

CS for EHB 1502

THE STATE SENATE  
Monday, April 11, 2005

Committee Substitute for  
ENGROSSED

House Bill No. 1502

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1502 - By: ROAN  
and NANCE of the House and CORN of the Senate.

An Act relating to public safety; amending 21 O.S. 2001, Sections 1220, as last amended by Section 1, Chapter 386, O.S.L. 2004, and 1283, as amended by Section 1, Chapter 136, O.S.L. 2002 (21 O.S. Supp. 2004, Sections 1220 and 1283), which relate to transporting intoxicating beverage or low-point beer and convicted felons and delinquents; modifying penalty; modifying certain prohibited act; amending 22 O.S. 2001, Sections 1111, 1115 and 1115.1, which relate to State and Municipal Traffic Bail Bond Procedure Act; deleting statutory reference; clarifying bail procedure; modifying statutory reference; modifying name of act; defining certain term; providing for personal recognizance bond; providing certain sanctions for failure to appear; stating provisions used under certain circumstance; providing procedures and sanctions for not responding to certain notice; requiring collection of judgment for reinstatement; declaring default under certain circumstance; providing for prima facie evidence upon filing of citation; providing an exception; stating procedures for court to follow; providing the showing of cause upon timely appearance of defendant; allowing court to set aside order under certain circumstances; requiring appearance bond under certain circumstance; amending 40 O.S. 2001, Section 552, which relates to Standards for Workplace Drug and Alcohol Testing Act; modifying definition; amending 47 O.S. 2001, Sections 1-103, as amended by Section 58, Chapter 329, O.S.L. 2003, 2-102, as last amended by Section 5, Chapter 199, O.S.L. 2003, 11-810, 12-417, as amended by Section 1, Chapter 35, O.S.L. 2002, 12-422, as amended by Section 24, Chapter 397, O.S.L. 2002, 18-101, as last amended by Section 13, Chapter 390, O.S.L. 2004, 230.23, 1113, as last amended by Section 66 of Enrolled House Bill No. 2060 of the 1st Session of the 50th Oklahoma Legislature, and 1137.1 (47 O.S. Supp. 2004,

1 Sections 1-103, 2-102, 12-417, 12-422 and 18-101), which  
2 relate to emergency vehicles, Commissioner of Public Safety,  
3 convictions for speeding, safety belts, windshields and  
4 windows, record of traffic cases, Motor Carrier Act of 1995,  
5 registration, fees and license plates; adding authorized  
6 emergency vehicles; modifying certain allowed expenses;  
7 prohibiting certain report to driving record; clarifying  
8 requirements for safety seat belt system exemption;  
9 requiring placement of restriction on driver license;  
10 modifying definitions; deleting certain compliance  
11 requirement; providing exemption to registration  
12 requirement; requiring registration and display of certain  
13 license plate on certain vehicles; amending 63 O.S. 2001,  
14 Sections 4005, 4009 and 4021, as last amended by Section 100  
15 of Enrolled House Bill No. 2060 of the 1st Session of the  
16 50th Oklahoma Legislature and 4219, which relate to the  
17 Oklahoma Vessel and Motor Registration Act and the Oklahoma  
18 Boating Safety Regulation Act; providing exemption to title  
19 and registration fees; allowing issuance of yearly decals  
20 for certain vessels and motors; providing exemption to  
21 payment of certain registration fees; modifying jurisdiction  
22 of prohibited act; amending 74 O.S. 2001, Section 840-5.5,  
23 as last amended by Section 132 of Enrolled House Bill No.  
24 2060 of the 1st Session of the 50th Oklahoma Legislature,  
25 which relates to unclassified service; unclassifying certain  
26 Department of Public Safety employees; repealing Section 1,  
27 Chapter 395, O.S.L. 1998, which relates to semiannual report  
28 by Department of Public Safety; repealing Section 2, Chapter  
29 148, O.S.L. 2004 (22 O.S. Supp. 2004, Section 1108.2), which  
30 relates to personal recognizance bonds in traffic and  
31 wildlife tickets; repealing 47 O.S. 2001, Sections 2-140.1,  
32 2-140.2, 2-140.3, as amended by Section 11, Chapter 397,  
33 O.S.L. 2002, 2-140.4, 2-140.5, as amended by Section 12,  
34 Chapter 397, O.S.L. 2002, 2-140.6, 2-140.7, 2-140.8, 2-  
35 140.9, 2-140.10 and 2-140.11, as amended by Section 13,  
36 Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2004, Sections 2-  
37 140.3, 2-140.5 and 2-140.11), which relate to the Oklahoma  
38 Police Corps Act; repealing 47 O.S. 2001, Sections 11-801c  
39 and 11-801d, which relate to recording points for speed  
40 violations; and providing an effective date.

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

1 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1220, as  
2 last amended by Section 1, Chapter 386, O.S.L. 2004 (21 O.S. Supp.  
3 2004, Section 1220), is amended to read as follows:

4 Section 1220. A. It shall be unlawful for any person to  
5 knowingly transport in any moving vehicle upon a public highway,  
6 street or alley any intoxicating beverage or low-point beer, as  
7 defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma  
8 Statutes, except in the original container which shall not have been  
9 opened and from which the original cap or seal shall not have been  
10 removed, unless the opened container be in the rear trunk or rear  
11 compartment, which shall include the spare tire compartment in a  
12 station wagon or panel truck, or any outside compartment which is  
13 not accessible to the driver or any other person in the vehicle  
14 while it is in motion. Any person violating the provisions of this  
15 section shall be deemed guilty of a misdemeanor, and upon conviction  
16 shall be punished ~~by a fine of not more than Fifty Dollars (\$50.00)~~  
17 as provided in subsection A of Section 566 of Title 37 of the  
18 Oklahoma Statutes.

19 B. Any person convicted of violating any provision of  
20 subsection A of this section shall, in addition to any fine imposed,  
21 pay a special assessment trauma-care fee of One Hundred Dollars  
22 (\$100.00) to be deposited into the Trauma Care Assistance Revolving  
23 Fund created in Section 1-2522 of Title 63 of the Oklahoma Statutes.

1 C. The provisions of subsection A of this section shall not  
2 apply to the passenger area of buses and limousines; however, it  
3 shall be unlawful for the driver of the bus or limousine to consume  
4 or have in the driver's immediate possession any intoxicating  
5 beverage or low-point beer.

6 D. No city, town, or county may adopt any order, ordinance,  
7 rule or regulation concerning the consumption or serving of  
8 intoxicating beverages or low-point beer in buses or limousines.

9 E. As used in this section:

10 1. "Bus" means a vehicle as defined in Section 1-105 of Title  
11 47 of the Oklahoma Statutes chartered for transportation of persons  
12 for hire. It shall not mean a school bus, as defined by Section 1-  
13 160 of Title 47 of the Oklahoma Statutes, transporting children or a  
14 vehicle operated pursuant to a franchise with a city or town  
15 operating over a regularly scheduled route; and

16 2. "Limousine" means a chauffeur-driven motor vehicle, other  
17 than a bus or taxicab, as defined by Section 1-174 of Title 47 of  
18 the Oklahoma Statutes, designed and used for transportation of  
19 persons for compensation.

20 SECTION 2. AMENDATORY 21 O.S. 2001, Section 1283, as  
21 amended by Section 1, Chapter 136, O.S.L. 2002 (21 O.S. Supp. 2004,  
22 Section 1283), is amended to read as follows:

23 Section 1283.

1 CONVICTED FELONS AND DELINQUENTS

2  
3 A. Except as provided in subsection B of this section, it shall  
4 be unlawful for any person convicted of any felony in any court of  
5 this state or of another state or of the United States to have in  
6 his or her possession or under his or her immediate control, or in  
7 any vehicle which the person is operating, or in which the person is  
8 riding as a passenger, or at the residence where the convicted  
9 person resides, any pistol, imitation or homemade pistol, machine  
10 gun, sawed-off shotgun or rifle, or any other dangerous or deadly  
11 firearm ~~which could be easily concealed on the person, in personal~~  
12 ~~effects or in an automobile.~~

13 B. Any person who has previously been convicted of a nonviolent  
14 felony in any court of this state or of another state or of the  
15 United States, and who has received a full and complete pardon from  
16 the proper authority and has not been convicted of any other felony  
17 offense which has not been pardoned, shall have restored the right  
18 to possess any firearm or other weapon prohibited by subsection A of  
19 this section, the right to apply for and carry a concealed handgun  
20 pursuant to the Oklahoma Self-Defense Act, Section 1290.1 et seq. of  
21 this title, and the right to perform the duties of a peace officer,  
22 gunsmith, or for firearms repair.

23 C. It shall be unlawful for any person supervised by the  
24 Department of Corrections or any division thereof to have in his or

1 her possession or under his or her immediate control, or at his or  
2 her residence, or in any passenger vehicle which the supervised  
3 person is operating or is riding as a passenger, any pistol, shotgun  
4 or rifle, including any imitation or homemade pistol, shotgun or  
5 rifle, while such person is subject to supervision, probation,  
6 parole or inmate status.

7 D. It shall be unlawful for any person previously adjudicated  
8 as a delinquent child or a youthful offender for the commission of  
9 an offense, which would have constituted a felony offense if  
10 committed by an adult, to have in said person's possession or under  
11 the person's immediate control, or have in any vehicle which he or  
12 she is driving or in which said person is riding as a passenger, or  
13 at the person's residence, any pistol, imitation or homemade pistol,  
14 machine gun, sawed-off shotgun or rifle, or any other dangerous or  
15 deadly firearm which could be easily concealed on the person, in  
16 personal effects or in an automobile, within ten (10) years after  
17 such adjudication.

18 E. Any person having been issued a concealed handgun license  
19 pursuant to the provisions of the Oklahoma Self-Defense Act, Section  
20 1290.1 et seq. of this title, and who thereafter knowingly or  
21 intentionally allows a convicted felon or adjudicated delinquent or  
22 a youthful offender as prohibited by the provisions of subsections  
23 A, C, or D of this section to possess or have control of any pistol

1 authorized by the Oklahoma Self-Defense Act shall, upon conviction,  
2 be guilty of a felony punishable by a fine not to exceed Five  
3 Thousand Dollars (\$5,000.00). In addition, the person shall have  
4 the handgun license revoked by the Oklahoma State Bureau of  
5 Investigation after a hearing and determination that the person has  
6 violated the provisions of this section.

7 F. Any convicted or adjudicated person violating the provisions  
8 of this section shall, upon conviction, be guilty of a felony  
9 punishable as provided in Section 1284 of this title.

10 G. For purposes of this section, "sawed-off shotgun or rifle"  
11 shall mean any shotgun or rifle which has been shortened to any  
12 length.

13 SECTION 3. AMENDATORY 22 O.S. 2001, Section 1111, is  
14 amended to read as follows:

15 Section 1111. A. Any person arrested by a law enforcement  
16 officer for any violation of any statute relating to water safety or  
17 for any misdemeanor violation of the Oklahoma Wildlife Conservation  
18 Code, ~~or for commission of an offense as provided by Section 1112 of~~  
19 ~~this title,~~ in addition to other provisions of law for posting bail,  
20 shall be admitted to bail as follows:

21 ~~(a) post~~ 1. By posting cash bail, of an amount as ~~indicated in~~  
22 ~~Section 1112~~ prescribed by the schedule prepared pursuant to  
23 subsection E of Section 1115.3 of this title, in an envelope

1 addressed to the court clerk of the district court of the  
2 appropriate jurisdiction. The defendant, in the presence of the  
3 arresting ~~officers~~ officer, shall deposit the envelope containing  
4 the citation, on which the date of the hearing has been indicated by  
5 the arresting ~~officers~~ officer, and the bail bond for ~~his~~ the  
6 appearance at such time and place, in the United States mail. The  
7 arresting ~~officers~~ officer shall furnish a receipt to the person.  
8 For the purpose of this section, cashier's checks, postal money  
9 orders, instruments commonly known as traveler's checks, certified  
10 checks, and personal checks shall be considered as cash. Any person  
11 who does not post a cash bail shall deposit with the arresting  
12 officer a valid license to operate a motor vehicle; provided that an  
13 out-of-state arrestee posting cash by personal check shall deposit  
14 with the arresting officer a valid license to operate a motor  
15 vehicle as provided in subsection ~~(b)~~ B of this section, except the  
16 receipt shall cease to operate as ~~an operator's~~ a driver license if  
17 the personal check is not honored after the last presentment. The  
18 court clerk shall supply the ~~sheriff's~~ office of the sheriff,  
19 ~~Oklahoma~~ the Department of Public Safety and the Oklahoma Department  
20 of Wildlife Conservation with postage paid preaddressed envelopes.  
21 The cost of the envelopes and postage shall be paid from the court  
22 fund; or

1        ~~(b) deposit~~ 2. By depositing with the arresting officer a  
2 valid license to operate a motor vehicle, in exchange for an  
3 official receipt issued by the arresting officer. The ~~operator's~~  
4 driver license and citation shall be transmitted by the arresting  
5 officer to the clerk of the court having jurisdiction over the  
6 offense.

7        B. Application for a ~~duplicate~~ replacement driver license ~~to~~  
8 ~~operate a motor vehicle~~ during the period when the original license  
9 is posted in lieu of cash bail shall be a misdemeanor and upon  
10 conviction shall be punished by a fine of not more than Five Hundred  
11 Dollars (\$500.00) or by imprisonment for not less than seven (7)  
12 days nor more than six (6) months, or by both such fine and  
13 imprisonment. Provided, that notice of the fine and punishment  
14 shall be printed on the receipt issued for deposit of a ~~driver's~~  
15 driver license in lieu of cash bail. The receipt for posting bail  
16 by depositing a valid ~~operator's~~ driver license shall be on forms  
17 approved by the Commissioner of Public Safety. The receipt shall be  
18 recognized as ~~an operator's~~ a driver license and shall authorize the  
19 operation of a motor vehicle until the date of arraignment but not  
20 exceeding twenty (20) days.

21        SECTION 4.        AMENDATORY        22 O.S. 2001, Section 1115, is  
22 amended to read as follows:

1 Section 1115. Sections ~~4~~ 1115 through ~~6~~ 1115.5 of this ~~act~~  
2 title shall be known and may be cited as the "State and Municipal  
3 Traffic, Water Safety, and Wildlife Bail Bond Procedure Act". The  
4 provisions of the State and Municipal Traffic, Water Safety, and  
5 Wildlife Bail Bond Procedure Act shall not apply to parking or  
6 standing traffic violations.

7 SECTION 5. AMENDATORY 22 O.S. 2001, Section 1115.1, is  
8 amended to read as follows:

9 Section 1115.1 A. As used in this section, "personal  
10 recognizance" means a written promise by a defendant to pay or  
11 appear by a date certain before a district or municipal court in  
12 lieu of arrest for an offense as prescribed in this section. The  
13 written promise to pay or appear shall be known as a personal  
14 recognizance bond. The defendant affixing his or her signature on a  
15 uniform citation shall be evidence of the creation of a personal  
16 recognizance bond.

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

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

6           2. The arresting officer is satisfied as to the identity of  
7 the arrested person;

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

12           4. The violation does not constitute:

13           a. a felony, ~~or~~

14           b. negligent homicide, ~~or~~

15           c. driving or being in actual physical control of a  
16 motor vehicle while impaired or under the influence of alcohol  
17 or other intoxicating substances, unless the person is  
18 unconscious or injured and requires immediate medical treatment  
19 as determined by a treating physician, or

20           d. eluding or attempting to elude a law enforcement  
21 officer, ~~or~~

22           e. operating a motor vehicle without having been issued  
23 a valid driver license, or while the driving privilege and

1 driver license is under suspension, revocation, denial or  
2 cancellation, ~~or~~

3 f. an arrest based upon an outstanding warrant, ~~or~~

4 g. a traffic violation coupled with any offense stated  
5 in subparagraphs a through f of this paragraph, ~~or~~

6 h. an overweight violation, or the violation of a  
7 special permit exceeding the authorized permit weight, or

8 i. a violation relating to the transportation of  
9 hazardous materials.

10 ~~B.~~ C. If the arrested person is eligible for release on  
11 personal recognizance as provided for in subsection A of this  
12 section, then the arresting officer shall:

13 1. Designate the traffic charge;

14 2. Record information from the arrested person's driver  
15 license on the citation form, including the name, address, date of  
16 birth, personal description, type of driver license, driver license  
17 number, issuing state, and expiration date;

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

19 4. Record the arraignment date and time on the citation; and

20 5. Permit the arrested person to sign a written promise to  
21 appear as provided for in the citation.

22 The arresting officer shall then release the person upon personal  
23 recognizance based upon the signed promise to appear. The citation

1 shall contain a written notice to the arrested person that release  
2 upon personal recognizance based upon a signed written promise to  
3 appear for arraignment is conditional and that failure to timely  
4 appear for arraignment shall result in the suspension of the  
5 arrested person's driving privilege and driver license in this  
6 state, or in the nonresident's home state pursuant to the  
7 Nonresident Violator Compact.

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

21 ~~D.~~ E. A defendant released upon personal recognizance may  
22 elect to enter a plea of guilty or nolo contendere to the violation  
23 charged at any time before the defendant is required to appear for

1 arraignment by indicating such plea on the copy of the citation  
2 furnished to the defendant or on a legible copy thereof, together  
3 with the date of the plea and signature. The defendant shall be  
4 responsible for assuring full payment of the fine and costs to the  
5 appropriate court clerk. Payment of the fine and costs may be made  
6 by personal, cashier's, traveler's, certified or guaranteed bank  
7 check, postal or commercial money order, or other form of payment  
8 approved by the court in an amount prescribed as bail for the  
9 offense. Provided, however, the defendant shall not use currency  
10 for payment by mail. If the defendant has entered a plea of guilty  
11 or nolo contendere as provided for in this subsection, such plea  
12 shall be accepted by the court and the amount of the fine and costs  
13 shall be:

14 1. As prescribed in Section 1115.3 of this title as bail for  
15 the violation; ~~or~~

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

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

20 ~~E.~~ F. If, pursuant to the provisions of subsection ~~D~~ E of  
21 this section, the defendant does not timely elect to enter a plea of  
22 guilty or nolo contendere and fails to timely appear for arraignment  
23 on or before the pay or appear date, the court may issue a warrant

1 for the arrest of the defendant ~~and the~~. A failure to appear shall  
2 have the same weight as a plea of nolo contendere. Upon expiration  
3 of the pay or appear date, the court clerk shall notify the  
4 defendant by mailing a notice of any action by the court to  
5 authorize any or all of the following sanctions:

6 1. A warrant for the arrest of the defendant;

7 2. If the arrest was for a traffic offense, suspension of the  
8 driving privileges and driver license of the defendant;

9 3. If the arrest was for a wildlife offense, suspension of any  
10 license issued by the Department of Wildlife Conservation, if  
11 applicable; and

12 4. A judgment by the district court equal to the bond schedule  
13 published for the violation in order to satisfy all fines and costs,  
14 as required by law, plus the costs of all notices and collection  
15 costs incurred.

16 G. If the defendant was arrested for a traffic offense, then  
17 the following provisions shall apply, in addition to subsection F of  
18 this section:

19 1. The municipal or district court clerk, within one hundred  
20 twenty (120) calendar days from the date the citation was issued by  
21 the arresting officer, shall notify the Department of Public Safety  
22 that:

- 1           a.    the defendant was issued a traffic citation and  
2                    released upon personal recognizance after signing a  
3                    written promise to appear for arraignment as provided  
4                    for in the citation,  
5           b.    the defendant has failed to appear for arraignment  
6                    without good cause shown,  
7           c.    the defendant has not posted bail, paid a fine, or  
8                    made any other arrangement with the court to satisfy  
9                    the citation, and  
10          d.    the citation has not been satisfied as provided by  
11                    law.

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

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

- 1           a.    the defendant was arraigned, posted bail, paid a fine,  
2                    was jailed, or otherwise settled the case, ~~or~~
- 3           b.    the defendant was not released upon personal  
4                    recognizance upon a signed written promise to appear  
5                    as provided for in this section or if released, was  
6                    not permitted to remain on such personal recognizance  
7                    for arraignment, ~~or~~
- 8           c.    the violation relates to parking or standing, an  
9                    overweight violation, an overweight permit or the  
10                  transportation of hazardous materials, or
- 11          d.    a period of one hundred twenty (120) calendar days or  
12                  more has elapsed from the date the citation was issued  
13                  by the arresting officer.

14          ~~F.~~ 3.   Following receipt of the notice and request from the  
15   court clerk for driving privilege and driver license suspension as  
16   provided for in ~~subsection E~~ paragraph 1 of this ~~section~~ subsection,  
17   the Department of Public Safety shall proceed as provided for in  
18   Section 1115.5 of this title.

19          ~~G.~~ 4.   The municipal or district court clerk shall maintain a  
20   record of each request for driving privilege and driver license  
21   suspension submitted to the Department of Public Safety pursuant to  
22   the provisions of this section.  When the court or court clerk  
23   receives appropriate bail or payment of the fine and costs, settles

1 the citation, makes other arrangements with the defendant, or  
2 otherwise closes the case, the court clerk shall furnish proof  
3 thereof to such defendant, if the defendant personally appears, or  
4 shall mail such proof by first class mail, postage prepaid, to the  
5 defendant at the address noted on the citation or at such other  
6 address as is furnished by the defendant. Additionally, the court  
7 or court clerk shall notify the home jurisdiction of the defendant  
8 as listed on the citation, if such jurisdiction is a member of the  
9 Nonresident Violator Compact, and shall, in all other cases, notify  
10 the Department, of the resolution of the case. The form of proof  
11 and the procedures for notification shall be approved by the  
12 Department of Public Safety. Provided, however, the court or court  
13 clerk's failure to furnish such proof or notice in the manner  
14 provided for in this subsection shall in no event create any civil  
15 liability upon the court, the court clerk, the State of Oklahoma or  
16 any political subdivision thereof, or any state department or agency  
17 or any employee thereof but duplicate proof shall be furnished to  
18 the person entitled thereto upon request.

19 H. The court clerk shall inform the court if the defendant has  
20 not responded to the uniform citation. The court may issue a  
21 warrant for failure to appear by the defendant. The district court  
22 may reduce the financial obligation to judgment equal to the amount  
23 of the bond schedule plus all costs incurred in mailing notices, and

1 a ten percent (10%) surcharge to the court fund for the necessity of  
2 processing by the court clerk. The judgment shall be for the  
3 purpose of collecting and apportioning all fines and costs, as  
4 required by law.

5 I. Collection of a judgment shall be a condition precedent to  
6 the request for reinstatement of any license suspended by the  
7 default of the defendant upon his or her duty to pay or appear on  
8 the arrest citation.

9 J. Failure to appear on the arrest citation shall be  
10 considered a default in the nature of a plea of nolo contendere  
11 resulting in a finding of guilt based upon the facts appearing  
12 solely on the face of the citation. The filing of a properly  
13 completed citation with the court shall constitute prima facie  
14 evidence of the merits of the case.

15 K. If the defendant appears within one (1) year and shows to  
16 the court by clear and convincing evidence that his or her failure  
17 to pay or appear was through no willful fault or failure on his or  
18 her part, the court may set aside its prior actions and set the  
19 matter for hearing if to do so would be in the best interest of the  
20 public and in the interest of justice. In such event, the defendant  
21 shall post an appearance bond as provided in Section 1105 of this  
22 title, subject to all sanctions provided therein for failure to  
23 appear or comply with reasonable bond conditions.

1 SECTION 6. AMENDATORY 40 O.S. 2001, Section 552, is  
2 amended to read as follows:

3 Section 552. As used in the Standards for Workplace Drug and  
4 Alcohol Testing Act:

5 1. "Alcohol" means ethyl alcohol or ethanol;

6 2. "Applicant" means a person who has applied for a position  
7 with an employer;

8 3. "Board" means the State Board of Health;

9 4. "Confirmation test" means a drug or alcohol test on a sample  
10 to substantiate the results of a prior drug or alcohol test on the  
11 same sample and which uses different chemical principles and is of  
12 equal or greater accuracy than the prior drug or alcohol test;

13 5. "Department" means the State Department of Health;

14 6. "Drug" means amphetamines, cannabinoids, cocaine,  
15 phencyclidine (PCP), hallucinogens, methaqualone, opiates,  
16 barbiturates, benzodiazepines, synthetic narcotics, designer drugs,  
17 or a metabolite of any of the substances listed herein;

18 7. "Drug or alcohol test" means a chemical test administered  
19 for the purpose of determining the presence or absence of a drug or  
20 its metabolites or alcohol in a person's bodily tissue, fluids or  
21 products;

1       8. "Employee" means any person who supplies a service for  
2 remuneration or pursuant to any contract for hire to a private or  
3 public employer in this state;

4       9. "Employer" means any person, firm, corporation, partnership,  
5 association, nonprofit organization or public employer, which has  
6 one or more employees within this state, or which has offered or may  
7 offer employment to one or more individuals in this state;

8       10. "Public employer" means the State of Oklahoma or any  
9 political subdivision thereof, including any department, agency,  
10 board, commission, institution, authority, public trust,  
11 municipality, county, district or instrumentalities thereof;

12       11. "Random selection basis" means a mechanism for selecting  
13 employees for drug or alcohol testing that:

14           a. results in an equal probability that any employee from  
15 a group of employees subject to the selection  
16 mechanism will be selected, and

17           b. does not give an employer discretion to waive the  
18 selection of any employee selected under the  
19 mechanism;

20       12. "Reasonable suspicion" means a belief that an employee is  
21 using or has used drugs or alcohol in violation of the employer's  
22 written policy drawn from specific objective and articulable facts

1 and reasonable inferences drawn from those facts in light of  
2 experience, and may be based upon, among other things:

- 3 a. observable phenomena, such as:
  - 4 (1) the physical symptoms or manifestations of being
  - 5 under the influence of a drug or alcohol while at
  - 6 work or on duty, or
  - 7 (2) the direct observation of drug or alcohol use
  - 8 while at work or on duty,
- 9 b. a report of drug or alcohol use while at work or on
- 10 duty, provided by reliable and credible sources and
- 11 which has been independently corroborated,
- 12 c. evidence that an individual has tampered with a drug
- 13 or alcohol test during his employment with the current
- 14 employer, or
- 15 d. evidence that an employee is involved in the use,
- 16 possession, sale, solicitation or transfer of drugs
- 17 while on duty or while on the employer's premises or
- 18 operating the employer's vehicle, machinery or
- 19 equipment;

20 13. "Review officer" means a person, qualified by the State  
21 Board of Health, who is responsible for receiving results from a  
22 testing facility which have been generated by an employer's drug or  
23 alcohol testing program, and who has knowledge and training to

1 interpret and evaluate an individual's test results together with  
2 the individual's medical history and any other relevant information;

3 14. "Sample" means tissue, fluid or product of the human body  
4 chemically capable of revealing the presence of drugs or alcohol in  
5 the human body; and

6 15. "Testing facility" means any person, including any  
7 laboratory, hospital, clinic or facility, either off or on the  
8 premises of the employer, which provides laboratory services to test  
9 for the presence of drugs or alcohol in the human body. The  
10 administration of on-site drug or alcohol screening tests to  
11 applicants or employees to screen out negative test results are not  
12 laboratory services under this paragraph, provided the on-site tests  
13 used are cleared by the federal Food and Drug Administration for  
14 commercial marketing or by the National Highway Traffic Safety  
15 Administration for alcohol testing, and all positive results of such  
16 tests are confirmed by a testing facility in accordance with the  
17 Standards for Workplace Drug and Alcohol Testing Act.

18 SECTION 7. AMENDATORY 47 O.S. 2001, Section 1-103, as  
19 amended by Section 58, Chapter 329, O.S.L. 2003 (47 O.S. Supp. 2004,  
20 Section 1-103), is amended to read as follows:

21 Section 1-103. Authorized emergency vehicles are:

22 1. Vehicles of fire departments, ambulances;

1        2. Ambulances or vehicles specified pursuant to subsection B of  
2 Section 1-2512 of Title 63 of the Oklahoma Statutes of licensed  
3 ambulance service providers, ~~county sheriff;~~

4        3. State vehicles of law enforcement agencies;

5        4. County vehicles of sheriffs and full-time commissioned  
6 deputies and;

7        5. Municipal vehicles of police vehicles, ~~including vehicles~~  
8 departments;

9        6. Vehicles owned and operated by the United States Marshals  
10 Service, the Federal Bureau of Investigation, ~~or;~~

11        7. Vehicles of Oklahoma National Guard units designated by the  
12 Adjutant General for support to civil authorities; or

13        8. Vehicles owned and operated by any local organization for  
14 emergency management as defined by Section 683.3 of Title 63 of the  
15 Oklahoma Statutes, ~~are authorized emergency vehicles. Said All~~  
16 authorized emergency vehicles shall be equipped with sirens capable  
17 of giving audible signals as required by the provisions of Section  
18 12-218 of this title and flashing red lights as authorized by the  
19 provisions of Section 12-218 of this title.

20        SECTION 8.        AMENDATORY        47 O.S. 2001, Section 2-102, as  
21 last amended by Section 5, Chapter 199, O.S.L. 2003 (47 O.S. Supp.  
22 2004, Section 2-102), is amended to read as follows:

1 Section 2-102. A. 1. The Department shall be under the  
2 control of an executive officer to be known as the "Commissioner of  
3 Public Safety", who shall be appointed by the Governor with the  
4 advice and consent of the Senate.

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

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

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

16 B. The Commissioner of Public Safety, after appointment and  
17 before entering upon the discharge of duties, shall take and  
18 subscribe to the oath of office required by the Constitution.  
19 Bonding of the Commissioner of Public Safety and other employees of  
20 the Department will be provided under the provisions of Section  
21 85.26 of Title 74 of the Oklahoma Statutes.

22 C. The Commissioner of Public Safety shall be eligible to  
23 participate in either the Oklahoma Public Employees Retirement

1 System or in the Oklahoma Law Enforcement Retirement System and  
2 shall make an irrevocable election in writing to participate in one  
3 of the two retirement systems.

4 SECTION 9. AMENDATORY 47 O.S. 2001, Section 11-810, is  
5 amended to read as follows:

6 Section 11-810. The Department of Public Safety shall not  
7 ~~record report~~ or assess points to the driving record of any person,  
8 as maintained by the Department, for a conviction of exceeding the  
9 speed limit by at least one (1) mile per hour but not more than ten  
10 (10) miles per hour ~~on any traffic record of a person as maintained~~  
11 ~~by said Department.~~

12 SECTION 10. AMENDATORY 47 O.S. 2001, Section 12-417, as  
13 amended by Section 1, Chapter 35, O.S.L. 2002 (47 O.S. Supp. 2004,  
14 Section 12-417), is amended to read as follows:

15 Section 12-417. A. 1. Every operator and front seat passenger  
16 of a passenger car operated in this state shall wear a properly  
17 adjusted and fastened safety seat belt system, required to be  
18 installed in the motor vehicle when manufactured pursuant to 49  
19 C.F.R., Section 571.208.

20 2. For the purposes of this section, "passenger car" shall mean  
21 "vehicle" as defined in Section 1102 of this title. "Passenger car"  
22 shall include the passenger compartment of pickups, vans, minivans,  
23 and sport utility vehicles. "Passenger car" shall not include

1 trucks, truck-tractors, recreational vehicles, motorcycles, or  
2 motorized bicycles. "Passenger car" shall not include a vehicle  
3 used primarily for farm use which is registered and licensed  
4 pursuant to the provisions of Section 1134 of this title.

5 B. ~~This section shall not apply to any person who possesses a~~  
6 ~~written verification from a physician licensed in this state that~~  
7 ~~the person~~ The Commissioner of Public Safety, upon application from  
8 a person who, for medical reasons, is unable to wear a safety seat  
9 belt system for medical reasons supported by written attestation of  
10 such fact from a physician licensed pursuant to Section 495 of Title  
11 59 of the Oklahoma Statutes, may issue to the person an exemption  
12 from the provisions of this section. The exemption shall be in the  
13 form of a restriction appearing on the driver license of the person  
14 and shall remain in effect until the expiration date of the driver  
15 license. Nothing in this subsection shall be construed to prevent  
16 the person from applying for another exemption as provided for in  
17 this section. Provided, the The issuance of such verification an  
18 attestation by a physician and the subsequent issuance of an  
19 exemption by the Commissioner, in good faith, shall not give rise  
20 to, nor shall such the physician and the state thereby incur, any  
21 liability whatsoever in damages or otherwise, to any person injured  
22 by reason of such failure of the person to wear a safety seat belt  
23 system.

1 C. This section shall not apply to an operator of a motor  
2 vehicle while performing official duties as a route carrier of the  
3 U.S. Postal Service.

4 D. The Department of Public Safety shall not record or assess  
5 points for violations of this section on any license holder's  
6 traffic record maintained by the Department.

7 E. Fine and court costs for violating the provisions of this  
8 section shall not exceed Twenty Dollars (\$20.00).

9 F. Municipalities may enact and municipal police officers may  
10 enforce ordinances prohibiting and penalizing conduct under  
11 provisions of this section, but the provisions of those ordinances  
12 shall be the same as provided for in this section, and the  
13 enforcement provisions under those ordinances shall not be more  
14 stringent than those of this section.

15 SECTION 11. AMENDATORY 47 O.S. 2001, Section 12-422, as  
16 amended by Section 24, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2004,  
17 Section 12-422), is amended to read as follows:

18 Section 12-422. A. As used in this section:

19 1. "Glass coating material" or "sunscreening devices" means  
20 materials, films, applications or devices which are used in  
21 conjunction with approved vehicle glazing materials for the purpose  
22 of reducing the effects of sun, but shall not include materials,

1 films, applications, or devices with a mirrored or mirror-like  
2 finish;

3 2. "Light transmission" means the percentage of total light  
4 which is allowed to pass through a window;

5 3. "Luminous reflectance" means the ratio of the amount of  
6 total light, expressed in percentages, which is reflected outward by  
7 the glass coating material or sunscreening device to the amount of  
8 total light falling on the glass coating material;

9 4. "Manufacturer" means:

10 a. a person who engages in the manufacturing or  
11 assembling of sunscreening devices, or

12 b. a person who fabricates, laminates, or tempers glazing  
13 materials, incorporating the capacity to reflect or to  
14 reduce the transmittance of light during the  
15 manufacturing process; and

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

18 6. "Window" means the windshield, side or rear glass of a motor  
19 vehicle, including any glazing material, glass coating or  
20 sunscreening device.

21 B. It is unlawful, except as provided by this section, for a  
22 person to sell, install, or to operate a motor vehicle with any  
23 object or material placed:

1        1. Placed, displayed, installed, affixed, or applied upon the  
2 windshield or side or rear windows, ~~or with any object or material~~  
3 ~~so; or~~

4        2. So placed, displayed, installed, affixed, or applied in or  
5 upon the motor vehicle so as to obstruct or reduce a driver's clear  
6 view through the windshield or side or rear windows, ~~except as~~  
7 ~~provided by this section.~~

8        C. It is unlawful for any person to place, install, affix, or  
9 apply any transparent material upon the windshield or side or rear  
10 windows of any motor vehicle if such material alters the color or  
11 reduces the light transmittance of such windshield or side or rear  
12 windows except as provided in this section.

13        D. This section shall not apply to:

14        1. Side or back windows that have a substance or material in  
15 conjunction with glazing material that has a light transmission of  
16 at least twenty-five percent (25%) and a luminous reflectance of at  
17 most twenty-five percent (25%);

18        2. Front side wing vents and windows that have a substance or  
19 material not attached in conjunction with glazing material which is  
20 used by a vehicle operator on a moving vehicle during daylight  
21 hours;

22        3. Rearview mirrors;

- 1           4. Adjustable nontransparent sun visors which are mounted  
2 forward of the side windows and are not attached to the glass;
- 3           5. Signs, stickers, or other materials which are displayed in a  
4 forty-nine-square-inch area in the lower corner of the windshield  
5 farthest removed from the driver or signs, stickers, or other  
6 materials which are displayed in a forty-nine-square-inch area in  
7 the lower corner of the windshield nearest the driver;
- 8           6. Direction, designation, or termination signs on buses, if  
9 the signs do not interfere with the driver's clear view of  
10 approaching traffic;
- 11          7. Rear window wiper motors;
- 12          8. Rear window defrosters or defoggers;
- 13          9. Rear truck lid handle or hinges;
- 14          10. Side windows to the rear of the driver or back windows that  
15 have a substance or material in conjunction with glazing material  
16 that has a light transmission of at least ten percent (10%) and a  
17 luminous reflectance of at most twenty-five percent (25%) on all  
18 vehicles manufactured prior to 1996 year models, if the motor  
19 vehicle is equipped with outside mirrors on both left and right hand  
20 sides of the vehicle that are so located as to reflect to the driver  
21 a view of the highway through each mirror for a distance of at least  
22 two hundred (200) feet to the rear of the motor vehicle;

1 11. Transparent material which is installed, affixed, or  
2 applied to the topmost portion of the windshield if:

3 a. it does not extend downward beyond the AS-1 line or  
4 more than five (5) inches from the top of the  
5 windshield, whichever is closer to the top of the  
6 windshield, and

7 b. the material is not red or amber in color;

8 12. All windows to the rear of the driver's seat in a vehicle  
9 licensed as a bus, as defined by Section 1-105 of this title, or a  
10 taxicab, as defined by Section 1-174 of this title;

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

13 14. Implements of husbandry as defined by this title; and

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

20 ~~16.~~ Law enforcement vehicles which are owned by the state or a  
21 political subdivision of the state.

1 E. This section shall not prohibit the use and placement of  
2 federal, state, or political subdivision certificates on any window  
3 as are required by applicable laws.

4 F. Louvered materials, when installed as designed, shall not  
5 reduce the area of the driver's visibility below fifty percent (50%)  
6 as measured on a horizontal plane. When such materials are used in  
7 conjunction with the rear window, the measurement shall be made  
8 based upon the driver's view from inside the rearview mirror.

9 G. A person who sells or installs any product regulated by this  
10 section shall certify in a written statement, which shall be a part  
11 of the contract for sale or installation and shall be in bold-face  
12 type, that:

13 1. The product sold or installed is in compliance with the  
14 reflectivity and transmittance requirements of this section;

15 2. The installation of the product to the driver's or  
16 passenger's side window may be illegal in some states.

17 H. The Commissioner of Public Safety, upon application from a  
18 person required for medical reasons to be shielded from the direct  
19 rays of the sun, supported by written attestation of such fact from  
20 a physician licensed pursuant to Section 495 of Title 59 of the  
21 Oklahoma Statutes, may issue an exemption from the provisions of  
22 this section for a motor vehicle belonging to such person or in  
23 which such person is a habitual passenger. Any person may operate a

1 vehicle or alter the color or reduce the light transmitted through  
2 the side or rear windows of a vehicle in accordance with an  
3 exemption issued by the Commissioner.

4 I. Any person who violates any provision of this section, upon  
5 conviction, shall be guilty of a misdemeanor and shall be punished  
6 as provided for in Section 17-101 of this title.

7 SECTION 12. AMENDATORY 47 O.S. 2001, Section 18-101, as  
8 last amended by Section 13, Chapter 390, O.S.L. 2004 (47 O.S. Supp.  
9 2004, Section 18-101), is amended to read as follows:

10 Section 18-101.

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

21 B. Within ten (10) days after:

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

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

4           3. The forfeiture of bail of a person;  
5 upon a charge of violating any law regulating the operation of  
6 vehicles on highways every magistrate of the court or clerk of the  
7 court of record, in which the conviction was had or bail was  
8 forfeited, shall prepare and immediately forward to the Department  
9 of Public Safety an abstract of the record covering the case in  
10 which the person was convicted or forfeited bail, which shall be  
11 certified by the person required to prepare the abstract to be true  
12 and correct.

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

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

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

17           ~~3.~~ Rendered by a nonlawyer judge, unless, within a period not  
18 to exceed the preceding reporting period for Mandatory Continuing  
19 Legal Education, the judge has completed courses held for municipal  
20 judges which have been approved by the Oklahoma Bar Association  
21 Mandatory Legal Education Commission for at least six (6) hours of  
22 continuing judicial education credit, and the Department of Public  
23 Safety receives verification of such attendance, from the judge. In

1 the case of attendance of a continuing judicial education course,  
2 verification may be made by a statement of attendance signed by the  
3 course registration personnel.

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

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

8 2. The traffic citation number;

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

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

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

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

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

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

1 SECTION 13. AMENDATORY 47 O.S. 2001, Section 230.23, is  
2 amended to read as follows:

3 Section 230.23 As used in the Motor Carrier Act of 1995:

4 1. "Person" means any individual, firm, copartnership, limited  
5 partnership, corporation, limited liability corporation, company,  
6 association, or joint-stock association and includes any trustee,  
7 receiver, assignee, or personal representative thereof;

8 2. "Commission" means the Oklahoma Corporation Commission;

9 3. "License" means the license issued under authority of the  
10 laws of the State of Oklahoma to motor carriers and private  
11 carriers;

12 4. "Interstate Registration Certificate" (IRC) means a document  
13 issued by the Commission granting permission to operate upon the  
14 highways of the State of Oklahoma in interstate commerce exempt from  
15 federal motor carrier regulation;

16 5. "Motor vehicle" means any automobile, truck, truck-tractor,  
17 trailer or semitrailer or any motor bus or any self-propelled  
18 vehicle not operated or driven upon fixed rails or tracks;

19 6. "Motor carrier of persons or property" means any person,  
20 except a carrier of household goods or used emigrant movables,  
21 operating upon any public highway for the transportation of  
22 passengers or property for compensation or for hire or for  
23 commercial purposes, and not operating exclusively within the limits

1 of an incorporated city or town within this state. Provided, the  
2 provisions of the Motor Carrier Act of 1995 shall not apply to the  
3 following vehicles and equipment when such vehicles and equipment  
4 are being used for the following:

- 5 a. ~~cabs~~ taxicabs and bus companies engaged in the  
6 transportation of passengers and their baggage, not  
7 operated between two or more cities and towns, when  
8 duly licensed by a municipal corporation in which they  
9 might be doing business,
- 10 b. any person or governmental authority furnishing  
11 transportation for school children to and from public  
12 schools or to and from public-school-related  
13 extracurricular activities under contract with, and  
14 sponsored by, a public school board; provided, that  
15 motor vehicles and equipment operated for the purposes  
16 shall qualify in all respects for the transportation  
17 of school children under the Oklahoma School Code and  
18 the rules of the State Board of Education adopted  
19 pursuant thereto.
- 20 c. transport trucks transporting liquefied petroleum  
21 gases intrastate which are owned or operated by a  
22 person subject to and licensed by the Oklahoma  
23 Liquefied Petroleum Gas Regulation Act, and

1           d.    transportation of livestock and farm products in the  
2                raw state, when any of such commodities move from farm  
3                to market or from market to farm on a vehicle or on  
4                vehicles owned and operated by a bona fide farmer not  
5                engaged in motor vehicle transportation on a  
6                commercial scale, ~~and~~

7           ~~e.    tour buses as defined by Section 1171 of this title;~~

8           7.    "Corporate family" means a group of corporations consisting  
9                of a parent corporation and all subsidiaries in which the parent  
10               corporation owns directly or indirectly one hundred percent (100%)  
11               interest;

12           8.    "Intercorporate hauling" means the transportation of  
13               property, by motor vehicle, for compensation, by a carrier which is  
14               a member of a corporate family, as defined in the Motor Carrier Act  
15               of 1995, when the transportation for compensation is provided for  
16               other members of the corporate family;

17           9.    "Private carrier" means any person engaged in transportation  
18               upon public highways, of persons or property, or both, but not as a  
19               motor carrier, and includes any person who transports property by  
20               motor vehicle where such transportation is incidental to or in  
21               furtherance of any commercial enterprise of such person, other than  
22               transportation;

1           10. "Market" means the point at which livestock and farm  
2 products in the raw state were first delivered by the producer of  
3 the livestock and farm products in the raw state, upon the sale  
4 thereof;

5           11. "Public highway" means every public street, road or  
6 highway, or thoroughfare in this state, used by the public, whether  
7 actually dedicated to the public and accepted by the proper  
8 authorities or otherwise; and

9           12. "Commercial enterprise" means all undertakings entered into  
10 for private gain or compensation, including all industrial pursuits,  
11 whether the undertakings involve the handling of or dealing in  
12 commodities for sale or otherwise.

13           SECTION 14.           AMENDATORY           47 O.S. 2001, Section 1113, as  
14 last amended by Section 66 of Enrolled House Bill No. 2060 of the  
15 1st Session of the 50th Oklahoma Legislature, is amended to read as  
16 follows:

17           Section 1113. A. 1. Upon the filing of a registration  
18 application and the payment of the fees provided for in the Oklahoma  
19 Vehicle License and Registration Act, the Oklahoma Tax Commission or  
20 Corporation Commission, as applicable, shall assign to the vehicle  
21 described in the application a distinctive number, and issue to the  
22 owner of the vehicle a certificate of registration, one license  
23 plate and a yearly decal. For each subsequent registration year,

1 the Tax Commission shall issue a yearly decal to be affixed to the  
2 license plate. The yearly decal shall have an identification number  
3 and the last two numbers of the registration year for which it shall  
4 expire. Except as provided by Section 1113A of this title, the  
5 license plate shall be affixed to the exterior of the vehicle until  
6 a replacement license plate is applied for. If the owner applies  
7 for a replacement license plate, the Tax Commission shall charge the  
8 fee provided for in Section 1114 of this title. The yearly decal  
9 will validate the license plate for each registration period other  
10 than the year the license plate is issued. The license plate and  
11 decal shall be of such size, color, design and numbering as the Tax  
12 Commission may direct. However, yearly decals issued to the owner  
13 of a vehicle who has filed an affidavit with the appropriate motor  
14 license agent in accordance with Section 7-607 of this title shall  
15 be a separate and distinct color from all other decals issued under  
16 this section.

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

1 shall be clearly visible at all times. The operation of a vehicle  
2 in this state, regardless of where such vehicle is registered, upon  
3 which the license plate is covered, overlaid or otherwise screened  
4 with any material, whether such material be clear, translucent,  
5 tinted or opaque, shall be a violation of this paragraph.

6 3. Upon payment of the annual registration fee provided in  
7 Section 1133 of this title, the Tax Commission or Corporation  
8 Commission, as applicable, or a motor license agent may issue a  
9 permanent nonexpiring license plate to an owner of one hundred or  
10 more commercial motor vehicles and for vehicles registered under the  
11 provisions of Section 1120 of this title. Upon payment of the  
12 annual registration fee, the Tax Commission or Corporation  
13 Commission shall issue a certificate of registration that shall be  
14 carried at all times in the vehicle for which it is issued.  
15 Provided, if the registrant submits its application through  
16 electronic means, such qualified owners of one hundred or more  
17 commercial motor vehicles, properly registered pursuant to the  
18 provisions of Section 1133 of this title, may elect to receive a  
19 permanent certificate of registration that shall be carried at all  
20 times in the vehicle for which it is issued.

21 4. Every vehicle owned by an agency of this state shall be  
22 exempt from the payment of registration fees required by this title.  
23 Provided, such vehicle shall be registered and shall otherwise

1 comply with the provisions of the Oklahoma Vehicle License and  
2 Registration Act.

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

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

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

15 3. Within the limits herein prescribed the Tax Commission shall  
16 redesign the official vehicle license plates which currently bear  
17 the legend "Oklahoma OK" or "Oklahoma is OK!" and substitute  
18 therefor the legend "Oklahoma Native America" as further described  
19 in this paragraph. Except for personalized license plates and  
20 license plates issued for motorcycles and mopeds, the emblem on the  
21 state flag of Oklahoma as provided for in Section 91 of Title 25 of  
22 the Oklahoma Statutes shall be a part of all license plates issued  
23 after December 31, 1988. The Tax Commission may continue to issue

1 license plates with the legend "Oklahoma is OK!" or "Oklahoma OK"  
2 until any inventory of such license plates is depleted but the Tax  
3 Commission shall not produce or cause to be produced any additional  
4 license plates with these legends. Except for personalized license  
5 plates, license plates issued for commercial vehicles, and license  
6 plates issued for motorcycles and mopeds, the "Oklahoma Native  
7 America" emblem shall be a part of all license plates issued after  
8 December 31, 1993. The specifications for lettering style and  
9 appearance for the legend "Oklahoma Native America" shall be  
10 provided to the Tax Commission by the Oklahoma Tourism and  
11 Recreation Department. The license plates shall be issued with the  
12 letters and numerals in the colors of green and white. All license  
13 plates and decals shall be made with reflectorized material as a  
14 background to the letters, numbers and characters displayed thereon.  
15 The reflectorized material shall be of such a nature as to provide  
16 effective and dependable brightness during the service period for  
17 which the license plate or decal is issued;

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

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

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

15           C. Where the applicant has satisfactorily shown that the  
16 applicant owns the vehicle sought to be registered but is unable to  
17 produce documentary evidence of the ownership, a license plate may  
18 be issued upon approval by the Tax Commission or Corporation  
19 Commission, as applicable. In such instances the reason for not  
20 issuing a certificate of title shall be indicated on the receipt  
21 given to the applicant. It shall still be the duty of the applicant  
22 to immediately take all necessary steps to obtain the Oklahoma  
23 certificate of title and it shall be unlawful for the applicant to

1 sell the vehicle until the certificate has been obtained in the  
2 applicant's name.

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

20 E. The purchaser of a new or used manufactured home shall,  
21 within thirty (30) days of the date of purchase, register the home  
22 with the Tax Commission or a motor license agent pursuant to the  
23 provisions of Section 1117 of this title. For a new manufactured

1 home, it shall be the responsibility of the dealer selling the home  
2 to place a temporary license plate on the home in the same manner as  
3 provided in Section 1128 of this title for other new motor vehicles.  
4 For the first year that any manufactured home is registered in this  
5 state, the Tax Commission shall issue a metal license plate which  
6 shall be affixed to the manufactured home. The temporary dealer  
7 license plate or the metal license plate shall be displayed on the  
8 manufactured home at all times when upon a public roadway; provided,  
9 a repossession affidavit issued pursuant to Sections 1110 and 1126  
10 of this title shall be permissible in lieu of a current license  
11 plate and decal for the purposes of removing a repossessed  
12 manufactured home to a secure location. Manufactured homes  
13 previously registered and subject to ad valorem taxation as provided  
14 by law shall have a decal affixed at the time ad valorem taxes are  
15 paid for such manufactured home; provided, for a manufactured home  
16 permanently affixed to real estate, no decal or license plate shall  
17 be required to be affixed and the owner thereof shall be given a  
18 receipt upon payment of ad valorem taxes due on the home. The Tax  
19 Commission shall make sufficient plates and decals available to the  
20 various motor license agents of the state in order for an owner of a  
21 manufactured home to acquire the plate or decal. A One Dollar  
22 (\$1.00) fee shall be charged for issuance of any plate or decal.

1 The fee shall be apportioned each month to the General Revenue Fund  
2 of the State Treasury.

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

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

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

- 1        2. The serial number or identification number of the
- 2        manufactured home;
- 3        3. A legal description or address of the location for the home;
- 4        4. The actual retail selling price of the manufactured home
- 5        excluding Oklahoma taxes;
- 6        5. The certificate of title number for the home; and
- 7        6. Any other information which the Tax Commission deems to be
- 8        necessary.

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

16       SECTION 15.        AMENDATORY        47 O.S. 2001, Section 1137.1, is  
17       amended to read as follows:

18       Section 1137.1 A. Except for vehicles, travel trailers or  
19       commercial trailers which display a current Oklahoma license tag,  
20       upon the purchase or transfer of ownership of a used motor vehicle,  
21       travel trailer or commercial trailer, including an out-of-state  
22       purchase or transfer of the same, to a licensed used motor vehicle  
23       dealer, wholesale used motor vehicle dealer, used travel trailer

1 dealer or used commercial trailer dealer, subsequently referred to  
2 in this section as "dealer", the dealer shall affix a used dealer's  
3 plate visible from the rear of the vehicle, travel trailer or  
4 commercial trailer. Such license plate shall expire on December 31  
5 of each year. When the vehicle, travel trailer or commercial  
6 trailer is parked on the dealer's licensed place of business, it  
7 shall not be required to have a license plate of any kind affixed.  
8 A dealer shall obtain from the Oklahoma Tax Commission at a cost of  
9 Ten Dollars (\$10.00) a dealer license plate for demonstrating,  
10 transporting or any other normal business of a dealer; provided, any  
11 dealer who operates a wrecker or towing service licensed pursuant to  
12 Sections 951 through 957 of this title shall register each wrecker  
13 vehicle and display a wrecker license plate on each vehicle as  
14 required by Section 1134.3 of this title. A dealer may obtain as  
15 many additional license plates as may be desired upon the payment of  
16 Ten Dollars (\$10.00) for each additional license plate. Use of the  
17 used dealer license plate by a licensed dealer for other than the  
18 purposes as set forth herein shall constitute grounds for revocation  
19 of the dealer's license. The Oklahoma Tax Commission shall design  
20 the official used dealer license plate to include the used dealer's  
21 license number issued to him or her each year by the Commission or  
22 the Used Motor Vehicle and Parts Commission.

1       B. Upon the purchase or transfer of ownership of an out-of-  
2 state used motor vehicle, travel trailer or commercial trailer to a  
3 licensed dealer, the dealer shall make application for an Oklahoma  
4 certificate of title pursuant to the Oklahoma Vehicle License and  
5 Registration Act, Section 1101 et seq. of Title 47 of the Oklahoma  
6 Statutes. Upon receipt of the Oklahoma certificate of title, the  
7 dealer shall follow the procedure as set forth in subsection A of  
8 this section. Provided, nothing in this title shall be construed as  
9 requiring a dealer to register a used motor vehicle, travel trailer  
10 or commercial trailer purchased in another state which will not be  
11 operated or sold in this state.

12       C. Upon sale or transfer of ownership of the used motor vehicle  
13 or travel trailer, the dealer shall place upon the reassignment  
14 portion of the certificate of title a tax stamp issued by the county  
15 treasurer of the county in which the dealer has his or her primary  
16 place of business. The tax stamp shall be issued upon payment of a  
17 fee of Three Dollars and fifty cents (\$3.50) and shall be in lieu of  
18 the dealer's ad valorem tax on the inventories of used motor  
19 vehicles or travel trailers but shall not relieve any other property  
20 of the dealer from ad valorem taxation.

21       D. Upon sale of a used motor vehicle or travel trailer to  
22 another licensed dealer, the selling dealer shall place the tax  
23 stamp required in subsection C of this section upon the certificate

1 of title. The used dealer license plate or wholesale dealer license  
2 plate shall be removed by the selling dealer. The purchasing dealer  
3 shall, at time of purchase, place his or her dealer license plate on  
4 the used motor vehicle, travel trailer or commercial trailer as  
5 provided in subsection A of this section; provided, for vehicles,  
6 travel trailers or commercial trailers purchased by a licensed used  
7 dealer at an auction, in lieu of such placement of the dealer  
8 license plate, the auction may provide temporary documentation as  
9 approved by the Director of the Motor Vehicle Division of the  
10 Oklahoma Tax Commission for the purpose of transporting such vehicle  
11 to the purchaser's point of destination. Such temporary  
12 documentation shall be valid for two (2) days following the date of  
13 sale.

14 E. The purchaser of every used motor vehicle, travel trailer or  
15 commercial trailer, except as otherwise provided by law, shall  
16 obtain registration and title for the vehicle or trailer within  
17 thirty (30) days from the date of purchase of same. It shall be the  
18 responsibility of the selling dealer to place a temporary license  
19 plate, in size similar to the permanent Oklahoma license plate but  
20 of a fibrous substance, upon a used motor vehicle, travel trailer or  
21 commercial trailer when a transaction is completed for the sale of  
22 said vehicle. The temporary license plate shall show the license  
23 number which is issued to the dealer each year by the Oklahoma Tax

1 Commission or the Used Motor Vehicle and Parts Commission, the date  
2 the used motor vehicle, travel trailer or commercial trailer was  
3 purchased and the company name of the selling dealer. Such  
4 temporary license plate shall be valid for a period of thirty (30)  
5 days from the date of purchase. Use of the temporary license by a  
6 dealer for other than the purposes set forth herein shall constitute  
7 grounds for revocation of the dealer's license to conduct business.  
8 The temporary license plate shall be affixed to the rear window of  
9 the vehicle sold. Purchasers of a commercial trailer shall affix  
10 the temporary license plate to the rear of the commercial trailer.  
11 The purchaser shall display the temporary license plate for a period  
12 not to exceed thirty (30) days or until registration and title are  
13 obtained as provided in this section.

14 The provisions of this subsection on temporary licenses shall  
15 apply to nonresidents who purchase a used motor vehicle, travel  
16 trailer or commercial trailer within this state that is to be  
17 licensed in another state. The nonresident purchaser shall be  
18 allowed to operate the vehicle or trailer within the state with a  
19 temporary license plate for a period not to exceed thirty (30) days  
20 from date of purchase. Any nonresident purchaser found to be  
21 operating a used motor vehicle, travel trailer or commercial trailer  
22 within this state after thirty (30) days shall be subject to the

1 registration fees of this state upon the same terms and conditions  
2 applying to residents of this state.

3 F. It shall be unlawful for any dealer to procure the  
4 registration and licensing of any used motor vehicle, travel trailer  
5 or commercial trailer sold by the dealer or to act as the agent for  
6 the purchaser in the procurement of the registration and licensing  
7 of the purchaser's used vehicle, travel trailer or commercial  
8 trailer. A license of any dealer violating the provision of this  
9 section may be revoked.

10 G. Dealers following the procedure set forth herein shall not  
11 be required to register vehicles, travel trailers or commercial  
12 trailers to which this section applies, nor will the registration  
13 fee otherwise required be assessed. Provided, dealers shall not  
14 purchase or trade for a used motor vehicle, travel trailer or  
15 commercial trailer on which the registration therefor has been  
16 expired for a period exceeding thirty (30) days without obtaining  
17 current registration therefor.

18 SECTION 16. AMENDATORY 63 O.S. 2001, Section 4005, is  
19 amended to read as follows:

20 Section 4005. A. A vessel or motor shall not be required to be  
21 titled and registered pursuant to the provisions of the Oklahoma  
22 Vessel and Motor Registration Act, Section 4002 et seq. of this  
23 title, if:

1        1. Such vessel or motor is owned by the United States, a state  
2 other than the State of Oklahoma, any agency thereof, or any  
3 subdivision of the state; provided, however, if such vessel is used  
4 for recreational or rental purposes on the waters of this state,  
5 said vessel shall be registered and numbered in accordance with  
6 Section 4002 et seq. of this title;

7        2. Such vessel or motor is owned by a visiting nonresident and  
8 is currently registered in another state. Provided that if any such  
9 vessel or motor remains in Oklahoma in excess of sixty (60) calendar  
10 days, such vessel or motor shall be registered pursuant to the  
11 provisions of the Oklahoma Vessel and Motor Registration Act and the  
12 registration fees due thereon from the date of entry into Oklahoma  
13 must be paid;

14       3. Such vessel or motor is from a country other than the United  
15 States provided such vessel or motor does not remain in Oklahoma in  
16 excess of sixty (60) calendar days;

17       4. Such vessel is used exclusively and solely as a lifeboat;

18       5. Such vessel is used exclusively and solely for racing  
19 purposes;

20       6. Such vessel is a commercial flotation device which is issued  
21 a permit by the Oklahoma Scenic River Commission pursuant to the  
22 provisions of Section 1461 et seq. of Title 82 of the Oklahoma  
23 Statutes; provided, a commercial flotation device shall be required

1 to be titled pursuant to the provisions of Section 4008 of this  
2 title; or

3 7. Such vessel is a documented vessel provided such documented  
4 vessel shall be required to be registered pursuant to the provisions  
5 of Section 4016 of this title.

6 B. Motors classified as inboard motors shall not be required to  
7 be titled or registered pursuant to the provisions of the Oklahoma  
8 Vessel and Motor Registration Act.

9 C. All vessels and motors which are owned by the State of  
10 Oklahoma, its agencies or departments, or political subdivisions  
11 thereof, or which, under the law, would be exempt from direct ad  
12 valorem taxation, shall be titled and registered pursuant to the  
13 provisions of the Oklahoma Vessel and Motor Registration Act.  
14 Provided, all vessels and motors titled and registered to the  
15 Department of Public Safety shall be exempt from all registration  
16 fees.

17 D. All other vessels shall be titled and registered pursuant to  
18 the provisions of the Oklahoma Vessel and Motor Registration Act.

19 SECTION 17. AMENDATORY 63 O.S. 2001, Section 4009, is  
20 amended to read as follows:

21 Section 4009. A. The application for a certificate of title  
22 and registration for a vessel or an outboard motor shall be upon a  
23 form furnished by the Oklahoma Tax Commission and shall contain:

- 1        1. A full description of the vessel or outboard motor;
- 2        2. The manufacturer's serial and model number or other
- 3        identification number;
- 4        3. The length of the vessel;
- 5        4. The date on which first sold by the manufacturer or dealer
- 6        to the owner;
- 7        5. Any distinguishing marks;
- 8        6. A statement of the applicant's source of title;
- 9        7. Whether the vessel is a documented vessel and the number
- 10       assigned to such vessel;
- 11       8. Any security interest upon said vessel or outboard motor, or
- 12       vessel and motor; and
- 13       9. Such other information as the Commission may require.

14       Every original or duplicate certificate of title and  
15       registration for a vessel or an outboard motor shall contain all  
16       items listed in this subsection.

17       B. To obtain an original certificate of title for a vessel or  
18       outboard motor that is being registered for the first time in this  
19       state or for a vessel or outboard motor that has not been previously  
20       registered in any other state, the applicant shall be required to  
21       deliver, as evidence of ownership, a manufacturer's certificate of  
22       origin or at the discretion of the Commission a copy of the  
23       manufacturer's certificate of origin properly assigned by the

1 manufacturer, distributor, or dealer licensed in this or any other  
2 state shown thereon to be the last transferee to the applicant upon  
3 a form to be prescribed and approved by the Commission. A  
4 manufacturer's certificate of origin shall contain:

- 5 1. The manufacturer's serial or other identification number;
- 6 2. Date on which first sold by the manufacturer to the dealer;
- 7 3. Any distinguishing marks including model and the year same  
8 was made;
- 9 4. A statement of any security interests upon said vessel or  
10 outboard motor, or vessel and motor; and
- 11 5. Such other information as the Commission may require.

12 C. In the absence of a dealer's or manufacturer's number, the  
13 Commission may assign such identifying number to the vessel or  
14 outboard motor, which shall be permanently stamped, burned or  
15 pressed into or attached onto such vessel or outboard motor.

16 D. Every dealer selling new or used vessels or outboard motors  
17 and every individual not licensed as a dealer who sells a new or  
18 used vessel or outboard motor shall verify the hull identification  
19 number or serial number is the same as the number on the current  
20 registration of the vessel or outboard motor. The seller of the  
21 vessel or outboard motor shall sign a notarized affidavit, under  
22 penalty of perjury, affirming the numbers are the same.

1           E. 1. Before a homemade vessel is issued a hull identification  
2 number from the Commission, the vessel and the motor shall be  
3 inspected by a commissioned officer of the Oklahoma Highway Patrol  
4 Division of the Department of Public Safety or by any other employee  
5 of the Department or any other law enforcement officer of the state  
6 as the Commissioner of Public Safety may designate, pursuant to the  
7 rules promulgated by the Commissioner of Public Safety. For the  
8 purposes of this act, "homemade vessel" means any vessel not  
9 allotted a hull identification number (HIN) by a manufacturer, and  
10 specifically excludes any vessel upon which the hull identification  
11 number has been covered, altered, defaced, destroyed, or removed.

12           2. The Department of Public Safety is hereby granted authority  
13 and jurisdiction, pursuant to Article 1 of the Administrative  
14 Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma  
15 Statutes, to promulgate, administer and enforce all necessary rules  
16 deemed necessary to implement the provisions of this section.

17           3. The Department of Public Safety shall prescribe all forms  
18 deemed necessary to implement the provisions of this section.

19           F. It shall be unlawful to:

20           1. Improperly display or fail to display a vessel's hull  
21 identification number;

22           2. Operate or possess a vessel on which the hull identification  
23 number has been removed; or

1           3. Operate or possess a motor on which the serial number has  
2 been removed.

3           G. When registering in this state a vessel which was titled in  
4 another state and which title contains the name of a secured party  
5 on the face of the other state certificate of title, the Oklahoma  
6 Tax Commission or the motor license agent shall complete a lien  
7 entry form as prescribed by said Commission. A statement of the  
8 lien or encumbrance shall be included on the Oklahoma certificate of  
9 title and the lien or encumbrance shall be deemed continuously  
10 perfected as though it had been perfected pursuant to Section 4013  
11 of this title. For completing the lien entry form and recording the  
12 security interest on the certificate of title, the Commission or the  
13 motor license agent shall collect a fee of Three Dollars (\$3.00)  
14 which shall be in addition to other fees provided by the Oklahoma  
15 Vessel and Motor Registration Act.

16           H. Upon payment of all fees and taxes, a certificate of title,  
17 a certificate of registration and, for a vessel, two registration  
18 decals or, for an outboard motor, one registration decal shall be  
19 delivered to the applicant. Provided, yearly decals shall be issued  
20 for vessels and motors titled and registered to the Department of  
21 Public Safety.

22           SECTION 18.           AMENDATORY           63 O.S. 2001, Section 4021, as  
23 last amended by Section 100 of Enrolled House Bill No. 2060 of the

1 1st Session of the 50th Oklahoma Legislature, is amended to read as  
2 follows:

3 Section 4021. A. The application required for the initial and  
4 annual registration of a vessel or a motor shall be accompanied by  
5 payment of the following fees:

6 1. Where the manufacturer's factory delivered price, or in the  
7 absence of such price being published in a recognized publication  
8 for the use of marine dealers and/or for purposes of insurance and  
9 financing firms, where the provable original or new cost of all  
10 materials, is One Hundred Fifty Dollars (\$150.00) or less, the  
11 registration and license fee for the first and for each succeeding  
12 year's registration shall be One Dollar (\$1.00);

13 2. Where the manufacturer's factory delivered price, or in the  
14 absence of such price being published as provided in paragraph 1 of  
15 this section, where the value of such vessel or motor is determined  
16 and fixed as above required and, is in excess of One Hundred Fifty  
17 Dollars (\$150.00), there shall be added to the fee of One Dollar  
18 (\$1.00), the sum of One Dollar (\$1.00) for each One Hundred Dollars  
19 (\$100.00) or any fraction thereof, in excess of One Hundred Fifty  
20 Dollars (\$150.00) provided such fee shall not exceed One Hundred  
21 Fifty Dollars (\$150.00);

22 3. After the first year's registration in this state under the  
23 Oklahoma Vessel and Motor Registration Act of any new vessel or new

1 motor under paragraph 2 of this subsection, the registration for the  
2 second year shall be ninety percent (90%) of the fee computed and  
3 assessed hereunder for the first year, and thereafter, such fee  
4 shall be computed and assessed at ninety percent (90%) of the  
5 previous year's fee and shall be so computed and assessed for the  
6 next nine (9) successive years provided such fee shall not exceed  
7 One Hundred Fifty Dollars (\$150.00);

8 4. The initial and annual registration fee for any vessel which  
9 is a part of a fleet used for lodging and for which a rental fee and  
10 sales tax are collected shall be Forty Dollars (\$40.00) in lieu of  
11 the fees required by paragraphs 1 through 3 of this subsection. For  
12 the purpose of this paragraph, "fleet" means twenty or more vessels  
13 operated by a business organization from a single anchorage. The  
14 fee provided for in this paragraph may be reduced annually to zero  
15 until the total reduction equals the difference between the sum of  
16 the fees paid pursuant to paragraphs 1 through 3 of this subsection  
17 for the two registration years preceding January 1, 1990, and the  
18 fee provided for in this paragraph;

19 5. For any vessel or motor owned and numbered, registered or  
20 licensed prior to January 1, 1990, in this or any other state, or in  
21 the absence of such registration upon proof of the year, model and  
22 age of same, the registration fee shall be computed and assessed at  
23 the rate hereinabove provided for a new vessel or motor based on the

1 value thereof determined as provided in this subsection, but reduced  
2 as though same had been registered for each prior year of its  
3 existence. Except as provided in paragraph 1 of this subsection,  
4 the registration fee for the eleventh year computed in accordance  
5 with the provisions of this subsection shall be the amount of the  
6 fee to be assessed for such eleventh year and shall be the minimum  
7 annual registration fee for such vessel or motor for any subsequent  
8 year; and

9 6. The initial and annual registration fee for any vessel or  
10 motor which is not being used in a trade or business or for any  
11 commercial purpose and is owned by:

- 12 a. a nonresident member of the Armed Forces of the United  
13 States assigned to duty in this state in compliance  
14 with official military or naval orders,  
15 b. a resident member of the Armed Forces of the United  
16 States assigned to duty in this state in compliance  
17 with official military or naval orders,  
18 c. the spouse, who resides in Oklahoma, of a resident or  
19 nonresident member of the Armed Forces of the United  
20 States serving in a foreign country, or  
21 d. any Oklahoma resident who is stationed out of state  
22 due to an official assignment of the Armed Forces of  
23 the United States,

1 shall be the lesser of either a Fifteen Dollar (\$15.00) registration  
2 fee or the fee computed and assessed for vessels or motors of  
3 similar age and model pursuant to this section.

4 B. As used in this section, the term "manufacturer's factory  
5 delivered price" shall represent the recommended retail selling  
6 price and shall not mean the wholesale price to a dealer.

7 C. The Oklahoma Tax Commission shall assess the registration  
8 fees and penalties for the year or years a vessel or motor was not  
9 registered as provided in the Oklahoma Vessel and Motor Registration  
10 Act. For vessels or motors not registered for two (2) or more  
11 years, the registration fees and penalties shall be due only for the  
12 current year and one (1) previous year.

13 D. Upon each vessel or motor repossessed by a mortgagee, a fee  
14 of Forty-six Dollars (\$46.00) shall be assessed. This fee shall be  
15 in lieu of any applicable vessel or motor excise tax and  
16 registration fees. Each motor license agent accepting applications  
17 for certificates of title for such vessel or motors shall receive  
18 Seven Dollars (\$7.00) to be deducted from the license fee specified  
19 in this paragraph for each application accepted.

20 E. All vessels or motors owned by the State of Oklahoma, its  
21 agencies or departments, or political subdivisions thereof, or which  
22 under the law would be exempt from direct ad valorem taxation, shall  
23 be registered pursuant to the provisions of the Oklahoma Vessel and

1 Motor Registration Act for an annual fee of Two Dollars and  
2 twenty-five cents (\$2.25) irrespective of whether registered by a  
3 motor license agent or the Tax Commission.

4 F. All vessels and motors owned ~~by~~ by:

5 1. By the Boy Scouts of America, the Girl Scouts of U.S.A., and  
6 the ~~Campfire Girls~~ Camp Fire USA, devoted exclusively to youth  
7 programs emphasizing physical fitness, character development and  
8 citizenship training; and

9 2. By the Department of Public Safety;

10 are hereby exempt from the payment of registration fees required by  
11 this section. Provided all of such vessels or motors shall be  
12 registered and shall otherwise comply with the provisions of the  
13 Oklahoma Vessel and Motor Registration Act.

14 G. A credit shall be allowed with respect to the fee for  
15 registration of any new vessel or new motor, when such new vessel or  
16 motor is a replacement for:

17 1. A new original vessel or new original motor which is stolen  
18 from the purchaser/registant within ninety (90) days of the date of  
19 purchase of the original vessel or new original motor as certified  
20 by a police report or other documentation as required by the Tax  
21 Commission; or

22 2. A defective new original vessel or new original motor  
23 returned by the purchaser/registant to the seller within six (6)

1 months of the date of purchase of the defective new original vessel  
2 or new original motor as certified by the manufacturer.

3 Such credit shall be in the amount of the fee for registration  
4 which was paid for the new original vessel or new original motor and  
5 shall be applied to the registration fee for the replacement vessel  
6 or motor. In no event will said credit be refunded.

7 H. Upon proper proof of a lost certificate of registration  
8 being made to the Tax Commission or one of its motor license agents,  
9 accompanied by an application therefor and payment of the fees  
10 required by the Oklahoma Vessel and Motor Registration Act, a  
11 duplicate certificate of registration shall be issued to the  
12 applicant. The charge for such duplicate certificate of  
13 registration shall be Two Dollars and twenty-five cents (\$2.25),  
14 which charge shall be in addition to any other fees imposed by  
15 Section 4022 of this title for any such vessel or motor.

16 I. In addition to any other fees levied by the Oklahoma Vessel  
17 and Motor Registration Act, there is levied and there shall be paid  
18 to the Tax Commission a fee of One Dollar (\$1.00) upon every vessel  
19 or motor for which a registration or license fee is required  
20 pursuant to the provisions of this section. The fee shall accrue  
21 and shall be collected upon each vessel or motor under the same  
22 circumstances and shall be payable in the same manner and times as  
23 apply to vessel and motor licenses and registrations under the

1 provisions of the Oklahoma Vessel and Motor Registration Act;  
2 provided, the fee shall be paid in full for the then current year at  
3 the time any vehicle is first registered in a calendar year.

4 Monies collected pursuant to this subsection shall be  
5 apportioned by the Tax Commission to the State Treasurer for deposit  
6 in the Trauma Care Assistance Revolving Fund created in Section  
7 330.97 of this title.

8 The collection and payment of the fee shall be a prerequisite to  
9 license or registration of any vessel or motor.

10 J. If a vessel or motor is donated to a nonprofit charitable  
11 organization, the nonprofit charitable organization shall be exempt  
12 from paying any current or past due registration fees, excise tax,  
13 transfer fees, and penalties and interest; provided, subsequent to  
14 such donation, if the person, entity or party acting on another's  
15 behalf who donated the vessel or motor, purchases the same vessel or  
16 motor from the nonprofit charitable organization receiving the  
17 original donation, such person, entity or party acting on another's  
18 behalf shall be liable for all current and past due registration  
19 fees, excise tax, transfer fees, and penalties and interest on such  
20 vehicle.

21 SECTION 19. AMENDATORY 63 O.S. 2001, Section 4219, is  
22 amended to read as follows:

1 Section 4219. It shall be unlawful for any person to operate  
2 any vessel upon the waters of this state ~~which are under the~~  
3 ~~jurisdiction of the Grand River Dam Authority (GRDA),~~ between the  
4 hours of one-half (1/2) hour after sunset and one-half (1/2) hour  
5 before sunrise at any speed in excess of thirty-five (35) miles per  
6 hour. Any person violating the provisions of this section shall be  
7 guilty of a misdemeanor and shall be punishable by a fine of not  
8 less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty  
9 Dollars (\$250.00).

10 SECTION 20. AMENDATORY 74 O.S. 2001, Section 840-5.5, as  
11 last amended by Section 132 of Enrolled House Bill No. 2060 of the  
12 1st Session of the 50th Oklahoma Legislature, is amended to read as  
13 follows:

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

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

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

- 1           3. All judges, elected or appointed, and their employees;
- 2           4. Persons employed with one-time, limited duration, federal or  
3 other grant funding that is not continuing or indefinitely  
4 renewable. The length of the unclassified employment shall not  
5 exceed the period of time for which that specific federal funding is  
6 provided;
- 7           5. All officers and employees of The Oklahoma State System of  
8 Higher Education, State Board of Education and Oklahoma Department  
9 of Career and Technology Education;
- 10          6. Persons employed in a professional or scientific capacity to  
11 make or conduct a temporary and special inquiry, investigation, or  
12 examination on behalf of the Legislature or a committee thereof or  
13 by authority of the Governor. These appointments and authorizations  
14 shall terminate on the first day of the regular legislative session  
15 immediately following the appointment, if not terminated earlier.  
16 However, nothing in this paragraph shall prevent the reauthorization  
17 and reappointment of any such person. Any such appointment shall be  
18 funded from the budget of the appointing authority;
- 19          7. Election officials and employees;
- 20          8. Temporary employees employed to work less than one thousand  
21 (1,000) hours in any twelve-month period and seasonal employees  
22 employed pursuant to Section 1806.1 of this title who work less than  
23 one thousand two hundred (1,200) hours in any twelve-month period.

1 This category of employees may include persons employed on an  
2 intermittent, provisional, seasonal, temporary or emergency basis;

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

- 5 a. administrative aides to the Commissioner,
- 6 b. executive secretaries to the Commissioner,
- 7 c. the Governor's representative of the Oklahoma Highway  
8 Safety Office who shall be appointed by the Governor,
- 9 d. Highway Patrol Colonel,
- 10 e. Highway Patrol Lieutenant Colonel,
- 11 f. Highway Patrol Major,
- 12 g. Director of Finance,
- 13 h. noncommissioned pilots,
- 14 i. Information Systems Administrator,
- 15 j. Law Enforcement Telecommunications System Specialist,
- 16 k. Director of Driver License Administration,
- 17 l. Director of Transportation Division,
- 18 m. Director of the Alcohol and Drug Countermeasures Unit,
- 19 n. Director of the Oklahoma Highway Safety Office,
- 20 o. Civil Rights Administrator,
- 21 p. Budget Analyst,
- 22 q. Comptroller,
- 23 r. Chaplain,

1 s. Helicopter Mechanic,  
2 t. Director of Safety Compliance, ~~and~~  
3 u. Human Resources Director,  
4 v. Administrator of Department Services, and  
5 w. a maximum of seven (7) positions for the purpose of  
6 administering ~~the Oklahoma Police Corps Program~~  
7 programs in the Oklahoma Highway Safety Office, within  
8 full-time employee limitations of the Department,  
9 employed with federal funding that is continuing or  
10 indefinitely renewable. The authorization for such  
11 positions shall be terminated if the federal funding  
12 for positions is discontinued;  
13 provided, any person appointed to a position prescribed in  
14 subparagraphs d, e, f or o of this paragraph shall have a right of  
15 return to the classified commissioned position without any loss of  
16 rights, privileges or benefits immediately upon completion of the  
17 duties in the unclassified commissioned position, and any person  
18 appointed to a position prescribed in subparagraph i, j, k, l, m or  
19 n of this paragraph shall have a right of return to the previously  
20 held vacant classified position within the Department of Public  
21 Safety without any loss of rights, privileges or benefits  
22 immediately upon completion of the duties in the unclassified  
23 commissioned position;

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

3           11. Students who are employed on a part-time basis, which shall  
4 be seventy-five percent (75%) of a normal forty-hour work week or  
5 thirty (30) hours per week, or less, or on a full-time basis if the  
6 employment is pursuant to a cooperative education program such as  
7 that provided for under Title I IV-D of the Higher Education Act of  
8 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly  
9 enrolled in:

10           a. an institution of higher learning within The Oklahoma  
11 State System of Higher Education,

12           b. an institution of higher learning qualified to become  
13 coordinated with The Oklahoma State System of Higher  
14 Education. For purposes of this section, a student  
15 shall be considered a regularly enrolled student if  
16 the student is enrolled in a minimum of five (5) hours  
17 of accredited graduate courses or a minimum of ten  
18 (10) hours of accredited undergraduate courses,  
19 provided, however, the student shall only be required  
20 to be enrolled in a minimum of six (6) hours of  
21 accredited undergraduate courses during the summer, or

1           c.    high school students regularly enrolled in a high  
2                    school in Oklahoma and regularly attending classes  
3                    during such time of enrollment;

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

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

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

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

- 18           a.  Administrative aides, and executive secretaries to the  
19                    Commissioners,
- 20           b.  Directors of all the divisions, personnel managers and  
21                    comptrollers,
- 22           c.  General Counsel,
- 23           d.  Public Utility Division Chief Engineer,

- 1 e. Public Utility Division Chief Accountant,
- 2 f. Public Utility Division Chief Economist,
- 3 g. Public Utility Division Deputy Director,
- 4 h. Secretary of the Commission,
- 5 i. Deputy Conservation Director,
- 6 j. Manager of Pollution Abatement,
- 7 k. Manager of Field Operations,
- 8 l. Manager of Technical Services,
- 9 m. Public Utility Division Chief of Telecommunications,
- 10 and
- 11 n. Director of Information Services;

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

16 17. Department of Mental Health and Substance Abuse Services  
17 personnel occupying the following offices and positions:

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

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

- 3           a. State Comptroller,
- 4           b. Administrative Officer,
- 5           c. Alternator Claims Auditor,
- 6           d. Employees hired to fulfill state compliance agency  
7 requirements under Model Tribal Gaming Compacts,
- 8           e. Employees of the Budget Division,
- 9           f. Employees of the Fiscal and Research Division, and
- 10          g. Information Services Division:

- 11           (1) Information Services Division Manager,
- 12           (2) Network Manager,
- 13           (3) Network Technician,
- 14           (4) Security Manager,
- 15           (5) Contracts/Purchasing Manager,
- 16           (6) Operating and Applications Manager,
- 17           (7) Project Manager,
- 18           (8) Help Desk Manager,
- 19           (9) Help Desk Technician,
- 20           (10) Quality Assurance Manager,
- 21           (11) ISD Analysts,
- 22           (12) CORE Manager,
- 23           (13) Enterprise System/Database Software Manager,

1 (14) Data Center Operations and Production Manager,  
2 (15) Voice Communications Manager,  
3 (16) Applications Development Manager,  
4 (17) Projects Manager,  
5 (18) PC's Manager,  
6 (19) Servers Manager, and  
7 (20) Portal Manager;

8 19. Employees of the Oklahoma Development Finance Authority;

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

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

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

15 a. positions for which the annual salary is Twenty-four  
16 Thousand One Hundred Ninety-three Dollars (\$24,193.00)  
17 or more, as determined by the Office of Personnel  
18 Management, provided no position shall become  
19 unclassified because of any change in salary or grade  
20 while it is occupied by a classified employee,

21 b. positions requiring certification by the State  
22 Department of Education, and

1           c.   positions and employees authorized to be in the  
2                   unclassified service of the state elsewhere in this  
3                   section or in subsection B of this section;

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

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

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

- 10          a.   two Deputy Commissioners,
- 11          b.   Executive Secretary to the Commissioner,
- 12          c.   Chief of Staff, and
- 13          d.   two Administrative Assistants;

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

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

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

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

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

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

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

- 10           a. three Administrative Service Assistant positions,  
11                           however, employees in such positions who are in the  
12                           unclassified service on the effective date of this act  
13                           may make an election to be in the classified service  
14                           without a loss in salary by September 1, 2003, and  
15           b. the Deputy Director position in addition to the one  
16                           authorized by paragraph 2 of this subsection;

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

- 19           a. five assistant directors,  
20           b. two special investigators,  
21           c. one information representative,  
22           d. one federally funded physical evidence technician,  
23           e. four federally funded laboratory analysts,

- 1           f.    one Data Base Administrator,
- 2           g.    two Data Processing Branch Managers,
- 3           h.    four Senior Data Processing Applications Specialists,
- 4           i.    a total of three positions from the following classes:
- 5                Senior Data Processing Systems Specialists, Data
- 6                Processing Applications Specialists, or Data
- 7                Processing Systems Specialists,
- 8           j.    one Senior Computer Services Technician, or Computer
- 9                Services Technician,
- 10          k.    one Senior Computer Services Coordinator, or Computer
- 11                Services Coordinator, and
- 12          l.    one executive secretary in addition to the one
- 13                authorized pursuant to paragraph 2 of this subsection;
- 14          32.   The Department of Transportation, the following positions:
- 15                a.    Director of the Oklahoma Aeronautics Commission,
- 16                b.    five Department of Transportation Assistant Director
- 17                positions,
- 18                c.    eight field division engineer positions, and
- 19                d.    one pilot position;
- 20          33.   Commissioners of the Land Office employees occupying the
- 21   following positions:
- 22                a.    Director of the Investments Division,
- 23                b.    Assistant Director of the Investments Division,

- 1 c. one Administrative Assistant,
- 2 d. one Audit Tech position,
- 3 e. one Auditor I position,
- 4 f. two Accounting Tech I positions,
- 5 g. two Administrative Assistant I positions,
- 6 h. two Imaging Specialist positions, and
- 7 i. one Information Systems Specialist position;

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

- 10 a. six Narcotics Agent positions and three Typist  
11 Clerk/Spanish transcriptionists, including a Typist  
12 Clerk Supervisor/Spanish transcriptionist, provided,  
13 authorization for such positions shall be terminated  
14 if the federal funding for the positions is  
15 discontinued,
- 16 b. one executive secretary in addition to the one  
17 authorized pursuant to paragraph 2 of this subsection,
- 18 c. one fiscal officer,
- 19 d. one full-time Programmer, and
- 20 e. one full-time Network Engineer;

21 35. The Military Department of the State of Oklahoma is  
22 authorized such unclassified employees within full-time employee  
23 limitations to work in any of the Department of Defense directed

1 youth programs, the State of Oklahoma Juvenile Justice youth  
2 programs, those persons reimbursed from Armory Board or Billeting  
3 Fund accounts, and skilled trade positions;

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

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

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

- 17 a. one Executive Secretary in addition to the Executive  
18 Secretary authorized by paragraph 2 of this  
19 subsection,
- 20 b. the Director of Central Purchasing,
- 21 c. one Alternate Fuels Administrator,
- 22 d. one Director of Special Projects,
- 23 e. three postauditors,

- 1 f. four high-technology contracting officers,
- 2 g. one Executive Assistant to the Purchasing Director,
- 3 h. one Contracts Manager,
- 4 i. one Associate Director,
- 5 j. one specialized HiTech/Food Contracting Officer,
- 6 k. one State Use Contracting Officer, and
- 7 l. one Property Distribution Administrator;

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

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

- 13 a. Physical Therapists,
- 14 b. Physical Therapist Assistants,
- 15 c. Occupational Therapists,
- 16 d. Certified Occupational Therapist Aides, and
- 17 e. Speech Pathologists;

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

20 41. Oklahoma Department of Agriculture, Food, and Forestry  
21 personnel occupying the following positions:

- 1 a. one Executive Secretary in addition to the Executive  
2 Secretary authorized by paragraph 2 of this subsection  
3 and one Executive Assistant,  
4 b. eighteen Agricultural Marketing Coordinator III  
5 positions,  
6 c. temporary fire suppression personnel, regardless of  
7 the number of hours worked, who are employed by the  
8 Oklahoma Department of Agriculture, Food, and Forestry  
9 during the period of October 1 through May 31 in any  
10 fiscal year; provided, however, notwithstanding the  
11 provisions of any other section of law, the hours  
12 worked by such employees shall not entitle such  
13 employees to any benefits received by full-time  
14 employees,  
15 d. one Administrator for Human Resources,  
16 e. one Director of Administrative Services,  
17 f. one Water Quality Consumer Complaint Coordinator,  
18 g. one hydrologist position,  
19 h. Public Information Office Director,  
20 i. Market Development Services Director,  
21 j. Legal Services Director,  
22 k. Animal Industry Services Director,  
23 l. Water Quality Services Director,

- 1 m. Forestry Services Director,  
2 n. Plant Industry and Consumer Services Director,  
3 o. one Grants Administrator position,  
4 p. Director of Laboratory Services,  
5 q. Chief of Communications,  
6 r. Public Information Manager,  
7 s. Inventory/Supply Officer,  
8 t. five Agriculture Field Inspector positions assigned  
9 the responsibility for conducting inspections and  
10 audits of agricultural grain storage warehouses. All  
11 other Agriculture Field Inspector positions and  
12 employees of the Oklahoma Department of Agriculture,  
13 Food, and Forestry shall be classified and subject to  
14 the provisions of the Merit System of Personnel  
15 Administration. On November 1, 2002, all other  
16 unclassified Agriculture Field Inspectors shall be  
17 given status in the classified service as provided in  
18 Section 840-4.2 of this title,  
19 u. Rural Fire Coordinator,  
20 v. Poultry Coordinator,  
21 w. Food Safety Division Director,  
22 x. one Mammal Control Officer,  
23 y. Two Scale Technicians, and

1           z.    Two Plant Protection Specialists;

2           42.  The Contracts Administrator within the Oklahoma State

3 Employees Benefits Council;

4           43.  The Development Officer within the Oklahoma Department of

5 Libraries;

6           44.  Oklahoma Real Estate Commission personnel occupying the

7 following offices and positions:

8           a.    Educational Program Director, and

9           b.    Data Processing Manager;

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

11 Consumer Credit;

12          46.  All officers and employees of the Oklahoma Capitol Complex

13 and Centennial Commemoration Commission;

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

15 Commission;

16          48.  One Museum Archivist of The Will Rogers Memorial

17 Commission;

18          49.  One Fire Protection Engineer of the Office of the State

19 Fire Marshal;

20          50.  Acting incumbents employed pursuant to Section 209 of Title

21 44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not

22 be included in any limitation on full-time equivalency imposed by

23 law on an agency.  Permanent classified employees may request a

1 leave of absence from classified status and accept an unclassified  
2 appointment and compensation as an acting incumbent with the same  
3 agency; provided, the leave shall expire no later than two (2) years  
4 from the date of the acting incumbent appointment. An appointing  
5 authority may establish unclassified positions and appoint  
6 unclassified employees to perform the duties of a permanent  
7 classified employee who is on leave of absence from a classified  
8 position to serve as an acting incumbent. All unclassified  
9 appointments created pursuant to this paragraph shall expire no  
10 later than two (2) years from the date of appointment. Classified  
11 employees accepting unclassified appointments and compensation  
12 pursuant to this paragraph shall be entitled to participate without  
13 interruption in any benefit programs available to classified  
14 employees, including retirement and insurance programs. Immediately  
15 upon termination of an unclassified appointment pursuant to this  
16 paragraph, an employee on assignment from the classified service  
17 shall have a right to be restored to the classified service and  
18 reinstated to the former job family level and compensation plus any  
19 adjustments and increases in salary or benefits which the employee  
20 would have received but for the leave of absence;

21 51. The Oklahoma Homeland Security Director and all other  
22 positions assigned the responsibilities of working in the Oklahoma  
23 Office of Homeland Security; and

1           52. The following eighteen (18) positions in the State  
2 Department of Health:

- 3           a. one surveillance supervisor,
- 4           b. one surveillance project monitor,
- 5           c. two bilingual interviewers,
- 6           d. eight senior interviewers, and
- 7           e. six interviewers.

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

- 11          1. Licensed medical doctors, osteopathic physicians, dentists,  
12 psychologists, and nurses;
- 13          2. Certified public accountants;
- 14          3. Licensed attorneys;
- 15          4. Licensed veterinarians; and
- 16          5. Licensed pharmacists.

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

1 D. The appointing authority of agencies participating in the  
2 statewide information systems project may establish unclassified  
3 positions and appoint unclassified employees to the project as  
4 needed. Additional unclassified positions may be established, if  
5 required, to appoint an unclassified employee to perform the duties  
6 of a permanent classified employee who is temporarily absent from a  
7 classified position as a result of assignment to this project. All  
8 unclassified appointments under this authority shall expire no later  
9 than December 31, 2005, and all unclassified positions established  
10 to support the project shall be abolished. Both the positions and  
11 appointments resulting from this authority shall be exempt from any  
12 agency FTE limitations and any limits imposed on the number of  
13 unclassified positions authorized. Permanent classified employees  
14 may request a leave of absence from classified status and accept an  
15 unclassified appointment and compensation with the same agency under  
16 the provisions of this subsection; provided, the leave shall expire  
17 no later than December 31, 2005. Employees accepting the  
18 appointment and compensation shall be entitled to participate  
19 without interruption in any benefit programs available to classified  
20 employees, including retirement and insurance programs. Immediately  
21 upon termination of an unclassified appointment pursuant to this  
22 subsection, an employee on assignment from the classified service  
23 shall have a right to be restored to the classified service and

1 reinstated to the former job family level and compensation plus any  
2 adjustments and increases in salary or benefits which the employee  
3 would have received but for the leave of absence.

4 SECTION 21. REPEALER Section 1, Chapter 395, O.S.L.  
5 1998, is hereby repealed;

6 Section 2, Chapter 148, O.S.L. 2004 (22 O.S. Supp. 2004, Section  
7 1108.2), is hereby repealed;

8 47 O.S. 2001, Section 2-140.1, is hereby repealed;

9 47 O.S. 2001, Section 2-140.2, is hereby repealed;

10 47 O.S. 2001, Section 2-140.3, as amended by Section 11, Chapter  
11 397, O.S.L. 2002 (47 O.S. Supp. 2004, Section 2-140.3), is hereby  
12 repealed;

13 47 O.S. 2001, Section 2-140.4, is hereby repealed;

14 47 O.S. 2001, Section 2-140.5, as amended by Section 12, Chapter  
15 397, O.S.L. 2002 (47 O.S. Supp. 2004, Section 2-140.5), is hereby  
16 repealed;

17 47 O.S. 2001, Section 2-140.6, is hereby repealed;

18 47 O.S. 2001, Section 2-140.7, is hereby repealed;

19 47 O.S. 2001, Section 2-140.8, is hereby repealed;

20 47 O.S. 2001, Section 2-140.9, is hereby repealed;

21 47 O.S. 2001, Section 2-140.10, is hereby repealed;

1        47 O.S. 2001, Section 2-140.11, as amended by Section 13,  
2 Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2004, Section 2-140.11), is  
3 hereby repealed;

4        47 O.S. 2001, Section 11-801c, is hereby repealed;

5        47 O.S. 2001, Section 11-801d, is hereby repealed.

6        SECTION 22. This act shall become effective September 1, 2005.

7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-5-05 - DO PASS,  
8 As Amended.