

THE HOUSE OF REPRESENTATIVES
Monday, March 5, 2007

Committee Substitute for
House Bill No. 1868

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1868 - By: TIBBS of the House and PADDACK of the Senate.

An Act relating to motor vehicles; amending 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), which relates to the reduction in premium charges for certain persons; modifying course approval requirement; providing statutory reference; amending 47 O.S. 2001, Section 2-106, as last amended by Section 6, Chapter 83, 2nd Extraordinary Session, O.S.L. 2006 (47 O.S. Supp. 2006, Section 2-106), which relates to divisions within the Department of Public Safety; deleting certain administrative unit and division; modifying name of certain division; amending 47 O.S. 2001, Sections 6-103, as last amended by Section 7, Chapter 311, O.S.L. 2006, 6-112, 6-205.1, as last amended by Section 18, Chapter 311, O.S.L. 2006, 6-212, as last amended by Section 1, Chapter 530, O.S.L. 2004 and 6-303, as last amended by Section 52, Chapter 1, O.S.L. 2005 (47 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; amending 47 O.S. 2001, Section 8-104, as amended by Section 34, Chapter 519, O.S.L. 2004 (47 O.S. Supp. 2006, Section 8-104), which relates to financial responsibility of taxicab operators; deleting reference to certain division within the Department of Public Safety; requiring certain information be filed with the Corporation

Commission; amending 47 O.S. 2001, Section 156.1, as last amended by Section 3, Chapter 456, O.S.L. 2003 (47 O.S. Supp. 2006, Section 156.1), which relates to use of state-owned motor vehicles; modifying name of certain division; amending 74 O.S. 2001, Section 840-5.5, as last amended by Section 3, Chapter 47, 2nd Extraordinary Session, O.S.L. 2006 (74 O.S. Supp. 2006, Section 840-5.5), which relates to classification of positions; deleting and modifying certain unclassified service positions within the Department of Public Safety and the Office of State Finance; deleting certain right for persons appointed to designated positions; and providing an effective date.

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

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

4 Section 924.1 A. Any schedule of rates or rating plan for automobile or motorcycle
5 liability and physical damage insurance submitted to or filed with the State Insurance
6 Commissioner shall provide for an appropriate reduction in premium charges for those
7 insured persons for a three-year period after successfully completing a motor vehicle
8 accident prevention course which shall include but not be limited to an automobile or
9 motorcycle accident prevention course ~~meeting the criteria established by the~~
10 ~~Department of Public Safety~~ as approved by the insurance company of the policyholder.
11 Provided, however, there shall be no reduction in premiums for a self-instructed course
12 or a course which does not provide for actual classroom or field driving instruction for a
13 minimum number of hours as ~~determined by the Department of Public Safety~~ provided in

1 subsection E of this section. Provided further, there shall be no reduction in premiums
2 for a course attended pursuant to a court order in connection with a motor vehicle
3 violation or an alcohol- or drug-related offense.

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

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

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

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

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

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

19 Section 2-106. A. There is hereby established in the Department of Public Safety
20 ~~an administrative unit to be known as the Driver License Administration, which shall be~~
21 ~~divided into the Driver License Examining Division, the Driver License Services~~

1 ~~Division, and the Driver Improvement Compliance Division, the Financial Responsibility~~
2 ~~Division,~~ and such other divisions as the Commissioner of Public Safety may direct.

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

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

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

- 12 a. be a citizen of the State of Oklahoma,
13 b. be of good moral character,
14 c. possess a high school diploma or General Educational Development
15 equivalency certificate, and
16 d. meet physical and mental standards as the Commissioner may
17 prescribe. The scope of the physical and mental examinations for
18 persons appointed as a Driver License Examiner or Senior Driver
19 License Examiner shall be as prescribed by the Commissioner.

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

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

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

8	1. Driver License Examiner	\$34,023.00;
9	2. Senior Driver License Examiner	\$40,686.00;
10	3. Administrative Programs Officer I	\$37,202.00;
11	4. Administrative Programs Officer II	\$43,308.00; and
12	5. Training Specialist	\$40,686.00.

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

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

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

20 1. Any person who is under eighteen (18) years of age, except that the Department
21 may issue a Class D license to any person who attains sixteen (16) years of age on or

1 after August 15, 2000, and meets the requirements of Sections 6-105 and 6-107.3 of this
2 title;

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

7 3. Any person whose driving privilege has been suspended, revoked, canceled or
8 denied in this state or any other state or country until the driving privilege has been
9 reinstated by the state or country withdrawing the privilege;

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

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

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

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

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

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

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

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

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

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

1 B. Any person charged with violating this section shall be convicted if he who
2 produces in court or the office of the arresting officer, on or before the court date, a
3 driver's driver license theretofore issued to him or her and valid at the time of his or her
4 arrest shall be entitled to dismissal of such charge without payment of court costs and
5 fine.

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

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

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

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

- 1 a. a prior revocation commenced pursuant to paragraph 2 or 6 of
2 subsection A of Section 6-205 of this title, or to Section 753 or 754 of
3 this title. Such period shall not be modified, or
4 b. the record of the person reflects a prior conviction in another
5 jurisdiction which did not result in a revocation of Oklahoma driving
6 privileges, for a violation substantially similar to paragraph 2 of
7 subsection A of Section 6-205 of this title, and the person was not a
8 resident or a licensee of Oklahoma at the time of the offense resulting
9 in the conviction. Such period shall not be modified; or
- 10 3. A revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this
11 title, or to Section 753 or 754 of this title shall be for a period of three (3) years if within
12 ~~five (5)~~ ten (10) years preceding the date of arrest relating thereto, as shown by the
13 records of the Department:
- 14 a. two or more prior revocations commenced pursuant to paragraph 2 or 6
15 of subsection A of Section 6-205 of this title, or to Section 753 or 754 of
16 this title. Such period shall not be modified, or
17 b. the record of the person reflects two or more prior convictions in
18 another jurisdiction which did not result in a revocation of Oklahoma
19 driving privileges, for a violation substantially similar to paragraph 2
20 of subsection A of Section 6-205 of this title, and the person was not a
21 resident or a licensee of Oklahoma at the time of the offense resulting
22 in the conviction. Such period shall not be modified.

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

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

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

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

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

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

- 1 a. two or more prior revocations commenced pursuant to paragraph 2 or 6
2 of subsection A of Section 6-205 of this title, or under Section 753 or
3 754 of this title. Such period shall not be modified, or
4 b. the record of the person reflects two or more prior convictions in
5 another jurisdiction which did not result in a revocation of Oklahoma
6 driving privileges, for a violation substantially similar to paragraph 2
7 or 6 of subsection A of Section 6-205 of this title, and the person was
8 not a resident or licensee of Oklahoma at the time of the offense
9 resulting in the conviction. Such period shall not be modified.

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

17 C. For the purposes of this subsection:

- 18 1. The term "conviction" includes a juvenile delinquency adjudication by a court or
19 any notification from a court pursuant to Section 6-107.1 of this title; and
20 2. The term "revocation" includes a denial of driving privileges by the Department.

21 D. Each period of revocation not subject to modification shall be mandatory and
22 neither the Department nor any court shall grant driving privileges based upon hardship

1 or otherwise for the duration of that period. Each period of revocation, subject to
2 modification as provided for in this section, may be modified as provided for in Section
3 754.1 or 755 of this title; provided, any modification under this paragraph shall apply to
4 Class D motor vehicles only.

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

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

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

14 B. The Department shall:

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 C. Whenever a person's privilege to operate a motor vehicle is suspended or
2 revoked pursuant to any provision as authorized by the Oklahoma Statutes, the license
3 or privilege to operate a motor vehicle shall remain under suspension or revocation and
4 shall not be reinstated until:

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

6 2. The person has paid to the Department:

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

12 b. if such privilege is suspended or revoked pursuant to the provisions of
13 Section 6-205, 6-205.1, 7-608, 7-612, 753, 754 or 761 of this title or
14 pursuant to subsection A of Section 7-605 of this title for a conviction
15 for failure to maintain the mandatory motor vehicle insurance required
16 by law or pursuant to subsection B of Section 6-206 of this title for a
17 suspension other than for points accumulation, a processing fee of
18 Seventy-five Dollars (\$75.00) for each such suspension or revocation as
19 shown by the Department's records, and a special assessment trauma-
20 care fee of Two Hundred Dollars (\$200.00) to be deposited into the
21 Trauma Care Assistance Revolving Fund created in Section 1-2522 of

1 Title 63 of the Oklahoma Statutes for each suspension or revocation as
2 shown by the records of the Department; and

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

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

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

9 2. All other monies collected in excess of Two Hundred Fifty Thousand Dollars
10 (\$250,000.00) each month shall be deposited in the General Revenue Fund.

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

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

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

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

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

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

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

13 3. For a third and subsequent conviction, of not less than Three Hundred Dollars
14 (\$300.00) and not more than One Thousand Dollars (\$1,000.00),
15 or by imprisonment for not more than one (1) year or by both such fine and
16 imprisonment. Each act of driving on the highways as prohibited shall constitute a
17 separate offense.

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

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

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

5 3. For a third and subsequent conviction, of not less than Two Thousand Dollars
6 (\$2,000.00) and not more than Five Thousand Dollars (\$5,000.00),

7 or by imprisonment for not more than one (1) year or by both such fine and
8 imprisonment. Each act of driving on the highways as prohibited shall constitute a
9 separate offense.

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

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

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

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

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

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

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

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

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

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

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

10 6. The verification system shall be installed and operational no later than July 1,
11 2008, following an appropriate testing period;

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

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

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

19 10. Any law enforcement officer, during a traffic stop or accident investigation, may
20 access information from the online verification system to establish compliance with the
21 Compulsory Insurance Law and to verify the current validity of the policy described on a

1 security verification form and produced by the operator of a motor vehicle during the
2 traffic stop or accident investigation.

3 B. This section shall not apply to a policy issued pursuant to paragraph 3 of
4 subsection A of Section 7-601.1 of this title or paragraph 3 of subsection A of Section 7-
5 602 of this title to insure a commercial motor vehicle.

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

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

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

- 12 1. To purchase a security verification form which bears altered or fictitious
13 information concerning the existence of security required by the Compulsory Insurance
14 Law;
- 15 2. To display or cause or permit to be displayed or to possess a security verification
16 form which the person knows bears altered or fictitious information concerning the
17 existence of security required by the Compulsory Insurance Law; or
- 18 3. To display or cause or permit to be displayed or to possess any security
19 verification form that is counterfeit.

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

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

4 2. Issue or sell security verification forms.

5 C. 1. The violation of any of the provisions of subsection A of this section shall
6 constitute a misdemeanor punishable by a fine of not less than Twenty-five Dollars
7 (\$25.00), nor more than Two Hundred Fifty Dollars (\$250.00) and by mandatory
8 suspension of the person's driving privilege and vehicle registration for:

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

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

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

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

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

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

1 E. Any person whose driving privilege and registration have been suspended
2 pursuant to the provisions of subsection C of this section shall surrender to the
3 Department his or her driver license and the license plate of any motor vehicle registered
4 in his or her name and not covered by security within thirty (30) days from the date of
5 the suspension. Any owner failing to surrender his or her driver license or license plate
6 or plates to the Department within such time shall pay a fee of Fifty Dollars (\$50.00)
7 which shall be 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 amended by
9 Section 34, Chapter 519, O.S.L. 2004 (47 O.S. Supp. 2006, Section 8-104), is amended to
10 read as follows:

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

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

19 3. Every person, firm or corporation engaging in the business of operating a taxicab
20 or taxicabs without the corporate city limits of a municipality or municipalities shall file
21 with the ~~Department of Public Safety, Financial Responsibility Division, of the state,~~
22 Corporation Commission proof of financial responsibility.

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

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

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

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

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

1 SECTION 11. AMENDATORY 47 O.S. 2001, Section 156.1, as last amended by
2 Section 3, Chapter 456, O.S.L. 2003 (47 O.S. Supp. 2006, Section 156.1), is amended to
3 read as follows:

4 Section 156.1 A. It shall be unlawful for any state official, officer, or employee,
5 except any essential employees approved by the Governor and those officers or employees
6 authorized in subsection B of this section, to ride to or from the employee's place of
7 residence in a state-owned automobile, truck, or pickup, except in the performance of the
8 employee's official duty, or to use or permit the use of any such automobile, truck,
9 ambulance, or pickup for other personal or private purposes. Any person convicted of
10 violating the provisions of this section shall be guilty of a misdemeanor and shall be
11 punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment
12 in the county jail for a period to not exceed thirty (30) days, or by both said fine and
13 imprisonment, and in addition thereto, shall be discharged from state employment.

14 B. 1. Any state employee, other than the individuals provided for in paragraph 2 of
15 this subsection and any employee of the Department of Public Safety who is an employee
16 in the Driver License Examining Division and the Driver ~~Improvement~~ Compliance
17 Division or a wrecker inspector/auditor of the Wrecker Services Division as provided for
18 in paragraph 3 of this subsection, who receives emergency telephone calls regularly at
19 the employee's residence when the employee is not on duty and is regularly called upon
20 to use a vehicle after normal work hours in response to such emergency calls, may be
21 permitted to use a vehicle belonging to the State of Oklahoma to provide transportation
22 between the employee's residence and the assigned place of employment, provided such

1 distance does not exceed seventy-five (75) miles in any round trip or is within the county
2 where the assigned place of employment is located. Provided further, an employee may
3 be permitted to use a state-owned vehicle to provide temporary transportation between a
4 specific work location other than the assigned place of employment and the employee's
5 residence, if such use shall result in a monetary saving to the agency, and such
6 authorization shall not be subject to the distance or area restrictions provided for in this
7 paragraph. Authorization for temporary use of a state-owned vehicle for a specific
8 project shall be in writing stating the justification for this use and the saving expected to
9 result. Such authorization shall be valid for not to exceed sixty (60) days. Any state
10 entity other than law enforcement that avails itself of this provision shall keep a monthly
11 record of all participating employees, the number of emergency calls received, and the
12 number of times that a state vehicle was used in the performance of such emergency
13 calls.

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

1 residence and any location other than the assigned place of employment to which the
2 employee travels in the performance of the employee's official duty.

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

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

16 C. The principal administrator of the state agency with which the employee is
17 employed shall so designate the employee's status in writing or provide a copy of the
18 temporary authorization to the Governor, the President Pro Tempore of the Senate, and
19 the Speaker of the House of Representatives. Such employee status report shall also be
20 provided to the State Fleet Manager of the Division of Fleet Management if the motor
21 vehicle for emergency use is provided by said Division.

1 SECTION 12. AMENDATORY 74 O.S. 2001, Section 840-5.5, as last amended
2 by Section 3, Chapter 47, 2nd Extraordinary Session, O.S.L. 2006 (74 O.S. Supp. 2006,
3 Section 840-5.5), is amended to read as follows:

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

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

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

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

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

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

19 6. Persons employed in a professional or scientific capacity to make or conduct a
20 temporary and special inquiry, investigation, or examination on behalf of the Legislature
21 or a committee thereof or by authority of the Governor. These appointments and
22 authorizations shall terminate on the first day of the regular legislative session

1 immediately following the appointment, if not terminated earlier. However, nothing in
2 this paragraph shall prevent the reauthorization and reappointment of any such person.
3 Any such appointment shall be funded from the budget of the appointing authority;

4 7. Election officials and employees;

5 8. Temporary employees employed to work less than one thousand (1,000) hours in
6 any twelve-month period, seasonal employees employed by the Oklahoma Tourism and
7 Recreation Department pursuant to Section 2241 of this title who work less than one
8 thousand two hundred (1,200) hours in any twelve-month period, and seasonal
9 employees employed at lodges and golf courses operated by the Oklahoma Tourism and
10 Recreation Department pursuant to Section 2241 of this title who work less than one
11 thousand six hundred (1,600) hours in any twelve-month period;

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

- 14 a. administrative aides to the Commissioner,
- 15 b. executive secretaries to the Commissioner,
- 16 c. the Governor's representative of the Oklahoma Highway Safety Office
17 who shall be appointed by the Governor,
- 18 d. Highway Patrol Colonel,
- 19 e. Highway Patrol Lieutenant Colonel,
- 20 f. Highway Patrol Major,
- 21 ~~g.~~ Director of Finance,
- 22 ~~h.~~ g. noncommissioned pilots,

1 ~~i.~~ h. Information Systems Administrator,
2 ~~j.~~ i. Law Enforcement Telecommunications System Specialist,
3 ~~k.~~ j. Director of Driver ~~License Administration~~ Compliance,
4 ~~l.~~ k. Director of Transportation Division,
5 ~~m.~~ ~~Director of the Alcohol and Drug Countermeasures Unit,~~
6 ~~n.~~ l. Director of the Oklahoma Highway Safety Office,
7 ~~o.~~ m. Civil Rights Administrator,
8 ~~p.~~ n. Budget Analyst,
9 ~~q.~~ o. Comptroller,
10 ~~r.~~ p. Chaplain,
11 ~~s.~~ q. Helicopter Mechanic,
12 ~~t.~~ r. Director of Safety Compliance,
13 ~~u.~~ s. Human Resources Director,
14 ~~v.~~ t. Administrator of Department Services, and
15 ~~w.~~ u. a maximum of seven (7) positions for the purpose of administering
16 programs in the Oklahoma Highway Safety Office, within full-time
17 employee limitations of the Department, employed with federal
18 funding that is continuing or indefinitely renewable. The
19 authorization for such positions shall be terminated if the federal
20 funding for positions is discontinued;

21 provided, any person appointed to a position prescribed in subparagraph ~~d,~~ or e, ~~or e~~ of
22 this paragraph shall have a right of return to the classified commissioned position

1 without any loss of rights, privileges or benefits immediately upon completion of the
2 duties in the unclassified commissioned position, ~~and any person appointed to a position~~
3 ~~prescribed in subparagraph i, j, k, l, m or n of this paragraph shall have a right of return~~
4 ~~to the previously held vacant classified position within the Department of Public Safety~~
5 ~~without any loss of rights, privileges or benefits immediately upon completion of the~~
6 ~~duties in the unclassified commissioned position;~~

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

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

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

1 required to be enrolled in a minimum of six (6) hours of accredited
2 undergraduate courses during the summer, or

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

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

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

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

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

16 a. Administrative aides, and executive secretaries to the Commissioners,

17 b. Directors of all the divisions, personnel managers and comptrollers,

18 c. General Counsel,

19 d. Public Utility Division Chief Engineer,

20 e. Public Utility Division Chief Accountant,

21 f. Public Utility Division Chief Economist,

22 g. Public Utility Division Deputy Director,

- 1 h. Secretary of the Commission,
- 2 i. Deputy Conservation Director,
- 3 j. Manager of Pollution Abatement,
- 4 k. Manager of Field Operations,
- 5 l. Manager of Technical Services,
- 6 m. Public Utility Division Chief of Telecommunications,
- 7 n. Director of Information Services, and
- 8 o. All Data Processing employees hired on or after September 1, 2005;

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

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

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

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

- 20 a. State Comptroller,
- 21 b. Administrative Officers,
- 22 c. Alternator Claims Auditor,

- 1 d. Employees hired to fulfill state compliance agency requirements under
2 Model Tribal Gaming Compacts,
3 e. Employees of the Budget Division,
4 f. Employees of the Fiscal and Research Division,
5 g. Employees hired to work on the CORE Systems Project; and
6 h. The following employees of the Information Services Division:
7 (1) Information Services Division Manager,
8 (2) Network Manager,
9 (3) Network ~~Technician~~ Technicians,
10 (4) Security Manager,
11 (5) Contracts/Purchasing Manager,
12 (6) Operating and Applications Manager,
13 (7) Project Manager,
14 (8) Help Desk Manager,
15 (9) Help Desk ~~Technician~~ Technicians,
16 (10) Quality Assurance Manager,
17 (11) ISD Analysts,
18 (12) CORE Manager,
19 (13) Enterprise System/Database Software Manager,
20 (14) Data Center Operations and Production Manager,
21 (15) Voice Communications Manager,
22 (16) Applications Development Manager,

- 1 (17) Projects Manager,
2 (18) PC's Manager,
3 (19) Servers Manager,
4 (20) Portal Manager, and
5 (21) Procurement ~~Specialist~~ Specialists,
6 (22) Security Technicians,
7 (23) Enterprise Communications and Network Administrator,
8 (24) Server Support Specialists,
9 (25) Senior Server Support Specialists,
10 (26) Systems Support Specialists, and
11 (27) Senior Systems Support Specialists;
12 19. Employees of the Oklahoma Industrial Finance Authority;
13 20. Those positions so specified in the annual business plan of the Oklahoma
14 Department of Commerce;
15 21. Those positions so specified in the annual business plan of the Oklahoma
16 Center for the Advancement of Science and Technology;
17 22. The following positions and employees of the Oklahoma School of Science and
18 Mathematics:
19 a. positions for which the annual salary is Twenty-four Thousand One
20 Hundred Ninety-three Dollars (\$24,193.00) or more, as determined by
21 the Office of Personnel Management, provided no position shall become

- 1 unclassified because of any change in salary or grade while it is
2 occupied by a classified employee,
- 3 b. positions requiring certification by the State Department of Education,
4 and
- 5 c. positions and employees authorized to be in the unclassified service of
6 the state elsewhere in this section or in subsection B of this section;
- 7 23. Office of Personnel Management employees occupying the following positions:
- 8 a. the Carl Albert Internship Program Coordinator,
9 b. one Administrative Assistant, and
10 c. one Workforce Planning Manager;
- 11 24. Department of Labor personnel occupying the following offices and positions:
- 12 a. two Deputy Commissioners,
13 b. two Executive Secretaries to the Commissioner,
14 c. Chief of Staff,
15 d. two Administrative Assistants,
16 e. Information Systems Administrator,
17 f. three Safety and Health Directors,
18 g. Research Director,
19 h. Employment Standards Director,
20 i. Asbestos Director, and
21 j. General Counsel;
- 22 25. The State Bond Advisor and his or her employees;

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

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

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

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

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

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

- 16 a. three Administrative Service Assistant positions, however, employees
17 in such positions who are in the unclassified service on June 4, 2003,
18 may make an election to be in the classified service without a loss in
19 salary by September 1, 2003, and
- 20 b. the Deputy Director position in addition to the one authorized by
21 paragraph 2 of this subsection;

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

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

12 32. The Department of Transportation, the following positions:

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

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

- 18 a. Director of the Investments Division,
- 19 b. Assistant Director of the Investments Division,
- 20 c. one Administrative Assistant,
- 21 d. one Audit Tech position,
- 22 e. one Auditor I position,

- 1 f. two Accounting Tech I positions,
- 2 g. two Administrative Assistant I positions,
- 3 h. two Imaging Specialist positions, and
- 4 i. one Information Systems Specialist position;

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

- 7 a. six Narcotics Agent positions and three Typist Clerk/Spanish
8 transcriptionists, including a Typist Clerk Supervisor/Spanish
9 transcriptionist, provided, authorization for such positions shall be
10 terminated if the federal funding for the positions is discontinued,
- 11 b. one executive secretary in addition to the one authorized pursuant to
12 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 authorized such
17 unclassified employees within full-time employee limitations to work in any of the
18 Department of Defense directed youth programs, the State of Oklahoma Juvenile Justice
19 youth programs, those persons reimbursed from Armory Board or Billeting Fund
20 accounts, and skilled trade positions;

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

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

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

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

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

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

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

- 17 a. Physical Therapists,
18 b. Physical Therapist Assistants,
19 c. Occupational Therapists,
20 d. Certified Occupational Therapist Aides, and
21 e. Speech Pathologists;

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

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

- 5 a. one Executive Secretary in addition to the Executive Secretary
6 authorized by paragraph 2 of this subsection and one Executive
7 Assistant,
- 8 b. nineteen Agricultural Marketing Coordinator III positions,
- 9 c. temporary fire suppression personnel, regardless of the number of
10 hours worked, who are employed by the Oklahoma Department of
11 Agriculture, Food, and Forestry; provided, however, notwithstanding
12 the provisions of any other section of law, the hours worked by such
13 employees shall not entitle such employees to any benefits received by
14 full-time 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,

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

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

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

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

6 a. Educational Program Director, and

7 b. Data Processing Manager;

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

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

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

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

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

14 50. Acting incumbents employed pursuant to Section 209 of Title 44 or Section 48 of
15 Title 72 of the Oklahoma Statutes who shall not be included in any limitation on full-
16 time equivalency imposed by law on an agency. Permanent classified employees may
17 request a leave of absence from classified status and accept an unclassified appointment
18 and compensation as an acting incumbent with the same agency; provided, the leave
19 shall expire no later than two (2) years from the date of the acting incumbent
20 appointment. An appointing authority may establish unclassified positions and appoint
21 unclassified employees to perform the duties of a permanent classified employee who is
22 on leave of absence from a classified position to serve as an acting incumbent. All

1 unclassified appointments created pursuant to this paragraph shall expire no later than
2 two (2) years from the date of appointment. Classified employees accepting unclassified
3 appointments and compensation pursuant to this paragraph shall be entitled to
4 participate without interruption in any benefit programs available to classified
5 employees, including retirement and insurance programs. Immediately upon
6 termination of an unclassified appointment pursuant to this paragraph, an employee on
7 assignment from the classified service shall have a right to be restored to the classified
8 service and reinstated to the former job family level and compensation plus any
9 adjustments and increases in salary or benefits which the employee would have received
10 but for the leave of absence;

11 51. The Oklahoma Homeland Security Director and all other positions assigned the
12 responsibilities of working in the Oklahoma Office of Homeland Security;

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

- 14 a. one surveillance supervisor,
- 15 b. one surveillance project monitor,
- 16 c. two bilingual interviewers,
- 17 d. eight senior interviewers, and
- 18 e. six interviewers; and

19 53. State Board of Registration for Professional Engineers and Land Surveyors
20 personnel occupying the following offices and positions:

- 21 a. one Director of Enforcement, and
- 22 b. one Board Investigator.

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

4 1. Licensed medical doctors, osteopathic physicians, dentists, psychologists, and
5 nurses;

6 2. Certified public accountants;

7 3. Licensed attorneys;

8 4. Licensed veterinarians; and

9 5. Licensed pharmacists.

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

14 D. The appointing authority of agencies participating in the statewide information
15 systems project may establish unclassified positions and appoint unclassified employees
16 to the project as needed. Additional unclassified positions may be established, if
17 required, to appoint an unclassified employee to perform the duties of a permanent
18 classified employee who is temporarily absent from a classified position as a result of
19 assignment to this project. All unclassified appointments under this authority shall
20 expire no later than December 31, 2007, and all unclassified positions established to
21 support the project shall be abolished. Both the positions and appointments resulting
22 from this authority shall be exempt from any agency FTE limitations and any limits

1 imposed on the number of unclassified positions authorized. Permanent classified
2 employees may request a leave of absence from classified status and accept an
3 unclassified appointment and compensation with the same agency under the provisions
4 of this subsection; provided, the leave shall expire no later than December 31, 2007.
5 Employees accepting the appointment and compensation shall be entitled to participate
6 without interruption in any benefit programs available to classified employees, including
7 retirement and insurance programs. Immediately upon termination of an unclassified
8 appointment pursuant to this subsection, an employee on assignment from the classified
9 service shall have a right to be restored to the classified service and reinstated to the
10 former job family level and compensation plus any adjustments and increases in salary
11 or benefits which the employee would have received but for the leave of absence.

12 SECTION 13. This act shall become effective November 1, 2007.

13 COMMITTEE REPORT BY: COMMITTEE ON XXXX JUDICIARY AND PUBLIC
14 SAFETY, dated 03-01-07 - DO PASS, As Amended and Coauthored.