

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2302

By: McCarter of the House

and

Helton of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to public safety; amending 27A O.S. 2001, Sections 1-3-101 and 2-5-105, which relate to the Department of Environmental Quality; removing references to motor vehicle inspections; amending 47 O.S. 2001, Section 1-107.4, which relates to the definition of Class D motor vehicle; referencing other definition; eliminating exception regarding vehicles operated in custom farming operations; amending 47 O.S. 2001, Sections 2-102, 2-104, 2-106, 2-109.1, 2-122, 2-124 and 2-126, which relate to the Department of Public Safety; modifying terms; moving authority for actual and necessary travel expenses for noncommissioned pilots; modifying name and organizational structure of driver license examination division; modifying qualifications for driver license examiners; removing and modifying statutory references; removing obsolete language; amending 47 O.S. 2001, Sections 2-140.3, 2-140.5 and 2-140.11, which relate to the Police Corps Program; renaming program; removing unnecessary language; authorizing Department of Public Safety Revolving Fund; stating monies of which fund shall consist; stating what type of expenditures may be made from monies in fund; requiring Director of State Finance to establish method for tracking expenditures; amending 47 O.S. 2001, Sections 6-101, 6-107, 6-117 and 6-201, which relate to driver licenses; modifying age for operating a farm vehicle; authorizing person who signed application for driver license for a minor to request cancellation of driving privilege of minor; stating that application for license for minor shall be canceled upon death of person making application; removing language regarding Department of Public Safety Revolving Fund; modifying references; amending 47 O.S. 2001, Sections 11-204, 11-301, 11-303 and 11-309, which relate to rules of the road; updating terms; amending 47 O.S. 2001, Section 11-1404, which relates to enforcement on turnpikes; updating name of agency; stating federal regulation which shall govern flashing and signal lights; amending 47 O.S. 2001, Section 12-422, which relates to restrictions on tinted windshields and windows; adding certain types of vehicles to list of exceptions from required tint; requiring seller or installer to verify material is in compliance with

law; eliminating obsolete language; amending 47 O.S. 2001, Sections 14-116 and 14-118, which relate to size, weight and loads; removing obsolete references; amending 47 O.S. 2001, Section 15-109, which relates to school buses; stating federal regulation to be followed; amending 47 O.S. 2001, Section 15-112, which relates to handicapped parking; removing obsolete reference; amending 47 O.S. 2001, Section 159.11, which relates to state-owned vehicles; modifying name of state agency; amending 47 O.S. 2001, Section 1132.4, which relates to vehicle registration fee; updating statutory reference; amending 69 O.S. 2001, Section 301.1, which relates to the Oklahoma Trucking Advisory Board; removing unnecessary language; amending 70 O.S. 2001, Section 9-109, which relates to price list and descriptions of transportation equipment; modifying standards to be applied; amending 70 O.S. 2001, Section 24-121, which relates to safety belts for school bus drivers; removing obsolete language; modifying entity to prescribe standards; amending 74 O.S. 2001, Section 840-5.5, as amended by Section 32 of Enrolled House Bill No. 2924 of the 2nd Session of the 48th Oklahoma Legislature, which relates to the unclassified service; adding unclassified positions to Department of Public Safety; repealing 47 O.S. 2001, Sections 6-108 and 6-109, which relate to driver licenses for minors; repealing 47 O.S. 2001, Sections 12-305, 12-306, 12-307, 12-308, 12-309, 12-310, 12-311, 12-312, 12-313, 12-314 and 12-315, which relate to brake fluid; repealing 47 O.S. 201, Section 159.2, which relates to definition for state-owned vehicles; repealing 47 O.S. 2001, Sections 601, 602, 603, 604, 605, 606, 607, 608, 609, 610 and 611, which relate to brake fluid; repealing 47 O.S. 2001, Section 855.1, which relates to designation of inspectors; providing for codification; providing for recodification; and providing an effective date.

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

SECTION 1. AMENDATORY 27A O.S. 2001, Section 1-3-101, is amended to read as follows:

Section 1-3-101. A. The provisions of this section specify the jurisdictional areas of responsibility for each state environmental agency and state agencies with limited environmental responsibility. The jurisdictional areas of environmental responsibility specified in this section shall be in addition to those otherwise provided by law and assigned to the specific state environmental agency; provided that any rule, interagency agreement or executive order

enacted or entered into prior to the effective date of this section which conflicts with the assignment of jurisdictional environmental responsibilities specified by this section is hereby superceded.

The provisions of this subsection shall not nullify any financial obligation arising from services rendered pursuant to any interagency agreement or executive order entered into prior to July 1, 1993, nor nullify any obligations or agreements with private persons or parties entered into with any state environmental agency before July 1, 1993.

B. Department of Environmental Quality. The Department of Environmental Quality shall have the following jurisdictional areas of environmental responsibility:

1. All point source discharges of pollutants and storm water to waters of the state which originate from municipal, industrial, commercial, mining, transportation and utilities, construction, trade, real estate and finance, services, public administration, manufacturing and other sources, facilities and activities, except as provided in subsections D and E of this section;

2. All nonpoint source discharges and pollution except as provided in subsections D, E and F of this section;

3. Technical lead agency for point source, non-point source and storm water pollution control programs funded under Section 106 of the federal Clean Water Act, for areas within the Department's jurisdiction as provided in this subsection;

4. Surface water and groundwater quality and protection and water quality certifications;

5. Waterworks and wastewater works operator certification;

6. Public and private water supplies;

7. Underground injection control pursuant to the federal Safe Drinking Water Act and 40 CFR Parts 144 through 148, except for Class II injection wells, Class V injection wells utilized in the remediation of groundwater associated with underground or

aboveground storage tanks regulated by the Corporation Commission, and those wells used for the recovery, injection or disposal of mineral brines as defined in the Oklahoma Brine Development Act regulated by the Corporation Commission;

8. Air quality under the Federal Clean Air Act and applicable state law, except for indoor air quality and asbestos as regulated for worker safety by the federal Occupational Safety and Health Act and by Chapter 11 of Title 40 of the Oklahoma Statutes;

9. Hazardous waste and solid waste, including industrial, commercial and municipal waste;

10. Superfund responsibilities of the state under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 and amendments thereto, except the planning requirements of Title III of the Superfund Amendment and Reauthorization Act of 1986;

11. Radioactive waste and all regulatory activities for the use of atomic energy and sources of radiation except for the use of sources of radiation by diagnostic x-ray facilities;

12. Water, waste, and wastewater treatment systems including, but not limited to, septic tanks or other public or private waste disposal systems;

13. Emergency response as specified by law;

14. Environmental laboratory services and laboratory certification;

15. Hazardous substances other than branding, package and labeling requirements;

16. Freshwater wellhead protection;

17. Groundwater protection for activities subject to the jurisdictional areas of environmental responsibility of the Department;

18. Utilization and enforcement of Oklahoma Water Quality Standards and implementation documents;

19. Environmental regulation of any entity or activity, and the prevention, control and abatement of any pollution, not subject to the specific statutory authority of another state environmental agency;

20. Development and maintenance of a computerized information system relating to water quality pursuant to Section 1-4-107 of this title; and

21. Development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional area of environmental responsibility.

C. Oklahoma Water Resources Board. The Oklahoma Water Resources Board shall have the following jurisdictional areas of environmental responsibility:

1. Water quantity including, but not limited to, water rights, surface water and underground water, planning, and interstate stream compacts;

2. Weather modification;

3. Dam safety;

4. Flood plain management;

5. State water/wastewater loans and grants revolving fund and other related financial aid programs;

6. Administration of the federal State Revolving Fund Program including, but not limited to, making application for and receiving capitalization grant awards, wastewater prioritization for funding, technical project reviews, environmental review process, and financial review and administration;

7. Water well drillers/pump installers licensing;

8. Technical lead agency for clean lakes eligible for funding under Section 314 of the Federal Clean Water Act or other applicable sections of the Federal Clean Water Act or other subsequent state and federal clean lakes programs; administration of a state program for assessing, monitoring, studying and restoring Oklahoma lakes

with administration to include, but not be limited to, receipt and expenditure of funds from federal, state and private sources for clean lakes and implementation of a volunteer monitoring program to assess and monitor state water resources, provided such funds from Federal Clean Water Act sources are administered and disbursed by the Office of the Secretary of Environment;

9. Statewide water quality standards and their accompanying use support assessment protocols, anti-degradation policy and implementation, and policies generally affecting Oklahoma Water Quality Standards application and implementation including but not limited to mixing zones, low flows and variances or any modification or change thereof pursuant to Section 1085.30 of Title 82 of the Oklahoma Statutes;

10. Groundwater protection for activities subject to the jurisdictional areas of environmental responsibility of the Board;

11. Development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional area of environmental responsibility;

12. Development of classifications and identification of permitted uses of groundwater, in recognized water rights, and associated groundwater recharge areas;

13. Establishment and implementation of a statewide beneficial use monitoring program for waters of the state in coordination with the other state environmental agencies;

14. Coordination with other state environmental agencies and other public entities of water resource investigations conducted by the federal United States Geological Survey for water quality and quantity monitoring in the state; and

15. Development and submission of a report concerning the status of water quality monitoring in this state pursuant to Section 1-1-202 of this title.

D. State Department of Agriculture. 1. The State Department of Agriculture shall have the following jurisdictional areas of environmental responsibility except as provided in subsection B of this section and paragraphs 2 and 3 of this subsection:

- a. point source discharges and nonpoint source runoff from agricultural crop production, agricultural services, livestock production, silviculture, feed yards, livestock markets and animal waste,
- b. pesticide control,
- c. forestry and nurseries,
- d. fertilizer,
- e. facilities which store grain, feed, seed, fertilizer and agricultural chemicals,
- f. dairy waste and wastewater associated with milk production facilities,
- g. groundwater protection for activities subject to the jurisdictional areas of environmental responsibility of the Department,
- h. utilization and enforcement of Oklahoma Water Quality Standards and implementation documents, and
- i. development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional areas of environmental responsibility.

2. In addition to the jurisdictional areas of environmental responsibility specified in subsection B of this section, the Department of Environmental Quality shall have environmental jurisdiction over:

- a. (1) commercial manufacturers of fertilizers, grain and feed products, and chemicals, and over manufacturing of food and kindred products, tobacco, paper, lumber, wood,

textile mill and other agricultural products,

(2) slaughterhouses, but not including feedlots at such facilities, and

(3) aquaculture and fish hatcheries, including, but not limited to, discharges of pollutants and storm water to waters of the state, surface impoundments and land application of wastes and sludge, and other pollution originating at such facilities, and

b. facilities which store grain, feed, seed, fertilizer, and agricultural chemicals that are required by federal N.P.D.E.S. regulations to obtain a permit for storm water discharges shall only be subject to the jurisdiction of the Department of Environmental Quality with respect to such storm water discharges.

3. Any point source discharge related to agriculture from sources specified in paragraph 1 of this subsection which require a federal National Pollutant Discharge Elimination Systems permit and which are not specified under paragraph 2 of this subsection as being subject to the jurisdiction of the Department of Environmental Quality shall continue to be subject to the direct jurisdiction of the federal Environmental Protection Agency for issuance and enforcement of such permit and shall not be required to be permitted by the Department of Environmental Quality or the Department of Agriculture.

E. Corporation Commission. 1. The Corporation Commission is hereby vested with exclusive jurisdiction, power and authority, and it shall be its duty to promulgate and enforce rules, and issue and enforce orders governing and regulating:

a. the conservation of oil and gas,

- b. field operations for geologic and geophysical exploration for oil, gas and brine, including seismic survey wells, stratigraphic test wells and core test wells,
- c. the exploration, drilling, development, producing or processing for oil and gas on the lease site,
- d. the exploration, drilling, development, production and operation of wells used in connection with the recovery, injection or disposal of mineral brines,
- e. reclaiming facilities only for the processing of salt water, crude oil, natural gas condensate and tank bottoms or basic sediment from crude oil tanks, pipelines, pits and equipment associated with the exploration, drilling, development, producing or transportation of oil or gas,
- f. underground injection control pursuant to the federal Safe Drinking Water Act and 40 CFR Parts 144 through 148, of Class II injection wells, Class V injection wells utilized in the remediation of groundwater associated with underground or aboveground storage tanks regulated by the Corporation Commission, and those wells used for the recovery, injection or disposal of mineral brines as defined in the Oklahoma Brine Development Act. Any substance that the United States Environmental Protection Agency allows to be injected into a Class II well may continue to be so injected,
- g. tank farms for storage of crude oil and petroleum products which are located outside the boundaries of refineries, petrochemical manufacturing plants, natural gas liquid extraction plants, or other facilities which are subject to the jurisdiction of

the Department of Environmental Quality with regard to point source discharges,

- h. the construction and operation of pipelines and associated rights-of-way, equipment, facilities or buildings used in the transportation of oil, gas, petroleum, petroleum products, anhydrous ammonia or mineral brine, or in the treatment of oil, gas or mineral brine during the course of transportation but not including line pipes in any:
 - (1) natural gas liquids extraction plant,
 - (2) refinery,
 - (3) reclaiming facility other than for those specified within subparagraph e of this subsection,
 - (4) mineral brine processing plant, and
 - (5) petrochemical manufacturing plant,
- i. the handling, transportation, storage and disposition of saltwater, 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, at:
 - (1) any facility or activity specifically listed in paragraphs 1 and 2 of this subsection as being subject to the jurisdiction of the Commission, and
 - (2) other oil and gas extraction facilities and activities,
- j. spills of deleterious substances associated with facilities and activities specified in paragraph 1 of this subsection or associated with other oil and gas extraction facilities and activities,

- k. subsurface storage of oil, natural gas and liquefied petroleum gas in geologic strata,
- l. groundwater protection for activities subject to the jurisdictional areas of environmental responsibility of the Commission,
- m. utilization and enforcement of Oklahoma Water Quality Standards and implementation documents; and
- n. development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional areas of environmental responsibility.

2. The exclusive jurisdiction, power and authority of the Corporation Commission shall also extend to the construction, operation, maintenance, site remediation, closure and abandonment of the facilities and activities described in paragraph 1 of this subsection.

3. When a deleterious substance from a Commission regulated facility or activity enters a point source discharge of pollutants or storm water from a facility or activity regulated by the Department of Environmental Quality, the Department shall have sole jurisdiction over the point source discharge of the commingled pollutants and storm water from the two facilities or activities insofar as Department regulated facilities and activities are concerned.

4. For purposes of the Federal Clean Water Act, any facility or activity which is subject to the jurisdiction of the Corporation Commission pursuant to paragraph 1 of this subsection and any other oil and gas extraction facility or activity which requires a permit for the discharge of a pollutant or storm water to waters of the United States shall be subject to the direct jurisdiction of the federal Environmental Protection Agency and shall not be required to

be permitted by the Department of Environmental Quality or the Corporation Commission for such discharge.

5. The Corporation Commission shall have jurisdiction over:

- a. underground storage tanks that contain antifreeze, motor oil, motor fuel, gasoline, kerosene, diesel, or aviation fuel and that are not located at refineries or at the upstream or intermediate shipment points of pipeline operations, including, but not limited to, tanks from which these materials are dispensed into vehicles, or tanks used in wholesale or bulk distribution activities, as well as leaks from pumps, hoses, dispensers, and other ancillary equipment associated with the tanks, whether above the ground or below; provided, that any point source discharge of a pollutant to waters of the United States during site remediation or the off-site disposal of contaminated soil, media, or debris shall be regulated by the Department of Environmental Quality,
- b. aboveground storage tanks that contain antifreeze, motor oil, motor fuel, gasoline, kerosene, diesel, or aviation fuel and that are not located at refineries or at the upstream or intermediate shipment points of pipeline operations, including, but not limited to, tanks from which these materials are dispensed into vehicles, or tanks used in wholesale or bulk distribution activities, as well as leaks from pumps, hoses, dispensers, and other ancillary equipment associated with the tanks, whether above the ground or below; provided, that any point source discharge of a pollutant to waters of the United States during site remediation or the off-site disposal of contaminated

soil, media, or debris shall be regulated by the Department of Environmental Quality, and

- c. the Petroleum Storage Tank Release Environmental Cleanup Indemnity Fund and Program and the Leaking Underground Storage Tank Trust Fund.

6. The Department of Environmental Quality shall have sole jurisdiction to regulate the transportation, discharge or release of deleterious substances or solid or hazardous waste or other pollutants from rolling stock and rail facilities.

7. The Department of Environmental Quality shall have sole environmental jurisdiction for point and nonpoint source discharges of pollutants and storm water to waters of the state from:

- a. refineries, petrochemical manufacturing plants and natural gas liquid extraction plants,
- b. manufacturing of oil and gas related equipment and products,
- c. bulk terminals, aboveground and underground storage tanks not subject to the jurisdiction of the Commission pursuant to this subsection, and
- d. other facilities, activities and sources not subject to the jurisdiction of the Corporation Commission or the Department of Agriculture as specified by this section.

8. The Department of Environmental Quality shall have sole environmental jurisdiction to regulate air emissions from all facilities and sources subject to operating permit requirements under Title V of the Federal Clean Air Act as amended.

F. Conservation Commission. The Conservation Commission shall have the following jurisdictional areas of environmental responsibility:

- 1. Soil conservation, erosion control and nonpoint source management except as otherwise provided by law;

2. Monitoring, evaluation and assessment of waters to determine the condition of streams and rivers being impacted by nonpoint source pollution. In carrying out this area of responsibility, the Conservation Commission shall serve as the technical lead agency for nonpoint source categories as defined in Section 319 of the Federal Clean Water Act or other subsequent federal or state nonpoint source programs, except for activities related to industrial and municipal stormwater or as otherwise provided by state law;

3. Wetlands strategy;

4. Abandoned mine reclamation;

5. Cost-share program for land use activities;

6. Assessment and conservation plan development and implementation in watersheds of clean lakes, as specified by law;

7. Complaint data management;

8. Coordination of environmental and natural resources education;

9. Federal upstream flood control program;

10. Groundwater protection for activities subject to the jurisdictional areas of environmental responsibility of the Commission;

11. Development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional areas of environmental responsibility; and

12. Utilization of Oklahoma Water Quality Standards and Implementation documents.

G. Department of Mines. The Department of Mines shall have the following jurisdictional areas of environmental responsibility:

1. Mining regulation;

2. Mining reclamation of active mines;

3. Groundwater protection for activities subject to the jurisdictional areas of environmental responsibility of the Commission; and

4. Development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional areas of responsibility.

H. Department of Wildlife Conservation. The Department of Wildlife Conservation shall have the following jurisdictional areas of environmental responsibilities:

1. Investigating wildlife kills;
2. Wildlife protection and seeking wildlife damage claims; and
3. Development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional areas of environmental responsibility.

I. Department of Public Safety. The Department of Public Safety shall have the following jurisdictional areas of environmental responsibilities:

1. ~~Vehicle inspection for air quality;~~
- ~~2.~~ Hazardous waste, substances and material transportation inspections as authorized by the Hazardous Materials Transportation Act; and

~~3.~~ 2. Inspection and audit activities of hazardous waste and materials carriers and handlers as authorized by the Hazardous Materials Transportation Act.

J. Department of Labor. The Department of Labor shall have the following jurisdictional areas of environmental responsibility:

1. Regulation of asbestos in the workplace pursuant to Chapter 11 of Title 40 of the Oklahoma Statutes;
2. Asbestos monitoring in public and private buildings; and
3. Indoor air quality as regulated under the authority of the Oklahoma Occupational Health and Safety Standards Act, except for those indoor air quality issues specifically authorized to be regulated by another agency.

Such programs shall be a function of the Department's occupational safety and health jurisdiction.

K. Department of Civil Emergency Management. The Department of Civil Emergency Management shall have the following jurisdictional areas of environmental responsibilities:

1. Coordination of all emergency resources and activities relating to threats to citizens' lives and property pursuant to the Oklahoma Civil Defense and Emergency Resources Management Act;

2. Administer and enforce the planning requirements of Title III of the Superfund Amendments and Reauthorization Act of 1986 and develop such other emergency operations plans that will enable the state to prepare for, respond to, recover from and mitigate potential environmental emergencies and disasters pursuant to the Oklahoma Hazardous Materials Planning and Notification Act;

3. Administer and conduct periodic exercises of emergency operations plans provided for in this subsection pursuant to the Oklahoma Civil Defense and Emergency Resources Management Act;

4. Administer and facilitate hazardous materials training for state and local emergency planners and first responders pursuant to the Oklahoma Civil Defense and Emergency Resources Management Act;
and

5. Maintain a computerized emergency information system allowing state and local access to information regarding hazardous materials' location, quantity and potential threat.

SECTION 2. AMENDATORY 27A O.S. 2001, Section 2-5-105, is amended to read as follows:

Section 2-5-105. The Department of Environmental Quality is hereby designated the administrative agency for the Oklahoma Clean Air Act for the state. The Department is empowered to:

1. Establish, in accordance with its provisions, those programs specified elsewhere in the Oklahoma Clean Air Act;

2. Establish, in accordance with the Oklahoma Clean Air Act, a permitting program for the state which will contain the flexible

source operation provisions required by Section 502(b)(10) of the Federal Clean Air Act Amendments of 1990;

3. Prepare and develop a general plan for proper air quality management in the state in accordance with the Oklahoma Clean Air Act;

4. Enforce rules of the Board and orders of the Department and the Council;

5. Advise, consult and cooperate with other agencies of the state, towns, cities and counties, industries, other states and the federal government, and with affected groups in the prevention and control of new and existing air contamination sources within the state;

6. Encourage and conduct studies, seminars, workshops, investigations and research relating to air pollution and its causes, effects, prevention, control and abatement;

7. Collect and disseminate information relating to air pollution, its prevention and control;

8. Encourage voluntary cooperation by persons, towns, cities and counties, or other affected groups in restoring and preserving a reasonable degree of purity of air within the state;

9. Represent the State of Oklahoma in any and all matters pertaining to plans, procedures or negotiations for the interstate compacts in relation to the control of air pollution;

10. Provide such technical, scientific or other services, including laboratory and other facilities, as may be required for the purpose of carrying out the provisions of the Oklahoma Clean Air Act, from funds available for such purposes;

11. Employ and compensate, within funds available therefor, such consultants and technical assistants and such other employees on a full- or part-time basis as may be necessary to carry out the provisions of the Oklahoma Clean Air Act and prescribe their powers and duties;

12. Accept and administer grants or other funds or gifts for the purpose of carrying out any of the functions of the Oklahoma Clean Air Act;

13. Budget and receive duly appropriated monies and all other monies available for expenditures to carry out the provisions and purposes of the Oklahoma Clean Air Act;

14. Bring appropriate court action to enforce the Oklahoma Clean Air Act and final orders of the Department, and to obtain injunctive or other proper relief in the district court of the county where any alleged violation occurs or where such relief is determined necessary. The Department, in furtherance of its statutory powers, shall have the independent authority to file an action pursuant to the Oklahoma Clean Air Act in district court. Such action shall be brought in the name of the Department of Environmental Quality;

15. Take such action as may be necessary to abate the alleged pollution upon receipt of evidence that a source of pollution or a combination of sources of pollution is presenting an immediate, imminent and substantial endangerment to the health of persons;

~~16. Recommend rules to the Department of Public Safety, to the extent necessary and practicable for periodic inspection and testing of motor vehicles to enforce compliance with applicable emission standards;~~

~~17. Periodically enter and inspect at reasonable times or during regular business hours, any source, facility or premises permitted or regulated by the Department, for the purpose of obtaining samples or determining compliance with the Oklahoma Clean Air Act or any rule promulgated thereunder or permit condition prescribed pursuant thereto, or to examine any records kept or required to be kept pursuant to the Oklahoma Clean Air Act. Such inspections shall be conducted with reasonable promptness and shall be confined to those areas, sources, facilities or premises~~

reasonably expected to emit, control, or contribute to the emission of any air contaminant;

~~18.~~ 17. Require the submission or the production and examination, within a reasonable amount of time, of any information, record, document, test or monitoring results or emission data, including trade secrets necessary to determine compliance with the Oklahoma Clean Air Act or any rule promulgated thereunder, or any permit condition prescribed or order issued pursuant thereto. The Department shall hold and keep as confidential any information declared by the provider to be a trade secret and may only release such information upon authorization by the person providing such information, or as directed by court order. Any documents submitted pursuant to the Oklahoma Clean Air Act and declared to be trade secrets, to be so considered, must be plainly labeled by the provider, and be in a form whereby the confidential information may be easily removed intact without disturbing the continuity of any remaining documents. The remaining document, or documents, as submitted, shall contain a notation indicating, at the place where the particular information was originally located, that confidential information has been removed. Nothing in this section shall preclude an in-camera examination of confidential information by an Administrative Law Judge during the course of a contested hearing;

~~19.~~ 18. Maintain and update at least annually an inventory of air emissions from stationary sources;

~~20.~~ 19. Accept any authority delegated from the federal government necessary to carry out any portion of the Oklahoma Clean Air Act; and

~~21.~~ 20. Carry out all other duties, requirements and responsibilities necessary and proper for the implementation of the Oklahoma Clean Air Act and fulfilling the requirements of the Federal Clean Air Act.

SECTION 3. AMENDATORY 47 O.S. 2001, Section 1-107.4, is amended to read as follows:

CLASS D MOTOR VEHICLE

Section 1-107.4 A. A Class D motor vehicle is any motor vehicle or combination of vehicles, ~~regardless of weight,~~ which:

1. ~~Is~~ Regardless of weight:

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

~~2. Is~~

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

~~3. 2.~~ Is a single or combination vehicle with a gross combined weight rating of less than twenty-six thousand one (26,001) pounds; or

~~4. 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, ~~and~~

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

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

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.

B. ~~The Department of Public Safety shall provide by rule promulgated pursuant to the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, that, in addition~~

~~to the requirements specified in paragraph 4 of subsection A of this section, a motor vehicle or combination of vehicles operated by persons engaged in custom farming operations or persons operating farm retail outlets or such person's employees, and used within one hundred fifty (150) air miles of the temporary base of operations of a person engaged in custom farming operations, shall be considered to be a Class D motor vehicle if the inclusion of such vehicle within the definition of a Class D motor vehicle will not result in the loss of federal funds to the State of Oklahoma pursuant to federal law or regulation.~~

~~C. In addition to vehicles described in subsection A of this section, the Department of Public Safety may provide by rule promulgated in accordance with the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, that any motor vehicle or combination of vehicles regardless of weight, which is marked and used as a state, county or municipal vehicle, may be included within the definition of a Class D motor vehicle if such inclusion will not result in the loss of federal funds to the State of Oklahoma pursuant to federal law or regulation.~~

~~D. Provided, further, a 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, ~~the Department of Public Safety shall provide by rule promulgated pursuant to the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, that a farm vehicle or a vehicle being operated by a person operating a farm retail outlet or such person's employee, 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 ~~if the inclusion of such vehicle within the definition of a Class D motor vehicle will not result in the loss of federal funds to the State of Oklahoma pursuant to federal law or regulation.~~

SECTION 4. AMENDATORY 47 O.S. 2001, Section 2-102, is amended to read as follows:

Section 2-102. A. 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.

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.

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

Said Commissioner of Public Safety shall be allowed ~~his~~ the actual and necessary ~~telephone and telegraph~~ communication expenses incurred in the performance of his official duties while away from his office.

B. The Commissioner of Public Safety, after ~~his~~ appointment and before entering upon the discharge of ~~his~~ 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.

SECTION 5. AMENDATORY 47 O.S. 2001, Section 2-104, is amended to read as follows:

Section 2-104. A. The Commissioner, subject to the Merit System laws, shall appoint an Assistant Commissioner and such other deputies, subordinates, officers, investigators, and other employees as may be necessary to implement the provisions ~~of Sections 2-101 through 2-133~~ of this title. Any employee of the Department of Public Safety appointed to the position of Assistant Commissioner 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 Assistant Commissioner, provided the employee is not otherwise disqualified.

B. When traveling with the Governor or at his 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 Assistant Commissioner 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 (g) of Section 2-105 of this title, however the Assistant Commissioner shall be eligible for participation in only one retirement system and shall elect in writing the system in which he 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 Personnel Management, unless otherwise

provided by law. ~~The Commissioner of Public Safety may appoint an employee to the position of Director of Finance for the Department of Public Safety. The Director of Finance for the Department of Public Safety and those employees serving as noncommissioned pilots in the Department of Public Safety shall be unclassified and exempt from the rules and procedures of the Office of Personnel Management, except leave regulations. Those employees 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, when on executive assignment.~~

SECTION 6. AMENDATORY 47 O.S. 2001, Section 2-106, is amended to read as follows:

Section 2-106. ~~(a) A.~~ A. There is hereby established in the Department of Public Safety ~~a division~~ an administrative unit to be known as the ~~Drivers~~ Driver License Division of the Department of Public Safety. ~~Such Drivers License Division Administration, which shall be divided into an Examiners Bureau, a Drivers~~ the Driver License Examining Division, the Driver License Services Bureau, a Division, the Driver Improvement Bureau Division, the Financial Responsibility Division, and such other ~~bureaus~~ divisions as the Commissioner of Public Safety may direct.

~~(b) B.~~ B. The ~~Examiners Bureau may~~ Driver License Examining Division shall consist of ~~both uniformed members of the Oklahoma Highway Patrol Division and nonuniformed~~ noncommissioned classified employees of the Department ~~of Public Safety both of whom~~ who may administer tests for the purpose of issuing ~~driver's~~ driver licenses pursuant to Chapter 6 of this title.

~~(c) C.~~ C. Any ~~nonuniformed classified~~ employee appointed to ~~any~~ 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 ~~had~~ held the position of Driver License Examiner with the

Department for not less than three (3) ~~years' experience~~ years immediately preceding such appointment ~~in conducting or supervising drivers' license examinations for the Oklahoma Department of Public Safety.~~

~~(d)~~ D. 1. Persons Any person appointed to any ~~positions~~ position created by pursuant to this section, ~~including driver improvement officers,~~ shall be citizens:

- a. be a citizen of the State of Oklahoma; ~~shall,~~
- b. be of good moral character; ~~shall be graduates of accredited four-year,~~
- c. possess a high schools; school diploma or General Educational Development equivalency certificate, and ~~shall~~
- d. meet physical and mental standards as the Commissioner may prescribe. The scope of the physical and mental examinations for persons appointed as ~~an~~ a Driver License Examiner or Senior Driver License Examiner shall be as prescribed by the Commissioner. ~~Failure of permanent employees to meet reasonable physical and mental standards shall be grounds for denial of job promotions.~~

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

~~(e)~~ E. Drunkenness, being under the influence of an intoxicating ~~liquor,~~ any barbiturate or narcotic drug substance or any conduct not becoming an officer or public employee shall be sufficient grounds for the removal of any ~~member of the Drivers License Division~~ employee appointed pursuant to this section.

~~(f)~~ ~~The Commissioner of Public Safety shall, subject to limitations of law governing appropriation, expenditure and availability of funds, fill the positions hereinabove created and~~

~~shall in addition thereto, subject to Merit System rules, employ and fix the compensation and duties of such clerical and other personnel for said Drivers License Division as may be necessary.~~

~~(g) Any uniformed personnel assigned as a Driver License Examiner prior to July 1, 1987, may elect to remain in such position. The Commissioner shall have the authority to transfer such personnel with just cause.~~

SECTION 7. AMENDATORY 47 O.S. 2001, Section 2-109.1, is amended to read as follows:

Section 2-109.1 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, ~~created pursuant to Section 6-117 of Title 47 of the Oklahoma Statutes.~~ 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.

SECTION 8. AMENDATORY 47 O.S. 2001, Section 2-122, is amended to read as follows:

Section 2-122. A. The Commissioner of the Department of Public Safety is authorized to receive funds from gifts, federal agency sources, tuition and fees for room and meals from users of the Robert R. Lester Law Enforcement Training Academy facilities. All amounts collected shall be deposited in the State Treasury to the credit of the Department of Public Safety Revolving Fund,~~created pursuant to Section 6-117 of this title.~~

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 Revolving Fund,~~as established in Section 6-117 of this title,~~ 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 State Finance and the Commissioner of Public Safety. Purchases from the petty cash fund shall be prohibited. The Director of State Finance shall be authorized to prescribe forms, systems and procedures for the administration of the petty cash fund.

SECTION 9. AMENDATORY 47 O.S. 2001, Section 2-124, is amended to read as follows:

Section 2-124. 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 ~~1 of this act~~ 41.5m 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 State Finance for review and approval. The Department of Public Safety shall participate with the Office of State Finance 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 ~~Oklahoma Law Enforcement Telecommunication Systems Division~~ 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 ~~Division pertaining~~ Department of Public Safety which pertain to the Oklahoma Law Enforcement Telecommunication Systems.

SECTION 10. AMENDATORY 47 O.S. 2001, Section 2-126, is amended to read as follows:

Section 2-126. The Commissioner of Public Safety may promulgate rules ~~and regulations~~ as may be necessary to carry out the provisions of ~~this act~~ Sections 2-124 through 2-129 of this title.

SECTION 11. AMENDATORY 47 O.S. 2001, Section 2-140.3, is amended to read as follows:

Section 2-140.3 A. The Department of Public Safety shall be the lead agency in Oklahoma responsible for administering the ~~Oklahoma~~ federal Police Corps Program, as established in the Police Corps Act, 42 U.S.C., Section 14091 et seq. As lead agency, the Department of Public Safety shall be responsible for submitting the state police corps plan to the Office of the Police Corps, as required by 42 U.S.C., Section 14094.

B. The Commissioner of Public Safety is authorized to enter into agreements with the United States Department of Justice for the purpose of participating in the federal police corps program.

C. There is hereby created in the Department of Public Safety the "Oklahoma Police Corps Program". The purpose of the Program is to:

1. Provide educational opportunities, on a competitive basis, for any United States citizen to obtain a baccalaureate degree or to pursue graduate study if such resident:

a. is a student enrolled at or holds a baccalaureate degree from a college or university which is recognized by and accepted by the American Association of Collegiate Registrars and Admissions Officers and whose hours are eligible for transfer between such recognized institutions, and

b. possesses and demonstrates a sincere interest in public service in the field of law enforcement;

2. Provide law enforcement training, with a stipend during training, to any United States citizen with a baccalaureate degree who will commit to a minimum of four (4) years of commissioned service with a law enforcement agency in this state;

3. Provide participating agencies in this state with participants of the Program who are trained peace officers certified by the Council on Law Enforcement Education and Training and with agency subsidies for the first four (4) years of employment of the participants as certified peace officers; and

4. Undertake the necessary planning, training, and other actions required to enable Oklahoma to participate in the federal police corps program.

SECTION 12. AMENDATORY 47 O.S. 2001, Section 2-140.5, is amended to read as follows:

Section 2-140.5 A. There is hereby created the Oklahoma Police Corps Advisory Council.

B. The Council shall be composed of eleven (11) members as follows:

1. The Commissioner of Public Safety, or the Commissioner's designee, who shall serve as chair of the Council;

2. The Director of the Oklahoma Police Corps;

3. The Deputy Director of the Oklahoma Police Corps;

4. The Director of the Council on Law Enforcement Education and Training, or the Director's designee;

5. An attorney of the Department of Public Safety, appointed by the Commissioner; and

6. The following members who shall be appointed by and serve at the pleasure of the Commissioner; provided, no member listed in this paragraph shall be appointed from the jurisdiction of a participating agency whose jurisdiction is the same as or overlaps or shares any geographical area with the jurisdiction of the participating agency of any other member listed in this paragraph:

a. a district attorney, or a designee of the district attorney,

b. a sheriff, or a designee of the sheriff,

c. two chiefs of police, or a designee of each chief,

d. an Oklahoma resident who is a business or civic leader, and

e. a faculty member from a college or university in this state.

C. The Council shall meet quarterly at the call of the chair or the Director. A vice-chair shall be elected by the Council from among its members. The vice-chair shall act as chair of the Council only in the absence of the chair at officially called meetings of the Council.

D. The Council shall advise and assist the Director in the development, administration, and operation of the 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 Council who are not employees of the state or a political subdivision thereof shall receive no compensation from the state for serving on the Council. All members of the Council shall be entitled to reimbursement for any actual and necessary traveling expenses pursuant to the State Travel Reimbursement Act, as authorized by the ~~Oklahoma~~ federal Police Corps Act, 42 U.S.C., Section 14091 et seq.

SECTION 13. AMENDATORY 47 O.S. 2001, Section 2-140.11, is amended to read as follows:

Section 2-140.11 The Commissioner ~~of the Department~~ of Public Safety is authorized to promulgate any rules necessary for the implementation and administration of this act.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-144.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

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 turnpike enforcement;

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

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

7. Refund of federal gasoline tax;

8. Court-ordered forfeitures and the sale of forfeited property;

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

10. Fees from users of the Robert R. Lester Law Enforcement Training Academy facilities; and

11. Federal funds, unless otherwise provided by federal law or regulation.

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 and for vehicles, equipment, personnel and other operating expenses for turnpike enforcement.

C. The Director of State Finance 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 State Finance for approval and payment.

SECTION 15. AMENDATORY 47 O.S. 2001, Section 6-101, is amended to read as follows:

Section 6-101. A. No person, except those hereinafter expressly exempted in Section 6-102 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.

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. 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. 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. 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; provided, ~~the Department of Public Safety shall provide by rule promulgated pursuant to the Administrative Procedures Act~~ that a person ~~under twenty-one (21)~~ eighteen (18) years of age or older may be licensed to operate a farm vehicle ~~or, if such person~~

~~is the operator of or employed by the operator of a farm retail outlet, any vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, if such licensure will not result in the loss of federal funds to this state pursuant to federal law or regulation.~~

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, motor-driven cycle, or a motorized bicycle 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 to be eligible for a motorcycle endorsement thereon. The driving examination for a motorcycle may

be waived by the Department of Public Safety upon verification that the person has 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 to be eligible for a motorcycle endorsement; provided, however, the Department may waive all such examinations until July 1, 2000, upon satisfactory proof that the applicant has regularly operated a motorcycle, motor-driven cycle, or motorized bicycle for a minimum of two (2) years immediately preceding the application.

F. 1. Any person eighteen (18) years of age or older may apply for a restricted Class A, B, or C commercial license. The Department, after the applicant has passed all parts of the examination for and has been issued 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 restricted driver license which shall entitle the applicant having immediate possession of the license 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 restricted driver license shall be issued for a period as determined by federal regulation and shall be nonrenewable; provided, such restricted license may be suspended, revoked, canceled, or denied 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

restricted license who has been issued a restricted license for a minimum of thirty (30) 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. The Department shall cause an examination to be conducted not more than three times during the first six (6) months after the date of issuance of the restricted license and not more than one time every three (3) months thereafter upon request of the lawful possessor thereof.

G. 1. The fee charged for an approved application for an original Oklahoma driver license or an approved application for the addition of an endorsement to a current valid Oklahoma driver license shall be assessed in accordance with the following schedule:

Class A Commercial License	\$25.00
Class B Commercial License	\$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.

H. 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.

I. 1. Until July 1, 2004, in addition to any fee charged pursuant to the provisions of subsection G of this section, the fee

charged for the issuance or renewal of an Oklahoma license shall be in accordance with the following schedule:

Class A Commercial License	\$39.00
Class B Commercial License	\$39.00
Class C Commercial License	\$29.00
Class D License	\$19.00

Notwithstanding the provisions of Section 1104 of this title, Four Dollars (\$4.00) of each fee charged pursuant to the provisions of this subsection shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 330.97 of Title 63 of the Oklahoma Statutes.

2. Effective July 1, 2004, in addition to any fee charged pursuant to the provisions of subsection G of this section, the fee charged for the issuance or renewal of an Oklahoma license shall be in accordance with the following schedule:

Class A Commercial License	\$40.00
Class B Commercial License	\$40.00
Class C Commercial License	\$30.00
Class D License	\$20.00

Notwithstanding the provisions of Section 1104 of this title, of each fee charged pursuant to the provisions of this paragraph:

- a. Four Dollars (\$4.00) shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 330.97 of Title 63 of the Oklahoma Statutes, and
- b. One Dollar (\$1.00) 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.

J. All original and renewal driver licenses shall expire four (4) years from the last day of the month in which the license was issued.

K. 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	\$11.25
Age 63	\$ 7.50
Age 64	\$ 3.75
Age 65	-0-

L. 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. Applications, upon forms approved by the Department of Public Safety, for such licenses shall be handled 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 Two Dollars (\$2.00) to be deducted from the total collected for each license or renewal application accepted. The two-dollar fee received by the motor license agent shall be used for operating expenses.

M. Notwithstanding the provisions of Section 1104 of this title and subsection L of this section and except as provided in subsections G and I 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 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.

N. The Department of Public Safety shall implement a procedure whereby images displayed on licenses and identification cards issued pursuant to the provisions of Sections 6-101 through 6-309 of this title are maintained by the Department to create photographs or computerized images 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.

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.

SECTION 16. AMENDATORY 47 O.S. 2001, Section 6-107, is amended to read as follows:

Section 6-107. A. The application of any person under the age of sixteen (16) years for a restricted license shall be signed and verified before a person authorized to administer oaths by the father, mother or guardian, or, in the event there is no parent or guardian, then by another responsible adult who is willing to assume the obligation imposed under this act upon a person signing the application of a person under sixteen (16) years of age.

B. Any negligence or willful misconduct of a person under the age of sixteen (16) years when driving a motor vehicle upon a highway with the knowledge and consent of the person who signed the application for the restricted license shall be imputed to the

person who has signed the application. 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 sixteen (16) years of age deposits or there is deposited upon his behalf proof of financial responsibility in respect to the operation of a motor vehicle owned by him 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 one parent or the guardian of such person, and while such proof is maintained such parent or 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. Any person who has signed the application of a minor for a license may thereafter file with the Department of Public Safety a verified written request that the license of that minor so granted be canceled. The Department shall then cancel the license of the minor and the person who signed the application of the minor shall be relieved from the liability imposed under this act by reason of having signed the application on account of any subsequent negligence or willful misconduct of the minor in operating a motor vehicle.

F. The Department of Public Safety upon receipt of satisfactory evidence of the death of the person who signed the application of a minor 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 minor has attained sixteen (16) years of age.

SECTION 17. AMENDATORY 47 O.S. 2001, Section 6-117, is amended to read as follows:

Section 6-117. A. The Department of Public Safety shall file every application for a driver license received by it and shall maintain suitable indexes containing, in alphabetical order:

1. All applications denied and on each thereof note the reasons for such denial;
2. All applications granted; and
3. The name of every person whose driving privilege has been suspended or revoked by the Department and after each such name note the reasons for such action. Any notation of suspension of a person's driving privilege for reason of nonpayment of a fine shall be removed from the record after the person has paid the fine and the person's driving privilege reinstated as provided for by law.

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 such records and reports or make suitable notations in order that an individual record of a person showing the convictions of such 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 said person was not convicted.

C. 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 copy of any collision report on file with the Department, charging a fee of Seven Dollars (\$7.00). However, the Department shall not be required to furnish personal information from a driver record contrary to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725.

D. The Department of Public Safety or any motor license agent upon request shall prepare and furnish a summary to any person of the driving record 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. Said summary shall include the enumeration of any motor vehicle collisions, reference to convictions for violations of motor vehicle laws, and any action taken against the person's privilege to operate a motor vehicle, as shown by the files of the Department for the three (3) years preceding the date of the request. For each summary furnished by the Department of Public Safety, the Department shall collect the sum of Ten Dollars (\$10.00). For each summary furnished by a motor license agent, the agent shall collect the sum of Ten Dollars (\$10.00), Eight Dollars (\$8.00) of which shall be paid to the Oklahoma Tax Commission for deposit in the General Revenue Fund in the State Treasury 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 driving record summary furnished by the Department or a motor license agent.

~~E. 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 sale of surplus property, insurance and other reimbursements for damaged, lost or stolen property, for the services of Department personnel as approved by the Department if such personnel are representing the Department or are in any uniform of the Department, turnpike enforcement, reimbursement for supplies or facsimile or data transmissions or for contractual services or products not otherwise provided by law, fees and costs paid by subscribers to the Oklahoma Law Enforcement Telecommunications Systems, refund of federal gasoline tax, court-ordered forfeitures, reimbursements by federal, state and municipal government agencies for the use of Department of Public Safety airplanes, fees from users of the Robert R. Lester Law Enforcement Training Academy facilities, and federal funds unless otherwise provided by federal law or regulation. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department of Public Safety for the operating expenses of the Department and for vehicles, equipment, personnel and other operating expenses for turnpike enforcement. The Director of State Finance shall provide a distinct numbering system for the identification and tracking of the expenditures of the various programs budgeted from the Revolving Fund. 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 State Finance for approval and payment.~~

~~F. 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 ~~in this section~~
by law.

SECTION 18. AMENDATORY 47 O.S. 2001, Section 6-201, is amended to read as follows:

Section 6-201. 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, ~~or e,~~ or g 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, ~~or g~~ of paragraph 2 of Section 6-301 of this title,

the Department shall revoke the person's driving privilege for sixty (60) days. Such period 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. Any person whose driving privilege is revoked under the provisions of subsection B of this section shall obtain a release from the Driver License Fraud Unit of the Department before being considered for reinstatement of driving privileges.

D. 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.

SECTION 19. AMENDATORY 47 O.S. 2001, Section 11-204, is amended to read as follows:

Section 11-204. ~~(a)~~ 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 ~~rules~~ 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)~~ B. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed ~~by the rules~~ as set forth in Section 11-701 of this ~~act~~ title.

SECTION 20. AMENDATORY 47 O.S. 2001, Section 11-301, is amended to read as follows:

Section 11-301. ~~(a)~~ 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 ~~rules~~ 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 ~~rules~~ 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)~~ 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)~~ 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.

SECTION 21. AMENDATORY 47 O.S. 2001, Section 11-303, is amended to read as follows:

Section 11-303. The following ~~rules~~ requirements shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special ~~rules~~ 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.

SECTION 22. AMENDATORY 47 O.S. 2001, Section 11-309, is amended to read as follows:

Section 11-309. Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following ~~rules~~ 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 and 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.

2. 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 such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such 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 such allocation.

3. Upon a roadway which is divided into four or more lanes, a vehicle proceeding at less than the maximum posted speed, except when reduced speed is necessary for safe operation, shall not impede the normal flow of traffic by driving in the left lane. Such vehicle shall be driven in the right-hand lane except 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.

4. 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.

SECTION 23. AMENDATORY 47 O.S. 2001, Section 11-1404, is amended to read as follows:

Section 11-1404. ~~Notwithstanding any other provisions of law, vehicles~~ Vehicles or equipment owned by the ~~Turnpike~~ Oklahoma Transportation Authority, its agents or contractors, and public utilities, and engaged in maintenance or emergency operations, ~~may~~ shall be equipped with such flashing and signal lights, ~~either to the forward or the rear,~~ as may be approved by the ~~Commissioner of~~

Public Safety prescribed by this title or by federal regulation,
pursuant to 49 C.F.R., Section 571.108.

SECTION 24. AMENDATORY 47 O.S. 2001, Section 12-422, is amended to read as follows:

Section 12-422. 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;

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;

5. "Multipurpose vehicle" means any vehicle capable of carrying goods or persons and which is manufactured on a truck frame; and

6. "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 for a person to sell, install, or to operate a motor vehicle with any object or material placed, displayed, installed, affixed, or applied upon the windshield or side or rear windows, or with any object or material 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, except as provided by this section.

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; ~~and~~

13. Vehicles not subject to registration in the State of Oklahoma;

14. Implements of husbandry as defined by this title;

15. Automobile manufacturers that comply with 49 C.F.R., Section 571.205, or to multipurpose vehicles with windows that are in compliance with 49 C.F.R., Section 571.205, regardless of whether the glass coating material or sunscreening device is added by the automobile manufacturer or manufacturer as defined by this section;
and

16. 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. ~~Each manufacturer~~ A person who sells or installs any product regulated by this section shall certify ~~to the Commissioner of Public Safety that the product or material he manufactures or assembles~~ 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;

~~H. A person who sells or installs objects or materials regulated by this section shall set forth in a written statement, which shall be a part of the contract for sale or installation, that~~ 2. The installation of such object or material the product to the driver's or passenger's side window may be illegal in some states. ~~Such notice shall be in bold-face type.~~

~~H.~~ 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.~~ 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.

~~K. The provisions of this section shall not apply to implements of husbandry as defined by this title.~~

~~L. The provisions of this section shall not apply to automobile manufacturers that comply with Federal Motor Vehicle Safety Standard 205 or to multipurpose vehicles with windows that are in compliance with Federal Motor Vehicle Safety Standard 205, regardless of whether the glass coating material or sunscreening device is added by the automobile manufacturer or a manufacturer as defined by this section.~~

~~M. The provisions of this section shall not apply to law enforcement vehicles which are owned by the state or a political subdivision thereof.~~

SECTION 25. AMENDATORY 47 O.S. 2001, Section 14-116, is amended to read as follows:

Section 14-116. A. The Commissioner of Public Safety shall charge a minimum permit fee of Twenty Dollars (\$20.00) 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 Five Dollars (\$5.00) 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 G 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 Revolving Fund, ~~as established in Section 6-117 of this title.~~

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.

3. The Commissioner of Public Safety shall develop a system for provisional permits for authorized carriers which may be used in lieu of a regular permit for the movement of oversize and overweight loads when issued an authorization number by the Department of Public Safety. Such provisional permits shall include date of movement, general load description, estimated weight, oversize notation, route of travel, truck or truck-tractor license number, and permit authorization number.

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. 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.

G. The proceeds from permit fees shall be deposited in the General Revenue Fund in the State Treasury. However, the proceeds

from overweight permit fees shall be apportioned as provided in Section 1104 of this title.

SECTION 26. AMENDATORY 47 O.S. 2001, Section 14-118, is amended to read as follows:

Section 14-118. 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 Revolving Fund, ~~as established in Section 6-117 of this title,~~ 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 same. 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 saddle mounts, 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 or more vehicles may be full mounted on the towing or towed vehicles engaged in any driveaway or towaway operation. No more than three saddle mounts 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.

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 transportation of overwidth or overheight equipment used in soil conservation work, 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. 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.

G. 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 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.

H. 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 the

lesser of fifty (50) miles per hour or the posted speed limit, 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 driveway 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.

SECTION 27. AMENDATORY 47 O.S. 2001, Section 15-109, is amended to read as follows:

Section 15-109. ~~(a)~~ A. The State Board of Education ~~by and with the advice of the Commissioner of Public Safety~~ 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)~~ 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.

SECTION 28. AMENDATORY 47 O.S. 2001, Section 15-112, is amended to read as follows:

Section 15-112. 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; and

3. "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,
- g. is certified legally blind, or
- h. is missing one or more limbs.

B. 1. 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 or physician assistant, attesting that the applicant has a physical disability. The attestation of the physician or physician assistant shall denote "temporary" as the type of placard requested and shall indicate an expiration date which the physician or physician assistant estimates to be the date of termination of such physical disability; however, if the physician or physician assistant certifies that the physical disability is permanent, the physician or physician assistant shall denote "five-year" as the type of placard requested.

2. The person to whom such placard is issued shall be entitled to the special parking privileges provided for in Section 15-111 of this title; provided, however, the placard is properly displayed on the parked vehicle.

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 or physician assistant 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 or physician assistant 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.

F. The Department shall recognize handicap and disability stickers issued by the Department of Veterans Affairs and federal military bases in the same manner as the placard issued by the Department as provided for in this section. For purposes of this section and other sections of law relating to the physical disability placard, the term "physical disability placard" shall include those handicap and disability stickers issued by the Department of Veterans Affairs and federal military bases.

G. 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.

H. The Commissioner of Public Safety is hereby authorized to enter into reciprocity agreements with other states for the purpose of recognizing parking placards or license plates indicating physical disability issued by those states.

I. The Department shall charge and the applicant shall pay to the Department a fee of One Dollar (\$1.00) for each placard issued. The fee shall be deposited in the Department of Public Safety Revolving Fund, ~~created pursuant to Section 6-117 of this title.~~

SECTION 29. AMENDATORY 47 O.S. 2001, Section 159.11, is amended to read as follows:

Section 159.11 Specialized vehicles utilized by the ~~Cerebral Palsy~~ J.D. McCarthy Center for Children with Developmental Disabilities shall not be included in nor subject to provisions of law establishing the State Motor Pool Division within the Office of Public Affairs.

SECTION 30. AMENDATORY 47 O.S. 2001, Section 1132.4, is amended to read as follows:

Section 1132.4 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 Five Hundred Thousand Dollars (\$500,000.00) 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 ~~854.1~~ 2-143 of ~~Title 47 of the Oklahoma Statutes~~ this title for the purpose of purchasing patrol vehicles.

C. The collection and payment of the fees specified in this section shall be a prerequisite to license or registration of any vehicles.

SECTION 31. AMENDATORY 69 O.S. 2001, Section 301.1, is amended to read as follows:

Section 301.1 A. There is hereby created the Oklahoma Trucking Advisory Board. The Board shall consist of the following members:

1. The Director of the Department of Transportation or designee;

2. The Chair of the Oklahoma Turnpike Authority or designee;

3. The Commissioner ~~of the Department~~ of Public Safety or designee;
4. The Chair of the Corporation Commission or designee;
5. The Director of a statewide trucking association or designee;
6. The Chair of the Oklahoma Tax Commission or designee;
7. The President Pro Tempore of the Senate or designee;
8. The Speaker of the House of Representatives or designee; and
9. Four representatives selected by a statewide trucking association subject to the approval of a majority of the members of the Board.

B. Each member shall hold office for a two-year term or until the successor of the member takes office. The term of office shall begin on July 1 of the succeeding fiscal year. The Board shall select a chair from among the members of the Board each year. It shall be the duty of the Board to act in an advisory capacity to the Director of the Department of Transportation. The Board shall meet no less than on a quarterly basis with the Director of the Department of Transportation and the staff of the Director to discuss areas of mutual concern.

SECTION 32. AMENDATORY 70 O.S. 2001, Section 9-109, is amended to read as follows:

Section 9-109. The State Board of Education is hereby authorized to request a price list and a complete description and specifications of any transportation equipment to be offered for sale to any school board or board of education of any district in the State of Oklahoma.

The State Board of Education shall examine such equipment to determine whether or not such equipment meets the requirements of the National School Bus Standards and such other specifications as the State Board of Education may determine as necessary to provide safe transportation for pupils to and from school and shall approve

for sale to all schools in the State of Oklahoma transportation equipment, including bus bodies and chassis, which equipment meets or exceeds the specifications provided for the National School Bus Standards and such other specifications as the State Board of Education may deem as necessary. Any equipment fueled by alternative fuels as defined in Section 130.13 of Title 74 of the Oklahoma Statutes shall also meet any federal safety ~~requirements~~ ~~the Commissioner of Public Safety may specify~~ standards specified for any equipment used to provide transportation for pupils to and from school. The State Board of Education may approve auxiliary transportation equipment that is not National School Bus Yellow in color.

The State Board of Education shall make a list of the equipment approved by them and the maximum price at which such equipment can be purchased. The list shall include a complete description of the equipment. Such description shall include the specification of the school bus bodies and chassis as well as the factory list price of such equipment at the various factories. Such list shall be made available to all school districts authorized to purchase transportation equipment. Provided, at any time there shall be any change of specifications or prices by manufacturers of chassis or bodies, there shall be filed with the State Board of Education a revised set of specifications and prices.

The school board or board of education of any school district authorized to furnish transportation for pupils to and from school and receiving any State Aid funds, except as provided for in this section, shall be required to purchase all their transportation equipment from the list so provided on sealed bids and at a price not greater than the price filed with the State Board of Education; and the State Board of Education shall be required to deduct from any State Aid for which the school district may qualify the amount paid by any school district for transportation equipment not

approved by the State Board of Education or the amount paid greater than shown on the price list for that transportation equipment filed with the State Board of Education. Unless otherwise exempted by this section, all purchases made under the provisions of this act for transportation shall be made upon sealed bids, and contract of purchase shall be awarded to the lowest and best bidder.

Provided, however, any purchase or sale of transportation equipment from one school district to another school district shall not be subject to the list and sealed bid requirements as provided for in this section.

The State Board of Education shall promulgate rules necessary for the administration of this section and shall require from school district boards of education such information and reports as necessary for proper administration of this section.

Any cost of administration of this section shall be paid by the State Board of Education from funds appropriated for the administration of the State Aid Law.

SECTION 33. AMENDATORY 70 O.S. 2001, Section 24-121, is amended to read as follows:

Section 24-121. No vehicle shall be used by any school district within this state for the transportation of school children ~~on or~~ ~~after the beginning of the 1968-69 school year,~~ unless such vehicle be equipped with a safety belt or safety harness for the use of the driver of such vehicle. Such seat belt and safety harness shall conform to such standards as may be prescribed. ~~The Department of Public Safety shall prescribe standards, and each seat belt or safety harness used in such vehicle shall conform thereto. The Department of Public Safety shall provide the State Board of Education with a detailed description of the standards prescribed~~ and by 49 C.F.R., Part 571, and the ~~said~~ Board shall furnish a copy of such standards to the board of education of each school district. The driver of every vehicle used by a school district for the

transportation of school children shall make use of such seat belts while in operation of the vehicle, and failure to do so shall be deemed to constitute a misdemeanor, and upon conviction therefor such driver shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

SECTION 34. AMENDATORY 74 O.S. 2001, Section 840-5.5, as amended by Section 32 of Enrolled House Bill No. 2924 of the 2nd Session of the 48th Oklahoma Legislature, is amended to read as follows:

Section 840-5.5 A. The following offices, positions, and personnel shall be in the unclassified service and shall not be placed under the classified service:

1. Persons chosen by popular vote or appointment to fill an elective office, and their employees, except the employees of the Corporation Commission, the State Department of Education and the Department of Labor;

2. Members of boards and commissions, and heads of agencies; also one principal assistant or deputy and one executive secretary for each state agency;

3. All judges, elected or appointed, and their employees;

4. Persons employed with one-time, limited duration, federal or other grant funding that is not continuing or indefinitely renewable. The length of the unclassified employment shall not exceed the period of time for which that specific federal funding is provided;

5. All officers and employees of The Oklahoma State System of Higher Education, State Board of Education and Oklahoma Department of Career and Technology Education;

6. Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the Legislature or a committee thereof or by authority of the Governor. These appointments and authorizations

shall terminate on the first day of the regular legislative session immediately following the appointment, if not terminated earlier.

However, nothing in this paragraph shall prevent the reauthorization and reappointment of any such person. Any such appointment shall be funded from the budget of the appointing authority;

7. Election officials and employees;

8. Temporary employees employed to work less than one thousand (1,000) hours in any twelve-month period and seasonal employees employed pursuant to Section 1806.1 of this title who work less than one thousand two hundred (1,200) hours in any twelve-month period. This category of employees may include persons employed on an intermittent, provisional, seasonal, temporary or emergency basis;

9. Department of Public Safety employees occupying the following offices or positions:

- a. two administrative aides to the Commissioner,
- b. the Governor's representative of the Oklahoma Highway Safety Office who shall be appointed by the Governor,
~~and~~
- c. a director of finance,
- d. noncommissioned pilots, and
- e. a maximum of seven positions for the purpose of administering the Oklahoma Police Corps Program, within full-time employee limitations of the Department, employed with federal funding that is continuing or indefinitely renewable. The authorization for such positions shall be terminated if the federal funding for positions is discontinued;

10. Professional trainees only during the prescribed length of their course of training or extension study;

11. Students who are employed on a part-time basis, which shall be seventy-five percent (75%) of a normal forty-hour work week or thirty (30) hours per week, or less, or on a full-time basis if the

employment is pursuant to a cooperative education program such as that provided for under Title I IV-D of the Higher Education Act of 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly enrolled in:

- a. an institution of higher learning within The Oklahoma State System of Higher Education,
- b. an institution of higher learning qualified to become coordinated with The Oklahoma State System of Higher Education. For purposes of this section, a student shall be considered a regularly enrolled student if the student is enrolled in a minimum of five (5) hours of accredited graduate courses or a minimum of ten (10) hours of accredited undergraduate courses, provided, however, the student shall only be required to be enrolled in a minimum of six (6) hours of accredited undergraduate courses during the summer, or
- c. high school students regularly enrolled in a high school in Oklahoma and regularly attending classes during such time of enrollment;

12. The spouses of personnel who are employed on a part-time basis to assist or work as a relief for their spouses in the Oklahoma Tourism and Recreation Department;

13. Service substitute attendants who are needed to replace museum and site attendants who are unavoidably absent. Service substitutes may work as part-time or full-time relief for absentees for a period of not more than four (4) weeks per year in the Oklahoma Historical Society sites and museums; such substitutes will not count towards the agency's full-time-equivalent (FTE) employee limit;

14. Employees of the House of Representatives, the State Senate, or the Legislative Service Bureau;

15. Corporation Commission personnel occupying the following offices and positions:

- a. Administrative aides, and executive secretaries to the Commissioners,
- b. Directors of all the divisions, personnel managers and comptrollers,
- c. General Counsel,
- d. Public Utility Division Chief Engineer,
- e. Public Utility Division Chief Accountant,
- f. Public Utility Division Chief Economist,
- g. Public Utility Division Deputy Director,
- h. Secretary of the Commission,
- i. Deputy Conservation Director,
- j. Manager of Pollution Abatement,
- k. Manager of Field Operations,
- l. Manager of Technical Services,
- m. Public Utility Division Chief of Telecommunications,
and
- n. Director of Information Services;

16. At the option of the employing agency, the Supervisor, Director, or Educational Coordinator in any other state agency having a primary responsibility to coordinate educational programs operated for children in state institutions;

17. Bill Willis Community Mental Health and Substance Abuse Center personnel occupying the following offices and positions:

- a. Director of Facility,
- b. Deputy Director for Administration,
- c. Clinical Services Director,
- d. Executive Secretary to Director, and
- e. Directors or Heads of Departments or Services;

18. Office of State Finance personnel occupying the following offices and positions:

- a. State Comptroller,
- b. Information Services Division Manager,
- c. Network Manager,
- d. Network Technician,
- e. Employees of the Budget Division, and
- f. Employees of the Research Division;

19. Employees of the Oklahoma Development Finance Authority;

20. Those positions so specified in the annual business plan of the Oklahoma Department of Commerce;

21. Those positions so specified in the annual business plan of the Oklahoma Center for the Advancement of Science and Technology;

22. The following positions and employees of the Oklahoma School of Science and Mathematics:

- a. positions for which the annual salary is Twenty-four Thousand One Hundred Ninety-three Dollars (\$24,193.00) or more, as determined by the Office of Personnel Management, provided no position shall become unclassified because of any change in salary or grade while it is occupied by a classified employee,
- b. positions requiring certification by the State Department of Education, and
- c. positions and employees authorized to be in the unclassified service of the state elsewhere in this section or in subsection B of this section;

23. Office of Personnel Management employees occupying the following positions:

- a. the Carl Albert Internship Program Coordinator, and
- b. one Administrative Assistant;

24. Department of Labor personnel occupying the following offices and positions:

- a. two Deputy Commissioners,
- b. Executive Secretary to the Commissioner,

- c. Chief of Staff, and
- d. two Administrative Assistants;

25. The State Bond Advisor and his or her employees;

26. The Oklahoma Employment Security Commission employees occupying the following positions:

- a. Associate Director,
- b. Secretary to the Associate Director, and
- c. Assistant to the Executive Director;

27. Oklahoma Human Rights Commission personnel occupying the position of Administrative Assistant;

28. The officers and employees of the State Banking Department;

29. Officers and employees of the University Hospitals Authority except personnel in the state classified service pursuant to Section 3211 of Title 63 of the Oklahoma Statutes and members of the University Hospitals Authority Model Personnel System created pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma Statutes or as otherwise provided for in Section 3213.2 of Title 63 of the Oklahoma Statutes;

30. Alcoholic Beverage Laws Enforcement Commission employees occupying the following positions:

- a. three Administrative Service Assistant positions, and
- b. the Deputy Director position in addition to the one authorized by paragraph 2 of this subsection;

31. The Oklahoma State Bureau of Investigation employees occupying the following positions:

- a. two special investigators,
- b. one information representative,
- c. one federally funded physical evidence technician,
- d. four federally funded laboratory analysts,
- e. one Data Base Administrator,
- f. two Data Processing Branch Managers,
- g. four Senior Data Processing Applications Specialists,

- h. a total of three positions from the following classes:
Senior Data Processing Systems Specialists, Data
Processing Applications Specialists, or Data
Processing Systems Specialists,
- i. one Senior Computer Services Technician, or Computer
Services Technician,
- j. one Senior Computer Services Coordinator, or Computer
Services Coordinator, and
- k. one executive secretary in addition to the one
authorized pursuant to paragraph 2 of this subsection;

32. The Department of Transportation, the following positions:

- a. Director of the Oklahoma Aeronautics Commission,
- b. five Department of Transportation Assistant Director
positions,
- c. eight field division engineer positions, and
- d. one pilot position;

33. Commissioners of the Land Office employees occupying the
following positions:

- a. Director of the Investments Division,
- b. Assistant Director of the Investments Division, and
- c. one Administrative Assistant;

34. Within the Oklahoma State Bureau of Narcotics and Dangerous
Drugs Control Commission, the following positions:

- a. six Narcotics Agent positions and three Typist
Clerk/Spanish transcriptionists, including a Typist
Clerk Supervisor/Spanish transcriptionist, provided,
authorization for such positions shall be terminated
if the federal funding for the positions is
discontinued,
- b. one executive secretary in addition to the one
authorized pursuant to paragraph 2 of this subsection,
and

c. one fiscal officer;

35. The Oklahoma Military Department of the State of Oklahoma is authorized such unclassified employees within full-time employee limitations to work in any of the Department of Defense directed youth programs, the State of Oklahoma Juvenile Justice youth programs, those persons reimbursed from Armory Board or Billeting Fund accounts, and skilled trade positions;

36. Within the Oklahoma Commission on Children and Youth the following unclassified positions:

- a. one Oversight Specialist and one Community Development Planner,
- b. one State Plan Grant Coordinator, provided authorization for the position shall be terminated when federal support for the position by the United States Department of Education Early Intervention Program is discontinued, and
- c. one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection;

37. The following positions and employees of the Department of Central Services:

- a. one Executive Secretary in addition to the Executive Secretary authorized by paragraph 2 of this subsection,
- b. the Director of Central Purchasing,
- c. one Alternate Fuels Administrator,
- d. one Director of Special Projects,
- e. three postauditors,
- f. four high-technology contracting officers,
- g. one Executive Assistant to the Purchasing Director,
- h. one Contracts Manager,
- i. one Associate Director, and
- j. one specialized HiTech/Food Contracting Officer;

38. Four Water Quality Specialists, and four Water Resources Division Chiefs within the Oklahoma Water Resources Board;

39. J.D. McCarty Center for Children with Developmental Disabilities personnel occupying the following offices and positions:

- a. Physical Therapists,
- b. Physical Therapist Assistants,
- c. Occupational Therapists,
- d. Certified Occupational Therapist Aides, and
- e. Speech Pathologists;

40. The Development Officer and the Director of the State Museum of History within the Oklahoma Historical Society;

41. State Department of Agriculture personnel occupying the following positions:

- a. one Executive Secretary in addition to the Executive Secretary authorized by paragraph 2 of this subsection,
- b. Agricultural Marketing Coordinator III,
- c. temporary fire suppression personnel, regardless of the number of hours worked, who are employed by the State Department of Agriculture during the period of October 1 through May 31 in any fiscal year; provided, however, notwithstanding the provisions of any other section of law, the hours worked by such employees shall not entitle such employees to any benefits received by full-time employees,
- d. one Administrator for Human Resources,
- e. one Director of Administrative Services,
- f. one Water Quality Consumer Complaint Coordinator,
- g. one hydrologist position,
- h. Public Information Office Director,
- i. Market Development Services Director,

- j. Legal Services Director,
- k. Animal Industry Services Director,
- l. Water Quality Services Director,
- m. Forestry Services Director,
- n. Plant Industry and Consumer Services Director,
- o. one Grants Administrator position,
- p. Director of Laboratory Services,
- q. Chief of Communications,
- r. Public Information Manager,
- s. Inventory/Supply Officer,
- t. Agriculture Field Inspectors,
- u. Rural Fire Coordinator,
- v. Poultry Coordinator, and
- w. Food Safety Division Director;

42. The Contracts Administrator within the Oklahoma State Employees Benefits Council;

43. The Development Officer within the Oklahoma Department of Libraries;

44. Oklahoma Real Estate Commission personnel occupying the following offices and positions:

- a. Educational Program Director, and
- b. Data Processing Manager;

45. A Chief Consumer Credit Examiner for the Department of Consumer Credit;

46. All officers and employees of the Oklahoma Capitol Complex and Centennial Commemoration Commission; and

47. All officers and employees of the Oklahoma Motor Vehicle Commission.

B. If an agency has the authority to employ personnel in the following offices and positions, the appointing authority shall have the discretion to appoint personnel to the unclassified service:

1. Licensed medical doctors, osteopathic physicians, dentists, and psychologists;
2. Certified public accountants;
3. Licensed attorneys;
4. Licensed veterinarians; and
5. Licensed pharmacists.

C. Effective July 1, 1996, authorization for unclassified offices, positions, or personnel contained in a bill or joint resolution shall terminate June 30 of the ensuing fiscal year after the authorization unless the authorization is codified in the Oklahoma Statutes or the termination is otherwise provided in the legislation.

SECTION 35. RECODIFICATION 47 O.S. 2001, Section 11-405.1, shall be recodified as Section 11-314 of Title 47 of the Oklahoma Statutes, unless there is created a duplication in numbering. 47 O.S. 2001, Section 11-801b, shall be recodified as Section 944 of Title 36 of the Oklahoma Statutes, unless there is created a duplication in numbering. 47 O.S. 2001, Section 11-901a, shall be recodified as Section 15-102.1 of Title 47 of the Oklahoma Statutes, unless there is created a duplication in numbering. 47 O.S. 2001, Section 19-201, shall be recodified as Section 11-805.2 of Title 47 of the Oklahoma Statutes, unless there is created a duplication in numbering. 47 O.S. 2001, Section 108.1, shall be recodified as Section 15-101.1 of Title 47 of the Oklahoma Statutes, unless there is created a duplication in numbering. 47 O.S. 2001, Section 159.11, as amended by Section 29 of this act, shall be recodified as Section 485.12 of Title 63 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 36. REPEALER 47 O.S. 2001, Sections 6-108, 6-109, 12-305, 12-306, 12-307, 12-308, 12-309, 12-310, 12-311, 12-312, 12-313, 12-314, 12-315, 159.2, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611 and 855.1, are hereby repealed.

SECTION 37. This act shall become effective November 1, 2002.

48-2-9295 LAC 6/12/15