

1 ENGROSSED SENATE  
2 BILL NO. 2290

By: Lamb of the Senate

3 and

4 Carey of the House

5  
6  
7 An Act relating to public safety; amending 47 O.S.  
8 2001, Sections 2-105, as last amended by Section 1,  
9 Chapter 310, O.S.L. 2009, 2-105.6, as last amended by  
10 Section 3, Chapter 83, 2nd Extraordinary Session,  
11 O.S.L. 2006, and 6-201, as last amended by Section 5,  
12 Chapter 149, O.S.L. 2004 (47 O.S. Supp. 2009,  
13 Sections 2-105, 2-106.5 and 6-201), which relate to  
14 the Oklahoma Highway Patrol; changing names of  
15 certain divisions; deleting language relating to the  
16 Lake Patrol Division; amending 63 O.S. 2001, Section  
17 4205, which relates to water events; changing name of  
18 certain division; and providing an effective date.

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

20 SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-105, as  
21 last amended by Section 1, Chapter 310, O.S.L. 2009 (47 O.S. Supp.  
22 2009, Section 2-105), is amended to read as follows:

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

1. A Chief of the Oklahoma Highway Patrol Division with the  
rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol  
Division with the rank of Lieutenant Colonel, and subordinate  
officers and employees of the Oklahoma Highway Patrol Division,

1 including Majors, Captains, Lieutenants, and Highway Patrolmen with  
2 the rank of Trooper, who shall comprise the Oklahoma Highway Patrol  
3 Division of the Department of Public Safety; provided, any officer  
4 appointed to a commissioned position prescribed in this paragraph  
5 which is unclassified pursuant to Section 840-5.5 of Title 74 of the  
6 Oklahoma Statutes shall have a right of return to the highest  
7 previously held classified commissioned position within the Highway  
8 Patrol Division of the Department of Public Safety without any loss  
9 of rights, privileges or benefits immediately upon completion of the  
10 duties in the unclassified commissioned position;

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

14 3. A Captain, Lieutenants, and Patrolmen, who shall comprise  
15 the Capitol Patrol Section of the Oklahoma Highway Patrol Division  
16 of the Department of Public Safety; and

17 4. A Director of the Communications Division with the rank of  
18 Captain, Communications Coordinators with the rank of First  
19 Lieutenant, Communications Superintendents with the rank of Second  
20 Lieutenant, Communications Supervisors with the rank of Sergeant,  
21 Communications Dispatchers, Radio Technicians and Tower Maintenance  
22 Officers who shall comprise the Communications Division of the  
23 Department of Public Safety.

24

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

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

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

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

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

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

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

17 i. at least two (2) years' experience as a  
18 law enforcement officer certified by  
19 the Council on Law Enforcement  
20 Education and Training (C.L.E.E.T.) or  
21 by the equivalent state agency in  
22 another state or by any law enforcement  
23 agency of the federal government, or  
24

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

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

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

20                   3.    No commissioned officer of the Department shall, while in  
21                   such position, be a candidate for any political office or take part  
22                   in or contribute any money or other thing of value, directly or  
23                   indirectly, to any political campaign or to any candidate for public  
24                   office.  Anyone convicted of violating the provisions of this

1 paragraph shall be guilty of a misdemeanor and shall be punished as  
2 provided by law.

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

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

18 C. 1. Upon initial appointment to the position of Cadet  
19 Highway Patrolman or Probationary Communications Dispatcher, the  
20 appointed employee shall be required to serve an initial  
21 probationary period of twelve (12) months. The Commissioner may  
22 extend the probationary period for up to three (3) additional months  
23 provided that the employee and the Office of Personnel Management  
24 are notified in writing as to such action and the reasons therefor.

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

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

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

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

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

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

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

20           2. Each commissioned officer of the Highway Patrol Division of  
21 the Department of Public Safety shall be entitled to reimbursement  
22 of expenses pursuant to the State Travel Reimbursement Act while  
23 away from the assigned area of the officer as designated by the  
24

1 Chief of the Oklahoma Highway Patrol Division, when such expense is  
2 incurred in the service of the state.

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

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

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

16 (1) as Commissioner of Public Safety,

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

18 (3) as Assistant Chief,

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

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

21 (2) if the experience was prior to ~~the effective date~~  
22 ~~of this act~~ April 21, 2006, as Major or higher  
23 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~~ April 21, 2006, as Captain or higher
- 4 rank, or

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

- 6 (1) as Captain or higher rank, or
- 7 (2) if the experience was prior to ~~the effective date~~
- 8 ~~of this act~~ April 21, 2006, as First Lieutenant
- 9 or higher rank.

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

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

- 14 (1) as Commissioner of Public Safety,
- 15 (2) as Assistant Commissioner of Public Safety, or
- 16 (3) as Colonel,

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

- 18 (1) as Major or higher rank, or
- 19 (2) if the experience was prior to ~~the effective date~~
- 20 ~~of this act~~ April 21, 2006, as Captain or higher
- 21 rank, or

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

- 23 (1) as Captain or higher rank, or

1 (2) if the experience was prior to ~~the effective date~~  
2 ~~of this act~~ April 21, 2006, as Highway Patrol  
3 First Lieutenant or higher rank.

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

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

17 2. In the event of future hostilities wherein the Congress of  
18 the United States declares this nation in a state of war with a  
19 foreign nation, including military service brought about by the  
20 Vietnam War, any period of military service served by a commissioned  
21 officer of the Department shall be considered as continued service  
22 with such Department, provided such commissioned officer returns to  
23 duty with the Department within sixty (60) days after release from  
24 military service.

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

5 Section 2-105.6. A. There is hereby created within the  
6 Oklahoma Highway Patrol Division of the Department of Public Safety  
7 a ~~Lake Patrol~~ Marine Enforcement Section which shall consist of such  
8 employees as may be necessary to enforce the provisions of Section  
9 4001 et seq., Section 4101 et seq., and Section 4200 et seq. of  
10 Title 63 of the Oklahoma Statutes. All commissioned officers of the  
11 ~~Lake Patrol~~ Marine Enforcement Section as designated by the  
12 Commissioner shall have the authority to stop and board any vessel  
13 subject to Section 4001 et seq. of Title 63 of the Oklahoma Statutes  
14 and make any necessary arrest for violations of Section 4001 et seq.  
15 of Title 63 of the Oklahoma Statutes or the rules promulgated by the  
16 Department of Public Safety or the Department of Wildlife  
17 Conservation or take any other action within their lawful authority.  
18 Any statutory references to the Oklahoma Lake Patrol Division or the  
19 Lake Patrol Section of the Oklahoma Highway Patrol Division shall  
20 mean the ~~Lake Patrol~~ Marine Enforcement Section of the Oklahoma  
21 Highway Patrol Division of the Department of Public Safety.

22 B. ~~Any officer of the Lake Patrol Section of the Oklahoma~~  
23 ~~Highway Patrol Division of the Department of Public Safety may~~  
24 ~~request reclassification to the equivalent lateral position, rank~~

1 ~~and salary within the Oklahoma Highway Patrol Division and shall be~~  
2 ~~reclassified to such position if the officer:~~

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

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

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

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

17 ~~D. 1. a. The annual salaries for the commissioned officers~~  
18 ~~within the Lake Patrol Section of the Oklahoma Highway~~  
19 ~~Patrol Division of the Department of Public Safety~~  
20 ~~shall be in accordance and conformity with the~~  
21 ~~following salary schedule, exclusive of longevity pay,~~  
22 ~~as authorized by Section 840-2.18 of Title 74 of the~~  
23 ~~Oklahoma Statutes, expense allowance, as authorized by~~

24

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

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

~~If the number of completed years of service on the anniversary date  
of the Patrolman is or exceeds seven (7) years, the Patrolman shall~~

1 ~~be assigned to, and the salary of the Patrolman adjusted to, Step 7~~  
2 ~~of the salary schedule. Effective January 1, 2007, the~~

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

11	Patrol Captain	\$69,004.00
12	Patrol Lieutenant	\$62,731.00
13	Patrolman	\$57,028.00

14 ~~E.~~ D. The provisions of this section shall supersede all  
15 existing laws covering the salaries for the commissioned Patrolmen  
16 in the ~~Lake Patrol~~ Marine Enforcement Section of the Oklahoma  
17 Highway Patrol Division of the Department of Public Safety.

18 SECTION 3. AMENDATORY 47 O.S. 2001, Section 6-201, as  
19 last amended by Section 5, Chapter 149, O.S.L. 2004 (47 O.S. Supp.  
20 2009, Section 6-201), is amended to read as follows:

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

24

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

3 2. Failed to give the required or correct information in the  
4 application.

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

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

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

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

18 3. Committed or aided another person in the commission of any  
19 act provided in subparagraph a, b, c, d, e, or f of paragraph 2 of  
20 Section 6-301 of this title, the Department shall revoke the  
21 person's driving privilege for a period of sixty (60) days for a  
22 first determination. For a second or subsequent determination by  
23 the Department under paragraph 1, 2 or 3 of this subsection, the  
24 person's driving privilege shall be revoked for a period of six (6)

1 months. Such periods shall not be subject to modification. Upon  
2 such revocation, the person to whom the license or card was issued  
3 shall surrender the license or card to the Department. The person  
4 may apply for a valid identification card, if the person is  
5 otherwise eligible.

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

8 1. A conviction in any court, when the conviction becomes  
9 final; or

10 2. The findings of an investigation by the ~~Driver License Fraud~~  
11 Identity Verification Unit of, the Oklahoma Highway Patrol Division  
12 ~~of the Department~~, or a designee of the Commissioner of Public  
13 Safety.

14 D. Any person whose driving privilege is revoked under the  
15 provisions of subsection B of this section may be required to obtain  
16 a release from the ~~Driver License Fraud~~ Identity Verification Unit  
17 of the Department, the Oklahoma Highway Patrol Division, or a  
18 designee of the Commissioner of Public Safety before being  
19 considered for reinstatement of driving privileges.

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

23 SECTION 4. AMENDATORY 63 O.S. 2001, Section 4205, is  
24 amended to read as follows:

1 Section 4205. A. The United States Army Corps of Engineers,  
2 the Oklahoma Department of Tourism and Recreation, and the Grand  
3 River Dam Authority may authorize the holding of sanctioned events  
4 on any waters of this state under their jurisdiction. ~~Said~~ The  
5 administering entities shall promulgate rules pursuant to Article 1  
6 of the Oklahoma Administrative Procedures Act, Section 250 et seq.  
7 of Title 75 of the Oklahoma Statutes, concerning the safety of other  
8 vessels and persons thereon, both observers and participants. No  
9 sanctioned event shall be held without a written permit from ~~said~~  
10 the administering entity, and ~~said~~ such written permit shall be  
11 available for inspection at all times during the event.

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

20 C. No person shall hold or give permission to hold any  
21 sanctioned event in an unsafe manner or under unsafe environmental  
22 conditions so as to endanger life or property. Should any duly  
23 authorized peace officer of this state determine within their  
24 jurisdiction that such event is being held or conducted in an unsafe

