

EHB 1868

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THE STATE SENATE
Monday, April 2, 2007

ENGROSSED

House Bill No. 1868

ENGROSSED HOUSE BILL NO. 1868 - By: TIBBS and SHUMATE 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

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

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

19 SECTION 1. AMENDATORY 36 O.S. 2001, Section 924.1, as
20 last amended by Section 8, Chapter 519, O.S.L. 2004 (36 O.S. Supp.
21 2006, Section 924.1), is amended to read as follows:

22 Section 924.1 A. Any schedule of rates or rating plan for
23 automobile or motorcycle liability and physical damage insurance
24 submitted to or filed with the State Insurance Commissioner shall
25 provide for an appropriate reduction in premium charges for those
26 insured persons for a three-year period after successfully
27 completing a motor vehicle accident prevention course which shall
28 include but not be limited to an automobile or motorcycle accident
29 prevention course ~~meeting the criteria established by the Department~~
30 ~~of Public Safety~~ as approved by the insurance company of the
31 policyholder. Provided, however, there shall be no reduction in

1 premiums for a self-instructed course or a course which does not
2 provide for actual classroom or field driving instruction for a
3 minimum number of hours as ~~determined by the Department of Public~~
4 ~~Safety~~ provided in subsection E of this section. Provided further,
5 there shall be no reduction in premiums for a course attended
6 pursuant to a court order in connection with a motor vehicle
7 violation or an alcohol- or drug-related offense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 that the operation of a motor vehicle by such person on the highways
2 would be inimical to public safety or welfare;

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

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

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

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

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

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

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

7 SECTION 5. AMENDATORY 47 O.S. 2001, Section 6-205.1, as
8 last amended by Section 18, Chapter 311, O.S.L. 2006 (47 O.S. Supp.
9 2006, Section 6-205.1), is amended to read as follows:

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

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

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

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

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

18 3. A revocation pursuant to paragraph 2 of subsection A of
19 Section 6-205 of this title, or to Section 753 or 754 of this title
20 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
22 records of the Department:

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

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

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

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

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

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

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

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

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

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

19 C. For the purposes of this subsection:

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

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

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

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

12 SECTION 6. AMENDATORY 47 O.S. 2001, Section 6-212, as
13 last amended by Section 1, Chapter 530, O.S.L. 2004 (47 O.S. Supp.
14 2006, Section 6-212), is amended to read as follows:

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

20 B. The Department shall:

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

1 2. Require any person having more than one suspension or
2 revocation affecting the person's driving privilege to meet the
3 statutory requirements for each action as a condition precedent to
4 the reinstatement of any driving privilege. Provided, however,
5 reinstatement fees shall not be cumulative, and a single
6 reinstatement fee, as provided for in subsection C of this section,
7 shall be paid for all suspensions or revocations as shown by the
8 Department's records at the time of reinstatement.

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

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

15 2. The person has paid to the Department:

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

1 b. if such privilege is suspended or revoked pursuant to
2 the provisions of Section 6-205, 6-205.1, 7-608, 7-
3 612, 753, 754 or 761 of this title or pursuant to
4 subsection A of Section 7-605 of this title for a
5 conviction for failure to maintain the mandatory motor
6 vehicle insurance required by law or pursuant to
7 subsection B of Section 6-206 of this title for a
8 suspension other than for points accumulation, a
9 processing fee of Seventy-five Dollars (\$75.00) for
10 each such suspension or revocation as shown by the
11 Department's records, and a special assessment trauma-
12 care fee of Two Hundred Dollars (\$200.00) to be
13 deposited into the Trauma Care Assistance Revolving
14 Fund created in Section 1-2522 of Title 63 of the
15 Oklahoma Statutes for each suspension or revocation as
16 shown by the records of the Department; and

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

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

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

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

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

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

12 Any violation of the provisions of this subsection shall
13 constitute a misdemeanor and shall be punishable by a fine of not
14 less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars
15 (\$300.00) plus costs or by imprisonment for not more than thirty
16 (30) days, or by both such fine and imprisonment.

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

21 B. Any person who drives a motor vehicle on any public roads,
22 streets, highways, turnpikes or other public place of this state at
23 a time when the person's privilege to do so is canceled, denied,

1 suspended or revoked or at a time when the person is disqualified
2 from so doing shall be guilty of a misdemeanor and upon conviction
3 shall be punished by a fine:

4 1. For a first conviction, of not less than One Hundred Dollars
5 (\$100.00) and not more than Five Hundred Dollars (\$500.00);

6 2. For a second conviction, of not less than Two Hundred
7 Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars
8 (\$750.00); or

9 3. For a third and subsequent conviction, of not less than
10 Three Hundred Dollars (\$300.00) and not more than One Thousand
11 Dollars (\$1,000.00),

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

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

21 1. For a first conviction, of not less than Five Hundred
22 Dollars (\$500.00) and not more than One Thousand Dollars
23 (\$1,000.00);

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

4 3. For a third and subsequent conviction, of not less than Two
5 Thousand Dollars (\$2,000.00) and not more than Five Thousand Dollars
6 (\$5,000.00),
7 or by imprisonment for not more than one (1) year or by both such
8 fine and imprisonment. Each act of driving on the highways as
9 prohibited shall constitute a separate offense.

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

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

1 and become effective the day following the date terminating the
2 prior order of revocation.

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

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

17 SECTION 8. AMENDATORY Section 1, Chapter 322, O.S.L.
18 2006 (47 O.S. Supp. 2006, Section 7-600.2), is amended to read as
19 follows:

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

- 1 1. The Department shall cooperate with the Oklahoma Tax
2 Commission in the development of the verification system;
- 3 2. The verification system shall be accessible through the
4 Internet, World Wide Web or a similar proprietary or common carrier
5 electronic system by authorized personnel of the Department, the
6 Oklahoma Tax Commission, the courts, law enforcement personnel, and
7 any other entities authorized by the Department;
- 8 3. The verification system shall provide for direct inquiry and
9 response between the Department and insurance carriers and direct
10 access to insurers' records by personnel authorized by the
11 Department;
- 12 4. The verification system shall be available twenty-four (24)
13 hours a day to verify the insurance status of any vehicle registered
14 in this state through the vehicle's identification number, policy
15 number, registered owner's name or other identifying characteristic
16 or marker as prescribed by the Department in its rules;
- 17 5. The Department shall conduct a pilot project to test the
18 system prior to statewide use;
- 19 6. The verification system shall be installed and operational
20 no later than July 1, 2008, following an appropriate testing period;
- 21 7. The Department may contract with a private vendor to assist
22 in establishing and maintaining the verification system;

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

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

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

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

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

1 SECTION 9. AMENDATORY Section 5, Chapter 322, O.S.L.
2 2006 (47 O.S. Supp. 2006, Section 7-612), is amended to read as
3 follows:

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

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

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

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

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

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

21 2. Issue or sell security verification forms.

22 C. 1. The violation of any of the provisions of subsection A
23 of this section shall constitute a misdemeanor punishable by a fine

1 of not less than Twenty-five Dollars (\$25.00), nor more than Two
2 Hundred Fifty Dollars (\$250.00) and by mandatory suspension of the
3 person's driving privilege and vehicle registration for:

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

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

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

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

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

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

20 E. Any person whose driving privilege and registration have
21 been suspended pursuant to the provisions of subsection C of this
22 section shall surrender to the Department his or her driver license
23 and the license plate of any motor vehicle registered in his or her

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

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

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

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

21 3. Every person, firm or corporation engaging in the business
22 of operating a taxicab or taxicabs without the corporate city limits
23 of a municipality or municipalities shall file with the ~~Department~~

1 ~~of Public Safety, Financial Responsibility Division, of the state,~~
2 Corporation Commission proof of financial responsibility.

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

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

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

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

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

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

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

20 1. The placard expires;

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

1 3. The placard is no longer needed by the person to whom the
2 placard was issued for the disability for which the placard was
3 originally issued, whereupon such placard shall be returned to the
4 Department.

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

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

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

1 4. On and after January 1, 1998, all placards issued prior to
2 October 31, 1990, shall expire on the last day of the month in which
3 the placard was issued, and the person to whom such placard was
4 issued may follow the procedure provided for in subsection B of this
5 section to obtain a second or subsequent placard.

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

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

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

1 disability placard, the term "physical disability placard" shall
2 include those handicap and disability stickers issued by the
3 Department of Veterans Affairs and federal military bases.

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

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

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

17 SECTION 12. AMENDATORY 47 O.S. 2001, Section 156.1, as
18 last amended by Section 3, Chapter 456, O.S.L. 2003 (47 O.S. Supp.
19 2006, Section 156.1), is amended to read as follows:

20 Section 156.1 A. It shall be unlawful for any state official,
21 officer, or employee, except any essential employees approved by the
22 Governor and those officers or employees authorized in subsection B
23 of this section, to ride to or from the employee's place of

1 residence in a state-owned automobile, truck, or pickup, except in
2 the performance of the employee's official duty, or to use or permit
3 the use of any such automobile, truck, ambulance, or pickup for
4 other personal or private purposes. Any person convicted of
5 violating the provisions of this section shall be guilty of a
6 misdemeanor and shall be punished by a fine of not more than One
7 Hundred Dollars (\$100.00) or by imprisonment in the county jail for
8 a period to not exceed thirty (30) days, or by both said fine and
9 imprisonment, and in addition thereto, shall be discharged from
10 state employment.

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

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

16 2. Any employee of the Department of Public Safety, Oklahoma
17 State Bureau of Narcotics and Dangerous Drugs Control, Oklahoma
18 State Bureau of Investigation, Alcoholic Beverage Laws Enforcement
19 Commission, Oklahoma Horse Racing Commission, Office of the
20 Inspector General within the Department of Human Services or Office
21 of the State Fire Marshal, who is a law enforcement officer or
22 criminalist, Public Information officer, Special Investigator or
23 Assistant Director of the Oklahoma State Bureau of Investigation, or

1 any employee of a district attorney who is a law enforcement
2 officer, may be permitted to use a state-owned vehicle to provide
3 transportation between the employee's residence and the assigned
4 place of employment and between the residence and any location other
5 than the assigned place of employment to which the employee travels
6 in the performance of the employee's official duty.

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

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

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

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

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

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

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

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

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

6 5. All officers and employees of The Oklahoma State System of
7 Higher Education, State Board of Education and Oklahoma Department
8 of Career and Technology Education;

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

18 7. Election officials and employees;

19 8. Temporary employees employed to work less than one thousand
20 (1,000) hours in any twelve-month period, seasonal employees
21 employed by the Oklahoma Tourism and Recreation Department pursuant
22 to Section 2241 of this title who work less than one thousand two
23 hundred (1,200) hours in any twelve-month period, and seasonal

1 employees employed at lodges and golf courses operated by the
2 Oklahoma Tourism and Recreation Department pursuant to Section 2241
3 of this title who work less than one thousand six hundred (1,600)
4 hours in any twelve-month period;

5 9. Department of Public Safety employees occupying the
6 following offices or positions:

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

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

1 ~~immediately upon completion of the duties in the unclassified~~
2 ~~commissioned position;~~

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

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

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

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

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

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

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

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

18 a. Administrative aides, and executive secretaries to the
19 Commissioners,

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

22 c. General Counsel,

23 d. Public Utility Division Chief Engineer,

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

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

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

- 20 a. Director of Facility,
- 21 b. Deputy Director for Administration,
- 22 c. Clinical Services Director,
- 23 d. Executive Secretary to Director, and

- 1 e. Directors or Heads of Departments or Services;
- 2 18. Office of State Finance personnel occupying the following
- 3 offices and positions:
- 4 a. State Comptroller,
- 5 b. Administrative Officers,
- 6 c. Alternator Claims Auditor,
- 7 d. Employees hired to fulfill state compliance agency
- 8 requirements under Model Tribal Gaming Compacts,
- 9 e. Employees of the Budget Division,
- 10 f. Employees of the Fiscal and Research Division,
- 11 g. Employees hired to work on the CORE Systems Project;
- 12 and
- 13 h. The following employees of the Information Services
- 14 Division:
- 15 (1) Information Services Division Manager,
- 16 (2) Network Manager,
- 17 (3) Network ~~Technician~~ Technicians,
- 18 (4) Security Manager,
- 19 (5) Contracts/Purchasing Manager,
- 20 (6) Operating and Applications Manager,
- 21 (7) Project Manager,
- 22 (8) Help Desk Manager,
- 23 (9) Help Desk ~~Technician~~ Technicians,

- 1 (10) Quality Assurance Manager,
2 (11) ISD Analysts,
3 (12) CORE Manager,
4 (13) Enterprise System/Database Software Manager,
5 (14) Data Center Operations and Production Manager,
6 (15) Voice Communications Manager,
7 (16) Applications Development Manager,
8 (17) Projects Manager,
9 (18) PC's Manager,
10 (19) Servers Manager,
11 (20) Portal Manager, and
12 (21) Procurement ~~Specialist~~ Specialists,
13 (22) Security Technicians,
14 (23) Enterprise Communications and Network
15 Administrator,
16 (24) Server Support Specialists,
17 (25) Senior Server Support Specialists,
18 (26) Systems Support Specialists, and
19 (27) Senior Systems Support Specialists;
20 19. Employees of the Oklahoma Industrial Finance Authority;
21 20. Those positions so specified in the annual business plan of
22 the Oklahoma Department of Commerce;

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

3 22. The following positions and employees of the Oklahoma
4 School of Science and Mathematics:

- 5 a. positions for which the annual salary is Twenty-four
6 Thousand One Hundred Ninety-three Dollars (\$24,193.00)
7 or more, as determined by the Office of Personnel
8 Management, provided no position shall become
9 unclassified because of any change in salary or grade
10 while it is occupied by a classified employee,
- 11 b. positions requiring certification by the State
12 Department of Education, and
- 13 c. positions and employees authorized to be in the
14 unclassified service of the state elsewhere in this
15 section or in subsection B of this section;

16 23. Office of Personnel Management employees occupying the
17 following positions:

- 18 a. the Carl Albert Internship Program Coordinator,
- 19 b. one Administrative Assistant, and
- 20 c. one Workforce Planning Manager;

21 24. Department of Labor personnel occupying the following
22 offices and positions:

- 23 a. two Deputy Commissioners,

- 1 b. two Executive Secretaries to the Commissioner,
- 2 c. Chief of Staff,
- 3 d. two Administrative Assistants,
- 4 e. Information Systems Administrator,
- 5 f. three Safety and Health Directors,
- 6 g. Research Director,
- 7 h. Employment Standards Director,
- 8 i. Asbestos Director, and
- 9 j. General Counsel;

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

11 26. The Oklahoma Employment Security Commission employees
12 occupying the following positions:

- 13 a. Associate Director,
- 14 b. Secretary to the Associate Director, and
- 15 c. Assistant to the Executive Director;

16 27. Oklahoma Human Rights Commission personnel occupying the
17 position of Administrative Assistant;

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

19 29. Officers and employees of the University Hospitals

20 Authority except personnel in the state classified service pursuant
21 to Section 3211 of Title 63 of the Oklahoma Statutes and members of
22 the University Hospitals Authority Model Personnel System created
23 pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma

1 Statutes or as otherwise provided for in Section 3213.2 of Title 63
2 of the Oklahoma Statutes;

3 30. Alcoholic Beverage Laws Enforcement Commission employees
4 occupying the following positions:

5 a. three Administrative Service Assistant positions,
6 however, employees in such positions who are in the
7 unclassified service on June 4, 2003, may make an
8 election to be in the classified service without a
9 loss in salary by September 1, 2003, and

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

12 31. The Oklahoma State Bureau of Investigation employees
13 occupying the following positions:

- 14 a. five assistant directors,
15 b. six special investigators,
16 c. one information representative,
17 d. one federally funded physical evidence technician,
18 e. four federally funded laboratory analysts,
19 f. a maximum of fourteen positions employed for the
20 purpose of managing the automated information systems
21 of the agency, and
22 g. one executive secretary in addition to the one
23 authorized pursuant to paragraph 2 of this subsection;

- 1 32. The Department of Transportation, the following positions:
2 a. Director of the Oklahoma Aeronautics Commission,
3 b. five Department of Transportation Assistant Director
4 positions,
5 c. eight field division engineer positions, and
6 d. one pilot position;

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

- 9 a. Director of the Investments Division,
10 b. Assistant Director of the Investments Division,
11 c. one Administrative Assistant,
12 d. one Audit Tech position,
13 e. one Auditor I position,
14 f. two Accounting Tech I positions,
15 g. two Administrative Assistant I positions,
16 h. two Imaging Specialist positions, and
17 i. one Information Systems Specialist position;

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

- 20 a. six Narcotics Agent positions and three Typist
21 Clerk/Spanish transcriptionists, including a Typist
22 Clerk Supervisor/Spanish transcriptionist, provided,
23 authorization for such positions shall be terminated

- 1 if the federal funding for the positions is
2 discontinued,
- 3 b. one executive secretary in addition to the one
 - 4 authorized pursuant to paragraph 2 of this subsection,
 - 5 c. one fiscal officer,
 - 6 d. one full-time Programmer, and
 - 7 e. one full-time Network Engineer;

8 35. The Military Department of the State of Oklahoma is
9 authorized such unclassified employees within full-time employee
10 limitations to work in any of the Department of Defense directed
11 youth programs, the State of Oklahoma Juvenile Justice youth
12 programs, those persons reimbursed from Armory Board or Billeting
13 Fund accounts, and skilled trade positions;

14 36. Within the Oklahoma Commission on Children and Youth the
15 following unclassified positions:

- 16 a. one Oversight Specialist and one Community Development
17 Planner,
- 18 b. one State Plan Grant Coordinator, provided
19 authorization for the position shall be terminated
20 when federal support for the position by the United
21 States Department of Education Early Intervention
22 Program is discontinued, and

1 c. one executive secretary in addition to the one
2 authorized pursuant to paragraph 2 of this subsection;

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

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

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

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

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

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

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

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

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

- 1 x. two Environmental Program Specialists,
2 y. two Scale Technicians, and
3 z. two Plant Protection Specialists;
- 4 42. The Contracts Administrator within the Oklahoma State
5 Employees Benefits Council;
- 6 43. The Development Officer within the Oklahoma Department of
7 Libraries;
- 8 44. Oklahoma Real Estate Commission personnel occupying the
9 following offices and positions:
- 10 a. Educational Program Director, and
11 b. Data Processing Manager;
- 12 45. A Chief Consumer Credit Examiner for the Department of
13 Consumer Credit;
- 14 46. All officers and employees of the Oklahoma Capitol Complex
15 and Centennial Commemoration Commission;
- 16 47. All officers and employees of the Oklahoma Motor Vehicle
17 Commission;
- 18 48. One Museum Archivist of The Will Rogers Memorial
19 Commission;
- 20 49. One Fire Protection Engineer of the Office of the State
21 Fire Marshal;
- 22 50. Acting incumbents employed pursuant to Section 209 of Title
23 44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not

1 be included in any limitation on full-time equivalency imposed by
2 law on an agency. Permanent classified employees may request a
3 leave of absence from classified status and accept an unclassified
4 appointment and compensation as an acting incumbent with the same
5 agency; provided, the leave shall expire no later than two (2) years
6 from the date of the acting incumbent appointment. An appointing
7 authority may establish unclassified positions and appoint
8 unclassified employees to perform the duties of a permanent
9 classified employee who is on leave of absence from a classified
10 position to serve as an acting incumbent. All unclassified
11 appointments created pursuant to this paragraph shall expire no
12 later than two (2) years from the date of appointment. Classified
13 employees accepting unclassified appointments and compensation
14 pursuant to this paragraph shall be entitled to participate without
15 interruption in any benefit programs available to classified
16 employees, including retirement and insurance programs. Immediately
17 upon termination of an unclassified appointment pursuant to this
18 paragraph, an employee on assignment from the classified service
19 shall have a right to be restored to the classified service and
20 reinstated to the former job family level and compensation plus any
21 adjustments and increases in salary or benefits which the employee
22 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

1 5. Licensed pharmacists.

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

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

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
13 dated 3-27-07 - DO PASS, As Coauthored.