

HB 3382

THE HOUSE OF REPRESENTATIVES
Wednesday, February, 24, 2010

House Bill No. 3382
As Amended

HOUSE BILL NO. 3382 - By: TERRILL of the House.

[Department of Public Safety - modifying name of Lake Patrol Section of the
Department of Public Safety - deleting position reclassification guidelines -
effective date]

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

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

4 Section 1-107.4

5 CLASS D MOTOR VEHICLE

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

7 1. Regardless of weight:

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

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

11 2. Is a single or combination vehicle with a gross combined weight rating of less

12 than twenty-six thousand one (26,001) pounds;

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

- 3 a. it is entitled to be registered with a farm tag and has a farm tag
4 attached thereto,
5 b. it is controlled and operated by a farmer, his or her family or
6 employees,
7 c. it is used to transport either agricultural products, farm machinery,
8 farm supplies or any combination of those materials to or from a farm,
9 d. it is not used in the operations of a common or contract motor carrier,
10 and
11 e. it is used within one hundred fifty (150) air miles of the ~~person's~~ farm
12 of the person or as otherwise provided by federal law; or

13 4. Is operated by a licensed driver employed by a unit of local government that
14 operates a commercial motor vehicle within the boundaries of that unit of local
15 government for the purpose of removing snow or ice from a roadway by plowing, sanding
16 or salting, if:

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

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

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

1 2. Required to be placarded for hazardous materials under 49 C.F.R., Part 172,
2 subpart F; provided, a farm vehicle, as defined in paragraph 3 of subsection A of this
3 section, which is required to be placarded for hazardous materials under 49 C.F.R., Part
4 172, subpart F, shall be considered to be a Class D motor vehicle.

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

8 Section 1-135. Motorcycle.

9 A motorcycle is any motor vehicle having:

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

12 and

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

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

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

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

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

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

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

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

21 B. 1. The Commissioner, when appointing commissioned officers and employees to
22 the positions set out in subsection A of this section, shall determine, in consultation with

1 the Administrator of the Office of Personnel Management, minimum qualifications and
2 shall select such officers and employees only after examinations to determine their
3 physical and mental qualifications for such positions. The content of the examinations
4 shall be prescribed by the Commissioner, and all such appointees shall satisfactorily
5 complete a course of training in operations and procedures as prescribed by the
6 Commissioner.

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

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

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

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

20 (a) a bachelor's degree from a college or university which is
21 recognized by and accepted by the American Association
22 of Collegiate Registrars and Admissions Officers and

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

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

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

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

4 C. 1. Upon initial appointment to the position of Cadet Highway Patrolman or
5 Probationary Communications Dispatcher, the appointed employee shall be required to
6 serve an initial probationary period of twelve (12) months. The Commissioner may
7 extend the probationary period for up to three (3) additional months provided that the
8 employee and the Office of Personnel Management are notified in writing as to such
9 action and the reasons therefor. During such probationary period, the employee may be
10 terminated at any time and for any reason at the discretion of the Commissioner.

11 Retention in the service after expiration of the initial probationary period shall entitle
12 such employee to be classified as a permanent employee and the employee shall be so
13 classified. No permanent employee may be discharged or removed except as provided for
14 in this section.

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

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

1 2. Whenever such charges are preferred, the Commissioner may suspend the
2 accused pending the hearing and final determination of such charges. If the charges are
3 not sustained in whole or in part, the accused shall be entitled to pay during the period of
4 such suspension. If the charges are sustained in whole or in part, the accused shall not
5 receive any pay for the period of such suspension.

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

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

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

21 2. Each commissioned officer of the Highway Patrol Division of the Department of
22 Public Safety shall be entitled to reimbursement of expenses pursuant to the State

1 Travel Reimbursement Act while away from the assigned area of the officer as
2 designated by the 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 Colonel of the
5 Oklahoma Highway Patrol Division shall be filled from the body of commissioned officers
6 of the Oklahoma Highway Patrol Division and appointment to said position shall be
7 based on qualifications, previous record as a commissioned officer of the Oklahoma
8 Highway Patrol Division, length of service, years of experience within the Oklahoma
9 Highway Patrol Division or other service as prescribed in this subsection, and efficiency
10 of service performed.

11 2. In addition to the requirements of paragraph 1 of this subsection, the position of
12 Chief of the Oklahoma Highway 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 Assistant Chief,
- 17 b. two (2) years of experience in any combination:
- 18 (1) as Deputy Chief or higher rank, or
19 (2) if the experience was prior to the effective date of this act, as
20 Major or higher rank,
- 21 c. four (4) years of experience in any combination:
- 22 (1) as Major or higher rank, or

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

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

4 (1) as Captain or higher rank, or

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

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

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

11 (1) as Commissioner of Public Safety,

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

13 (3) as Colonel,

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

15 (1) as Major or higher rank, or

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

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

19 (1) as Captain or higher rank, or

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

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

16 H. 1. Any former commissioned officer of the Department whose separation from
17 the Department was at such officer's own request and not a result of such officer's own
18 actions contrary to the policy of the Department or was not as a result of the retirement
19 of that officer from the Department may make application for reinstatement as a
20 commissioned officer of the division or section of the Department in which such officer
21 was previously employed, provided such reinstated officer will be able to complete twenty
22 (20) years of credited service by the time the reinstated officer reaches sixty-two (62)

1 years of age. The Commissioner may waive the requirements of possessing the number
2 of semester hours or degree as required in subsection B of this section for any former
3 commissioned officer making application for reinstatement as a commissioned officer of
4 the Department. The Commissioner may require the applicant for reinstatement to
5 attend selected courses of instruction, as prescribed by the Commissioner.

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

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

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

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

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

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

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

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

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

21 D. 1. a. ~~The annual salaries for the commissioned officers within the Lake~~
22 ~~Patrol Section of the Oklahoma Highway Patrol Division of the~~

1 Department of Public Safety shall be in accordance and conformity
2 with the following salary schedule, exclusive of longevity pay, as
3 authorized by Section 840-2.18 of Title 74 of the Oklahoma Statutes,
4 expense allowance, as authorized by Section 2-130 of this title, and
5 irregular shift pay, as authorized by Section 2-130.1 of this title:

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

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

- 15 (1) has achieved a satisfactory Performance Rating Score,
- 16 (2) has not received any disciplinary action which has resulted in
17 any suspension from the Department for a period of ten (10) or
18 more days, and
- 19 (3) has not received any disciplinary action which has resulted in
20 demotion.

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

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

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

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

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

- 1 1. Is not entitled to a driver license or identification card issued to the person; or
- 2 2. Failed to give the required or correct information in the application.

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

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

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

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

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

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

- 1 1. A conviction in any court, when the conviction becomes final; or
2 2. The findings of an investigation by the ~~Driver License Fraud~~ Identity
3 Verification Unit of, the Oklahoma Highway Patrol Division of the ~~Department~~, or a
4 designee of the Commissioner of Public Safety.

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

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

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

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

17 1. "Record" means all documents, including, but not limited to, any book, paper,
18 photograph, microfilm, data files created by or used with computer software, computer
19 tape, disk, record, sound recording, film recording, video record or other material
20 regardless of physical form or characteristic, created by, received by, under the authority
21 of, or coming into the custody, control or possession of public officials, public bodies, or
22 their representatives in connection with the transaction of public business, the

1 expenditure of public funds or the administering of public property. "Record" does not
2 mean:

- 3 a. computer software,
- 4 b. nongovernment personal effects,
- 5 c. unless public disclosure is required by other laws or regulations,
6 vehicle movement records of the Oklahoma Transportation Authority
7 obtained in connection with the Authority's electronic toll collection
8 system,
- 9 d. personal financial information, credit reports or other financial data
10 obtained by or submitted to a public body for the purpose of evaluating
11 credit worthiness, obtaining a license, permit, or for the purpose of
12 becoming qualified to contract with a public body,
- 13 e. any digital audio/video recordings of the toll collection and
14 safeguarding activities of the Oklahoma Transportation Authority,
- 15 f. any personal information provided by a guest at any facility owned or
16 operated by the Oklahoma Tourism and Recreation Department or the
17 Board of Trustees of the Quartz Mountain Arts and Conference Center
18 and Nature Park to obtain any service at the facility or by a purchaser
19 of a product sold by or through the Oklahoma Tourism and Recreation
20 Department or the Quartz Mountain Arts and Conference Center and
21 Nature Park,

- 1 g. a Department of Defense Form 214 (DD Form 214) filed with a county
2 clerk, including any DD Form 214 filed before the effective date of this
3 act, or
4 h. except as provided for in Section 2-110 of Title 47 of the Oklahoma
5 Statutes,
6 (1) any record in connection with a Motor Vehicle Report issued by
7 the Department of Public Safety, as prescribed in Section 6-117
8 of Title 47 of the Oklahoma Statutes, or
9 (2) personal information within driver records, as defined by the
10 Driver's Privacy Protection Act, 18 United States Code, Sections
11 2721 through 2725, which are stored and maintained by the
12 Department of Public Safety, ~~or~~
13 (3) ~~audio or video recordings of the Department of Public Safety;~~

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

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

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

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

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

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

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

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

- 1 b. records of what transpired during meetings of a public body lawfully
2 closed to the public such as executive sessions authorized under the
3 Oklahoma Open Meeting Act, ~~Section 301 et seq. of Title 25 of the~~
4 ~~Oklahoma Statutes,~~
- 5 c. personal information within driver records as defined by the Driver's
6 Privacy Protection Act, 18 United States Code, Sections 2721 through
7 2725, or
- 8 d. information in the files of the Board of Medicolegal Investigations
9 obtained pursuant to Sections 940 and 941 of Title 63 of the Oklahoma
10 Statutes that may be hearsay, preliminary unsubstantiated
11 investigation-related findings, or confidential medical information.

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

- 14 a. the Department of Public Safety shall not be required to assemble for
15 the requesting person specific information, in any format, from driving
16 records relating to any person whose name and date of birth or whose
17 driver license number is not furnished by the requesting person. ~~The,~~
- 18 b. the Department of Public Safety shall not be required to provide a copy
19 of a video or tape recording until such time as any ongoing criminal or
20 internal investigation to which the video or tape recording is relevant
21 is concluded; provided:

- 1 (1) a copy of a video or tape recording shall be made available to
2 any person, or the legal representative of the person, who is
3 directly involved in any ongoing criminal or internal
4 investigation to which the video or recording is relevant,
5 (2) the Department shall, before releasing any video or tape
6 recording other than as provided in division (1) of this
7 subparagraph, redact all content which depicts, expressly or
8 implicitly, the death of any person, and
9 (3) the Department shall not be required to maintain the original or
10 a copy of any video or tape recording for more than three (3)
11 years from the date of the most recent event on the video or tape
12 recording, and
13 c. the Oklahoma State Bureau of Investigation shall not be required to
14 assemble for the requesting person any criminal history records
15 relating to persons whose names, dates of birth, and other identifying
16 information required by the Oklahoma State Bureau of Investigation
17 pursuant to administrative rule are not furnished by the requesting
18 person.
19 3. ~~Any~~
20 a. Except as provided in subparagraph b of this paragraph, any request
21 for a record which contains individual records of persons, and the cost
22 of copying, reproducing or certifying each individual record is

1 otherwise prescribed by state law, the cost may be assessed for each
2 individual record, or portion thereof requested as prescribed by state
3 law. Otherwise, a public body may charge a fee only for recovery of the
4 reasonable, direct costs of record copying, or mechanical reproduction.
5 Notwithstanding any state or local provision to the contrary, in no
6 instance shall the record copying fee exceed twenty-five cents (\$0.25)
7 per page for records having the dimensions of eight and one-half (8 1/2)
8 by fourteen (14) inches or smaller, or a maximum of One Dollar (\$1.00)
9 per copied page for a certified copy.

10 b. Any request for a record from the Department of Public Safety which
11 contains individual records of persons, and the cost of copying,
12 reproducing or certifying each individual record is otherwise prescribed
13 by state law, the cost may be assessed for each individual record, or
14 portion thereof requested as prescribed by state law. Otherwise, the
15 Department may charge a fee only for recovery of the reasonable,
16 direct costs of record copying, or mechanical reproduction.
17 Notwithstanding any provision to the contrary, the record copying fee
18 shall not exceed One Dollar (\$1.00) for the first page and twenty-five
19 cents (\$0.25) for each page thereafter for records having the
20 dimensions of eight and one-half (8 1/2) by fourteen (14) inches or
21 smaller. The fee charged by the Department of Public Safety for a copy
22 in a computerized or electronic format of a record of the Department

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

1 shall not exceed the direct cost of making the copy unless the fee for
2 the record is otherwise set by law; provided, the Department shall
3 charge:

4 (1) Twenty-five Dollars (\$25.00) for each copy of a video in any
5 format, and

6 (2) Twenty-five Dollars (\$25.00) for still images provided in
7 digitized format on a compact disc.

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

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

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

13 then the public body may charge a reasonable fee to recover the direct
14 cost of record search and copying; however, publication in a newspaper
15 or broadcast by news media for news purposes shall not constitute a
16 resale or use of a record for trade or commercial purpose and charges
17 for providing copies of electronic data to the news media for a news
18 purpose shall not exceed the direct cost of making the copy. ~~The fee~~
19 ~~charged by the Department of Public Safety for a copy in a~~
20 ~~computerized format of a record of the Department shall not exceed the~~
21 ~~direct cost of making the copy unless the fee for the record is otherwise~~
22 ~~set by law.~~

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

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

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

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

1 unsafe environmental conditions, ~~such~~ the officer shall have the authority to cancel or
2 terminate said event.

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

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
5 dated 02-23-10 - DO PASS, As Amended.