STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 539 By: Helton

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 1-149, 1-151, 1-177, 1-184, 6-101, as last amended by Section 3, Chapter 342, O.S.L. 2000, 6-102, as last amended by Section 1, Chapter 345, O.S.L. 1998, 7-606, 12-230, 12-301, 804, as last amended by Section 4, Chapter 201, O.S.L. 1997 (47 O.S. Supp. 2000, Sections 6-101, 6-102 and 804), which relate to the highway safety code; 21 O.S. 1991, Section 1548, which relates to false pretenses; Sections 3 and 5, Chapter 279, O.S.L. 2000 (63 O.S. Supp. 2000, Sections 2220.3 and 2220.5), which relate to the Oklahoma Organ Donor Education and Awareness Program; 73 O.S. 1991, Section 96, which relates to the Department of Central Services; 75 O.S. 1991, Section 250.4, as last amended by Section 30, Chapter 6, O.S.L. 2000 (75 O.S. Supp. 2000, Section 250.4), which relates to the Administrative Procedures Act; removing obsolete language; adding term; clarifying language; providing for the adoption of current United States Department of Transportation specifications and standards for certain lighting equipment and signal devices; removing certain requirements; exempting the Department of Public Safety from certain rule-making requirement; updating statutory reference; authorizing the Department of Public Safety to distribute materials relating to the Oklahoma Organ Donor Education and Awareness Program; providing for voluntary contributions for the Oklahoma Organ Donor Education and Awareness Program Fund; repealing 47 O.S. 1991, Sections 1-115, 1-120, 1-127, 1-152, 1-157, 1-166, 1-172 and 1-176), which relate to motor vehicles and definitions; repealing 47 O.S. 1991, Section 12-231, which relates to the Commissioner of Public Safety authority to revocation of Certificate of Approval on lighting device; providing for recodification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 1-149, is amended to read as follows:

Section 1-149. Railroad.

A carrier of persons or property upon cars~~, other than streetcars,~~ operated upon stationary rails.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 1-151, is amended to read as follows:

Section 1-151. Railroad train.

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

SECTION 3. AMENDATORY 47 O.S. 1991, Section 1-177, is amended to read as follows:

Section 1-177. Traffic.

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

SECTION 4. AMENDATORY 47 O.S. 1991, Section 1-184, is amended to read as follows:

Section 1-184. Turnpike and Turnpike Authority.

~~(a)~~ A. The words "Turnpike Authority", "Transportation Authority", or "Authority" shall mean the Oklahoma ~~Turnpike~~ Transportation Authority, created by ~~Title 69, O.S.1951,~~ Section ~~653 as amended~~ 1703 of Title 69 of the Oklahoma Statutes, or, if ~~said~~ the Authority shall be abolished, the board, body, or commission succeeding to the principal functions thereof or to whom the powers given by this act to the Authority shall be given by law.

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

SECTION 5. AMENDATORY 47 O.S. 1991, Section 6-101, as last amended by Section 3, Chapter 342, O.S.L. 2000 (47 O.S. Supp. 2000, 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) years of age 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 ~~Examination~~ 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. 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

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.

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 or renewal 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 6. AMENDATORY 47 O.S. 1991, Section 6-102, as last amended by Section 1, Chapter 345, O.S.L. 1998 (47 O.S. Supp. 2000, Section 6-102), is amended to read as follows:

Section 6-102. A. A nonresident who is sixteen (16) years of age or older who is:

1. Properly licensed in the home state or country to operate a commercial or noncommercial motor vehicle and who has immediate possession of a valid driver license issued by the home state or country; ~~and~~ or

2. A member of the Armed Forces of the United States or the spouse of such member who has been issued and is in possession of a valid driver license issued by an overseas component of the Armed Forces of the United States;

may operate a motor vehicle in this state as authorized by the class, restrictions and endorsements specified on the license.

B. A resident who is at least fifteen (15) years of age who is:

1. Operating a vehicle pursuant to subsection A of Section 6-105 of this title; or

2. Taking the driving skills examination as required by Section 6-110 of this title, when accompanied by a Driver License Examiner of the Department of Public Safety or by a designated examiner approved and certified by the Department;

may operate a vehicle in this state without a driver license.

SECTION 7. AMENDATORY 47 O.S. 1991, Section 7-606, is amended to read as follows:

Section 7-606. A. 1. An owner or operator who fails to comply with the Compulsory Insurance Law of this state, or who fails to produce for inspection a valid and current security verification form or equivalent form which has been issued by the Department of Public Safety upon request of any peace officer, representative of the Department of Public Safety or other authorized person, shall be guilty of a misdemeanor and upon conviction shall be subject to a

fine of not more than Two Hundred Fifty Dollars ($250.00), or imprisonment for not more than thirty (30) days, or by both such fine and imprisonment, and in addition thereto, shall be subject to suspension of license and registration in accordance with Section 7-605 of this title.

2. ~~An owner who fails to provide proof of security pursuant to the provisions of Section 7-603.1 of this title shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than Five Hundred Dollars ($500.00), or imprisonment for not more than six (6) months, or by both fine and imprisonment, and in addition thereto, the driver's license of the owner and registration of any motor vehicle not covered by security shall be suspended in accordance with the provisions of Section 7-605 of this title. The penalties provided for in this paragraph only apply to the registered vehicle owner. Beginning July 1, 1991, the provisions of this subsection shall cease to have the force or effect of law.~~

~~3~~. An owner other than an owner of an antique or a classic automobile as defined by the Oklahoma Tax Commission who files an affidavit that a vehicle shall not be driven upon the public highways or public streets, pursuant to Section 7-607 of this title, who drives or permits the driving of the vehicle upon the public highways or public streets, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than Five Hundred Dollars ($500.00), or imprisonment for not more than thirty (30) days, or by both such fine and imprisonment, and in addition thereto, shall be subject to suspension of license and registration in accordance with Section 7-605 of this title.

B. A sentence imposed for any violation of Section 7-600 et seq. of this title may be suspended or deferred in whole or in part by the court.

C. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the

Department reflecting liability coverage for such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge upon payment of court costs; however, if proof of security verification is presented to the court within forty-eight (48) hours after the violation, the charge shall be dismissed without payment of court costs.

D. Upon conviction, bond forfeiture or deferral of sentence, the court clerk shall forward an abstract to the Department of Public Safety within ten (10) days reflecting the action taken by the court.

SECTION 8. AMENDATORY 47 O.S. 1991, Section 12-230, is amended to read as follows:

Section 12-230. ~~(a) The Commissioner is hereby authorized to approve or disapprove lighting devices.~~

~~(b) The Commissioner is hereby required to approve or disapprove any lighting device when requested, within a reasonable time after such device has been submitted.~~

~~(c) The Commissioner is further authorized to set up the procedure which shall be followed when any device is submitted for approval.~~ The ~~Commissioner shall adopt~~ current ~~nationally recognized~~ United States Department of Transportation specifications and standards for head lamps, auxiliary lamps, tail lamps, signal lamps, reflectors, and other lighting equipment and signal devices ~~as promulgated by the recognized engineering societies~~, pursuant to 49 C.F.R. Section 571.108, are hereby adopted by the State of Oklahoma.

~~(d) The Commissioner upon approving any such lamp or device shall issue to the applicant a certificate of approval together with any instructions determined by him.~~

~~(e) The Commissioner shall publish lists of all lamps and devices by name and type which have been approved by him.~~

SECTION 9. AMENDATORY 47 O.S. 1991, Section 12-301, is amended to read as follows:

Section 12-301. ~~(a)~~ A. Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

~~(b) Repealed.~~

~~(c)~~ B. Every trailer, semitrailer, and pole trailer of a gross weight of three thousand pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designated as to be applied by the driver of the towing motor vehicle from its cab, and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.

~~(d)~~ C. Every new motor vehicle, trailer or semitrailer hereafter sold in this state and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle, except motorcycles or motor-driven cycles, and semitrailers of less than three thousand (3,000) pounds gross weight, provided that trucks and truck tractors having three or more axles need not have brakes on the front axle, except when such vehicles are equipped with at least two steerable axles, the axles of one such axle need not be equipped with brakes.

~~(e)~~ D. Every singly-driven motor vehicle and every combination of motor vehicles shall be equipped with parking brakes adequate to

hold a vehicle or combination on any grade on which it is operated under any condition of loading, on a surface free from snow or ice.

~~(f)~~ E. The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

~~(g)~~ F. 1. Every full trailer, semitrailer and pole trailer required to be equipped with brakes, except motor vehicles engaged in drive-away, tow-away operations, shall be equipped with brakes of such a character as to be applied automatically and promptly upon break-away from the towing vehicle, and means shall be provided to maintain application of the brakes on the trailer in such a case for at least fifteen (15) minutes. Air brake systems installed on towed vehicles manufactured after ~~the effective date of this act~~ September 1, 1961, shall be so designed, by the use of "no-bleed-back" relay-emergency valves or equivalent devices, that the supply reservoir used to provide air for brakes shall be safeguarded against backflow of air from the reservoir through the supply line. After ~~the effective date of this act~~ September 1, 1961, every truck or truck tractor, if used to tow a trailer equipped with brakes, shall be equipped with means for providing that in case of break-away of such trailer the service brakes on the towing vehicle will be sufficiently operative to stop the towing vehicle. Every truck or truck tractor equipped with air brakes, the date of manufacture of which is subsequent to ~~the effective date of this act~~ September 1, 1961, and every truck or truck tractor equipped with air brakes on and after ~~the effective date of this act~~ September 1, 1961, when used to tow another vehicle equipped with full air brakes, in operations other than drive-away or tow-away, shall, in addition to the above, be equipped with two means of activating the emergency features of the trailer brakes. One of these means shall operate automatically in the event of reduction of the towing vehicle air supply to a fixed pressure which shall be not lower than

twenty (20) pounds per square inch nor higher than forty-five (45) pounds per square inch. The other means shall be a manually controlled device readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means. The automatic and manual means of application required by this ~~section~~ subsection may be, but are not required to be, separate.

2. Every truck tractor and truck manufactured after ~~the effective date of this act~~ September 1, 1961, which is equipped with power brakes, shall have the braking system so arranged that one application valve shall, when applied, operate all the service brakes on the truck tractor and truck or combination thereof. This requirement shall not be construed to prohibit a truck tractor or truck from being equipped with an additional valve to be used to operate the brakes on a trailer or trailers or as provided in ~~subparagraph~~ paragraph 1 of this ~~section~~ subsection. This ~~rule~~ requirement shall not be applicable to drive-away, tow-away operations unless the brakes on such operations are designed to be operated by a single valve.

3. Every truck tractor and truck used for towing other vehicles equipped with vacuum brakes, in operations other than drive-away and tow-away on and after ~~the effective date of this act~~ September 1, 1961, shall have, in addition to the single control device as provided by ~~subparagraph~~ paragraph 2 of this ~~section~~ subsection to operate all brakes of the combination, a second control device independent of brake air, hydraulic, or other pressure and independent of other controls, which can be used to operate the brakes on the towed vehicles in emergencies. Such second control is not required by this rule to provide modulated or graduated braking.

~~(h)~~ G. Every bus, truck and truck tractor manufactured after ~~the effective date of this act~~ September 1, 1961, which is equipped with an air or vacuum brake system, shall be equipped with reserve capacity or a reservoir sufficient to insure a brake application capable of stopping the vehicle within the stopping distance requirements of Section 12-302 of this ~~act~~ title in the event the engine stops. No such reserve capacity or reservoir shall be required on single vehicles if the braking system is so designed and installed as to provide for application of the service brakes through hydraulic or mechanical means in event of failure of the air or vacuum system or the source of supply of such systems. In addition, every truck tractor and every truck used for towing other vehicles shall, when equipped with air or vacuum reservoirs as required by this section, and regardless of date of manufacture, have such air or vacuum reservoirs so safeguarded by a check value or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum the air or vacuum supply in the reservoir shall not be depleted by the leak or failure.

~~(i)~~ H. Every bus, truck and truck tractor equipped with an air brake system, and, on and after ~~the effective date of this act~~ September 1, 1961, every truck tractor and every truck used for towing a vehicle required to have brakes, if the brakes are vacuum-operated, shall be provided with either an audible or visible warning signal to indicate readily to the driver any loss or lack of air or vacuum sufficient to prevent the vehicle from being stopped. A gauge indicating pressure or vacuum shall not be deemed to be an adequate means of satisfying this requirement.

SECTION 10. AMENDATORY 47 O.S. 1991, Section 804, as last amended by Section 4, Chapter 201, O.S.L. 1997 (47 O.S. Supp. 2000, Section 804), is amended to read as follows:

Section 804. A. No person shall act as an instructor ~~on or after August 10, 1967,~~ unless such person applies for and obtains from the Commissioner of Public Safety a license in the manner and form prescribed by the Commissioner.

B. Rules ~~adopted~~ promulgated by the Commissioner shall state the requirements for an instructor's license, including requirements concerning moral character, physical condition, knowledge of the courses of instruction, motor vehicle laws and safety principles and practices, previous personnel and employment records, and such other matters as the Commissioner may prescribe for the protection of the public.

~~C. Except for instructors of commercial truck driver training schools and motorcycle operator training courses, instructors of commercial driver training schools shall:~~

~~1. Possess a valid Oklahoma driver license and be properly licensed for the type of vehicle used for instruction;~~

~~2. Be at least twenty-one (21) years of age;~~

~~3. Not have been previously convicted of a felony;~~

~~4. Not have had driving privileges suspended, canceled, revoked or denied within the last one (1) year;~~

~~5. Not have been previously convicted of unlawfully possessing or using alcohol or drugs within the last three (3) years;~~

~~6. Not have a driving record reflecting more than five (5) point violations;~~

~~7. Receive a score of at least eighty percent (80%) on a driver license written examination administered biennially;~~

~~8. Receive a score of at least eighty percent (80%) on a standard driver license road test administered biennially;~~

~~9. Possess a high school diploma or General Equivalency Diploma; and~~

~~10. Possess a minimum of six (6) semester hours of Driver Education I and Driver Education II, and a minimum of three (3)~~

~~semester hours of General Safety Education at an accredited college or university or an equivalent course offered by a nationally recognized commercial driver instructor course approved by the Department of Public Safety.~~

SECTION 11. AMENDATORY 47 O.S. 1991, Section 1113, as last amended by Section 3, Chapter 314, O.S.L. 2000 (47 O.S. Supp. 2000, Section 1113), is amended to read as follows:

Section 1113. A. 1. Upon the filing of a registration application and the payment of the fees provided for in the Oklahoma Vehicle License and Registration Act, the Oklahoma Tax Commission shall assign to the vehicle described in the application a distinctive number, and issue to the owner of the vehicle a certificate of registration and one license plate or a yearly decal for the year that a license plate is not issued. The yearly decal shall have an identification number and the last two numbers of the registration year for which it shall expire. Except as provided by Section 1113A of this title, the license plate shall be affixed to the exterior of the vehicle until a replacement license plate is applied for. The yearly decal will validate the license plate for each registration period other than the year the license plate is issued. The license plate and decal shall be of such size, color, design and numbering as the Tax Commission may direct. However, yearly decals issued to the owner of a vehicle who has filed an affidavit with the appropriate motor license agent in accordance with Section 7-607 of this title shall be a separate and distinct color from all other decals issued under this section.

2. The license plate shall be securely attached to the rear of the vehicle, except truck-tractor plates which shall be attached to the front of the vehicle. The Tax Commission may, with the concurrence of the Department of Public Safety, by Joint Rule, change and direct the manner, place and location of display of any vehicle license plate when such action is deemed in the public

interest. The license plate, decal and all letters and numbers shall be clearly visible at all times. The operation of a vehicle upon which the license plate is covered, overlaid or otherwise screened with any material, whether such material be clear, translucent, tinted or opaque, shall be a violation of this paragraph.

3. Upon payment of the annual registration fee provided in Section 1133 of this title, the Tax Commission or a motor license agent may issue a permanent nonexpiring license plate to an owner of one hundred or more commercial motor vehicles and for vehicles registered under the provisions of Section 1120 of this title. Upon payment of the annual registration fee, the Tax Commission shall issue a certificate of registration that shall be carried at all times in the vehicle for which it is issued. Provided, if the registrant submits its application through electronic means, such qualified owners of one hundred or more commercial motor vehicles, properly registered pursuant to the provisions of Section 1133 of this title, may elect to receive a permanent certificate of registration that shall be carried at all times in the vehicle for which it is issued.

B. The license plates required under the provisions of this title shall conform to the requirements and specifications listed hereinafter:

1. Each license plate shall have a space for the placement of the yearly decals for each succeeding year of registration after the initial issue;

2. The provisions of the Oklahoma Vehicle License and Registration Act regarding the issuance of yearly decals shall not apply to the issuance of apportioned license plates, including license plates for state vehicles, and exempt plates for governmental entities and fire departments organized pursuant to Section 592 of Title 18 of the Oklahoma Statutes;

3. Within the limits herein prescribed the Tax Commission shall redesign the official vehicle license plates which currently bear the legend “Oklahoma OK” or “Oklahoma is OK!” and substitute therefor the legend “Oklahoma Native America” as further described in this paragraph. Except for personalized license plates and license plates issued for motorcycles and mopeds, the emblem on the state flag of Oklahoma as provided for in Section 91 of Title 25 of the Oklahoma Statutes shall be a part of all license plates issued after December 31, 1988. The Tax Commission may continue to issue license plates with the legend “Oklahoma is OK!” or “Oklahoma OK” until any inventory of such license plates is depleted but the Tax Commission shall not produce or cause to be produced any additional license plates with these legends. Except for personalized license plates, license plates issued for commercial vehicles, and license plates issued for motorcycles and mopeds, the “Oklahoma Native America” emblem shall be a part of all license plates issued after December 31, 1993. The specifications for lettering style and appearance for the legend “Oklahoma Native America” shall be provided to the Tax Commission by the Oklahoma Tourism and Recreation Department. The license plates shall be issued with the letters and numerals in the colors of green and white. All license plates and decals shall be made with reflectorized material as a background to the letters, numbers and characters impressed thereon. The reflectorized material shall be of such a nature as to provide effective and dependable brightness during the service period for which the license plate or decal is issued;

4. Except as otherwise provided in this subsection, the Tax Commission shall design appropriate official license plates for all state vehicles. Such license plates shall be permanent in nature and designed in such manner as to remain with the vehicle for the duration of the vehicle's life span or until the title is transferred to a nongovernmental owner;

5. Within the limits prescribed in this section, the Tax Commission shall design appropriate official license plates for vehicles of the Oklahoma Highway Patrol. The license plates shall have the legend “Oklahoma OK” and shall contain the letters “OHP” followed by the state seal and the badge number of the Highway Patrol officer to whom the vehicle is assigned. The words “Oklahoma Highway Patrol” shall also be included on such license plates;

6. Within the limits prescribed in this section, the Tax Commission shall design appropriate official license plates for vehicles of the Oklahoma Capitol Patrol. Such license plates shall have the legend “Oklahoma OK” and shall contain the letters “OCP” followed by the state seal and badge number of the Oklahoma Capitol Patrol officer to whom the vehicle is assigned. The words “Oklahoma Capitol Patrol” shall also be included on such license plates;

7. Within the limits prescribed in this section, the Tax Commission shall design appropriate official license plates for vehicles of the Oklahoma Military Department. Such license plates shall have the legend “Oklahoma OK” and shall contain the letters “OMD” followed by the state seal and three numbers or letters as designated by the Adjutant General. The words “Oklahoma Military Department” shall also be included on such license plates.

C. Where the applicant has satisfactorily shown that the applicant owns the vehicle sought to be registered but is unable to produce documentary evidence of the ownership, a license plate may be issued upon approval by the Tax Commission. In such instances the reason for not issuing a certificate of title shall be indicated on the receipt given to the applicant. It shall still be the duty of the applicant to immediately take all necessary steps to obtain the Oklahoma certificate of title and it shall be unlawful for the applicant to sell the vehicle until the certificate has been obtained in the applicant's name.

D. The certificate of registration provided for in this section shall be in convenient form, and the certificate of registration, or a certified copy or photostatic copy thereof, duly authenticated by the Tax Commission, shall be carried at all times in or upon commercial vehicles so registered, in such manner as to permit a ready examination thereof upon demand by any peace officer of the state or duly authorized employee of the Department of Public Safety. Any such officer or agent may seize and hold such commercial vehicle when the operator of the same does not have the registration certificate in the operator's possession or when any such officer or agent determines that the registration certificate has been obtained by misrepresentation of any essential or material fact or when any number or identifying information appearing on such certificate has been changed, altered, obliterated or concealed in any way, until the proper registration or identification of such vehicle has been made or produced by the owner thereof.

E. The purchaser of a new or used manufactured home shall, within thirty (30) days of the date of purchase, register the home with the Tax Commission or a motor license agent pursuant to the provisions of Section 1117 of this title. For a new manufactured home, it shall be the responsibility of the dealer selling the home to place a temporary license plate on the home in the same manner as provided in Section 1128 of this title for other new motor vehicles. For the first year that any manufactured home is registered in this state, the Tax Commission shall issue a metal license plate which shall be affixed to the manufactured home. Manufactured homes previously registered and subject to ad valorem taxation as provided by law shall have the metal license plate affixed at the time ad valorem taxes are paid for such manufactured home. The owner of the home shall be required to affix such plate to the home. The Tax Commission shall make sufficient plates available to the various motor license agents of the state in order for an owner of a

manufactured home to acquire the plate. A One Dollar ($1.00) fee shall be charged for issuance of any plate. The fee shall be apportioned each month to the General Revenue Fund of the State Treasury.

F. The manufactured home license plate shall be designed so that it is easily visible for purposes of verification by a county assessor that the manufactured home is properly assessed for ad valorem taxation. The plate shall be designed for a yearly decal. In the first year of registration, a decal shall be issued for placement on the license plate indicating payment of applicable registration fees and excise taxes. In the second and all subsequent years for which the manufactured home is subject to ad valorem taxation, an annual decal shall be affixed to the license plate as evidence of payment of ad valorem taxes. The Tax Commission shall issue decals to the various county treasurers of the state in order for a manufactured home owner to obtain such decal each year. Upon presentation of a valid ad valorem tax receipt, the manufactured home owner shall be issued the annual decal.

G. Upon the registration of a manufactured home in this state for the first time or upon discovery of a manufactured home previously registered within this state for which the information required by this subsection is not known, the Tax Commission shall obtain:

1. The name of the owner of the manufactured home;

2. The serial number or identification number of the manufactured home;

3. A legal description or address of the location for the home;

4. The actual retail selling price of the manufactured home excluding Oklahoma taxes;

5. The certificate of title number for the home; and

6. Any other information which the Tax Commission deems to be necessary.

The application for registration shall also include the school district in which the manufactured home is located or is to be located. The information shall be entered into a computer data system which shall be used by the Tax Commission to provide information to county assessors upon request by the assessor. The assessor may request any information from the system in order to properly assess a manufactured home for ad valorem taxation.

SECTION 12. AMENDATORY 21 O.S. 1991, Section 1548, is amended to read as follows:

Section 1548. The provisions of this act shall not apply to motor vehicles and other vehicles as defined in ~~and by 47 O.S.1951 Sec. 22.1~~ Section 1102 of Title 47 of the Oklahoma Statutes.

SECTION 13. AMENDATORY Section 3, Chapter 279, O.S.L. 2000 (63 O.S. Supp. 2000, Section 2220.3), is amended to read as follows:

Section 2220.3 A. There is hereby created in the State Treasury a revolving fund for the State Department of Health, to be designated the "Oklahoma Organ Donor Education and Awareness Program Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health from:

1. Any state monies appropriated for the purpose of implementing the provisions of the Oklahoma Organ Donor Education and Awareness Program Act; and

2. Any monies collected pursuant to this section or any other monies available to the State Department of Health to implement the provisions of the Oklahoma Organ Donor Education and Awareness Program Act.

B. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended to promote and encourage organ donor education and awareness.

C. Monies credited to the fund, excluding administrative fees paid to the Oklahoma Tax Commission, may be used for, but are not limited to:

1. Administration of the Act, including, but not limited to, personnel and Advisory Council expenses;

2. Development and promotion of organ donor public education and awareness programs in cooperation with the Oklahoma Organ Sharing Network including, but not limited to, the American Red Cross and the Oklahoma Lions Eye Bank;

3. To assist in the publication of information pamphlets or booklets by the State Department of Health and the State Superintendent of Public Instruction regarding organ donation and donations to the Oklahoma Organ Donor Education and Awareness Program Fund. The State Department of Health shall distribute such informational pamphlets or booklets to the Department of Public Safety for distribution to applicants for original, renewal, or replacement driver licenses and identification cards when making a voluntary contribution pursuant to Section 2220.5 of this title and to the Oklahoma Tax Commission for distribution to individuals when making a voluntary contribution pursuant to the state income tax check off provided for in Section ~~4~~ 2220.4 of this ~~act~~ title;

4. Implementation of organ donor education and awareness programs in the elementary and secondary schools of this state by the State Department of Education in cooperation with the Oklahoma Organ Donor Education and Awareness Program Advisory Council;

5. Grants by the State Department of Health to certified organ procurement organizations for the development and implementation of organ donor education and awareness programs in this state;

6. Encouraging the incorporation of organ donor information into the medical and nursing school curriculums of the state's medical and nursing schools. If funds are provided to a university for this educational purpose, the university shall annually evaluate the extent to which the curriculum has affected the attitudes of its students and graduates with regard to organ donation and shall forward the evaluation results to the Advisory Council; and

7. A reserve fund in an interest-bearing account with five percent (5%) of the monies received by the fund annually to be placed in this account. No funds may be expended from the reserve fund account until the required balance has reached One Hundred Thousand Dollars ($100,000.00) and then these funds may only be used in years when donations do not meet the average normal operating fee incurred by the fund, and funds are expended to meet expenses. Once the balance in the reserve fund account reaches One Hundred Thousand Dollars ($100,000.00), excess funds earned by interest, and yearly allocations may be used at the discretion of the Advisory Council to cover operating costs and to provide additional funds.

D. The fund may accept bequests and grants from individuals, corporations, organizations, associations, and any other source. The fund supplements and augments services provided by state agencies and does not take the place of such services.

E. 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 14. AMENDATORY Section 5, Chapter 279, O.S.L. 2000 (63 O.S. Supp. 2000, Section 2220.5), is amended to read as follows:

Section 2220.5 A. 1. An applicant for ~~a new~~ <u>an original</u> or ~~renewal~~ <u>replacement</u> driver license~~, commercial driver license, motorcycle driver license,~~ <u>or</u> identification card~~, issuance of a vehicle title or transfer of title, or issuance of a vehicle license~~

~~plate~~ shall be given an opportunity ~~in writing~~ to make a ~~minimum~~ voluntary contribution of One Dollar ($1.00) to be credited to the Oklahoma Organ Donor Education and Awareness Program Revolving Fund established in Section ~~3~~ 2220.3 of this ~~act~~ title. Any voluntary contribution shall be added to the driver license, identification card, title, or license plate fee and then be referred to the State Treasurer and credited to the Oklahoma Organ Donor Education and Awareness Program Revolving Fund as provided in Section ~~3~~ 2220.3 of this ~~act~~ title.

2. An applicant for a vehicle title or transfer of title or for a vehicle license plate shall be given an opportunity to make a minimum voluntary contribution of One Dollar ($1.00) to be credited to the Oklahoma Organ Donor Education and Awareness Program Revolving Fund established in Section 2220.3 of this title. Any voluntary contribution shall be added to the title or license plate fee and then be referred to the State Treasurer and credited to the Oklahoma Organ Donor Education and Awareness Program Revolving Fund as provided in Section 2220.3 of this title.

3. The ~~donation~~ contribution prescribed in this section is voluntary and may be refused by the applicant ~~for the license at the time of issuance or renewal of the license~~. The ~~Commissioner for~~ Department of Public Safety and the Oklahoma Tax Commission shall make available an information booklet or other informational sources on the importance of organ donation to applicants for licensure, as designed and provided by the State Department of Health and the State Superintendent of Public Instruction with the assistance of the Oklahoma Organ Donor Education and Awareness Program Advisory Council established in Section ~~2~~ 2220.2 of this ~~act~~ title.

B. The ~~Commissioner for~~ Department of Public Safety shall inquire of each applicant at the time of presentation of a completed original driver license application or identification card whether the applicant is interested in making the One Dollar ($1.00)

~~donation~~ contribution prescribed in subsection A of this section and whether the applicant is interested in being an organ donor. The ~~Commissioner~~ Department of Public Safety shall also specifically inform the ~~licensee~~ applicant of the ability to make an organ donation by checking the organ donor box on the front of the driver license~~, commercial driver license or motorcycle driver license~~ or identification card that the applicant will receive. The ~~Commissioner~~ Department of Public Safety shall notify the State Commissioner of Health ~~regarding health information obtained from~~ the name, address, date of birth, and driver license number or identification number of applicants who indicate that they are interested in being an organ donor.

C. The incremental cost of administration of contributions to the fund, not to exceed one percent (1%) of the monies received pursuant to the provisions of this section, shall be paid by the fund to the ~~Commissioner for~~ Department of Public Safety ~~and~~ or the Oklahoma Tax Commission, as applicable, from amounts received pursuant to the provisions of this section before funds are expended for the purposes of the fund.

SECTION 15. AMENDATORY 73 O.S. 1991, Section 96, is amended to read as follows:

Section 96. The Director of ~~Public Affairs~~ the Department of Central Services is hereby authorized to regulate parking of vehicles on the streets in the vicinity of the State Capitol, the state office building, the State Historical Building, the State Armory, and other public buildings on the State Capitol grounds. Copies of such regulations, including amendments thereto, shall be filed in the Office of the Secretary of State and in the office of the city clerk of the City of Oklahoma City, and copies thereof shall be transmitted to each officer, board or commission having offices in said buildings. A reasonable amount of parking space shall be reserved on the streets immediately adjacent to each of

said buildings for citizens, not officers or employees of the state, having business to transact in such buildings. Parking space on the streets and on the public grounds may also be reserved for officers and employees. Such regulations may provide for diagonal or parallel parking of vehicles, the time limit for parking in spaces reserved, when such regulations shall be applicable, the placing of appropriate signs and other markings as to the availability of parking space, the issuance of appropriate stickers identifying vehicles, reservation of space for bus stops, and such other reasonable regulations as are deemed necessary to an orderly system to prevent congestion of traffic and the abuse of parking privileges on said streets. The Attorney General shall assist the Director of ~~Public Affairs~~ The Department of Central Services in the preparation of said regulations. Such regulations shall be enforced by the ~~Capitol Police,~~ Highway Patrol division of the Department of Public Safety and by the police of the City of Oklahoma City, the State Highway Patrol, or other peace officers. The authority of the City of Oklahoma City to regulate parking on the streets in the vicinity of the above referred to buildings is hereby withdrawn, and the Director of ~~Public Affairs~~ the Department of Central Services and the city manager of the City of Oklahoma City shall cooperate to the extent necessary in specifically defining the boundary or territorial limits of the respective jurisdictions in respect to the subject matter of this section and Section 97 of this title.

SECTION 16. AMENDATORY 75 O.S. 1991, Section 250.4, as last amended by Section 30, Chapter 6, O.S.L. 2000 (75 O.S. Supp. 2000, Section 250.4), is amended to read as follows:

Section 250.4 A. 1. Except as is otherwise specifically provided in this subsection, each agency is required to comply with Article I of the Administrative Procedures Act.

2. The Corporation Commission shall be required to comply with the provisions of Article I of the Administrative Procedures Act

except for subsections A, B, C and E of Section 303 of this title and Section 306 of this title. To the extent of any conflict or inconsistency with Article I of the Administrative Procedures Act, pursuant to Section 35 of Article IX of the Oklahoma Constitution, it is expressly declared that Article I of the Administrative Procedures Act is an amendment to and alteration of Sections 18 through 34 of Article IX of the Oklahoma Constitution.

3. The Oklahoma Military Department shall be exempt from the provisions of Article I of the Administrative Procedures Act to the extent it exercises its responsibility for military affairs.

4. The Oklahoma Ordnance Works Authority, the Northeast Oklahoma Public Facilities Authority and the Board of Trustees of the Oklahoma College Savings Plan shall be exempt from Article I of the Administrative Procedures Act.

5. The Oklahoma Transportation Commission and the Oklahoma Department of Transportation shall be exempt from Article I of the Administrative Procedures Act to the extent they exercise their authority in adopting standard specifications, special provisions, plans, design standards, testing procedures, federally imposed requirements and generally recognized standards, project planning and programming, and the operation and control of the State Highway System.

6. The Oklahoma State Regents for Higher Education shall be exempt from Article I of the Administrative Procedures Act with respect to:

a. prescribing standards of higher education,

b. prescribing functions and courses of study in each institution to conform to the standards,

c. granting of degrees and other forms of academic recognition for completion of the prescribed courses,

d. allocation of state-appropriated funds, and

e. fees within the limits prescribed by the Legislature.

7. Institutional governing boards within The Oklahoma State System of Higher Education shall be exempt from Article I of the Administrative Procedures Act.

8. a. The Commissioner of Public Safety shall be exempt from Sections 303.1, 303.2, 304, 307.1, 308 and 308.1 of this title insofar as it is necessary to promulgate rules pursuant to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act, to maintain a current incorporation of federal motor carrier safety and hazardous material regulations for which the Commissioner has no discretion when the state is mandated to promulgate rules identical to federal rules and regulations.

b. Such rules may be adopted by the Commissioner and shall be deemed promulgated twenty (20) days after notice of adoption is published in "The Oklahoma Register". Such publication need not set forth the full text of the rule but may incorporate the federal rules and regulations by reference.

c. Such copies of promulgated rules shall be filed with the Secretary as required by Section 251 of this title.

d. For any rules for which the Commissioner has discretion to allow variances, tolerances or modifications from the federal rules and regulations, the Commissioner shall fully comply with Article I of the Administrative Procedures Act.

9. The Council on Judicial Complaints shall be exempt from Section 306 of Article I of the Administrative Procedures Act, with respect to review of the validity or applicability of a rule by an action for declaratory judgment, or any other relief based upon the validity or applicability of a rule, in the district court or by an

appellate court. A party aggrieved by the validity or applicability of a rule made by the Council on Judicial Complaints may petition the Court on the Judiciary to review the rules and issue opinions based upon them.

B. As specified, the following agencies or classes of agency activities are not required to comply with the provisions of Article II of the Administrative Procedures Act:

1. The Oklahoma Tax Commission;

2. The Commission for Human Services;

3. The Oklahoma Ordnance Works Authority;

4. The Oklahoma Corporation Commission;

5. The Pardon and Parole Board;

6. The Midwestern Oklahoma Development Authority;

7. The Grand River Dam Authority;

8. The Northeast Oklahoma Public Facilities Authority;

9. The Council on Judicial Complaints;

10. The Board of Trustees of the Oklahoma College Savings Plan;

11. The supervisory or administrative agency of any penal, mental, medical or eleemosynary institution, only with respect to the institutional supervision, custody, control, care or treatment of inmates, prisoners or patients therein; provided, that the provisions of Article II shall apply to and govern all administrative actions of the Oklahoma Alcohol Prevention, Training, Treatment and Rehabilitation Authority;

12. The Board of Regents or employees of any university, college, or other institution of higher learning, except with respect to expulsion of any student for disciplinary reasons; provided, that upon any alleged infraction by a student of rules of such institutions, with a lesser penalty than expulsion, such student shall be entitled to such due process, including notice and hearing, as may be otherwise required by law, and the following grounds of misconduct, if properly alleged in disciplinary

proceedings against a student, shall be cause to be barred from the campus and be removed from any college or university-owned housing, upon conviction in a court of law:

a. participation in a riot as defined by the penal code,

b. possession or sale of any drugs or narcotics prohibited by the penal code, Section 1 et seq. of Title 21 of the Oklahoma Statutes, or

c. willful destruction of or willful damage to state property;

13. The Oklahoma Horse Racing Commission, its employees or agents only with respect to hearing and notice requirements on the following classes of violations which are an imminent peril to the public health, safety and welfare:

a. any rule regarding the running of a race,

b. any violation of medication laws and rules,

c. any suspension or revocation of an occupation license by any racing jurisdiction recognized by the Commission,

d. any assault or other destructive acts within Commission-licensed premises,

e. any violation of prohibited devices, laws and rules, or

f. any filing of false information;

14. The Commissioner of Public Safety only with respect to drivers' license hearings and hearings conducted pursuant to the provisions of Section 2-115 of Title 47 of the Oklahoma Statutes;

15. The Administrator of the Department of Securities only with respect to hearings conducted pursuant to provisions of the Oklahoma Take-over Disclosure Act of 1985;

16. Hearings conducted by a public agency pursuant to Section 962 of Title 47 of the Oklahoma Statutes;

17. The Oklahoma Military Department;

18. The University Hospitals Authority, including all hospitals or other institutions operated by the University Hospitals Authority;

19. The Oklahoma Health Care Authority Board and the Administrator of the Oklahoma Health Care Authority; and

20. The position audit procedure, including the impartial review process, of the Office of Personnel Management pursuant to Section 840-4.3 of Title 74 of the Oklahoma Statutes. Provided, that any appeal from an impartial review determination to a court of competent jurisdiction shall be confined to the record in accordance with the provisions of Article II of the Administrative Procedures Act.

SECTION 17. RECODIFICATION 47 O.S. 1991, Section 116.11, as amended by Section 1, Chapter 195, O.S.L. 1992 (47 O.S. Supp. 2000, Section 116.11), shall be recodified as Section 2-105.4A of Title 47 of the Oklahoma Statutes, unless there is created a duplication in numbering; 47 O.S. 1991, Section 116.12, shall be recodified as Section 2-106.1 of Title 47 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 18. RECODIFICATION Section 3, Chapter 378, O.S.L. 2000 (47 O.S. Supp. 2000, Section 309.8), shall be recodified as Section 2-309.8 of Title 47 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 19. REPEALER 47 O.S. 1991, Sections 1-115, 1-120, 1-127, 1-152, 1-157, 1-166, 1-172, 1-176 and 12-231, are hereby repealed.

SECTION 20. This act shall become effective July 1, 2001.

SECTION 21. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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