Any person in any combination of numbers or letters from one to a maximum of seven;

2. Persons eligible for two or more of the military decoration special license plates provided for in this title. Such plates may be issued in any combination of emblems. However, such plates shall only display up to three emblems and shall also display any combination of letters or numbers from one to a maximum of three;

3. Motorcycles in any combination of numbers or letters from one to a maximum of six;

4. Persons eligible for Korean War Veteran license plates provided for in this title. Such plates may display any combination of letters or numbers up to three on each side of the insignia or emblem;

5. Persons eligible for World War II Veteran license plates provided for in this title. Such plates may display any combination of letters or numbers up to three on each side of the insignia or emblem; and

6. Persons owning vehicles which are twenty-one (21) years and older are qualified to submit for approval by the Tax Commission or a motor license agent a vintage but expired official Oklahoma license plate which is twenty-one (21) years and older. Upon approval of such personalized plate, the owner shall be issued the annual registration decal which the Tax Commission or agent shall direct to be affixed.

C. The fee for such plates shall be Twenty Dollars (\$20.00) per year of renewal and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Eight Dollars (\$8.00) per year of renewal of the personalized tag fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act. Twelve Dollars (\$12.00) per year of renewal of the personalized tag fee shall be apportioned as provided in Section 1104 of this title.

Added by Laws 2004, c. 504, § 13, eff. July 1, 2004. Amended by Laws 2018, c. 69, § 3, eff. Nov. 1, 2018.

§47-1135.5. Special license plates - Demonstration of support and financial assistance to specific causes.

A. The Oklahoma Tax Commission is hereby authorized to design and issue appropriate official special license plates to persons wishing to demonstrate support and provide financial assistance as provided by this section.

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

Special license plates shall be renewed each year by the Tax Commission or a motor license agent, unless authorized by the Tax Commission to be renewed for a period greater than one (1) year. The Tax Commission shall notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a motor license agent or the Tax Commission. The license plates shall be issued on a staggered system.

The Tax Commission is hereby directed to develop and implement a system whereby motor license agents are permitted to accept applications for special license plates authorized under this section. The motor license agent shall confirm the applicant's eligibility, if applicable, collect and deposit any amount specifically authorized by law, accept and process the necessary information directly into such system and generate a receipt accordingly. For performance of these duties, motor license agents shall retain the fee provided in Section 1141.1 of this title for registration of a motor vehicle. The motor license agent fees for acceptance of applications and renewals shall be paid out of the Oklahoma Tax Commission Reimbursement Fund.

If fewer than one hundred of any type of special license plates authorized prior to January 1, 2004, are issued prior to January 1, 2006, the Tax Commission shall discontinue issuance and renewal of that type of special license plate. Any such authorized special license plate registrant shall be allowed to display the license plate upon the designated vehicle until the registration expiration date. After such time the expired special license plate shall be removed from the vehicle.

For special license plates authorized on or after July 1, 2004, no special license plates shall be developed or issued by the Tax Commission until the Commission receives one hundred prepaid applications therefor. The prepaid applications must be received by the Tax Commission within one hundred eighty (180) days of the effective date of the authorization or the authority to issue shall be null and void. In the event one hundred prepaid applications are not received by the Tax Commission within such prescribed time period any payment so received shall be refunded accordingly.

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

1. University or College Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support to any state-supported or private university or college. As

provided in this section, an amount of the fee collected shall be apportioned as provided in Section 1104.1 of this title;

2. Environmental Awareness License Plate - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the Department of Environmental Quality in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support to implement the statewide general public environmental education program created pursuant to the provisions of the Oklahoma Environmental Quality Code. Such plates shall be designed and issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. A dealer's license plate issued pursuant to Section 1116.1 or 1128 of this title may be designated an Environmental Awareness License Plate upon payment of the fee imposed by this section and any other registration fees required by the Oklahoma Vehicle License and Registration Act. As provided in this section, an amount of the fee collected shall be apportioned pursuant to Section 1104.2 of this title;

3. Firefighter License Plate - such plates shall be designed for any career or retired firefighter, volunteer or paid. Firefighters may apply for firefighter plates for up to four vehicles with a rated capacity of one (1) ton or less or for a motorcycle upon proof of a fire department membership by either an identification card or letter from the chief of the fire department. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The surviving spouse of any deceased firefighter, if the spouse has not since remarried, may apply for a firefighter license plate for one vehicle with a rated carrying capacity of one (1) ton or less or for a motorcycle upon proof that the deceased firefighter was a member of a fire department by either an identification card or letter from the chief of the fire department. The license plate shall be designed in consultation with the Oklahoma Firefighters Association.

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

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

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

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

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

6. United States Olympic Committee Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the United States Olympic Committee. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official United States Olympic Committee logo. The Tax Commission shall be authorized, if necessary, to enter into a licensing agreement with the United States Olympic Committee for any licensing fees which may be required in order to use the United States Olympic Committee logo or design. The licensing agreement shall provide for a payment of not more than Twenty-five Dollars (\$25.00) for each license plate issued;

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

8. Historic Route 66 License Plate - such:

- a. vehicle plates shall be designed to honor historic Route 66, also known as the "Mother Road". As provided in this section, an amount of the fee collected for each vehicle license plate shall be apportioned to the Oklahoma Historical Society Revolving Fund to be distributed to the Route 66 Museum located in Clinton, Oklahoma, and
- b. motorcycle plates shall be designed in consultation with the Oklahoma Route 66 Association, Inc. The Oklahoma Tax Commission shall be authorized to enter into a licensing agreement with the Oklahoma Route 66 Association, Inc., for any licensing fees which may be required in order to use the Oklahoma Route 66 Association, Inc., logo or design. The licensing agreement shall provide for a payment to the Oklahoma Route 66 Association, Inc., of not more than Twenty Dollars (\$20.00) for each motorcycle license plate issued;

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

10. Emergency Medical Technician License Plate - such plates shall be designed and issued to any person who is an emergency medical technician. Such persons may apply for an emergency medical technician license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of an emergency medical technician's license. The license plate shall be designed in consultation with the state association of emergency medical technicians. As provided in this section, an amount of the fee collected shall be apportioned to the Emergency Medical Personnel Death Benefit Revolving Fund created in Section 1-2505.2 of Title 63 of the Oklahoma Statutes;

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

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

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

14. Four-H Club License Plate - such plates shall be designed, subject to criteria to be presented to the Tax Commission by the Four-H Foundation, and issued to any person wishing to demonstrate support of the Four-H Club. Such plates may be designed and issued to any person as for personalized license plates. As provided in this section, an amount of the fee collected shall be apportioned to

the OSU Extension Service License Plate Revolving Fund created in Section 1104.4 of this title;

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

16. Oklahoma Statehood Centennial License Plate - such plates shall be designed and issued to any person wishing to commemorate the centennial of Oklahoma's admission to statehood in 1907. The license plates shall be designed in consultation with the Oklahoma Capitol Complex and Centennial Commemoration Commission. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Capitol Complex and Centennial Commemoration Commission Revolving Fund created in Section 98.5 of Title 73 of the Oklahoma Statutes;

17. Support Education License Plate - such plates shall be designed, subject to criteria to be presented to the Tax Commission by the State Department of Education in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support for education in this state. All motor license agents shall display a sample of the Support Education License plate in the area of the business accessed by the public. Twenty-three Dollars (\$23.00) of the fee collected shall be apportioned as follows:

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

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

18. Retired Oklahoma Highway Patrol Officers License Plate - such plates shall be designed and issued to any retired officer of the Oklahoma Highway Patrol. The license plate shall have the legend "Oklahoma" and shall contain, in the center of the plate, the Highway Patrol Officers patch using the same colors and pattern as used in

the patch. Centered on the bottom of the license plate shall be the word "Retired". The letters "TRP" shall be used in combination with three numbers on either side of the insignia or emblem. The color of the letters and numbers shall be brown. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The surviving spouse of any deceased retired officer of the Oklahoma Highway Patrol, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a Retired Oklahoma Highway Patrol Officers license plate. As provided in this section, an amount of the fee collected shall be deposited into the Law Enforcement Retirement Fund;

19. Boy Scouts of America Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Boy Scouts of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Boy Scouts of America logo. The Tax Commission shall be authorized, if necessary, to enter into a licensing agreement with the Boy Scouts of America for any licensing fees which may be required in order to use the Boy Scouts of America logo or design. The licensing agreement shall provide for a payment to the Boy Scouts of America of not more than Twenty Dollars (\$20.00) for each license plate issued;

20. Urban Forestry and Beautification License Plate - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the Oklahoma Department of Agriculture, Food, and Forestry in consultation with nonprofit organizations in this state that develop and operate programs to encourage urban forestry and beautification, and issued to any person wishing to demonstrate support of such programs. As provided in this section, an amount of the fee collected shall be apportioned as provided in Section 1104.5 of this title;

21. Oklahoma State Parks Supporter License Plate - such plates shall be designed, subject to criteria to be presented to the Tax Commission by the Oklahoma Tourism and Recreation Department, and issued to any person wishing to demonstrate support for the Oklahoma state parks system. Twenty-three Dollars (\$23.00) of the fee collected shall be deposited in the Oklahoma Tourism and Recreation Department Revolving Fund. Such money shall be designated for and may only be expended for the support of Oklahoma state parks;

22. Adoption Creates Families License Plate - such plates shall be issued to any person wishing to demonstrate support of pregnant women who are committed to placing their children for adoption and wishing to provide assistance to guardians, adoptive parents and other created families to assist in the adoption and placement of

children in permanent, safe homes. The license plates shall be designed and final terminology delivered in consultation with the Oklahoma Adoption Coalition and the Department of Human Services. Twenty-five Dollars (\$25.00) of the fee collected shall be deposited in a revolving fund established in the State Treasury for and to be used by the Department of Human Services for the implementation of the Investing in Stronger Oklahoma Families Act specifically for created families;

23. Choose Life License Plate - such plates shall be designed, subject to criteria presented to the Tax Commission, by Choose Life, Inc., and issued to any person who wishes to demonstrate support of organizations that encourage adoption as a positive choice for women with unplanned pregnancies. As provided in this section, an amount of the fee collected shall be deposited in the Choose Life Assistance Program Revolving Fund established in Section 1104.6 of this title;

24. Future Farmers of America License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the Oklahoma FFA (formerly known as Future Farmers of America). The license plates shall be designed in consultation with the Oklahoma FFA Foundation Board of Directors. As provided in this section, an amount of the fee collected shall be apportioned as provided in Section 1104.7 of this title;

25. Lions Club License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the Lions Club of Oklahoma. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plates shall be designed in consultation with the Oklahoma Lions Service Foundation and shall contain the official logo of the International Association of Lions Clubs. The Tax Commission shall be authorized to enter into a licensing agreement with the Oklahoma Lions Service Foundation. The licensing agreement shall provide for a payment to the Oklahoma Lions Service Foundation of not more than Ten Dollars (\$10.00) for each license plate issued;

26. Color Oklahoma License Plate - such plates shall be designed, subject to criteria to be presented to the Tax Commission by the Oklahoma Native Plant Society, and issued to any person wishing to demonstrate support for preserving and planting wildflowers and native plants in Oklahoma and to promote Oklahoma's wildflower heritage through education. As provided in this section, an amount of the fee collected shall be apportioned as provided in Section 1104.8 of this title;

27. Girl Scouts of the United States of America Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Girl Scouts of the United States of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of

seven, as for personalized license plates. The plate shall contain the official Girl Scouts of the United States of America logo. The Tax Commission shall be authorized, if necessary, to enter into a licensing agreement with the Girl Scouts of the United States of America for any licensing fees which may be required in order to use the Girl Scouts of the United States of America logo or design. The licensing agreement shall provide for a payment to the Girl Scouts of Magic Empire Council, acting on behalf of all Oklahoma Girl Scout councils, of not more than Twenty Dollars (\$20.00) for each license plate issued;

28. Oklahoma City Memorial Marathon License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma City Memorial Marathon. The plate shall be designed in consultation with the Oklahoma City Memorial Marathon. The Tax Commission shall be authorized to enter into a licensing agreement with the Oklahoma City Memorial Marathon for any licensing fees which may be required in order to use the Oklahoma City Memorial Marathon logo or design. The licensing agreement shall provide for a payment to the Oklahoma City Memorial Marathon of not more than Twenty Dollars (\$20.00) for each license plate issued;

29. Oklahoma Scenic Rivers License Plate - such plates shall be designed to demonstrate support for the Oklahoma Scenic Rivers. The plates shall be designed in consultation with the Oklahoma Scenic Rivers Commission. Twenty-five Dollars (\$25.00) of the fee shall be apportioned to the Oklahoma Scenic Rivers Commission;

30. Fight Cancer License Plate - such plates shall be designed to demonstrate support for the Oklahoma Central Cancer Registry. The plate shall contain the American Cancer Society logo. The American Cancer Society logo shall be used in accordance with the American Cancer Society's branding guidelines and shall only be utilized to support the Oklahoma Central Cancer Registry. Twenty Dollars (\$20.00) of the fee shall be apportioned to the Oklahoma Central Cancer Registry Revolving Fund;

31. Animal Friendly License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for controlling the overpopulation of dogs and cats through educational and sterilization efforts. The plates shall be designed in consultation with the Veterinary Medical Association. Twenty Dollars (\$20.00) of the fee collected shall be designated by the purchaser of the plate to be deposited in the Oklahoma Pet Overpopulation Fund created in Section 2368.13 of Title 68 of the Oklahoma Statutes or the Animal Friendly Revolving Fund created in Section 1104.10 of this title;

32. Patriot License Plate - such plates shall be designed in consultation with the Military Department of Oklahoma and issued to any person wishing to demonstrate support for Oklahoma residents who are members of the Oklahoma National Guard and deployed on active

duty. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, a portion of the fee collected shall be deposited in the Patriot License Plate Revolving Fund created in Section 1104.11 of this title;

33. Global War on Terrorism License Plate - such plate shall be designed in consultation with the Military Department of Oklahoma and issued to any person wishing to demonstrate support for Oklahoma residents who are members of the Armed Forces of the United States or Oklahoma National Guard that have served in the Global War on Terrorism. The plate shall be issued to any person in any combination of numbers and letters from one to a maximum of six. As provided in this section, a portion of the fee collected shall be deposited in the 45th Infantry Division Museum Fund created in Section 235.1 of Title 44 of the Oklahoma Statutes;

34. Boys and Girls Clubs of America Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Boys and Girls Clubs of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Boys and Girls Clubs of America logo. The Tax Commission, if necessary, may enter into a licensing agreement with the Boys and Girls Clubs of America for any licensing fees which may be required in order to use the Boys and Girls Clubs of America logo or design. The licensing agreement shall provide for a payment to the Boys and Girls Clubs of America of not more than Twenty Dollars (\$20.00) for each license plate issued;

35. Oklahoma Quarter Horse License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the American Quarter Horse in Oklahoma. The plate shall be designed in consultation with the Oklahoma Quarter Horse Association. As provided in this section, a portion of the fee collected shall be deposited in the Oklahoma Quarter Horse Revolving Fund created in Section 1104.12 of this title;

36. Oklahoma Association for the Deaf License Plate - such plates shall be designed in consultation with the Oklahoma Association for the Deaf and issued to any person wishing to demonstrate support for Oklahoma residents who are deaf. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, a portion of the fee collected shall be deposited in the Oklahoma Association for the Deaf License Plate Revolving Fund created in Section 1104.15 of this title;

37. Oklahoma City Zoo License Plate - such plates shall be issued to any person wishing to demonstrate support for the Oklahoma City Zoo. The license plates shall be designed in consultation with the Oklahoma Zoological Society, Inc. As provided in this section,

an amount of the fee collected shall be deposited in the Oklahoma Zoological Society Revolving Fund created in Section 1104.13 of this title;

38. March of Dimes License Plate - such plates shall be issued to persons wishing to demonstrate support for the March of Dimes mission to improve the health of babies by preventing birth defects, premature birth and infant mortality. The license plates shall be designed in consultation with the Oklahoma Chapter March of Dimes. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Prevent Birth Defects, Premature Birth and Infant Mortality Fund established in Section 1104.14 of this title;

39. Support Our Troops Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Support Our Troops Incorporated. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of six. The plate shall contain the official Support Our Troops Incorporated logo which includes the mark "Support Our Troops" across the bottom of the plate. The Tax Commission, if necessary, may enter into a licensing agreement with Support Our Troops Incorporated for any licensing fees which may be required in order to use the Support Our Troops Incorporated logo or design. The licensing agreement shall provide for a payment to Support Our Troops Incorporated of Twenty-five Dollars (\$25.00) for each license plate issued;

40. Folds of Honor Supporter License Plate - such plates shall be authorized to be designed and issued to any person wishing to demonstrate support for the Oklahoma City Chapter of Folds of Honor Incorporated, a nonprofit charitable organization exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), providing educational scholarships to spouses and children of America's fallen and disabled military service members. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of six. Such person may apply for a Folds of Honor Supporter license plate for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate. The plate shall be designed in consultation with the Oklahoma City Chapter of Folds of Honor Incorporated and shall contain the official Folds of Honor Incorporated logo which includes the mark "Folds of Honor" across the bottom of the plate. The Tax Commission, if necessary, may enter into a licensing agreement with Folds of Honor Incorporated for any licensing fees which may be required in order to use the Folds of Honor Incorporated logo or design. The licensing agreement shall provide for a payment to Folds of Honor Incorporated of Twenty-five Dollars (\$25.00) for each license plate issued. Subject to the provisions of subsection A of

this section, the Folds of Honor Supporter License Plate is hereby reauthorized effective November 1, 2019;

41. Downed Bikers Association License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Downed Bikers Association, a nonprofit charitable organization exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), which provides emotional and financial support for downed bikers. The license plate shall be designed in consultation with the Central Oklahoma Chapter of the Downed Bikers Association and shall contain any official logo or design of the organization. The Tax Commission, if necessary, may enter into a licensing agreement with the Downed Bikers Association for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Downed Bikers Association of not more than Twenty Dollars (\$20.00) for each license plate;

42. Armed Forces Veterans Motorcycle License Plate - such plates shall be designed for use on a motorcycle in consultation with A Brotherhood Aiming Toward Education of Oklahoma, Inc. (ABATE), and issued to any honorably discharged former member of the United States Armed Forces wishing to demonstrate support for the 45th Infantry Division Museum. Persons applying for such license plate must show proof of past military service. As provided in this section, a portion of the fee collected shall be deposited in the 45th Infantry Division Museum Fund created in Section 235.1 of Title 44 of the Oklahoma Statutes;

43. Buffalo Soldier License Plate - such plates shall be issued to any person wishing to honor and celebrate the history and contribution of the Buffalo Soldiers. The license plates shall be designed in consultation with the Lawton-Fort Sill Chapter of the Buffalo Soldiers 9th and 10th (Horse) Cavalry Association. As provided in this section, an amount of the fee collected shall be deposited in the Buffalo Soldier License Plate Revolving Fund created in Section 1104.16 of this title;

44. Prevent Blindness Oklahoma License Plate - such plates shall be issued to any person wishing to provide financial support for vision screening of school age children in this state. The license plates shall be designed in consultation with Prevent Blindness Oklahoma. As provided in this section, an amount of the fee collected shall be deposited in the Prevent Blindness Oklahoma License Plate Revolving Fund created in Section 1104.17 of this title;

45. Oklahoma State Capitol Restoration License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for restoration of the Oklahoma State Capitol building. The license plates shall be designed in consultation with the Friends of the Capitol corporation, created pursuant to Section

15.4 of Title 73 of the Oklahoma Statutes and the State Capitol Preservation Commission created pursuant to Section 4102 of Title 74 of the Oklahoma Statutes. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Friends of the Capitol License Plate Revolving Fund established in Section 1104.18 of this title;

46. Eastern Red Cedar Tree License Plate - such plates shall be designed, subject to criteria to be presented to the Tax Commission and issued to any person wishing to demonstrate support for the removal of Eastern Red Cedar trees from lands in the state and to develop marketable uses for the harvested trees. The license plate shall be designed in consultation with the Eastern Red Cedar Registry Board. Twenty-three Dollars (\$23.00) of the fee collected shall be deposited in the Eastern Red Cedar Revolving Fund created in Section 18-407 of Title 2 of the Oklahoma Statutes. The money shall be designated for and may only be expended for the purposes as set forth in the Eastern Red Cedar Registry Board Act;

47. Pancreatic Cancer Research License Plate - such plates shall be issued to any person wishing to provide financial support for the University of Oklahoma Foundation, Pancreatic Cancer Research Fund. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of six. The license plates shall be designed in consultation with the University of Oklahoma Foundation, Pancreatic Cancer Research Fund. As provided in this section, an amount of the fee collected shall be deposited in the Pancreatic Cancer Research License Plate Revolving Fund created in Section 1104.19 of this title;

48. Alzheimer's Research License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Chapter of the Alzheimer's Association. The license plates shall be designed in consultation with the Oklahoma Chapter of the Alzheimer's Association. As provided in this section, an amount of the fee collected shall be deposited in the Alzheimer's Research License Plate Revolving Fund created in Section 1104.20 of this title;

49. Hospice and Palliative Care License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Hospice and Palliative Care Association. The license plates shall be designed in consultation with the Oklahoma Hospice and Palliative Care Association. As provided in this section, an amount of the fee collected shall be deposited in the Hospice and Palliative Care License Plate Revolving Fund created in Section 1104.21 of this title;

50. Juvenile Diabetes Research License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Chapters of the Juvenile Diabetes Research Foundation. The license plates shall be designed in consultation with the Oklahoma

Chapters of the Juvenile Diabetes Research Foundation. As provided in this section, an amount of the fee collected shall be deposited in the Juvenile Diabetes Research License Plate Revolving Fund created in Section 1104.22 of this title;

51. Deer Creek Schools Foundation License Plate - such plates shall be issued to any person wishing to provide financial support for the Deer Creek Schools Foundation. The license plates shall be designed in consultation with the Deer Creek Schools Foundation. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Deer Creek Schools Foundation License Plate Revolving Fund created in Section 1104.23 of this title;

52. Lupus Awareness and Education License Plate - such plates shall be issued to any person wishing to provide financial support for the Lupus Foundation of Oklahoma. The license plates shall be designed in consultation with the Lupus Foundation of Oklahoma. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Lupus License Plate Revolving Fund created in Section 1104.24 of this title. Subject to the provisions of subsection A of this section, the Lupus Awareness and Education License Plate is hereby reauthorized effective November 1, 2018;

53. Chiefs of Police License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Association of Chiefs of Police for a vehicle or motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. The license plates shall be designed in consultation with the Oklahoma Association of Chiefs of Police. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. The Tax Commission shall be authorized to enter into a licensing agreement with the Oklahoma Association of Chiefs of Police for any licensing fees which may be required in order to use the association's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Association of Chiefs of Police of not more than Twenty Dollars (\$20.00) for each license plate issued. Subject to the provisions of subsection A of this section, the Chiefs of Police License Plate is hereby reauthorized effective November 1, 2015;

54. Crossings Christian School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Crossings Christian School located in Oklahoma City. The license plates shall be designed in consultation with the administration of Crossings Christian School. The Tax Commission shall be authorized to enter into a licensing agreement with Crossings Christian School for any licensing fees which may be required in order to use the

school's logo or design. The licensing agreement shall provide for a payment to the Crossings Christian School of not more than Twenty Dollars (\$20.00) for each license plate issued;

55. Hilldale Education Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Hilldale Education Foundation. The license plates shall be designed in consultation with the administration of the Hilldale Education Foundation. The Tax Commission shall be authorized to enter into a licensing agreement with the Hilldale Education Foundation for any licensing fees which may be required in order to use the foundation's logo or design. The licensing agreement shall provide for a payment to the Hilldale Education Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

56. Oklahoma Nurses License Plate - such plates shall be issued to any person licensed pursuant to the Oklahoma Nursing Practice Act and providing such documentation of current licensure as may be required by the Oklahoma Tax Commission. The license plates shall be designed in consultation with the Oklahoma Nurses Association. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Nurses License Plate Revolving Fund created in Section 1104.26 of this title;

57. Oklahoma Sports Hall of Fame License Plate - such plates shall be issued to any person wishing to demonstrate support for the Oklahoma Sports Hall of Fame. The license plates shall be designed in consultation with the administration of the Oklahoma Sports Hall of Fame. The Oklahoma Tax Commission shall be authorized to enter into a licensing agreement with the Oklahoma Sports Hall of Fame for any licensing fees which may be required in order to use the Hall of Fame's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Sports Hall of Fame of not more than Twenty Dollars (\$20.00) for each license plate issued;

58. Childhood Cancer Awareness License Plate - such plates shall be issued to any person wishing to demonstrate support for the Oklahoma Children's Cancer Association. The license plates shall be designed in consultation with the administration of the Oklahoma Children's Cancer Association. The Oklahoma Tax Commission shall be authorized to enter into a licensing agreement with the Oklahoma Children's Cancer Association for any licensing fees which may be required in order to use the Oklahoma Children's Cancer Association's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Children's Cancer Association of not more than Twenty Dollars (\$20.00) for each license plate issued;

59. Oklahoma Educational Television Authority License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Educational Television Authority and such plates shall be designed in consultation with the Authority.

As provided in this section, an amount of the fee collected shall be deposited in the Educational Television Authority Revolving Fund created in Section 156 of Title 62 of the Oklahoma Statutes;

60. Remembering Fallen Heroes License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Concerns of Police Survivors, Inc. Such plates shall be designed in consultation with the Oklahoma chapter of Concerns of Police Survivors, Inc. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Concerns of Police Survivors License Plate Revolving Fund created in Section 1104.27 of this title;

61. Disabled American Veterans License Plate - such plates shall be designed in consultation with the Disabled American Veterans Department of Oklahoma and issued to any member of the organization wishing to demonstrate support. The Tax Commission shall be authorized to enter into a licensing agreement with the Disabled American Veterans Department of Oklahoma for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Disabled American Veterans Department of Oklahoma of not more than Twenty Dollars (\$20.00) for each license plate issued. The plates shall incorporate a numbering system agreed upon by the Disabled American Veterans Department of Oklahoma and the Tax Commission;

62. Owasso Rams Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Owasso Rams, and shall be designed in consultation with representatives of Owasso Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

63. Collinsville Cardinals Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Collinsville Cardinals, and shall be designed in consultation with representatives of Collinsville Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

64. Sperry Pirates Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Sperry Pirates, and shall be designed in consultation with representatives of Sperry Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in

this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

65. Skiatook Bulldogs Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Skiatook Bulldogs, and shall be designed in consultation with representatives of Skiatook Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

66. Rejoice Christian Eagles Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Rejoice Christian Eagles, and shall be designed in consultation with representatives of Rejoice Christian Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

67. East Central Cardinals Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the East Central Cardinals, and shall be designed in consultation with representatives of East Central Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

68. Southeast Spartans Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Southeast Spartans, and shall be designed in consultation with the Southeast High School Alumni Association. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

69. Sooner State ABATE License Plate - such plates shall be issued to any person wishing to provide financial support for Sooner State ABATE. The license plates shall be designed in consultation with Sooner State ABATE. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. The license plate for a motorcycle may be of similar design as space permits or a new design

in order to meet the space requirements of a motorcycle license plate. The Tax Commission shall be authorized to enter into a licensing agreement with Sooner State ABATE for any licensing fees, which may be required in order to use the association's logo or design. The licensing agreement shall provide for a payment to Sooner State ABATE of not more than Twenty Dollars (\$20.00) for each license plate issued. Subject to the provisions of subsection A of this section, the Sooner State ABATE License Plate is hereby reauthorized effective November 1, 2019;

70. Oklahoma License to Educate License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Oklahoma educators. Such plates shall be designed in consultation with the State Department of Education. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Teacher Recruitment Revolving Fund created in Section 6-132 of Title 70 of the Oklahoma Statutes;

71. Piedmont Education Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Piedmont Public Schools Education Foundation. Such plates shall be designed in consultation with the Foundation. As provided in this section, an amount of the fee collected shall be deposited in the Piedmont Public Schools Education Foundation License Plate Revolving Fund created in Section 1104.28 of this title;

72. The Pride of Oklahoma License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the University of Oklahoma Marching Band and shall be designed in consultation with the University of Oklahoma Marching Band. The Oklahoma Tax Commission shall be authorized to enter into a licensing agreement with the University of Oklahoma or the University of Oklahoma Marching Band for any licensing fees which may be required in order to use the applicable logo or design. The licensing agreement shall provide for a payment to the Pride of Oklahoma Fund at the University of Oklahoma Foundation, Inc. of not more than Twenty Dollars (\$20.00) for each license plate issued;

73. Jenks Trojans License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Jenks School District. The license plates shall be designed in consultation with the administration of the Jenks School District. The Tax Commission shall be authorized to enter into a licensing agreement with the Jenks School District for any licensing fees which may be required in order to use the school district's logo or design. The licensing agreement shall provide for a payment to the Jenks School District of not more than Twenty Dollars (\$20.00) for each license plate issued;

74. Bixby Spartans License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Bixby School District. The license plates shall be designed in

consultation with the administration of the Bixby School District. The Tax Commission shall be authorized to enter into a licensing agreement with the Bixby School District for any licensing fees which may be required in order to use the school district's logo or design. The licensing agreement shall provide for a payment to the Bixby School District of not more than Twenty Dollars (\$20.00) for each license plate issued;

75. Oklahoma Aeronautics Commission License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma aviation industry and to promote awareness of aviation and aerospace. Such plates shall be designed in consultation with the Oklahoma Aeronautics Commission and shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. Twenty-four Dollars (\$24.00) of the fee collected shall be deposited in the Oklahoma Aeronautics Commission Revolving Fund, for expenditure as provided in Section 91 of Title 3 of the Oklahoma Statutes;

76. Ducks Unlimited License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Ducks Unlimited. Such plates shall be designed in consultation with Ducks Unlimited. The Oklahoma Tax Commission shall be authorized to enter into a licensing agreement with Ducks Unlimited for any licensing fee which may be required in order to use the Ducks Unlimited logo or design. The licensing agreement shall provide for a payment to Ducks Unlimited of not more than Twenty Dollars (\$20.00) for each license plate issued;

77. Prisoner of War and Missing in Action License Plate - such plates shall be issued to any person wishing to increase awareness of those who are currently prisoners of war or missing in action and provide financial support for current veterans. The license plates shall be designed in consultation with Rolling Thunder Oklahoma. As provided in this section, an amount of the fee collected shall be deposited in the Prisoner of War and Missing in Action License Plate Revolving Fund created in Section 1104.29 of this title;

78. Woodward Boomers License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Woodward School District. The license plates shall be designed in consultation with the administration of the Woodward School District. The Tax Commission shall be authorized to enter into a licensing agreement with the Woodward School District for any licensing fees which may be required in order to use the school district's logo or design. The licensing agreement shall provide for a payment to the Woodward School District of not more than Twenty Dollars (\$20.00) for each license plate issued;

79. Clinton Public School Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Clinton Public School Foundation. The license plates

shall be designed in consultation with the Clinton Public School Foundation. The Tax Commission shall be authorized to enter into a licensing agreement with the Clinton Public School Foundation for any licensing fees which may be required in order to use the school foundation's logo or design. The licensing agreement shall provide for a payment to the Clinton Public School Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

80. Navajo School Foundation License Plate - such plates shall be issued to any person wishing to demonstrate support for the Navajo School Foundation. The license plates shall be designed in consultation with the administration of the Navajo School Foundation. The Oklahoma Tax Commission shall be authorized to enter into a licensing agreement with the Navajo School Foundation for any licensing fees which may be required in order to use the Foundation's logo or design. The licensing agreement shall provide for a payment to the Navajo School Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

81. Oklahoma Music Hall of Fame Inc. License Plate - such plates shall be designed in consultation with the Oklahoma Music Hall of Fame Inc. and issued to any member of the organization wishing to demonstrate support. The Tax Commission shall be authorized to enter into a licensing agreement with the Oklahoma Music Hall of Fame Inc. for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Music Hall of Fame Inc. of not more than Twenty Dollars (\$20.00) for each license plate issued. The plates shall incorporate a numbering system agreed upon by the Oklahoma Music Hall of Fame Inc. and the Tax Commission. Subject to the provisions of subsection A of this section, the Oklahoma Music Hall of Fame Inc. License Plate is hereby reauthorized effective November 1, 2019;

82. Techlahoma Foundation License Plate - such plates shall be issued to any person wishing to provide financial support for the Techlahoma Foundation. The license plate shall be designed in consultation with the Techlahoma Foundation. The plate shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. The Tax Commission shall be authorized to enter into a licensing agreement with the Techlahoma Foundation for any licensing fees, which may be required in order to use the association's logo or design. The licensing agreement shall provide for a payment to the Techlahoma Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

83. Bethany Public Schools Foundation License Plate - such plates shall be issued to any person wishing to demonstrate support for the Bethany Public Schools Foundation. The license plates shall be designed in consultation with the administration of the Bethany

Public Schools Foundation. The Oklahoma Tax Commission shall be authorized to enter into a licensing agreement with the Bethany Public Schools Foundation for any licensing fees which may be required in order to use the Foundation's logo or design. The licensing agreement shall provide for a payment to the Bethany Public Schools Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

84. Cystic Fibrosis Foundation License Plate - such plates shall be issued to any person wishing to demonstrate support for the Cystic Fibrosis Foundation. The license plates shall be designed in consultation with the administration of the Cystic Fibrosis Foundation. The Oklahoma Tax Commission shall be authorized to enter into a licensing agreement with the Cystic Fibrosis Foundation for any licensing fees which may be required in order to use the Foundation's logo or design. The licensing agreement shall provide for a payment to the Cystic Fibrosis Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

85. Down Syndrome Association of Central Oklahoma License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Down Syndrome Association of Central Oklahoma. Such plates shall be designed in consultation with the Association. As provided in this section, an amount of the fee collected shall be deposited in the Down Syndrome Association of Central Oklahoma License Plate Revolving Fund created in Section 1104.30 of this title;

86. Elk City Education Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Elk City Education Foundation. Such plates shall be designed in consultation with the Foundation. As provided in this section, an amount of the fee collected shall be deposited in the Elk City Education Foundation License Plate Revolving Fund created in Section 1104.31 of this title;

87. A Brotherhood Aiming Toward Education of Oklahoma (ABATE) License Plate - such plates shall be designed and issued to any person wishing to provide financial support for ABATE of Oklahoma. Such plates shall be designed in consultation with ABATE of Oklahoma. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. The Oklahoma Tax Commission shall be authorized to enter into a licensing agreement with ABATE of Oklahoma for any licensing fees which may be required in order to use the ABATE of Oklahoma logo or design. The licensing agreement shall provide for a payment to ABATE of Oklahoma of not more than Twenty Dollars (\$20.00) for each license plate issued;

88. Downed Bikers Association License Plate - such plates shall be designed for a vehicle or motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized plates, and issued to any person wishing to demonstrate support for the Downed Bikers Association, a nonprofit charitable organization exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), which provides emotional and financial support for downed bikers. The license plate shall be designed in consultation with the Central Oklahoma Chapter of the Downed Bikers Association and shall contain any official logo or design of the organization. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. The Tax Commission, if necessary, may enter into a licensing agreement with the Downed Bikers Association for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Downed Bikers Association of not more than Twenty Dollars (\$20.00) for each license plate;

89. Eagle Scout License Plate - Such plates shall be designed to demonstrate support for Eagle Scouts and shall include the Eagle Scout logo. Plates may be issued to any person who can show proof of having obtained the rank of Eagle Scout. The Oklahoma Tax Commission shall be authorized to enter into a licensing agreement with the various Oklahoma local councils for any licensing fees which may be required in order to use the applicable logo or design. The licensing agreement shall provide for a payment of not more than Twenty Dollars (\$20.00) for each license plate issued to the specific Oklahoma local area Council designated by the applicant;

90. Extraordinary Educators License Plate - such plates shall be designed and issued to any person wishing to provide financial support for common education in Oklahoma. Such plates shall be designed in consultation with the State Department of Education. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. As provided in this section, an amount of the fee collected shall be deposited in the Extraordinary Educators License Plate Revolving Fund created in Section 1104.32 of this title;

91. Former Oklahoma Legislator License Plate - such plates shall be designed and issued to any person who previously served as a member of the Oklahoma House of Representatives or Oklahoma State Senate. The license plates shall be designed in consultation with the Oklahoma Historical Society. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Historical Society Capital Improvement and Operations Revolving Fund created in Section 1.10a of Title 53 of the Oklahoma Statutes. The Tax Commission shall create and maintain a list of former members of

the Oklahoma House of Representatives and Oklahoma State Senate eligible to be issued such plates; provided, that no former member of the Oklahoma House of Representatives and Oklahoma State Senate shall be eligible to possess more than two of such plates at any one time. The Tax Commission shall confer as needed with the Chief Clerk of the Oklahoma House of Representatives and the Secretary of the Oklahoma State Senate to confirm that such list is complete and accurate;

92. Monarch Butterfly License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the operations of the Nature Conservancy of Oklahoma. Such plates shall be designed in consultation with the Oklahoma Chapter of the Nature Conservancy. The Tax Commission shall be authorized to enter into a licensing agreement with the Nature Conservancy of Oklahoma for any licensing fees which may be required in order to use the foundation's logo or design. The licensing agreement shall provide for a payment to the Nature Conservancy of Oklahoma of not more than Twenty Dollars (\$20.00) for each license plate issued;

93. Oklahoma Tennis Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Tennis Foundation. The license plates shall be designed in consultation with the Oklahoma Tennis Foundation. The Tax Commission shall be authorized to enter into a licensing agreement with the Oklahoma Tennis Foundation for any licensing fees which may be required in order to use the foundation's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Tennis Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

94. Veterans of Foreign Wars License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Veterans of Foreign Wars Foundation. The license plates shall be designed in consultation with the Veterans of Foreign Wars Foundation. The Tax Commission shall be authorized to enter into a licensing agreement with the Veterans of Foreign Wars Foundation for any licensing fees which may be required in order to use the foundation's logo or design. The licensing agreement shall provide for a payment to the Veterans of Foreign Wars Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

95. Oklahoma Women Veterans Organization License Plate - such plates shall be designed and issued to any female veteran of any branch of the United States Armed Forces wishing to demonstrate support for the Oklahoma Women Veterans Organization. The license plates shall be designed in consultation with the Oklahoma Women Veterans Organization. The Tax Commission shall be authorized to enter into a licensing agreement with the Oklahoma Women Veterans Organization for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall

provide for a payment to the Oklahoma Women Veterans Organization of not more than Twenty Dollars (\$20.00) for each license plate issued;

96. FIRST (For Inspiration and Recognition of Science and Technology) License Plate - such plates shall be issued to any person wishing to demonstrate support for FIRST Robotics Programs. The license plates shall be designed in consultation with the administration of FIRST. The Oklahoma Tax Commission shall be authorized to enter into a licensing agreement with FIRST for any licensing fees which may be required in order to use the FIRST logo or design. The licensing agreement shall provide for a payment to FIRST of not more than Twenty Dollars (\$20.00) for each license plate issued;

97. Pittsburg State University License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Pittsburg State University. The license plates shall be designed in consultation with Pittsburg State University. The Tax Commission shall be authorized to enter into a licensing agreement with Pittsburg State University for any licensing fees which may be required in order to use the school foundation's logo or design. The licensing agreement shall provide for a payment to the Pittsburg State University of not more than Twenty Dollars (\$20.00) for each license plate issued; and

98. Historic Greenwood District License Plate - such plates shall be issued to persons wishing to demonstrate support for the Historic Greenwood District Juneteenth Festival held in the Historic Greenwood District in Tulsa, Oklahoma. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plates shall be designed in consultation with the Black Wall Street Chamber of Commerce. Twenty-five Dollars (\$25.00) of the fee collected shall be deposited in the Historic Greenwood District/Juneteenth Festival Revolving Fund established in Section 5 of this act. Two Dollars (\$2.00) of the fee collected shall be deposited in the Public School Classroom Support Revolving Fund, for expenditure as provided in Section 1-123 of Title 70 of the Oklahoma Statutes.

C. The fee for such plates shall be Thirty-five Dollars (\$35.00) per year of renewal and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as follows:

1. Twenty Dollars (\$20.00) per year of renewal or any other amount as provided in this title of the fee shall be apportioned as provided or deposited in a fund as specified within the paragraph authorizing the special license plate;

2. Eight Dollars (\$8.00) per year of renewal of the fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be

used for the administration of the Oklahoma Vehicle License and Registration Act; and

3. Any remaining amounts of the fee shall be apportioned as provided in Section 1104 of this title.

Added by Laws 2004, c. 504, § 14, eff. July 1, 2004. Amended by Laws 2005, c. 416, § 5, eff. Nov. 1, 2005; Laws 2006, c. 200, § 1, eff. Nov. 1, 2006; Laws 2006, 2nd Ex. Sess., c. 44, § 25, eff. July 1, 2007; Laws 2009, c. 311, § 3, eff. Nov. 1, 2009; Laws 2010, c. 2, § 19, emerg. eff. March 3, 2010; Laws 2010, c. 190, § 1, eff. Nov. 1, 2010; Laws 2010, c. 366, § 3, eff. Nov. 1, 2010; Laws 2011, c. 1, § 25, emerg. eff. March 18, 2011; Laws 2011, c. 248, § 2, eff. Nov. 1, 2011; Laws 2013, c. 197, § 2, eff. Nov. 1, 2013; Laws 2013, c. 365, § 4, eff. Nov. 1, 2013; Laws 2014, c. 351, § 3, eff. Nov. 1, 2014; Laws 2015, c. 54, § 16, emerg. eff. April 10, 2015; Laws 2015, c. 378, § 2, eff. Nov. 1, 2015; Laws 2016, c. 210, § 25, emerg. eff. April 26, 2016; Laws 2017, c. 284, § 1, eff. Nov. 1, 2017; Laws 2017, c. 331, § 3, eff. Nov. 1, 2017; Laws 2018, c. 69, § 4, eff. Nov. 1, 2018; Laws 2018, c. 293, § 2, eff. Nov. 1, 2018; Laws 2019, c. 25, § 26, emerg. eff. April 4, 2019; Laws 2019, c. 434, § 3, eff. Nov. 1, 2019.

NOTE: Laws 2006, c. 152, § 2 repealed by Laws 2006, 2nd Ex. Sess., c. 44, § 26, eff. July 1, 2007. Laws 2006, c. 311, § 25 repealed by Laws 2006, 2nd Ex. Sess., c. 44, § 27, eff. July 1, 2007. Laws 2006, c. 275, § 3 repealed by Laws 2006, 2nd Ex. Sess., c. 44, § 28, eff. July 1, 2007. Laws 2009, c. 256, § 1 repealed by Laws 2010, c. 2, § 20, emerg. eff. March 3, 2010. Laws 2010, c. 454, § 11 repealed by Laws 2011, c. 1, § 26, emerg. eff. March 18, 2011. Laws 2014, c. 372, § 3 repealed by Laws 2015, c. 54, § 17, emerg. eff. April 10, 2015. Laws 2015, c. 372, § 2 repealed by Laws 2016, c. 210, § 26, emerg. eff. April 26, 2016. Laws 2017, c. 97, § 2 repealed by Laws 2017, c. 331, § 6, eff. Nov. 1, 2017 and by Laws 2017, c. 339, § 2, eff. Nov. 1, 2017. Laws 2017, c. 273, § 1 repealed by Laws 2017, c. 331, § 6, eff. Nov. 1, 2017 and by Laws 2017, c. 339, § 3, eff. Nov. 1, 2017. Laws 2018, c. 181, § 1 repealed by Laws 2019, c. 25, § 27, emerg. eff. April 4, 2019. Laws 2018, c. 226, § 2 repealed by Laws 2019, c. 25, § 28, emerg. eff. April 4, 2019. Laws 2018, c. 304, § 15 repealed by Laws 2019, c. 25, § 29, emerg. eff. April 4, 2019. NOTE: Laws 2017, c. 339, § 1 was purportedly repealed by Laws 2018, c. 304, § 16, but without reference to Laws 2018, c. 226, § 2, which amended that section.

§47-1135.6. National Association for Stock Car Auto Racing Driver (NASCAR) Theme License Plates.

The Oklahoma Tax Commission is hereby authorized to design and issue National Association for Stock Car Auto Racing Driver ("NASCAR") Theme License Plates. Such plates shall be designed and issued to any person wishing to demonstrate interest in NASCAR auto racing. The plates shall be of such design as the supplier of the

license plates in consultation with the Oklahoma Tax Commission may prescribe. The fee for such plate shall be Forty Dollars (\$40.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The Tax Commission shall be authorized to enter into a licensing agreement with the supplier of such NASCAR Driver license plates or other entity for any required licensing fees. The licensing agreement shall provide for a payment of not more than Twenty-five Percent (25%) of the fee authorized for each license plate issued. Five Dollars (\$5.00) of the forty-dollar fee shall be apportioned to the General Revenue Fund. The remaining amount of such fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund.

For license plates numbered zero (0) through one hundred (100) displaying a particular NASCAR Driver theme, the Oklahoma Tax Commission may establish an auction or similar procedure for the purpose of determining the order in which such distinctive license plates are sold and the amount of the additional fee for the distinctive license plates. This amount shall be due at the time the original application is submitted to the Tax Commission and Forty Dollars (\$40.00) thereafter annually at the time of renewal registration.

Added by Laws 2004, c. 504, § 15, eff. July 1, 2004.

§47-1135.7. Authorization to design and issue special license plates.

A. The Oklahoma Tax Commission or private vendor with whom the Commission has contracted is authorized to design and issue special license plates to any person that applies to the Tax Commission or private vendor for the creation of a special license plate and meets the minimum standards and qualifications specified in this section.

B. If the following standards and guidelines are satisfied, the Tax Commission shall authorize the issuance of a special license plate to the person making application for the special license plate:

1. The license plate is to:

a. show membership in or affiliation with an organization,
or

b. demonstrate support for an organization, group or
cause;

2. The license plate does not advertise or endorse a product, brand, or service that is provided for sale;

3. The license plate does not promote any philosophy based on prejudice or that is contrary to state civil rights laws; and

4. Two hundred prepaid applications for the special license plate are received by the Tax Commission or private vendor.

C. The fee for special license plates shall be determined in accordance with Section 1 of this act. If the special license plate does not provide financial assistance the fee shall be no less than

Fifteen Dollars (\$15.00) per year of renewal and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Unless otherwise provided in this section, Fifteen Dollars (\$15.00) of the fee shall be apportioned as follows: Eight Dollars (\$8.00) of the special license plate fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act and the remaining amounts of the special license plate fee shall be apportioned as provided in Section 1104 of this title.

D. The fee for special license plates that provide financial assistance shall be determined in accordance with Section 1 of this act. Provided, the fee shall be no less than Thirty-five Dollars (\$35.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Thirty-five Dollars (\$35.00) per year of renewal of the fee shall be apportioned as follows:

1. Twenty Dollars (\$20.00) of the fee shall be apportioned to the License Plate Special Program Assistance Revolving Fund created in Section 1135.8 of this title to be used in the manner detailed in the application for the special license plate;

2. Eight Dollars (\$8.00) of the fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act; and

3. Any remaining amounts of the fee shall be apportioned as provided in Section 1104 of this title.

E. If a person applies for a special license plate that provides financial assistance, the application shall designate a state agency to be responsible for expending the funds generated by the special license plate and the application shall designate a specific public purpose for which the funds are to be used. The application shall include an acknowledgment from the designated state agency of their agreement with acceptance of the designated funds.

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

Special license plates shall be renewed each year by the Tax Commission or a motor license agent, unless authorized by the Tax Commission to be renewed for a period greater than one (1) year. The Tax Commission shall notify all persons issued special license plates of the renewal procedures prior to the expiration of the special license plate. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon

presentation to a motor license agent or the Tax Commission. The license plates shall be issued on a staggered system.

The Tax Commission is hereby directed to develop and implement a system whereby motor license agents are permitted to accept applications for special license plates authorized under this section. The motor license agent shall confirm the applicant's eligibility, if applicable, collect and deposit any amount specifically authorized by law, accept and process the necessary information directly into such system and generate a receipt accordingly. For performance of these duties, motor license agents shall retain the fee provided in Section 1141.1 of this title for registration of a motor vehicle. The motor license agent fees for acceptance of applications and renewals shall be paid out of the Oklahoma Tax Commission Reimbursement Fund.

G. All special plates issued by the Tax Commission prior to the effective date of this act shall not be subject to the requirements and qualifications outlined in this section.

H. As used in this section, "person" includes an individual, group, organization or not-for-profit corporation that is recognized as such by the Internal Revenue Service.

Added by Laws 2005, c. 416, § 6, eff. Nov. 1, 2005. Amended by Laws 2018, c. 69, § 5, eff. Nov. 1, 2018.

§47-1135.8. License Plate Special Program Assistance Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Tax Commission, to be designated the "License Plate Special Program Assistance Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of any monies transferred thereto by paragraph 1 of subsection D of Section 6 of this act.

B. All monies accruing to the credit of said fund are hereby appropriated and shall be expended by the Tax Commission on December 31 of each year. The monies shall be distributed to the appropriate state agency to be expended in accordance with the specifications contained in the application for each special license plate that provides financial support in an amount based on the number of special license plates that are in circulation for that particular organization.

Added by Laws 2005, c. 416, § 7, eff. Nov. 1, 2005.

§47-1135.9. Authority to enter into contract with private vendor.

A. The Oklahoma Tax Commission is authorized to enter into a contract with a private vendor experienced in the marketing and sale of:

1. Personalized license plates authorized under Section 1135.4 of Title 47 of the Oklahoma Statutes; and

2. Special license plates authorized under Sections 1135.3, 1135.5 and 1135.7 of Title 47 of the Oklahoma Statutes.

B. 1. The Commission shall establish by rule administrative fees for license plates issued and renewed under the provisions of subsection A of this section. The administrative fees authorized by this paragraph shall be reasonable but not less than the amounts necessary for the Commission to recover costs to the Commission associated with the:

- a. awarding of the contract authorized by this section,
- b. implementation and enforcement of such contract, and
- c. direct and indirect administrative costs associated with administering the provisions of this section.

2. The fees authorized by this subsection shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act, including the fees required by Sections 1135.3, 1135.4, 1135.5 and 1135.7 of Title 47 of the Oklahoma Statutes.

C. The contracted amount payable to a private vendor related to the marketing and sale of special license plates shall only be payable from amounts derived from administrative fees associated with the issuance and renewal of such personalized and special license plates.

D. 1. The Commission may approve additional designs and color combinations for personalized and special license plates authorized under the provisions of Title 47 of the Oklahoma Statutes, including for special license plates that may be personalized, that may be marketed and sold by a private vendor under a contract entered into under the provisions of this section. Each approved license plate design and color combination shall remain the property of the Commission.

2. This subsection shall not be interpreted to authorize:

- a. the Commission to approve a design or color combination for a specialty license plate, or
- b. the private vendor to market or sell a special license plate with a design or color combination,

that is inconsistent with the design or color combination specified for the license plate in the special license plate's authorizing statute.

E. The Commission shall not:

1. Restrict the background color, color combinations or color alphanumeric license plate numbers of a special license plate, except as determined by the Department of Public Safety as necessary for law enforcement purposes;

2. Restrict the private vendor from conducting reasonable events or auctions;

3. Restrict the right of the private vendor to offer a variety of plate categories with both personalized and nonpersonalized patterns; or

4. Unreasonably disapprove or limit the ability for the private vendor to offer plate terms that exceed one (1) year.

F. The Commission may cancel a license plate or require the discontinuation or redesign of a license plate design or color combination that is marketed and sold by a private vendor under contract at any time if the Commission determines that the cancellation or discontinuation is in the best interest of the state or the motoring public.

G. To the extent fees collected under the provisions of this section are in excess of the total amounts provided in subparagraphs a, b and c of paragraph 1 of subsection B of this section and other apportionment provisions for personalized or specialized license plates, the excess amount shall be deposited to the credit of the General Revenue Fund.

H. 1. A contract entered into with a private vendor under the provisions of this section shall provide for the Commission to recover all costs incurred by the Commission in implementing the provisions of this section. Under the provisions of the contract, the Commission may require the private vendor to reimburse the Commission in advance for:

- a. not more than one-half (1/2) of the Commission's anticipated costs in initiating the contract, and
- b. the Commission's anticipated costs in coordinating the introduction of a new special license plate.

2. The initial term of contract entered into under the provisions of this section shall be no less than five (5) years in duration. Such contract may provide for additional terms at least equal in length to the initial term of the contract.

I. As applied to contracts entered under the provisions of this section, the Commission shall not:

1. Unreasonably disapprove or limit any aspect of a private vendor's marketing and sales plan; or

2. Unreasonably interfere with the selection, assignment or management by the private vendor of the private vendor's employees, agents or subcontractors.

J. A private vendor shall not market and sell license plates that compete directly for sales with other special license plates issued under the provisions of Title 47 of the Oklahoma Statutes, unless the Commission and the agency or organization associated with the special license plate authorizes such marketing and sale.

K. The Tax Commission is hereby directed to develop and implement a system whereby motor license agents are permitted to accept applications for special license plates authorized under this section. The motor license agent shall collect and deposit any

amount specifically authorized by law, accept and process the necessary information directly into such system and generate a receipt accordingly. For performance of these duties, motor license agents shall retain the fee provided in Section 1141.1 of Title 47 of the Oklahoma Statutes for each year of registration of a motor vehicle. The motor license agent fees for acceptance of applications and renewals shall be paid out of the Oklahoma Tax Commission Reimbursement Fund.

Added by Laws 2018, c. 69, § 1, eff. Nov. 1, 2018.

§47-1136. Repealed by Laws 2004, c. 504, § 22, eff. July 1, 2004.

NOTE: Laws 2004, c. 366, § 1, amended this section prior to repeal to read as follows:

The Oklahoma Tax Commission is hereby authorized to design and issue appropriate official special license plates as provided by this section.

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

Special license plates shall be renewed each year by the Tax Commission or a motor license agent. The Tax Commission shall annually notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a motor license agent or the Tax Commission. The license plates shall be issued on a staggered system except for legislative and motorcycle license plates and vintage decals.

If fewer than fifty of any type of special license plates authorized prior to January 1, 2000, are issued prior to January 1, 2005, or, for any type of special license plate authorized after January 1, 2000, within five (5) years after first being offered, the Tax Commission shall discontinue issuance of that type of special license plate.

Special license plates shall be designed in such a manner as to identify the use and ownership of the vehicle. The special license plates provided by this section are as follows:

1. Political Subdivision Plates - such plates shall be designed for any vehicle owned by any political subdivision of this state and shall be registered for Five Dollars (\$5.00), after having obtained proper Oklahoma certificate of title. Such political subdivisions shall file an annual report with the Tax Commission stating the agency where such vehicle is located. Such license plates shall be permanent in nature and designed in such a manner as to remain with the vehicle for the duration of the life span of the vehicle or until the title is transferred to an owner who is not a political subdivision;

2. Legislative License Plates - such plates shall be designed for persons elected to the Oklahoma Legislature and shall designate the house of the Legislature in which the legislator serves and the district number.

The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to the regular plate issued to the member and the fees charged therefor;

3. Tax-Exempt or Nonprofit License Plates - such plates shall be designed for:

a. any motor bus, manufactured home, or mobile chapel and power unit owned and operated by a religious corporation or society of this state holding a valid exemption from taxation issued pursuant to Section 501(a) of the Internal Revenue Code, 26 U.S.C., Section 501(a), and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code, as amended, 26 U.S.C., Section 501(c)(3), and that is used by the corporation or society solely for the furtherance of its religious functions,

b. any vehicle owned and operated only by nonprofit organizations devoted exclusively to youth programs including, but not limited to, the Girl Scouts and Boy Scouts of America,

c. any vehicle, except passenger automobiles, owned or operated by nonprofit organizations actually involved in programs for the employment of the handicapped and used exclusively in the transportation of goods or materials for such organization,

d. any vehicle owned and operated by a nonprofit organization that provides older persons transportation to and from medical, dental and religious services and relief from business and social isolation,

e. any vehicle owned and operated by a private nonprofit organization that:

(1) warehouses and distributes surplus foods to other nonprofit agencies and organizations, and

(2) holds a valid exemption from taxation issued pursuant to Section 501(c) of the Internal Revenue Code, as amended, 26 U.S.C., Section 501(c), and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code, as amended, and

(3) uses such vehicle exclusively for the transportation of such surplus foods, or

f. any vehicle which:

(1) is owned and operated by a private, nonprofit organization which is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and which is primarily funded by a fraternal or civic service organization with at least one hundred local chapters or clubs, and

(2) is designed and used to provide mobile health screening services to the general public at no cost to the recipient, and for which no reimbursement of any kind is received from any health insurance provider, health maintenance organization or governmental program.

The registration fee shall be Five Dollars (\$5.00).

Any person claiming to be eligible for a tax-exempt or nonprofit license plate under the provisions of this paragraph must have the name of the tax-exempt or nonprofit organization prominently displayed upon the outside of the vehicle, except those vehicles registered pursuant to the provisions of subparagraph b of this paragraph, unless such display is prohibited by federal or state law or by state agency rules. No vehicle shall be licensed as a tax-exempt or nonprofit vehicle unless the vehicle has affixed on each side thereof, in letters not less than two (2) inches high and two (2) inches wide, the name of the tax-exempt or nonprofit organization or the insignia or other symbol of such organization which shall be of sufficient size, shape and color as to be readily legible during daylight hours from a distance of fifty (50) feet while the vehicle is not in motion;

4. Prisoner of War License Plates - such plates shall be designed for honorably discharged or present members of the United States Armed Forces and civilians who were former prisoners of war held by a foreign

country and who can provide proper certification of that status. Such persons may apply for a prisoner of war license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased former prisoner of war, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a prisoner of war license plate for one vehicle with a rated carrying capacity of one (1) ton or less. The registration fee shall be Five Dollars (\$5.00);

5. National Guard License Plates - such plates shall be designed for active or retired members of the Oklahoma National Guard. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

6. Air National Guard License Plates - such plates shall be designed for active or retired members of the Oklahoma Air National Guard. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

7. United States Armed Forces - such plates shall be designed for active, retired, former or reserve members of the United States Armed Forces, and shall identify which branch of service, and carry the emblem and name of either the Army, Navy, Air Force, Marines or Coast Guard, according to the branch of service to which the member belongs or did belong. Former members who have been dishonorably discharged shall not be eligible for such plates. Persons applying for such license plate must show proof of present or past military service by presenting a valid Uniformed Services Identity Card or the United States Department of Defense Form (DD)214. Retired or former members who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The fee for such plates shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

8. Physically Disabled License Plates - such plates shall be designed for persons who are eligible for an insignia as a physically disabled person under the provisions of Section 15-112 of this title. It shall prominently display the international accessibility symbol, which is a stylized human figure in a wheelchair. The Tax Commission shall also design physically disabled license plates for motorcycles owned by persons who are eligible for an insignia as a physically disabled person pursuant to the provisions of Section 15-112 of this title. Upon the death of the physically disabled person, the special license plate shall be returned to the Tax Commission. There shall be no fee for such plate in addition to the rate provided by the Oklahoma Vehicle License and Registration Act for the registration of the vehicle. For an additional fee of Ten Dollars (\$10.00), a person eligible for a physically disabled license plate shall have the option of purchasing a duplicate physically disabled special license plate which shall be securely attached to the front of the vehicle. The original physically disabled special license plate shall be securely attached to the rear of the vehicle at all times.

Any person who is eligible for a physically disabled license plate and whose vehicle has had modifications because of the physical

disability of the owner or of a family member within the second degree of consanguinity of the owner, may register the vehicle for a flat fee of Twenty-five Dollars (\$25.00). This fee shall be in lieu of all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

9. Disabled Veterans License Plates - such plates shall be designed for persons presenting proper certification from the United States Department of Veterans Affairs or the Armed Forces of the United States certifying such veteran has a service-connected disability rating of fifty percent (50%) or more, regardless which agency pays the disability benefits, or that such veteran has been awarded a vehicle by the United States government or receives a grant from the United States Department of Veterans Affairs for the purchase of an automobile due to a service-connected disability rating or due to the loss of use of a limb or an eye. Such persons may apply to the Tax Commission for a disabled veterans license plate or to a motor license agent for a regular license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased disabled veteran, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a disabled veterans license plate for one vehicle with a rated carrying capacity of one (1) ton or less. The registration fee shall be Five Dollars (\$5.00);

10. Congressional Medal of Honor Recipient License Plates - such plates shall be designed for any resident of this state who has been awarded the Congressional Medal of Honor. Such persons may apply for a Congressional Medal of Honor recipient license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00);

11. Missing In Action License Plates - such plates shall be designed to honor members of the United States Armed Forces who are missing in action. The spouse of such missing person, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, and each parent of the missing person may apply for a missing in action license plate upon presenting proper certification that the person is missing in action and that the person making the application is the qualifying spouse or the parent of the missing person. The qualifying spouse and each parent of the missing person may each apply for the missing in action license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The registration fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to the regular plate issued and the fees charged therefor;

12. Indian Tribal License Plates - such plates shall be designed for any vehicle of a native American Indian Tribal Association exempted in Sections 201 through 204 of Public Law 97-473 and used by the tribal association exclusively for the furtherance of its tribal functions. The registration fee shall be Five Dollars (\$5.00);

13. Personalized License Plates - such plates shall be designed and issued for the following:

a. any person in any combination of numbers or letters from one to a maximum of seven,

b. persons eligible for two or more of the military decoration special license plates provided for in this section. Such plates may be issued in any combination of emblems. However, such plates shall only display up to three emblems and shall also display any combination of letters or numbers from one to a maximum of three, and

c. motorcycles in any combination of numbers or letters from one to a maximum of six.

The personalized license plates shall be issued on a staggered system except for motorcycles.

On and after January 1, 1987, persons owning vehicles which are twenty-one (21) years and older are qualified to submit for approval by the Tax Commission or a motor license agent a vintage but expired official Oklahoma license plate which is twenty-one (21) years and older. Upon approval of such personalized plate, the owner shall be issued the annual registration decal which the Tax Commission or agent shall direct to be affixed. The Tax Commission shall promulgate a rule which establishes appropriate criteria to be used in the implementation of the Oklahoma Vehicle License and Registration Act.

The fee for such plate shall be Twelve Dollars (\$12.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Two Dollars (\$2.00) of the personalized tag fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act;

14. Purple Heart Recipient License Plates - such plates shall be designed for any resident of this state who has been awarded the Purple Heart military decoration and, upon the death of the recipient, the spouse of the recipient. Such persons may apply for a Purple Heart recipient license plate for vehicles having a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

15. Pearl Harbor Survivor License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

- a. a member of the United States Armed Forces on December 7, 1941,
- b. stationed on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three (3) miles, and
- c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for a Pearl Harbor Survivor license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act.

The Tax Commission shall design and make available to any person who is issued a Pearl Harbor Survivor License Plate a commemorative Pearl Harbor decal to commemorate the fiftieth anniversary of Pearl Harbor. Such decal shall include the language "Pearl Harbor 1941-1991" and shall be designed to be easily attached to a license plate. This decal shall be free of charge to those persons issued a Pearl Harbor Survivor License Plate;

16. Iwo Jima License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

- a. a member of the United States Armed Forces in February of 1945,

b. stationed in February of 1945 on or in the immediate vicinity of the island of Iwo Jima, and

c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for an Iwo Jima license plate for each vehicle with a rated carrying capacity of one (1) ton or less.

Such license plate shall have the legend "Oklahoma OK" and shall contain three letters and three numbers. Between the letters and numbers shall be a logo of the flag-raising at Iwo Jima. Below the letters, logo and numbers, the plate shall contain the words "FEB." at the left, "Iwo Jima" in the center and "1945" at the right. Such plates shall not be subject to the design requirements of any other license plates prescribed by law other than the space for the placement of the yearly decals for each succeeding year of registration after the initial issue.

The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

17. D-Day Survivor License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

a. a member of the United States Armed Forces on June 6, 1944,

b. a participant in the Allied invasion of the coast of Normandy on June 6, 1944; provided, if such participation cannot be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States, the Tax Commission may, in its discretion, accept evidence of such participation from the person applying for the license plate, and

c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for a D-Day Survivor license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

18. Killed in Action License Plates - such plates shall be designed to honor members of the United States Armed Forces who were killed in action. The spouse of the deceased person, if the spouse has not remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a killed in action license plate upon presenting proper certification that the person was killed in action and that the person making the application is the qualifying spouse of the deceased person. The qualifying spouse may apply for a killed in action license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The registration fee for each plate shall be Five Dollars (\$5.00);

19. Gold Star Parents License Plates - such plates shall be designed to honor members of the United States Armed Forces who were killed during a war. The parents of the deceased person may apply for a gold star license plate upon presenting proper certification that the person was killed during a war and that the person making the application is the parent of the deceased person. The parent may apply for a gold star parent license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The registration fee for each plate shall be Five Dollars (\$5.00);

20. University or College Supporter License Plates - such plates shall be designed and issued to any person wishing to demonstrate support

to any state-supported or private university or college. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The twenty-five-dollar fee shall be apportioned pursuant to Section 1104.1 of this title;

21. Environmental Awareness License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the Department of Environmental Quality in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support to implement the statewide general public environmental education program created pursuant to the provisions of the Oklahoma Environmental Quality Code. Such plates shall be designed and issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The twenty-five-dollar fee shall be apportioned pursuant to Section 1104.2 of this title. A dealer's license plate issued pursuant to Section 1116.1 or 1128 of this title may be designated an Environmental Awareness License Plate upon payment of the fee imposed by this paragraph and any other registration fees required by the Oklahoma Vehicle License and Registration Act;

22. Military Decoration License Plates - such plates shall be designed for any resident of this state who has been awarded the Distinguished Service Award, the Distinguished Flying Cross, the Bronze Star military decoration or the Silver Star military decoration. Such persons may apply for a military decoration license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

23. Vietnam Veteran License Plates - such plates shall be designed for honorably discharged or present members of the United States Armed Forces who served in the Vietnam Conflict. Such persons may apply for a Vietnam veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

24. Round and Square Dance License Plates - such plates shall be designed and issued to any person wishing to demonstrate support for round and square dancing. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

25. Firefighter License Plates - such plates shall be designed for any career or retired firefighter, volunteer or paid. Firefighters may apply for firefighter plates for up to four vehicles with a rated capacity of one (1) ton or less or for a motorcycle upon proof of a fire department membership by either an identification card or letter from the chief of the fire department. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The surviving spouse of any deceased firefighter, if the spouse has not since remarried, may apply for a firefighter license plate for one vehicle with a rated carrying capacity of one (1) ton or less or for a motorcycle upon proof that the deceased firefighter was a member of a fire department by either an identification card or letter from the chief of the fire department.

Except for motorcycles, the license plate shall have the legend "Oklahoma" in the color Pantone 186C Red and shall contain no more than three letters and three numbers in the color Pantone 301C Blue. Between the letters and numbers shall be the Firefighter Maltese Cross Logo in the color Pantone 186C Red outlined in the color Pantone 301C Blue. Below the letters and the logo shall be the word "Firefighter" in the color Pantone 186C Red. The license plate for motorcycles may be of a similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. The plates shall not be subject to the design requirements of any other license plates prescribed by law other than the space for the placement of the yearly decals for each succeeding year of registration after the initial issue.

The fee for each plate shall be Twenty Dollars (\$20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The Twenty Dollars (\$20.00) for initial registration and succeeding yearly registration shall be apportioned as follows: Fifteen Dollars (\$15.00) shall be deposited to the Oklahoma State Firemen's Museum Building & Memorial Fund for support of the Oklahoma Firefighter Fallen and Living Memorial and Five Dollars (\$5.00) to the Tax Commission;

26. Police Officer License Plates - such plates shall be designed for any currently employed or retired municipal police officer. Police officers may apply for police officer plates for vehicles with a rated capacity of one (1) ton or less upon proof of employment by or retirement from a municipal police department by either an identification card or letter from the chief of the police department or the Oklahoma Police Pension and Retirement Board. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The license plates shall be designed in consultation with municipal police departments of this state.

The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

27. World War II Veteran License Plates - such plates shall be designed to honor honorably discharged former members of the United States Armed Forces who are residents of this state and who can be verified by the Oklahoma Military Department, the Department of Veterans Affairs or the Armed Forces of the United States as having served on federal active duty anytime during the period from September 16, 1940, to December 7, 1945. The former members may apply for a World War II Veteran license plate for vehicles with a rated carrying capacity of one (1) ton or less.

The license plate shall have the legend "Oklahoma" and shall contain, in the center of the plate, either the Thunderbird Insignia of the 45th Infantry Division in the prescribed red and gold coloring or the emblem of the Army, Navy, Air Force, Marines or Coast Guard according to the branch of service to which the member belonged. For the purpose of license plate identification, the plate shall contain four digits, two digits at the left and two digits at the right of the insignia or emblem. Centered on the bottom of the license plate shall be the words "WORLD WAR II". However, the plates may be issued to any person in any combination of numbers and letters with up to three on each side of the insignia or emblem as for personalized license plates.

The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. If the plate is issued in any

combination of numbers and letters with up to three on each side of the insignia or emblem as for personalized license plates, the fee for each plate shall be Twelve Dollars (\$12.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act.

The Tax Commission shall design and make available to any person who is issued a World War II Veteran License Plate a commemorative World War II decal to commemorate the fiftieth anniversary of the end of World War II. The decal shall include the language "World War II 50th Anniversary" and shall be designed to be easily attached to a license plate. This decal shall be free of charge to those persons issued a World War II Veteran License Plate;

28. Korean War Veteran License Plates - such plates shall be designed to honor honorably discharged former members of the United States Armed Forces who are residents of this state and who can be verified by the Oklahoma Military Department, the Department of Veterans Affairs or the Armed Forces of the United States as having served on federal active duty anytime during the period from September 1, 1950, to April 27, 1954. The former members may apply for a Korean War Veteran license plate for vehicles with a rated carrying capacity of one (1) ton or less.

The license plate shall have the legend "OKLAHOMA" and shall contain, in the center of the plate, either the Thunderbird Insignia of the 45th Infantry Division in the prescribed red and gold coloring or the emblem of the Army, Navy, Air Force, Marines or Coast Guard according to the branch of service to which the member belonged. For the purpose of license plate identification, the plate shall contain four digits, two digits at the left and two digits at the right of the insignia or emblem. Centered on the bottom of the license plate shall be the word "KOREA". However, the plates may be issued to any person in any combination of numbers and letters with up to three on each side of the insignia or emblem as for personalized license plates.

The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. If the plate is issued in any combination of numbers and letters with up to three on each side of the insignia or emblem as for personalized license plates, the fee for each plate shall be Twelve Dollars (\$12.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

29. Wildlife Conservation License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the Oklahoma Department of Wildlife Conservation in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support for wildlife conservation in this state through the Wildlife Diversity Fund, provided for in Section 3-310 of Title 29 of the Oklahoma Statutes. Such plates may be designed and issued to any person as for personalized license plates. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Motor license agents shall have the option of stocking an inventory of numbered Wildlife Conservation License Plates, as well as stocking applications for personalized Wildlife Conservation License Plates. In addition to the amounts authorized to be retained by motor license agents pursuant to the provisions of Section 1141.1 of this title, motor license agents shall retain an additional Three Dollars (\$3.00) for each original Wildlife Conservation License Plate issued and

for each application submitted by mail that carries the agent's code and for which a Wildlife Conservation License Plate is issued. The three-dollar fee to be retained by the motor license agent pursuant to this paragraph shall not be included in the maximum sum that may be retained by motor license agents as compensation pursuant to the provisions of Section 1143 of this title. For the first year such plate is issued, Seventeen Dollars (\$17.00) of the twenty-five-dollar fee shall be apportioned pursuant to subsection D of Section 3-310 of Title 29 of the Oklahoma Statutes. After the first year such plate is issued, Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be apportioned pursuant to subsection D of Section 3-310 of Title 29 of the Oklahoma Statutes;

30. Municipal Official License Plates - such plates shall be designed for persons elected to a municipal office in this state and shall designate the name of the municipality and the district or ward in which the municipal official serves. The plates shall only be produced upon application. The fee for the plate shall be Fifteen Dollars (\$15.00) and shall be in addition to the regular plate issued to the elected municipal official and the fees charged therefor;

31. Child Abuse Prevention License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the Office of Child Abuse Prevention in the State Department of Health and the Oklahoma Committee to Prevent Child Abuse, and issued to any person wishing to demonstrate support for the prevention of child abuse. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be deposited in the Child Abuse Prevention Fund;

32. National Association for the Advancement of Colored People License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the NAACP, and issued to any person wishing to demonstrate support for the NAACP. The fee for the plate shall be Twenty Dollars (\$20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

33. National Rifle Association License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the National Rifle Association, and issued to any person wishing to demonstrate support for the National Rifle Association. The fee for the plate shall be Twenty Dollars (\$20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

34. Red Cross Volunteer License Plates - such plates shall be designed to honor American Red Cross volunteers and staff who are residents of this state. Such persons must present an identification card issued by the American Red Cross and bearing a photograph of the person. The license plate shall be designed with the assistance of the American Red Cross and shall have the legend "Oklahoma OK!" in the color Pantone 186C Red. Below the legend the symbol of the American Red Cross and no more than three letters and three numbers shall be in the color Pantone 186C Red. Below the symbol and letters and numbers shall be the words "American Red Cross" in black. The plates shall not be subject to the design requirements of any other license plates prescribed by law other than the space for the placement of the yearly decals for each succeeding year of registration after the initial issue. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all

other registration fees required by the Oklahoma Vehicle License and Registration Act;

35. United States Olympic Committee Supporter License Plates - such plates shall be designed and issued to any person wishing to demonstrate support for the United States Olympic Committee. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official United States Olympic Committee logo. The fee for such plate shall be Twenty-eight Dollars (\$28.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The Tax Commission shall be authorized, if necessary, to enter into a licensing agreement with the United States Olympic Committee for any licensing fees which may be required in order to use the United States Olympic Committee logo or design. The licensing agreement shall provide for a payment of not more than Twenty-five Dollars (\$25.00) for each license plate issued. Motor license agents shall have the option of stocking an inventory of preprinted United States Olympic Committee Supporter License Plates, as well as stocking applications for personalized United States Olympic Committee Supporter License Plates. In addition to the amounts authorized to be retained by motor license agents pursuant to the provisions of Section 1141.1 of this title, motor license agents shall retain an additional Three Dollars (\$3.00) for each United States Olympic Committee Supporter License Plate issued and for each application submitted by mail that carries the agent's code and for which a United States Olympic Committee Supporter License Plate is issued. The three-dollar fee to be retained by the motor license agent pursuant to this paragraph shall not be included in the maximum sum that may be retained by motor license agents as compensation pursuant to the provisions of Section 1143 of this title;

36. Oklahoma History License Plates - such plates shall be designed and issued to any person wishing to demonstrate interest in Oklahoma history. The fee for such plate shall be Twenty Dollars (\$20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Fifteen Dollars (\$15.00) of the twenty-dollar fee shall be deposited to the Oklahoma Historical Society Revolving Fund to be used for educational purposes;

37. Oklahoma Military Academy Alumni License Plates - such plates shall be designed and issued to any resident of this state who is an alumnus of the Oklahoma Military Academy. Such persons may apply for an Oklahoma Military Academy Alumnus license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The license plates shall be designed in consultation with the Oklahoma Military Academy and shall contain the shield of the Academy. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

38. Masonic Fraternity License Plates - such plates shall be designed and issued to any resident of this state who is a member of a Masonic Fraternity of Oklahoma. Such persons may apply for a Masonic Fraternity license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Masonic Fraternity membership or upon the presentment of an application for a Masonic Fraternity license plate authorized and approved by the Grand Lodge of Oklahoma. The license plates shall be designed in consultation with the Masonic Fraternities of Oklahoma and shall contain the Masonic emblem. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to

all other registration fees required by the Oklahoma Vehicle License and Registration Act;

39. Historic Route 66 License Plates - such plates shall be designed to honor historic Route 66, also known as the "Mother Road".

The fee for the plate shall be Twenty Dollars (\$20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Fifteen Dollars (\$15.00) of the twenty-dollar fee shall be apportioned to the Oklahoma Tourism and Recreation Department Revolving Fund to be distributed to the Route 66 Museum located in Clinton, Oklahoma;

40. Heart of the Heartland License Plates - such plates shall be designed and issued to any person wishing to honor the victims of the terrorist bombing attack on the Alfred P. Murrah Federal Building in downtown Oklahoma City on April 19, 1995. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be deposited in the Heart of the Heartland Scholarship Fund, as established in Section 2282 of Title 70 of the Oklahoma Statutes;

41. United States Air Force Association License Plates - such plates shall be designed for members of the United States Air Force Association. Persons applying for such license plate must show proof of membership in the Association. The license plates shall be designed in consultation with the Association. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

42. Shriner's Hospitals for Burned and Crippled Children License Plates - such plates shall be designed to demonstrate support for Shriner's Hospitals for Burned and Crippled Children and shall be issued to any resident of this state who is a member of a Shriner's Temple in Oklahoma. The license plate shall be designed in consultation with the Shriner's Temples in Oklahoma and shall contain the Shriner's emblem. The fee for the plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

43. Emergency Medical Technician License Plates - such plates shall be designed and issued to any person who is an emergency medical technician. Such persons may apply for an emergency medical technician license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of an emergency medical technician's license. The license plate shall be designed in consultation with the state association of emergency medical technicians. The fee for the plate shall be Twenty Dollars (\$20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Fifteen Dollars (\$15.00) of the twenty-dollar fee shall be apportioned to the county of residence of the person purchasing the plates to be equally apportioned by the county to the city and county volunteer fire departments in the county;

44. Fight Breast Cancer License Plates - such plates shall be designed to demonstrate support for the prevention and treatment of breast cancer in this state. The plate shall contain the legend "Fight Breast Cancer". The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be apportioned to the Breast Cancer Act Revolving Fund;

45. Balloonists License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for hot air ballooning in this state. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

46. Veterans of Foreign Wars License Plates - such plates shall be designed to honor the veterans of foreign wars and issued to any resident of this state who is a member of a Veterans of Foreign Wars organization in this state. Such persons may apply for Veterans of Foreign Wars license plates upon proof of membership in a Veterans of Foreign Wars organization. The license plate shall be designed in consultation with the Veterans of Foreign Wars organization. The fee for the plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

47. Order of the Eastern Star License Plates - such plates shall be designed and issued to any resident of this state who is a member of an Order of the Eastern Star. Such persons may apply for an Order of the Eastern Star license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of an Order of the Eastern Star membership or upon the presentment of an application for an Order of the Eastern Star license plate authorized and approved by the organization. The license plate shall be designed in consultation with the Order of the Eastern Star and shall contain the Order of the Eastern Star emblem. The fee for each license plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

48. Crime Victims Awareness License Plates - such plates shall be designed and issued to any person wishing to demonstrate awareness of and support for victims of crimes. The license plates shall be designed in consultation with the Oklahoma Crime Victims Centre. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be apportioned to the Attorney General's Revolving Fund for the Office of the Attorney General, which is hereby directed to use such funds to contract with a statewide nonprofit organization to provide services to crime victims;

49. Desert Storm License Plates - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who served in the Persian Gulf Crisis and the Desert Storm operation. Such persons may apply for a Desert Storm license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

50. Military Reserve Unit License Plates - such plates shall be designed and issued to any honorably discharged or present member of a reserve unit of the United States Armed Forces. Such persons may apply for a Military Reserve Unit license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

51. Knights of Columbus License Plates - such plates shall be designed and issued to any resident of this state who is a member of the Knights of Columbus. Such persons may apply for a Knights of Columbus

license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Knights of Columbus membership or upon the presentment of an application for a Knights of Columbus license plate authorized and approved by the organization. The license plate shall be designed in consultation with the Knights of Columbus and shall contain the Knights of Columbus emblem. The fee for each license plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

52. Oklahoma Safe Kids Association License Plates - such plates shall be designed and issued to any person wishing to demonstrate support and awareness of the Oklahoma Safe Kids Association. The license plate shall be designed in consultation with the Oklahoma Safe Kids Association. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be deposited in the Children's Hospital - Oklahoma Safe Kids Association Revolving Fund to be distributed to the Oklahoma Safe Kids Association program;

53. Oklahoma City Bombing Victims and Survivors License Plates - such plates shall be designed and issued to any victim or survivor of the bombing attack on the Alfred P. Murrah Federal Building in downtown Oklahoma City on April 19, 1995. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

54. Civil Air Patrol License Plates - such plates shall be designed and issued to any person who is a member of the Civil Air Patrol. Such persons may apply for a Civil Air Patrol license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of membership in the Civil Air Patrol. The license plate shall be designed in consultation with the Civil Air Patrol. The fee for the plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

55. Ninety-Nines License Plates - such plates shall be designed and issued to members of the Ninety-Nines. Persons applying for such license plate must show proof of membership in the Ninety-Nines. The license plates shall be designed in consultation with the Ninety-Nines. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

56. Jaycees License Plates - such plates shall be designed and issued to members of the Jaycees. Persons applying for such license plate must show proof of membership in the Jaycees. The license plates shall be designed in consultation with the Jaycees. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

57. Combat Infantryman Badge License Plates - such plates shall be designed to honor recipients of the Combat Infantryman Badge. The plate shall have the legend "Oklahoma OK". Below the legend shall be the Combat Infantryman Badge and three numbers. Below the badge and the numbers shall be the words "Combat Infantryman Badge". Such persons may apply for a Combat Infantryman Badge license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

58. Somalia Combat Veterans License Plates - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who saw combat in the United Nations relief effort. Such persons may apply for a Somalia Combat Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

59. Ducks Unlimited License Plates - such plates shall be designed and issued to members of Ducks Unlimited. Persons applying for and renewing such license plates must show proof of tag membership in Ducks Unlimited. The license plates shall be designed in consultation with Ducks Unlimited. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

60. Kiwanis International License Plates - such plates shall be designed and issued to members of Kiwanis International. Persons applying for such license plate must show proof of membership in Kiwanis International. The license plates shall be designed in consultation with Kiwanis International. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

61. Certified Public Accountants License Plates - such plates shall be designed and issued to any resident of this state who is a Certified Public Accountant. Such persons may apply for a Certified Public Accountant license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of status as a Certified Public Accountant. The license plates shall be designed in consultation with the Oklahoma Society of Certified Public Accountants. The fee for each license plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

62. Police Chaplain License Plates - such plates shall be designed and issued to members of the International Conference of Police Chaplains (ICPC) who have completed the ICPC requirements for basic certification as a police chaplain. The license plates shall be designed in consultation with the ICPC. The fee for such plates shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

63. Four-H Club License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission by the Four-H Foundation, and issued to any person wishing to demonstrate support of the Four-H Club. Such plates may be designed and issued to any person as for personalized license plates. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Motor license agents shall have the option of stocking an inventory of numbered Four-H Club License Plates, as well as stocking applications for personalized Four-H Club License Plates. In addition to the amounts authorized to be retained by motor license agents pursuant to the provisions of Section 1141.1 of this title, motor license agents shall retain an additional Three Dollars (\$3.00) for each original Four-H Club License Plate issued and for each application submitted by mail that carries the agent's code and for which a Four-H Club License Plate is issued. The three-dollar fee to be retained by the motor license agent pursuant to this paragraph shall not be included in the maximum sum that may be retained by motor license agents as compensation pursuant to the

provisions of Section 1143 of this title. For the first year such plate is issued, Seventeen Dollars (\$17.00) of the twenty-five-dollar fee shall be apportioned to the OSU Extension Service License Plate Revolving Fund created in Section 1104.4 of this title. After the first year such plate is issued, Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be apportioned to such fund;

64. Agricultural Awareness License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the State Department of Agriculture in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support of the Department's Ag in the Classroom Education Program. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as provided in Section 1104.3 of this title;

65. Oklahoma Statehood Centennial License Plates - such plates shall be designed and issued to any person wishing to commemorate the centennial of Oklahoma's admission to statehood in 1907. The license plates shall be designed in consultation with the Oklahoma Capitol Complex and Centennial Commemoration Commission. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be deposited in the Oklahoma Capitol Complex and Centennial Commemoration Commission Revolving Fund created in Section 98.5 of Title 73 of the Oklahoma Statutes;

66. Support Education License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission by the State Department of Education in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support for education in this state. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Two Dollars (\$2.00) of the twenty-five-dollar fee shall be deposited into the Oklahoma Tax Commission Reimbursement Fund. The remaining Twenty-three Dollars (\$23.00) shall be apportioned as follows:

a. five percent (5%) shall be deposited to the Education Reform Revolving Fund,

b. five percent (5%) shall be deposited to the Higher Education Revolving Fund,

c. five percent (5%) shall be deposited to the State Vocational-Technical Fund, and

d. eighty-five percent (85%) of the fee shall be deposited to the Teachers' Retirement Benefit Fund as set forth in Section 17-108 of Title 70 of the Oklahoma Statutes. However, when the Teachers' Retirement Benefit Fund attains a seventy percent (70%) funded ratio based on an annual actuarial valuation as required by law, Twenty-three Dollars (\$23.00) of the fee shall be apportioned equally pursuant to subparagraphs a, b and c of this paragraph;

67. Retired Oklahoma Highway Patrol Officers License Plates - such plates shall be designed and issued to any retired officer of the Oklahoma Highway Patrol. The license plate shall have the legend "Oklahoma" and shall contain, in the center of the plate, the Highway Patrol Officers patch using the same colors and pattern as used in the patch. Centered on the bottom of the license plate shall be the word "Retired". The letters "TRP" shall be used in combination with three numbers on either side of the insignia or emblem. The color of the

letters and numbers shall be brown. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The surviving spouse of any deceased retired officer of the Oklahoma Highway Patrol, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a Retired Oklahoma Highway Patrol Officers license plate. The fee for each plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as follows: Twenty Dollars (\$20.00) shall be deposited into the Law Enforcement Retirement Fund, and Five Dollars (\$5.00) shall be deposited to the Oklahoma Tax Commission Reimbursement Fund;

68. Hearing Impaired License Plates - such plates shall be designed for persons who are hearing impaired. Such persons may apply for a hearing-impaired license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon the presentment of an application on a form furnished by the Tax Commission and certified by a physician holding a valid license to practice pursuant to the licensing provisions of Title 59 of the Oklahoma Statutes, attesting that the person is hearing impaired. The license plate shall be designed so that such persons may be readily identified as being hearing impaired. There shall be no additional fee for the plate, but all other registration fees provided by the Oklahoma Vehicle License and Registration Act shall apply;

69. Civil Emergency Management License Plates - such plates shall be designed and issued to persons wishing to demonstrate support for the state civil emergency management system. The license plates shall be designed in consultation with the Department of Civil Emergency Management. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

70. Joint Service Commendation Medal License Plates - such plates shall be designed and issued to any resident of this state who has been awarded the Joint Service Commendation Medal by the United States Secretary of Defense. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

71. Civilian Conservation Corps License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the Civilian Conservation Corps Association, and issued to any person wishing to demonstrate support of the Civilian Conservation Corps. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

72. Rotarian License Plates - such plates shall be designed and issued to any resident of this state who is a member of a Rotarian Club of Oklahoma. Such persons may apply for a Rotarian license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Rotarian Club membership or upon the presentment of an application for a Rotarian license plate authorized and approved by a Rotarian Club of Oklahoma. The license plates shall be designed in consultation with the five Rotarian District Governors and shall contain the Rotarian emblem. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

73. Benevolent Protective Order of Elks - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the Benevolent Protective Order of Elks, and issued to any resident of this state who is a member of the Benevolent Protective Order of Elks. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

74. Boy Scouts of America Supporter License Plates - such plates shall be designed and issued to any person wishing to demonstrate support for the Boy Scouts of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Boy Scouts of America logo. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The Tax Commission shall be authorized, if necessary, to enter into a licensing agreement with the Boy Scouts of America for any licensing fees which may be required in order to use the Boy Scouts of America logo or design. The licensing agreement shall provide for a payment to the Boy Scouts of America of not more than Twenty Dollars (\$20.00) for each license plate issued;

75. Humane Society License Plates - such plates shall be designed and issued to any person wishing to demonstrate support for the Humane Society of the United States. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Humane Society logo. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

76. Urban Forestry and Beautification License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the State Department of Agriculture in consultation with nonprofit organizations in this state that develop and operate programs to encourage urban forestry and beautification, and issued to any person wishing to demonstrate support of such programs. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as provided in Section 1104.5 of this title;

77. Oklahoma Mustang Club - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the Oklahoma Mustang Club, and issued to any resident of this state who is a member of the Oklahoma Mustang Club. Such persons may apply for an Oklahoma Mustang Club license plate upon presentment of proof of membership in the Oklahoma Mustang Club. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

78. Oklahoma State Parks Supporter License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission by the Oklahoma Tourism and Recreation Department, and issued to any person wishing to demonstrate support for the Oklahoma state parks system. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty-three Dollars (\$23.00) of the twenty-five-dollar fee shall be deposited in the Oklahoma

Tourism and Recreation Department Revolving Fund. Such money shall be designated for and may only be expended for the support of Oklahoma state parks;

79. American Business Clubs (AMBUCS) License Plates - such plates shall be designed and issued to members of American Business Clubs. Persons applying for such license plate must show proof of membership in AMBUCS. The license plates shall be designed in consultation with American Business Clubs. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

80. Merchant Marine License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission by the Oklahoma Department of Veterans Affairs, and issued to any person who during combat was a member of the Merchant Marines as certified by the Oklahoma Department of Veterans Affairs. Such license plate may be issued for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

81. Respect Life - Support Adoption License Plates - such plates shall be issued to any person wishing to demonstrate support of pregnant women who are committed to placing their children for adoption and wishing to provide assistance to guardians, adoptive parents and other created families to assist in the adoption and placement of children in permanent, safe homes. The license plates shall be designed and final terminology delivered in consultation with the Oklahoma Adoption Coalition and the Department of Human Services. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. The twenty-five-dollar fee derived from the sale of such plates shall be deposited in a revolving fund established in the State Treasury for and to be used by the Department of Human Services for the implementation of the Investing in Stronger Oklahoma Families Act specifically for created families;

82. West Point 200th Anniversary License Plates - such plates shall be designed and issued to any person wishing to commemorate the Two Hundredth Anniversary of the founding of the United States Military Academy at West Point, New York. The license plates shall be designed in consultation with the West Point Society of Central Oklahoma. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

83. Choose Life License Plates - such plates shall be designed, subject to criteria presented to the Tax Commission, by Choose Life, Inc., and issued to any person who wishes to demonstrate support of organizations that encourage adoption as a positive choice for women with unplanned pregnancies. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Five Dollars (\$5.00) of the twenty-five dollar fee shall be deposited into the Oklahoma Tax Commission Reimbursement Fund. The remaining Twenty Dollars (\$20.00) derived from the sale of such plates shall be deposited in the Choose Life Assistance Program Revolving Fund established in Section 1104.6 of this title;

84. Future Farmers of America License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the Oklahoma FFA (formerly known as Future Farmers of America). The license

plates shall be designed in consultation with the Oklahoma FFA Foundation Board of Directors. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as provided in Section 1104.7 of this title; and

85. Lions Club License Plates - such plates shall be designed and issued to persons wishing to demonstrate support for the Lions Club of Oklahoma. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plates shall be designed in consultation with the Oklahoma Lions Service Foundation and shall contain the official logo of the International Association of Lions Clubs. The fee for such plate shall be Fifteen Dollars (\$15.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The Tax Commission shall be authorized to enter into a licensing agreement with the Oklahoma Lions Service Foundation. The licensing agreement shall provide for a payment to the Oklahoma Lions Service Foundation of not more than Ten Dollars (\$10.00) for each license plate issued.

Notwithstanding the provisions of Section 1104 of this title, Two Dollars (\$2.00) of each special tag fee shall be deposited to the Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act.

Use of any vehicle possessing a special license plate for any purpose not specified in this section shall be grounds for revocation of the special license plate and registration certificate.

§47-1136.1. Repealed by Laws 2004, c. 504, § 23, eff. July 1, 2004.

§47-1136.2. Former military vehicles.

A. Except as provided in this section, former military vehicles shall be exempt from the provisions of the Oklahoma Vehicle License and Registration Act if:

1. The former military vehicle is used only for exhibitions, club activities, parades, and other functions of public interest and will not be used for regular transportation; and

2. The owner of the former military vehicle files with the Oklahoma Tax Commission or a motor license agent a sworn affidavit, signed by the owner, stating that the vehicle is a former military vehicle and will be used solely for the purposes listed in paragraph 1 of this subsection.

B. Upon each former military vehicle, the annual license fee shall be Twenty Dollars (\$20.00). Upon initial registration, the owner shall make application for the flat license fee which application shall include the year of manufacture and a description of the vehicle containing information as may be required by the Commission, including the information required in paragraphs 1 and 2 of subsection A of this section.

C. A former military vehicle shall not be required to display a license plate if current proof of registration for the vehicle, in a form prescribed by the Commission, is carried in the vehicle. In

addition, the vehicle shall display in a prominent location on the vehicle a registration mark prescribed by the Commission. The Commission shall allow the use of a unique identification mark similar to the mark assigned that vehicle by the branch of the armed forces in which the vehicle was used. If such a mark is not used, the Commission shall designate a registration mark consisting of numbers, letters, or numbers and letters in combination at least two (2) inches in height. To the extent possible, the location and design of the registration mark shall conform to the official military design and markings of the vehicle.

D. A certificate of title shall be issued for a former military vehicle, and the applicable fees for the issuance of a certificate of title as provided pursuant to the Oklahoma Vehicle License and Registration Act shall apply.

E. All penalties pursuant to the Oklahoma Vehicle License and Registration Act relating to the failure to register a vehicle shall apply to this section if the former military vehicle is not properly registered or is used in a manner which violates the provisions of paragraph 1 or 2 of subsection A of this section.

F. As used in this section, "former military vehicle" means a vehicle which has been, but no longer is, used by the armed forces of a national government and which displays markings indicating it was a military vehicle.

Added by Laws 1997, c. 204, § 2, eff. Nov. 1, 1997.

§47-1137. Repealed by Laws 1990, c. 315, § 10, eff. July 1, 1990.

§47-1137.1. Used dealer temporary license plate - Certificate of title - Tax stamp - Registration and title - Nonresident purchasers

A. Except for vehicles, travel trailers or commercial trailers which display a current Oklahoma license tag, upon the purchase or transfer of ownership of a used motor vehicle, travel trailer or commercial trailer, including an out-of-state purchase or transfer of the same, to a licensed used motor vehicle dealer, wholesale used motor vehicle dealer, used travel trailer dealer or used commercial trailer dealer, subsequently referred to in this section as "dealer", the dealer shall affix a used dealer's plate visible from the rear of the vehicle, travel trailer or commercial trailer. Such license plate shall expire on December 31 of each year. When the vehicle, travel trailer or commercial trailer is parked on the dealer's licensed place of business, it shall not be required to have a license plate of any kind affixed. A dealer shall obtain from the Oklahoma Tax Commission at a cost of Ten Dollars (\$10.00) a dealer license plate for demonstrating, transporting or any other normal business of a dealer including use by an individual holding a valid salesperson's license issued by the Oklahoma Used Motor Vehicle and Parts Commission. Any dealer who operates a wrecker or towing

service licensed pursuant to Sections 951 through 957 of this title shall register each wrecker vehicle and display a wrecker license plate on each vehicle as required by Section 1134.3 of this title. A dealer may obtain as many additional license plates as may be desired upon the payment of Ten Dollars (\$10.00) for each additional license plate. Use of the used dealer license plate by a licensed dealer for other than the purposes as set forth herein shall constitute grounds for revocation of the dealer's license. The Oklahoma Tax Commission shall design the official used dealer license plate to include the used dealer's license number issued to him or her each year by the Commission or the Used Motor Vehicle and Parts Commission.

B. Upon the purchase or transfer of ownership of an out-of-state used motor vehicle, travel trailer or commercial trailer to a licensed dealer, the dealer shall make application for an Oklahoma certificate of title pursuant to the Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of this title. Upon receipt of the Oklahoma certificate of title, the dealer shall follow the procedure as set forth in subsection A of this section. Provided, nothing in this title shall be construed as requiring a dealer to register a used motor vehicle, travel trailer or commercial trailer purchased in another state which will not be operated or sold in this state.

C. Upon sale or transfer of ownership of the used motor vehicle or travel trailer, the dealer shall place upon the reassignment portion of the certificate of title a tax stamp issued by the county treasurer of the county in which the dealer has his or her primary place of business. The tax stamp shall be issued upon payment of a fee of Three Dollars and fifty cents (\$3.50) and shall be in lieu of the dealer's ad valorem tax on the inventories of used motor vehicles or travel trailers but shall not relieve any other property of the dealer from ad valorem taxation.

D. Upon sale of a used motor vehicle or travel trailer to another licensed dealer, the selling dealer shall place the tax stamp required in subsection C of this section upon the certificate of title. The used dealer license plate or wholesale dealer license plate shall be removed by the selling dealer. The purchasing dealer shall, at time of purchase, place his or her dealer license plate on the used motor vehicle, travel trailer or commercial trailer as provided in subsection A of this section; provided, for vehicles, travel trailers or commercial trailers purchased by a licensed used dealer at an auction, in lieu of such placement of the dealer license plate, the auction may provide temporary documentation as approved by the Director of the Motor Vehicle Division of the Oklahoma Tax Commission for the purpose of transporting such vehicle to the purchaser's point of destination. Such temporary documentation shall be valid for two (2) days following the date of sale.

E. The purchaser of every used motor vehicle, travel trailer or commercial trailer, except as otherwise provided by law, shall obtain registration and title for the vehicle or trailer within thirty (30) days from the date of purchase of same. It shall be the responsibility of the selling dealer to place a temporary license plate, in size similar to the permanent Oklahoma license plate but of a weatherproof plastic-impregnated substance approved by the Used Motor Vehicle and Parts Commission, upon a used motor vehicle, travel trailer or commercial trailer when a transaction is completed for the sale of said vehicle. The temporary license plate under this subsection shall be placed at the location provided for the permanent motor vehicle license plate. The temporary license plate shall show the license number which is issued to the dealer each year by the Oklahoma Tax Commission or the Used Motor Vehicle and Parts Commission, the date the used motor vehicle, travel trailer or commercial trailer was purchased and the company name of the selling dealer. The Used Motor Vehicle and Parts Commission is hereby directed to develop the temporary license plate design to incorporate these requirements in a manner that will permit law enforcement personnel to readily identify the dealer license number and date of the vehicle purchase. The Used Motor Vehicle and Parts Commission is hereby authorized to develop additional requirements and parameters as deemed appropriate to discourage or prevent illegal duplication and use of the temporary license plate. Such temporary license plate shall be valid for a period of thirty (30) days from the date of purchase. Use of the temporary license by a dealer for other than the purposes set forth herein shall constitute grounds for revocation of the dealer's license to conduct business. Purchasers of a commercial trailer shall affix the temporary license plate to the rear of the commercial trailer. The purchaser shall display the temporary license plate for a period not to exceed thirty (30) days or until registration and title are obtained as provided in this section.

The provisions of this subsection on temporary licenses shall apply to nonresidents who purchase a used motor vehicle, travel trailer or commercial trailer within this state that is to be licensed in another state. The nonresident purchaser shall be allowed to operate the vehicle or trailer within the state with a temporary license plate for a period not to exceed thirty (30) days from date of purchase. Any nonresident purchaser found to be operating a used motor vehicle, travel trailer or commercial trailer within this state after thirty (30) days shall be subject to the registration fees of this state upon the same terms and conditions applying to residents of this state.

F. It shall be unlawful for any dealer to procure the registration and licensing of any used motor vehicle, travel trailer or commercial trailer sold by the dealer or to act as the agent for

the purchaser in the procurement of the registration and licensing of the purchaser's used vehicle, travel trailer or commercial trailer. A license of any dealer violating the provision of this section may be revoked.

G. Dealers following the procedure set forth herein shall not be required to register vehicles, travel trailers or commercial trailers to which this section applies, nor will the registration fee otherwise required be assessed. Provided, dealers shall not purchase or trade for a used motor vehicle, travel trailer or commercial trailer on which the registration therefor has been expired for a period exceeding thirty (30) days without obtaining current registration therefor.

H. A nonprofit charitable organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and which accepts donations of used motor vehicles previously titled in Oklahoma to be subsequently transferred to another owner, upon the qualifying organization providing sufficient documentation of its tax-exempt status, may obtain from the Oklahoma Tax Commission charitable nonprofit organization license plates for demonstrating, transporting or test-driving donated vehicles, provided that no organization shall possess or use at any one time more than eight such plates. The Tax Commission shall design distinctive license plates for that purpose. The cost for said plates shall be the same as provided in subsection A of this section for dealer plates.

I. The transfer of ownership from the vehicle donor to the qualifying nonprofit organization described in subsection H of this section shall be made without the payment of motor vehicle excise tax levied pursuant to Section 2103 of Title 68 of the Oklahoma Statutes. Added by Laws 1986, c. 172, § 5, eff. July 1, 1986. Amended by Laws 1988, c. 163, § 7, emerg. eff. May 16, 1988; Laws 1989, c. 57, § 6, operative July 1, 1989; Laws 1990, c. 115, § 1, operative July 1, 1990; Laws 1990, c. 315, § 5, eff. July 1, 1990; Laws 1991, c. 56, § 1, emerg. eff. April 10, 1991; Laws 1992, c. 200, § 1, eff. July 1, 1992; Laws 1993, c. 93, § 3, eff. July 1, 1993; Laws 1994, c. 119, § 1, eff. Sept. 1, 1994; Laws 2005, c. 190, § 15, eff. Sept. 1, 2005; Laws 2007, c. 326, § 19, eff. Nov. 1, 2007; Laws 2015, c. 386, § 7, eff. Nov. 1, 2015; Laws 2016, c. 308, § 1, eff. Nov. 1, 2016.

§47-1137.2. Issuance of dealer license plates - Authority of Commission.

The Oklahoma Tax Commission shall have the sole authority to issue the dealer license plate specified in subsection A of Section 1137.1 of this title.

Added by Laws 1990, c. 115, § 2, operative July 1, 1990. Amended by Laws 1993, c. 93, § 4, eff. July 1, 1993; Laws 1994, c. 119, § 2, eff. Sept. 1, 1994.

§47-1137.3. Registration and licensing of new motor vehicle, trailer or commercial trailer - Temporary license plate - Unlawful acts and penalties.

The purchaser of every new motor vehicle, travel trailer or commercial trailer shall register or license the same within thirty (30) days from the date of purchase. It shall be the responsibility of the selling dealer to place a temporary license plate, in size similar to the permanent Oklahoma license plate but of a weatherproof plastic-impregnated substance approved by the Oklahoma Motor Vehicle Commission, upon a new motor vehicle, travel trailer or commercial trailer when a transaction is completed for the sale of said vehicle or trailer. Except for cab and chassis trucks, the temporary license plate under this section shall be placed at the location provided for the permanent motor vehicle license plate. The purchaser of a new cab and chassis truck may place the temporary license plate under this section in the rear window. Said temporary license plate shall show the dealer's license number which is issued to him or her each year by the Oklahoma Tax Commission, the date the new motor vehicle, travel trailer or commercial trailer was purchased and the company name of the selling dealer. The Oklahoma Motor Vehicle Commission is hereby directed to develop a temporary license plate design to incorporate these requirements in a manner that will permit law enforcement personnel to readily identify the dealer license number and date of the vehicle purchase. The Motor Vehicle Commission is further authorized to develop additional requirements and parameters designed to discourage or prevent illegal duplication and use of the temporary license plate. On or before thirty (30) days from the date of purchase of a new motor vehicle, travel trailer or commercial trailer, said temporary license plate shall be removed and replaced with a permanent, current Oklahoma license plate. Use of said temporary license plate by a licensed dealer for other than the purpose of normally doing business shall constitute grounds for revocation of the dealer's license.

It shall be unlawful for any licensed dealer of new motor vehicles, travel trailers or commercial trailers to procure the registration and licensing of any new motor vehicle, travel trailer or commercial trailer sold by such licensed dealer or to act as the agent for such purchaser in the procurement of said registration and licensing. The license of any licensed dealer of new motor vehicles, travel trailers or commercial trailers violating the provisions of this section shall be revoked.

Added by Laws 1992, c. 200, § 2, eff. July 1, 1992. Amended by Laws 1993, c. 93, § 5, eff. July 1, 1993; Laws 2007, c. 326, § 20, eff. Nov. 1, 2007; Laws 2008, c. 315, § 5, emerg. eff. June 2, 2008.

§47-1138. Repealed by Laws 2014, c. 383, § 1, eff. Nov. 1, 2014.

§47-1139. Repealed by Laws 2014, c. 383, § 1, eff. Nov. 1, 2014.

§47-1139.1. Lease agreements involving counties - Fee exemption.

At the time required for payment of any fee imposed pursuant to the provisions of the Oklahoma Vehicle License and Registration Act, any vehicle which is the subject of a lease or lease-purchase agreement between the owner of such vehicle and any county of this state shall be exempt from the fees so imposed. Owners of vehicles claiming the exemption provided by this section shall present adequate proof that the vehicle for which exemption is sought is the subject of a lease or lease-purchase agreement with a county of this state at the time any fee imposed by such act would otherwise be due. The Oklahoma Tax Commission shall have the authority to determine what constitutes adequate proof as required by this section. Added by Laws 1986, c. 284, § 3, operative July 1, 1986.

§47-1140. Qualifications and requirements of motor license agent - Appointment - Vacancies - Felonies - Collection of fees and taxes.

A. The Oklahoma Tax Commission shall adopt rules prescribing minimum qualifications and requirements for locating motor license agencies and for persons applying for appointment as a motor license agent. Such qualifications and requirements shall include, but not be limited to, the following:

1. Necessary job skills and experience;
2. Minimum office hours;
3. Provision for sufficient staffing, equipment, office space and parking to provide maximum efficiency and maximum convenience to the public;
4. Obtainment of a faithful performance surety bond as provided for by law;
5. In counties with a population in excess of thirty thousand (30,000) persons according to the latest Federal Decennial Census, a requirement that operation of a motor license agency be the primary source of income for the agent;
6. That the applicant has not been convicted of a felony and that no felony charges are pending against the applicant;
7. That a complete financial statement be submitted by the applicant on forms provided by the Tax Commission;
8. That a report of the applicant's credit history be obtained through the appropriate credit bureau; and
9. That the location specified in the application for appointment as a motor license agent not be owned by a member of the Oklahoma Tax Commission or an employee of the Oklahoma Tax Commission or any person related to a member of the Oklahoma Tax Commission or an employee of the Tax Commission within the third degree by consanguinity or affinity and that the location not be within a

three-mile radius of an existing motor license agency unless the applicant is assuming the location of an operating agency. If the applicant is assuming the location of an existing or operating agency, the current agent may submit a letter of resignation contingent upon the appointment of the applicant regardless of the population of the municipality in which the agency is located. The Tax Commission may, at its discretion, approve the relocation of an existing agency within a three-mile radius of another existing agency only if a naturally intervening geographic barrier within that radius causes the locations to be separated by not less than three (3) miles of roadway by the most direct route.

B. After the necessary information has been forwarded to the Tax Commission, the Tax Commission or its designees may select applicants to be interviewed and each item of information shall be reviewed.

Any person making application to the Tax Commission for the purpose of becoming a motor license agent shall pay when submitting the application, a nonrefundable application fee of One Hundred Dollars (\$100.00). All such application fees shall be deposited in the Oklahoma Tax Commission Revolving Fund.

C. Upon application by a person to serve as a motor license agent, in such counties, the Tax Commission is authorized to make a determination whether such person and such location meets the qualifications and requirements prescribed herein and, if such be the case, may appoint such person to serve as a motor license agent.

D. A motor license agent, appointed pursuant to this subsection, shall be permitted to operate a motor license agency at a single location and shall be prohibited from operating subagencies or branch agencies.

Motor license agents appointed pursuant to this section shall be subject to all laws relating to motor license agents and shall be subject to removal at the will of the Tax Commission.

The Tax Commission shall appoint as many motor license agents as it deems necessary to carry out the provisions of the Motor Vehicle License and Registration Act. Provided, that in counties with a population in excess of twenty-five thousand (25,000) persons, according to the latest Federal Decennial Census, having only one motor license agent serving the county, the Tax Commission shall establish at least one additional agency to serve the county.

E. All motor license agents shall be self-employed independent contractors and shall be under the supervision of the Tax Commission; provided, any agent authorized to issue registrations pursuant to the International Registration Plan shall also be under the supervision of the Corporation Commission, subject to rules promulgated by the Corporation Commission pursuant to the provisions of subsection E of Section 1166 of this title. Any such agent, upon being appointed, shall furnish and file with the Tax Commission a bond in such amount as may be fixed by the Tax Commission. Such agent shall be removable

at the will of the Tax Commission. Such agent shall perform all duties and do such things in the administration of the laws of this state as shall be enjoined upon and required by the Tax Commission or the Corporation Commission. Provided, the Tax Commission may operate a motor license agency in any county where a vacancy occurs.

F. In the event of a vacancy existing by reason of resignation, removal, death or otherwise, in the position of any motor license agent, the Tax Commission is hereby empowered and authorized to take any and all actions it deems appropriate in order to provide for the orderly transition and for the maintenance of operations of the motor license agency including but not limited to the designation of one of its regular employees to serve as "acting agent" without bond, and to receive and expend all fees or charges authorized or provided by law and exercise the same powers and authority as a regularly appointed motor license agent. An acting agent may be authorized by the Tax Commission equally as the preceding agent to make disbursements from any balances in the preceding motor license agent's operating account and the agent's operating funds for the payment of expenses of operations and salaries and other overhead. If such funds are insufficient, the Tax Commission is authorized to expend from funds appropriated for the operation of the Tax Commission such amounts as are necessary to maintain and continue the operation of any such motor license agency until a successor agent is appointed and qualified. The Tax Commission may require a blanket fiduciary bond of the agency employees.

G. Any motor license agency operated by a motor license agent who has been charged with a felony shall be closed immediately. The Tax Commission shall determine whether the motor license agency shall be reopened and operated by the motor license agent. The determination shall be effected as soon as possible to prevent additional inconvenience to the public.

H. When an application for registration is made with the Tax Commission, Corporation Commission or a motor license agent, a registration fee of One Dollar and seventy-five cents (\$1.75) shall be collected for each license plate or decal issued. Such fees shall be in addition to the registration fees on motor vehicles and when an application for registration is made to the motor license agent such motor license agent shall retain a fee as provided in Section 1141.1 of this title. When the fee is paid by a person making application directly with the Tax Commission or Corporation Commission, as applicable, the registration fees shall be in the same amount as provided for motor license agents and the fee provided by Section 1141.1 of this title shall be deposited in the Oklahoma Tax Commission Revolving Fund or as provided in Section 1167 of this title, as applicable. The Tax Commission shall prepare schedules of registration fees and charges for titles which shall include the fees for such agents and all fees and charges paid by a person shall be

listed separately on the application and registration and totaled on the application and registration. The motor license agents shall charge only such fees as are specifically provided for by law, and all such authorized fees shall be posted in such a manner that any person shall have notice of all fees that are imposed by law.

I. No person shall be appointed as a motor license agent unless the person has attested under oath that the person is not related by affinity or consanguinity within the third degree to:

1. Any member of the Oklahoma Tax Commission; or
2. Any employee of the Tax Commission.

J. Any motor license agent appointed under the provisions of this title shall be responsible for all costs incurred by the Tax Commission when relocating an existing motor license agency. The Tax Commission may waive payment of such costs in case of unforeseen business or emergency conditions beyond the control of the agent.

Added by Laws 1985, c. 179, § 43, operative July 1, 1985. Amended by Laws 1985, c. 197, § 5, operative July 1, 1985; Laws 1987, c. 158, § 1, emerg. eff. June 25, 1987; Laws 2004, c. 534, § 10, eff. Nov. 1, 2004; Laws 2005, c. 1, § 77, emerg. eff. March 15, 2005; Laws 2008, c. 383, § 1, eff. Nov. 1, 2008; Laws 2009, c. 386, § 1, eff. July 1, 2009; Laws 2018, c. 174, § 1, eff. Nov. 1, 2018; Laws 2018, c. 289, § 1, eff. Nov. 1, 2018; Laws 2019, c. 195, § 2, eff. July 1, 2019.

NOTE: Laws 2004, c. 522, § 23 repealed by Laws 2005, c. 1, § 78, emerg. eff. March 15, 2005.

§47-1140.1. Cameras for certain motor license agents.

A. Any motor license agent appointed on or after July 1, 2002, within a specific municipality shall be furnished a camera by the Department of Public Safety without charge if:

1. Based upon the number of driver licenses issued during the preceding year, the total number of licenses issued shall average not less than one thousand two hundred (1,200) per year per camera within the municipality and not less than one thousand two hundred (1,200) per year per camera within the county; or

2. The motor license agent is located in a municipality with a population greater than five hundred (500) and the municipality is located fifteen (15) miles or more from any other motor license agency.

B. In addition to the provisions of subsection A of this section, each county shall have at least one motor license agent who shall be furnished a camera.

C. For the purposes of this section, each motor license agent appointed after July 1, 2002, shall be considered a new agent, whether assets of another agency were inherited, purchased or otherwise acquired.

D. The furnishing of any camera shall be subject to availability from the vendor and, if limited, shall be allocated according to this section.

Added by Laws 1988, c. 290, § 24, operative July 1, 1988. Amended by Laws 1991, c. 342, § 6, emerg. eff. June 15, 1991; Laws 2002, c. 392, § 1, eff. July 1, 2002; Laws 2017, c. 175, § 1, eff. Nov. 1, 2017.

§47-1141. Falsely advertising as authorized motor license agent - Penalty.

It shall be unlawful for any person to display any sign or to advertise in any manner representing to the public that he or she is an official or authorized motor license agent of the state, or that he or she has authority to register motor vehicles and issue license plates therefor, unless such person is a duly appointed and qualified motor license agent under the provisions of Section 1140 of this title; and it shall be unlawful for any person to solicit, accept or receive any gratuity or compensation for acting as a messenger or for acting as the agent or representative of another person in applying for the registration of a motor vehicle and obtaining the license plate therefor from the Oklahoma Tax Commission or from any official and authorized motor license agent, or to advertise, solicit, or in any manner offer to render such services for hire or compensation unless the motor license agent has appointed, authorized and approved said person to perform such acts and said person shall furnish to the motor license agent of the county in which such service is performed a surety bond in such amount as said motor license agent shall determine to be commensurate with the amount of money which may be involved at any one time.

Any person violating the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not exceeding one (1) year, or both. Each day that any such person advertises or in any manner offers to render such services to the public or to any person shall constitute a separate offense.

Nothing herein shall be construed as affecting or diminishing the responsibility and liability to the Commission of the official motor license agent or of his or her bond made to the Commission.

Added by Laws 1985, c. 179, § 44, operative July 1, 1985. Amended by Laws 2019, c. 195, § 3, eff. July 1, 2019.

§47-1141.1. Retention of taxes and fees.

A. Each motor license agent shall be entitled to retain the following amounts from the taxes and fees collected by such agent to be used to fund the operation of the office of such motor license agent subject to the provisions of Sections 1140 through 1147 of this title:

1. Beginning July 1, 2005, Two Dollars and eighty-one cents (\$2.81) for each vehicle registered and for each special license plate issued pursuant to the Oklahoma Vehicle License and Registration Act. Beginning July 1, 2006, and thereafter, Three Dollars and fifty-six cents (\$3.56) for each vehicle registered and for each special license plate issued pursuant to the Oklahoma Vehicle License and Registration Act;
2. One Dollar and twenty-five cents (\$1.25) for each certificate of title issued for boats and motors pursuant to the Oklahoma Statutes;
3. For each certificate of registration issued for boats and motors pursuant to the Oklahoma Statutes, an amount determined pursuant to the provisions of subsection B of this section;
4. Two Dollars and twenty-five cents (\$2.25) for each certificate of title issued pursuant to the Oklahoma Vehicle License and Registration Act. Provided, the fee retention amount for certificates of title issued pursuant to the provisions of subsection H of Section 1105 of this title, in which an insurer pays the optional twenty-two-dollar-fee amount, is Four Dollars and fifty cents (\$4.50);
5. Beginning October 1, 2000, three percent (3%) of the vehicle excise tax collected pursuant to Section 2103 of Title 68 of the Oklahoma Statutes. Beginning July 1, 2001, each motor license agent shall be entitled to retain three and one hundred twenty-five one-thousandths percent (3.125%) of the vehicle excise tax collected pursuant to Section 2103 of Title 68 of the Oklahoma Statutes. Beginning July 1, 2002, and for all subsequent years, each motor license agent shall be entitled to retain three and twenty-five one-hundredths percent (3.25%) of the vehicle excise tax collected pursuant to Section 2103 of Title 68 of the Oklahoma Statutes. However, beginning July 1, 2003, the Legislature shall annually review the percentage to be retained by the motor license agents pursuant to this paragraph to determine whether such percentage should be adjusted;
6. Four percent (4%) of the excise tax collected on the transfer of boats and motors pursuant to the Oklahoma Statutes;
7. Two Dollars (\$2.00) for each driver license, endorsement, identification license, or renewal or duplicate issued pursuant to Section 6-101 et seq. of this title;
8. Two Dollars (\$2.00) for the recording of security interests as provided in Section 1110 of this title;
9. Two Dollars (\$2.00) for each inspection conducted pursuant to subsection L of Section 1105 of this title;
10. Three Dollars (\$3.00) for each inspection conducted pursuant to subsection M of Section 1105 of this title;
11. One Dollar (\$1.00) for each certificate of ownership filed pursuant to subsection R of Section 1105 of this title;

12. One Dollar (\$1.00) for each temporary permit issued pursuant to Section 1124 of this title;

13. One Dollar and fifty cents (\$1.50) for processing each proof of financial responsibility, driver license information, insurance verification information, and other additional information as provided in Section 7-602 of this title;

14. The mailing fees and registration fees provided in Sections 1131 and 1140 of this title;

15. The notary fee provided in Section 1143 of this title;

16. Three Dollars (\$3.00) for each lien entry form completed and recorded on a certificate of title pursuant to subsection G of Section 1105 of this title;

17. Seven Dollars (\$7.00) for each notice of transfer as provided by subsection B of Section 1107.4 of this title;

18. Seven Dollars (\$7.00) for each certificate of title or each certificate of registration issued for repossessed vehicles pursuant to Section 1126 of this title;

19. Any amount specifically authorized by law to be retained by the motor license agent for the furnishing of a summary of a traffic record; and

20. Beginning July 1, 2009, each motor license agent shall also be entitled to a portion of the penalties for delinquent registration or payment of excise tax as provided for in subsection C of Section 1115, subsection F of Section 1132 and subsection C of Section 1151 of this title and of subsection A of Section 2103 of Title 68 of the Oklahoma Statutes.

The balance of the funds collected shall be remitted to the Oklahoma Tax Commission as provided in Section 1142 of this title to be apportioned pursuant to Section 1104 of this title.

B. For each certificate of registration issued for boats and motors, each motor license agent shall be entitled to retain the greater of One Dollar and twenty-five cents (\$1.25) or an amount to be determined by the Tax Commission according to the provisions of this subsection. At the end of fiscal year 1997 and each fiscal year thereafter, the Tax Commission shall compute the average amount of registration fees for all boats and motors registered in this state during the fiscal year and shall multiply the result by six and twenty-two one-hundredths percent (6.22%). The resulting product shall be the amount which may be retained by each motor license agent for each certificate of registration for boats and motors issued during the following calendar year.

Added by Laws 1991, c. 261, § 5, eff. Sept. 1, 1991. Amended by Laws 1993, c. 262, § 3, eff. Sept. 1, 1993; Laws 1995, c. 10, § 2, eff. July 1, 1995; Laws 1997, c. 95, § 1, eff. July 1, 1997; Laws 2000, c. 250, § 6, eff. Oct. 1, 2000, and adopted by State Question No. 691, Legislative Referendum No. 319, at election held Aug. 22, 2000; Laws 2001, c. 149, § 4, eff. Nov. 1, 2001; Laws 2005, c. 381, § 7, eff.

July 1, 2005; Laws 2009, c. 443, § 3, eff. July 1, 2009; Laws 2012, c. 158, § 4, eff. July 1, 2012.

§47-1142. Motor license agent accounts.

A. There is hereby created as an official depository of the Oklahoma Tax Commission a special agency account. The Tax Commission is hereby authorized and directed to assign an appropriate and distinctive number or designation for the account herein created which shall be designated the Oklahoma Tax Commission Motor License Agent Account. The Tax Commission shall assign an appropriate and distinctive subaccount number or designation for each motor license agent. Every motor license agent appointed under the provisions of the Oklahoma Vehicle License and Registration Act shall safeguard and preserve, in the manner herein required, all monies paid to such agent which the agent is bound to account for and pay over to the Tax Commission.

B. Each motor license agent shall establish, in a bank or banks authorized to do a banking business in the state, such special agency account and at any time that the motor license agent accumulates a total amount of receipts of One Hundred Dollars (\$100.00) or more then such motor license agent shall deposit within a period of one (1) banking business day after the close of business, all receipts which the agent is obligated to account for and remit to the Tax Commission in the designated Oklahoma Tax Commission Motor License Agent Account and no such monies shall be deposited in any other banks or other depositories unless the said bank accounts are maintained by the Tax Commission. Provided that, where a motor license agent is doing business in a municipality where there is no bank located, such motor license agent shall have a period of three (3) banking business days after the close of business to make such deposits. Advice of deposit receipts or duplicate deposit receipts, in a form and in an amount prescribed by the Tax Commission, shall be obtained and preserved as directed by the Tax Commission. One shall be retained by the agent, and one shall be immediately forwarded to the Tax Commission. Withdrawals or transfers from such Oklahoma Tax Commission Motor License Agent Account shall be made only by the duly authorized agent of the Tax Commission. That part of the agent's fees to be retained by the agent as the agent's personal compensation shall not be deposited in said Oklahoma Tax Commission Motor License Agent Account.

Each motor license agent shall submit the appropriate reports designated by the Tax Commission to properly account for all funds, regardless of source, received by a motor license agent in the performance of the agent's duties. Reports shall cover a period from the first day of the month to the fifteenth day of the month and from the sixteenth day of the month to the last day of the month. It shall be the responsibility of the motor license agent to mail or

deliver such reports and all documents of all transactions to the Tax Commission within a time period to be established by the Tax Commission.

C. Motor license agents shall deposit in such account all monies, taxes and fees collected and received by them as such agents, which they are obligated to account for and remit to the Tax Commission, and it is specifically required that checks or similar instruments accepted or received by such agents for taxes or fees must be deposited in such account, less any amount provided by this act that the agents are entitled to retain as fees.

No motor license agent shall withdraw any funds from the agent's motor license agent account. All checks, drafts, orders and vouchers so deposited shall bear an endorsement to the motor license agent account which endorsement shall include the assigned account number and the agent's subaccount number. Items deposited shall be credited at par and should payment be refused on any such check, draft, order or voucher, or should the same prove otherwise worthless, the amount thereof shall not be charged by the Tax Commission against the individual subaccounts of the agent. The agent shall continue to attempt to require proper payment of all such worthless items, but shall not be personally liable to the Tax Commission for their payment. The Tax Commission or agent shall charge the person issuing the check a fee of Twenty-five Dollars (\$25.00) for each check to cover the costs of the processing of each returned check, and all necessary travel expenses of collection, as provided by the State Travel Reimbursement Act; provided, such charge shall not be made unless efforts have been made to present such check, draft, order or voucher for payment a second time. Any motor license agent who collects a dishonored check pursuant to the provisions of Section 1121 of this title shall also collect a fee of Twenty-five Dollars (\$25.00) and shall be entitled to retain such fee.

D. Notwithstanding anything to the contrary, the Tax Commission shall continue to have the exclusive authority and standing to collect any taxes or other revenues owed to the State of Oklahoma or any political subdivision thereof pursuant to the provisions of the Motor Vehicle License and Registration Act.

E. It is specifically provided that nothing in this section shall be considered or construed as in any way affecting, relieving or relinquishing the liability of such agent to the Tax Commission for any monies collected by the agent and due the state or the liability of such agent or any surety on or under the agent's bond made to the Tax Commission.

Unless provided otherwise, any motor license agent who fails to comply with any provision of this section shall pay a penalty to be imposed by the Tax Commission. Monies collected for payment of the penalty shall be deposited to the credit of the General Revenue Fund of the State Treasury. Any motor license agent who pays a penalty

pursuant to this section shall not allocate his or her payment thereof as a part of his or her operating expenses, but shall use his or her personal funds for payment of the penalty. Such penalty shall be equal to one percent (1%) of the gross amount of the receipts received by the motor license agent for that particular day that the agent fails to deposit all such funds required by this section or one percent (1%) of the gross amount of the receipts received by the motor license agent for the report period that the agent fails to timely mail the required report or remit any excess agent funds as provided in subsection B of this section. Such penalty shall be increased to three percent (3%) of the gross amount of the receipts received for that particular day if the motor license agent fails to fulfill any of said requirements within a period of five (5) days. Provided that such penalty shall be three percent (3%) of the gross amount of the receipts received by the motor license agent for the report period that the agent fails to timely mail the required report or remit any excess agent funds as provided in subsection B of this section if the motor license agent fails to fulfill these requirements within five (5) days.

The Tax Commission may waive the penalty for failing to timely file the accounting report required by this section if the Tax Commission finds that:

1. The funds to which the report applies have been properly deposited;
2. The failure to timely file the report was due to emergency conditions beyond the control of the agent; and
3. The report has been filed within a week of the date on which it was required to be filed.

It shall be the duty of the Tax Commission to discharge immediately any motor license agent who fails, neglects or refuses to comply with the provisions of this section.

Added by Laws 1985, c. 179, § 45, operative July 1, 1985. Amended by Laws 1985, c. 197, § 6, operative July 1, 1985; Laws 1986, c. 223, § 28, operative July 1, 1986; Laws 1988, c. 232, § 2, operative July 1, 1988; Laws 1989, c. 284, § 2, emerg. eff. May 22, 1989; Laws 2006, c. 295, § 6, eff. July 1, 2006; Laws 2007, c. 348, § 3, eff. Nov. 1, 2007.

§47-1142.1. Carrying on or compensating messenger, courier or pick up and delivery service - Penalty.

A. It shall be unlawful for any motor license agent or any employee of such motor license agent to carry on a messenger service, courier service or pick up and delivery service for the recording of a security interest or for the registration of a motor vehicle or boat or a motor, or obtaining license plates and decals, or for the issuance of a certificate of title for any motor vehicle or boat or motor. Provided, nothing in this subsection shall be construed to

prevent a motor license agent or any employee of such motor license agent from performing such services for the motor license agent's depository bank, when the motor license agent or his employee goes to the agent's depository bank to deposit tax monies into the agent's designated Oklahoma Tax Commission Motor License Agent Account. After September 1, 1991, the Oklahoma Tax Commission shall not designate or assign a motor license agent more than one active Oklahoma Tax Commission Motor License Agent Account. Accounts designated prior to September 1, 1991, may remain active.

B. It shall be unlawful for any motor license agent to compensate in any manner a messenger service, courier service or pick up and delivery service or any one attempting to provide messenger service, courier service or pick up and delivery service for recording a security interest or for the registration of a motor vehicle or boat or motor, or obtaining license plates and decals, or for the issuance of a certificate of title for any motor vehicle or boat or motor.

C. A motor license agent who violates the provisions of this section shall be subject to a fine of Two Thousand Dollars (\$2,000.00) per occurrence and shall be removed immediately by the Oklahoma Tax Commission.

Added by Laws 1991, c. 261, § 6, eff. Sept. 1, 1991. Amended by Laws 2019, c. 195, § 4, eff. July 1, 2019.

§47-1143. Compensation of motor license agents - Mail order vehicle registration notification program - Apportionment of funds - Failure to receive registration notification - Bond.

A. A motor license agent appointed under the provisions of this title shall retain as compensation those taxes and fees collected and retained pursuant to Section 1141.1 of this title, and shall additionally retain:

1. All amounts remaining from notary and mailing fees received by such agent, after payment of all costs of handling and mailing;

2. All profits from any concessions operated in the agent's office; and

3. All amounts collected pursuant to subsection H of Section 1111 of this title.

B. A motor license agent shall receive a fee as regulated in Title 49 of the Oklahoma Statutes for each document notarized.

C. The Oklahoma Tax Commission shall initiate a mail order vehicle registration notification program, which shall consist of notification annually to all vehicle owners in this state of such time an owner shall register and license a vehicle as provided for in Section 1101 et seq. of this title. The notification issued by the Tax Commission shall include a breakdown of all charges to be paid by the owner, other items deemed necessary by the Tax Commission and shall notify the owner of the option of paying registration fees and

receiving the license plate or decal through the mail directly from the Tax Commission or of registering and receiving the license plate or decal from a motor license agent. On the back of such registration notification forms there shall be the address of the Oklahoma Tax Commission in large black type and an explanation of the apportionment of all license fees and penalties collected and their disposition. Such explanation shall include information as to all charges included in the total license fee and any fees or charges incident to the registration of a motor vehicle, to include all fees that a motor license agent is authorized to collect. If the owner chooses the option of receiving these services through the mail, either from the Tax Commission or the motor license agent, the owner shall then be instructed to pay the final total listed. The costs of mailing shall be the cost of postage plus One Dollar and twenty-five cents (\$1.25) for license plates, the cost of postage plus One Dollar (\$1.00) for decals and for the mailing of any other form, title, decal or device provided for in the Oklahoma Vehicle License and Registration Act. Provided however, the Tax Commission may adjust any mailing costs from time to time as it deems appropriate and as will allow for additional fees the U.S. Postal Service may charge.

D. Money received by the Tax Commission for the issuance of any registrations, license plates or otherwise shall be apportioned to the schools in accordance with other laws controlling such distributions.

E. Failure by an owner of a vehicle to receive registration notification as provided for in the Motor Vehicle License and Registration Act shall not in any manner relieve such person from the obligation of proper and timely registration and licensing of such vehicle, and such person shall be subject to any penalties prescribed by the Oklahoma Vehicle License and Registration Act.

F. A motor license agent, out of the taxes and fees collected and retained pursuant to Section 1141.1 of this title, shall obtain a faithful performance surety bond or cash bond in the amount of Thirty Thousand Dollars (\$30,000.00) or in such additional amount and form required by the Tax Commission or by the Oklahoma Vehicle License and Registration Act, a blanket surety bond or cash bond covering adequately all office personnel, necessary insurance, necessary office equipment and furniture, and other goods and services essential to the proper operation of the motor license agency. Provided that the Tax Commission shall have the authority to lower such required surety bond to an amount that is commensurate with the amount of business conducted by the motor license agent, but in no event shall that amount be less than Five Thousand Dollars (\$5,000.00). Motor license agents shall obtain the surety bond or cash bond required by this section only during their first year of operation. Thereafter, the motor license agents shall be subject to the provisions of Section 1143.1 of this title.

Added by Laws 1985, c. 179, § 46, operative July 1, 1985. Amended by Laws 1985, c. 197, § 7, operative July 1, 1985; Laws 1987, c. 158, § 2, emerg. eff. June 25, 1987; Laws 1993, c. 300, § 1, eff. Sept. 1, 1993; Laws 1995, c. 208, § 4, eff. July 1, 1995; Laws 2001, c. 439, § 1, eff. July 1, 2001; Laws 2019, c. 195, § 5, eff. July 1, 2019.

§47-1143.1. Oklahoma Motor License Agent Indemnity Fund.

A. There is hereby created the Oklahoma Motor License Agent Indemnity Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of annual assessments levied on motor license agencies. All monies accruing to the credit of the funds are hereby appropriated and may be expended, in amounts and as authorized by the Legislature, by the Office of Management and Enterprise Services. The purpose of the fund is to ensure that the Oklahoma Tax Commission recovers tax revenue and the Corporation Commission recovers apportioned vehicle registration fees, not remitted to either Commission because of negligence, malfeasance or fraud by a motor license agent. In addition, claims arising from tag agent errors and omissions may be paid from monies in the fund in excess of Five Hundred Thousand Dollars (\$500,000.00). Upon final determination by the Tax Commission of a tax revenue shortage or liability of a motor license agent whose agency has been closed, or by the Corporation Commission of apportioned vehicle registration fee shortage, a claim in the amount of such liability may be made by either Commission against the fund. The claim shall be paid out of the fund by the Office of Management and Enterprise Services. At least sixty (60) days' written notice shall be given to the delinquent motor license agent before any such claim is paid. The Office shall have the power to seek restitution to the fund from any motor license agent whose liability was paid out of the fund. The monies in the fund shall be invested by the State Treasurer and the interest shall be deposited in the fund.

B. Each fiscal year, the Office of Management and Enterprise Services shall collect and deposit into the fund an annual assessment from all motor license agencies that have been operating for a period of not less than one (1) year. Such assessments shall be payable by each motor license agency on a quarterly basis. The amount on which the assessment shall be based shall be determined annually for each motor license agency by the Tax Commission by dividing the volume of tax monies collected each fiscal year by the agency by the number of reporting periods required by the Tax Commission. The assessments shall be in the following amounts:

1. Each motor license agency which has been in operation for more than three (3) years and subject to the assessment pursuant to this subsection shall pay such assessment as follows:

- a. when the fund contains less than Five Hundred Thousand Dollars (\$500,000.00) on June 30 of any year, the

assessment shall be one percent (1%) of the amount determined for the motor license agency by the Tax Commission, and

- b. when the fund contains Five Hundred Thousand Dollars (\$500,000.00) or more on June 30 of any year, the Tax Commission shall reduce or suspend the assessment for such agencies if the Commission determines that the fund is fiscally sound and meets the needs for which the fund is established.

Provided, however, if the fund contains less than Five Hundred Thousand Dollars (\$500,000.00) at any time during the fiscal year for which the Tax Commission has reduced or suspended the assessment hereunder, the Tax Commission shall immediately issue an assessment pursuant to subparagraph a of this paragraph in an amount equal to the amount which would have been paid during the remaining quarters of the fiscal year; and

2. Each motor license agency which has been in operation for less than three (3) years but more than one (1) year shall pay the assessment in an amount equal to one percent (1%) of the amount determined for the motor license agency by the Tax Commission until the agency reaches the end of its third year of operation. At such time, such agency shall be subject to the assessment specified in subparagraph a of paragraph 1 of this subsection.

C. Any assessments required by subsection B of this section, shall be paid in quarterly amounts and due on September 30, December 30, March 30 and June 30 of each year. Such payments shall be deemed delinquent after October 15, January 15, April 15 and July 15 of each year. Motor license agents who are delinquent in remitting any quarterly payment for their operating agencies in excess of fifteen (15) days after the date of the delinquency shall be subject to dismissal.

D. No annual assessment shall exceed One Thousand Two Hundred Dollars (\$1,200.00).

Added by Laws 1987, c. 158, § 3, emerg. eff. June 25, 1987. Amended by Laws 1991, c. 169, § 1, eff. July 1, 1991; Laws 1994, c. 329, § 11, eff. July 1, 1994; Laws 1996, c. 312, § 1, eff. Sept. 1, 1996; Laws 1998, c. 78, § 1, emerg. eff. April 8, 1998; Laws 2008, c. 168, § 7, emerg. eff. May 12, 2008; Laws 2012, c. 304, § 203.

§47-1143.2. Additional duties and functions of motor license agents - Fees.

A. In addition to the duties and functions authorized to be performed by motor license agents pursuant to the provisions of the Oklahoma Vehicle License and Registration Act, the Oklahoma Tax Commission is authorized to utilize motor license agents to perform the following duties:

1. Process, receive, and issue permits, licenses, and registration relating to any tax which is payable to, collectible by, or administered by the Tax Commission;
 2. Accept documents, reports, or returns required to be filed with the Tax Commission and accept payment of remittances required to be made to the Tax Commission as provided by the tax laws of this state;
 3. Provide information regarding the status of any permit or license issued by the Tax Commission, or the franchise tax status of any corporation, upon written request and subject to the provisions of Section 205 of Title 68 of the Oklahoma Statutes and any other provision of law relating to the confidentiality of records or information; and
 4. Perform any other duties specified by the Tax Commission relating to the enforcement or administration of any state tax law.
- B. Any permit, license, or registration issued by a motor license agent, and any document, report, return, or remittance accepted by a motor license agent, pursuant to the provisions of subsection A of this section, shall be deemed on the date of such issuance or acceptance to have been issued or accepted by the Tax Commission.
- C. In addition to the amounts authorized to be retained by motor license agents pursuant to the provisions of Section 1141.1 of Title 47 of the Oklahoma Statutes, motor license agents shall be entitled to charge and receive fees for duties performed pursuant to the provisions of this section as provided by law.
- Added by Laws 2004, c. 534, § 11, eff. Nov. 1, 2004.

§47-1144. Methods of payment of fees and taxes - Hours of operation of agent's office.

A. Payments for any required registration fees, license plates or decals or excise taxes except as otherwise provided by law, may be made as follows:

1. By the applicant's personal or company check if presented within the period of time required for purchase or renewal of the registration and license plates or decals. At the time of presentment, the motor license agent may utilize a check verification system provided by the Oklahoma Tax Commission to confirm that there are sufficient funds to pay the check. Upon notification that there are insufficient funds, the agent shall refuse to accept the check or deliver the license plate or decal. If an agent fails to utilize the check verification system and the check is returned for nonpayment, the agent shall not receive any fees for the transaction. No motor license agent shall be required to accept any check from any person during any penalty period relating to that person's registration; or
2. By a nationally recognized credit or debit card issued to the applicant. The Tax Commission may add an amount equal to the amount

of the service charge incurred as a service charge for the acceptance of such credit card. For purposes of this paragraph, "nationally recognized credit or debit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, debit card or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining goods, services or anything else of value on credit which is accepted by over one thousand merchants in this state. The Tax Commission shall determine which nationally recognized credit or debit cards will be accepted by a motor license agent as payment for any required motor vehicle registration fees, license plates or decals or excise taxes. Provided however the Tax Commission must ensure that no loss of state revenue will occur by the use of such card.

B. Each motor license agent's office shall be open a minimum of forty (40) hours per week, of which four (4) such hours per week shall be in the evening hours or on Saturday, subject to the approval of the Tax Commission, except during such weeks that contain a legal holiday prescribed by the statutes of this state. Provided that the Tax Commission may authorize a motor license agent to stay open a lesser period of time if the Tax Commission is satisfied that the public is being properly served. Provided further, that there shall be at least one motor license agent in each county open the hours designated in this section. All motor license agents shall post their hours in a conspicuous place for the public's information. Added by Laws 1985, c. 179, § 47, operative July 1, 1985. Amended by Laws 1991, c. 75, § 1, eff. Sept. 1, 1991; Laws 1997, c. 294, § 6, eff. July 1, 1997; Laws 1998, c. 156, § 1, eff. Nov. 1, 1998; Laws 2006, c. 295, § 7, eff. July 1, 2006; Laws 2007, c. 155, § 2, eff. Nov. 1, 2007; Laws 2019, c. 195, § 6, eff. July 1, 2019; Laws 2019, c. 471, § 1, eff. July 1, 2019.

§47-1145. Repealed by Laws 2001, c. 439, § 3, eff. July 1, 2001.

§47-1146. Audit and review - Public inspection of records.

A. The Oklahoma Tax Commission shall audit all motor license agents at least once during each calendar year and shall have the power to require any changes it deems necessary in the operation of motor license agents. The Tax Commission shall issue such rules as it deems necessary for the proper control of all fiscal matters involving motor license agents.

B. Any review or audit of a motor license agency performed by the Tax Commission pursuant to the provisions of Sections 1140 through 1147 of this title shall be an open record and shall be made available for public inspection at the Tax Commission, notwithstanding the provisions of Section 205 of Title 68 of the Oklahoma Statutes.

C. Any and all records, files, books or otherwise of a motor license agent relating to the operation of the motor license agency shall be public record which shall be open to public inspection at reasonable times, regardless of their location.

Added by Laws 1985, c. 179, § 49, operative July 1, 1985. Amended by Laws 1987, c. 158, § 5, emerg. eff. June 25, 1987; Laws 1991, c. 261, § 4, eff. Sept 1, 1991; Laws 1993, c. 300, § 3, eff. Sept. 1, 1993; Laws 2001, c. 439, § 2, eff. July 1, 2001.

§47-1146.1. Repealed by Laws 1993, c. 300, § 4, eff. Sept. 1, 1993.

§47-1146.2. Instructions or advice to motor vehicle agents.

The State Auditor and Inspector, or his designee, shall advise all motor vehicle agents on procedural and technical matters relating to accounting and budget procedures. It shall be the duty of the motor vehicle agents with notice of such advice to follow the instructions or advice of the State Auditor and Inspector until relieved of such duty by a court of competent jurisdiction or until the Supreme Court shall hold otherwise.

Added by Laws 1992, c. 375, § 1, eff. Sept. 1, 1992.

§47-1147. Designating office of county treasurer as motor license agent.

The Commission may designate the office of county treasurer of any county within the state as a motor license agent.

Added by Laws 1985, c. 179, § 50, operative July 1, 1985.

§47-1148. Local authorities - Powers.

The local authorities of cities and towns of this state shall have no power to pass, enforce, or maintain any ordinances, rules, or regulations requiring from any owner to whom this act is applicable any tax, fee, license, or permit for the free use of the public highways or excluding or prohibiting any vehicle registered in compliance with this act or the accessories used thereon from the free use of the public highways, and no ordinance, rule, or regulation in any way contrary to or inconsistent with the provisions of this act, now in force or hereafter enacted, shall have any force or effect. The powers given to local authorities in municipalities to enact general rules and ordinances applicable equally to all vehicles upon certain streets in such cities where the traffic is heavy and continuous and the powers given local authorities to regulate vehicles offered to the public for hire or for processions, assemblages, or parades in the streets or public places shall remain in full force and effect. Local authorities may set aside a specified public highway or highways for speed contests or races to be given under proper restrictions for the safety of the public and may exclude by ordinance or regulation vehicles used exclusively for

commercial purposes from the parks and parkways of this state, provided such ordinance or regulation is applicable equally and generally to all other vehicles used for the same purpose. The local authorities may exclude vehicles from any cemetery or ground used for burial of the dead. Cities and towns may regulate the speed of vehicles within their corporate limits; and that as to streets and highways within the corporate limits which have been constructed or reconstructed with state or federal funds, local authorities shall have joint authority with the Transportation Commission to establish or alter speed limits. No local authority shall impose speed limits on any such street or highway substantially lower than those justified by the highway design, capacity, and traffic volume as determined by engineering studies. A municipality may issue licenses authorizing the parking or unloading of vehicles in zones on streets restricted for loading, unloading or commercial use. Added by Laws 1985, c. 179, § 51, operative July 1, 1985.

§47-1149. Tax Commission - Powers.

It shall be the duty of the Oklahoma Tax Commission, and the Tax Commission is hereby granted authority and jurisdiction to administer this act with the aid of its motor license agents, the Department of Public Safety, the Highway Patrol, county sheriffs and all other duly authorized peace officers. The Tax Commission is hereby authorized to promulgate all necessary rules and prepare forms and records to carry this act into effect and to enforce the provisions thereof. The Tax Commission shall have the authority in cases of dispute to determine the actual sales price of any vehicle. The Tax Commission shall periodically cause to be prepared and shall distribute to each authorized motor license agent a manual of procedure containing instructions, directions and guidelines to be followed by all motor license agents in the performance of their duties.

Added by Laws 1985, c. 179, § 52, operative July 1, 1985. Amended by Laws 2000, c. 250, § 7, eff. Oct. 1, 2000, and adopted by State Question No. 691, Legislative Referendum No. 319, at election held Aug. 22, 2000.

§47-1150. Certain persons authorized to administer oaths.

Any employee of the Oklahoma Tax Commission charged with the duty of administering or assisting in the administration of this act shall, when designated by the Oklahoma Tax Commission, have the power and authority to administer oaths to taxpayers with the same force and effect as if the oath had been administered by any other officer of the state authorized by the statutes to administer oaths.

Added by Laws 1985, c. 179, § 53, operative July 1, 1985.

§47-1151. Offenses and penalties enumerated.

A. It shall be unlawful for any person to commit any of the following acts:

1. To lend or to sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title, license plate or decal issued to or in the custody of the person so lending or permitting the use thereof;

2. To alter or in any manner change a certificate of title, registration certificate, license plate or decal issued under the laws of this or any other state;

3. To procure from another state or country, or display upon any vehicle owned by such person within this state, except as otherwise provided in the Oklahoma Vehicle License and Registration Act, any license plate issued by any state or country other than this state, unless there shall be displayed upon such vehicle at all times the current license plate and decal assigned to it by the Oklahoma Tax Commission or the Corporation Commission or the vehicle shall display evidence that the vehicle is registered as a nonresident vehicle pursuant to rules promulgated by the Tax Commission, with the concurrence of the Department of Public Safety. A violation of the provisions of this paragraph shall be presumed to have occurred if a person who is the holder of an Oklahoma driver license operates a vehicle owned by such person on the public roads or highways of this state and there is not displayed on the vehicle a current Oklahoma license plate and decal, unless the vehicle is owned by a member of the Armed Forces of the United States assigned to duty in this state in compliance with official military or naval orders or the spouse of such a member of the Armed Forces;

4. To drive, operate or move, or for the owner to cause or permit to be driven or moved, upon the roads, streets or highways of this state, any vehicle loaded in excess of its registered laden weight, or which is licensed for a capacity less than the manufacturer's rated capacity as provided for in the Oklahoma Vehicle License and Registration Act;

5. To operate a vehicle without proper license plate or decal or on which all taxes due the state have not been paid;

6. To buy, sell or dispose of, or possess for sale, use or storage, any secondhand or used vehicle on which the registration or license fee has not been paid, as required by law, and on which vehicle the person neglects, fails or refuses to display at all times the license plate or decal assigned to it;

7. To give a fictitious name or fictitious address or make any misstatement of facts in application for certificate of title and registration of a vehicle;

8. To purchase a license plate on an assigned certificate of title. This particular paragraph shall be applicable to all persons except a bona fide registered dealer in used cars who are holders of a current and valid used car dealer license;

9. To operate a vehicle upon the highways of this state after the registration deadline for that vehicle without a proper license plate, as prescribed by the Oklahoma Vehicle License and Registration Act, for the current year;

10. For any owner of a vehicle registered on the basis of laden weight to fail or refuse to weigh or reweigh it when requested to do so by any enforcement officer charged with the duty of enforcing this law;

11. To operate or possess any vehicle which bears a motor number or serial number other than the original number placed thereon by the factory except a number duly assigned and authorized by the state;

12. For any motor license agent to release a license plate, a manufactured home registration receipt, decal or excise tax receipt to any unauthorized person or source, including any dealer in new or used motor vehicles. Violation of this paragraph shall constitute sufficient grounds for discharge of a motor license agent by the Tax Commission;

13. To operate any vehicle registered as a commercial vehicle without the lettering requirements of Section 1102 of this title; or

14. To operate any vehicle in violation of the provisions of Sections 7-600 through 7-606 of this title while displaying a yearly decal issued to the owner who has filed an affidavit with the appropriate motor license agent in accordance with Section 7-607 of this title.

Any person convicted of violating any provision of this subsection, other than paragraph 3 of this subsection, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00). Any person convicted of violating the provisions of paragraph 3 of this subsection shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) and shall be required to obtain an Oklahoma license plate. Employees of the Corporation Commission may be authorized by the Corporation Commission to issue citations to motor carriers or operators of commercial motor vehicles, pursuant to the jurisdiction of the Corporation Commission, for a violation of this subsection. If a person convicted of violating the provisions of this subsection was issued a citation by a duly authorized employee of the Corporation Commission, the fine herein levied shall be apportioned as provided in Section 1167 of this title.

B. Except as otherwise authorized by law, it shall be unlawful to:

1. Lend or sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title issued for a manufactured home, manufactured home registration receipt, manufactured home registration decal or excise tax receipt;

2. Alter or in any manner change a certificate of title issued for a manufactured home under the laws of this state or any other state;

3. Remove or alter a manufactured home registration receipt, manufactured home registration decal or excise tax receipt attached to a certificate of title or attach such receipts to a certificate of title with the intent to misrepresent the payment of the required excise tax and registration fees;

4. Buy, sell, or dispose of, or possess for sale, use or storage any used manufactured home on which the registration fees or excise taxes have not been paid as required by law; or

5. Purchase identification, manufactured home registration receipt, manufactured home registration decal or excise tax receipt on an assigned certificate of title.

Anyone violating the provisions of this subsection, upon conviction, shall be guilty of a felony.

C. In the event a new vehicle is not registered within thirty (30) days from date of purchase, the penalty for the failure of the owner of the vehicle to register the vehicle within thirty (30) days shall be One Dollar (\$1.00) per day; provided, that in no event shall the penalty exceed One Hundred Dollars (\$100.00). No penalty shall be waived by the Oklahoma Tax Commission or any motor license agent except as provided in subsection C of Section 1127 of this title. Of each dollar penalty collected pursuant to this subsection:

1. Twenty-one cents (\$0.21) shall be apportioned as provided in Section 1104 of this title;

2. Twenty-one cents (\$0.21) shall be retained by the motor license agent; and

3. Fifty-eight cents (\$0.58) shall be deposited in the General Revenue Fund. The penalty for new commercial vehicles shall be equal to the license fee for such vehicles.

If a used vehicle is brought into Oklahoma by a resident of this state and is not registered within thirty (30) days, a penalty of One Dollar (\$1.00) per day shall be charged from the date of entry to the date of registration; provided, that in no event shall the penalty exceed One Hundred Dollars (\$100.00). No penalty shall be waived by the Oklahoma Tax Commission or any motor license agent except as provided in subsection C of Section 1127 of this title. Of each dollar penalty collected pursuant to this subsection:

1. Twenty-one cents (\$0.21) shall be apportioned as provided in Section 1104 of this title;

2. Twenty-one cents (\$0.21) shall be retained by the motor license agent; and

3. Fifty-eight cents (\$0.58) shall be deposited in the General Revenue Fund. The penalty for used commercial vehicles shall be equal to the license fee for such vehicles.

D. Any owner who knowingly makes or causes to be made any false statement of a fact required in this section to be shown in an application for the registration of one or more vehicles shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00), or shall be imprisoned in the county jail for not more than one (1) year, or by both such fine and imprisonment.

E. The following self-propelled or motor-driven and operated vehicles shall not be registered under the provisions of the Oklahoma Vehicle License and Registration Act or, except as provided for in Section 11-1116 of this title, be permitted to be operated on the streets or highways of this state:

1. Vehicles known and commonly referred to as "minibikes" and other similar trade names; provided, minibikes may be registered and operated in this state by food vendor services upon streets having a speed limit of thirty (30) miles per hour or less;

2. Golf carts;

3. Go-carts; and

4. Other motor vehicles, except motorcycles, which are manufactured principally for use off the streets and highways.

Transfers and sales of such vehicles shall be subject to sales tax and not motor vehicle excise taxes.

F. Any person violating paragraph 3 or 6 of subsection A of this section, in addition to the penal provisions provided in this section, shall pay as additional penalty a sum equal to the amount of license fees due on such vehicle or registration fees due on a manufactured home known to be in violation and such amount is hereby declared to be a lien upon the vehicle as provided in the Oklahoma Vehicle License and Registration Act. In addition to the penalty provisions provided in this section, any person violating paragraph 3 of subsection A of this section shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of One Hundred Dollars (\$100.00).

G. Each violation of any provision of the Oklahoma Vehicle License and Registration Act for each and every day such violation has occurred shall constitute a separate offense.

H. Anyone violating any of the provisions heretofore enumerated in this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars (\$10.00) and not to exceed Three Hundred Dollars (\$300.00).

I. Any violation of any portion of the Oklahoma Vehicle License and Registration Act where a specific penalty has not been imposed shall constitute a misdemeanor and upon conviction thereof the person having violated it shall be fined not less than Ten Dollars (\$10.00) and not to exceed Three Hundred Dollars (\$300.00).

J. Any provision of the Oklahoma Vehicle License and Registration Act providing for proportional registration under

reciprocal agreements and the International Registration Plan that relates to the promulgation of rules and regulations shall not be subject to the provisions of this section.

Added by Laws 1985, c. 179, § 54, operative July 1, 1985. Amended by Laws 1987, c. 205, § 72, operative July 1, 1987; Laws 1988, c. 201, § 14, emerg. eff. June 10, 1988; Laws 1991, c. 308, § 2, eff. July 1, 1991; Laws 1994, c. 278, § 4, eff. Sept. 1, 1994; Laws 1995, c. 228, § 1, eff. July 1, 1995; Laws 1997, c. 133, § 485, eff. July 1, 1999; Laws 1997, c. 325, § 3, eff. July 1, 1997; Laws 1998, c. 293, § 3, eff. July 1, 1998; Laws 1999, c. 33, § 1, eff. July 1, 1999; Laws 2000, c. 168, § 1, eff. Nov. 1, 2000; Laws 2001, c. 339, § 2, eff. July 1, 2001; Laws 2002, c. 59, § 1, eff. Nov. 1, 2002; Laws 2004, c. 306, § 1, emerg. eff. May 17, 2004; Laws 2004, c. 522, § 24, eff. July 1, 2004; Laws 2005, c. 1, § 79, emerg. eff. March 15, 2005; Laws 2005, c. 284, § 7, eff. July 1, 2005; Laws 2006, c. 311, § 26, emerg. eff. June 8, 2006; Laws 2007, c. 1, § 37, emerg. eff. Feb. 22, 2007; Laws 2009, c. 443, § 4, eff. July 1, 2009; Laws 2010, c. 412, § 20, eff. July 1, 2010; Laws 2011, c. 1, § 27, emerg. eff. March 18, 2011; Laws 2011, c. 376, § 3; Laws 2012, c. 337, § 3.

NOTE: Laws 2004, c. 418, § 27 repealed by Laws 2005, c. 1, § 80, emerg. eff. March 15, 2005. Laws 2006, c. 238, § 9 repealed by Laws 2007, c. 1, § 38, emerg. eff. Feb. 22, 2007. Laws 2010, c. 335, § 4 repealed by Laws 2011, c. 1, § 28, emerg. eff. March 18, 2011.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 485 from July 1, 1998, to July 1, 1999.

§47-1151.1. Repealed by Laws 2004, c. 418, § 29, eff. July 1, 2004.

NOTE: Laws 2004, c. 306, § 2 amended this section prior to repeal, as follows:

A. Notwithstanding any other provision of law, golf carts or all-terrain vehicles shall not be registered pursuant to the provisions of the Oklahoma Vehicle License and Registration Act.

B. Except as otherwise provided in this section and pursuant to the exception provided in subsection E of Section 1151 of this title, golf carts or all-terrain vehicles shall not be operated on the highways or turnpikes of the state.

C. All-terrain vehicles or golf carts may be operated on city streets if:

1. The municipal governing body has adopted an ordinance governing the operation of golf carts or all-terrain vehicles on city streets; and

2. Operation occurs during daylight hours only.

D. Golf carts may be operated on roadways under the following conditions:

1. The board of county commissioners of a county has approved the location of golf cart traffic on roadways within the county;

2. The roadway has a posted speed limit of twenty-five (25) miles per hour or less;

3. The roadway is located in an unincorporated area; and

4. Appropriate signage, cautioning motorists of the possibility of golf cart traffic, is erected by the board of county commissioners.

§47-1151.2. Renumbered as § 1116.2 of this title by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008.

§47-1151.3. Mini-truck registration and operation.

A. Mini-trucks shall be registered pursuant to the provisions of the Oklahoma Vehicle License and Registration Act. The Oklahoma Tax Commission shall promulgate rules for the titling and registration of mini-trucks.

B. Mini-trucks which have been titled and registered pursuant to the provisions of the Oklahoma Vehicle License and Registration Act may be operated on the roadways of this state; provided, however, mini-trucks shall not be permitted to travel upon any highway in this state which is a part of the National System of Interstate and Defense Highways. Operators of mini-trucks shall comply with all traffic regulations and rules of conduct for the operation of motor vehicles on the roadways of this state provided by law.

Added by Laws 2008, c. 127, § 3, eff. Nov. 1, 2008.

§47-1151.4. Medium-speed electric vehicles - Titling and registration - Operation on roadways.

A. Medium-speed electrical vehicles shall be registered pursuant to the provisions of the Oklahoma Vehicle License and Registration Act. The Oklahoma Tax Commission shall promulgate rules for the titling and registration of medium-speed electric vehicles.

B. Medium-speed electrical vehicles which have been titled and registered pursuant to the provisions of the Oklahoma Vehicle License and Registration Act may be operated on the roadways of this state with a posted speed limit of forty-five (45) miles per hour or less; provided, however, medium-speed electrical vehicles shall not be permitted to travel upon any highway in this state which is a part of the National System of Interstate and Defense Highways and which otherwise meets or exceeds the National Highway Traffic Safety Administration regulations set forth in 49 C.F.R. 571.500. Operators of medium-speed electrical vehicles shall comply with all traffic regulations and rules of conduct for the operation of motor vehicles on the roadways of this state provided by law.

Added by Laws 2008, c. 302, § 12, emerg. eff. June 2, 2008.

NOTE: Laws 2008, c. 297, § 4 repealed by Laws 2009, c. 2, § 12, emerg. eff. March 12, 2009.

§47-1152. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§47-1153. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§47-1154. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§47-1155. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§47-1161. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.

§47-1162. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.

§47-1163. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.

§47-1164. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.

§47-1165. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.

§47-1166. Transfer of powers, duties and responsibilities of Motor Vehicle Enforcement Section to Corporation Commission - Records, property pending matters - Funds - Timing - Employees - Rules.

A. Effective July 1, 2004, all powers, duties and responsibilities exercised by the Motor Vehicle Enforcement Section shall be transferred from the Oklahoma Tax Commission to the Corporation Commission. Beginning July 1, 2004, and effective July 1, 2005, all powers, duties and responsibilities exercised by the International Registration Plan Section and the International Fuel Tax Agreement Section shall be transferred from the Tax Commission to the Corporation Commission. All records, property and matters pending of the sections shall be transferred to the Corporation Commission. Funds sufficient to administer the powers, duties and responsibilities exercised by these sections shall be appropriated or allocated to the Corporation Commission for fiscal year 2005 as provided herein. Such funds appropriated or allocated to the Corporation Commission shall not be subject to budgetary limitations. The Director of State Finance is hereby authorized to transfer such funds as may be necessary to effect such allocations.

B. The period of July 1, 2004, through June 30, 2005, shall be a transitional period in which the Corporation Commission shall

gradually assume complete administration and management over the powers, duties, responsibilities and staff currently carrying out the administration of the International Registration Plan Section and the International Fuel Tax Agreement Section. During this transition period, the employees assigned to the International Registration Plan Section and the International Fuel Tax Agreement Section shall continue to be employees of the Tax Commission unless otherwise agreed to by the Tax Commission and the Corporation Commission. Effective July 1, 2005, the International Registration Plan Section and the International Fuel Tax Agreement Section shall be administered solely by the Corporation Commission. For the period of July 1, 2004, through June 30, 2005, the Corporation Commission and the Tax Commission shall enter into a contract whereby funds shall be paid to the Tax Commission by the Corporation Commission in exchange for the Tax Commission's agreement to continue to operate the International Registration Plan Section and the International Fuel Tax Agreement Section.

C. The powers, duties and responsibilities exercised by the Motor Vehicle Enforcement Section of the Tax Commission shall be fully transferred to the Corporation Commission on July 1, 2004.

D. All employees of the Tax Commission whose duties are transferred under this act shall be transferred to the Corporation Commission. Personnel transferred pursuant to the provisions of this section shall not be required to accept a lesser salary than presently received; provided, the provisions of this section shall not operate to prohibit the Corporation Commission or the Tax Commission from imposing furloughs or reductions-in-force with respect to such personnel as allowed by law. Personnel transferred shall be placed within the classification level in which they meet qualifications without an entrance exam. All such persons shall retain seniority, leave, sick and annual time earned and any retirement benefits which have accrued during their tenure with the Tax Commission. The transfer of personnel among the agencies shall be coordinated with the Office of Personnel Management.

E. Effective July 1, 2004, any administrative rules promulgated by the Tax Commission related to the administration of the International Registration Plan authorized by Section 1120 of Title 47 of the Oklahoma Statutes, the International Fuel Tax Agreement authorized by Section 607 of Title 68 of the Oklahoma Statutes, or the enforcement of Section 1115.1 of Title 47 of the Oklahoma Statutes shall be transferred to and become a part of the administrative rules of the Corporation Commission. The Office of Administrative Rules in the Secretary of State's office shall provide adequate notice in the Oklahoma Register of the transfer of rules, and shall place the transferred rules under the Administrative Code section of the Corporation Commission. From and after July 1, 2004, any amendment, repeal or addition to the transferred rules shall be

under the jurisdiction of the Corporation Commission. All documents issued by the sections transferred to the Corporation Commission, including, but not limited to, vehicle registrations and permits, shall be deemed to have been issued by the Corporation Commission.

F. The Corporation Commission may promulgate rules necessary for the utilization of motor license agents in the registration of vehicles pursuant to Section 1120 of Title 47 of the Oklahoma Statutes.

Added by Laws 2004, c. 522, § 2, eff. July 1, 2004.

Editorially renumbered from Title 47, § 1160 to avoid a duplication in numbering.

§47-1167. Rules to establish fees, fines and penalties -
Adjudication of enforcement actions - Apportionment of revenue -
Revolving funds

A. The Corporation Commission is hereby authorized to promulgate rules pursuant to the Administrative Procedures Act to establish the amounts of fees, fines and penalties as set forth in Section 1166 et seq. of this title. The Corporation Commission shall notify all interested parties of any proposed rules to be promulgated as provided herein and shall provide such parties an opportunity to be heard prior to promulgation.

B. The Corporation Commission shall adjudicate enforcement actions initiated by Corporation Commission personnel.

C. Revenue derived from all fines and penalties collected or received by the Corporation Commission pursuant to the provisions of the Trucking One-Stop Shop Act shall be apportioned as follows:

1. For the period beginning August 23, 2013, the first Three Hundred Thousand Dollars (\$300,000.00) collected or received each fiscal year shall be remitted to the Department of Public Safety for the purpose of staffing the port of entry weigh stations to conduct safety inspections. The next Five Hundred Fifty Thousand Dollars (\$550,000.00) shall be remitted to the Oklahoma Tax Commission and apportioned as provided in Section 1104 of this title; and

2. The remaining amount shall be deposited to the Trucking One-Stop Shop Fund created in subsection D of this section

D. There is hereby created in the State Treasury a revolving fund for the Corporation Commission to be known and designated as the "Trucking One-Stop Shop Fund". The Trucking One-Stop Shop Fund shall consist of:

1. All funds apportioned thereto in subsection C of this section;

2. Fees collected by the Commission to be retained as a motor license agent or other Corporation Commission registration or motor fuel fees as allowed by statute or rule; and

3. Any other monies to be utilized for the Trucking One-Stop Shop Act.

The fund shall be a continuing fund, not subject to fiscal year limitations, and shall not be subject to legislative appropriation. Monies in the Trucking One-Stop Shop Fund shall only be expended for direct expenses relating to the Trucking One-Stop Shop Act. Expenditures from the revolving fund shall be made pursuant to the laws of this state. In addition, expenditures from the revolving fund may be made pursuant to The Oklahoma Central Purchasing Act for the purpose of immediately responding to emergency situations, within the Commission's jurisdiction, having potentially critical environmental or public safety impact. Warrants for expenditures from the fund shall be drawn by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

E. There is hereby created in the State Treasury a revolving fund for the Department of Transportation to be designated the "Weigh Station Improvement Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited thereto. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of constructing, equipping and maintaining facilities to determine the weight of vehicles traveling on the roads and highways of this state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2004, c. 522, § 3, eff. July 1, 2004. Amended by Laws 2006, c. 238, § 10, emerg. eff. June 6, 2006; Laws 2008, c. 102, § 1, emerg. eff. May 2, 2008; Laws 2012, c. 304, § 204; Laws 2013, c. 324, § 1; Laws 2016, c. 373, § 1, eff. July 1, 2016.

NOTE: Editorially renumbered from § 1161 of this title to avoid a duplication in numbering.

§47-1168. Transfer of facilities and equipment to determine vehicle weight and funds to Department of Transportation - Agreement with Corporation Commission.

All facilities and equipment under the administrative control of the Oklahoma Tax Commission and used for determining the weight of vehicles operated on the roads or highways of this state are hereby transferred to the Department of Transportation. Any funds appropriated to or any powers, duties and responsibilities exercised by the Tax Commission for such purpose shall be transferred to the Department. The Director of the Office of Management and Enterprise Services is hereby authorized to transfer such funds as may be necessary. The Department is hereby authorized to enter into an agreement with the Corporation Commission to operate such facilities or equipment. The provisions of this section shall not be construed to obligate the Department to incur expenses in connection with the

administration of such facilities and equipment in an amount which exceeds deposits to the Weigh Station Improvement Revolving Fund. Added by Laws 2004, c. 522, § 4, eff. July 1, 2004. Amended by Laws 2012, c. 304, § 205.

NOTE: Editorially renumbered from § 1162 of this title to avoid a duplication in numbering.

§47-1169. Revocation, suspension, or denial of license, permit, registration or certificate - Interest or penalties - Presentation of altered or fraudulent credentials or documents.

A. The Corporation Commission is authorized to revoke, suspend or deny the issuance, extension or reinstatement of any Corporation Commission issued motor carrier or commercial motor vehicle license, permit, registration, certificate or duplicate copy thereof issued pursuant to the jurisdiction of the Corporation Commission, to any person who shall be guilty of:

1. Violation of any of the provisions of applicable state law;
2. Violation of rules promulgated by the Corporation Commission;
3. Failure to observe or fulfill the conditions upon which the license, permit, registration or certificate was issued;
4. Nonpayment of any delinquent tax, fee or penalty to the Commission or the State of Oklahoma; or
5. Nonpayment of a uniform base state program delinquent tax, fee or penalty to a state or province participating with the Corporation Commission in that program.

B. The interest or penalty or any portion thereof ordinarily accruing by failure of the motor carrier, registrant or licensee to properly file a report or return may be waived or reduced by the Corporation Commission. No interest or penalties in excess of Ten Thousand Dollars (\$10,000.00) shall be allowed except by order of the Commission.

C. The Corporation Commission shall promulgate rules setting forth the revocation, suspension or denial of a motor carrier or commercial motor vehicle certificate, registration, license or permit issued pursuant to the jurisdiction of the Corporation Commission. The Corporation Commission shall additionally promulgate rules allowing for the collection and remittance of financial liabilities owed by a motor carrier, registrant, licensee or permittee to a state or province participating with the Corporation Commission in a uniform base state program or to another state agency.

D. Upon the revocation or expiration of any motor carrier or commercial motor vehicle license, permit, registration or certificate issued pursuant to the jurisdiction of the Corporation Commission, all accrued taxes, fees and penalties due and payable under the terms of state law, rules or order imposing or levying such tax, fee or penalty shall become due and payable concurrently upon the revocation or expiration of the license, permit, registration or certificate and

the licensee, permittee, registrant or certificate holder shall forthwith make a report covering the period of time not covered by preceding reports filed by said person and ending with the date of the revocation or expiration and shall pay all such taxes, fees or penalties owed.

E. No person shall knowingly, or intentionally, present an altered or fraudulent credential or document to the Corporation Commission or to any duly authorized peace officer. Any person or persons violating the provisions of this subsection shall be found guilty of contempt of the Commission and shall, upon conviction thereof, be punished by a fine of not more than Two Thousand Dollars (\$2,000.00) for each offense.

Added by Laws 2006, c. 238, § 11, emerg. eff. June 6, 2006.

§47-1170. Confidentiality of reports - Disclosure of information.

A. Reports and files of the Corporation Commission concerning the administration of the International Registration Plan and the International Fuel Tax Agreement, shall be considered confidential and privileged, except as otherwise provided for by law, and neither the Commission nor any employee engaged in the administration of the International Registration Plan or International Fuel Tax Agreement or charged with the custody of any such reports or records nor any person who may have secured such reports or records from the Commission shall disclose any information obtained from the reports or records of any person.

B. The provisions of this section shall not prevent the Commission from disclosing the following information and no liability whatsoever, civil or criminal, shall attach to any member of the Commission or any employee thereof for any error or omission in the disclosure of such information:

1. The delivery to a taxpayer or a duly authorized representative of the taxpayer of a copy of any report or any other paper filed by the taxpayer pursuant to the provisions of the International Registration Plan or the International Fuel Tax Agreement;

2. The exchange of information that is not protected by the federal Privacy Protection Act, 42 U.S.C., Section 2000aa et seq., pursuant to reciprocal agreements or compacts entered into by the Commission and other state agencies or agencies of the federal government;

3. The publication of statistics so classified as to prevent the identification of a particular report and the items thereof;

4. The examination of records and files by the State Auditor and Inspector or the duly authorized agents of the State Auditor and Inspector;

5. The disclosing of information or evidence to the Oklahoma State Bureau of Investigation, Attorney General, Oklahoma State

Bureau of Narcotics and Dangerous Drugs Control, any district attorney, or agent of any federal law enforcement agency when the information or evidence is to be used by such officials to investigate or prosecute violations of the criminal provisions of the Uniform Tax Procedure Code or of any state tax law or of any federal crime committed against this state. Any information disclosed to the Oklahoma State Bureau of Investigation, Attorney General, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, any district attorney, or agent of any federal law enforcement agency shall be kept confidential by such person and not be disclosed except when presented to a court in a prosecution for violation of the tax laws of this state or except as specifically authorized by law, and a violation by the Oklahoma State Bureau of Investigation, Attorney General, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, district attorney, or agent of any federal law enforcement agency by otherwise releasing the information shall be a felony;

6. The use by any division of the Commission of any information or evidence in the possession of or contained in any report or return filed or documents obtained by the Commission in the administration of the International Fuel Tax Agreement or the International Registration Plan;

7. The furnishing, at the discretion of the Commission, of any information disclosed by its records or files to any official person or body of this state, any other state, the United States, or foreign country who is concerned with the administration or assessment of any similar tax in this state, any other state or province or the United States;

8. The furnishing of information as to the issuance or revocation of any registration or license by the Commission as provided for by law. Such information shall be limited to the name of the person issued the permit or license, the name of the business entity authorized to engage in business pursuant to the permit or license, the address of the business entity, and the grounds for revocation;

9. The disclosure of information to any person for a purpose as authorized by the taxpayer pursuant to a waiver of confidentiality. The waiver shall be in writing and shall be made upon such form as the Commission may prescribe;

10. The disclosure of information directly involved in the resolution of the protest by a taxpayer to an assessment of tax or additional tax or the resolution of a claim for a refund filed by a taxpayer, including the disclosure of the pendency of an administrative proceeding involving such protest or claim, to a person called by the Commission as an expert witness or as a witness whose area of knowledge or expertise specifically addresses the issue addressed in the protest or claim for refund. Such disclosure to a witness shall be limited to information pertaining to the specific

knowledge of that witness as to the transaction or relationship between taxpayer and witness;

11. The furnishing to a prospective purchaser of any business, or his or her authorized representative, of information relating to any liabilities, delinquencies, assessments or warrants of the prospective seller of the business which have not been filed of record, established, or become final and which relate solely to the seller's business. Any disclosure under this paragraph shall only be allowed upon the presentment by the prospective buyer, or the buyer's authorized representative, of the purchase contract and a written authorization between the parties;

12. The furnishing of information as to the amount of state revenue affected by the issuance or granting of any registration or license or credit issued by the Corporation Commission as provided for by law. Such information shall be limited to the type of registration, license or credit issued or granted, the date and duration of such registration, license or credit, and the amount of such revenue. The provisions of this paragraph shall not authorize the disclosure of the name of the person issued such registration, license, exemption, credit, or the name of the business entity authorized to engage in business pursuant to the registration, license or credit.

Added by Laws 2006, c. 238, § 12, emerg. eff. June 6, 2006.

§47-1171. Repealed by Laws 2001, c. 355, § 21, emerg. eff. June 1, 2001.

§47-1172. Repealed by Laws 1989, c. 218, § 6, emerg. eff. May 9, 1989.

§47-1200. Oklahoma Weigh Station Act of 2012.

This act shall be known and may be cited as the "Oklahoma Weigh Station Act of 2012."

Added by Laws 2012, c. 262, § 1, eff. July 1, 2012.

§47-1201. Definitions.

As used in the Oklahoma Weigh Station Act of 2012:

1. "Authority" means the Oklahoma Turnpike Authority;
2. "Commission" means the Corporation Commission;
3. "Fixed facility" means a weigh station or a port of entry;
4. "Port of entry" means a facility, in close proximity to a state line, designed to electronically weigh and screen motor carriers and commercial motor vehicles for compliance with federal and state statutes and rules, allowing compliant carriers to proceed with minimal or no delay;
5. "Roadside enforcement" means a temporary location, with or without portable or semi-portable scales, used to randomly check

commercial motor vehicles or motor carriers for compliance with federal or state statutes or rules;

6. "Weigh station" means a stationary and permanent weighing facility with fixed scales owned by the state where commercial motor vehicles are checked for compliance with weight and size standards. Weigh stations are also utilized to enforce federal and state laws and rules applicable to motor carriers and the operation of commercial motor vehicles and their drivers; and

7. "North American Standard Inspection" means a Level I, Level II, Level III, Hazardous Materials, Cargo Tank or Passenger Carrier inspection conducted by an individual certified by the Federal Motor Carrier Safety Administration to conduct such inspections. Added by Laws 2012, c. 262, § 2, eff. July 1, 2012.

§47-1202. Maintenance and operations of fixed facilities - Enforcement

A. The Department of Transportation, the Oklahoma Turnpike Authority and the Corporation Commission may enter into interagency agreements concerning the equipment, maintenance and operations of fixed facilities.

B. The Department of Transportation, the Authority and the Commission shall endeavor to electronically upgrade weigh stations as practical to minimize the duplication of inspections for compliant commercial motor vehicles and motor carriers.

C. The Commission shall operate all current and future ports of entry weigh stations eighteen (18) to twenty (20) hours a day and seven (7) days a week upon the availability of funds.

D. The Commission shall continue to conduct roadside enforcement in the general area where a fixed facility is planned but no fixed facility currently exists until a fixed facility is located in the general area or July 1, 2016, whichever is earlier.

E. When a fixed facility is located in the general area, Commission motor carrier and commercial motor vehicle enforcement shall be limited to the fixed facility and a radius surrounding the facility. If the fixed facility is a weigh station as defined in Section 1201 of this title, the applicable radius shall be seven (7) miles. If the fixed facility is a port of entry weigh station as defined in Section 1201 of this title, the applicable radius shall be twenty-five (25) miles.

F. The Commission may assist in roadside enforcement in a joint effort at the request of the Oklahoma Highway Patrol.

G. The Commission is authorized to conduct audits, reviews, investigations, inspections or other enforcement actions by enforcement officers provided those activities are within the scope of the Commission's jurisdiction and are not conducted as roadside enforcement in accordance with the provisions of the Oklahoma Weigh Station Act of 2012.

H. The Commission may enter into interagency cooperative agreements with other state or federal agencies to jointly enforce federal and state laws or rules.

I. North American Standard Inspections shall be conducted only by individuals holding certification in the level or classification of inspection being conducted.

Added by Laws 2012, c. 262, § 3, eff. July 1, 2012. Amended by Laws 2016, c. 235, § 3, eff. July 1, 2016; Laws 2016, c. 373, § 2, eff. July 1, 2016.

§47-1203. Citations for motor vehicle violations - Multiple violations in the same day prohibited.

A. A commercial motor vehicle, its driver or a motor carrier may not be cited for the same violation of motor carrier or commercial motor vehicle requirements on the same date by any Oklahoma officer, provided neither the vehicle configuration nor the load have changed. This subsection is not applicable to a Commercial Vehicle Safety Alliance out-of-service violation.

B. The Corporation Commission and the Department of Public Safety or other state or local agencies may enter into interagency agreements to share information electronically to facilitate this section.

Added by Laws 2012, c. 262, § 4, eff. July 1, 2012.

§47-1501. Short title.

This act shall be known and may be cited as the "Motor Vehicle Chop Shop, Stolen and Altered Property Act".

Added by Laws 1988, c. 158, § 1, operative July 1, 1988.

§47-1502. Definitions.

As used in the Motor Vehicle Chop Shop, Stolen and Altered Property Act:

1. "Chop shop" means any building, lot or other premise where one or more persons are or have been knowingly engaged in altering, destroying, disassembling, dismantling, reassembling, or knowingly storing any motor vehicle, or motor vehicle part known to be illegally obtained by theft, fraud or conspiracy to defraud, in order to either:

a. alter, counterfeit, deface, destroy, disguise, falsify, forge, obliterate, or remove the identity, including the vehicle identification number of such motor vehicle or motor vehicle part, in order to misrepresent the identity of such motor vehicle or motor vehicle part, or to prevent the identification of such motor vehicle or motor vehicle part; or

b. sell or dispose of such motor vehicle or motor vehicle part.

2. "Motor vehicle" means and includes every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, which is self-propelled or which may be connected to and towed by a self-propelled device, and also includes any and all other land-based devices which are self-propelled but which are not designed for use upon a highway, including but not limited to, farm machinery and construction equipment.

3. "Person" means and includes a natural person, company, corporation, unincorporated association, partnership, professional corporation, and any other legal entity.

4. "Unidentifiable" means that the uniqueness of a motor vehicle or motor vehicle part cannot be established by either expert law enforcement investigative personnel specially trained and experienced in motor vehicle theft investigative procedures and motor vehicle identification examination techniques, or by expert employees of not-for-profit motor vehicle theft prevention agencies specially trained and experienced in motor vehicle theft investigation procedures and motor vehicle identification examination techniques.

5. "Vehicle identification number" means a number or numbers, a letter or letters, a character or characters, a datum or data, a derivative or derivatives, or a combination or combinations thereof, used by the manufacturer or the Oklahoma Tax Commission for the purpose of uniquely identifying a motor vehicle or motor vehicle part. The term shall include, but not be limited to, a number or numbers, a letter or letters, a character or characters, a datum or data, a derivative or derivatives, or a combination or combinations thereof.

Added by Laws 1988, c. 158, § 2, operative July 1, 1988.

§47-1503. Ownership and operation of chop shop - Alteration of vehicle identification number - Purchase or sale of parts from altered vehicle - Exceptions - Attempt - Conspiracy - Solicitation - Aiding and abetting - Accessory after fact - Penalties - Sentence - Restitution.

A. Any person who knowingly and with intent that a violation of this section be committed:

1. Owns, operates, or conducts a chop shop;
 2. Transports any motor vehicle or motor vehicle part to or from a location knowing it to be a chop shop; or
 3. Sells, transfers, purchases, or receives any motor vehicle or motor vehicle part either to or from a location knowing it to be a chop shop,
- upon conviction, is guilty of a felony, punishable by imprisonment for not more than ten (10) years, or by a fine of not more than One Hundred Thousand Dollars (\$100,000.00), or both such imprisonment and fine.

B. Any person who knowingly alters, counterfeits, defaces, destroys, disguises, falsifies, forges, obliterates, or knowingly removes a vehicle identification number, with the intent to misrepresent the identity or prevent the identification of a motor vehicle or motor vehicle part, upon conviction is guilty of a felony, punishable by imprisonment for not more than ten (10) years, or by a fine of not more than One Hundred Thousand Dollars (\$100,000.00), or both such imprisonment and fine.

C. 1. Any person who buys, disposes, sells, transfers, or possesses a motor vehicle or motor vehicle part, with knowledge that the vehicle identification number of the motor vehicle or motor vehicle part has been altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed, upon conviction is guilty of a felony, punishable by imprisonment for not more than five (5) years, or by a fine of not more than Fifty Thousand Dollars (\$50,000.00), or by both such imprisonment and fine.

2. The provisions of paragraph 1 of this subsection shall not apply to a motor vehicle scrap processor who, in the normal legal course of business and in good faith, processes a motor vehicle or motor vehicle part by crushing, compacting, or other similar methods, provided that any vehicle identification number is not removed from the motor vehicle or motor vehicle part prior to or during any such processing.

3. The provisions of paragraph 1 of this subsection shall not apply to any owner or authorized possessor of a motor vehicle or motor vehicle part which has been recovered by law enforcement authorities after having been stolen or where the condition of the vehicle identification number of the motor vehicle or motor vehicle part is known to or has been reported to law enforcement authorities. It shall be presumed that law enforcement authorities have knowledge of all vehicle identification numbers on a motor vehicle or motor vehicle part which are altered, counterfeited, defaced, disguised, falsified, forged, obliterated, or removed, when law enforcement authorities deliver or return the motor vehicle or motor vehicle part to its owner or authorized possessor after it has been recovered by law enforcement authorities after having been reported stolen.

D. A person commits an attempt when, with intent to commit a violation proscribed by subsections A, B or C of this section the person does any act which constitutes a substantial step toward the commission of the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of a felony, punishable by imprisonment for not more than five (5) years, or by a fine of not more than Fifty Thousand Dollars (\$50,000.00), or by both such imprisonment and fine.

E. A person commits conspiracy when, with an intent that a violation proscribed by subsections A, B or C of this section be committed, the person agrees with another to the commission of the

violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of felony punishable by imprisonment for not more than two (2) years, or by a fine of not more than Twenty-five Thousand Dollars (\$25,000.00), or by both such imprisonment and fine. No person may be convicted of conspiracy under this section unless an act in furtherance of such agreement is alleged and proved to have been committed by that person or a coconspirator.

F. A person commits solicitation when, with intent that a violation proscribed by subsections A, B or C of this section be committed, the person commands, encourages, or requests another to commit the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of a felony, punishable by imprisonment for not more than two (2) years, or by a fine of not more than Ten Thousand Dollars (\$10,000.00), or by both such imprisonment and fine.

G. A person commits aiding and abetting when, either before or during the commission of a violation proscribed by subsections A, B or C of this section, with the intent to promote or facilitate such commission, the person aids, abets, agrees or attempts to aid another in the planning or commission of the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of a felony, punishable by imprisonment for not more than one (1) year, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

H. A person is an accessory after the fact who maintains, assists, or gives any other aid to an offender while knowing or having reasonable grounds to believe the offender to have committed a violation under subsections A, B, C, D, E, F or G of this section, and upon conviction is guilty of a felony punishable by imprisonment for not more than one (1) year, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

I. No prosecution shall be brought, and no person shall be convicted, of any violation under this section, where acts of the person, otherwise constituting a violation were done in good faith in order to comply with the laws or regulations of any state or territory of the United States, or of the federal government of the United States.

J. The sentence imposed upon a person convicted of any violation of this section shall not be reduced to less than one (1) year imprisonment for a second conviction of any violation, or less than five (5) years for a third or subsequent conviction of any violation of this section, and no sentence imposed upon a person for a second or subsequent conviction of any violation of this section shall be suspended, or reduced, until such person shall have served the minimum period of imprisonment provided for herein. A person convicted of a second or subsequent violation of this section shall not be eligible for probation, parole, furlough or work release.

K. 1. In addition to any other punishment, a person who violates this section, shall be ordered to make restitution to the lawful owner or owners of the stolen motor vehicle or vehicles or the stolen motor vehicle part or parts, or to the owner's insurer to the extent that the owner has been compensated by the insurer, and to any other person for any financial loss sustained as a result of a violation of this section.

Financial loss shall include, but not be limited to, loss of earnings, out-of-pocket and other expenses, repair and replacement costs and claims payments. Lawful owner shall include an innocent bona fide purchaser for value of a stolen motor vehicle or stolen motor vehicle part who does not know that the motor vehicle or part is stolen; or an insurer to the extent that such insurer has compensated a bona fide purchaser for value.

2. The court shall determine the extent and method of restitution. In an extraordinary case, the court may determine that the best interests of the victim and justice would not be served by ordering restitution. In any such case, the court shall make and enter specific written findings on the record concerning the extraordinary circumstances presented which militated against restitution.

Added by Laws 1988, c. 158, § 3, operative July 1, 1988. Amended by Laws 1997, c. 133, § 486, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 351, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 486 from July 1, 1998, to July 1, 1999.

§47-1504. Seizure without process of tool, implement, or instrumentality of offense - Disposition of seized property.

A. Any tool, implement, or instrumentality, including but not limited to a motor vehicle or motor vehicle part, used or possessed in connection with any violation of Section 3 of this act may be seized by a member of a state or local law enforcement agency upon process issued by any court of competent jurisdiction.

B. Seizure of property described in subsection A of this section may be made by a member of a state or local law enforcement agency without process if:

1. in accordance with any applicable law or regulation;
2. the seizure is incident to inspection under an administrative inspection warrant;
3. the seizure is incident to search made under a search warrant;
4. the seizure is incident to a lawful arrest;
5. the seizure is made pursuant to a valid consent to search;
6. the property seized has been the subject of a prior judgment in favor of the state in a criminal proceeding, or in an injunction or forfeiture proceeding under Section 6 of this act; or

7. there are reasonable grounds to believe that the property is directly or indirectly dangerous to health or safety.

C. When property is seized under this section, the seizing agency may:

1. place the property under seal; or
2. remove the property to a place selected and designated by the seizing agency.

Added by Laws 1988, c. 158, § 4, operative July 1, 1988.

§47-1505. Property subject to forfeiture - Determination of identity of rightful owner - Disposition of forfeited property - Issuance of new certificate of title or salvage certificate.

A. The following are subject to forfeiture unless obtained by theft, fraud or conspiracy to defraud and the rightful owner is known or can be identified and located:

1. Any tool;
2. Any implement; or
3. Any instrumentality, including but not limited to, real estate, any motor vehicle or motor vehicle part, whether owned or unowned by the person from whose possession or control it was seized, which is used or possessed either in violation of Section 1503 of this title or to promote or facilitate a violation of Section 1503 of this title.

B. Any motor vehicle, other conveyance, or motor vehicle part used by any person as a common carrier is subject to forfeiture under this section where the owner or other person in charge of the motor vehicle, other conveyance, or motor vehicle part is a consenting party to a violation of Section 1503 of this title.

C. Any motor vehicle, motor vehicle part, other conveyance, tool, implement, or instrumentality is not subject to forfeiture under this section by reason of any act or omission which the owner proves to have been committed or omitted without the owner's knowledge or consent.

D. 1. Seizing agencies will utilize their best efforts to identify any seized motor vehicle or motor vehicle part to determine ownership or the identity of any other person having a right or interest in a seized motor vehicle or motor vehicle part. In its reasonable identification and owner location attempts, the seizing agency will cause the stolen motor vehicle files of the state police to be searched for stolen or wanted information on motor vehicles similar to the seized motor vehicle or consistent with the seized motor vehicle part.

2. Where a motor vehicle or motor vehicle part has an apparent value in excess of One Thousand Dollars (\$1,000.00),

- a. the seizing agency shall consult with an expert of the type specified in paragraph 4 of Section 1502 of this title,

- b. the seizing agency shall also request searches of the on-line and off-line files of the National Crime Information Center (NCIC) and the National Automobile Theft Bureau (NATB) when the state police files have been searched with negative results.

E. A forfeiture of a motor vehicle, motor vehicle part, or other conveyance encumbered by a bona fide security interest is subject to the interest of the secured party where the secured party neither had knowledge of nor consented to the act or omission forming the ground for the forfeiture.

F. Property, described in subsection A of this section, seized and held for forfeiture, shall not be subject to replevin and is subject only to the order and judgments of a court of competent jurisdiction hearing the forfeiture proceedings.

G. 1. The district attorney in the county where the seizure occurs, or the attorney for the Oklahoma State Bureau of Investigation (OSBI) in cases investigated by the OSBI, or the attorney for the Department of Public Safety in cases investigated by the Department shall bring an action for forfeiture in a court of competent jurisdiction. The forfeiture action shall be brought within sixty (60) days from the date of seizure except where the attorney prosecuting the forfeiture in the sound exercise of discretion determines that no forfeiture action should be brought because of the rights of property owners, lienholders, or secured creditors, or because of exculpatory, exonerating, or mitigating facts and circumstances.

2. The attorney prosecuting the forfeiture shall give notice of the forfeiture proceeding by mailing a copy of the complaint in the forfeiture proceeding to each person whose right, title, or interest is of record in the Oklahoma Tax Commission, the Department of Public Safety, the Federal Aviation Agency, or any other department of the state, or any other state or territory of the United States, or of the federal government if such property is required to be registered in any such department.

3. Notice of the proceeding shall be given to any such other person as may appear, from the facts and circumstances, to have any right, title, or interest in or to the property.

4. The owner of the property, or any person having, or claiming, right, title, or interest in the property may within sixty (60) days after the mailing of such notice file a verified answer to the complaint and may appear at the hearing on the action for forfeiture.

5. The attorney prosecuting the forfeiture shall show at a forfeiture hearing, by a preponderance of the evidence, that such property was used in the commission of a violation of Section 1503 of this title, or was used or possessed to facilitate such violation.

6. The owner of property may show by a preponderance of the evidence that the owner did not know, and did not have reason to

know, that the property was to be used or possessed in the commission of any violation or that any of the exceptions to forfeiture are applicable.

7. Unless the attorney prosecuting the forfeiture shall make the showing required of it, the court shall order the property released to the owner. Where the attorney prosecuting the forfeiture has made such a showing, the court may order:

- a. the property be destroyed by the agency which seized it or some other agency designated by the court,
- b. the property be delivered and retained for use by the agency which seized it or some other agency designated by the court, or
- c. the property be sold at public sale.

H. A copy of a forfeiture order shall be filed with the sheriff of the county in which the forfeiture occurs and with each federal or state department with which such property is required to be registered. Such order, when filed, constitutes authority for the issuance to the agency to whom the property is delivered and retained for use or to any purchaser of the property of a title certificate, registration certificate, or other special certificate as may be required by law considering the condition of the property.

I. Proceeds from sale at public auction, after payment of all reasonable charges and expenses incurred by the agency designated by the court to conduct the sale in storing and selling the property, shall be paid to the general fund of the county of seizure, the special agency account of the Oklahoma State Bureau of Investigation, or treasury of the governmental unit employing the seizing agency.

J. No motor vehicle, either seized under Section 1504 of this title or forfeited under this section, shall be released by the seizing agency or used or sold by an agency designated by the court unless any altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed vehicle identification number is corrected by the issuance and affixing of either an assigned or replacement vehicle identification number plate as may be appropriate under laws or regulations of this state.

K. No motor vehicle part having any altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed vehicle identification number shall be disposed of upon forfeiture except by destruction thereof, except that this provision shall not apply to any such motor vehicle part which is assembled with and constitutes part of a motor vehicle.

L. No motor vehicle or motor vehicle part shall be forfeited under this section solely on the basis that it is unidentifiable. Instead of forfeiture, any seized motor vehicle or motor vehicle part which is unidentifiable shall be the subject of a written report sent by the seizing agency to the Department of Public Safety which report shall include a description of the motor vehicle or motor vehicle

part, its color, if any, the date, time and place of its seizure, the name of the person from whose possession or control it was seized, the grounds for its seizure, and the location where the same is held or stored.

M. When a seized unidentifiable motor vehicle or motor vehicle part has been held for sixty (60) days or more after the notice to the Department of Public Safety specified in subsection L of this section, has been given, the seizing agency, or its agent, shall cause the motor vehicle or motor vehicle part to be sold at public sale to the highest bidder. Notice of the time and place of sale shall be posted in a conspicuous place for at least thirty (30) days prior to the sale on the premises where the motor vehicle or motor vehicle part has been stored.

N. When a seized unidentifiable motor vehicle or motor vehicle part has an apparent value of One Thousand Dollars (\$1,000.00) or less, the seizing agency shall authorize the disposal of the motor vehicle or motor vehicle part, provided that no such disposition shall be made less than sixty (60) days after the date of seizure.

O. The proceeds of the public sale of an unidentifiable motor vehicle or motor vehicle part shall be deposited in the special agency account of the Oklahoma State Bureau of Investigation, or treasury of the governmental unit employing the seizing agency after deduction of any reasonable and necessary towing and storage charges.

P. Seizing agencies will utilize their best efforts to arrange for the towing and storing of motor vehicles and motor vehicle parts in the most economical manner possible. In no event shall the owner of a motor vehicle or a motor vehicle part be required to pay more than the minimum reasonable costs of towing and storage.

Q. A seized motor vehicle or motor vehicle part that is neither forfeited nor unidentifiable shall be held subject to the order of the court in which the criminal action is pending or, if a request for its release from such custody is made until the district attorney has notified the defendant or the defendant's attorney of such request and both the prosecution and defense have been afforded a reasonable opportunity for an examination of the property to determine its true value and to produce or reproduce, by photographs or other identifying techniques, legally sufficient evidence for introduction at trial or other criminal proceedings. Upon expiration of a reasonable time for the completion of the examination which in no event shall exceed fourteen (14) days from the date of service upon the defense of the notice of request for return of property as provided herein, the property shall be released to the person making such request after satisfactory proof of such person's entitlement to the possession thereof. Notwithstanding the foregoing, upon application by either party with notice to the other, the court may order retention of the property if it determines that retention is necessary in the furtherance of justice.

R. When a seized vehicle is forfeited, restored to its owner, or disposed of as unidentifiable, the seizing agency shall retain a report of the transaction for a period of at least one (1) year from the date of the transaction.

S. When an applicant for a certificate of title or salvage certificate presents to the Oklahoma Tax Commission proof that the applicant purchased or acquired a motor vehicle at a public sale conducted pursuant to this section and such fact is attested to by the seizing agency, the Oklahoma Tax Commission shall issue a certificate of title, salvage certificate for the motor vehicle upon receipt of the statutory fee, properly executed application for a certificate of title, or other certificate of ownership, and the affidavit of the seizing agency that a state-assigned number was applied for and affixed to the motor vehicle prior to the time that the motor vehicle was released by the seizing agency to the purchaser.

Added by Laws 1988, c. 158, § 5, operative July 1, 1988. Amended by Laws 1997, c. 201, § 5, eff. Nov. 1, 1997; Laws 1998, c. 111, § 1, eff. July 1, 1998.

§47-1506. Civil proceedings - Remedies - Treble damages - Estoppel - Limitations - Service of process.

A. The Attorney General, any district attorney or any aggrieved person may institute civil proceedings against any person in any court of competent jurisdiction seeking relief from conduct constituting a violation of any provision of the Motor Vehicle Chop Shop, Stolen and Altered Property Act. If the plaintiff in such a proceeding proves the alleged violation, or its threat, by a preponderance of the evidence, any court of competent jurisdiction after due provision for the rights of innocent persons, shall grant relief by entering any appropriate order or judgment, including, but not limited to:

1. ordering any defendant to be divested of any interest in any property;

2. imposing reasonable restrictions upon the future activities or investments of any defendant, including prohibiting any defendant from engaging in the same type of endeavor as the defendant was engaged in previously;

3. ordering the suspension or revocation of a license, permit, or prior approval granted by any public agency or any other public authority; or

4. ordering the surrender of the charter of a corporation organized under the laws of the state or the revocation of a certificate authorizing a foreign corporation to conduct business within the state upon finding that the board of directors or a managerial agent acting on behalf of the corporation, in conducting the affairs of the corporation, has authorized or engaged in conduct

made unlawful by the Motor Vehicle Chop Shop, Stolen and Altered Property Act and that, for the prevention of future criminal conduct, the public interest requires the charter of the corporation be surrendered and the corporation dissolved or the certificate revoked.

B. In a proceeding under this section, injunctive relief shall be granted in conformity with the principles that govern the granting of relief from injury or threatened injury in other cases, but no showing of special or irreparable injury shall have to be made. Pending final determination of a proceeding under this section, a temporary restraining order or a preliminary injunction may be issued upon a showing of immediate danger of significant injury, including the possibility that any judgment for money damages might be difficult to execute, and, in a proceeding initiated by an aggrieved person, upon the execution of proper bond against injury for an injunction improvidently granted.

C. Any person injured, directly or indirectly, by conduct constituting a violation by any person of Section 3 of this act shall, in addition to any other relief, have a cause of action for threefold the actual damages sustained by the person.

D. A final judgment or decree rendered against the defendant in any civil or criminal proceeding shall estop the defendant in any subsequent civil action or proceeding brought by any person as to all matters as to which the judgment or decree would be an estoppel as between the parties to the civil or criminal proceeding.

E. Notwithstanding any other provision of law providing a shorter period of limitations, a civil action under this section may be commenced at any time within five (5) years after the conduct made unlawful under Section 3 of this act terminates or the cause of action accrues or within any longer statutory period that may be applicable. If any action is brought by a prosecutor to punish, prevent or restrain any activity made unlawful under Section 3 of this act, the running of the period of limitations shall be suspended during the pendency of such action and for two (2) years following its termination.

F. Personal service of any process in an action under this section may be made upon any person outside the state if the person has engaged in any conduct constituting a violation of Section 3 of this act in this state. The person shall be deemed to have thereby submitted to the jurisdiction of the courts of this state for the purposes of this provision.

G. Obtaining any civil remedy under this section shall not preclude obtaining any other civil or criminal remedy under either this act or any other provision of law. Civil remedies under this section are supplemental and not mutually exclusive.

Added by Laws 1988, c. 158, § 6, operative July 1, 1988.

§47-1507. Repealed by Laws 1988, c. 201, § 15, eff. Nov. 1, 1988.

§47-1508. Power of Attorney General or district attorney.

In addition to the power of the Attorney General or any district attorney to institute civil proceedings under Section 6 of this act, the Attorney General or any district attorney is empowered to institute criminal prosecutions for a violation of Section 3 of this act in any court of competent jurisdiction.

Added by Laws 1988, c. 158, § 8, operative July 1, 1988.

§47-1601. Short title.

This act shall be known and may be cited as the "Oklahoma Mobility-Impaired Driver Refueling Service Act".

Added by Laws 1997, c. 196, § 1, emerg. eff. May 19, 1997.

§47-1602. Definitions.

As used in Section 1603 of this title:

1. "Refueling service" means the service of pumping motor vehicle fuel into the fuel tank of a motor vehicle;
2. "Mobility-impaired driver" means a person with a physical disability, as defined in Section 15-112 of this title; and
3. "Motor vehicle service station" means any facility where motor vehicle fuel is stored and dispensed into the fuel tanks of motor vehicles of the public.

Added by Laws 1997, c. 196, § 2, emerg. eff. May 19, 1997. Amended by Laws 2007, c. 62, § 18, emerg. eff. April 30, 2007; Laws 2008, c. 302, § 7, emerg. eff. June 2, 2008.

§47-1603. Participation in refueling service program.

A. Unless otherwise provided in this section, any motor vehicle service station in this state which offers gasoline or other motor vehicle fuel for sale to the public from the service station facility may, on a voluntary basis, participate in the refueling service program and upon request offer refueling service to a mobility-impaired driver who displays:

1. A placard indicating physical disability, issued pursuant to the provisions of Section 15-112 of this title;
2. A physically disabled license plate, issued pursuant to the provisions of Section 1135.1 of this title; or
3. A disabled veterans license plate with the international accessibility symbol issued pursuant to the provisions of Section 1135.2 of this title.

B. The refueling service provided for under subsection A of this section shall not apply when the mobility-impaired driver is accompanied by another person capable of refueling the motor vehicle.

C. Each participating motor vehicle service station in the state shall post signs notifying the public of the refueling services provided by the facility.

D. Only those motor vehicle service stations which voluntarily participate in the refueling service program established in this section and which offer gasoline or other motor vehicle fuel for sale to the public shall be required to comply with the provisions of this section.

Added by Laws 1997, c. 196, § 3, emerg. eff. May 19, 1997. Amended by Laws 2007, c. 62, § 19, emerg. eff. April 30, 2007; Laws 2008, c. 302, § 8, emerg. eff. June 2, 2008.

§47-1604. Repealed by Laws 2007, c. 62, § 39, emerg. eff. April 30, 2007.

§47-1700. Short title - Oklahoma Driving Automation System Uniformity Act.

This act shall be known as the "Oklahoma Driving Automation System Uniformity Act".

Added by Laws 2019, c. 316, § 1.

§47-1701. Definitions.

As used in this act:

A. "Driving automation system" means hardware and software that are collectively capable of performing part or the entire dynamic task on a sustained basis. The term driving automation system is used generally to describe any system capable of level 1-5 driving automation, as specified in SAE International Recommended Practice J3016 including, but not limited to, core vehicle functions as listed in this section.

B. "Dynamic driving task" means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints and including without limitation:

1. Lateral vehicle motion control via steering;
2. Longitudinal vehicle motion control via acceleration and deceleration;
3. Monitoring the driving environment via object and event detection, recognition, classification and response preparation;
4. Object and event response execution;
5. Maneuver planning; and
6. Enhancing conspicuity via lighting, signaling and gesturing.

Added by Laws 2019, c. 316, § 2.

§47-1702. State law preempts county or municipality authority and supersedes county or municipality laws or ordinances.

A. Only the State of Oklahoma may enact a law or take any other action to regulate the operation of motor vehicles equipped with driving automation systems in Oklahoma.

B. Pursuant to subsection A of this section, the State of Oklahoma:

1. Preempts the authority of a county or municipality to prohibit, restrict or regulate the operation of motor vehicles equipped with driving automation systems on the basis of those vehicles being equipped with driving automation systems; and

2. Supersedes any existing law or ordinance of a county or municipality that prohibits, restricts or regulates the testing or operation of motor vehicles equipped with driving automation systems.
Added by Laws 2019, c. 316, § 3.