

ENROLLED HOUSE
BILL NO. 2336

By: Carey of the House

and

Crutchfield of the Senate

An Act relating to motor vehicles; amending 19 O.S. 2001, Section 526, which relates to house mover permits; deleting certain duties of sheriff; amending 47 O.S. 2001, Sections 1-117 and 1-119, which relate to definitions; modifying definitions; amending 47 O.S. 2001, Section 6-106, as last amended by Section 1 of Enrolled House Bill No. 1899 of the 2nd Session of the 49th Oklahoma Legislature, 6-110, as last amended by Section 2 of Enrolled House Bill No. 1899 of the 2nd Session of the 49th Oklahoma Legislature, 6-114, as amended by Section 8, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2003, Section 6-114), which relate to issuance, expiration, and renewal of licenses; modifying driver license application requirements; requiring national criminal history records search; requiring driving records from all jurisdictions under certain circumstance; requiring national criminal history record for hazardous materials endorsement applicants; deleting certain proof of identity requirements; amending 47 O.S. 2001, Sections 6-205.1, as last amended by Section 2, Chapter 108, O.S.L. 2003 and 6-205.2, as last amended by Section 7 of Enrolled House Bill No. 1899 of the 2nd Session of the 49th Oklahoma Legislature (47 O.S. Supp. 2003, Section 6-205.1), which relate to cancellation, suspension, or revocation of licenses; restricting license revocations and modifications under certain circumstances to Class D motor vehicles; expanding definition of conviction; providing effective date for disqualifying offenses; expanding list of disqualifying offenses; clarifying certain disqualification period; providing effective date for certain serious traffic offenses; requiring immediate disqualification of commercial driving privilege under certain circumstance; amending 47 O.S. 2001, Section 6-303, as amended by Section 6, Chapter 86, O.S.L. 2002 (47 O.S. Supp. 2003, Section 6-303), which relates to violation of license provisions; modifying mandatory periods of terminated driving privileges to exclude disqualified persons; amending 47 O.S. 2001, Section 14-103C, as amended by Section 1, Chapter 53, O.S.L. 2003 (47 O.S. Supp. 2003, Section 14-103C), which relates to special permits; deleting distance specification; deleting authority of the Commissioner of Public Safety to issue certain special permits; amending 47 O.S. 2001, Section 14-116a, which relates to size, weight, and loads on vehicles; clarifying permit carrier for

transportation of a load or manufactured home; requiring payment of fee for required or requested law enforcement escort; requiring adoption of a fee schedule; requiring the deposit of all fees to Department of Public Safety Revolving Fund; amending 47 O.S. 2001, Section 18-101, as last amended by Section 7 of Enrolled House Bill No. 2606 of the 2nd Session of the 49th Oklahoma Legislature, which relates to records and reports of convictions; clarifying and expanding conviction records; amending 47 O.S. 2001, Section 230.6, as amended by Section 4, Chapter 169, O.S.L. 2002 and 230.9, as amended by Section 1, Chapter 474, O.S.L. 2002 (47 O.S. Supp. 2003, Sections 230.6 and 230.9), which relate to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act; increasing fine amounts; modifying procedures concerning administrative penalties; amending 47 O.S. 2001, Section 754.1 and 755, which relate to modification of revocation or denial under certain circumstances and appeals; restricting certain modifications to Class D motor vehicles; restricting modifications granted by district court to Class D motor vehicles; amending 47 O.S. 2001, Section 1106, which relates to certificates of title; requiring Oklahoma Tax Commission to refuse registration and issuance of titles under certain circumstances; requiring Oklahoma Tax Commission to revoke registration, certificate of title and license plate under certain circumstances; amending 47 O.S. 2001, Section 1129, which relates to registration, fees, and license plates; exempting the registration, fees, and licensing provisions for special mobilized equipment under certain circumstances; repealing 47 O.S. 2001, Section 6-106, as last amended by Section 36 of Enrolled House Bill No. 2725 of the 2nd Session of the 49th Oklahoma Legislature, which relates to application for license; providing for codification; providing effective dates; and declaring an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 2001, Section 526, is amended to read as follows:

Section 526. ~~The sheriff shall approve permits for all house movers and shall designate routes to be followed by house movers within the county.~~ The sheriff, in addition to his other duties, shall have the responsibility of annually inspecting all county buildings and making a report to the board of county commissioners.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 1-117, is amended to read as follows:

Section 1-117. ~~Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion,~~

~~i.e., with substantially instantaneous release of gas and/or heat, unless such compound, mixture, or device is otherwise specifically classified by the Interstate Commerce Commission. The term "explosives" Explosives shall include all material which is classified as Class A, Class B and Class C explosives by the Interstate Commerce Commission, and includes but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse lighters, fuse igniters, squibs, cordeau detonant fuse, instantaneous fuse, ignitor cord, igniters, and some special fireworks. Commercial explosives are those explosives which are intended to be used in commercial or industrial operations have the same meaning as defined in 49 C.F.R., Part 173.~~

SECTION 3. AMENDATORY 47 O.S. 2001, Section 1-119, is amended to read as follows:

Section 1-119. Any Flammable substance shall include any liquid, which has a flash point of 70 degrees F., or less, as determined by a tagliabue or equivalent closed-cup test device and having a vapor pressure not exceeding 40 psia at 100 F gas, or other material as defined in 49 C.F.R., Part 173.

SECTION 4. AMENDATORY 47 O.S. 2001, Section 6-106, as last amended by Section 1 of Enrolled House Bill No. 1899 of the 2nd Session of the 49th Oklahoma Legislature, is amended to read as follows:

Section 6-106. A. 1. Every application for a driver license or identification card shall be made by the applicant upon a form furnished by the Department of Public Safety.

2. Every original, renewal, or replacement application for a driver license or identification card made by a male applicant who is at least sixteen (16) but less than twenty-six (26) years of age shall include a statement that by submitting the application, the applicant is consenting to registration with the Selective Service System. The pertinent information from the application shall be forwarded by the Department to the Data Management Center of the Selective Service System in order to register the applicant as required by law, with the Selective Service System. Any applicant refusing to sign the consent statement shall be denied a driver license or identification card.

3. Every applicant for a driver license or identification card shall provide to the Department at the time of application both primary and secondary proofs of identity. The Department shall promulgate rules prescribing forms of primary and secondary identification acceptable for an original Oklahoma driver license.

B. Every applicant for a driver license shall state upon the application the following information:

1. Full name;
2. Date of birth;
3. Sex;

4. Residence address, county of residence, and mailing address, if different than the residence address;

5. Medical information, as determined by the Department, which shall assure the Department that the person is not prohibited from being licensed as provided by paragraph 7 of subsection A of Section 6-103 of this title;

6. Whether the applicant is deaf or hard-of-hearing;

7. A brief description of the applicant, as determined by the Department;

8. Whether the applicant has previously been licensed, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal;

9. Whether the applicant is an alien eligible to be considered for licensure and is not prohibited from licensure pursuant to paragraph 9 of subsection A of Section 6-103 of this title; ~~and~~

10. Effective September 1, 2005, whether the applicant has:

a. previously been licensed and, if so, when and by what state or country, and

b. held more than one license at the same time during the immediately preceding ten (10) years; and

11. Social security number.

No person shall request the Department to use the social security number of that person as the driver license number. Upon renewal or replacement of any driver license issued after the effective date of this act, the licensee shall advise the Department or the motor license agent if the present driver license number of the licensee is the social security number of the licensee. If the driver license number is the social security number, the Department or the motor license agent shall change the driver license number to a computer-generated number.

C. In addition to the requirements of subsections A and B of this section, every applicant for a commercial driver license with a hazardous material endorsement shall submit to the Department a ~~current~~ national criminal history record records search, as defined by Section 150.9 of Title 74 of the Oklahoma Statutes, from the Oklahoma State Bureau of Investigation ~~and the Federal Bureau of Investigation~~ which shall be used to determine whether the applicant is eligible for such endorsement pursuant to federal law and regulation.

The Department of Public Safety shall notify each commercial driving school of the passage of this section, and each commercial driving school shall notify prospective students of its school of the hazardous material endorsement requirement.

D. Whenever application is received from a person previously licensed in another jurisdiction, the Department shall request a

copy of the driving record from such other jurisdiction and, effective September 1, 2005, from all other jurisdictions in which the person was licensed within the immediately previous ten (10) years. When received, the driving record shall become a part of the driving record of the person in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

E. Whenever the Department receives a request for a driving record from another licensing jurisdiction, the record shall be forwarded without charge.

SECTION 5. AMENDATORY 47 O.S. 2001, Section 6-110, as last amended by Section 2 of Enrolled House Bill No. 1899 of the 2nd Session of the 49th Oklahoma Legislature, is amended to read as follows:

Section 6-110. A. 1. The Department of Public Safety shall examine every applicant for an original Class A, B, C or D license and for any endorsements thereon, except as otherwise provided in Sections 6-101 through 6-309 of this title or as provided in paragraph 2 of this subsection or in subsection D of this section. Such examination shall include a test of the applicant's:

- a. eyesight,
- b. ability to read and understand highway signs regulating, warning and directing traffic,
- c. knowledge of the traffic laws of this state, and
- d. ability, by actual demonstration, to exercise ordinary and reasonable control in the operation of a motor vehicle. The actual demonstration shall be conducted in the type of motor vehicle for the class of driver license being applied for.

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

2. The Department of Public Safety shall have the authority to waive the requirement of any part of the examination required in paragraph 1 of this subsection for those applicants who surrender a valid unexpired driver license issued by any state or country for the same type or types of vehicles, provided that the applicant's driving record meets the standards set by the Department of Public Safety.

3. All applicants requiring a hazardous materials endorsement shall be required, for the renewal of the endorsement, to successfully complete the examination and to submit to the Department a current national criminal history record records search, as defined by Section 150.9 of Title 74 of the Oklahoma Statutes, from the Oklahoma State Bureau of Investigation ~~and the Federal Bureau of Investigation~~ which shall be used to determine whether the applicant is eligible for renewal of the endorsement pursuant to federal law and regulation.

4. The Department of Public Safety shall give the complete examination as provided for in this section within thirty (30) days from the date the application is received, and the examination shall be given at a location within one hundred (100) miles of the residence of the applicant. The Department shall make every effort to make the examination locations and times convenient for applicants. The Department shall consider giving the examination at various school sites if the district board of education for the district in which the site is located agrees and if economically feasible and practicable.

5. The Department of Public Safety shall provide an alternative method of testing for an applicant for a Class D driver license who is eighteen (18) years of age or older and who can only understand Spanish, subject to the availability of funds. The Department may limit the number of testing sites where the examination in Spanish may be administered.

B. Any person holding a valid Oklahoma Class D license and applying for a Class A, B or C commercial license shall be required to successfully complete all examinations as required for the specified class.

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

D. Under the direction of the Department of Public Safety, any certified driver education instructor may administer the written portion of the Oklahoma driving examination as required for a driver education course or Class D license. The required driving skills portion of the Oklahoma driving examination may be given by such certified driver education instructor to a student who has successfully completed one of the following:

1. A prescribed secondary school driver education course, as defined by Section 19-113 et seq. of Title 70 of the Oklahoma Statutes;

2. A driver education course, certified by the Department of Public Safety, from a parochial, private or other nonpublic secondary school; or

3. A commercial driver training course, as defined by Sections 801 through 808 of this title.

SECTION 6. AMENDATORY 47 O.S. 2001, Section 6-114, as amended by Section 8, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2003, Section 6-114), is amended to read as follows:

Section 6-114. A. 1. In the event that a driver license is lost, destroyed or requires the updating of any information, restriction or endorsement displayed thereon, the person to whom such license was issued may obtain a replacement thereof upon payment of the required fee and by furnishing both primary and secondary proofs of identity to the Department of Public Safety. ~~Proof of identity for a person between the ages of twenty one (21)~~

~~and twenty six (26) shall include at a minimum a birth certificate and a notarized affidavit of another licensed Oklahoma driver over the age of twenty one (21) which verifies the identity of the applicant. Such affidavit shall contain the verified driver license number of the affiant and shall be sent to the Department of Public Safety for filing.~~ If application is made at a motor license agency or subagency, the agent or subagent shall immediately verify the identity of the applicant, by means of both primary and secondary proofs of identity, and the eligibility of the applicant by contacting the Department for verification and approval, if the applicant will pay the costs of any long distance calls that might be involved. If the licensee is an alien, the licensee shall appear before a driver license examiner of the Department and, after furnishing primary and secondary proofs of identity as required in this section, shall be issued a replacement driver license for a period which does not exceed the lesser of:

- a. the expiration date of the license being replaced, or
- b. the expiration date on the valid documentation authorizing the presence of the applicant of licensee in the United States, as required by paragraph 9 of subsection A of Section 6-103 of this title.

2. The cost of such replacement license which is not in computerized image format shall be Five Dollars (\$5.00), of which Two Dollars (\$2.00) shall be apportioned as provided in Section 1104 of this title and Three Dollars (\$3.00) shall be remitted to the State Treasurer to be credited to the General Revenue Fund.

3. The cost of a replacement license which is in computerized image format shall be Ten Dollars (\$10.00), of which Two Dollars (\$2.00) shall be apportioned as provided in Section 1104 of this title, Three Dollars (\$3.00) shall be remitted to the State Treasurer to be credited to the General Revenue Fund, and Five Dollars (\$5.00) shall be credited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administering and maintaining the computer imaging system of the Department.

4. The Department shall promulgate rules prescribing forms of primary and secondary identification acceptable for replacement of an Oklahoma driver license.

B. Any person desiring to add or remove an endorsement or endorsements or a restriction or restrictions to any existing driver license, when authorized by the Department of Public Safety, shall obtain a replacement license with said endorsement or endorsements or said restriction or restrictions change thereon and shall be charged the fee for a replacement license as provided in subsection A of this section.

SECTION 7. AMENDATORY 47 O.S. 2001, Section 6-205.1, as last amended by Section 2, Chapter 108, O.S.L. 2003 (47 O.S. Supp. 2003, Section 6-205.1), is amended to read as follows:

Section 6-205.1 A. The driving privilege of a person who is convicted of any offense as provided in paragraph 2 or 6 of subsection A of Section 6-205 of this title, or a person who has refused to submit to a test or tests as provided in Section 753 of

this title, or a person whose alcohol concentration is subject to the provisions of Section 754 of this title, shall be revoked or denied by the Department of Public Safety for the following period, as applicable:

1. The first license revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or to Section 753 or 754 of this title shall be for one hundred eighty (180) days, which may be modified; provided, any modification under this paragraph shall apply to Class D motor vehicles only;

2. A revocation pursuant to paragraph 2 of subsection A of Section 6-205, or to Section 753 or 754 of this title shall be for a period of one (1) year if within five (5) years preceding the date of arrest relating thereto, a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205, or to Section 753 or 754 of this title as shown by the Department's records. Such period shall not be modified; or

3. A revocation pursuant to paragraph 2 of subsection A of Section 6-205, or to Section 753 or 754 of this title shall be for a period of three (3) years if within five (5) years preceding the date of arrest relating thereto, two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205, or to Section 753 or 754 of this title as shown by the Department's records. Such period shall not be modified.

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

1. The first license revocation shall be for one hundred eighty (180) days, which may be modified; provided, for license revocations for a misdemeanor charge of possessing a controlled dangerous substance, the provisions of this paragraph shall apply to any such revocations by the Department on or after January 1, 1993; provided further, any modification under this paragraph shall apply to Class D motor vehicles only;

2. A revocation shall be for a period of one (1) year if within five (5) years preceding the date of arrest relating thereto, a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205, or under Section 753 or 754 of this title as shown by the Department's records. Such period shall not be modified; or

3. A revocation shall be for a period of three (3) years if within five (5) years preceding the date of arrest relating thereto, two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205, or under Section 753 or 754 of this title as shown by the Department's records. Such period may be modified after one (1) year; provided, any modification under this paragraph shall apply to Class D motor vehicles only.

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

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

C. For the purposes of this subsection:

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

2. The term "revocation" includes a denial of driving privileges by the Department.

D. Each period of revocation not subject to modification shall be mandatory and neither the Department nor any court shall grant driving privileges based upon hardship or otherwise for the duration of that period. Each period of revocation, subject to modification as provided for in this section, may be modified as provided for in Section 754.1 or 755 of this title; provided, any modification under this paragraph shall apply to Class D motor vehicles only.

E. Any appeal of a revocation or denial of driving privileges shall be governed by Section 6-211 of this title.

SECTION 8. AMENDATORY 47 O.S. 2001, Section 6-205.2, as last amended by Section 7 of Enrolled House Bill No. 1899 of the 2nd Session of the 49th Oklahoma Legislature, is amended to read as follows:

Section 6-205.2 A. As used in this section, "conviction" means:

1. A nonvacated adjudication of guilt;

2. A determination that a person has violated or failed to comply with this section in any court or by the Department of Public Safety following an administrative determination ~~under the provisions of Section 230.6 or 754 of this title;~~

3. A nonvacated forfeiture of bail or collateral deposited to secure a person's appearance in court;

4. A plea of guilty or nolo contendere accepted by the court;

5. The payment of any fine and or court costs; or

~~5- 6.~~ 6. A violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

B. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than one (1) year upon receiving a record of conviction of any of the following disqualifying offenses, when such conviction has become final:

1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or

breath alcohol concentration, as defined in Section 756 of this title, or as defined by the state in which the arrest occurred, of four-hundredths (0.04) or more, or, effective September 1, 2005, if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle, or, effective September 1, 2005, if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance, or, effective September 1, 2005, if the person is the holder of a commercial driver license, committing the offense while operating any vehicle. Provided, the Department shall not additionally disqualify, pursuant to this subsection, if the person's driving privilege has been disqualified in this state because of a test result or test refusal pursuant to paragraph 1 or 2 of this subsection as a result of the same violation arising from the same incident;

4. Knowingly failing to stop and render aid as required under the laws of this state in the event of a motor vehicle collision which occurs while operating a Class A, B or C commercial motor vehicle, or, effective September 1, 2005, if the person is the holder of a commercial driver license, committing the offense while operating any vehicle; ~~or~~

5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the manufacture, distribution or dispensation of a controlled dangerous substance, or, effective September 1, 2005, if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

6. Effective September 1, 2005, operating a commercial motor vehicle while the commercial driving privilege is revoked, suspended, canceled, denied, or disqualified; or

7. Effective September 1, 2005, manslaughter, homicide, or negligent homicide occurring as a direct result of negligent operation of a commercial motor vehicle, or, if the person is the holder of a commercial driver license, committing the offense while operating any vehicle.

C. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than three (3) years upon receiving a record of conviction of any of the disqualifying offenses described in subsection B of this section, committed in connection with the operation of a motor vehicle which is required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F, when such conviction has become final.

D. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life

upon receiving a record of conviction in any court of any of the disqualifying offenses described in subsection B of this section after a former conviction of any of the following disqualifying offenses, when such second conviction has become final.

The Department of Public Safety may promulgate rules establishing conditions under which a disqualification for life pursuant to the provisions of this subsection may be reduced to a period of not less than ten (10) years provided a previous lifetime disqualification has not been reduced.

E. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of conviction for any felony related to the manufacture, distribution or dispensation of a controlled dangerous substance in the commission of which a Class A, B or C commercial motor vehicle is used, or, effective September 1, 2005, if the person is the holder of a commercial driver license, committing the offense while operating any vehicle, when such conviction has become final.

F. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for sixty (60) days upon receiving a record of such person's second conviction for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when such convictions have become final. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for one hundred twenty (120) days upon receiving a record of such person's third conviction for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when such convictions have become final; provided, effective September 1, 2005, the one-hundred-twenty-day period shall run in addition to and shall not run concurrently with any other period disqualification imposed pursuant to this subsection. As used in this subsection, "serious traffic offense" shall mean any of the following offenses committed while operating a commercial motor vehicle:

1. Speeding fifteen (15) miles per hour or more over the limit;
2. Reckless driving;
3. Any traffic offense committed that results in or in conjunction with a motor vehicle collision resulting in a fatality;
4. Erratic or unsafe lane changes;
5. Following too close;
6. ~~Failure~~ Effective September 1, 2005, failure to obtain a commercial driver license;
7. ~~Failure~~ Effective September 1, 2005, failure to have in possession of the person a commercial driver license; or
8. ~~Failure~~ Effective September 1, 2005, failure to have:
 - a. the proper class of commercial driver license for the class of vehicle being operated,

- b. the proper endorsement or endorsements for the type of vehicle being operated, including but not limited to, passengers or type of cargo being transported, or
- c. both proper class and proper endorsement, as provided in subparagraphs a and b of this paragraph.

G. Upon the receipt of a person's record of conviction of violating a lawful out-of-service order, except as provided in subsection H of this section, when such conviction becomes final, the Department shall disqualify the driving privilege of such person as follows:

1. The first conviction shall result in a ninety-day disqualification;

2. The second conviction within ten (10) years shall result in a one-year disqualification; and

3. The third or subsequent conviction within ten (10) years shall result in a three-year disqualification.

H. Upon the receipt of a person's record of conviction of violating a lawful out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 P. app. 1801-1813), or while operating motor vehicles designed for transport of more than fifteen passengers, including the driver, when such conviction becomes final, the Department shall disqualify the driving privilege of such person as follows:

1. The first conviction shall result in a one-year disqualification; and

2. The second or subsequent conviction within ten (10) years shall result in a three-year disqualification.

I. Upon determination by the Department that fraudulent information was used to apply for or obtain a Class A, B or C driver license, the Department shall disqualify the driving privilege of the applicant or licensee for a period of sixty (60) days.

J. Any person who drives a Class A, B or C commercial motor vehicle on any public roads, streets, highways, turnpikes or any other public place of this state at a time when such person has been disqualified or when the privilege to do so is canceled, denied, suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. Each act of driving as prohibited shall constitute a separate offense.

K. Upon the receipt of the record of a conviction of a person of a railroad highway grade crossing offense in a commercial motor vehicle, ~~or, if the person is the holder of a commercial driver license, committing the offense while operating any vehicle,~~ pursuant to Sections 11-701 or 11-702 of this title or Section 11-1115 of this title, or upon receipt of an equivalent conviction from

any state, when the conviction becomes final, the Department shall disqualify the driving privileges of the person convicted as follows:

1. The first conviction shall result in disqualification for sixty (60) days;

2. The second conviction within three (3) years shall result in disqualification for one hundred twenty (120) days; and

3. The third or subsequent conviction within three (3) years shall result in disqualification for one (1) year.

L. Effective September 1, 2005, the Department, upon receipt of a written notice of immediate disqualification issued by the Federal Motor Carrier Safety Administration under 49 CFR 383.52, shall immediately disqualify the person's commercial driving privilege for the period of time specified on the written notice.

M. Such periods of disqualification as defined by this section shall not be modified. A person may not be granted driving privileges to operate a Class A, B or C commercial vehicle until the disqualification is reinstated.

~~M.~~ N. When any such record of conviction, as specified in this section, is received by the Department and pertains to a nonresident operator of a Class A, B or C commercial motor vehicle, or, effective September 1, 2005, if the nonresident operator is the holder of a commercial driver license, a record of the conviction pertaining to the nonresident operator of any vehicle, the Department shall not disqualify the person and shall report such conviction to the licensing jurisdiction in which the nonresident's license to operate such commercial vehicle was issued.

~~N.~~ O. Any person who is disqualified from driving under the provisions of this section shall have the right of appeal, as provided in Section 6-211 of this title.

SECTION 9. AMENDATORY 47 O.S. 2001, Section 6-303, as amended by Section 6, Chapter 86, O.S.L. 2002 (47 O.S. Supp. 2003, Section 6-303), is amended to read as follows:

Section 6-303. A. No person shall operate a motor vehicle upon the public roads, streets, highways, turnpikes or other public place of this state without having first procured a driver license for the class of vehicle being operated from the Oklahoma Department of Public Safety, except as herein specifically exempted.

Any violation of the provisions of this subsection shall constitute a misdemeanor and shall be punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) plus costs or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

B. Any person who drives a motor vehicle on any public roads, streets, highways, turnpikes or other public place of this state at a time when his privilege to do so is canceled, denied, suspended or revoked or at a time when he is disqualified from so doing shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more

than Five Hundred Dollars (\$500.00), or by imprisonment for not more than one (1) year or by both such fine and imprisonment. Each act of driving on the highways as prohibited shall constitute a separate offense.

C. Any person who drives a motor vehicle on any public roads, streets, highways, turnpikes or other public roads of this state at a time when the driving privilege of that person is canceled, denied, suspended or revoked, pursuant to paragraph 1, 2, or 3 of subsection A of Section 6-205.1 of this title, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) and not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than one (1) year or by both such fine and imprisonment. Each act of driving on the highways as prohibited shall constitute a separate offense.

D. The Department upon receiving a record of conviction of an offense committed by any person whose license or privilege to operate motor vehicles is under suspension or revocation ~~or who is disqualified from operating a motor vehicle~~, shall extend the period of such ~~disqualification~~, suspension or revocation for an additional three-month period of time. The additional orders of suspension, ~~disqualification~~ or revocation shall be dated and become effective the day following the date terminating the prior order of suspension, ~~disqualification~~ or revocation.

E. The Department upon receiving a record of conviction of an offense committed by any person whose license or privilege to operate motor vehicles is under revocation, pursuant to paragraph 1, 2, or 3 of subsection A of Section 6-205.1 of this title, ~~or who is disqualified from operating a motor vehicle, pursuant to paragraph 1, 2, or 3 of subsection B or paragraph 1, 2, or 3 of subsection C of Section 6-205.2 of this title, or both such revocation and disqualification~~, shall extend the period of such ~~disqualification~~ ~~or~~ revocation for an additional four-month period of time. The additional orders of ~~disqualification~~ ~~or~~ revocation shall be dated and become effective the day following the date terminating the prior order of ~~disqualification~~ ~~or~~ revocation.

F. It shall be a misdemeanor, punishable by imprisonment for not less than seven (7) days, nor more than six (6) months or by a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment for any person to apply for a renewal or a replacement license to operate a motor vehicle while his license, permit or other evidence of driving privilege is in the custody of a law enforcement officer or the Department. A notice regarding this offense and the penalty therefor shall be included on the same form containing the notice of revocation issued by the officer.

SECTION 10. AMENDATORY 47 O.S. 2001, Section 14-103C, as amended by Section 1, Chapter 53, O.S.L. 2003 (47 O.S. Supp. 2003, Section 14-103C), is amended to read as follows:

Section 14-103C. A. The Commissioner of Public Safety shall upon proper application issue a special permit to any person allowing the movement on state and federal highways of a structure in the form of a house or building, including but not limited to industrialized housing as defined in Section 14-103A of this title, not exceeding thirty-two (32) feet in width at the base, and thirty-

four (34) feet in width at the top and twenty-one (21) feet in height. ~~Such~~ The permit shall specify the highways to be used, ~~and a maximum traveling distance of one hundred (100) miles on such highways shall be permitted when~~ consistent with public convenience and safety, as determined by the Commissioner of Public Safety. In addition to the prohibitions on movement as prescribed in Section 14-101 et seq. of this title, such structures shall not be moved on Saturday or Sunday.

~~B. The Commissioner of Public Safety is hereby authorized to make exceptions to the requirements herein when, in the Commissioner's discretion such exceptions would be warranted. The Commissioner may issue, upon proper application, a special permit allowing the movement of a combination of a motor vehicle, industrialized housing or other industrialized structure, frame or frames thereof not exceeding thirty-two (32) feet in width at the bottom and thirty-four (34) feet in width at the top on state or federal highways. The permit shall specify the highways to be used and shall be permitted when consistent with public convenience and safety, as determined by the Commissioner of Public Safety. If any such combinations have~~ structure or housing described in subsection A of this section has a width in excess of sixteen (16) feet, the towing vehicle shall be a tandem-axle vehicle of no less than two hundred twenty (220) horsepower.

~~C. If the structure is eighteen (18) feet or less in width at the base or the top, the maximum traveling distance shall not apply and such permit shall specify the highways to be used and said movement shall be permitted when consistent with public convenience and safety, as determined by the Commissioner of Public Safety.~~

~~D. For the purposes of this section, "industrialized housing" means any structure, or component thereof, designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on the building site.~~

SECTION 11. AMENDATORY 47 O.S. 2001, Section 14-116a, is amended to read as follows:

Section 14-116a. Any person, firm, or corporation who moves or transports any load or manufactured home without a permit issued by the Department of Public Safety ~~according to~~ as required by the provisions of ~~Chapter 14 of Title 47 of the Oklahoma Statutes~~ this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as follows:

1. For the first such violation, by a fine of Five Hundred Dollars (\$500.00);
2. For the second such violation, by a fine of One Thousand Dollars (\$1,000.00); and
3. For the third and subsequent violations, by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00).

The permit shall be carried by the ~~mover or transporter~~ operator of the vehicle moving or transporting the load or manufactured home and shall be available for inspection by any law enforcement

officer. If said ~~mover or transporter~~ operator is found not to possess a permit, the load or manufactured home shall not continue to be moved or transported. Thereafter, ~~said the load or~~ manufactured home shall not be moved or transported further except by a mover or transporter possessing the operator of a vehicle moving or transporting the load or manufactured home who is in possession of a permit authorizing the movement of the load or manufactured home.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-120.2 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Every person required by the Oklahoma Department of Transportation, the Oklahoma Transportation Authority, or any federal agency or commission to have a law enforcement escort provided by the Oklahoma Highway Patrol Division of the Department of Public Safety for the transport of any oversized load or hazardous shipment by road or rail shall pay to the Department of Public Safety a fee covering the full cost to administer, plan, and carry out the escort within this state.

B. If the Highway Patrol provides an escort to accompany the transport of an oversized load or hazardous shipment by road or rail at the request of any person that is not required to have a law enforcement escort pursuant to subsection A of this section, then the requestor shall pay to the Department of Public Safety a fee covering the full cost to administer, plan, and carry out the escort within this state.

C. The Department of Public Safety shall adopt a schedule of fees necessary to implement this section.

D. All fees collected by the Department pursuant to this section shall be deposited to the credit of the Department of Public Safety Revolving Fund.

SECTION 13. AMENDATORY 47 O.S. 2001, Section 18-101, as last amended by Section 7 of Enrolled House Bill No. 2606 of the 2nd Session of the 49th Oklahoma Legislature, is amended to read as follows:

Section 18-101. A. Every magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint, traffic citation, or other legal form of traffic charge deposited with or presented to the court or its traffic-violations bureau, and shall keep a record of every official action by the court or its traffic-violations bureau, including, but not limited to, a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture resulting from every traffic complaint, citation or other legal form of traffic charge deposited with or presented to the court or traffic-violations bureau.

B. Within ten (10) days after ~~the~~ the:

1. The conviction of any person holding a Class D driver license; or

2. The conviction, as defined in subsection A of Section 6-205.2 of this title, of any person holding a Class A, B or C driver license; or

3. The forfeiture of bail of a person;

upon a charge of violating any law regulating the operation of vehicles on highways every magistrate of the court or clerk of the court of record, in which the conviction was had or bail was forfeited, shall prepare and immediately forward to the Department of Public Safety an abstract of the record covering the case in which the person was convicted or forfeited bail, which shall be certified by the person required to prepare the abstract to be true and correct.

C. A report shall not be made of any conviction:

1. Involving the illegal parking or standing of a vehicle;

2. Involving speeding if the speed limit is not exceeded by more than ten (10) miles per hour; or

3. Rendered by a nonlawyer judge, unless, within a period not to exceed the preceding reporting period for Mandatory Continuing Legal Education, the judge has completed courses held for municipal judges which have been approved by the Oklahoma Bar Association Mandatory Legal Education Commission for at least six (6) hours of continuing judicial education credit, and the Department of Public Safety receives verification of such attendance, from the judge. In the case of attendance of a continuing judicial education course, verification may be made by a statement of attendance signed by the course registration personnel.

~~C.~~ D. The abstract shall be made upon a form furnished by the Department and shall include:

1. The name, address, sex, and date of birth of the person charged;

2. The traffic citation number;

3. The driver license number, if any, of the person charged, and the state or jurisdiction from which the license is issued;

4. The license plate number, make, and model of the vehicle involved;

5. The nature and date of the offense, the date of hearing, the plea, the judgment, or, if bail was forfeited, the amount of the fine or forfeiture; and

6. The name of the court and whether it is a municipal or district court.

~~D.~~ E. Every court of record shall also forward a like report to the Department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

~~E.~~ F. The failure, refusal or neglect of any judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal.

SECTION 14. AMENDATORY 47 O.S. 2001, Section 230.6, as amended by Section 4, Chapter 169, O.S.L. 2002 (47 O.S. Supp. 2003, Section 230.6), is amended to read as follows:

Section 230.6 A. No person prohibited from operating a commercial vehicle shall operate such commercial motor vehicle, nor shall any person authorize or require a person who has been prohibited from such operation of a motor vehicle to operate a commercial motor vehicle.

B. No person shall operate, authorize, or require the operation of any vehicle or the use of any container that has been marked out of service until all required corrections have been made, except upon approval of the Department such vehicle or container may be moved to another location for the purpose of repair or correction.

C. No person shall remove an out-of-service marking from a transport vehicle or container unless all required corrections have been made and the vehicle or container has been inspected and approved by an authorized officer, employee, or agent of the Department.

D. No employer shall knowingly allow, require, permit or authorize an employee to operate a commercial motor vehicle:

1. During any period in which the employee:

- a. has had driving privileges to operate a commercial motor vehicle suspended, revoked, canceled, denied or disqualified,
- b. has had driving privileges to operate a commercial motor vehicle disqualified for life,
- c. is not licensed to operate a commercial motor vehicle, or
- d. has more than one commercial driver license;

2. During any period in which the employee, the commercial motor vehicle which the employee is operating, the motor carrier business or operation, or the employer is subject to an out-of-service order; or

3. In violation of a federal, state, or local law, regulation, or ordinance pertaining to railroad-highway grade crossings.

E. An employer who is determined by the Commissioner to have committed a violation of subsection D of this section shall be subject to an administrative penalty of not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Ten Thousand Dollars (\$10,000.00).

F. An employee who is determined by the Commissioner to have committed a violation of any provision of this section shall be subject to an administrative penalty of not less than ~~One Thousand~~

~~Dollars (\$1,000.00)~~ One Thousand One Hundred Dollars (\$1,100.00) nor more than ~~Two Thousand Five Hundred Dollars (\$2,500.00)~~ Two Thousand Seven Hundred Fifty Dollars (\$2,750.00).

SECTION 15. AMENDATORY 47 O.S. 2001, Section 230.9, as amended by Section 1, Chapter 474, O.S.L. 2002 (47 O.S. Supp. 2003, Section 230.9), is amended to read as follows:

Section 230.9 A. The transportation of any property in commerce, including hazardous materials or the transportation of passengers for compensation or for hire by bus, that is not in compliance with the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act or the rules ~~and regulations~~ issued pursuant thereto, is prohibited.

B. Pursuant to the provisions of this section and except as otherwise provided by subsection D of this section, any person who is determined by the Commissioner of Public Safety to have committed:

1. An act which is a violation of a recordkeeping requirement of this title or of any rule or regulation promulgated thereto or the Federal Motor Carrier Safety Act of 1984, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed One Hundred Dollars (\$100.00) for each offense, provided that the total of all administrative penalties assessed against any violator pursuant to this paragraph for all offenses related to any single violation shall not exceed Five Hundred Dollars (\$500.00);

2. An act or acts other than recordkeeping requirements, which evidences a serious pattern of safety violations, as determined by the Commissioner, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed Two Hundred Dollars (\$200.00) for each offense, provided the maximum fine for each pattern of safety violations shall not exceed One Thousand Dollars (\$1,000.00). The Commissioner may consider present and prior offenses in determining a serious pattern of safety violations; or

3. An act or acts which evidences to the Commissioner, that a substantial health or safety violation exists or has occurred which could reasonably lead to or has resulted in serious personal injury or death, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed One Thousand Dollars (\$1,000.00) for each offense.

C. Each day of violation as specified in subsection B of this section shall constitute a separate single violation/offense.

D. Except for recordkeeping violations, no administrative penalty shall be assessed pursuant to the provisions of this section, against an employee of any person subject to the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act for a violation unless the Commissioner determines that such actions of the employee constituted gross negligence or reckless disregard for safety in which case such employee shall be liable for an administrative penalty not to exceed One Thousand Dollars (\$1,000.00).

E. In determining the amount of any administrative penalty and the reasonable amount of time for abatement of the violation, the Commissioner shall include, but not be limited to, consideration of the nature, circumstances and gravity of the violation, and with respect to the person found to have committed the violation, the degree of culpability, history of prior offenses, effect on ability to continue to do business and such other matters as justice and public safety may require. In each case, the penalty shall be calculated to induce further compliance.

F. The Commissioner or his designated representative shall assess the amount of any administrative penalty, after notice and an opportunity for hearing, by written notice to the violator together with notice of findings in the case. An appeal therefrom may be made to the district court of Oklahoma County pursuant to the provisions of Sections 318 through 323 of Title 75 of the Oklahoma Statutes.

G. An administrative penalty assessed by the Commissioner may be recovered ~~in~~:

1. In an action brought by the Attorney General on behalf of the State of Oklahoma or by. However, before referral to the Attorney General, the administrative penalty may be compromised by the Commissioner;

2. By the Commissioner in the appropriate district court of the State of Oklahoma; or

3. By the Commissioner in an administrative hearing conducted by the Department of Public Safety. Before referral to the Attorney General such administrative penalty may be compromised by the Commissioner.

H. The first One Hundred Thousand Dollars (\$100,000.00) of the administrative penalties collected each fiscal year pursuant to the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall be deposited in the General Revenue Fund of the State of Oklahoma. All other monies collected in excess of One Hundred Thousand Dollars (\$100,000.00) each fiscal year shall be deposited to the credit of the Department of Public Safety Revolving Fund for the purpose of administering the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act.

SECTION 16. AMENDATORY 47 O.S. 2001, Section 754.1, is amended to read as follows:

Section 754.1 A. The Department of Public Safety, prior to an administrative hearing for a revocation or denial arising under the provisions of Sections 751 through 754 of this title or under the provisions of Section 6-205.1 of this title, may modify the revocation or denial when it is determined by the Department that no other adequate means of transportation exists for the person whose driving privilege has been revoked or denied; provided, any modification under this paragraph shall apply to Class D motor vehicles only.

B. As a prerequisite and condition of any modification, the person shall be required to have installed an ignition interlock device approved by the Department, at the person's own expense, upon

every motor vehicle operated by such person, provided, the Department shall not require as a condition of modification the device to be installed upon any vehicle owned or leased by an employer of the person, except when the person is self-employed or employed by relatives within the first degree of consanguinity or who resides in the same household, without the employer's written permission to install the ignition interlock device on any vehicle to be operated by the person during the course of employment. The permission to install the ignition interlock device shall be in writing on the official letterhead of the employer. The person shall comply with all provisions of law regarding ignition interlock devices.

C. Upon the issuance of a modification order pursuant to this section or Section 755 of this title, the person shall pay a modification fee of One Hundred Fifty Dollars (\$150.00) to the Department. For each modification fee collected pursuant to the provisions of this section, One Hundred Dollars (\$100.00) shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury and Fifty Dollars (\$50.00) shall be remitted to the State Treasurer to be credited to the Department of Public Safety Revolving Fund. All monies accruing to the credit of the Department of Public Safety Revolving Fund from modification fees shall be budgeted and expended solely for the purpose of administering the provisions of this section and Section 755 of this title.

SECTION 17. AMENDATORY 47 O.S. 2001, Section 755, is amended to read as follows:

Section 755. If the revocation or denial is sustained, the person whose license or permit to drive or nonresident operating privilege has been revoked or denied may file a petition for appeal in the district court in the manner and subject to the proceedings provided for in Section 6-211 of this title. The district court may modify the revocation or denial when it is determined by the court that the person whose license or permit to drive has been revoked or denied has no other adequate means of transportation and may enter a written order directing the Department of Public Safety to allow driving, subject to the limitations of Section 6-205.1 of this title and the requirement of an ignition interlock device as provided in Section 754.1 of this title; provided, any modification under this paragraph shall apply to Class D motor vehicles only.

SECTION 18. AMENDATORY 47 O.S. 2001, Section 1106, is amended to read as follows:

Section 1106. A. 1. If the Oklahoma Tax Commission shall determine at any time that an applicant for a certificate of title of a vehicle is not entitled thereto, it may refuse to issue such certificate or to register such vehicle.

2. The Commission may for a similar reason, after ten (10) days' notice and a hearing, revoke the registration and the certificate of title already acquired on any outstanding certificate of title. Said notice may be served in person or by registered mail.

B. 1. The Oklahoma Tax Commission may refuse registration and issuance of a certificate of title of a commercial motor vehicle, or

any transfer of title and registration of a commercial motor vehicle, to a commercial motor carrier whose ability to operate has been terminated or denied by a federal agency.

2. The Commission may revoke the registration, certificate of title, and license plate of a commercial motor vehicle if the vehicle has been assigned to be operated by a commercial motor carrier whose ability to operate has been terminated or denied by a federal agency.

SECTION 19. AMENDATORY 47 O.S. 2001, Section 1129, is amended to read as follows:

Section 1129. A. Special mobilized machinery shall not be subject to any section or provision of the Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of this title, except the provisions of this section.

Special mobilized machinery shall be permitted the use of the highways of this state when proper registration and permits, as provided in this section, are in the possession of the operator.

B. Owners of qualifying equipment hereunder may elect to register such equipment either under this section or under other applicable provisions of this act. Application covering qualifying equipment may be made to the Oklahoma Tax Commission or their authorized agents for registering special mobilized machinery. Upon payment of a registration fee of Twenty-five Dollars (\$25.00), the applicant shall be granted a certificate of registration in acknowledgment of qualification by the Commission. The certificate of registration must at all times be carried with the equipment and be available for inspection by an investigating officer.

C. In addition to the registration fee, the Commission shall collect at time of registration an additional fee of Five Hundred Fifty Dollars (\$550.00) per unit for equipment qualifying under the terms of this section. This fee of Five Hundred Fifty Dollars (\$550.00) shall include the constitutional ad valorem tax and shall be allocated by the Commission in the same manner and percentage as registration and permit fees are presently allocated under the provisions of this act. Payment of this fee shall be due on January 1 of each calendar year and must be paid in no event later than February 1 of each calendar year. The penalty for noncompliance with this provision shall be a double fee in the amount of One Thousand One Hundred Dollars (\$1,100.00). For qualifying equipment purchased during the calendar year, the Commission shall collect a fee which shall be pro rata of the annual fee as hereinbefore defined. Provided, however, the fee for qualifying equipment registered in another state and utilized for emergency or temporary service, not to exceed thirty (30) days, shall be calculated in the same manner as set forth in subsection A of Section 1122 of this title.

D. Other provisions of this section relating to registration and other laws of this state relating to registration, fees, or licensing shall not apply to such special mobilized equipment when the same is manufactured in Oklahoma and sold for delivery and exclusive use without the state or when returned temporarily for modification or repair. In addition, the registration, fees, and licensing provisions of the laws of this state shall not apply to

special mobilized equipment temporarily brought into the state, with subsequent movement back out of the state, solely for fabrication, repair, testing, alteration, modification, refurbishing, or maintenance. This subsection shall in no way exempt the equipment described herein from the levy of ad valorem taxes.

SECTION 20. REPEALER 47 O.S. 2001, Section 6-106, as last amended by Section 36 of Enrolled House Bill No. 2725 of the 2nd Session of the 49th Oklahoma Legislature, is hereby repealed.

SECTION 21. The provisions of Sections 13, 14, 16 and 17 of this act shall become effective September 1, 2005.

SECTION 22. This act shall become effective July 1, 2004.

SECTION 23. 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.

Passed the House of Representatives the 21st day of May, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the 24th day of May, 2004.

Presiding Officer of the Senate