

1 ENGROSSED HOUSE
2 BILL NO. 3382

By: Terrill of the House

and

Sykes of the Senate

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5
6 (Department of Public Safety - amending various
7 sections in Titles 47, 51 and 63 - Class D motor
8 vehicle and motorcycle - Highway Patrol Division
9 and Lake Patrol Section - Driver License Fraud
10 Unit -

effective date)

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

14 SECTION 1. AMENDATORY 47 O.S. 2001, Section 1-107.4, as
15 last amended by Section 1, Chapter 388, O.S.L. 2009 (47 O.S. Supp.
16 2009, Section 1-107.4), is amended to read as follows:

17 Section 1-107.4

18 CLASS D MOTOR VEHICLE

19 A. A Class D motor vehicle is any motor vehicle or combination
20 of vehicles which:

21 1. Regardless of weight:

22 a. is marked and used as an authorized emergency vehicle,
23 as defined in Section 1-103 of this title, or

24 b. is designed and used solely as a recreational vehicle;

1 2. Is a single or combination vehicle with a gross combined
2 weight rating of less than twenty-six thousand one (26,001) pounds;

3 3. Is a single or combination farm vehicle with a gross
4 combined weight rating of more than twenty-six thousand one (26,001)
5 pounds if:

6 a. it is entitled to be registered with a farm tag and
7 has a farm tag attached thereto,

8 b. it is controlled and operated by a farmer, his or her
9 family or employees,

10 c. it is used to transport either agricultural products,
11 farm machinery, farm supplies or any combination of
12 those materials to or from a farm,

13 d. it is not used in the operations of a common or
14 contract motor carrier, and

15 e. it is used within one hundred fifty (150) air miles of
16 the ~~person's~~ farm of the person or as otherwise
17 provided by federal law; or

18 4. Is operated by a licensed driver employed by a unit of local
19 government that operates a commercial motor vehicle within the
20 boundaries of that unit of local government for the purpose of
21 removing snow or ice from a roadway by plowing, sanding or salting,
22 if:

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- a. the properly licensed employee who ordinarily operates a commercial vehicle for these purposes is unable to operate the vehicle, or
- b. the employing governmental entity determines that a snow or ice emergency requires additional assistance.

B. A Class D Motor Vehicle shall not include any vehicle which is:

1. Designed to carry sixteen or more passengers, including the driver; or

2. Required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F; provided, a farm vehicle, as defined in paragraph 3 of subsection A of this section, which is required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F, shall be considered to be a Class D motor vehicle.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 1-135, as amended by Section 3, Chapter 521, O.S.L. 2004 (47 O.S. Supp. 2009, Section 1-135), is amended to read as follows:

Section 1-135. Motorcycle.

A motorcycle is any motor vehicle having:

- 1. A seat or saddle for the use of each rider;
- 2. Not more than three wheels in contact with the ground, but excluding a tractor; and

1 3. A combustion engine with a piston or rotor displacement of
2 ~~greater than~~ one hundred fifty cubic centimeters (150 cu cm) or
3 greater.

4 SECTION 3. AMENDATORY 47 O.S. 2001, Section 2-105, as
5 last amended by Section 1, Chapter 310, O.S.L. 2009 (47 O.S. Supp.
6 2009, Section 2-105), is amended to read as follows:

7 Section 2-105. A. The Commissioner of Public Safety, subject
8 to the Oklahoma Personnel Act, shall appoint:

9 1. A Chief of the Oklahoma Highway Patrol Division with the
10 rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol
11 Division with the rank of Lieutenant Colonel, and subordinate
12 officers and employees of the Oklahoma Highway Patrol Division,
13 including Majors, Captains, Lieutenants, and Highway Patrolmen with
14 the rank of Trooper, who shall comprise the Oklahoma Highway Patrol
15 Division of the Department of Public Safety; provided, any officer
16 appointed to a commissioned position prescribed in this paragraph
17 which is unclassified pursuant to Section 840-5.5 of Title 74 of the
18 Oklahoma Statutes shall have a right of return to the highest
19 previously held classified commissioned position within the Highway
20 Patrol Division of the Department of Public Safety without any loss
21 of rights, privileges or benefits immediately upon completion of the
22 duties in the unclassified commissioned position;

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1 2. A Captain, Lieutenants, and Patrolmen who shall comprise the
2 ~~Lake Patrol~~ Marine Enforcement Section of the Oklahoma Highway
3 Patrol Division of the Department of Public Safety;

4 3. A Captain, Lieutenants, and Patrolmen, who shall comprise
5 the Capitol Patrol Section of the Oklahoma Highway Patrol Division
6 of the Department of Public Safety; and

7 4. A Director of the Communications Division with the rank of
8 Captain, Communications Coordinators with the rank of First
9 Lieutenant, Communications Superintendents with the rank of Second
10 Lieutenant, Communications Supervisors with the rank of Sergeant,
11 Communications Dispatchers, Radio Technicians and Tower Maintenance
12 Officers who shall comprise the Communications Division of the
13 Department of Public Safety.

14 B. 1. The Commissioner, when appointing commissioned officers
15 and employees to the positions set out in subsection A of this
16 section, shall determine, in consultation with the Administrator of
17 the Office of Personnel Management, minimum qualifications and shall
18 select such officers and employees only after examinations to
19 determine their physical and mental qualifications for such
20 positions. The content of the examinations shall be prescribed by
21 the Commissioner, and all such appointees shall satisfactorily
22 complete a course of training in operations and procedures as
23 prescribed by the Commissioner.

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

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

7 (1) an associate's degree or a minimum of sixty-two
8 (62) successfully completed semester hours from a
9 college or university which is recognized by and
10 accepted by the American Association of
11 Collegiate Registrars and Admissions Officers and
12 whose hours are transferable between such
13 recognized institutions, and

14 (2) for any person appointed to the Oklahoma Highway
15 Patrol Division on or after July 1, 2012:

16 (a) a bachelor's degree from a college or
17 university which is recognized by and
18 accepted by the American Association of
19 Collegiate Registrars and Admissions
20 Officers and whose hours are transferable
21 between such recognized institutions, or

22 (b) an associate's degree or a minimum of sixty-
23 two (62) successfully completed semester
24 hours from a college or university which is

1 recognized by and accepted by the American
2 Association of Collegiate Registrars and
3 Admissions Officers and whose hours are
4 transferable between such recognized
5 institutions, and:

- 6 i. at least two (2) years' experience as a
7 law enforcement officer certified by
8 the Council on Law Enforcement
9 Education and Training (C.L.E.E.T.) or
10 by the equivalent state agency in
11 another state or by any law enforcement
12 agency of the federal government, or
13 ii. at least two (2) years of honorable
14 military service in an active or
15 reserve component of the United States
16 Armed Forces.

17 Provided, such years of experience or service shall
18 have been consecutive and shall have been completed no
19 more than two (2) years prior to application for
20 appointment, or

- 21 b. for any such position in the Communications Division,
22 a person shall be at least twenty (20) years of age
23 and shall possess a high school diploma or General
24 Educational Development equivalency certificate; shall

1 possess either six (6) months of previous experience
2 as a dispatcher or fifteen (15) successfully completed
3 semester hours from a college or university which is
4 recognized by and accepted by the American Association
5 of Collegiate Registrars and Admissions Officers and
6 whose hours are transferable between such recognized
7 institutions.

8 3. No commissioned officer of the Department shall, while in
9 such position, be a candidate for any political office or take part
10 in or contribute any money or other thing of value, directly or
11 indirectly, to any political campaign or to any candidate for public
12 office. Anyone convicted of violating the provisions of this
13 paragraph shall be guilty of a misdemeanor and shall be punished as
14 provided by law.

15 4. The Commissioner or any employee of the Department shall not
16 be a candidate for any political office, or in any way be active or
17 participate in any political contest of any Primary, General, or
18 Special Election, except to cast a ballot. No commissioned officer
19 of the Department, while in the performance of the officer's
20 assigned duty of providing security and protection, shall be
21 considered as participating in a political campaign. The provisions
22 of this paragraph shall not be construed to preclude a commissioned
23 officer of the Oklahoma Highway Patrol Division of the Department of
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1 Public Safety from being a candidate for a position on a local board
2 of education.

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

7 C. 1. Upon initial appointment to the position of Cadet
8 Highway Patrolman or Probationary Communications Dispatcher, the
9 appointed employee shall be required to serve an initial
10 probationary period of twelve (12) months. The Commissioner may
11 extend the probationary period for up to three (3) additional months
12 provided that the employee and the Office of Personnel Management
13 are notified in writing as to such action and the reasons therefor.
14 During such probationary period, the employee may be terminated at
15 any time and for any reason at the discretion of the Commissioner.
16 Retention in the service after expiration of the initial
17 probationary period shall entitle such employee to be classified as
18 a permanent employee and the employee shall be so classified. No
19 permanent employee may be discharged or removed except as provided
20 for in this section.

21 2. A commissioned officer of the Oklahoma Highway Patrol
22 Division may be promoted during the initial probationary period if
23 such officer satisfactorily completes all training requirements
24 prescribed by the Commissioner.

1 D. 1. No permanent employee, as provided for in this section,
2 who is a commissioned officer of the Department, may be suspended
3 without pay or dismissed unless the employee has been notified in
4 writing by the Commissioner of such intended action and the reasons
5 therefor. No such notice shall be given by the Commissioner unless
6 sworn charges or statements have been obtained to justify the
7 action.

8 2. Whenever such charges are preferred, the Commissioner may
9 suspend the accused pending the hearing and final determination of
10 such charges. If the charges are not sustained in whole or in part,
11 the accused shall be entitled to pay during the period of such
12 suspension. If the charges are sustained in whole or in part, the
13 accused shall not receive any pay for the period of such suspension.

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

19 4. The Department of Public Safety shall follow the uniform
20 grievance procedure established and adopted by the Office of
21 Personnel Management for permanent classified employees, except for
22 those employees who are commissioned officers of the Department.
23 The Department of Public Safety shall establish and adopt a
24 proprietary grievance procedure for commissioned officers of the

1 Department which is otherwise in compliance with the provisions of
2 Section 840-6.2 of Title 74 of the Oklahoma Statutes.

3 E. 1. The Commissioner is hereby authorized to purchase and
4 issue uniforms and necessary equipment for all commissioned officers
5 of the Highway Patrol Division of the Department. All uniforms and
6 equipment shall be used only in the performance of the official
7 duties of such officers and shall remain the property of the
8 Department, except as provided in Section 2-150 of this title.

9 2. Each commissioned officer of the Highway Patrol Division of
10 the Department of Public Safety shall be entitled to reimbursement
11 of expenses pursuant to the State Travel Reimbursement Act while
12 away from the assigned area of the officer as designated by the
13 Chief of the Oklahoma Highway Patrol Division, when such expense is
14 incurred in the service of the state.

15 F. 1. The positions with the rank of Colonel and Lieutenant
16 Colonel of the Oklahoma Highway Patrol Division shall be filled from
17 the body of commissioned officers of the Oklahoma Highway Patrol
18 Division and appointment to said position shall be based on
19 qualifications, previous record as a commissioned officer of the
20 Oklahoma Highway Patrol Division, length of service, years of
21 experience within the Oklahoma Highway Patrol Division or other
22 service as prescribed in this subsection, and efficiency of service
23 performed.

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

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

5 (1) as Commissioner of Public Safety,

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

7 (3) as Assistant Chief,

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

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

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

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

13 (1) as Major or higher rank, or

14 (2) if the experience was prior to the effective date
15 of this act, as Captain or higher rank, or

16 d. six (6) years of experience in any combination:

17 (1) as Captain or higher rank, or

18 (2) if the experience was prior to the effective date
19 of this act, as First Lieutenant or higher rank.

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

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

24 (1) as Commissioner of Public Safety,

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

2 (3) as Colonel,

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

4 (1) as Major or higher rank, or

5 (2) if the experience was prior to the effective date

6 of this act, as Captain or higher rank, or

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

8 (1) as Captain or higher rank, or

9 (2) if the experience was prior to the effective date

10 of this act, as Highway Patrol First Lieutenant

11 or higher rank.

12 G. The Commissioner of Public Safety is hereby authorized to
13 send employees of the Department of Public Safety to schools such as
14 Northwestern University Center for Public Safety, Southern Police
15 Institute, the FBI National Academy, the Institute of Police
16 Technology and Management, or to any other schools of similar
17 training which would be conducive to improving the efficiency of the
18 Oklahoma Highway Patrol Division and the Department of Public
19 Safety. While an employee is attending a school, the Commissioner
20 is authorized to permit the employee to use a state-owned vehicle
21 and to use a fuel-purchasing card for any expenses related to the
22 operation of the vehicle. In addition, while an employee is
23 attending the FBI National Academy, a one-time expense allowance of
24 Two Thousand Dollars (\$2,000.00) for uniforms, fees, travel, room

1 and board, and other related expenses shall be paid to the employee
2 by the Department; provided, the employee shall not be further
3 compensated through the State Travel Reimbursement Act, and, if any
4 other agency reimburses the employee for any expenses, the
5 reimbursement shall be given to the Department. All purchases made
6 by the employee with the expense allowance shall be considered
7 property of the employee.

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

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1 2. In the event of future hostilities wherein the Congress of
2 the United States declares this nation in a state of war with a
3 foreign nation, including military service brought about by the
4 Vietnam War, any period of military service served by a commissioned
5 officer of the Department shall be considered as continued service
6 with such Department, provided such commissioned officer returns to
7 duty with the Department within sixty (60) days after release from
8 military service.

9 SECTION 4. AMENDATORY 47 O.S. 2001, Section 2-105.6, as
10 last amended by Section 3, Chapter 83, 2nd Extraordinary Session,
11 O.S.L. 2006 (47 O.S. Supp. 2009, Section 2-105.6), is amended to
12 read as follows:

13 Section 2-105.6 A. There is hereby created within the Oklahoma
14 Highway Patrol Division of the Department of Public Safety a ~~Lake~~
15 ~~Patrol~~ Marine Enforcement Section which shall consist of such
16 employees as may be necessary to enforce the provisions of Section
17 4001 et seq., Section 4101 et seq., and Section 4200 et seq. of
18 Title 63 of the Oklahoma Statutes. All commissioned officers of the
19 ~~Lake Patrol~~ Marine Enforcement Section as designated by the
20 Commissioner shall have the authority to stop and board any vessel
21 subject to Section 4001 et seq. of Title 63 of the Oklahoma Statutes
22 and make any necessary arrest for violations of Section 4001 et seq.
23 of Title 63 of the Oklahoma Statutes or the rules promulgated by the
24 Department of Public Safety or the Department of Wildlife

1 Conservation or take any other action within their lawful authority.
2 Any statutory references to the Oklahoma Lake Patrol Division or the
3 Lake Patrol Section of the Oklahoma Highway Patrol Division shall
4 mean the ~~Lake Patrol~~ Marine Enforcement Section of the Oklahoma
5 Highway Patrol Division of the Department of Public Safety.

6 B. ~~Any officer of the Lake Patrol Section of the Oklahoma~~
7 ~~Highway Patrol Division of the Department of Public Safety may~~
8 ~~request reclassification to the equivalent lateral position, rank~~
9 ~~and salary within the Oklahoma Highway Patrol Division and shall be~~
10 ~~reclassified to such position if the officer:~~

11 1. ~~Meets the requirements of paragraph 2 of subsection B of~~
12 ~~Section 2-105 of this title. Provided, such officer shall be exempt~~
13 ~~from the maximum age limitation;~~

14 2. ~~Satisfactorily completes a course of training as prescribed~~
15 ~~by the Commissioner; and~~

16 3. ~~Serves a twelve month probationary period which shall~~
17 ~~commence upon entering into the course of training required by~~
18 ~~paragraph 2 of this subsection.~~

19 C. All commissioned officers of the ~~Lake Patrol~~ Marine
20 Enforcement Section of the Oklahoma Highway Patrol Division of the
21 Department of Public Safety shall have, in addition to their primary
22 duty as prescribed in subsection A of this section, a secondary duty
23 to enforce all state statutes, to make arrests for violations and to
24 perform other duties as prescribed by the Commissioner.

~~D. 1. a. The annual salaries for the commissioned officers within the Lake Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety shall be in accordance and conformity with the following salary schedule, exclusive of longevity pay, as authorized by Section 840 2.18 of Title 74 of the Oklahoma Statutes, expense allowance, as authorized by Section 2 130 of this title, and irregular shift pay, as authorized by Section 2 130.1 of this title:~~

Patrol Captain	\$57,243.00
Patrol Lieutenant	\$53,306.00
Patrolman	
Step 6	\$45,881.00
Step 7	\$50,087.00

~~b. Each Highway Patrolman shall receive upon the anniversary date of the Patrolman an annual salary increase to the next higher step of the salary schedule provided for in subparagraph a of this paragraph if the Patrolman, within the preceding twelve month period:~~

- ~~(1) has achieved a satisfactory Performance Rating Score,~~
- ~~(2) has not received any disciplinary action which has resulted in any suspension from the~~

1 Department for a period of ten (10) or more days,
2 and

3 ~~(3) has not received any disciplinary action which~~
4 ~~has resulted in demotion.~~

5 ~~If the number of completed years of service on the anniversary date~~
6 ~~of the Patrolman is or exceeds seven (7) years, the Patrolman shall~~
7 ~~be assigned to, and the salary of the Patrolman adjusted to, Step 7~~
8 ~~of the salary schedule.~~

9 ~~2. Effective January 1, 2007, the~~

10 C. The annual salaries for the commissioned officers within the
11 ~~Lake Patrol Marine Enforcement~~ Section of the Oklahoma Highway
12 Patrol Division of the Department of Public Safety shall be in
13 accordance and conformity with the following salary schedule,
14 exclusive of longevity pay, as authorized by Section 840-2.18 of
15 Title 74 of the Oklahoma Statutes, expense allowance, as authorized
16 by Section 2-130 of this title, and irregular shift pay, as
17 authorized by Section 2-130.1 of this title:

18 Patrol Captain	\$69,004.00
19 Patrol Lieutenant	\$62,731.00
20 Patrolman	\$57,028.00

21 ~~E.~~ D. The provisions of this section shall supersede all
22 existing laws covering the salaries for the commissioned ~~Patrolmen~~
23 officers in the ~~Lake Patrol Marine Enforcement~~ Section of the
24 Oklahoma Highway Patrol Division of the Department of Public Safety.

1 SECTION 5. AMENDATORY 47 O.S. 2001, Section 6-201, as
2 last amended by Section 5, Chapter 149, O.S.L. 2004 (47 O.S. Supp.
3 2009, Section 6-201), is amended to read as follows:

4 Section 6-201. A. The Department of Public Safety is hereby
5 authorized to cancel or deny ~~any person's~~ the driving privilege of
6 any person upon determining that the person:

7 1. Is not entitled to a driver license or identification card
8 issued to the person; or

9 2. Failed to give the required or correct information in the
10 application.

11 Upon such cancellation or denial, the person to whom the license or
12 card was issued shall surrender the license or card so canceled to
13 the Department. The person may apply for a valid driver license or
14 identification card, if the person is otherwise eligible. Any
15 person whose driving privilege is canceled or denied under the
16 provisions of this subsection shall have the right to an appeal as
17 provided in Section 6-211 of this title.

18 B. Upon determination by the Department that any person:

19 1. Used fraudulent information to apply for or obtain a driver
20 license or identification card;

21 2. Committed or aided another person in the commission of any
22 act provided in subparagraph b, c, e, g, or h of paragraph 1 of
23 Section 6-301 of this title; or

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1 3. Committed or aided another person in the commission of any
2 act provided in subparagraph a, b, c, d, e, or f of paragraph 2 of
3 Section 6-301 of this title, the Department shall revoke the
4 ~~person's~~ driving privilege of the person for a period of sixty (60)
5 days for a first determination. For a second or subsequent
6 determination by the Department under paragraph 1, 2 or 3 of this
7 subsection, the ~~person's~~ driving privilege of the person shall be
8 revoked for a period of six (6) months. Such periods shall not be
9 subject to modification. Upon such revocation, the person to whom
10 the license or card was issued shall surrender the license or card
11 to the Department. The person may apply for a valid identification
12 card, if the person is otherwise eligible.

13 C. A determination, as provided for in subsection B of this
14 section, shall include:

15 1. A conviction in any court, when the conviction becomes
16 final; or

17 2. The findings of an investigation by the ~~Driver License Fraud~~
18 Identity Verification Unit ~~of,~~ the Oklahoma Highway Patrol Division
19 ~~of the Department,~~ or a designee of the Commissioner of Public
20 Safety.

21 D. Any person whose driving privilege is revoked under the
22 provisions of subsection B of this section may be required to obtain
23 a release from the ~~Driver License Fraud~~ Identity Verification Unit
24 of the Department, the Oklahoma Highway Patrol Division, or a

1 designee of the Commissioner of Public Safety before being
2 considered for reinstatement of driving privileges.

3 E. Any person whose driving privilege is revoked under the
4 provisions of subsection B of this section shall have the right to
5 an appeal as provided in Section 6-211 of this title.

6 SECTION 6. AMENDATORY 51 O.S. 2001, Section 24A.3, as
7 last amended by Section 4, Chapter 199, O.S.L. 2005 (51 O.S. Supp.
8 2009, Section 24A.3), is amended to read as follows:

9 Section 24A.3 As used in this act:

10 1. "Record" means all documents, including, but not limited to,
11 any book, paper, photograph, microfilm, data files created by or
12 used with computer software, computer tape, disk, record, sound
13 recording, film recording, video record or other material regardless
14 of physical form or characteristic, created by, received by, under
15 the authority of, or coming into the custody, control or possession
16 of public officials, public bodies, or their representatives in
17 connection with the transaction of public business, the expenditure
18 of public funds or the administering of public property. "Record"
19 does not mean:

- 20 a. computer software,
21 b. nongovernment personal effects,
22 c. unless public disclosure is required by other laws or
23 regulations, vehicle movement records of the Oklahoma
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- 1 Transportation Authority obtained in connection with
2 the Authority's electronic toll collection system,
- 3 d. personal financial information, credit reports or
4 other financial data obtained by or submitted to a
5 public body for the purpose of evaluating credit
6 worthiness, obtaining a license, permit, or for the
7 purpose of becoming qualified to contract with a
8 public body,
- 9 e. any digital audio/video recordings of the toll
10 collection and safeguarding activities of the Oklahoma
11 Transportation Authority,
- 12 f. any personal information provided by a guest at any
13 facility owned or operated by the Oklahoma Tourism and
14 Recreation Department or the Board of Trustees of the
15 Quartz Mountain Arts and Conference Center and Nature
16 Park to obtain any service at the facility or by a
17 purchaser of a product sold by or through the Oklahoma
18 Tourism and Recreation Department or the Quartz
19 Mountain Arts and Conference Center and Nature Park,
- 20 g. a Department of Defense Form 214 (DD Form 214) filed
21 with a county clerk, including any DD Form 214 filed
22 before the effective date of this act, or
- 23 h. except as provided for in Section 2-110 of Title 47 of
24 the Oklahoma Statutes,

- 1 (1) any record in connection with a Motor Vehicle
2 Report issued by the Department of Public Safety,
3 as prescribed in Section 6-117 of Title 47 of the
4 Oklahoma Statutes, or
5 (2) personal information within driver records, as
6 defined by the Driver's Privacy Protection Act,
7 18 United States Code, Sections 2721 through
8 2725, which are stored and maintained by the
9 Department of Public Safety, ~~or~~
10 ~~(3) audio or video recordings of the Department of~~
11 ~~Public Safety;~~

12 2. "Public body" shall include, but not be limited to, any
13 office, department, board, bureau, commission, agency, trusteeship,
14 authority, council, committee, trust or any entity created by a
15 trust, county, city, village, town, township, district, school
16 district, fair board, court, executive office, advisory group, task
17 force, study group, or any subdivision thereof, supported in whole
18 or in part by public funds or entrusted with the expenditure of
19 public funds or administering or operating public property, and all
20 committees, or subcommittees thereof. Except for the records
21 required by Section 24A.4 of this title, "public body" does not mean
22 judges, justices, the Council on Judicial Complaints, the
23 Legislature, or legislators;

1 3. "Public office" means the physical location where public
2 bodies conduct business or keep records;

3 4. "Public official" means any official or employee of any
4 public body as defined herein; and

5 5. "Law enforcement agency" means any public body charged with
6 enforcing state or local criminal laws and initiating criminal
7 prosecutions, including, but not limited to, police departments,
8 county sheriffs, the Department of Public Safety, the Oklahoma State
9 Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic
10 Beverage Laws Enforcement Commission, and the Oklahoma State Bureau
11 of Investigation.

12 SECTION 7. AMENDATORY 51 O.S. 2001, Section 24A.5, as
13 last amended by Section 34, Chapter 16, O.S.L. 2006 (51 O.S. Supp.
14 2009, Section 24A.5), is amended to read as follows:

15 Section 24A.5 All records of public bodies and public officials
16 shall be open to any person for inspection, copying, or mechanical
17 reproduction during regular business hours; provided:

18 1. The Oklahoma Open Records Act, Sections 24A.1 through ~~24A.28~~
19 24A.29 of this title, does not apply to records specifically
20 required by law to be kept confidential including:

21 a. records protected by a state evidentiary privilege
22 such as the attorney-client privilege, the work
23 product immunity from discovery and the identity of
24 informer privileges,

1 b. records of what transpired during meetings of a public
2 body lawfully closed to the public such as executive
3 sessions authorized under the Oklahoma Open Meeting
4 Act, ~~Section 301 et seq. of Title 25 of the Oklahoma~~
5 Statutes,

6 c. personal information within driver records as defined
7 by the Driver's Privacy Protection Act, 18 United
8 States Code, Sections 2721 through 2725, or

9 d. information in the files of the Board of Medicolegal
10 Investigations obtained pursuant to Sections 940 and
11 941 of Title 63 of the Oklahoma Statutes that may be
12 hearsay, preliminary unsubstantiated investigation-
13 related findings, or confidential medical information.

14 2. Any reasonably segregable portion of a record containing
15 exempt material shall be provided after deletion of the exempt
16 portions; provided however,

17 a. the Department of Public Safety shall not be required
18 to assemble for the requesting person specific
19 information, in any format, from driving records
20 relating to any person whose name and date of birth or
21 whose driver license number is not furnished by the
22 requesting person.—~~The,~~

23 b. the Department of Public Safety shall not be required
24 to provide a copy of a video or tape recording until

1 such time as any ongoing criminal or internal
2 investigation to which the video or tape recording is
3 relevant is concluded; provided:

4 (1) a copy of a video or tape recording shall be made
5 available to any person, or the legal
6 representative of the person, who is directly
7 involved in any ongoing criminal or internal
8 investigation to which the video or recording is
9 relevant,

10 (2) the Department shall, before releasing any video
11 or tape recording other than as provided in
12 division (1) of this subparagraph, redact all
13 content which depicts, expressly or implicitly,
14 the death of any person, and

15 (3) the Department shall not be required to maintain
16 the original or a copy of any video or tape
17 recording for more than three (3) years from the
18 date of the most recent event on the video or
19 tape recording, and

20 c. the Oklahoma State Bureau of Investigation shall not
21 be required to assemble for the requesting person any
22 criminal history records relating to persons whose
23 names, dates of birth, and other identifying
24 information required by the Oklahoma State Bureau of

1 Investigation pursuant to administrative rule are not
2 furnished by the requesting person.

3 3. ~~Any~~

4 a. Except as provided in subparagraph b of this
5 paragraph, any request for a record which contains
6 individual records of persons, and the cost of
7 copying, reproducing or certifying each individual
8 record is otherwise prescribed by state law, the cost
9 may be assessed for each individual record, or portion
10 thereof requested as prescribed by state law.

11 Otherwise, a public body may charge a fee only for
12 recovery of the reasonable, direct costs of record
13 copying, or mechanical reproduction. Notwithstanding
14 any state or local provision to the contrary, in no
15 instance shall the record copying fee exceed twenty-
16 five cents (\$0.25) per page for records having the
17 dimensions of eight and one-half (8 1/2) by fourteen
18 (14) inches or smaller, or a maximum of One Dollar
19 (\$1.00) per copied page for a certified copy.

20 b. Any request for a record from the Department of Public
21 Safety which contains individual records of persons,
22 and the cost of copying, reproducing or certifying
23 each individual record is otherwise prescribed by
24 state law, the cost may be assessed for each

1 individual record, or portion thereof requested as
2 prescribed by state law. Otherwise, the Department
3 may charge a fee only for recovery of the reasonable,
4 direct costs of record copying, or mechanical
5 reproduction. Notwithstanding any provision to the
6 contrary, the record copying fee shall not exceed One
7 Dollar (\$1.00) for the first page and twenty-five
8 cents (\$0.25) for each page thereafter for records
9 having the dimensions of eight and one-half (8 1/2) by
10 fourteen (14) inches or smaller. The fee charged by
11 the Department of Public Safety for a copy in a
12 computerized or electronic format of a record of the
13 Department shall not exceed the direct cost of making
14 the copy unless the fee for the record is otherwise
15 set by law; provided, the Department shall charge:
16 (1) Twenty-five Dollars (\$25.00) for each copy of a
17 video in any format, and
18 (2) Twenty-five Dollars (\$25.00) for still images
19 provided in digitized format on a compact disc.

20 c. However, if the request, as provided under
21 subparagraph a or b of this paragraph:

22 a. (1) is solely for commercial purpose, or

23 b. (2) would clearly cause excessive disruption of the
24 essential functions of the public body,

1 then the public body may charge a reasonable fee to
2 recover the direct cost of record search and copying;
3 however, publication in a newspaper or broadcast by
4 news media for news purposes shall not constitute a
5 resale or use of a record for trade or commercial
6 purpose and charges for providing copies of electronic
7 data to the news media for a news purpose shall not
8 exceed the direct cost of making the copy. ~~The fee~~
9 ~~charged by the Department of Public Safety for a copy~~
10 ~~in a computerized format of a record of the Department~~
11 ~~shall not exceed the direct cost of making the copy~~
12 ~~unless the fee for the record is otherwise set by law.~~

13 d. Any public body establishing fees under this act shall
14 post a written schedule of the fees at its principal
15 office and with the county clerk.

16 e. In no case shall a search fee be charged when the
17 release of records is in the public interest,
18 including, but not limited to, release to the news
19 media, scholars, authors and taxpayers seeking to
20 determine whether those entrusted with the affairs of
21 the government are honestly, faithfully, and
22 competently performing their duties as public
23 servants.

1 f. The fees shall not be used for the purpose of
2 discouraging requests for information or as obstacles
3 to disclosure of requested information.

4 4. The land description tract index of all recorded instruments
5 concerning real property required to be kept by the county clerk of
6 any county shall be available for inspection or copying in
7 accordance with the provisions of the Oklahoma Open Records Act;
8 provided, however, the index shall not be copied or mechanically
9 reproduced for the purpose of sale of the information.

10 5. A public body must provide prompt, reasonable access to its
11 records but may establish reasonable procedures which protect the
12 integrity and organization of its records and to prevent excessive
13 disruptions of its essential functions.

14 6. A public body shall designate certain persons who are
15 authorized to release records of the public body for inspection,
16 copying, or mechanical reproduction. At least one person shall be
17 available at all times to release records during the regular
18 business hours of the public body.

19 SECTION 8. AMENDATORY 63 O.S. 2001, Section 4205, is
20 amended to read as follows:

21 Section 4205. A. The United States Army Corps of Engineers,
22 the Oklahoma Department of Tourism and Recreation, and the Grand
23 River Dam Authority may authorize the holding of sanctioned events
24 on any waters of this state under their jurisdiction. ~~Said~~ The

1 administering entities shall promulgate rules pursuant to Article 1
2 of the Oklahoma Administrative Procedures Act, ~~Section 250 et seq.~~
3 ~~of Title 75 of the Oklahoma Statutes~~, concerning the safety of other
4 vessels and persons thereon, both observers and participants. No
5 sanctioned event shall be held without a written permit from ~~said~~
6 the administering entity, and ~~said~~ the written permit shall be
7 available for inspection at all times during the event.

8 B. Whenever a sanctioned event is proposed to be held, the
9 administering entity shall, upon granting approval to hold such
10 event and at least ten (10) days prior thereto, file a notification
11 in writing of ~~said~~ the event with the ~~Lake Patrol~~ Marine Enforcement
12 Section of the Highway Patrol Division of the Department of Public
13 Safety. Such notification shall set forth the date, time, location
14 where the sanctioned event is proposed to be held, the type of event
15 and the person in charge of ~~said~~ the event.

16 C. No person shall hold or give permission to hold any
17 sanctioned event in an unsafe manner or under unsafe environmental
18 conditions so as to endanger life or property. Should any duly
19 authorized peace officer of this state determine within their
20 jurisdiction that such event is being held or conducted in an unsafe
21 manner or under unsafe environmental conditions, ~~such~~ the officer
22 shall have the authority to cancel or terminate said event.

23 SECTION 9. This act shall become effective November 1, 2010.
24

1 Passed the House of Representatives the 9th day of March, 2010.

2
3
4 Presiding Officer of the House of
Representatives

5
6 Passed the Senate the ____ day of _____, 2010.

7
8
9 Presiding Officer of the Senate