

1 ENGROSSED HOUSE
2 BILL NO. 1868

By: Tibbs of the House

and

Paddack of the Senate

6 An Act relating to motor vehicles; amending 36 O.S.
7 2001, Section 924.1, as last amended by Section 8,
8 Chapter 519, O.S.L. 2004 (36 O.S. Supp. 2006, Section
9 924.1), which relates to the reduction in premium
10 charges for certain persons; modifying course
11 approval requirement; providing statutory reference;
12 amending 47 O.S. 2001, Section 2-106, as last amended
13 by Section 6, Chapter 83, 2nd Extraordinary Session,
14 O.S.L. 2006 (47 O.S. Supp. 2006, Section 2-106),
15 which relates to divisions within the Department of
16 Public Safety; deleting certain administrative unit
17 and division; modifying name of certain division;
18 amending 47 O.S. 2001, Sections 6-103, as last
19 amended by Section 7, Chapter 311, O.S.L. 2006, 6-
20 112, 6-205.1, as last amended by Section 18, Chapter
21 311, O.S.L. 2006, 6-212, as last amended by Section
22 1, Chapter 530, O.S.L. 2004 and 6-303, as last
23 amended by Section 52, Chapter 1, O.S.L. 2005 (47
24 O.S. Supp. 2006, Sections 6-103, 6-205.1, 6-212 and
6-303), which relate to driver licenses; expanding
certain time limitation; providing penalty for
certain prohibited act; providing statutory
reference; requiring dismissal of charge under
certain circumstances; increasing certain time
limitations; prohibiting modification of time
periods; providing statutory reference; requiring
dismissal of charge under certain circumstances;
amending Sections 1 and 5, Chapter 322, O.S.L. 2006
(47 O.S. Supp. 2006, Sections 7-600.2 and 7-612),
which relate to compulsory liability insurance;
providing exemption for certain registered vehicles;
providing time limitations for mandatory suspensions;
requiring suspension until certain conditions met;
providing statutory reference for notice requirement;
providing time limitation for mandatory surrender of
driver license and license plate; requiring payment
of fee for noncompliance with certain requirement;

1 amending 47 O.S. 2001, Section 8-104, as amended by
2 Section 34, Chapter 519, O.S.L. 2004 (47 O.S. Supp.
3 2006, Section 8-104), which relates to financial
4 responsibility of taxicab operators; deleting
5 reference to certain division within the Department
6 of Public Safety; requiring certain information be
7 filed with the Corporation Commission; amending 47
8 O.S. 2001, Section 15-112, which relates to physical
9 disability temporary placards; modifying definition;
10 amending 47 O.S. 2001, Section 156.1, as last amended
11 by Section 3, Chapter 456, O.S.L. 2003 (47 O.S. Supp.
12 2006, Section 156.1), which relates to use of state-
13 owned motor vehicles; modifying name of certain
14 division; amending 74 O.S. 2001, Section 840-5.5, as
15 last amended by Section 3, Chapter 47, 2nd
16 Extraordinary Session, O.S.L. 2006 (74 O.S. Supp.
17 2006, Section 840-5.5), which relates to
18 classification of positions; deleting and modifying
19 certain unclassified service positions within the
20 Department of Public Safety and the Office of State
21 Finance; deleting certain right for persons appointed
22 to designated positions; and providing an effective
23 date.

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

SECTION 1. AMENDATORY 36 O.S. 2001, Section 924.1, as
last amended by Section 8, Chapter 519, O.S.L. 2004 (36 O.S. Supp.
2006, Section 924.1), is amended to read as follows:

Section 924.1 A. Any schedule of rates or rating plan for
automobile or motorcycle liability and physical damage insurance
submitted to or filed with the State Insurance Commissioner shall
provide for an appropriate reduction in premium charges for those
insured persons for a three-year period after successfully
completing a motor vehicle accident prevention course which shall

1 include but not be limited to an automobile or motorcycle accident
2 prevention course ~~meeting the criteria established by the Department~~
3 ~~of Public Safety~~ as approved by the insurance company of the
4 policyholder. Provided, however, there shall be no reduction in
5 premiums for a self-instructed course or a course which does not
6 provide for actual classroom or field driving instruction for a
7 minimum number of hours as ~~determined by the Department of Public~~
8 ~~Safety~~ provided in subsection E of this section. Provided further,
9 there shall be no reduction in premiums for a course attended
10 pursuant to a court order in connection with a motor vehicle
11 violation or an alcohol- or drug-related offense.

12 B. All insurance companies writing automobile or motorcycle
13 liability and physical damage insurance in this state shall allow an
14 appropriate reduction in premium charges to all eligible persons
15 pursuant to this section.

16 C. ~~The approved course shall be taught by instructors approved~~
17 ~~by the Department of Public Safety.~~

18 ~~D.~~ Upon successfully completing the approved course, each
19 participant shall be issued by the sponsoring agency of the course,
20 a certificate which shall be the basis of qualification for the
21 discount on insurance.

22 ~~E.~~ D. Each participant shall successfully complete an approved
23 course each three (3) years to continue to be eligible for the
24 discount on insurance.

1 ~~F.~~ E. An approved course pursuant to this section shall provide
2 at least six (6) hours of instruction.

3 SECTION 2. AMENDATORY 47 O.S. 2001, Section 2-106, as
4 last amended by Section 6, Chapter 83, 2nd Extraordinary Session,
5 O.S.L. 2006 (47 O.S. Supp. 2006, Section 2-106), is amended to read
6 as follows:

7 Section 2-106. A. There is hereby established in the
8 Department of Public Safety ~~an administrative unit to be known as~~
9 ~~the Driver License Administration, which shall be divided into the~~
10 Driver License Examining Division, ~~the Driver License Services~~
11 ~~Division, and~~ the Driver Improvement Compliance Division, ~~the~~
12 ~~Financial Responsibility Division,~~ and such other divisions as the
13 Commissioner of Public Safety may direct.

14 B. The Driver License Examining Division shall consist of
15 noncommissioned classified employees of the Department who may
16 administer tests for the purpose of issuing driver licenses pursuant
17 to Chapter 6 of this title.

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

24

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

- 3 a. be a citizen of the State of Oklahoma,
- 4 b. be of good moral character,
- 5 c. possess a high school diploma or General Educational
6 Development equivalency certificate, and
- 7 d. meet physical and mental standards as the Commissioner
8 may prescribe. The scope of the physical and mental
9 examinations for persons appointed as a Driver License
10 Examiner or Senior Driver License Examiner shall be as
11 prescribed by the Commissioner.

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

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

19 F. Effective January 1, 2007, the annual salaries of the
20 following employees of the Driver License Examining Division of the
21 Department of Public Safety shall be in accordance with the
22 following salary schedule, exclusive of longevity pay, as authorized
23 by Section 840-2.18 of Title 74 of the Oklahoma Statutes:

24 1. Driver License Examiner \$34,023.00;

- 1 2. Senior Driver License Examiner \$40,686.00;
- 2 3. Administrative Programs Officer I \$37,202.00;
- 3 4. Administrative Programs Officer II \$43,308.00; and
- 4 5. Training Specialist \$40,686.00.

5 Provided, however, no such employee shall receive less than the
6 salary the employee was receiving on December 31, 2006.

7 SECTION 3. AMENDATORY 47 O.S. 2001, Section 6-103, as
8 last amended by Section 7, Chapter 311, O.S.L. 2006 (47 O.S. Supp.
9 2006, Section 6-103), is amended to read as follows:

10 Section 6-103. A. Except as otherwise provided by law, the
11 Department of Public Safety shall not issue a driver license to:

12 1. Any person who is under eighteen (18) years of age, except
13 that the Department may issue a Class D license to any person who
14 attains sixteen (16) years of age on or after August 15, 2000, and
15 meets the requirements of Sections 6-105 and 6-107.3 of this title;

16 2. Any unemancipated person who is under eighteen (18) years of
17 age and whose custodial legal parent or legal guardian does not
18 approve the issuance of a license as required by Section 6-110.2 of
19 this title or objects to the issuance of a license or permit by
20 filing an objection pursuant to Section 6-103.1 of this title;

21 3. Any person whose driving privilege has been suspended,
22 revoked, canceled or denied in this state or any other state or
23 country until the driving privilege has been reinstated by the state
24 or country withdrawing the privilege;

1 4. Any person who is classified as an excessive user of
2 alcohol, any other intoxicating substance, or a combination of
3 alcohol and any other intoxicating substance, and inimical to public
4 safety, in accordance with rules promulgated by the Department,
5 until all requirements granting or reinstating driving privileges
6 are met, including, but not limited to, abstinence from the use of
7 alcohol, any other intoxicating substance, or any combination of
8 alcohol and any other intoxicating substance for a minimum of either
9 twelve (12) months or eighteen (18) months, as determined by OAC
10 595:10-5, immediately preceding application for or application for
11 reinstatement of driving privileges;

12 5. Any person who is required by Section 6-101 et seq. of this
13 title to take an examination, unless the person shall have
14 successfully passed the examination;

15 6. Any person who is required under the laws of this state to
16 deposit proof of financial responsibility and who has not deposited
17 such proof;

18 7. Any person who is physically deformed or who is afflicted
19 with any mental disease or physical condition that would impair the
20 driving ability of the person or when the Commissioner of Public
21 Safety, from information concerning the person or from the records
22 and reports on file in the Department of Public Safety, determines
23 that the operation of a motor vehicle by such person on the highways
24 would be inimical to public safety or welfare;

1 8. Any person who is a nonresident, as defined in Section 1-137
2 of this title;

3 9. Any alien unless such person presents valid documentation of
4 identity and authorization for presence in the United States issued
5 pursuant to the laws of the United States; provided, no license
6 shall be issued to any alien whose documentation indicates the alien
7 is a visitor or is not eligible to establish residency; or

8 10. Any person who possesses a valid license to operate a motor
9 vehicle issued by another state until the other state license has
10 been surrendered.

11 B. Any applicant who is denied a license under the provisions
12 of subsection A of this section shall have the right to an appeal as
13 provided in Section 6-211 of this title.

14 SECTION 4. AMENDATORY 47 O.S. 2001, Section 6-112, is
15 amended to read as follows:

16 Section 6-112. A. Every licensee shall have his ~~driver's~~ or
17 her driver license in his or her immediate possession at all times
18 when operating a motor vehicle and shall display the same upon
19 demand of a peace officer. ~~However, no~~ Any person violating this
20 subsection shall, upon conviction, be guilty of a misdemeanor and
21 shall be punished as provided for in Section 17-101 of this title.

22 B. Any person charged with violating this section ~~shall be~~
23 ~~convicted if he~~ who produces in court ~~or the office of the arresting~~
24 ~~officer,~~ on or before the court date, a driver's driver license

1 ~~therefore~~ issued to him or her and valid at the time of his or her
2 arrest shall be entitled to dismissal of such charge without payment
3 of court costs and fine.

4 SECTION 5. AMENDATORY 47 O.S. 2001, Section 6-205.1, as
5 last amended by Section 18, Chapter 311, O.S.L. 2006 (47 O.S. Supp.
6 2006, Section 6-205.1), is amended to read as follows:

7 Section 6-205.1 A. The driving privilege of a person who is
8 convicted of any offense as provided in paragraph 2 or 6 of
9 subsection A of Section 6-205 of this title, or a person who has
10 refused to submit to a test or tests as provided in Section 753 of
11 this title, or a person whose alcohol concentration is subject to
12 the provisions of Section 754 of this title, shall be revoked or
13 denied by the Department of Public Safety for the following period,
14 as applicable:

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

20 2. A revocation pursuant to paragraph 2 of subsection A of
21 Section 6-205 of this title, or to Section 753 or 754 of this title
22 shall be for a period of one (1) year if within ~~five (5)~~ ten (10)
23 years preceding the date of arrest relating thereto, as shown by the
24 records of the Department:

1 a. a prior revocation commenced pursuant to paragraph 2
2 or 6 of subsection A of Section 6-205 of this title,
3 or to Section 753 or 754 of this title. Such period
4 shall not be modified, or

5 b. the record of the person reflects a prior conviction
6 in another jurisdiction which did not result in a
7 revocation of Oklahoma driving privileges, for a
8 violation substantially similar to paragraph 2 of
9 subsection A of Section 6-205 of this title, and the
10 person was not a resident or a licensee of Oklahoma at
11 the time of the offense resulting in the conviction.
12 Such period shall not be modified; or

13 3. A revocation pursuant to paragraph 2 of subsection A of
14 Section 6-205 of this title, or to Section 753 or 754 of this title
15 shall be for a period of three (3) years if within ~~five (5)~~ ten (10)
16 years preceding the date of arrest relating thereto, as shown by the
17 records of the Department:

18 a. two or more prior revocations commenced pursuant to
19 paragraph 2 or 6 of subsection A of Section 6-205 of
20 this title, or to Section 753 or 754 of this title.
21 Such period shall not be modified, or

22 b. the record of the person reflects two or more prior
23 convictions in another jurisdiction which did not
24 result in a revocation of Oklahoma driving privileges,

1 for a violation substantially similar to paragraph 2
2 of subsection A of Section 6-205 of this title, and
3 the person was not a resident or a licensee of
4 Oklahoma at the time of the offense resulting in the
5 conviction. Such period shall not be modified.

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

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

17 2. A revocation shall be for a period of one (1) year if within
18 ~~five (5)~~ ten (10) years preceding the date of arrest relating
19 thereto, as shown by the records of the Department:

20 a. a prior revocation commenced pursuant to paragraph 2
21 or 6 of subsection A of Section 6-205 of this title,
22 or under Section 753 or 754 of this title. Such
23 period shall not be modified, or
24

1 b. the record of the person reflects a prior conviction
2 in another jurisdiction which did not result in a
3 revocation of Oklahoma driving privileges, for a
4 violation substantially similar to paragraph 2 or 6 of
5 subsection A of Section 6-205 of this title, and the
6 person was not a resident or a licensee of Oklahoma at
7 the time of the offense resulting in the conviction.
8 Such period shall not be modified; or

9 3. A revocation shall be for a period of three (3) years if
10 within ~~five (5)~~ ten (10) years preceding the date of arrest relating
11 thereto, as shown by the records of the Department:

12 a. two or more prior revocations commenced pursuant to
13 paragraph 2 or 6 of subsection A of Section 6-205 of
14 this title, or under Section 753 or 754 of this title.
15 Such period shall not be modified, or

16 b. the record of the person reflects two or more prior
17 convictions in another jurisdiction which did not
18 result in a revocation of Oklahoma driving privileges,
19 for a violation substantially similar to paragraph 2
20 or 6 of subsection A of Section 6-205 of this title,
21 and the person was not a resident or licensee of
22 Oklahoma at the time of the offense resulting in the
23 conviction. Such period shall not be modified.

1 The revocation of the driving privilege of any person under this
2 subsection shall not run concurrently with any other withdrawal of
3 driving privilege resulting from a different incident and which
4 requires the driving privilege to be withdrawn for a prescribed
5 amount of time. A denial based on a conviction of any offense as
6 provided in paragraph 6 of subsection A of Section 6-205 of this
7 title shall become effective on the first day the convicted person
8 is otherwise eligible to apply for and be granted driving privilege
9 if the person was not eligible to do so at the time of the
10 conviction.

11 C. For the purposes of this subsection:

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

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

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

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

3 SECTION 6. AMENDATORY 47 O.S. 2001, Section 6-212, as
4 last amended by Section 1, Chapter 530, O.S.L. 2004 (47 O.S. Supp.
5 2006, Section 6-212), is amended to read as follows:

6 Section 6-212. A. The Department of Public Safety shall not
7 assess and collect multiple reinstatement fees when reinstating the
8 driving privilege of any person having more than one suspension or
9 revocation affecting the person's driving privilege at the time of
10 reinstatement.

11 B. The Department shall:

12 1. Suspend or revoke a person's driving privilege for each
13 basis as delineated within the Oklahoma Statutes; and

14 2. Require any person having more than one suspension or
15 revocation affecting the person's driving privilege to meet the
16 statutory requirements for each action as a condition precedent to
17 the reinstatement of any driving privilege. Provided, however,
18 reinstatement fees shall not be cumulative, and a single
19 reinstatement fee, as provided for in subsection C of this section,
20 shall be paid for all suspensions or revocations as shown by the
21 Department's records at the time of reinstatement.

22 C. Whenever a person's privilege to operate a motor vehicle is
23 suspended or revoked pursuant to any provision as authorized by the
24 Oklahoma Statutes, the license or privilege to operate a motor

1 vehicle shall remain under suspension or revocation and shall not be
2 reinstated until:

3 1. The expiration of each such revocation or suspension order;

4 2. The person has paid to the Department:

5 a. if such privilege is suspended or revoked pursuant to
6 Section 1115.5 of Title 22 of the Oklahoma Statutes or
7 pursuant to any provisions of this title, except as
8 provided in subparagraph b of this paragraph, a
9 processing fee of Twenty-five Dollars (\$25.00) for
10 each such suspension or revocation as shown by the
11 Department's records, or

12 b. if such privilege is suspended or revoked pursuant to
13 the provisions of Section 6-205, 6-205.1, 7-608, 7-
14 612, 753, 754 or 761 of this title or pursuant to
15 subsection A of Section 7-605 of this title for a
16 conviction for failure to maintain the mandatory motor
17 vehicle insurance required by law or pursuant to
18 subsection B of Section 6-206 of this title for a
19 suspension other than for points accumulation, a
20 processing fee of Seventy-five Dollars (\$75.00) for
21 each such suspension or revocation as shown by the
22 Department's records, and a special assessment trauma-
23 care fee of Two Hundred Dollars (\$200.00) to be
24 deposited into the Trauma Care Assistance Revolving

1 Fund created in Section 1-2522 of Title 63 of the
2 Oklahoma Statutes for each suspension or revocation as
3 shown by the records of the Department; and

4 3. The person has paid to the Department a single reinstatement
5 fee of Twenty-five Dollars (\$25.00).

6 D. Effective July 1, 2002, and for each fiscal year thereafter:

7 1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all
8 monies collected each month pursuant to this section shall be
9 apportioned as provided in Section 1104 of this title, except as
10 otherwise provided in this section; and

11 2. All other monies collected in excess of Two Hundred Fifty
12 Thousand Dollars (\$250,000.00) each month shall be deposited in the
13 General Revenue Fund.

14 SECTION 7. AMENDATORY 47 O.S. 2001, Section 6-303, as
15 last amended by Section 52, Chapter 1, O.S.L. 2005 (47 O.S. Supp.
16 2006, Section 6-303), is amended to read as follows:

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

22 Any violation of the provisions of this subsection shall
23 constitute a misdemeanor and shall be punishable by a fine of not
24 less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars

1 (\$300.00) plus costs or by imprisonment for not more than thirty
2 (30) days, or by both such fine and imprisonment.

3 Any person charged with violating this section who produces in
4 court, on or before the court date, a renewal or replacement driver
5 license issued to him or her shall be entitled to dismissal of such
6 charge without payment of court costs and fine.

7 B. Any person who drives a motor vehicle on any public roads,
8 streets, highways, turnpikes or other public place of this state at
9 a time when the person's privilege to do so is canceled, denied,
10 suspended or revoked or at a time when the person is disqualified
11 from so doing shall be guilty of a misdemeanor and upon conviction
12 shall be punished by a fine:

13 1. For a first conviction, of not less than One Hundred Dollars
14 (\$100.00) and not more than Five Hundred Dollars (\$500.00);

15 2. For a second conviction, of not less than Two Hundred
16 Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars
17 (\$750.00); or

18 3. For a third and subsequent conviction, of not less than
19 Three Hundred Dollars (\$300.00) and not more than One Thousand
20 Dollars (\$1,000.00),
21 or by imprisonment for not more than one (1) year or by both such
22 fine and imprisonment. Each act of driving on the highways as
23 prohibited shall constitute a separate offense.

1 C. Any person who drives a motor vehicle on any public roads,
2 streets, highways, turnpikes or other public roads of this state at
3 a time when the driving privilege of that person is canceled,
4 denied, suspended or revoked, pursuant to paragraph 1 of subsection
5 A of Section 6-205.1 of this title, shall be guilty of a misdemeanor
6 and upon conviction shall be punished by a fine:

7 1. For a first conviction, of not less than Five Hundred
8 Dollars (\$500.00) and not more than One Thousand Dollars
9 (\$1,000.00);

10 2. For a second conviction, of not less than One Thousand
11 Dollars (\$1,000.00) and not more than Two Thousand Dollars
12 (\$2,000.00); or

13 3. For a third and subsequent conviction, of not less than Two
14 Thousand Dollars (\$2,000.00) and not more than Five Thousand Dollars
15 (\$5,000.00),
16 or by imprisonment for not more than one (1) year or by both such
17 fine and imprisonment. Each act of driving on the highways as
18 prohibited shall constitute a separate offense.

19 D. The Department upon receiving a record of conviction of an
20 offense committed by any person whose license or privilege to
21 operate motor vehicles is under suspension or revocation, shall
22 extend the period of such suspension or revocation for an additional
23 three-month period of time. The additional orders of suspension or
24

1 revocation shall be dated and become effective the day following the
2 date terminating the prior order of suspension or revocation.

3 E. The Department upon receiving a record of conviction of an
4 offense committed by any person whose license or privilege to
5 operate motor vehicles is under revocation, pursuant to paragraph 1,
6 2, or 3 of subsection A of Section 6-205.1 of this title, shall
7 extend the period of such revocation for an additional four-month
8 period of time. The additional orders of revocation shall be dated
9 and become effective the day following the date terminating the
10 prior order of revocation.

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

21 G. Any fine collected pursuant to a second or subsequent
22 conviction as provided for in subsections B and C of this section,
23 shall be deposited to the Trauma Care Assistance Revolving Fund
24 created in Section 1-2522 of Title 63 of the Oklahoma Statutes.

1 SECTION 8. AMENDATORY Section 1, Chapter 322, O.S.L.
2 2006 (47 O.S. Supp. 2006, Section 7-600.2), is amended to read as
3 follows:

4 Section 7-600.2 A. The Department of Public Safety shall
5 promulgate and adopt rules for an online verification system for
6 motor vehicle insurance or bond as required by the Compulsory
7 Insurance Law, subject to the following:

8 1. The Department shall cooperate with the Oklahoma Tax
9 Commission in the development of the verification system;

10 2. The verification system shall be accessible through the
11 Internet, World Wide Web or a similar proprietary or common carrier
12 electronic system by authorized personnel of the Department, the
13 Oklahoma Tax Commission, the courts, law enforcement personnel, and
14 any other entities authorized by the Department;

15 3. The verification system shall provide for direct inquiry and
16 response between the Department and insurance carriers and direct
17 access to insurers' records by personnel authorized by the
18 Department;

19 4. The verification system shall be available twenty-four (24)
20 hours a day to verify the insurance status of any vehicle registered
21 in this state through the vehicle's identification number, policy
22 number, registered owner's name or other identifying characteristic
23 or marker as prescribed by the Department in its rules;

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1 5. The Department shall conduct a pilot project to test the
2 system prior to statewide use;

3 6. The verification system shall be installed and operational
4 no later than July 1, 2008, following an appropriate testing period;

5 7. The Department may contract with a private vendor to assist
6 in establishing and maintaining the verification system;

7 8. The verification system shall include appropriate
8 provisions, consistent with industry standards, to secure its data
9 against unauthorized access and to maintain a record of all
10 information requests;

11 9. Information contained in the verification system shall not
12 be considered a public record; and

13 10. Any law enforcement officer, during a traffic stop or
14 accident investigation, may access information from the online
15 verification system to establish compliance with the Compulsory
16 Insurance Law and to verify the current validity of the policy
17 described on a security verification form and produced by the
18 operator of a motor vehicle during the traffic stop or accident
19 investigation.

20 B. This section shall not apply to a policy issued pursuant to
21 paragraph 3 of subsection A of Section 7-601.1 of this title or
22 paragraph 3 of subsection A of Section 7-602 of this title to insure
23 a commercial motor vehicle.

24

1 C. Insurance carriers shall cooperate with the Department in
2 establishing and maintaining the insurance verification system and
3 shall provide access to motor vehicle insurance policy status
4 information as provided in the Department's rules.

5 SECTION 9. AMENDATORY Section 5, Chapter 322, O.S.L.
6 2006 (47 O.S. Supp. 2006, Section 7-612), is amended to read as
7 follows:

8 Section 7-612. A. It is a misdemeanor for any person:

9 1. To purchase a security verification form which bears altered
10 or fictitious information concerning the existence of security
11 required by the Compulsory Insurance Law;

12 2. To display or cause or permit to be displayed or to possess
13 a security verification form which the person knows bears altered or
14 fictitious information concerning the existence of security required
15 by the Compulsory Insurance Law; or

16 3. To display or cause or permit to be displayed or to possess
17 any security verification form that is counterfeit.

18 B. It is a felony for anyone, other than an insurance carrier
19 or insurance producer as defined by Section 1435.2 of Title 36 of
20 the Oklahoma Statutes, to:

21 1. Create or otherwise manufacture a security verification form
22 or facsimile thereof, or to create, manufacture or possess an
23 engraved plate or other such device for the printing of security
24 verification forms; or

1 2. Issue or sell security verification forms.

2 C. 1. The violation of any of the provisions of subsection A
3 of this section shall constitute a misdemeanor punishable by a fine
4 of not less than Twenty-five Dollars (\$25.00), nor more than Two
5 Hundred Fifty Dollars (\$250.00) and by mandatory suspension of the
6 person's driving privilege and vehicle registration for:

7 a. two (2) months, for a first offense,

8 b. six (6) months, for a second offense, or

9 c. one (1) year, for a third or subsequent offense.

10 The suspension imposed under this subsection shall not be modified.

11 2. The violation of any of the provisions of subsection B of
12 this section shall constitute a felony punishable by a fine not
13 exceeding Ten Thousand Dollars (\$10,000.00) or a term of
14 imprisonment in the custody of the Department of Corrections not to
15 exceed seven (7) years, or by both such fine and imprisonment.

16 D. The suspension required in subsection C of this section
17 shall remain in effect until payment is made of the fees provided
18 for in Section 6-212 of this title and proof of security is
19 furnished to the Department of Public Safety which complies with the
20 requirements of Section 7-601 of this title. Suspension under this
21 section shall be effective when notice is given pursuant to Section
22 2-116 of this title.

23 E. Any person whose driving privilege and registration have
24 been suspended pursuant to the provisions of subsection C of this

1 section shall surrender to the Department his or her driver license
2 and the license plate of any motor vehicle registered in his or her
3 name and not covered by security within thirty (30) days from the
4 date of the suspension. Any owner failing to surrender his or her
5 driver license or license plate or plates to the Department within
6 such time shall pay a fee of Fifty Dollars (\$50.00) which shall be
7 in addition to the fees provided for in Section 6-212 of this title.

8 SECTION 10. AMENDATORY 47 O.S. 2001, Section 8-104, as
9 amended by Section 34, Chapter 519, O.S.L. 2004 (47 O.S. Supp. 2006,
10 Section 8-104), is amended to read as follows:

11 Section 8-104. A. 1. Every person, firm or corporation
12 engaged in the business of operating a taxicab or taxicabs within a
13 municipality shall file with the governing board of the municipality
14 in which such business is operated proof of financial
15 responsibility.

16 2. No governing board of a municipality shall hereafter issue
17 any certificate of convenience and necessity, franchise, license
18 permit or other privilege or authority to any person, firm or
19 corporation authorizing such person, firm or corporation to engage
20 in the business of operating a taxicab or taxicabs within the
21 municipality unless such person, firm or corporation first files
22 with the governing board proof of financial responsibility.

23 3. Every person, firm or corporation engaging in the business
24 of operating a taxicab or taxicabs without the corporate city limits

1 of a municipality or municipalities shall file with the ~~Department~~
2 ~~of Public Safety, Financial Responsibility Division, of the state,~~
3 Corporation Commission proof of financial responsibility.

4 4. No person, firm or corporation shall hereafter engage in the
5 business of operating a taxicab or taxicabs without the corporate
6 city limits of a municipality or municipalities in the state unless
7 such person, firm or corporation first files with the ~~Department of~~
8 ~~Public Safety~~ Corporation Commission proof of financial
9 responsibility.

10 B. As used in this section, "proof of financial responsibility"
11 shall mean a certificate of any insurance carrier or risk retention
12 group, as defined in Section 6453 of Title 36 of the Oklahoma
13 Statutes, authorized to do business in the state certifying that
14 there is in effect a policy of liability insurance insuring the
15 owner and operator of the taxicab business, his agents and employees
16 while in the performance of their duties against loss from any
17 liability imposed by law for damages including damages for care and
18 loss of services because of bodily injury to or death of any person
19 and injury to or destruction of property caused by accident and
20 arising out of the ownership, use or operation of such taxicab or
21 taxicabs, subject to minimum limits, exclusive of interest and cost,
22 with respect to each such motor vehicle as follows:

23
24

1 1. Twenty-five Thousand Dollars (\$25,000.00) because of bodily
2 injury to or death of one person in any one accident and, subject to
3 said limit for one person;

4 2. Fifty Thousand Dollars (\$50,000.00) because of bodily injury
5 to or death of two or more persons in any one accident; and

6 3. Twenty-five Thousand Dollars (\$25,000.00) because of injury
7 to or destruction of property of others in any one accident.

8 SECTION 11. AMENDATORY 47 O.S. 2001, Section 15-112, is
9 amended to read as follows:

10 Section 15-112. A. As used in this section:

11 1. "Physician" means any person holding a valid license to
12 practice medicine and surgery, osteopathic medicine, chiropractic,
13 podiatric medicine, or optometry, pursuant to the state licensing
14 provisions of Title 59 of the Oklahoma Statutes;

15 2. "Physician assistant" means any person holding a valid
16 license as a physician assistant, pursuant to the state licensing
17 provisions of the Physician Assistant Act;

18 3. "Advanced registered nurse practitioner" means any person
19 who holds a current license as a registered nurse and a current
20 certificate of recognition for practice as an Advanced Registered
21 Nurse Practitioner as set forth in the Oklahoma Nursing Practice Act
22 pursuant to the state licensing provisions contained in paragraph 5
23 of Section 567.3a of Title 59 of the Oklahoma Statutes; and

24

1 4. "Physical disability" means an illness, disease, injury or
2 condition by reason of which a person:

- 3 a. cannot walk two hundred (200) feet without stopping to
4 rest,
- 5 b. cannot walk without the use of or assistance from a
6 brace, cane, crutch, another person, prosthetic
7 device, wheelchair or other assistance device,
- 8 c. is restricted to such an extent that the person's
9 forced (respiratory) expiratory volume for one (1)
10 second, when measured by spirometry, is less than one
11 (1) liter, or the arterial oxygen tension is less than
12 sixty (60) mm/hg on room air at rest,
- 13 d. must use portable oxygen,
- 14 e. has functional limitations which are classified in
15 severity as Class III or Class IV according to
16 standards set by the American Heart Association,
- 17 f. is severely limited in the person's ability to walk
18 due to an arthritic, neurological or orthopedic
19 condition, or from complications due to pregnancy,
- 20 g. is certified legally blind, or
- 21 h. is missing one or more limbs.

22 B. 1. The Department of Public Safety shall issue a detachable
23 placard indicating physical disability to any person who submits an
24 application on a form furnished by the Department and certified by a

1 physician, physician assistant, or advanced registered nurse
2 practitioner attesting that the applicant has a physical disability.
3 The attestation of the physician, physician assistant, or advanced
4 registered nurse practitioner shall denote "temporary" as the type
5 of placard requested and shall indicate an expiration date which the
6 physician, physician assistant, or advanced registered nurse
7 practitioner estimates to be the date of termination of such
8 physical disability; however, if the physician, physician assistant,
9 or advanced registered nurse practitioner certifies that the
10 physical disability is permanent, the physician, physician
11 assistant, or advanced registered nurse practitioner shall denote
12 "five-year" as the type of placard requested.

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

17 C. Any placard issued by the Department of Public Safety shall
18 remain valid until:

19 1. The placard expires;

20 2. The person to whom the placard was issued requests a
21 replacement placard; or

22 3. The placard is no longer needed by the person to whom the
23 placard was issued for the disability for which the placard was
24

1 originally issued, whereupon such placard shall be returned to the
2 Department.

3 D. 1. A five-year placard shall expire five (5) years from the
4 last day of the month in which the placard was issued. Upon the
5 expiration of a five-year placard, the person to whom such placard
6 was issued may obtain a subsequent placard by reapplying to the
7 Department, in the same manner as provided in subsection B of this
8 section.

9 2. A temporary placard shall indicate the expiration date which
10 the physician, physician assistant, or advanced registered nurse
11 practitioner certifying the physical disability estimates to be the
12 date of termination of such physical disability, which shall not be
13 later than six (6) months from the date of issuance and upon which
14 date such placard shall expire and shall be returned to the
15 Department; provided, however, nothing in this paragraph shall be
16 construed to prevent the holder from applying for another placard,
17 as provided for in this section.

18 3. In the event that a placard is lost or destroyed, the person
19 to whom such placard was issued may apply in writing to the
20 Department for a replacement placard, which the Department shall
21 issue with the same expiration date as the original placard.

22 4. On and after January 1, 1998, all placards issued prior to
23 October 31, 1990, shall expire on the last day of the month in which
24 the placard was issued, and the person to whom such placard was

1 issued may follow the procedure provided for in subsection B of this
2 section to obtain a second or subsequent placard.

3 5. On and after January 1, 2000, all placards issued between
4 November 1, 1990, and June 30, 1995, shall expire on the last day of
5 the birth month of the person to whom the placard was issued, and
6 the person to whom such placard was issued may follow the procedure
7 provided for in subsection B of this section to obtain a second or
8 subsequent placard.

9 E. A physician, physician assistant, or advanced registered
10 nurse practitioner may sign an application certifying that a person
11 has a physical disability, as provided in subsection B of this
12 section, only if care and treatment of the illness, disease, injury
13 or condition causing the physical disability of such person falls
14 within the authorized scope of practice of the physician or
15 physician assistant, or advanced registered nurse practitioner.

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

24

1 G. The Department shall have the power to formulate, adopt and
2 promulgate rules as may be necessary to implement and administer the
3 provisions of this section, including, but not limited to,
4 prescribing the manner in which the placard is to be displayed on a
5 motor vehicle.

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

10 I. The Department shall charge and the applicant shall pay to
11 the Department a fee of One Dollar (\$1.00) for each placard issued.
12 The fee shall be deposited in the Department of Public Safety
13 Revolving Fund.

14 SECTION 12. AMENDATORY 47 O.S. 2001, Section 156.1, as
15 last amended by Section 3, Chapter 456, O.S.L. 2003 (47 O.S. Supp.
16 2006, Section 156.1), is amended to read as follows:

17 Section 156.1 A. It shall be unlawful for any state official,
18 officer, or employee, except any essential employees approved by the
19 Governor and those officers or employees authorized in subsection B
20 of this section, to ride to or from the employee's place of
21 residence in a state-owned automobile, truck, or pickup, except in
22 the performance of the employee's official duty, or to use or permit
23 the use of any such automobile, truck, ambulance, or pickup for
24 other personal or private purposes. Any person convicted of

1 violating the provisions of this section shall be guilty of a
2 misdemeanor and shall be punished by a fine of not more than One
3 Hundred Dollars (\$100.00) or by imprisonment in the county jail for
4 a period to not exceed thirty (30) days, or by both said fine and
5 imprisonment, and in addition thereto, shall be discharged from
6 state employment.

7 B. 1. Any state employee, other than the individuals provided
8 for in paragraph 2 of this subsection and any employee of the
9 Department of Public Safety who is an employee in the Driver License
10 Examining Division and the Driver ~~Improvement~~ Compliance Division or
11 a wrecker inspector/auditor of the Wrecker Services Division as
12 provided for in paragraph 3 of this subsection, who receives
13 emergency telephone calls regularly at the employee's residence when
14 the employee is not on duty and is regularly called upon to use a
15 vehicle after normal work hours in response to such emergency calls,
16 may be permitted to use a vehicle belonging to the State of Oklahoma
17 to provide transportation between the employee's residence and the
18 assigned place of employment, provided such distance does not exceed
19 seventy-five (75) miles in any round trip or is within the county
20 where the assigned place of employment is located. Provided
21 further, an employee may be permitted to use a state-owned vehicle
22 to provide temporary transportation between a specific work location
23 other than the assigned place of employment and the employee's
24 residence, if such use shall result in a monetary saving to the

1 agency, and such authorization shall not be subject to the distance
2 or area restrictions provided for in this paragraph. Authorization
3 for temporary use of a state-owned vehicle for a specific project
4 shall be in writing stating the justification for this use and the
5 saving expected to result. Such authorization shall be valid for
6 not to exceed sixty (60) days. Any state entity other than law
7 enforcement that avails itself of this provision shall keep a
8 monthly record of all participating employees, the number of
9 emergency calls received, and the number of times that a state
10 vehicle was used in the performance of such emergency calls.

11 2. Any employee of the Department of Public Safety, Oklahoma
12 State Bureau of Narcotics and Dangerous Drugs Control, Oklahoma
13 State Bureau of Investigation, Alcoholic Beverage Laws Enforcement
14 Commission, Oklahoma Horse Racing Commission, Office of the
15 Inspector General within the Department of Human Services or Office
16 of the State Fire Marshal, who is a law enforcement officer or
17 criminalist, Public Information officer, Special Investigator or
18 Assistant Director of the Oklahoma State Bureau of Investigation, or
19 any employee of a district attorney who is a law enforcement
20 officer, may be permitted to use a state-owned vehicle to provide
21 transportation between the employee's residence and the assigned
22 place of employment and between the residence and any location other
23 than the assigned place of employment to which the employee travels
24 in the performance of the employee's official duty.

1 3. Any employee of the Department of Public Safety who is an
2 employee in the Driver License Examining Division or the Driver
3 ~~Improvement~~ Compliance Division or a wrecker inspector/auditor of
4 the Wrecker Services Division may be permitted, as determined by the
5 Commissioner, to use a state-owned vehicle to provide transportation
6 between the employee's residence and the assigned place of
7 employment and between the residence and any location other than the
8 assigned place of employment to which the employee travels in the
9 performance of the employee's official duty.

10 4. The Director, department heads and other essential employees
11 of the Department of Wildlife Conservation, as authorized by the
12 Wildlife Conservation Commission, may be permitted to use a state-
13 owned vehicle to provide transportation between the employee's
14 residence and the assigned place of employment and between the
15 residence and any location other than the assigned place of
16 employment to which the employee travels in the performance of the
17 employee's official duty.

18 C. The principal administrator of the state agency with which
19 the employee is employed shall so designate the employee's status in
20 writing or provide a copy of the temporary authorization to the
21 Governor, the President Pro Tempore of the Senate, and the Speaker
22 of the House of Representatives. Such employee status report shall
23 also be provided to the State Fleet Manager of the Division of Fleet
24

1 Management if the motor vehicle for emergency use is provided by
2 said Division.

3 SECTION 13. AMENDATORY 74 O.S. 2001, Section 840-5.5, as
4 last amended by Section 3, Chapter 47, 2nd Extraordinary Session,
5 O.S.L. 2006 (74 O.S. Supp. 2006, Section 840-5.5), is amended to
6 read as follows:

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

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

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

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

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

23

24

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

4 6. Persons employed in a professional or scientific capacity to
5 make or conduct a temporary and special inquiry, investigation, or
6 examination on behalf of the Legislature or a committee thereof or
7 by authority of the Governor. These appointments and authorizations
8 shall terminate on the first day of the regular legislative session
9 immediately following the appointment, if not terminated earlier.
10 However, nothing in this paragraph shall prevent the reauthorization
11 and reappointment of any such person. Any such appointment shall be
12 funded from the budget of the appointing authority;

13 7. Election officials and employees;

14 8. Temporary employees employed to work less than one thousand
15 (1,000) hours in any twelve-month period, seasonal employees
16 employed by the Oklahoma Tourism and Recreation Department pursuant
17 to Section 2241 of this title who work less than one thousand two
18 hundred (1,200) hours in any twelve-month period, and seasonal
19 employees employed at lodges and golf courses operated by the
20 Oklahoma Tourism and Recreation Department pursuant to Section 2241
21 of this title who work less than one thousand six hundred (1,600)
22 hours in any twelve-month period;

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

- 1 a. administrative aides to the Commissioner,
2 b. executive secretaries to the Commissioner,
3 c. the Governor's representative of the Oklahoma Highway
4 Safety Office who shall be appointed by the Governor,
5 d. Highway Patrol Colonel,
6 e. Highway Patrol Lieutenant Colonel,
7 f. ~~Highway Patrol Major,~~
8 ~~g.~~ Director of Finance,
9 ~~h.~~ g. noncommissioned pilots,
10 ~~i.~~ h. Information Systems Administrator,
11 ~~j.~~ i. Law Enforcement Telecommunications System Specialist,
12 ~~k.~~ j. Director of Driver License Administration Compliance,
13 ~~l.~~ k. Director of Transportation Division,
14 ~~m.~~ ~~Director of the Alcohol and Drug Countermeasures Unit,~~
15 ~~n.~~ l. Director of the Oklahoma Highway Safety Office,
16 ~~o.~~ m. Civil Rights Administrator,
17 ~~p.~~ n. Budget Analyst,
18 ~~q.~~ o. Comptroller,
19 ~~r.~~ p. Chaplain,
20 ~~s.~~ q. Helicopter Mechanic,
21 ~~t.~~ r. Director of Safety Compliance,
22 ~~u.~~ s. Human Resources Director,
23 ~~v.~~ t. Administrator of Department Services, and
24

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

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

21 11. Students who are employed on a part-time basis, which shall
22 be seventy-five percent (75%) of a normal forty-hour work week or
23 thirty (30) hours per week, or less, or on a full-time basis if the
24 employment is pursuant to a cooperative education program such as

1 that provided for under Title I IV-D of the Higher Education Act of
2 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly
3 enrolled in:

4 a. an institution of higher learning within The Oklahoma
5 State System of Higher Education,

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

16 c. high school students regularly enrolled in a high
17 school in Oklahoma and regularly attending classes
18 during such time of enrollment;

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

22 13. Service substitute attendants who are needed to replace
23 museum and site attendants who are unavoidably absent. Service
24 substitutes may work as part-time or full-time relief for absentees

1 for a period of not more than four (4) weeks per year in the
2 Oklahoma Historical Society sites and museums; such substitutes will
3 not count towards the agency's full-time-equivalent (FTE) employee
4 limit;

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

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

- 9 a. Administrative aides, and executive secretaries to the
10 Commissioners,
- 11 b. Directors of all the divisions, personnel managers and
12 comptrollers,
- 13 c. General Counsel,
- 14 d. Public Utility Division Chief Engineer,
- 15 e. Public Utility Division Chief Accountant,
- 16 f. Public Utility Division Chief Economist,
- 17 g. Public Utility Division Deputy Director,
- 18 h. Secretary of the Commission,
- 19 i. Deputy Conservation Director,
- 20 j. Manager of Pollution Abatement,
- 21 k. Manager of Field Operations,
- 22 l. Manager of Technical Services,
- 23 m. Public Utility Division Chief of Telecommunications,
- 24 n. Director of Information Services, and

1 o. All Data Processing employees hired on or after
2 September 1, 2005;

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

7 17. Department of Mental Health and Substance Abuse Services
8 personnel occupying the following offices and positions at each
9 facility:

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

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

- 17 a. State Comptroller,
- 18 b. Administrative Officers,
- 19 c. Alternator Claims Auditor,
- 20 d. Employees hired to fulfill state compliance agency
21 requirements under Model Tribal Gaming Compacts,
- 22 e. Employees of the Budget Division,
- 23 f. Employees of the Fiscal and Research Division,

- 1 g. Employees hired to work on the CORE Systems Project;
2 and
3 h. The following employees of the Information Services
4 Division:
- 5 (1) Information Services Division Manager,
 - 6 (2) Network Manager,
 - 7 (3) Network ~~Technician~~ Technicians,
 - 8 (4) Security Manager,
 - 9 (5) Contracts/Purchasing Manager,
 - 10 (6) Operating and Applications Manager,
 - 11 (7) Project Manager,
 - 12 (8) Help Desk Manager,
 - 13 (9) Help Desk ~~Technician~~ Technicians,
 - 14 (10) Quality Assurance Manager,
 - 15 (11) ISD Analysts,
 - 16 (12) CORE Manager,
 - 17 (13) Enterprise System/Database Software Manager,
 - 18 (14) Data Center Operations and Production Manager,
 - 19 (15) Voice Communications Manager,
 - 20 (16) Applications Development Manager,
 - 21 (17) Projects Manager,
 - 22 (18) PC's Manager,
 - 23 (19) Servers Manager,
 - 24 (20) Portal Manager, and

- 1 (21) Procurement ~~Specialist~~ Specialists,
- 2 (22) Security Technicians,
- 3 (23) Enterprise Communications and Network
- 4 Administrator,
- 5 (24) Server Support Specialists,
- 6 (25) Senior Server Support Specialists,
- 7 (26) Systems Support Specialists, and
- 8 (27) Senior Systems Support Specialists;

9 19. Employees of the Oklahoma Industrial Finance Authority;

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

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

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

- 16 a. positions for which the annual salary is Twenty-four
17 Thousand One Hundred Ninety-three Dollars (\$24,193.00)
18 or more, as determined by the Office of Personnel
19 Management, provided no position shall become
20 unclassified because of any change in salary or grade
21 while it is occupied by a classified employee,
- 22 b. positions requiring certification by the State
23 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,
- 7 b. one Administrative Assistant, and
- 8 c. one Workforce Planning Manager;

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

- 11 a. two Deputy Commissioners,
- 12 b. two Executive Secretaries to the Commissioner,
- 13 c. Chief of Staff,
- 14 d. two Administrative Assistants,
- 15 e. Information Systems Administrator,
- 16 f. three Safety and Health Directors,
- 17 g. Research Director,
- 18 h. Employment Standards Director,
- 19 i. Asbestos Director, and
- 20 j. General Counsel;

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

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

- 24 a. Associate Director,

1 b. Secretary to the Associate Director, and

2 c. Assistant to the Executive Director;

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

5 28. Officers and employees of the State Banking Department;

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

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

15 a. three Administrative Service Assistant positions,
16 however, employees in such positions who are in the
17 unclassified service on June 4, 2003, may make an
18 election to be in the classified service without a
19 loss in salary by September 1, 2003, and

20 b. the Deputy Director position in addition to the one
21 authorized by paragraph 2 of this subsection;

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

24 a. five assistant directors,

- b. six special investigators,
- c. one information representative,
- d. one federally funded physical evidence technician,
- e. four federally funded laboratory analysts,
- f. a maximum of fourteen positions employed for the purpose of managing the automated information systems of the agency, and
- g. one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection;

32. The Department of Transportation, the following positions:

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

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

- a. Director of the Investments Division,
- b. Assistant Director of the Investments Division,
- c. one Administrative Assistant,
- d. one Audit Tech position,
- e. one Auditor I position,
- f. two Accounting Tech I positions,
- g. two Administrative Assistant I positions,

- 1 h. two Imaging Specialist positions, and
- 2 i. one Information Systems Specialist position;

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

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

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

22 36. Within the Oklahoma Commission on Children and Youth the
23 following unclassified positions:
24

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

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

- 12 a. one Executive Secretary in addition to the Executive
- 13 Secretary authorized by paragraph 2 of this
- 14 subsection,
- 15 b. the Director of Central Purchasing,
- 16 c. one Alternate Fuels Administrator,
- 17 d. one Director of Special Projects,
- 18 e. three postauditors,
- 19 f. four high-technology contracting officers,
- 20 g. one Executive Assistant to the Purchasing Director,
- 21 h. four Contracts Managers,
- 22 i. one Associate Director,
- 23 j. one specialized HiTech/Food Contracting Officer,
- 24 k. one State Use Contracting Officer,

- 1 l. one Property Distribution Administrator,
- 2 m. three licensed architects assigned to the Facilities
- 3 and Properties Division,
- 4 n. three licensed engineers assigned to the Facilities
- 5 and Properties Division,
- 6 o. four construction consultants assigned to the
- 7 Facilities and Properties Division,
- 8 p. one attorney assigned to the Facilities and Properties
- 9 Division,
- 10 q. three positions assigned to the Information Services
- 11 Division, which shall include one Information
- 12 Technology Manager, one Applications Specialist and
- 13 one Data Planning Specialist, and
- 14 r. four positions assigned to Fleet Management, which
- 15 shall include one Deputy Fleet Manager and three
- 16 Management Analysts;

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

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

- 22 a. Physical Therapists,
- 23 b. Physical Therapist Assistants,
- 24 c. Occupational Therapists,

1 d. Certified Occupational Therapist Aides, and

2 e. Speech Pathologists;

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

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

7 a. one Executive Secretary in addition to the Executive
8 Secretary authorized by paragraph 2 of this subsection
9 and one Executive Assistant,

10 b. nineteen Agricultural Marketing Coordinator III
11 positions,

12 c. temporary fire suppression personnel, regardless of
13 the number of hours worked, who are employed by the
14 Oklahoma Department of Agriculture, Food, and
15 Forestry; provided, however, notwithstanding the
16 provisions of any other section of law, the hours
17 worked by such employees shall not entitle such
18 employees to any benefits received by full-time
19 employees,

20 d. one Administrator for Human Resources,

21 e. one Director of Administrative Services,

22 f. one Water Quality Consumer Complaint Coordinator,

23 g. one hydrologist position,

24 h. Public Information Office Director,

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

- 1 v. one Agricultural Marketing Coordinator III,
- 2 w. Food Safety Division Director,
- 3 x. two Environmental Program Specialists,
- 4 y. two Scale Technicians, and
- 5 z. two Plant Protection Specialists;

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

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

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

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

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

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

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

20 48. One Museum Archivist of The Will Rogers Memorial
21 Commission;

22 49. One Fire Protection Engineer of the Office of the State
23 Fire Marshal;

1 50. Acting incumbents employed pursuant to Section 209 of Title
2 44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not
3 be included in any limitation on full-time equivalency imposed by
4 law on an agency. Permanent classified employees may request a
5 leave of absence from classified status and accept an unclassified
6 appointment and compensation as an acting incumbent with the same
7 agency; provided, the leave shall expire no later than two (2) years
8 from the date of the acting incumbent appointment. An appointing
9 authority may establish unclassified positions and appoint
10 unclassified employees to perform the duties of a permanent
11 classified employee who is on leave of absence from a classified
12 position to serve as an acting incumbent. All unclassified
13 appointments created pursuant to this paragraph shall expire no
14 later than two (2) years from the date of appointment. Classified
15 employees accepting unclassified appointments and compensation
16 pursuant to this paragraph shall be entitled to participate without
17 interruption in any benefit programs available to classified
18 employees, including retirement and insurance programs. Immediately
19 upon termination of an unclassified appointment pursuant to this
20 paragraph, an employee on assignment from the classified service
21 shall have a right to be restored to the classified service and
22 reinstated to the former job family level and compensation plus any
23 adjustments and increases in salary or benefits which the employee
24 would have received but for the leave of absence;

1 51. The Oklahoma Homeland Security Director and all other
2 positions assigned the responsibilities of working in the Oklahoma
3 Office of Homeland Security;

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

- 6 a. one surveillance supervisor,
- 7 b. one surveillance project monitor,
- 8 c. two bilingual interviewers,
- 9 d. eight senior interviewers, and
- 10 e. six interviewers; and

11 53. State Board of Registration for Professional Engineers and
12 Land Surveyors personnel occupying the following offices and
13 positions:

- 14 a. one Director of Enforcement, and
- 15 b. one Board Investigator.

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

- 19 1. Licensed medical doctors, osteopathic physicians, dentists,
20 psychologists, and nurses;
- 21 2. Certified public accountants;
- 22 3. Licensed attorneys;
- 23 4. Licensed veterinarians; and
- 24 5. Licensed pharmacists.

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

7 D. The appointing authority of agencies participating in the
8 statewide information systems project may establish unclassified
9 positions and appoint unclassified employees to the project as
10 needed. Additional unclassified positions may be established, if
11 required, to appoint an unclassified employee to perform the duties
12 of a permanent classified employee who is temporarily absent from a
13 classified position as a result of assignment to this project. All
14 unclassified appointments under this authority shall expire no later
15 than December 31, 2007, and all unclassified positions established
16 to support the project shall be abolished. Both the positions and
17 appointments resulting from this authority shall be exempt from any
18 agency FTE limitations and any limits imposed on the number of
19 unclassified positions authorized. Permanent classified employees
20 may request a leave of absence from classified status and accept an
21 unclassified appointment and compensation with the same agency under
22 the provisions of this subsection; provided, the leave shall expire
23 no later than December 31, 2007. Employees accepting the
24 appointment and compensation shall be entitled to participate

1 without interruption in any benefit programs available to classified
2 employees, including retirement and insurance programs. Immediately
3 upon termination of an unclassified appointment pursuant to this
4 subsection, an employee on assignment from the classified service
5 shall have a right to be restored to the classified service and
6 reinstated to the former job family level and compensation plus any
7 adjustments and increases in salary or benefits which the employee
8 would have received but for the leave of absence.

9 SECTION 14. This act shall become effective November 1, 2007.

10 Passed the House of Representatives the 12th day of March, 2007.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ____ day of _____, 2007.

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Presiding Officer of the Senate

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