

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3382

By: Terrill

4
5 AS INTRODUCED

6 An Act relating to the Department of Public Safety;
7 amending 47 O.S. 2001, Sections 1-107.4, as last
8 amended by Section 1, Chapter 388, O.S.L. 2009 and 1-
9 135, as amended by Section 3, Chapter 521, O.S.L.
10 2004 (47 O.S. Supp. 2009, Sections 1-107.4 and 1-
11 135), which relate to definitions of Class D motor
12 vehicle and motorcycle; clarifying definitions;
13 amending 47 O.S. 2001, Sections 2-105, as last
14 amended by Section 1, Chapter 310, O.S.L. 2009 and 2-
15 105.6, as last amended by Section 3, Chapter 83, 2nd
16 Extraordinary Session, O.S.L. 2006 (47 O.S. Supp.
17 2009, Sections 2-105 and 2-105.6), which relate to
18 personnel of the Highway Patrol Division and Lake
19 Patrol Section; modifying name of Lake Patrol Section
20 of the Department of Public Safety; deleting position
21 reclassification guidelines; deleting obsolete salary
22 schedule; amending 47 O.S. 2001, Section 6-201, as
23 last amended by Section 5, Chapter 149, O.S.L. 2004
24 (47 O.S. Supp. 2009, Section 6-201), which relates to
the cancellation or denial of driving privileges;
modifying name of Driver License Fraud Unit of the
Department of Public Safety; modifying investigation
and release procedures for reinstatement of driving
privileges; amending 51 O.S. 2001, Sections 24A.3, as
last amended by Section 4, Chapter 199, O.S.L. 2005
and 24A.5, as last amended by Section 34, Chapter 16,
O.S.L. 2006 (51 O.S. Supp. 2009, Sections 24A.3 and
24A.5), which relate to the Oklahoma Open Records
Act; modifying definition; making certain exception
to the Oklahoma Open Records Act; providing
guidelines for assessing costs on certain records;
amending 63 O.S. 2001, Section 4205, which relates to
sanctioned water events; modifying name of Lake
Patrol Section of the Department of Public Safety;
and providing an effective date.

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

2 SECTION 1. AMENDATORY 47 O.S. 2001, Section 1-107.4, as
3 last amended by Section 1, Chapter 388, O.S.L. 2009 (47 O.S. Supp.
4 2009, Section 1-107.4), is amended to read as follows:

5 Section 1-107.4

6 CLASS D MOTOR VEHICLE

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

9 1. Regardless of weight:

10 a. is marked and used as an authorized emergency vehicle,

11 as defined in Section 1-103 of this title, or

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

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

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

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

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

22 c. it is used to transport either agricultural products,
23 farm machinery, farm supplies or any combination of
24 those materials to or from a farm,

- 1 d. it is not used in the operations of a common or
2 contract motor carrier, and
3 e. it is used within one hundred fifty (150) air miles of
4 the ~~person's~~ farm of the person or as otherwise
5 provided by federal law; or

6 4. Is operated by a licensed driver employed by a unit of local
7 government that operates a commercial motor vehicle within the
8 boundaries of that unit of local government for the purpose of
9 removing snow or ice from a roadway by plowing, sanding or salting,
10 if:

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

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

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

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

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

4 Section 1-135. Motorcycle.

5 A motorcycle is any motor vehicle having:

- 6 1. A seat or saddle for the use of each rider;
- 7 2. Not more than three wheels in contact with the ground, but
8 excluding a tractor; and
- 9 3. A combustion engine with a piston or rotor displacement of
10 ~~greater than~~ one hundred fifty cubic centimeters (150 cu cm) or
11 greater.

12 SECTION 3. AMENDATORY 47 O.S. 2001, Section 2-105, as
13 last amended by Section 1, Chapter 310, O.S.L. 2009 (47 O.S. Supp.
14 2009, Section 2-105), is amended to read as follows:

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

- 17 1. A Chief of the Oklahoma Highway Patrol Division with the
18 rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol
19 Division with the rank of Lieutenant Colonel, and subordinate
20 officers and employees of the Oklahoma Highway Patrol Division,
21 including Majors, Captains, Lieutenants, and Highway Patrolmen with
22 the rank of Trooper, who shall comprise the Oklahoma Highway Patrol
23 Division of the Department of Public Safety; provided, any officer
24 appointed to a commissioned position prescribed in this paragraph

1 which is unclassified pursuant to Section 840-5.5 of Title 74 of the
2 Oklahoma Statutes shall have a right of return to the highest
3 previously held classified commissioned position within the Highway
4 Patrol Division of the Department of Public Safety without any loss
5 of rights, privileges or benefits immediately upon completion of the
6 duties in the unclassified commissioned position;

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

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

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

20 B. 1. The Commissioner, when appointing commissioned officers
21 and employees to the positions set out in subsection A of this
22 section, shall determine, in consultation with the Administrator of
23 the Office of Personnel Management, minimum qualifications and shall
24 select such officers and employees only after examinations to

1 determine their physical and mental qualifications for such
2 positions. The content of the examinations shall be prescribed by
3 the Commissioner, and all such appointees shall satisfactorily
4 complete a course of training in operations and procedures as
5 prescribed by the Commissioner.

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

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

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

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

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

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

11 i. at least two (2) years' experience as a
12 law enforcement officer certified by
13 the Council on Law Enforcement
14 Education and Training (C.L.E.E.T.) or
15 by the equivalent state agency in
16 another state or by any law enforcement
17 agency of the federal government, or

18 ii. at least two (2) years of honorable
19 military service in an active or
20 reserve component of the United States
21 Armed Forces.

22 Provided, such years of experience or service shall
23 have been consecutive and shall have been completed no
24

1 more than two (2) years prior to application for
2 appointment, or

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

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

21 4. The Commissioner or any employee of the Department shall not
22 be a candidate for any political office, or in any way be active or
23 participate in any political contest of any Primary, General, or
24 Special Election, except to cast a ballot. No commissioned officer

1 of the Department, while in the performance of the officer's
2 assigned duty of providing security and protection, shall be
3 considered as participating in a political campaign. The provisions
4 of this paragraph shall not be construed to preclude a commissioned
5 officer of the Oklahoma Highway Patrol Division of the Department of
6 Public Safety from being a candidate for a position on a local board
7 of education.

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

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

24

1 permanent employee may be discharged or removed except as provided
2 for in this section.

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

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

14 2. Whenever such charges are preferred, the Commissioner may
15 suspend the accused pending the hearing and final determination of
16 such charges. If the charges are not sustained in whole or in part,
17 the accused shall be entitled to pay during the period of such
18 suspension. If the charges are sustained in whole or in part, the
19 accused shall not receive any pay for the period of such suspension.

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

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

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

15 2. Each commissioned officer of the Highway Patrol Division of
16 the Department of Public Safety shall be entitled to reimbursement
17 of expenses pursuant to the State Travel Reimbursement Act while
18 away from the assigned area of the officer as designated by the
19 Chief of the Oklahoma Highway Patrol Division, when such expense is
20 incurred in the service of the state.

21 F. 1. The positions with the rank of Colonel and Lieutenant
22 Colonel of the Oklahoma Highway Patrol Division shall be filled from
23 the body of commissioned officers of the Oklahoma Highway Patrol
24 Division and appointment to said position shall be based on

1 qualifications, previous record as a commissioned officer of the
2 Oklahoma Highway Patrol Division, length of service, years of
3 experience within the Oklahoma Highway Patrol Division or other
4 service as prescribed in this subsection, and efficiency of service
5 performed.

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

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

- 10 (1) as Commissioner of Public Safety,
- 11 (2) as Assistant Commissioner of Public Safety, or
- 12 (3) as Assistant Chief,

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

- 14 (1) as Deputy Chief or higher rank, or
- 15 (2) if the experience was prior to the effective date
16 of this act, as Major or higher rank,

17 c. four (4) 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, as Captain or higher rank, or

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

- 22 (1) as Captain or higher rank, or
- 23 (2) if the experience was prior to the effective date
24 of this act, as First Lieutenant or higher rank.

1 3. In addition to the requirements of paragraph 1 of this
2 subsection, the position of Deputy Chief of the Oklahoma Highway
3 Patrol 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 Colonel,

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

9 (1) as Major or higher rank, or

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

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

13 (1) as Captain or higher rank, or

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

17 G. The Commissioner of Public Safety is hereby authorized to
18 send employees of the Department of Public Safety to schools such as
19 Northwestern University Center for Public Safety, Southern Police
20 Institute, the FBI National Academy, the Institute of Police
21 Technology and Management, or to any other schools of similar
22 training which would be conducive to improving the efficiency of the
23 Oklahoma Highway Patrol Division and the Department of Public
24 Safety. While an employee is attending a school, the Commissioner

1 is authorized to permit the employee to use a state-owned vehicle
2 and to use a fuel-purchasing card for any expenses related to the
3 operation of the vehicle. In addition, while an employee is
4 attending the FBI National Academy, a one-time expense allowance of
5 Two Thousand Dollars (\$2,000.00) for uniforms, fees, travel, room
6 and board, and other related expenses shall be paid to the employee
7 by the Department; provided, the employee shall not be further
8 compensated through the State Travel Reimbursement Act, and, if any
9 other agency reimburses the employee for any expenses, the
10 reimbursement shall be given to the Department. All purchases made
11 by the employee with the expense allowance shall be considered
12 property of the employee.

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

1 officer making application for reinstatement as a commissioned
2 officer of the Department. The Commissioner may require the
3 applicant for reinstatement to attend selected courses of
4 instruction, as prescribed by the Commissioner.

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

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

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

1 subject to Section 4001 et seq. of Title 63 of the Oklahoma Statutes
2 and make any necessary arrest for violations of Section 4001 et seq.
3 of Title 63 of the Oklahoma Statutes or the rules promulgated by the
4 Department of Public Safety or the Department of Wildlife
5 Conservation or take any other action within their lawful authority.
6 Any statutory references to the Oklahoma Lake Patrol Division or the
7 Lake Patrol Section of the Oklahoma Highway Patrol Division shall
8 mean the ~~Lake Patrol~~ Marine Enforcement Section of the Oklahoma
9 Highway Patrol Division of the Department of Public Safety.

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

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

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

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

23 C. All commissioned officers of the ~~Lake Patrol~~ Marine
24 Enforcement Section of the Oklahoma Highway Patrol Division of the

1 Department of Public Safety shall have, in addition to their primary
2 duty as prescribed in subsection A of this section, a secondary duty
3 to enforce all state statutes, to make arrests for violations and to
4 perform other duties as prescribed by the Commissioner.

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

14	Patrol Captain	\$57,243.00
15	Patrol Lieutenant	\$53,306.00
16	Patrolman	
17	 Step 6	\$45,881.00
18	 Step 7	\$50,087.00

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

- 1 ~~(1) has achieved a satisfactory Performance Rating~~
- 2 ~~Score,~~
- 3 ~~(2) has not received any disciplinary action which~~
- 4 ~~has resulted in any suspension from the~~
- 5 ~~Department for a period of ten (10) or more days,~~
- 6 ~~and~~
- 7 ~~(3) has not received any disciplinary action which~~
- 8 ~~has resulted in demotion.~~

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

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

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

22 Patrol Captain	\$69,004.00
23 Patrol Lieutenant	\$62,731.00
24 Patrolman	\$57,028.00

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

5 SECTION 5. AMENDATORY 47 O.S. 2001, Section 6-201, as
6 last amended by Section 5, Chapter 149, O.S.L. 2004 (47 O.S. Supp.
7 2009, Section 6-201), is amended to read as follows:

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

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

13 2. Failed to give the required or correct information in the
14 application.

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

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

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

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

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

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

18 1. A conviction in any court, when the conviction becomes
19 final; or

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

24

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

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

10 SECTION 6. AMENDATORY 51 O.S. 2001, Section 24A.3, as
11 last amended by Section 4, Chapter 199, O.S.L. 2005 (51 O.S. Supp.
12 2009, Section 24A.3), is amended to read as follows:

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

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

24 a. computer software,

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

1 g. a Department of Defense Form 214 (DD Form 214) filed
2 with a county clerk, including any DD Form 214 filed
3 before the effective date of this act, or

4 h. except as provided for in Section 2-110 of Title 47 of
5 the Oklahoma Statutes,

6 (1) any record in connection with a Motor Vehicle
7 Report issued by the Department of Public Safety,
8 as prescribed in Section 6-117 of Title 47 of the
9 Oklahoma Statutes, or

10 (2) personal information within driver records, as
11 defined by the Driver's Privacy Protection Act,
12 18 United States Code, Sections 2721 through
13 2725, which are stored and maintained by the
14 Department of Public Safety, ~~or~~

15 ~~(3) audio or video recordings of the Department of~~
16 ~~Public Safety;~~

17 2. "Public body" shall include, but not be limited to, any
18 office, department, board, bureau, commission, agency, trusteeship,
19 authority, council, committee, trust or any entity created by a
20 trust, county, city, village, town, township, district, school
21 district, fair board, court, executive office, advisory group, task
22 force, study group, or any subdivision thereof, supported in whole
23 or in part by public funds or entrusted with the expenditure of
24 public funds or administering or operating public property, and all

1 committees, or subcommittees thereof. Except for the records
2 required by Section 24A.4 of this title, "public body" does not mean
3 judges, justices, the Council on Judicial Complaints, the
4 Legislature, or legislators;

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

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

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

16 SECTION 7. AMENDATORY 51 O.S. 2001, Section 24A.5, as
17 last amended by Section 34, Chapter 16, O.S.L. 2006 (51 O.S. Supp.
18 2009, Section 24A.5), is amended to read as follows:

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

22 1. The Oklahoma Open Records Act, Sections 24A.1 through ~~24A.28~~
23 24A.29 of this title, does not apply to records specifically
24 required by law to be kept confidential including:

- 1 a. records protected by a state evidentiary privilege
2 such as the attorney-client privilege, the work
3 product immunity from discovery and the identity of
4 informer privileges,
- 5 b. records of what transpired during meetings of a public
6 body lawfully closed to the public such as executive
7 sessions authorized under the Oklahoma Open Meeting
8 Act, ~~Section 301 et seq. of Title 25 of the Oklahoma~~
9 ~~Statutes,~~
- 10 c. personal information within driver records as defined
11 by the Driver's Privacy Protection Act, 18 United
12 States Code, Sections 2721 through 2725, or
- 13 d. information in the files of the Board of Medicolegal
14 Investigations obtained pursuant to Sections 940 and
15 941 of Title 63 of the Oklahoma Statutes that may be
16 hearsay, preliminary unsubstantiated investigation-
17 related findings, or confidential medical information.

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

- 21 a. the Department of Public Safety shall not be required
22 to assemble for the requesting person specific
23 information, in any format, from driving records
24 relating to any person whose name and date of birth or

1 whose driver license number is not furnished by the
2 requesting person.—The,

3 b. the Department of Public Safety shall not be required
4 to provide a copy of a video or tape recording until
5 such time as any ongoing criminal or internal
6 investigation to which the video or tape recording is
7 relevant is concluded; provided:

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

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

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

1 c. the Oklahoma State Bureau of Investigation shall not
2 be required to assemble for the requesting person any
3 criminal history records relating to persons whose
4 names, dates of birth, and other identifying
5 information required by the Oklahoma State Bureau of
6 Investigation pursuant to administrative rule are not
7 furnished by the requesting person.

8 3. Any

9 a. Except as provided in subparagraph b of this
10 paragraph, any request for a record which contains
11 individual records of persons, and the cost of
12 copying, reproducing or certifying each individual
13 record is otherwise prescribed by state law, the cost
14 may be assessed for each individual record, or portion
15 thereof requested as prescribed by state law.
16 Otherwise, a public body may charge a fee only for
17 recovery of the reasonable, direct costs of record
18 copying, or mechanical reproduction. Notwithstanding
19 any state or local provision to the contrary, in no
20 instance shall the record copying fee exceed twenty-
21 five cents (\$0.25) per page for records having the
22 dimensions of eight and one-half (8 1/2) by fourteen
23 (14) inches or smaller, or a maximum of One Dollar
24 (\$1.00) per copied page for a certified copy.

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

1 determine whether those entrusted with the affairs of
2 the government are honestly, faithfully, and
3 competently performing their duties as public
4 servants.

5 f. The fees shall not be used for the purpose of
6 discouraging requests for information or as obstacles
7 to disclosure of requested information.

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

14 5. A public body must provide prompt, reasonable access to its
15 records but may establish reasonable procedures which protect the
16 integrity and organization of its records and to prevent excessive
17 disruptions of its essential functions.

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

23 SECTION 8. 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~~ the 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

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

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

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