

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 HOUSE BILL 1616

By: Roan

4
5 AS INTRODUCED

6 An Act relating to public safety; amending 11 O.S.
7 2001, Section 34-103, which relates to the
8 performance of certain police functions; clarifying
9 language; amending 21 O.S. 2001, Section 1283, as
10 last amended by Section 2, Chapter 190, O.S.L. 2005
11 (21 O.S. Supp. 2006, Section 1283), which relates to
12 possession of firearms by felons and delinquents;
13 modifying certain prohibited act; amending Section 4,
14 Chapter 520, O.S.L. 2004 (21 O.S. Supp. 2006, Section
15 1379), which relates to bypassing security
16 checkpoints; requiring certain actions at security
17 checkpoints; making certain acts unlawful; providing
18 an exception; providing penalties; amending Section
19 5, Chapter 243, O.S.L. 2006 (27A O.S. Supp. 2006,
20 Section 2-7-404), which relates to the Oklahoma
21 Highway Remediation and Cleanup Services Act;
22 providing exceptions to certain requirement; amending
23 40 O.S. 2001, Section 2-202, which relates to the
24 Employment Security Act of 1980; prohibiting
eligibility of benefits under certain circumstances;
amending 47 O.S. 2001, Sections 2-105, as last
amended by Section 1, Chapter 81, O.S.L. 2006, 2-111,
as amended by Section 2, Chapter 199, O.S.L. 2005, 2-
117, as last amended by Section 8, Chapter 190,
O.S.L. 2005 and 2-150 (47 O.S. Supp. 2006, Sections
2-105, 2-111 and 2-117), which relate to creation,
organization and responsibilities of the Department
of Public Safety; expanding authority of the
Commissioner; providing for expense allowance;
authorizing reimbursement of certain expenses;
requiring confidentiality of certain records;
providing exception for certain personnel; making
certain acts unlawful; providing penalties; providing
exception to confidentiality requirement to certain
agencies or individuals; modifying certain duty of
the Commissioner; providing list of persons

1 authorized to request certain investigation; updating
2 statutory references; providing for adoption of
3 rules; deleting references to certain sections within
4 the Highway Patrol Division; authorizing award of
5 certain items; deleting authority to award license
6 plates under certain circumstances; amending 47 O.S.
7 2001, Section 2-300, as last amended by Section 18,
8 Chapter 46, 2nd Extraordinary Session, O.S.L. 2006
9 (47 O.S. Supp. 2006, Section 2-300), which relates to
10 the Oklahoma Law Enforcement Retirement System;
11 modifying scope of certain definition; amending
12 Section 2, Chapter 104, O.S.L. 2006, and 47 O.S.
13 2001, Sections 11-601, 11-602 and 11-1007, as last
14 amended by Section 1, Chapter 165, O.S.L. 2005 (47
15 O.S. Supp. 2006, Sections 11-403.1 and 11-1007),
16 which relate to rules of the road; modifying scope of
17 prohibited act; providing statutory reference;
18 providing purpose of monies deposited in certain
19 revolving fund; deleting and modifying left turn
20 requirements; prohibiting certain act; updating
21 statutory reference; amending 47 O.S. 2001, Section
22 12-101, as last amended by Section 4, Chapter 50,
23 O.S.L. 2005 (47 O.S. Supp. 2006, Section 12-101),
24 which relates to equipment of vehicles; updating
statutory reference; amending 47 O.S. 2001, Sections
15-102 and 15-111, as amended by Section 1, Chapter
178, O.S.L. 2004 (47 O.S. Supp. 2006, Section 15-
111), which relate to powers of local authorities;
updating statutory references; amending 47 O.S. 2001,
Sections 1602 and 1603, which relate to the Oklahoma
Mobility-Impaired Driver Refueling Service Act;
updating statutory references; modifying scope of
certain definition; modifying requirements for
refueling services; prohibiting assessment of room
and board charges to certain children; providing time
limitation; making waiver of charges be a service
benefit; amending 74 O.S. 2001, Section 500.6, which
relates to the State Travel Reimbursement Act;
modifying reporting requirements; amending 74 O.S.
2001, Section 1811.4C, as amended by Section 12,
Chapter 279, O.S.L. 2003 (74 O.S. Supp. 2006, Section
1811.4C), which relates to the Oklahoma Tourism and
Recreation Act; making rules for certain public areas
be applicable to the State Capitol Park and State
Capitol Complex; providing for exclusive authority;
providing penalties for violation of rules; repealing
19 O.S. 2001, Section 563, which relates to radio

1 systems; repealing 19 O.S. 2001, Sections 565.1,
2 565.2 and 565.3, which relate to Bureau of
3 Identification; repealing Section 11, Chapter 61,
4 O.S.L. 2006 (37 O.S. Supp. 2006, Section 607), which
5 relates to the Prevention of Youth Access to
6 Alcoholic Beverages and Low-Point Beer Act; repealing
7 Section 4, Chapter 461, O.S.L. 2003, as amended by
8 Section 4, Chapter 418, O.S.L. 2004 (47 O.S. Supp.
9 2006, Section 2-105A), which relates to Training
10 Specialist III employees and the Capitol Patrol
11 Section of the Highway Patrol; repealing 47 O.S.
12 2001, Section 2-309.7, which relates to the
13 Gunsmith/Ammunition Reloader Division of Department
14 of Public Safety; repealing 47 O.S. 2001, Sections 6-
15 101.2, 6-101.3, 6-101.4 and 6-101.5, which relate to
16 the Oklahoma KIDS ID Act; repealing 47 O.S. 2001,
17 Section 6-105.1, which relates to special permits;
18 repealing Section 3, Chapter 104, O.S.L. 2006 (47
19 O.S. Supp. 2006, Section 11-403.2), which relates to
20 the Motorcycle Safety and Drunk Driving Awareness
21 Fund; repealing 47 O.S. 2001, Section 40-106, which
22 relates to violations of highway safety code
23 ancillaries; repealing 47 O.S. 2001, Section 1604,
24 which relates to the Oklahoma Mobility-Impaired
Driver Refueling Service Act; providing for
codification; providing for recodification; and
declaring an emergency.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 34-103, is amended to read as follows:

Section 34-103. A. ~~Members~~ Commissioned police officers of the regular police department of any municipality, upon request of the mayor or a designee, or chief of police or a designee, of any other municipality, may serve as police officers in the municipality requesting their assistance upon approval of the governing body of

1 the municipality where such officers are regularly employed. While
2 so serving in another municipality, such police officers shall have
3 the same powers and duties as though employed by the municipality
4 where such duties are performed; except that salaries, insurance and
5 other benefits shall be provided in their regular manner by the
6 municipality in which the police officers are regularly employed.

7 B. ~~Members~~ Commissioned police officers of the regular police
8 department of any municipality, upon request of a county sheriff or
9 a designee, or upon request by a ~~member~~ commissioned law enforcement
10 officer of the Oklahoma Highway Patrol, may serve as law enforcement
11 officers for the sheriff's office or the Oklahoma Highway Patrol,
12 respectively, if such service has been authorized by prior
13 resolution by the governing body of the municipality where such
14 officers are regularly employed. While so serving, such police
15 officers shall have the same powers and duties as though employed by
16 the requesting law enforcement agency and when so acting they shall
17 be deemed to be acting within the scope of employment of the
18 requesting law enforcement agency; except that salaries, insurance
19 and other benefits shall be provided in their regular manner by the
20 municipality in which the police officers are regularly employed.

21 C. ~~Members~~ Commissioned police officers of the regular police
22 department of any municipality may be deputized by the county
23 sheriff or a designee subject to an interlocal governmental
24 agreement to combine city and county law enforcement efforts and to

1 encourage cooperation between city and county law enforcement
2 officials. Liability for the conduct of any municipal police
3 officers deputized under the terms and conditions of an interlocal
4 governmental agreement shall remain the responsibility of their
5 municipal employer.

6 D. The governing body of a municipality may, by resolution,
7 authorize the chief executive officer of the municipality to respond
8 to any request from any other jurisdiction within the state for law
9 enforcement assistance in cases of emergency. The police officers
10 of the municipality serving in response to the emergency request
11 shall have the same powers and duties as though employed by the
12 requesting law enforcement agency and when so acting they shall be
13 deemed to be acting within the scope of employment of the requesting
14 law enforcement agency; provided, however, that salaries, insurance
15 and other benefits shall be provided in the regular manner by the
16 municipality in which the police officers are regularly employed.

17 As used in this section, "emergency" means a sudden and
18 unforeseeable occurrence or condition either as to its onset or its
19 extent of such severity or magnitude that immediate response or
20 action is necessary to assist law enforcement agencies having
21 jurisdiction at the scene of the emergency to carry out their
22 functions.

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1 SECTION 2. AMENDATORY 21 O.S. 2001, Section 1283, as
2 last amended by Section 2, Chapter 190, O.S.L. 2005 (21 O.S. Supp.
3 2006, Section 1283), is amended to read as follows:

4 Section 1283.

5 CONVICTED FELONS AND DELINQUENTS

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

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

1 C. It shall be unlawful for any person supervised by the
2 Department of Corrections or any division thereof to have in his or
3 her possession or under his or her immediate control, or at his or
4 her residence, or in any passenger vehicle which the supervised
5 person is operating or is riding as a passenger, any pistol, shotgun
6 or rifle, including any imitation or homemade pistol, shotgun or
7 rifle, while such person is subject to supervision, probation,
8 parole or inmate status.

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

20 E. Any person having been issued a concealed handgun license
21 pursuant to the provisions of the Oklahoma Self-Defense Act, ~~Section~~
22 ~~1290.1 et seq. of this title,~~ and who thereafter knowingly or
23 intentionally allows a convicted felon or adjudicated delinquent or
24 a youthful offender as prohibited by the provisions of ~~subsections~~

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

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

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

14 SECTION 3. AMENDATORY Section 4, Chapter 520, O.S.L.
15 2004 (21 O.S. Supp. 2006, Section 1379), is amended to read as
16 follows:

17 Section 1379. A. No person shall, without authorization,
18 willfully bypass or go around a security checkpoint when entering
19 any facility requiring persons to pass through a security checkpoint
20 used for inspecting or screening persons or their belongings.

21 B. Every facility requiring persons to pass through a security
22 checkpoint and submit to inspection or screening of their person or
23 belongings shall post notice stating such requirement. All security
24 checkpoints used for persons or their belongings shall be clearly

1 identified as such, and notice shall be posted informing persons
2 that they and their belongings are subject to search.

3 C. No person shall, without authorization, aid or assist any
4 person or persons in bypassing a security checkpoint by opening,
5 holding open, or propping open any secured door, portal, or entry
6 way.

7 D. No person shall, without authorization, aid or assist any
8 person or persons in bypassing or avoiding a security checkpoint by
9 passing items or belongings, or receiving items or belongings
10 through a secured door, entry way, window, loading dock, or any
11 other avenue of entry.

12 E. All persons approaching a security checkpoint shall obey the
13 lawful requests and orders of security staff present at the
14 checkpoint.

15 F. Any person convicted of violating the provisions of this
16 section shall be guilty of a misdemeanor and punished by
17 imprisonment in the county jail for not more than one (1) year, by a
18 fine not exceeding One Thousand Dollars (\$1,000.00), or by both such
19 fine and imprisonment.

20 SECTION 4. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1379.1 of Title 21, unless there
22 is created a duplication in numbering, reads as follows:
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1 A. It is unlawful for any person, acting alone or in concert
2 with others, to obstruct, or to impede in any way, passage through
3 or within any state-owned or -leased building, office or facility.

4 B. It is unlawful for any person, acting alone or in concert
5 with others, to obstruct entrances and exits to any state-owned or
6 -leased building, office or facility.

7 C. The provisions of subsections A and B of this section shall
8 not apply to commissioned peace officers and security officers of
9 the Department of Public Safety, security officers of the Oklahoma
10 House of Representatives and the Oklahoma State Senate, the
11 Department of Central Services, or contractors thereof in the
12 performance of their duties.

13 D. Any person violating the provisions of this section shall,
14 upon conviction, be guilty of a misdemeanor punishable by
15 imprisonment in the county jail for not more than one (1) year, or
16 by a fine not exceeding Five Hundred Dollars (\$500.00), or by both
17 such fine and imprisonment.

18 SECTION 5. AMENDATORY Section 5, Chapter 243, O.S.L.
19 2006 (27A O.S. Supp. 2006, Section 2-7-404), is amended to read as
20 follows:

21 Section 2-7-404. A. To be licensed pursuant to this act, a
22 person, firm, corporation or other entity shall meet the following
23 requirements:

24 1. Principal business facilities are located within Oklahoma;

1 2. Tow trucks are registered and licensed in Oklahoma; and

2 3. Owner is a resident of the State of Oklahoma or the service
3 is an Oklahoma corporation.

4 B. No operator or employee of any operator shall be permitted,
5 allowed or caused to solicit business or engage in highway
6 remediation and cleanup services without the operator first having
7 obtained from the Department of Environmental Quality a license to
8 operate a highway remediation and cleanup service. The license
9 number shall be displayed, in conformance with rules of the
10 Department, on both sides of every vehicle operated by the highway
11 remediation and cleanup service. This section shall not apply to
12 the Oklahoma Department of Transportation or the Oklahoma Turnpike
13 Authority.

14 C. The license fee required by this section shall be in lieu of
15 the motor carrier filing fee as required in Section 165 of Title 47
16 of the Oklahoma Statutes. It shall not be necessary for any
17 operator to prove public convenience and necessity to obtain such
18 license, and the Department shall issue such license without public
19 hearing. The fee for such license shall be Ten Thousand Dollars
20 (\$10,000.00).

21 D. All licenses shall expire on the last day of the calendar
22 year and may be renewed annually at a cost of One Thousand Dollars
23 (\$1,000.00) upon application to the Department as prescribed by
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1 rule. No license fee shall be refunded in the event that the
2 license is suspended or revoked.

3 E. The Department is authorized to issue notices of violation
4 and compliance orders and to suspend, revoke, or refuse to issue or
5 renew the license of an operator when it finds the licensee or
6 applicant has not complied with or has violated any of the
7 provisions of this act, or any rules adopted by the Board. A
8 suspension shall be for a period of time deemed appropriate by the
9 Department for the violation. An operator whose license has been
10 revoked may not apply for one (1) year. Any suspended or revoked
11 license shall be returned to the Department by the operator. An
12 operator whose license is revoked by the Department shall be
13 required to pay an additional fee of Ten Thousand Dollars
14 (\$10,000.00) for reinstatement if such reinstatement is authorized
15 by the Department.

16 F. The Department shall keep a current list of highway
17 remediation and cleanup service operators licensed pursuant to this
18 act and forward such list to the Department of Public Safety for
19 distribution to wrecker service operators licensed by the Department
20 of Public Safety. The Department shall update such list regularly
21 to delete highway remediation and cleanup service operators whose
22 licenses have been suspended or revoked.

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1 G. Fees or fines collected pursuant to the provisions of this
2 section shall be remitted to the State Treasurer to be deposited in
3 the Department of Environmental Quality Revolving Fund.

4 SECTION 6. AMENDATORY 40 O.S. 2001, Section 2-202, is
5 amended to read as follows:

6 Section 2-202. CONDITIONS FOR ELIGIBILITY.

7 A. An unemployed individual shall be eligible to receive
8 benefits with respect to any week only if the Commission finds that
9 he or she satisfies the provisions of this Part 2.

10 B. An unemployed individual shall not be eligible to receive
11 benefits under the Employment Security Act of 1980 if the individual
12 became unemployed due to termination as a state employee:

13 1. From a temporary position, as prescribed in paragraph 8 of
14 subsection A of Section 840-5.5 of Title 74 of the Oklahoma
15 Statutes; or

16 2. From a position for which the salary was paid with federal
17 funding and the authorization for the position was required to be
18 terminated due to the discontinuation of the federal funding.

19 SECTION 7. AMENDATORY 47 O.S. 2001, Section 2-105, as
20 last amended by Section 1, Chapter 81, O.S.L. 2006 (47 O.S. Supp.
21 2006, Section 2-105), is amended to read as follows:

22 Section 2-105. A. The Commissioner of Public Safety, subject
23 to the Oklahoma Personnel Act, shall appoint:
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1 1. A Chief of the Oklahoma Highway Patrol Division with the
2 rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol
3 Division with the rank of Lieutenant Colonel, and subordinate
4 officers and employees of the Oklahoma Highway Patrol Division,
5 including Majors, Captains, Lieutenants, and Highway Patrolmen with
6 the rank of Trooper, who shall comprise the Oklahoma Highway Patrol
7 Division of the Department of Public Safety; provided, any officer
8 appointed to a commissioned position prescribed in this paragraph
9 which is unclassified pursuant to Section 840-5.5 of Title 74 of the
10 Oklahoma Statutes shall have a right of return to the highest
11 previously held classified commissioned position within the Highway
12 Patrol Division of the Department of Public Safety without any loss
13 of rights, privileges or benefits immediately upon completion of the
14 duties in the unclassified commissioned position;

15 2. A Captain, Lieutenants, and Patrolmen who shall comprise the
16 Lake Patrol Section of the Oklahoma Highway Patrol Division of the
17 Department of Public Safety;

18 3. A Captain, Lieutenants, and Patrolmen, who shall comprise
19 the Capitol Patrol Section of the Oklahoma Highway Patrol Division
20 of the Department of Public Safety; and

21 4. A Director of the Communications Division with the rank of
22 Captain, Communications Coordinators with the rank of First
23 Lieutenant, Communications Superintendents with the rank of Second
24 Lieutenant, Communications Supervisors with the rank of Sergeant,

1 Communications Dispatchers, Radio Technicians and Tower Maintenance
2 Officers who shall comprise the Communications Division of the
3 Department of Public Safety.

4 B. 1. The Commissioner, when appointing commissioned officers
5 and employees to the positions set out in subsection A of this
6 section, shall determine, in consultation with the Administrator of
7 the Office of Personnel Management, minimum qualifications and shall
8 select such officers and employees only after examinations to
9 determine their physical and mental qualifications for such
10 positions. The content of the examinations shall be prescribed by
11 the Commissioner, and all such appointees shall satisfactorily
12 complete a course of training in operations and procedures as
13 prescribed by the Commissioner.

14 2. No person shall be appointed to any position set out in
15 subsection A of this section unless the person is a citizen of the
16 United States of America, of good moral character, and:

17 a. for commissioned officer positions, shall be at least
18 twenty-one (21) years of age but less than forty-three
19 (43) years of age, and shall possess:

20 (1) an associate's degree or a minimum of sixty-two
21 (62) successfully completed semester hours from a
22 college or university which is recognized by and
23 accepted by the American Association of
24 Collegiate Registrars and Admissions Officers and

1 whose hours are transferable between such
2 recognized institutions, and

3 (2) for any person appointed to the Oklahoma Highway
4 Patrol Division on or after July 1, 2008:

5 (a) a bachelor's degree from a college or
6 university which is recognized by and
7 accepted by the American Association of
8 Collegiate Registrars and Admissions
9 Officers and whose hours are transferable
10 between such recognized institutions, or

11 (b) an associate's degree or a minimum of sixty-
12 two (62) successfully completed semester
13 hours from a college or university which is
14 recognized by and accepted by the American
15 Association of Collegiate Registrars and
16 Admissions Officers and whose hours are
17 transferable between such recognized
18 institutions, and:

19 i. at least two (2) years' experience as a
20 law enforcement officer certified by
21 the Council on Law Enforcement
22 Education and Training (C.L.E.E.T.) or
23 by the equivalent state agency in
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1 another state or by any law enforcement
2 agency of the federal government, or

3 ii. at least two (2) years of honorable
4 military service in an active or
5 reserve component of the United States
6 Armed Forces.

7 Provided, such years of experience or service shall
8 have been consecutive and shall have been completed no
9 more than two (2) years prior to application for
10 appointment, or

11 b. for any such position in the Communications Division,
12 a person shall be at least twenty (20) years of age
13 and shall possess a high school diploma or General
14 Educational Development equivalency certificate; shall
15 possess either six (6) months of previous experience
16 as a dispatcher or fifteen (15) successfully completed
17 semester hours from a college or university which is
18 recognized by and accepted by the American Association
19 of Collegiate Registrars and Admissions Officers and
20 whose hours are transferable between such recognized
21 institutions.

22 3. No commissioned officer of the Department shall, while in
23 such position, be a candidate for any political office or take part
24 in or contribute any money or other thing of value, directly or

1 indirectly, to any political campaign or to any candidate for public
2 office. Anyone convicted of violating the provisions of this
3 paragraph shall be guilty of a misdemeanor and shall be punished as
4 provided by law.

5 4. The Commissioner or any employee of the Department shall not
6 be a candidate for any political office, or in any way be active or
7 participate in any political contest of any Primary, General, or
8 Special Election, except to cast a ballot. No commissioned officer
9 of the Department, while in the performance of the officer's
10 assigned duty of providing security and protection, shall be
11 considered as participating in a political campaign. The provisions
12 of this paragraph shall not be construed to preclude a commissioned
13 officer of the Oklahoma Highway Patrol Division of the Department of
14 Public Safety from being a candidate for a position on a local board
15 of education.

16 5. Drunkenness or being under the influence of intoxicating
17 substances shall be sufficient grounds for the removal of any
18 commissioned officer of the Department, in and by the manner
19 provided for in this section.

20 C. 1. Upon initial appointment to the position of Cadet
21 Highway Patrolman or Probationary Communications Dispatcher, the
22 appointed employee shall be required to serve an initial
23 probationary period of twelve (12) months. The Commissioner may
24 extend the probationary period for up to three (3) additional months

1 provided that the employee and the Office of Personnel Management
2 are notified in writing as to such action and the reasons therefor.
3 During such probationary period, the employee may be terminated at
4 any time and for any reason at the discretion of the Commissioner.
5 Retention in the service after expiration of the initial
6 probationary period shall entitle such employee to be classified as
7 a permanent employee and the employee shall be so classified. No
8 permanent employee may be discharged or removed except as provided
9 for in this section.

10 2. A commissioned officer of the Oklahoma Highway Patrol
11 Division may be promoted during the initial probationary period if
12 such officer satisfactorily completes all training requirements
13 prescribed by the Commissioner.

14 D. 1. No permanent employee, as provided for in this section,
15 who is a commissioned officer of the Department, may be suspended
16 without pay or dismissed unless the employee has been notified in
17 writing by the Commissioner of such intended action and the reasons
18 therefor. No such notice shall be given by the Commissioner unless
19 sworn charges or statements have been obtained to justify the
20 action.

21 2. Whenever such charges are preferred, the Commissioner may
22 suspend the accused pending the hearing and final determination of
23 such charges. If the charges are not sustained in whole or in part,
24 the accused shall be entitled to pay during the period of such

1 suspension. If the charges are sustained in whole or in part, the
2 accused shall not receive any pay for the period of such suspension.

3 3. Commissioned officers of the Department of Public Safety are
4 not entitled to appeal intra-agency transfer to the Oklahoma Merit
5 Protection Commission pursuant to the Oklahoma Personnel Act unless
6 transfer is in violation of Section 840-2.5 or 840-2.9 of Title 74
7 of the Oklahoma Statutes.

8 4. The Department of Public Safety shall follow the uniform
9 grievance procedure established and adopted by the Office of
10 Personnel Management for permanent classified employees, except for
11 those employees who are commissioned officers of the Department.
12 The Department of Public Safety shall establish and adopt a
13 proprietary grievance procedure for commissioned officers of the
14 Department which is otherwise in compliance with the provisions of
15 Section 840-6.2 of Title 74 of the Oklahoma Statutes.

16 E. 1. The Commissioner is hereby authorized to purchase and
17 issue uniforms and necessary equipment for all commissioned officers
18 of the Highway Patrol Division of the Department. All uniforms and
19 equipment shall be used only in the performance of the official
20 duties of such officers and shall remain the property of the
21 Department, except as provided in Section 2-150 of this title.

22 2. Each commissioned officer of the Highway Patrol Division of
23 the Department of Public Safety shall be entitled to reimbursement
24 of expenses pursuant to the State Travel Reimbursement Act while

1 away from the assigned area of the officer as designated by the
2 Chief of the Oklahoma Highway Patrol Division, when such expense is
3 incurred in the service of the state.

4 F. 1. The positions with the rank of Colonel and Lieutenant
5 Colonel of the Oklahoma Highway Patrol Division shall be filled from
6 the body of commissioned officers of the Oklahoma Highway Patrol
7 Division and appointment to said position shall be based on
8 qualifications, previous record as a commissioned officer of the
9 Oklahoma Highway Patrol Division, length of service, years of
10 experience within the Oklahoma Highway Patrol Division or other
11 service as prescribed in this subsection, and efficiency of service
12 performed.

13 2. In addition to the requirements of paragraph 1 of this
14 subsection, the position of Chief of the Oklahoma Highway Patrol
15 Division shall be based on one of the following:

16 a. one (1) year of experience in any combination:

17 (1) as Commissioner of Public Safety,

18 (2) as Assistant Commissioner of Public Safety, or

19 (3) as Assistant Chief,

20 b. two (2) years of experience in any combination:

21 (1) as Deputy Chief or higher rank, or

22 (2) if the experience was prior to the effective date
23 of this act, as Major or higher rank,

24 c. four (4) years of experience in any combination:

- 1 (1) as Major or higher rank, or
- 2 (2) if the experience was prior to the effective date
- 3 of this act, as Captain or higher rank, or
- 4 d. six (6) years of experience in any combination:
 - 5 (1) as Captain or higher rank, or
 - 6 (2) if the experience was prior to the effective date
 - 7 of this act, as First Lieutenant or higher rank.

8 3. In addition to the requirements of paragraph 1 of this
9 subsection, the position of Deputy Chief of the Oklahoma Highway
10 Patrol Division shall be based on one of the following:

- 11 a. one (1) year of experience in any combination:
 - 12 (1) as Commissioner of Public Safety,
 - 13 (2) as Assistant Commissioner of Public Safety, or
 - 14 (3) as Colonel,
- 15 b. two (2) years of experience in any combination:
 - 16 (1) as Major or higher rank, or
 - 17 (2) if the experience was prior to the effective date
 - 18 of this act, as Captain or higher rank, or
- 19 c. four (4) years of experience in any combination:
 - 20 (1) as Captain or higher rank, or
 - 21 (2) if the experience was prior to the effective date
 - 22 of this act, as Highway Patrol First Lieutenant
 - 23 or higher rank.

1 G. The Commissioner of Public Safety is hereby authorized to
2 send employees of the Department of Public Safety to schools such as
3 Northwestern University Center for Public Safety, Southern Police
4 Institute, the FBI National Academy, the Institute of Police
5 Technology and Management, or to any other schools of similar
6 training which would be conducive to improving the efficiency of the
7 Oklahoma Highway Patrol Division and the Department of Public
8 Safety. While an employee is attending a school, the Commissioner
9 is authorized to permit the employee to use a state-owned vehicle
10 and to use a fuel-purchasing card for any expenses related to the
11 operation of the vehicle. In addition, while an employee is
12 attending the FBI National Academy, a one-time expense allowance of
13 Two Thousand Dollars (\$2,000.00) for uniforms, fees, travel, room
14 and board, and other related expenses shall be paid to the employee
15 by the Department; provided, the employee shall not be further
16 compensated through the State Travel Reimbursement Act, and, if any
17 other agency reimburses the employee for any expenses, the
18 reimbursement shall be given to the Department. All purchases made
19 by the employee with the expense allowance shall be considered
20 property of the employee. The Commissioner is authorized to
21 reimburse any currently employed commissioned law enforcement
22 officer of the Department, who has previously attended the FBI
23 National Academy, for the difference between actual previously paid
24 expenses and reimbursements and the two-thousand-dollar one-time

1 expense allowance authorized by this subsection; provided, no
2 officer shall be paid more than a total of Two Thousand Dollars
3 (\$2,000.00) in previously paid expenses and reimbursements and the
4 difference between previously paid expenses and reimbursements and
5 the one-time expense allowance.

6 H. 1. Any former commissioned officer of the Department whose
7 separation from the Department was at such officer's own request and
8 not a result of such officer's own actions contrary to the policy of
9 the Department or was not as a result of the retirement of that
10 officer from the Department may make application for reinstatement
11 as a commissioned officer of the division or section of the
12 Department in which such officer was previously employed, provided
13 such reinstated officer will be able to complete twenty (20) years
14 of credited service by the time the reinstated officer reaches
15 sixty-two (62) years of age. The Commissioner may waive the
16 requirements of possessing the number of semester hours or degree as
17 required in subsection B of this section for any former commissioned
18 officer making application for reinstatement as a commissioned
19 officer of the Department. The Commissioner may require the
20 applicant for reinstatement to attend selected courses of
21 instruction, as prescribed by the Commissioner.

22 2. In the event of future hostilities wherein the Congress of
23 the United States declares this nation in a state of war with a
24 foreign nation, including military service brought about by the

1 Vietnam War, any period of military service served by a commissioned
2 officer of the Department shall be considered as continued service
3 with such Department, provided such commissioned officer returns to
4 duty with the Department within sixty (60) days after release from
5 military service.

6 SECTION 8. AMENDATORY 47 O.S. 2001, Section 2-111, as
7 amended by Section 2, Chapter 199, O.S.L. 2005 (47 O.S. Supp. 2006,
8 Section 2-111), is amended to read as follows:

9 Section 2-111. A. All records of the Department, other than
10 those declared by law to be confidential for the use of the
11 Department, shall be open to public inspection during office hours.

12 B. The Commissioner shall supervise the maintaining of all
13 records of the Department and shall adopt rules concerning the
14 destruction and retention of records. Records of the Department
15 shall not be subject to the provisions of:

16 1. Sections 305 through 317 of Title 67 of the Oklahoma
17 Statutes or be transferred to the custody or control of the State
18 Archives Commission;

19 2. Section 590 of Title 21 of the Oklahoma Statutes; or

20 3. The Records Management Act, Sections 201 through 215 of
21 Title 67 of the Oklahoma Statutes.

22 The Commissioner may, pursuant to an adopted rule, order destruction
23 of records deemed to be no longer of value to the Department in
24 carrying out the powers and duties of the Department.

1 C. 1. The Commissioner may cause any or all records kept by
2 the Department of Public Safety to be photographed,
3 microphotographed, photostated, reproduced on film, or stored on
4 computer storage medium. The film or reproducing material shall be
5 of durable material, and the device used to reproduce the records on
6 the film or reproducing material shall accurately reproduce and
7 perpetuate the original records in all detail.

8 2. The photostatic copy, photograph, microphotograph,
9 photographic film or computerized image of the original records
10 shall be deemed to be an original record for all purposes and shall
11 be admissible as evidence in all courts or administrative agencies.
12 A facsimile, exemplification, or certified copy thereof shall be
13 deemed to be a transcript, exemplification, or certified copy of the
14 original.

15 3. The photostatic copies, photographs, microphotographs,
16 reproductions on film, or computerized images shall be placed in
17 conveniently accessible files and provisions made for preserving,
18 examining, and using the copies, photographs, microphotographs,
19 reproductions on film and computerized images. The Commissioner of
20 Public Safety is empowered to authorize the disposal, archival
21 storage, or destruction of the original records or papers.

22 D. All records relating to any investigation being conducted by
23 the Department shall be confidential and shall not be open to the
24 public; provided, however, officers and employees of the Department

1 may disclose, at the discretion of the Commissioner, such
2 investigative information to officers and agents of federal, state,
3 county, or municipal law enforcement agencies and to district
4 attorneys, in the furtherance of criminal investigations within
5 their respective jurisdictions. Any unauthorized disclosure of any
6 information contained in the confidential files of the Department
7 shall be a misdemeanor. Violation hereof shall be deemed willful
8 neglect of duty and shall be grounds for removal from office.

9 E. It shall not be a violation of this section to reveal
10 otherwise confidential information to outside agencies or
11 individuals who are providing interpreter services, questioned
12 document analysis, and other laboratory services that are necessary
13 in the assistance of Department investigations. Individuals or
14 agencies receiving the confidential and investigative information or
15 records or results of laboratory services provided to the Department
16 by those agencies or individuals, shall be subject to the
17 confidentiality provisions and requirements established in
18 subsection D of this section.

19 SECTION 9. AMENDATORY 47 O.S. 2001, Section 2-117, as
20 last amended by Section 8, Chapter 190, O.S.L. 2005 (47 O.S. Supp.
21 2006, Section 2-117), is amended to read as follows:

22 Section 2-117. A. The Commissioner of Public Safety and each
23 officer of the Department of Public Safety, as designated and
24 commissioned by the Commissioner, are hereby declared to be peace

1 officers of the State of Oklahoma and shall be so deemed and taken
2 in all courts having jurisdiction of offenses against the laws of
3 the state. Such officers shall have the powers and authority now
4 and hereafter vested by law in other peace officers, including the
5 right and power of search and seizure, except the serving or
6 execution of civil process, and the right and power to investigate
7 and prevent crime and to enforce the criminal laws of this state.

8 B. The officers of the Department shall have the following
9 authority, responsibilities, powers and duties:

10 1. To enforce the provisions of this title and any other law
11 regulating the operation of vehicles or the use of the highways,
12 including, but not limited to, the Motor Carriers Act of this state,
13 or any other laws of this state by the direction of the Governor;

14 2. To arrest without writ, rule, order or process any person
15 detected by them in the act of violating any law of the state;

16 3. When the officer is in pursuit of a violator or suspected
17 violator and is unable to arrest such violator or suspected violator
18 within the limits of the jurisdiction of the Oklahoma Highway Patrol
19 Division, to continue in pursuit of such violator or suspected
20 violator into whatever part of the state may be reasonably necessary
21 to effect the apprehension and arrest of the same, and to arrest
22 such violator or suspected violator wherever the violator may be
23 overtaken;

24

1 4. To assist in the location of stolen property, including
2 livestock and poultry or the carcasses thereof, and to make any
3 inspection necessary of any truck, trailer or contents thereof in
4 connection therewith;

5 5. At all times to direct all traffic in conformance with law
6 and, in the event of a fire, or other emergency, or to expedite
7 traffic, or to insure safety, to direct traffic as conditions may
8 require, notwithstanding the provisions of law;

9 6. To require satisfactory proof of ownership of the contents
10 of any motor vehicle, including livestock, poultry or the carcasses
11 thereof. In the event that the proof of ownership is not
12 satisfactory, it shall be the duty of the officer to take the motor
13 vehicle, driver, and the contents of the motor vehicle into custody
14 and deliver the same to the sheriff of the county wherein the cargo,
15 motor vehicle and driver are taken into custody;

16 7. When on duty, upon reasonable belief that any vehicle is
17 being operated in violation of any provisions of this title, or any
18 other law regulating the operation of vehicles, to require the
19 driver thereof to stop and exhibit his or her driver license and the
20 certificate of registration issued for the vehicle, if required to
21 be carried in the vehicle pursuant to paragraph 3 of subsection A of
22 Section 1113 of this title, and submit to an inspection of such
23 vehicle, the license plates and certificate of registration thereon,
24

1 if applicable, or to any inspection and test of the equipment of
2 such vehicle;

3 8. To inspect any vehicle of a type required to be registered
4 hereunder in any public garage or repair shop or in any place where
5 such vehicles are held for sale or wrecking, for the purpose of
6 locating stolen vehicles and investigating the title and
7 registration thereof;

8 9. To serve all warrants relating to the enforcement of the
9 laws regulating the operation of vehicles or the use of the highways
10 and bench warrants issued for nonpayment of fines and costs for
11 moving traffic violations;

12 10. To investigate and report traffic collisions on all
13 interstate and defense highways and on all highways outside of
14 incorporated municipalities, and may investigate traffic collisions
15 within any incorporated municipality upon request of the local law
16 enforcement agency, and to secure testimony of witnesses or of
17 persons involved;

18 11. To investigate reported thefts of motor vehicles, trailers
19 and semitrailers;

20 12. To stop and inspect any motor vehicle or trailer for such
21 mechanical tests as may be prescribed by the Commissioner to
22 determine the roadworthiness of the vehicle. Any vehicle which may
23 be found to be unsafe for use on the highways may be ordered removed
24

1 from said highway until such alterations or repairs have been made
2 that will render said vehicle serviceable for use on the highway;

3 13. To stop and inspect the contents of all motor vehicles to
4 ascertain whether or not the provisions of all general laws are
5 being observed;

6 14. To enforce the laws of the state relating to the
7 registration and licensing of motor vehicles;

8 15. To enforce the laws relating to the operation and use of
9 vehicles on the highway;

10 16. To enforce and prevent, on the roads of the state highway
11 system, the violation of the laws relating to the size, weight, and
12 speed of commercial motor vehicles and all laws designed for the
13 protection of the highway pavements and structures on such highways;

14 17. To investigate and report to the Corporation Commission and
15 the Oklahoma Tax Commission violation of their rules and the laws
16 governing the transportation of persons and property by motor
17 transportation companies and all other motor carriers for hire;

18 18. To investigate and report violations of all laws relating
19 to the collection of excise taxes on motor vehicle fuels;

20 19. To regulate the movement of traffic on the roads of the
21 state highway system;

22 20. Whenever possible, to determine persons causing or
23 responsible for the breaking, damaging, or destruction of any
24 improved surfaced roadway, structure, sign, marker, guardrail, or

1 any other appurtenance constructed or maintained by the Department
2 of Transportation, and to arrest persons responsible therefor and to
3 bring them before the proper officials for prosecution;

4 21. To investigate incidents involving an employee of the
5 Department, when such incidents are related to the performance of
6 the duties of the employee; and

7 22. To initiate or assist in manhunts and fugitive
8 apprehensions.

9 C. Whenever any person is arrested by a patrol officer for a
10 traffic violation the provisions of Sections 16-101 through 16-114
11 of this title shall apply.

12 D. 1. Except as provided in this subsection, the powers and
13 duties conferred on the Commissioner and officers of the Department
14 of Public Safety shall not limit the powers and duties of sheriffs
15 or other peace officers of the state or any political subdivision of
16 the state.

17 2. The Oklahoma Highway Patrol Division shall have primary law
18 enforcement authority respecting traffic-related offenses upon the
19 National System of Interstate and Defense Highways, and may have
20 special law enforcement authority on those portions of the federal-
21 aid primary highways and the state highway system which are located
22 within the boundaries and on the outskirts of a municipality, and
23 designated by the Commissioner of Public Safety for such special law
24 enforcement authority. As used in this subsection "outskirts of a

1 municipality" means and shall be determined by presence of the
2 following factors:

- 3 a. low land use density,
- 4 b. absence of any school or residential subdivision
5 requiring direct ingress or egress from the highway,
6 and
- 7 c. a scarcity of retail or commercial business abutting
8 the highway.

9 3. The Commissioner may designate any portion of the National
10 System of Interstate and Defense Highways, ~~and those portions of the~~
11 ~~federal-aid primary highways and the state highway system~~ which are
12 located within the boundaries of and on the outskirts of a
13 municipality for special traffic-related enforcement by the Oklahoma
14 Highway Patrol Division and issue a written notice to any other law
15 enforcement agency affected thereby. Upon receipt of such notice,
16 the affected law enforcement agency shall not regulate traffic nor
17 enforce traffic-related statutes or ordinances upon such designated
18 portion of the National System of Interstate and Defense Highways or
19 such designated portions of the federal-aid primary highways and the
20 state highway system without prior coordination and written approval
21 of the Commissioner.

22 ~~4. E. 1.~~ Any person of the following persons may request the
23 Commissioner to investigate the traffic-related enforcement
24 practices of a municipal law enforcement agency whose jurisdiction

1 includes portions of the federal-aid primary highways, the state
2 highway system, or both located within the boundaries of and on the
3 outskirts of the municipality:

- 4 a. the district attorney in whose jurisdiction the
5 municipality is located,
- 6 b. a majority of the county commissioners, by resolution,
7 of the county in which the municipality is located,
- 8 c. the State Auditor and Inspector,
- 9 d. the State Attorney General, or
- 10 e. a state legislator in whose district the municipality
11 is located. Such

12 2. The request shall state that the ~~requester~~ requesting party
13 believes the enforcement practices are being conducted:

- 14 a. within the boundaries of and on the outskirts of the
15 municipality, and
- 16 b. for the purpose of generating more than fifty percent
17 (50%) of the revenue needed for the operation of the
18 municipality.

19 ~~5-~~ 3. Upon receipt of a request pursuant to ~~paragraph 4 of~~
20 this subsection, the Commissioner ~~shall~~ may investigate the traffic-
21 related enforcement practices of the municipal law enforcement
22 agency and the receipts and expenditures of the municipality. ~~Both~~
23 ~~the~~ The law enforcement agency ~~and,~~ the municipality, and the
24 requesting party shall cooperate fully with the Commissioner in such

1 an investigation. Upon the completion of the investigation, the
2 Commissioner shall submit a report of the results of the
3 investigation to the Attorney General, who shall make a
4 determination within sixty (60) days of receipt of the report as to
5 whether the enforcement practices of the municipal law enforcement
6 agency are being conducted as provided in subparagraphs a, and b ~~and~~
7 ~~e~~ of paragraph 4 2 of this subsection. Upon a determination that
8 the enforcement practices are not being conducted in such a manner,
9 the Attorney General shall notify the Commissioner in writing, and
10 the Commissioner shall take no action to make a designation as
11 provided in paragraph 3 of ~~this~~ subsection D of this section. Upon
12 a determination that the enforcement practices are being conducted
13 as provided in subparagraphs a, and b ~~and e~~ of paragraph 4 2 of this
14 subsection, the Attorney General shall notify the Commissioner in
15 writing, and the Commissioner shall make the designation of special
16 traffic-related enforcement as provided in paragraph 3 of ~~this~~
17 subsection D of this section, which shall stay in force for such
18 time as determined by the Commissioner. The Department of Public
19 Safety shall adopt rules to uniformly implement the procedures for
20 initiating, investigating and reporting to the Attorney General the
21 results of a request under the provisions of this subsection and the
22 criteria for determining the length of time the designation of
23 special traffic-related enforcement shall be in force.
24

1 ~~E.~~ F. Nothing in this section shall limit a member of the
2 Oklahoma Highway Patrol Division from requesting assistance from any
3 other law enforcement agency nor limit officers of such agency from
4 rendering the requested assistance. The officer and the law
5 enforcement agency responding to the request of the member of the
6 Oklahoma Highway Patrol Division or sheriff's department shall have
7 the same rights and immunities as are possessed by the Oklahoma
8 Highway Patrol Division.

9 ~~F.~~ G. No state official shall have any power, right, or
10 authority to command, order, or direct any commissioned law
11 enforcement officer of the Department of Public Safety to perform
12 any duty or service contrary to the provisions of this title or any
13 other laws of this state.

14 SECTION 10. AMENDATORY 47 O.S. 2001, Section 2-150, is
15 amended to read as follows:

16 Section 2-150. A. A commissioned officer of the Oklahoma
17 Highway Patrol Division of the Department of Public Safety,
18 ~~including the Capitol Patrol Section and the Lake Patrol Section,~~
19 shall be entitled to receive upon retirement, by reason of length of
20 service, the continued custody and possession of the sidearm and
21 badge carried by the retired officer immediately prior to
22 retirement. In addition to the sidearm carried by the retired
23 officer immediately prior to retirement, the retired officer may
24 purchase the rifle or shotgun issued to the retired officer

1 immediately prior to retirement. The cost of purchasing the weapon
2 shall be the replacement value for a new weapon and upon payment of
3 that price, the retired officer shall be entitled to ownership of
4 the weapon. Any records regarding the ownership of the weapon shall
5 be modified to reflect the transfer to the retired officer.
6 Proceeds from the purchase of the weapon shall be deposited in the
7 Department of Public Safety Revolving Fund.

8 B. In the event a commissioned officer of the Oklahoma Highway
9 Patrol Division of the Department of Public Safety, ~~including the~~
10 ~~Capitol Patrol Section and the Lake Patrol Section,~~ retires by
11 reason of disability, the retired officer shall be entitled to
12 receive the continued custody and possession of the sidearm issued
13 to the retired officer immediately prior to retirement upon written
14 approval of the Commissioner of the Department of Public Safety.

15 C. A commissioned officer of the Oklahoma Highway Patrol
16 Division of the Department of Public Safety, ~~including the Capitol~~
17 ~~Patrol Section and the Lake Patrol Section,~~ shall be entitled to
18 receive, upon retirement by reason of length of service or
19 disability, the continued custody and possession of the official
20 license plate issued for the vehicle that was assigned to the
21 retired officer immediately prior to retirement, provided the
22 license plate shall not be placed on any motor vehicle. The
23 provisions of this subsection shall apply to any officer retiring on
24 or after April 1, 1993, if the official license plate is available.

1 D. Custody and possession of the sidearm, rifle, shotgun, one
2 complete uniform, badge and official license plate of a commissioned
3 officer of the Oklahoma Highway Patrol Division of the Department of
4 Public Safety, ~~including the Capitol Patrol Section and the Lake~~
5 ~~Patrol Section,~~ who dies during his or her appointment may be
6 awarded by the Commissioner to the spouse or next-of-kin of the
7 deceased officer, provided the license plate shall not be placed on
8 any motor vehicle. ~~The authority of the Commissioner to award the~~
9 ~~license plate to the spouse or next of kin shall apply if the~~
10 ~~deceased officer died on or after January 1, 2001, if the official~~
11 ~~license plate is available.~~

12 SECTION 11. AMENDATORY 47 O.S. 2001, Section 2-300, as
13 last amended by Section 18, Chapter 46, 2nd Extraordinary Session,
14 O.S.L. 2006 (47 O.S. Supp. 2006, Section 2-300), is amended to read
15 as follows:

16 Section 2-300. As used in Section 2-300 et seq. of this title:

17 1. "System" means the Oklahoma Law Enforcement Retirement

18 System;

19 2. "Act" means Section 2-300 et seq. of this title;

20 3. "Board" means the Oklahoma Law Enforcement Retirement Board

21 of the System;

22 4. "Executive Director" means the managing officer of the

23 System employed by the Board;

24 5. "Fund" means the Oklahoma Law Enforcement Retirement Fund;

1 6. a. "Member" means:

2 (1) all commissioned law enforcement officers of the
3 Oklahoma Highway Patrol ~~and the State Capitol~~
4 Division of the Department of Public Safety who
5 have obtained certification from the Council on
6 Law Enforcement Education and Training, and all
7 cadets of a Patrol Academy of the Department of
8 Public Safety,

9 (2) law enforcement officers and criminalists of the
10 Oklahoma State Bureau of Investigation,

11 (3) law enforcement officers of the Oklahoma State
12 Bureau of Narcotics and Dangerous Drugs Control
13 ~~and the Oklahoma Alcoholic Beverage Laws~~
14 ~~Enforcement Commission~~ designated to perform
15 duties in the investigation and prevention of
16 crime and the enforcement of the criminal laws of
17 this state, ~~and members~~

18 (4) law enforcement officers of the Oklahoma
19 Alcoholic Beverage Laws Enforcement Commission
20 designated to perform duties in the investigation
21 and prevention of crime and the enforcement of
22 the criminal laws of this state,

23 (5) employees of the Communications ~~Division to~~
24 ~~include~~ Section of the Oklahoma Highway Patrol

1 Division, radio technicians, and tower
2 technicians ~~and commissioned officers of the Lake~~
3 ~~Patrol Division~~ of the ~~Oklahoma~~ Department of
4 Public Safety,

5 (6) park rangers of the Oklahoma Tourism and
6 Recreation Department ~~and inspectors of the~~
7 ~~Oklahoma State Board of Pharmacy~~, and any park
8 manager or park supervisor of the Oklahoma
9 Tourism and Recreation Department who was
10 employed in such a position prior to July 1,
11 1985, and who elects on or before September 1,
12 1996, to participate in the System, and
13 (7) inspectors of the Board of Pharmacy.

14 b. Effective July 1, 1987, a member does not include a
15 "leased employee" as defined under Section 414(n)(2) of
16 the Internal Revenue Code of 1986, as amended.
17 Effective July 1, 1999, any individual who agrees with
18 the participating employer that the individual's
19 services are to be performed as a leased employee or
20 an independent contractor shall not be a member
21 regardless of any classification as a common-law
22 employee by the Internal Revenue Service or any other
23 governmental agency, or any court of competent
24 jurisdiction, ~~provided that all~~.

1 c. All persons who shall be offered a position of a
2 commissioned law enforcement officer as an employee of
3 one of the agencies described in subparagraph a of
4 this paragraph shall participate in the System upon
5 the person meeting the requisite post-offer-pre-
6 employment physical examination standards which shall
7 be subject to the following requirements:

8 ~~a.~~ (1) all such persons shall be of good moral character,
9 free from deformities, mental or physical
10 conditions, or disease and alcohol or drug
11 addiction which would prohibit the person from
12 performing the duties of a law enforcement
13 officer,

14 ~~b.~~ (2) said physical-medical examination shall pertain to
15 age, sight, hearing, agility and other conditions
16 the requirements of which shall be established by
17 the Board,

18 ~~c.~~ (3) the person shall be required to meet the
19 conditions of this subsection prior to the
20 beginning of actual employment but after an offer
21 of employment has been tendered by a participating
22 employer,

23 ~~d.~~ (4) the Board shall have authority to deny or revoke
24 membership of any person submitting false

1 information in such person's membership
2 application, and

3 ~~e.~~ (5) the Board shall have final authority in
4 determining eligibility for membership in the
5 System, pursuant to the provisions of this
6 subsection;

7 7. "Normal retirement date" means the date at which the member
8 is eligible to receive the unreduced payments of the member's
9 accrued retirement benefit. Such date shall be the first day of the
10 month coinciding with or following the date the member:

11 a. completes twenty (20) years of vesting service, or

12 b. attains sixty-two (62) years of age with ten (10)
13 years of vesting service, or

14 c. attains sixty-two (62) years of age, if:

15 (1) the member has been transferred to this System
16 from the Oklahoma Public Employees Retirement
17 System on or after July 1, 1981, and

18 (2) the member would have been vested had the member
19 continued to be a member of the Oklahoma Public
20 Employees Retirement System.

21 With respect to distributions under the System made for calendar
22 years beginning on or after January 1, 2005, the System shall apply
23 the minimum distribution incidental benefit requirements, incidental
24 benefit requirements, and minimum distribution requirements of

1 Section 401(a)(9) of the Internal Revenue Code of 1986, as amended,
2 in accordance with the final regulations under Section 401(a)(9) of
3 the Internal Revenue Code of 1986, as amended, which were issued in
4 April 2002 and June 2004, notwithstanding any provision of the
5 System to the contrary. With respect to distributions under the
6 System made for calendar years beginning on or after January 1,
7 2001, through December 31, 2004, the System shall apply the minimum
8 distribution requirements and incidental benefit requirements of
9 Section 401(a)(9) of the Internal Revenue Code of 1986, as amended,
10 in accordance with the regulations under Section 401(a)(9) of the
11 Internal Revenue Code of 1986, as amended, which were proposed in
12 January 2001, notwithstanding any provision of the System to the
13 contrary.

14 Effective July 1, 1989, notwithstanding any other provision
15 contained herein to the contrary, in no event shall commencement of
16 distribution of the accrued retirement benefit of a member be
17 delayed beyond April 1 of the calendar year following the later of:
18 (1) the calendar year in which the member reaches seventy and one-
19 half (70 1/2) years of age; or (2) the actual retirement date of the
20 member. The preceding sentence does not allow deferral of benefit
21 commencement beyond the age of sixty-five (65).

22 A member who was required to join the System effective July 1,
23 1980, because of the transfer of the employing agency from the
24 Oklahoma Public Employees Retirement System to the System, and was

1 not a member of the Oklahoma Public Employees Retirement System on
2 the date of such transfer shall be allowed to receive credit for
3 prior law enforcement service rendered to this state, if the member
4 is not receiving or eligible to receive retirement credit or
5 benefits for such service in any other public retirement system,
6 upon payment to the System of the employee contribution the member
7 would have been subject to had the member been a member of the
8 System at the time, plus five percent (5%) interest. Service credit
9 received pursuant to this paragraph shall be used in determining the
10 member's retirement benefit, and shall be used in determining years
11 of service for retirement or vesting purposes;

12 8. "Actual paid base salary" means the salary received by a
13 member, excluding payment for any accumulated leave or uniform
14 allowance. Salary shall include any amount of nonelective salary
15 reduction under Section 414(h) of the Internal Revenue Code of 1986;

16 9. "Final average salary" means the average of the highest
17 thirty (30) consecutive complete months of actual paid gross salary.
18 Gross salary shall include any amount of elective salary reduction
19 under Section 457 of the Internal Revenue Code of 1986, as amended,
20 and any amount of nonelective salary reduction under Section 414(h)
21 of the Internal Revenue Code of 1986, as amended. Effective July 1,
22 1992, gross salary shall include any amount of elective salary
23 reduction under Section 125 of the Internal Revenue Code of 1986, as
24 amended. Effective July 1, 1998, gross salary shall include any

1 amount of elective salary reduction not includable in the gross
2 income of the member under Section 132(f)(4) of the Internal Revenue
3 Code of 1986, as amended. Effective July 1, 1998, for purposes of
4 determining a member's compensation, any contribution by the member
5 to reduce his or her regular cash remuneration under Section
6 132(f)(4) of the Internal Revenue Code of 1986, as amended, shall be
7 treated as if the member did not make such an election. Only salary
8 on which required contributions have been made may be used in
9 computing the final average salary.

10 In addition to other applicable limitations, and notwithstanding
11 any other provision to the contrary, for plan years beginning on or
12 after July 1, 2002, the annual gross salary of each "Noneligible
13 Member" taken into account under the System shall not exceed the
14 Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA")
15 annual salary limit. The EGTRRA annual salary limit is Two Hundred
16 Thousand Dollars (\$200,000.00), as adjusted by the Commissioner for
17 increases in the cost of living in accordance with Section
18 401(a)(17)(B) of the Internal Revenue Code of 1986, as amended. The
19 annual salary limit in effect for a calendar year applies to any
20 period, not exceeding twelve (12) months, over which salary is
21 determined ("determination period") beginning in such calendar year.
22 If a determination period consists of fewer than twelve (12) months,
23 the EGTRRA salary limit will be multiplied by a fraction, the
24 numerator of which is the number of months in the determination

1 period, and the denominator of which is twelve (12). For purposes
2 of this section, a "Noneligible Member" is any member who first
3 became a member during a plan year commencing on or after July 1,
4 1996.

5 For plan years beginning on or after July 1, 2002, any reference
6 in the System to the annual salary limit under Section 401(a)(17) of
7 the Internal Revenue Code of 1986, as amended, shall mean the EGTRRA
8 salary limit set forth in this provision;

9 10. "Credited service" means the period of service used to
10 determine the amount of benefits payable to a member. Credited
11 service shall consist of the period during which the member
12 participated in the System or the predecessor Plan as an active
13 employee in an eligible membership classification, plus any service
14 prior to the establishment of the predecessor Plan which was
15 credited under the predecessor Plan and for law enforcement officers
16 and criminalists of the Oklahoma State Bureau of Investigation and
17 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
18 who became members of the System on July 1, 1980, any service
19 credited under the Oklahoma Public Employees Retirement System as of
20 June 30, 1980, and for members of the Communications and Lake Patrol
21 Divisions of the Oklahoma Department of Public Safety, who became
22 members of the System on July 1, 1981, any service credited under
23 the predecessor Plan or the Oklahoma Public Employees Retirement
24 System as of June 30, 1981, and for law enforcement officers of the

1 Alcoholic Beverage Laws Enforcement Commission who became members of
2 the System on July 1, 1982, any service credited under the Oklahoma
3 Public Employees Retirement System as of June 30, 1982, and for park
4 rangers of the Oklahoma Tourism and Recreation Department who became
5 members of the System on July 1, 1985, any service credited under
6 the Oklahoma Public Employees Retirement System as of June 30, 1985,
7 and for inspectors of the Oklahoma State Board of Pharmacy who
8 became members of the System on July 1, 1986, any service credited
9 under the Oklahoma Public Employees Retirement System as of June 30,
10 1986, for law enforcement officers of the Oklahoma Capitol Patrol
11 Division of the Department of Public Safety who became members of
12 the System effective July 1, 1993, any service credited under the
13 Oklahoma Public Employees Retirement System as of June 30, 1993, and
14 for all commissioned officers in the Gunsmith/Ammunition Reloader
15 Division of the Department of Public Safety who became members of
16 the System effective July 1, 1994, any service credited under the
17 Oklahoma Public Employees Retirement System as of June 30, 1994, and
18 for the park managers or park supervisors of the Oklahoma Tourism
19 and Recreation Department who were employed in such a position prior
20 to July 1, 1985, and who elect to become members of the System
21 effective September 1, 1996, any service transferred pursuant to
22 subsection C of Section 2-309.6 of this title and any service
23 purchased pursuant to subsection B of Section 2-307.2 of this title.
24 Effective August 5, 1993, an authorized leave of absence shall

1 include a period of absence pursuant to the Family and Medical Leave
2 Act of 1993;

3 11. "Disability" means a physical or mental condition which, in
4 the judgment of the Board, totally and presumably permanently
5 prevents the member from engaging in the usual and customary duties
6 of the occupation of the member and thereafter prevents the member
7 from performing the duties of any occupation or service for which
8 the member is qualified by reason of training, education or
9 experience. A person is not under a disability when capable of
10 performing a service to the employer, regardless of occupation,
11 providing the salary of the employee is not diminished thereby;

12 12. "Limitation year" means the year used in applying the
13 limitations of Section 415 of the Internal Revenue Code of 1986,
14 which year shall be the calendar year;

15 13. "Line of duty" means any action which a member whose
16 primary function is crime control or reduction or enforcement of the
17 criminal law is obligated or authorized by rule, regulations,
18 condition of employment or service, or law to perform, including
19 those social, ceremonial, or athletic functions to which the member
20 is assigned, or for which the member is compensated, by the agency
21 the member serves;

22 14. "Personal injury" or "injury" means any traumatic injury as
23 well as diseases which are caused by or result from such an injury,
24 but not occupational diseases;

1 15. "Catastrophic nature" means consequences of an injury that
2 permanently prevent an individual from performing any gainful work;

3 16. "Traumatic injury" means a wound or a condition of the body
4 caused by external force, including injuries inflicted by bullets,
5 explosives, sharp instruments, blunt objects or other physical
6 blows, chemicals, electricity, climatic conditions, infectious
7 diseases, radiation, and bacteria, but excluding stress and strain;
8 and

9 17. "Beneficiary" means the individual designated by the member
10 on a beneficiary designation form supplied by the Oklahoma Law
11 Enforcement Retirement System, or if there is no designated
12 beneficiary or if the designated beneficiary predeceases the member,
13 the estate of the member. If the member's spouse is not designated
14 as the sole primary beneficiary, the member's spouse must sign a
15 consent.

16 SECTION 12. AMENDATORY Section 2, Chapter 104, O.S.L.
17 2006 (47 O.S. Supp. 2006, Section 11-403.1), is amended to read as
18 follows:

19 Section 11-403.1 Any person convicted of, ~~or who pleads guilty~~
20 ~~to, a traffic violation for~~ failure to yield a right-of-way and who
21 causes a fatality or serious bodily injury as a result of such
22 violation may, in addition to any other fine or penalty, be assessed
23 a fee in an amount not exceeding One Thousand Dollars (\$1,000.00) to
24 be deposited in the Motorcycle Safety and ~~Drunk Driving Awareness~~

1 Education Revolving Fund established in Section 3 40-123 of this act
2 title. The monies deposited as provided in this section shall be
3 used to promote public awareness of the dangers of driving while
4 under the influence of alcohol or any controlled substance and to
5 promote motorcycle safety and defensive driving for youth.

6 SECTION 13. AMENDATORY 47 O.S. 2001, Section 11-601, is
7 amended to read as follows:

8 Section 11-601. The driver of a vehicle intending to turn at an
9 intersection shall do so as follows:

10 1. Right turns. Both the approach for a right turn and a right
11 turn shall be made as close as practicable to the right-hand curb or
12 edge of the roadway.

13 ~~2. Left turns on two-way roadways. At any intersection where~~
14 ~~traffic is permitted to move in both directions on each roadway~~
15 ~~entering the intersection, an approach for a left turn shall be made~~
16 ~~in that portion of the right half of the roadway nearest the center~~
17 ~~line thereof and by passing to the right of such center line where~~
18 ~~it enters the intersection and after entering the intersection the~~
19 ~~left turn shall be made so as to leave the intersection to the right~~
20 ~~of the center line of the roadway being entered. Whenever~~
21 ~~practicable the left turn shall be made in that portion of the~~
22 ~~intersection to the left of the center of the intersection.~~

23 ~~3. Left turns on other than two-way roadways. At any~~
24 ~~intersection where traffic is restricted to one direction on one or~~

1 ~~more of the roadways, the~~ The driver of a vehicle intending to turn
2 left at ~~any such~~ an intersection shall approach the intersection in
3 the extreme left-hand lane lawfully available to traffic moving in
4 the direction of travel of such vehicle ~~and after.~~ After entering
5 the intersection, the left turn shall be made so as to leave the
6 intersection, as nearly as practicable, in the left-hand lane
7 lawfully available to traffic moving in such direction upon the
8 roadway being entered. Whenever practicable, when leaving a two-way
9 roadway, the left turn shall be made in that portion of the
10 intersection to the left of the center of the intersection.

11 ~~4.~~ 3. Local authorities in their respective jurisdictions may
12 cause markers, buttons or signs to be placed within or adjacent to
13 intersections and thereby require and direct that a different course
14 from that specified in this section be traveled by vehicles turning
15 at an intersection, and when markers, buttons or signs are so placed
16 no driver of a vehicle shall turn a vehicle at an intersection other
17 than as directed and required by such markers, buttons or signs.

18 SECTION 14. AMENDATORY 47 O.S. 2001, Section 11-602, is
19 amended to read as follows:

20 Section 11-602. A. Unless otherwise prohibited by law, the
21 driver of a vehicle shall not turn the vehicle so as to proceed in
22 the opposite direction unless and until such movement can be made
23 with reasonable safety and without interfering with other traffic.

24

1 B. No vehicle shall be turned so as to proceed in the opposite
2 direction upon any curve, or upon the approach to or near the crest
3 of a grade, where such vehicle cannot be seen by the driver of any
4 other vehicle approaching from either direction within five hundred
5 (500) feet.

6 SECTION 15. AMENDATORY 47 O.S. 2001, Section 11-1007, as
7 last amended by Section 1, Chapter 165, O.S.L. 2005 (47 O.S. Supp.
8 2006, Section 11-1007), is amended to read as follows:

9 Section 11-1007. A. It shall be unlawful for any person to
10 place or park a motor vehicle in any parking space that is
11 designated and posted as a reserved area for the parking of a motor
12 vehicle operated by or transporting a physically disabled person
13 unless such person has applied for and been issued a detachable
14 insignia indicating physical disability under the provisions of
15 Section 15-112 of this title, and such insignia is displayed as
16 provided in Section 15-112 of this title or in rules adopted
17 pursuant thereto, or has applied for and been issued a physically
18 disabled special license plate pursuant to the provisions of
19 ~~paragraph 8 of Section 1136~~ 1135.1 of this title, and such license
20 plate is displayed pursuant to the provisions of the Oklahoma
21 Vehicle License and Registration Act. It shall also be unlawful for
22 any person to place or park a motor vehicle, whether with or without
23 a physically disabled placard or plate, in any disabled parking
24

1 space access aisle, wheelchair ramp, wheelchair loading/unloading
2 area or any portion thereof.

3 B. Violation of these provisions shall be a misdemeanor and
4 upon conviction such person shall be fined not less than One Hundred
5 Fifty Dollars (\$150.00) and not more than Two Hundred Fifty Dollars
6 (\$250.00). Provided, any person cited for a first offense of a
7 violation of this section who has displayed a placard which has
8 expired pursuant to paragraph 4 or 5 of subsection D of Section 15-
9 112 of this title shall be entitled to dismissal of such charge and
10 shall not be required to pay the fine or court costs if the person
11 presents to the court within thirty (30) days of the issuance of the
12 citation a notice from the Department of Public Safety that the
13 person has obtained a valid placard pursuant to the provisions of
14 subsection D of Section 15-112 of this title. In addition, vehicles
15 unlawfully parked in violation of these provisions shall be subject
16 to immediate tow by a licensed tow truck operator at the request of
17 the landowner or a duly appointed agent of the landowner, at the
18 request of any person unable to lawfully gain access to or move
19 their vehicle, at the request of any person unable to lawfully gain
20 access to the area blocked by the unlawfully parked vehicle, or at
21 the request of appropriate law-enforcement personnel. The owner of
22 any vehicle unlawfully parked in violation of these provisions shall
23 pay any and all reasonable and necessary costs associated with
24 towing and storage of the vehicle.

1 SECTION 16. AMENDATORY 47 O.S. 2001, Section 12-101, as
2 last amended by Section 4, Chapter 50, O.S.L. 2005 (47 O.S. Supp.
3 2006, Section 12-101), is amended to read as follows:

4 Section 12-101. A. It shall be a misdemeanor, upon conviction,
5 punishable as provided in Section 17-101 of this title, for any
6 person:

7 1. To drive or move, or for the owner to cause or permit to be
8 driven or moved on any highway, any vehicle or combination of
9 vehicles which:

10 a. is known to be in such unsafe condition as to endanger
11 any person,

12 b. is known not to contain those parts required by this
13 chapter,

14 c. is not at all times equipped with such lamps and other
15 equipment in proper condition and adjustment as
16 required in this chapter, or

17 d. is known to be equipped in any manner in violation of
18 this chapter;

19 2. To do any act forbidden under this chapter; or

20 3. To fail to perform any act required under this chapter.

21 B. Nothing contained in this chapter shall be construed to
22 prohibit on any vehicle:

23 1. Equipment required by the United States Department of
24 Transportation pursuant to 49 C.F.R., Chapter V; or

1 2. The use of additional parts and accessories which are not
2 inconsistent with provisions of this chapter.

3 C. The provisions of Article II et seq. of this chapter with
4 respect to equipment on vehicles shall not apply to implements of
5 husbandry, road machinery, road rollers, farm tractors, motorcycles
6 as defined in Section 12-601 of this title, or vehicles designed to
7 be moved solely by animal or human power, except as specifically
8 made applicable in this chapter.

9 D. Any specific requirement of this chapter with respect to
10 equipment on any vehicle, other than a bicycle, shall not apply if
11 the vehicle was lawfully designed and manufactured without such
12 equipment; provided, the provisions of this chapter shall apply to
13 any homemade vehicle or any vehicle constructed from a kit or from
14 plans.

15 E. A low-speed electrical vehicle which is in compliance with
16 the equipment requirements in 49 C.F.R., Section 571.500 shall be
17 deemed to be in compliance with the provisions of this chapter.

18 F. The provisions of this chapter shall not apply to vehicles
19 registered in Oklahoma as antique or classic vehicles pursuant to
20 ~~Section 1136.1~~ Sections 1105 and 1135.1 of this title and rules
21 promulgated pursuant thereto.

22 G. The Commissioner of Public Safety may promulgate rules
23 regarding vehicle equipment and standards for vehicle equipment
24

1 required to maintain such equipment in safe condition and in
2 compliance with this chapter.

3 H. Any person producing proof within forty-eight (48) hours
4 that a condition or equipment for which the person was cited as
5 defective, missing, prohibited, improper, unauthorized or otherwise
6 in violation of this chapter has been remedied by the person shall
7 be entitled to dismissal of such charge without assessment of court
8 costs.

9 I. As used in this chapter:

10 1. "Lamp" means an electrical device producing artificial
11 illumination by use of one or more lights, each light of which
12 performs the same function or separate functions as required by this
13 chapter;

14 2. "Lightweight vehicle" means a motor vehicle that has a
15 manufacturer's gross vehicle weight rating of ten thousand (10,000)
16 pounds or less, other than:

17 a. a vehicle that is being used to transport passengers
18 for hire, or

19 b. a vehicle that is being used to transport hazardous
20 materials of a type or quantity that requires the
21 vehicle to be marked or placarded under 49 C.F.R.,
22 Section 177.823;

23 3. "Nighttime" or "night" means any time from one-half (1/2)
24 hour after sunset to one-half (1/2) hour before sunrise; and

1 4. "Passenger car" means a motor vehicle designed for carrying
2 ten persons, including the driver, or less except a low-speed
3 electric vehicle or motorcycle, as defined in Section 12-601 of this
4 title.

5 SECTION 17. AMENDATORY 47 O.S. 2001, Section 15-102, is
6 amended to read as follows:

7 Section 15-102. ~~(a)~~ A. The provisions of this ~~act~~ title shall
8 not be deemed to prevent local authorities with respect to streets
9 and highways under their jurisdiction and within the reasonable
10 exercise of the police power from:

11 1. Regulating the standing or parking of vehicles;

12 2. Regulating traffic by means of police officers or
13 traffic-control signals;

14 3. Regulating or prohibiting processions or assemblages on the
15 highways;

16 4. Designating particular highways as one-way highways and
17 requiring that all vehicles thereon be moved in one specific
18 direction;

19 5. Regulating the speed of vehicles in public parks;

20 6. Designating any highway as a through highway and requiring
21 that all vehicles stop before entering or crossing the same or
22 designating any intersection as a stop intersection or a yield
23 intersection and requiring all vehicles to stop or yield at one or
24 more entrances to such intersection;

1 7. Restricting the use of highways as authorized in Section
2 ~~14-112~~ 14-113 of this ~~act~~ title;

3 8. Regulating the operating of bicycles and requiring the
4 registration and licensing of same, including the requirement of a
5 registration fee;

6 9. Regulating or prohibiting the turning of vehicles or
7 specified types of vehicles at intersections;

8 10. Altering the speed limits as authorized herein; and

9 11. Adopting such other traffic regulations as are specifically
10 authorized by this ~~act~~ title.

11 ~~(b)~~ B. No local authority shall erect or maintain any stop sign
12 or traffic-control signal at any location so as to require the
13 traffic on any state or federal highway to stop before entering or
14 crossing any intersecting highway unless approval in writing has
15 first been obtained from the Department of Highways.

16 ~~(e)~~ C. No ordinance or regulation enacted under subdivisions
17 ~~4-, 5-, 6-, 7- or 10-~~ of ~~paragraph (a)~~ subsection A of this section
18 shall be effective until signs giving notice of such local traffic
19 regulations are posted upon or at the entrances to the highway or
20 part thereof affected as may be most appropriate.

21 SECTION 18. AMENDATORY 47 O.S. 2001, Section 15-111, as
22 amended by Section 1, Chapter 178, O.S.L. 2004 (47 O.S. Supp. 2006,
23 Section 15-111), is amended to read as follows:

24

1 Section 15-111. A. Municipalities and political subdivisions
2 of the state with authority to regulate the standing or parking of
3 vehicles may extend special parking privileges to a physically
4 disabled person who displays on a motor vehicle operated by or under
5 the direction and for the use of the physically disabled person:

6 1. A placard indicating physical disability, issued pursuant to
7 the provisions of Section 15-112 of this title; ~~or~~

8 2. A ~~physical disability~~ physically disabled license plate,
9 issued pursuant to the provisions of Section 1135.1 of this title;

10 or

11 3. A disabled veterans license plate with the international
12 accessibility symbol, issued pursuant to the provisions of Section
13 ~~1136~~ 1135.2 of this title.

14 B. No such special parking privilege, however, shall excuse the
15 violation of any state statute, nor shall any such privilege be
16 applicable where the standing or parking would create a dangerous
17 situation or impede the normal flow of traffic. Nothing in this
18 section shall be construed as requiring the creation of additional
19 parking spaces.

20 SECTION 19. AMENDATORY 47 O.S. 2001, Section 1602, is
21 amended to read as follows:

22 Section 1602. As used in Sections ~~3 through 5~~ 1603 and 1604 of
23 this ~~act~~ title:

24

1 1. "Refueling service" means the service of pumping motor
2 vehicle fuel into the fuel tank of a motor vehicle;

3 2. "Mobility-impaired driver" means a person with a physical
4 ~~mobility limitation who is unable to operate a motor vehicle without~~
5 ~~the aid of special mechanical assistive devices~~ disability, as
6 defined in Section 15-112 of this title; and

7 3. "Motor vehicle service station" means any facility where
8 motor vehicle fuel is stored and dispensed into the fuel tanks of
9 motor vehicles of the public.

10 SECTION 20. AMENDATORY 47 O.S. 2001, Section 1603, is
11 amended to read as follows:

12 Section 1603. A. Unless otherwise provided in this section,
13 any motor vehicle service station in this state which offers
14 gasoline or other motor vehicle fuel for sale to the public from the
15 service station facility may, on a voluntary basis, participate in
16 the refueling service program and upon request offer refueling
17 service to a mobility-impaired driver who displays a ~~refueling~~
18 ~~identification card~~;

19 1. A placard indicating physical disability, issued pursuant to
20 the provisions of Section 15-112 of this title;

21 2. A physically disabled license plate, issued pursuant to the
22 provisions of Section 1135.1 of this title; or

23

24

1 3. A disabled veterans license plate with the international
2 accessibility symbol issued pursuant to the provisions of Section
3 1135.2 of this title.

4 B. The refueling service provided for under subsection A of
5 this section shall not apply when the mobility-impaired driver is
6 accompanied by another person capable of refueling the motor
7 vehicle.

8 C. Each participating motor vehicle service station in the
9 state shall post signs notifying the public of the refueling
10 services provided by the facility.

11 D. Only those motor vehicle service stations which voluntarily
12 participate in the refueling service program established in ~~this act~~
13 Sections 1601 through 1604 of this title and which offer gasoline or
14 other motor vehicle fuel for sale to the public shall be required to
15 comply with the provisions of this section.

16 SECTION 21. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 3218.7-1 of Title 70, unless
18 there is created a duplication in numbering, reads as follows:

19 A. Within The Oklahoma State System of Higher Education, no
20 room and board shall be charged to the children of commissioned
21 members of the Oklahoma Law Enforcement Retirement System who have
22 given their lives in the line of duty.

23 B. Such waiver of room and board shall be limited to a period
24 of five (5) years.

1 C. Such waiver of room and board shall be a service benefit of
2 a commissioned member of the Oklahoma Law Enforcement Retirement
3 System.

4 SECTION 22. AMENDATORY 74 O.S. 2001, Section 500.6, is
5 amended to read as follows:

6 Section 500.6 A. Travel by any state officer or employee on
7 official state business on any privately owned or chartered airplane
8 may be reimbursed in an amount which, when added to per diem and
9 reimbursement for lodging for that trip, does not exceed the
10 equivalent of automobile mileage plus per diem and reimbursement for
11 lodging had a privately owned automobile been used for the trip.
12 The provisions of Section 500.4 of this title shall apply to
13 calculation of automobile mileage equivalent in this section.

14 B. Upon completion of each trip, the pilot of any airplane
15 owned by this state shall enter into a record book the names of all
16 passengers on the airplane, date, destination, mileage, duration,
17 purpose, and expense of the trip. The pilot shall sign each entry
18 in the record book. Said book may be inspected by the State Auditor
19 and Inspector.

20 C. Expenses of the trip are to be charged to the state
21 departments or agencies of the officers or employees using the
22 airplane. For the purposes of this section the term expense of the
23 trip shall include but is not limited to the cost of operating the
24

1 airplane, the ~~mileage~~ duration of the trip, and the salary of the
2 pilot.

3 SECTION 23. AMENDATORY 74 O.S. 2001, Section 1811.4C, as
4 amended by Section 12, Chapter 279, O.S.L. 2003 (74 O.S. Supp. 2006,
5 Section 1811.4C), is amended to read as follows:

6 Section 1811.4C A. The provisions of Title 47 of the Oklahoma
7 Statutes shall be applicable to all streets and highways within the
8 "State Capitol Park" in Oklahoma City and the "State Capitol
9 Complex" in Tulsa. The Department of Public Safety shall be the
10 primary law enforcement agency within the "State Capitol Park" and
11 within the "State Capitol Complex" in Tulsa, upon its establishment,
12 and shall enforce and supervise the enforcement of all parking,
13 traffic and criminal laws therein.

14 B. The rules for the "Use of the Public Areas of the Capitol
15 and Plazas" and for the "Use of the State Capitol Park", as
16 promulgated by the Department of Central Services and set out in
17 Subchapters 5 and 7 of Chapter 10 of Title 580 of the Oklahoma
18 Administrative Code, are applicable to the State Capitol Park and
19 State Capitol Complex. The Department of Public Safety shall have
20 the exclusive authority to enforce these rules. A violation of a
21 rule shall be a misdemeanor and, upon conviction, shall be
22 punishable by imprisonment in the county jail not exceeding one (1)
23 year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or
24 by both such fine and imprisonment.

1 C. This section shall not be construed to divest the Cities of
2 Oklahoma City or Tulsa of jurisdiction relating to the enforcement
3 of any law or ordinance within said parks except the enforcement of
4 laws regarding vehicle parking which shall be vested exclusively in
5 the Department of Public Safety.

6 SECTION 24. RECODIFICATION Section 13, Chapter 61,
7 O.S.L. 2006 (47 O.S. Supp. 2006, Section 6-107.7), shall be
8 recodified as Section 608 of Title 37 of the Oklahoma Statutes,
9 unless there is created a duplication in numbering.

10 SECTION 25. RECODIFICATION 47 O.S. 2001, Section 11-
11 308a, shall be recodified as Section 15-131 of Title 47 of the
12 Oklahoma Statutes, unless there is created a duplication in
13 numbering.

14 SECTION 26. RECODIFICATION 47 O.S. 2001, Section 11-
15 308b, shall be recodified as Section 15-132 of Title 47 of the
16 Oklahoma Statutes, unless there is created a duplication in
17 numbering.

18 SECTION 27. RECODIFICATION 69 O.S. 2001, Section 4009,
19 shall be recodified as Section 2-106.2A of Title 47 of the Oklahoma
20 Statutes, unless there is created a duplication in numbering.

21 SECTION 28. RECODIFICATION 69 O.S. 2001, Section
22 4009.1, shall be recodified as Section 2-106.2B of Title 47 of the
23 Oklahoma Statutes, unless there is created a duplication in
24 numbering.

1 SECTION 29. RECODIFICATION Section 16, Chapter 461,
2 O.S.L. 2003 (69 O.S. Supp. 2006, Section 4009.2), shall be
3 recodified as Section 2-106.2C of Title 47 of the Oklahoma Statutes,
4 unless there is created a duplication in numbering.

5 SECTION 30. RECODIFICATION Section 30, Chapter 46, 2nd
6 Extraordinary Session, O.S.L. 2006 (74 O.S. Supp. 2006, Section 840-
7 2.21A), shall be recodified as Section 2-310.2 of Title 47 of the
8 Oklahoma Statutes, unless there is created a duplication in
9 numbering.

10 SECTION 31. REPEALER 19 O.S. 2001, Section 563, is
11 hereby repealed.

12 SECTION 32. REPEALER 19 O.S. 2001, Sections 565.1, 565.2
13 and 565.3, are hereby repealed.

14 SECTION 33. REPEALER Section 11, Chapter 61, O.S.L. 2006
15 (37 O.S. Supp. 2006, Section 607), is hereby repealed.

16 SECTION 34. REPEALER Section 4, Chapter 461, O.S.L.
17 2003, as amended by Section 4, Chapter 418, O.S.L. 2004 (47 O.S.
18 Supp. 2006, Section 2-105A), is hereby repealed.

19 SECTION 35. REPEALER 47 O.S. 2001, Section 2-309.7, is
20 hereby repealed.

21 SECTION 36. REPEALER 47 O.S. 2001, Sections 6-101.2, 6-
22 101.3, 6-101.4 and 6-101.5, are hereby repealed.

23 SECTION 37. REPEALER 47 O.S. 2001, Section 6-105.1, is
24 hereby repealed.

1 SECTION 38. REPEALER Section 3, Chapter 104, O.S.L. 2006
2 (47 O.S. Supp. 2006, Section 11-403.2), is hereby repealed.

3 SECTION 39. REPEALER 47 O.S. 2001, Section 40-106, is
4 hereby repealed.

5 SECTION 40. REPEALER 47 O.S. 2001, Section 1604, is
6 hereby repealed.

7 SECTION 41. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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