

1 ENGROSSED SENATE
2 BILL NO. 553

By: Sykes of the Senate

and

Jordan of the House

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6 An Act relating to multiple versions of statutes;
7 amending, merging, consolidating, and repealing
8 multiple versions of statutes; amending 10 O.S. 2001,
9 Section 7003-1.1, as renumbered by Section 213,
10 Chapter 233, O.S.L. 2009, and as last amended by
11 Section 1, Chapter 220, O.S.L. 2010 (10A O.S. Supp.
12 2010, Section 1-2-102); repealing 10 O.S. 2001,
13 Section 7003-1.1, as renumbered by Section 213,
14 Chapter 233, O.S.L. 2009, and as last amended by
15 Section 1, Chapter 278, O.S.L. 2010 (10A O.S. Supp.
16 2010, Section 1-2-102); repealing Section 112,
17 Chapter 233, O.S.L. 2009, as last amended by Section
18 3, Chapter 278, O.S.L. 2010 (10A O.S. Supp. 2010,
19 Section 1-3-102); amending 10 O.S. 2001, Section
20 7003-3.8, as renumbered by Section 236, Chapter 233,
21 O.S.L. 2009, and as last amended by Section 5,
22 Chapter 278, O.S.L. 2010 (10A O.S. Supp. 2010,
23 Section 1-4-502); repealing 10 O.S. 2001, Section
24 7003-3.8, as renumbered by Section 236, Chapter 233,
O.S.L. 2009, and as last amended by Section 1,
Chapter 398, O.S.L. 2010 (10A O.S. Supp. 2010,
Section 1-4-502); amending 10 O.S. 2001, Section
7303-1.2, as renumbered by Section 178, Chapter 234,
O.S.L. 2009, and as last amended by Section 15,
Chapter 278, O.S.L. 2010 (10A O.S. Supp. 2010,
Section 2-2-102); repealing 10 O.S. 2001, Section
7303-1.2, as renumbered by Section 178, Chapter 234,
O.S.L. 2009, and as last amended by Section 1,
Chapter 226, O.S.L. 2010 (10A O.S. Supp. 2010,
Section 2-2-102); repealing 11 O.S. 2001, Section 34-
104, as last amended by Section 1, Chapter 111,
O.S.L. 2010 (11 O.S. Supp. 2010, Section 34-104);
amending 19 O.S. 2001, Section 339, as last amended
by Section 2, Chapter 266, O.S.L. 2010 (19 O.S. Supp.
2010, Section 339); repealing 19 O.S. 2001, Section
339, as last amended by Section 1, Chapter 225,
O.S.L. 2010 (19 O.S. Supp. 2010, Section 339);

1 amending Section 2, Chapter 134, O.S.L. 2008, as
2 amended by Section 2, Chapter 325, O.S.L. 2010 (21
3 O.S. Supp. 2010, Section 748.2); repealing Section 2,
4 Chapter 134, O.S.L. 2008, as amended by Section 3,
5 Chapter 409, O.S.L. 2010 (21 O.S. Supp. 2010, Section
6 748.2); repealing 10 O.S. 2001, Section 7115, as
7 renumbered by Section 207, Chapter 233, O.S.L. 2009,
8 and as last amended by Section 1, Chapter 23, O.S.L.
9 2010 (21 O.S. Supp. 2010, Section 843.5); repealing
10 43A O.S. 2001, Section 2-103, as last amended by
11 Section 2, Chapter 287, O.S.L. 2010 (43A O.S. Supp.
12 2010, Section 2-103); amending 43A O.S. 2001, Section
13 10-110, as amended by Section 1, Chapter 474, O.S.L.
14 2010 (43A O.S. Supp. 2010, Section 10-110); repealing
15 43A O.S. 2001, Section 10-110, as amended by Section
16 1, Chapter 110, O.S.L. 2010 (43A O.S. Supp. 2010,
17 Section 10-110); amending 47 O.S. 2001, Section 955,
18 as last amended by Section 1, Chapter 369, O.S.L.
19 2010 (47 O.S. Supp. 2010, Section 955); repealing 47
20 O.S. 2001, Section 955, as last amended by Section 6,
21 Chapter 440, O.S.L. 2010 (47 O.S. Supp. 2010, Section
22 955); amending 47 O.S. 2001, Section 1115, as last
23 amended by Section 18, Chapter 412, O.S.L. 2010 (47
24 O.S. Supp. 2010, Section 1115); repealing 47 O.S.
2001, Section 1115, as last amended by Section 1,
Chapter 335, O.S.L. 2010 (47 O.S. Supp. 2010, Section
1115); amending 47 O.S. 2001, Section 1132, as last
amended by Section 19, Chapter 412, O.S.L. 2010 (47
O.S. Supp. 2010, Section 1132); repealing 47 O.S.
2001, Section 1132, as last amended by Section 3,
Chapter 335, O.S.L. 2010 (47 O.S. Supp. 2010, Section
1132); amending Section 11, Chapter 504, O.S.L. 2004,
as last amended by Section 1, Chapter 366, O.S.L.
2010 (47 O.S. Supp. 2010, Section 1135.2); repealing
Section 11, Chapter 504, O.S.L. 2004, as last amended
by Section 7, Chapter 302, O.S.L. 2010 (47 O.S. Supp.
2010, Section 1135.2); amending Section 14, Chapter
504, O.S.L. 2004, as last amended by Section 3,
Chapter 366, O.S.L. 2010 (47 O.S. Supp. 2010, Section
1135.5); repealing Section 14, Chapter 504, O.S.L.
2004, as last amended by Section 11, Chapter 454,
O.S.L. 2010 (47 O.S. Supp. 2010, Section 1135.5);
amending 47 O.S. 2001, Section 1151, as last amended
by Section 20, Chapter 412, O.S.L. 2010 (47 O.S.
Supp. 2010, Section 1151); repealing 47 O.S. 2001,
Section 1151, as last amended by Section 4, Chapter
335, O.S.L. 2010 (47 O.S. Supp. 2010, Section 1151);

1 amending Section 1, Chapter 327, O.S.L. 2007, as
2 amended by Section 2, Chapter 475, O.S.L. 2010 (62
3 O.S. Supp. 2010, Section 46); repealing Section 1,
4 Chapter 327, O.S.L. 2007, as amended by Section 1,
5 Chapter 459, O.S.L. 2010 (62 O.S. Supp. 2010, Section
6 46); repealing 68 O.S. 2001, Section 2358, as last
7 amended by Section 4, Chapter 94, O.S.L. 2010 (68
8 O.S. Supp. 2010, Section 2358); amending 68 O.S.
9 2001, Section 2370, as last amended by Section 29,
10 Chapter 327, O.S.L. 2010 (68 O.S. Supp. 2010, Section
11 2370); repealing 68 O.S. 2001, Section 2370, as last
12 amended by Section 19, Senate Joint Resolution No.
13 61, p. 2206, O.S.L. 2010; amending 70 O.S. 2001,
14 Section 3-132, as last amended by Section 1, Chapter
15 290, O.S.L. 2010 (70 O.S. Supp. 2010, Section 3-132);
16 repealing 70 O.S. 2001, Section 3-132, as last
17 amended by Section 1, Chapter 288, O.S.L. 2010 (70
18 O.S. Supp. 2010, Section 3-132); amending 70 O.S.
19 2001, Section 3-134, as last amended by Section 2,
20 Chapter 288, O.S.L. 2010 (70 O.S. Supp. 2010, Section
21 3-134); repealing 70 O.S. 2001, Section 3-134, as
22 last amended by Section 2, Chapter 290, O.S.L. 2010
23 (70 O.S. Supp. 2010, Section 3-134); repealing 70
24 O.S. 2001, Section 3-140, as amended by Section 3,
Chapter 290, O.S.L. 2010 (70 O.S. Supp. 2010, Section
3-140); amending 70 O.S. 2001, Section 3-142, as last
amended by Section 4, Chapter 288, O.S.L. 2010 (70
O.S. Supp. 2010, Section 3-142); repealing 70 O.S.
2001, Section 3-142, as last amended by Section 4,
Chapter 290, O.S.L. 2010 (70 O.S. Supp. 2010, Section
3-142); amending 70 O.S. 2001, Section 6-194, as last
amended by Section 3, Chapter 457, O.S.L. 2010 (70
O.S. Supp. 2010, Section 6-194); repealing 70 O.S.
2001, Section 6-194, as last amended by Section 1,
Chapter 455, O.S.L. 2010 (70 O.S. Supp. 2010, Section
6-194); amending 70 O.S. 2001, Section 17-114.2, as
amended by Section 5, Chapter 392, O.S.L. 2010 (70
O.S. Supp. 2010, Section 17-114.2); repealing 70 O.S.
2001, Section 17-114.2, as amended by Section 7,
Chapter 357, O.S.L. 2010 (70 O.S. Supp. 2010, Section
17-114.2); amending Section 1, Chapter 195, O.S.L.
2009, as last amended by Section 16, Chapter 291,
O.S.L. 2010 (70 O.S. Supp. 2010, Section 1210.544);
repealing Section 1, Chapter 195, O.S.L. 2009, as
last amended by Section 1, Chapter 331, O.S.L. 2010
(70 O.S. Supp. 2010, Section 1210.544); repealing
Section 3, Chapter 322, O.S.L. 2009, as amended by

1 Section 3, Chapter 170, O.S.L. 2010 (74 O.S. Supp.
2 2010, Section 85.33B); and declaring an emergency.

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

5 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7003-1.1, as
6 renumbered by Section 213, Chapter 233, O.S.L. 2009, and as last
7 amended by Section 1, Chapter 220, O.S.L. 2010 (10A O.S. Supp. 2010,
8 Section 1-2-102), is amended to read as follows:

9 Section 1-2-102. A. 1. Upon receipt of a report that a child
10 may be abused or neglected, the Department of Human Services shall
11 conduct a safety analysis.

12 2. The Department shall forward a report of its assessment or
13 investigation and findings to any district attorney's office which
14 may have jurisdiction to file a petition pursuant to Section ~~1-4-902~~
15 1-4-101 of this title.

16 B. 1. If, upon receipt of a report alleging abuse or neglect
17 or during the assessment or investigation, the Department determines
18 that:

- 19 a. the alleged perpetrator is someone other than a person
20 responsible for the child's health, safety, or
21 welfare, and
22 b. the alleged abuse or neglect of the child does not
23 appear to be attributable to failure on the part of a
24

1 person responsible for the child's health, safety, or
2 welfare to provide protection for the child,
3 the Department shall immediately make a referral, either verbally or
4 in writing, to the appropriate local law enforcement agency for the
5 purpose of conducting a possible criminal investigation.

6 2. After making the referral to the law enforcement agency, the
7 Department shall not be responsible for further investigation
8 unless:

- 9 a. the Department has reason to believe the alleged
10 perpetrator is a parent of another child, not the
11 subject of the criminal investigation, or is otherwise
12 a person responsible for the health, safety, or
13 welfare of another child,
- 14 b. notice is received from a law enforcement agency that
15 it has determined the alleged perpetrator is a parent
16 of or a person responsible for the health, safety, or
17 welfare of another child not the subject of the
18 criminal investigation, or
- 19 c. the appropriate law enforcement agency requests the
20 Department, in writing, to participate in the
21 investigation. If funds and personnel are available,
22 as determined by the Director of the Department or a
23 designee, the Department may assist law enforcement in

1 interviewing children alleged to be victims of
2 physical or sexual abuse.

3 3. If, upon receipt of a report alleging abuse or neglect or
4 during the assessment or investigation, the Department determines
5 that the alleged abuse or neglect of the child involves a child in
6 the custody of the Office of Juvenile Affairs and such child was
7 placed in an Office of Juvenile Affairs secure juvenile facility at
8 the time of the alleged abuse or neglect, the Department shall
9 immediately make a referral, either verbally or in writing, to the
10 appropriate law enforcement agency for the purpose of conducting a
11 possible criminal investigation. After making the referral to the
12 law enforcement agency, the Department shall not be responsible for
13 further investigation.

14 C. 1. Any law enforcement agency receiving a referral as
15 provided in this section shall provide the Department with a copy of
16 the report of any investigation resulting from a referral from the
17 Department.

18 2. Whenever, in the course of any criminal investigation, a law
19 enforcement agency determines that there is cause to believe that a
20 child, other than a child in the custody of the Office of Juvenile
21 Affairs and placed in an Office of Juvenile Affairs secure juvenile
22 facility, may be abused or neglected by reason of the acts,
23 omissions, or failures on the part of a person responsible for the
24 health, safety, or welfare of the child, the law enforcement agency

1 shall immediately contact the Department for the purpose of an
2 investigation.

3 SECTION 2. REPEALER 10 O.S. 2001, Section 7003-1.1, as
4 renumbered by Section 213, Chapter 233, O.S.L. 2009, and as last
5 amended by Section 1, Chapter 278, O.S.L. 2010 (10A O.S. Supp. 2010,
6 Section 1-2-102), is hereby repealed.

7 SECTION 3. REPEALER Section 112, Chapter 233, O.S.L.
8 2009, as last amended by Section 3, Chapter 278, O.S.L. 2010 (10A
9 O.S. Supp. 2010, Section 1-3-102), is hereby repealed.

10 SECTION 4. AMENDATORY 10 O.S. 2001, Section 7003-3.8, as
11 renumbered by Section 236, Chapter 233, O.S.L. 2009, and as last
12 amended by Section 5, Chapter 278, O.S.L. 2010 (10A O.S. Supp. 2010,
13 Section 1-4-502), is amended to read as follows:

14 Section 1-4-502. A parent entitled to service of summons, the
15 state or a child shall have the right to demand a trial by jury on
16 the sole issue of termination of parental rights only in the
17 following circumstances:

18 1. When the initial petition to determine if a child is
19 deprived also contains a request for termination of parental rights
20 in which case the court shall determine if the child should be
21 adjudicated deprived and if so, the jury shall determine if parental
22 rights should be terminated; or

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1 2. When, following a hearing in which the child is adjudicated
2 deprived, a request for termination of parental rights is filed by
3 the state or the child.

4 The demand for a jury trial shall be granted unless waived, or
5 the court on its own motion may call a jury to try any termination
6 of parental rights case. Such jury shall consist of six (6)
7 persons. A party who requests a jury trial and fails to appear for
8 such trial, after proper notice and without good cause, may be
9 deemed by the court to have waived the right to be present at such
10 trial.

11 SECTION 5. REPEALER 10 O.S. 2001, Section 7003-3.8, as
12 renumbered by Section 236, Chapter 233, O.S.L. 2009, and as last
13 amended by Section 1, Chapter 398, O.S.L. 2010 (10A O.S. Supp. 2010,
14 Section 1-4-502), is hereby repealed.

15 SECTION 6. AMENDATORY 10 O.S. 2001, Section 7303-1.2, as
16 renumbered by Section 178, Chapter 234, O.S.L. 2009, and as last
17 amended by Section 15, Chapter 278, O.S.L. 2010 (10A O.S. Supp.
18 2010, Section 2-2-102), is amended to read as follows:

19 Section 2-2-102. A. 1. Upon the filing of a petition alleging
20 the child to be in need of supervision, or upon the assumption of
21 custody pursuant to Section 2-2-101 of this title, the district
22 court of the county shall have jurisdiction where a child:

- 23 a. resides,
- 24 b. is found, or

1 c. is alleged to be or is found to be in need of
2 supervision.

3 2. The court shall have jurisdiction of the parent, legal
4 custodian, legal guardian, stepparent of the child, or any adult
5 person living in the home of the child regardless of where the
6 parent, legal custodian, legal guardian, stepparent, or adult person
7 living in the home of the child is found.

8 3. When jurisdiction has been obtained over a child who is or
9 is alleged to be in need of supervision, such may be retained until
10 the child becomes eighteen (18) years of age.

11 4. For the convenience of the parties and in the interest of
12 justice, a proceeding under the Oklahoma Juvenile Code, Article 2 of
13 this title, may be transferred to the district court in any other
14 county.

15 B. 1. Upon the filing of a petition alleging the child to be
16 delinquent or upon the assumption of custody pursuant to Section 2-
17 2-101 of this title, the district court of the county where the
18 delinquent act occurred shall have jurisdiction of the child and of
19 the parent, legal custodian, legal guardian, stepparent of the child
20 or any adult person living in the home of the child regardless of
21 where the parent, legal custodian, legal guardian, stepparent, or
22 adult person living in the home of the child is found.

23 2. When jurisdiction has been obtained over a child who is or
24 is alleged to be a delinquent, jurisdiction may be retained until

1 the child becomes nineteen (19) years of age upon the court's own
2 motion, motion by the district attorney or motion by the Office of
3 Juvenile Affairs, as provided in Section 2-7-504 of this title.

4 3. The juvenile proceeding may be filed before the child
5 becomes eighteen (18) years of age ~~or~~; within one (1) year after the
6 date of the eighteenth birthday of the child if the underlying act
7 would constitute a felony if committed by an adult; or within six
8 (6) months after the date of the eighteenth birthday if the
9 underlying act would constitute a misdemeanor if committed by an
10 adult.

11 C. The district court in which a petition is filed or the
12 district court in which custody has been assumed pursuant to the
13 provisions of Section 2-2-101 of this title may retain jurisdiction
14 of a delinquent child in such proceeding notwithstanding the fact
15 that the child is subject to the jurisdiction of another district
16 court within the state. Any adjudication and disposition made by
17 the court in which said petition is filed shall control over prior
18 orders in regard to the child.

19 D. Except as otherwise provided in the Oklahoma Juvenile Code,
20 a child who is charged with having violated any state statute or
21 municipal ordinance, other than those enumerated in Section 2-5-101,
22 2-5-205 or 2-5-206 of this title, shall not be tried in a criminal
23 action but in a juvenile proceeding.

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1 E. If, during the pendency of a criminal charge against any
2 person, it shall be ascertained that the person was a child at the
3 time of committing the alleged offense, the district court or
4 municipal court shall transfer the case, together with all the
5 papers, documents and testimony connected therewith, to the juvenile
6 division of the district court. The division making the transfer
7 shall order the child to be taken forthwith to the place of
8 detention designated by the juvenile division, to that division
9 itself, or release the child to the custody of a suitable person to
10 be brought before the juvenile division.

11 F. Nothing in this act shall be construed to prevent the
12 exercise of concurrent jurisdiction by another division of the
13 district court or by the municipal courts in cases involving
14 children wherein the child is charged with the violation of a state
15 or municipal traffic law or ordinance.

16 SECTION 7. REPEALER 10 O.S. 2001, Section 7303-1.2, as
17 renumbered by Section 178, Chapter 234, O.S.L. 2009, and as last
18 amended by Section 1, Chapter 226, O.S.L. 2010 (10A O.S. Supp. 2010,
19 Section 2-2-102), is hereby repealed.

20 SECTION 8. REPEALER 11 O.S. 2001, Section 34-104, as
21 last amended by Section 1, Chapter 111, O.S.L. 2010 (11 O.S. Supp.
22 2010, Section 34-104), is hereby repealed.

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1 SECTION 9. AMENDATORY 19 O.S. 2001, Section 339, as last
2 amended by Section 2, Chapter 266, O.S.L. 2010 (19 O.S. Supp. 2010,
3 Section 339), is amended to read as follows:

4 Section 339. A. The county commissioners shall have power:

5 1. To make all orders respecting the real property of the
6 county, to sell the public grounds of the county and to purchase
7 other grounds in lieu thereof; and for the purpose of carrying out
8 the provisions of this section it shall be sufficient to convey all
9 the interests of the county in those grounds when an order made for
10 the sale and a deed is executed in the name of the county by the
11 chair of the board of county commissioners, reciting the order, and
12 signed by the chair and acknowledged by the county clerk for and on
13 behalf of the county;

14 2. To audit the accounts of all officers having the care,
15 management, collection or disbursement of any money belonging to the
16 county or appropriated for its benefit;

17 3. To construct and repair bridges and to open, lay out and
18 vacate highways; provided, however, that when any state institution,
19 school or department shall own, lease or otherwise control land on
20 both sides of any established highway, the governing board or body
21 of the same shall have the power to vacate, alter or relocate the
22 highway adjoining the property in the following manner:

23 If it should appear that it would be to the best use and
24 interest of the institution, school or department to vacate, alter

1 or relocate such highway, the governing board or body shall notify
2 the board of county commissioners, in writing, of their intention to
3 hold a public hearing and determine whether to vacate, alter or
4 relocate the highway, setting forth the location and terminals of
5 the road, and all data concerning the proposed right-of-way if
6 changed or relocated, and shall give fifteen (15) days' notice of
7 the hearing by publication in some newspaper in the county or
8 counties in which the road is located, and the hearing shall be held
9 at the county seat of the county in which the road is located, and
10 if a county line road, may be heard in either county. At the
11 hearing testimony may be taken, and any protests or suggestions
12 shall be received as to the proposed measure, and at the conclusion
13 thereof if the governing board or body shall find that it would be
14 to the best use and interest of the institution, school or
15 department, and the public generally, they may make an appropriate
16 order either vacating, altering or relocating the highway, which
17 order shall be final if approved by the board of county
18 commissioners. The institution, school or department may by
19 agreement share the cost of changing any such road. No property
20 owner shall be denied access to a public highway by the order;

21 4. To recommend or sponsor an employee or prospective employee
22 for job-related training and certification in an area that may
23 require training or certification to comply with state or federal
24 law as such training or certification is provided by the Department

1 of Transportation, the Federal Highway Administration, or any other
2 state agency, technology center school, or university;

3 5. Until January 1, 1983, to furnish necessary blank books,
4 plats, blanks and stationery for the clerk of the district court,
5 county clerk, register of deeds, county treasurer and county judge,
6 sheriff, county surveyor and county attorney, justices of the peace,
7 and constables, to be paid for out of the county treasury; also a
8 fireproof vault sufficient in which to keep all the books, records,
9 vouchers and papers pertaining to the business of the county;

10 6. To set off, organize and change the boundaries of townships
11 and to designate and give names therefor; provided, that the
12 boundaries of no township shall be changed within six (6) months
13 next preceding a general election;

14 7. To lease tools, apparatus, machinery or equipment of the
15 county to another political subdivision or a state agency. The
16 Association of County Commissioners of Oklahoma, the Oklahoma State
17 University Center for Local Government Technology and the Office of
18 the State Auditor and Inspector, together, shall establish a system
19 of uniform rates for the leasing of such tools, apparatus, machinery
20 and equipment;

21 8. To jointly, with other counties, buy heavy equipment and to
22 loan or lease such equipment across county lines;

23 9. To develop minimum personnel policies for the county with
24 the approval of a majority of all county elected officers;

1 10. To purchase, rent, or lease-purchase uniforms, safety
2 devices and equipment for the officers and employees of the county
3 and provide incentive awards for safety-related job performance.
4 However, no employee shall be recognized more than once per calendar
5 year and the award shall not exceed the value of Two Hundred Fifty
6 Dollars (\$250.00); further, no elected official shall be eligible to
7 receive a safety award. The county commissioners may pay for any
8 safety training or safety devices and safety equipment out of the
9 general county funds or any county highway funds available to the
10 county commissioners;

11 11. To provide for payment of notary commissions, filing fees,
12 and the cost of notary seals and bonds;

13 12. To do and perform other duties and acts that the board of
14 county commissioners may be required by law to do and perform;

15 13. To make purchases at a public auction pursuant to the
16 county purchasing procedures in subsection D of Section 1505 of this
17 title;

18 14. To deposit interest income from highway funds in the
19 general fund of the county;

20 15. To submit sealed bids for the purchase of equipment from
21 this state, or any agency or political subdivision of this state;

22 16. To utilize county-owned equipment, labor and supplies at
23 their disposal on property owned by the county, public schools, two-
24 year colleges or technical branches of colleges that are members of

1 The Oklahoma State System of Higher Education, the state and
2 municipalities according to the provisions of Section 36-113 of
3 Title 11 of the Oklahoma Statutes. Cooperative agreements may be
4 general in terms of routine maintenance or specific in terms of
5 construction and agreed to and renewed on an annual basis. Work
6 performed pursuant to Section 36-113 of Title 11 of the Oklahoma
7 Statutes shall comply with the provisions of this section;

8 17. To enter into intergovernmental cooperative agreements with
9 the federally recognized Indian tribes within this state to address
10 issues of construction and maintenance of streets, roads, bridges
11 and highways exclusive of the provisions of Section 1221 of Title 74
12 of the Oklahoma Statutes;

13 18. To execute hold harmless agreements with the lessor in the
14 manner provided by subsection B of Section 636.5 of Title 69 of the
15 Oklahoma Statutes when leasing or lease-purchasing equipment;

16 19. To accept donations of right-of-way or right-of-way
17 easements pursuant to Section 381 et seq. of Title 60 of the
18 Oklahoma Statutes;

19 20. To establish by resolution the use of per diem for specific
20 purposes in accordance with the limitations provided by Sections
21 500.8 and 500.9 of Title 74 of the Oklahoma Statutes;

22 21. To apply to the Department of Environmental Quality for a
23 waste tire permit to bale waste tires for use in approved
24 engineering projects; and

1 22. To enter into the National Association of Counties (NACo)
2 Prescription Drug Discount Program; and

3 23. To work with federal, state, municipal, and public school
4 district properties in an effort to minimize cost to such entities.

5 B. The county commissioners of a county or, in counties where
6 there is a county budget board, the county budget board may
7 designate money from general county funds for the designated purpose
8 of drug enforcement and drug abuse prevention programs within the
9 county.

10 C. When any lease or lease purchase is made on behalf of the
11 county by the board pursuant to the provisions of this section, the
12 county shall be allowed to have trade in values for transactions
13 involving the Oklahoma Central Purchasing Act.

14 D. In order to timely comply with the Oklahoma Vehicle License
15 and Registration Act with regard to county vehicles, the board of
16 county commissioners may, by resolution, create a petty cash
17 account. The board of county commissioners may request a purchase
18 order for petty cash in an amount necessary to pay the expense of
19 license and registration fees for county motor vehicles. Any
20 balance in the petty cash account after the license and registration
21 fees have been paid shall be returned to the account or fund from
22 which the funds originated. The county purchasing agent shall be
23 the custodian of the petty cash account, and the petty cash account
24 shall be subject to audit.

1 E. When the board of county commissioners approve an express
2 trust, pursuant to Sections 176 through 180.3 of Title 60 of the
3 Oklahoma Statutes, for the purpose of operating a county jail, the
4 trustees of the public trust may appoint commissioned peace
5 officers, certified by the Council on Law Enforcement Education and
6 Training, to provide security for inmates that are required to be
7 transported outside of the detention facility, and investigate
8 violations of law within the detention facility. Other personnel
9 necessary to operate the jail may be employed and trained or
10 certified as may be required by applicable state or federal law.

11 SECTION 10. REPEALER 19 O.S. 2001, Section 339, as last
12 amended by Section 1, Chapter 225, O.S.L. 2010 (19 O.S. Supp. 2010,
13 Section 339), is hereby repealed.

14 SECTION 11. AMENDATORY Section 2, Chapter 134, O.S.L.
15 2008, as amended by Section 2, Chapter 325, O.S.L. 2010 (21 O.S.
16 Supp. 2010, Section 748.2), is amended to read as follows:

17 Section 748.2. A. Human trafficking victims shall:

- 18 1. Be housed in an appropriate shelter as soon as practicable;
- 19 2. Not be detained in facilities inappropriate to their status
20 as crime victims;
- 21 3. Not be jailed, fined, or otherwise penalized due to having
22 been trafficked;
- 23 4. Receive prompt medical care, mental health care, food, and
24 other assistance, as necessary;

1 5. Have access to legal assistance, information about their
2 rights, and translation services, as necessary; and

3 6. Be provided protection if the safety of the victim is at
4 risk or if there is a danger of additional harm by recapture of the
5 victim by a trafficker, including:

6 a. taking measures to protect trafficked persons and
7 their family members from intimidation and threats of
8 reprisals, and

9 b. ensuring that the names and identifying information of
10 trafficked persons and their family members are not
11 disclosed to the public.

12 B. Any person aggrieved by a violation of subsection B of
13 Section 748 of this title may bring a civil action against the
14 person or persons who committed the violation to recover actual and
15 punitive damages and reasonable attorney fees. A criminal case or
16 prosecution is not a necessary precedent to the civil action. The
17 statute of limitations for the cause of action shall not commence
18 until the latter of the victim's emancipation from the defendant or
19 the victim's twenty-first birthday.

20 C. Upon availability of funds, the Attorney General is
21 authorized to establish an emergency hotline number for victims of
22 human trafficking to call in order to request assistance or rescue.
23 The Attorney General is authorized to enter into agreements with the
24 county departments of health to require posting of the rights

1 contained in this section along with the hotline number for
2 publication in locations as directed by the State Department of
3 Health.

4 SECTION 12. REPEALER Section 2, Chapter 134, O.S.L.
5 2008, as amended by Section 3, Chapter 409, O.S.L. 2010 (21 O.S.
6 Supp. 2010, Section 748.2), is hereby repealed.

7 SECTION 13. REPEALER 10 O.S. 2001, Section 7115, as
8 renumbered by Section 207, Chapter 233, O.S.L. 2009, and as last
9 amended by Section 1, Chapter 23, O.S.L. 2010 (21 O.S. Supp. 2010,
10 Section 843.5), is hereby repealed.

11 SECTION 14. REPEALER 43A O.S. 2001, Section 2-103, as
12 last amended by Section 2, Chapter 287, O.S.L. 2010 (43A O.S. Supp.
13 2010, Section 2-103), is hereby repealed.

14 SECTION 15. AMENDATORY 43A O.S. 2001, Section 10-110, as
15 amended by Section 1, Chapter 474, O.S.L. 2010 (43A O.S. Supp. 2010,
16 Section 10-110), is amended to read as follows:

17 Section 10-110. A. The reports, records, and working papers
18 used or developed in an investigation of the circumstances of a
19 vulnerable adult pursuant to the provisions of the Protective
20 Services for Vulnerable Adults Act are confidential and may be
21 disclosed only pursuant to rules promulgated by the Commission for
22 Human Services, by order of the court or as otherwise provided by
23 this section or Section 10-110.1 of this title.

1 B. Department of Human Services agency records pertaining to a
2 vulnerable adult may be inspected and their contents disclosed
3 without a court order to the following persons upon showing of
4 proper credentials and pursuant to their lawful duties:

5 1. A district attorney and the employees of an office of a
6 district attorney in the course of their official duties pursuant to
7 this title or the prosecution of crimes against vulnerable adults;

8 2. The attorney representing a vulnerable adult who is the
9 subject of a proceeding pursuant to the provisions of the Protective
10 Services for Vulnerable Adults Act;

11 3. Employees of a law enforcement agency of this or another
12 state and employees of protective services for vulnerable adults of
13 another state;

14 4. A physician who has before him or her a vulnerable adult
15 whom the physician reasonably suspects may have been abused or
16 neglected or any health care or mental health professional involved
17 in the evaluation or treatment of the vulnerable adult;

18 5. A caretaker, legal guardian, custodian or other family
19 members of the vulnerable adult; provided the Department may limit
20 such disclosures to summaries or to information directly necessary
21 for the purpose of such disclosure;

22 6. Any public or private agency or person authorized by the
23 Department to diagnose, provide care and treatment to a vulnerable
24

1 adult who is the subject of a report or record of vulnerable adult
2 abuse or neglect;

3 7. Any public or private agency or person authorized by the
4 Department to supervise or provide other services to a vulnerable
5 adult who is the subject of a report or record of vulnerable adult
6 abuse or neglect; provided, the Department may limit such disclosure
7 to summaries or to information directly necessary for the purpose of
8 such disclosure; and

9 8. Any person or agency for research purposes, if all of the
10 following conditions are met:

11 a. the person or agency conducting such research is
12 employed by the State of Oklahoma or is under contract
13 with this state and is authorized by the Department of
14 Human Services to conduct such research, and

15 b. the person or agency conducting the research ensures
16 that all documents containing identifying information
17 are maintained in secure locations and access to such
18 documents by unauthorized persons is prohibited; that
19 no identifying information is included in documents
20 generated from the research conducted; and that all
21 identifying information is deleted from documents used
22 in the research when the research is completed.

23 C. Nothing in this section shall be construed as prohibiting
24 the Department from disclosing such confidential information as may

1 be necessary to secure appropriate care, treatment or protection of
2 a vulnerable adult alleged to be abused or neglected.

3 D. Records and their contents disclosed pursuant to this
4 section shall remain confidential. The use of such information
5 shall be limited to the purposes for which disclosure is authorized.
6 It shall be unlawful and a misdemeanor for any person to furnish any
7 record or disclose any information contained therein for any
8 unauthorized purpose.

9 E. Records of investigations conducted pursuant to the
10 Protective Services for Vulnerable Adults Act shall not be expunged
11 except by court order.

12 1. If the Department is currently or was previously appointed
13 as temporary guardian of the alleged victim of abuse, neglect,
14 financial exploitation, or financial neglect, any petition or motion
15 requesting expungement of the investigative records of the
16 Department shall be filed under the same case number.

17 2. Written notice of the hearing and a copy of any such
18 petition or motion shall be properly and timely served upon:

19 a. the alleged victim of abuse, neglect, financial
20 exploitation, or financial neglect,

21 b. the Department's Office of General Counsel and any
22 other counsel of record in a proceeding in which the
23 Department was appointed as temporary guardian, and
24

1 c. all other persons due notice in a guardianship
2 proceeding involving the victim pursuant to Section 3-
3 110 of Title 30 of the Oklahoma Statutes.

4 SECTION 16. REPEALER 43A O.S. 2001, Section 10-110, as
5 amended by Section 1, Chapter 110, O.S.L. 2010 (43A O.S. Supp. 2010,
6 Section 10-110), is hereby repealed.

7 SECTION 17. AMENDATORY 47 O.S. 2001, Section 955, as
8 last amended by Section 1, Chapter 369, O.S.L. 2010 (47 O.S. Supp.
9 2010, Section 955), is amended to read as follows:

10 Section 955. A. Any officer of the Department of Public Safety
11 or any other political subdivision of this state is hereby
12 authorized to cause to be towed any vehicle found upon the roadway
13 when:

14 1. Report has been made that the vehicle has been stolen or
15 taken without the consent of its owner;

16 2. The officer has reason to believe the vehicle has been
17 abandoned as defined in Sections 901 and 902 of this title;

18 3. The person driving or in control of the vehicle is arrested
19 for an alleged offense for which the officer is required by law to
20 take the person arrested or summoned before a proper magistrate
21 without unnecessary delay;

22 4. At the scene of an accident, when the owner or driver is not
23 in a position to take charge of the vehicle and direct or request
24 its proper removal;

1 5. The officer has probable cause that the person operating the
2 vehicle has not been granted driving privileges or that the driving
3 privileges of the person are currently suspended, revoked, canceled,
4 denied, or disqualified; ~~or~~

5 6. The officer has probable cause that the vehicle has been
6 used in the commission of a felony offense and the officer has
7 obtained a search warrant authorizing the search and seizure of the
8 vehicle; or

9 7. The officer has probable cause that the vehicle is not
10 insured as required by the Compulsory Insurance Law of this state.

11 B. A licensed wrecker operator is not liable for damage to a
12 vehicle, vessel, or cargo that obstructs the normal movement of
13 traffic or creates a hazard to traffic and is removed in compliance
14 with the request of a law enforcement officer, unless there is
15 failure to exercise reasonable care in the performance of the act or
16 for conduct that is willful or malicious.

17 C. Each officer of the Department shall use the services of the
18 licensed wrecker operator whose location is nearest to the vehicle
19 to be towed in all instances in subsection A of this section. The
20 requests for services may be alternated or rotated among all
21 licensed wrecker operators who are located within a reasonable
22 radius of each other. In like manner, the officer shall advise any
23 person requesting information as to the availability of a wrecker or
24 towing service, the name of the nearest licensed wrecker operator,

1 giving equal consideration to all licensed wrecker operators located
2 within a reasonable radius of each other. In cities of less than
3 fifty thousand (50,000) population, all licensed wrecker operators
4 located near or in the city limits of such cities shall be
5 considered as being equal distance and shall be called on an equal
6 basis as nearly as possible. In counties bordering other states, if
7 the officer deems safety and time considerations warrant, the
8 officer may call a wrecker or towing service that is not on the
9 rotation log.

10 D. Any officer of the Department who has been requested by a
11 person in need of wrecker or towing service to call a specific
12 wrecker or towing service for such person, and who calls a different
13 wrecker or towing service other than the one requested, without the
14 consent of the person, except where hazardous conditions exist,
15 shall be suspended from the Department, without compensation, for a
16 period of thirty (30) days, except in instances where a vehicle is
17 removed from the roadway under the authority of paragraphs 3, 4 and
18 6 of subsection A of this section.

19 SECTION 18. REPEALER 47 O.S. 2001, Section 955, as last
20 amended by Section 6, Chapter 440, O.S.L. 2010 (47 O.S. Supp. 2010,
21 Section 955), is hereby repealed.

22 SECTION 19. AMENDATORY 47 O.S. 2001, Section 1115, as
23 last amended by Section 18, Chapter 412, O.S.L. 2010 (47 O.S. Supp.
24 2010, Section 1115), is amended to read as follows:

1 Section 1115. A. Unless provided otherwise by statute, the
2 following vehicles shall be registered annually: manufactured
3 homes, vehicles registered with a permanent nonexpiring license
4 plate pursuant to Section 1113 of this title, and commercial
5 vehicles registered pursuant to the installment plan provided in
6 subsection H of Section 1133 of this title. The following schedule
7 shall apply for such vehicle purchased in this state or brought into
8 this state by residents of this state:

9 1. Between January 1 and March 31, the payment of the full
10 annual fee shall be required;

11 2. Between April 1 and June 30, the payment of three-fourths
12 (3/4) the annual fee shall be required;

13 3. Between July 1 and September 30, the payment of one-half
14 (1/2) the annual fee shall be required; and

15 4. Between October 1 and November 30, one-fourth (1/4) the
16 annual fee shall be required.

17 License plates or decals for each year shall be made available
18 on December 1 of each preceding year for such vehicles. Any person
19 who purchases such vehicle or manufactured home between December 1
20 and December 31 of any year shall register it within thirty (30)
21 days from date of purchase and obtain a license plate or
22 Manufactured Home License Registration Decal, as appropriate, for
23 the following calendar year upon payment of the full annual fee.
24 Unless provided otherwise by statute, all annual license,

1 registration and other fees for such vehicles shall be due and
2 payable on January 1 of each year and if not paid by February 1
3 shall be deemed delinquent.

4 B. 1. All vehicles, other than those required to be registered
5 pursuant to the provisions of subsection A of this section, shall be
6 registered on a staggered system of registration and licensing on a
7 monthly series basis to distribute the work of registering such
8 vehicles as uniformly and expeditiously as practicable throughout
9 the calendar year. After the end of the month following the
10 expiration date, the license and registration fees for the new
11 registration period shall become delinquent.

12 2. All fleet vehicles registered pursuant to new applications
13 approved pursuant to the provisions of Section 1120 of this title
14 shall be registered on a staggered system monthly basis.

15 3. Applicants seeking to establish Oklahoma as the base
16 jurisdiction for registering apportioned fleet vehicles shall have a
17 one-time option of registering for a period of not less than six (6)
18 months nor greater than eighteen (18) months. Subsequent renewals
19 for these registrants will be for twelve (12) months, expiring on
20 the last day of the month chosen by the registrant under the one-
21 time option as provided herein. In addition, registrants with
22 multiple fleets may designate a different registration month of
23 expiration for each fleet.

24

1 As used in this section, "fleet" shall have the same meaning as
2 set forth in the International Registration Plan.

3 4. Effective January 1, 2004, all motorcycles and mopeds shall
4 be registered on a staggered system of registration. The Oklahoma
5 Tax Commission shall notify in writing, prior to December 1, 2003,
6 all owners of motorcycles or mopeds registered as of such date, who
7 shall have a one-time option of registering for a period of not less
8 than three (3) months nor greater than fifteen (15) months.

9 Subsequent renewals for these registrants will be for twelve (12)
10 months, expiring on the last day of the month chosen by the
11 registrant under the one-time option as provided herein. All
12 motorcycles and mopeds registered pursuant to new applications
13 received on or after December 1, 2003, shall also be registered
14 pursuant to the provisions of this paragraph.

15 C. The following penalties shall apply for delinquent
16 registration fees:

17 1. For fleet vehicles required to be registered pursuant to the
18 provisions of Section 1120 of this title for which a properly
19 completed application for registration has not been received by the
20 Corporation Commission by the last day of the month following the
21 registration expiration date, a penalty of thirty percent (30%) of
22 the Oklahoma portion of the annual registration fee, or Two Hundred
23 Dollars (\$200.00), whichever is greater, shall be assessed. The
24 license and registration cards issued by the Corporation Commission

1 for each fleet vehicle shall be valid until two (2) months after the
2 registration expiration date;

3 2. For commercial vehicles registered under the provisions of
4 subsection B of this section, except those vehicles registered
5 pursuant to Section 1133.1 of this title, a penalty shall be
6 assessed after the last day of the month following the registration
7 expiration date. A penalty of twenty-five cents (\$0.25) per day
8 shall be added to the license fee of such vehicle and shall accrue
9 for one (1) month. Thereafter, the penalty shall be thirty percent
10 (30%) of the annual registration fee, or Two Hundred Dollars
11 (\$200.00), whichever is greater;

12 3. For new or used manufactured homes, not registered within
13 thirty (30) days from date of purchase or date such manufactured
14 home was brought into this state, a penalty equal to the
15 registration fee shall be assessed; or

16 4. Except as provided in subsection H of Section 1133 and
17 subsection C of Section 1127 of this title, for all other vehicles a
18 penalty shall be assessed after the last day of the month following
19 the expiration date. A penalty of One Dollar (\$1.00) per day shall
20 be added to the license fee of such vehicle, provided that the
21 penalty shall not exceed One Hundred Dollars (\$100.00). Of each
22 dollar penalty collected pursuant to this subsection:

23 a. twenty-five cents (\$0.25) shall be apportioned as
24 provided in Section 1104 of this title,

1 b. twenty-five cents (\$0.25) shall be retained by the
2 motor license agent, and

3 c. fifty cents (\$0.50) shall be deposited in the General
4 Revenue Fund for the fiscal year beginning on July 1,
5 2010, and for all subsequent fiscal years, shall be
6 deposited in the State Highway Construction and
7 Maintenance Fund.

8 D. In addition to all other penalties provided in the Oklahoma
9 Vehicle License and Registration Act, the following penalties shall
10 be imposed and collected by any Enforcement Officer of the
11 Corporation Commission upon finding any commercial vehicle being
12 operated in violation of the provisions of the Oklahoma Vehicle
13 License and Registration Act.

14 The penalties shall apply to any commercial vehicle found to be
15 operating in violation of the following provisions:

16 1. A penalty of not less than Fifty Dollars (\$50.00) shall be
17 imposed upon any person found to be operating a commercial vehicle
18 sixty (60) days after the end of the month in which the license
19 plate or registration credentials expire without the current year
20 license plate or registration credential displayed. Such penalty
21 shall not exceed the amount established by the Corporation
22 Commission pursuant to the provisions of subsection A of Section
23 1167 of this title. Revenue from such penalties shall be
24 apportioned as provided in Section 1167 of this title;

1 2. A penalty of not less than Fifty Dollars (\$50.00) shall be
2 imposed for any person operating a commercial vehicle subject to the
3 provisions of Section 1120 or Section 1133 of this title without the
4 proper display of, or, carrying in such commercial vehicle, the
5 identification credentials issued by the Corporation Commission as
6 evidence of payment of the fee or tax as provided in Section 1120 or
7 Section 1133 of this title. Such penalty shall not exceed the
8 amount established by the Corporation Commission pursuant to the
9 provisions of subsection A of Section 1167 of this title. Revenue
10 from such penalties shall be apportioned as provided in Section 1167
11 of this title; and

12 3. A penalty of not less than One Hundred Dollars (\$100.00)
13 shall be imposed for any person that fails to register any
14 commercial vehicle subject to the Oklahoma Vehicle License and
15 Registration Act. Such penalty shall not exceed the amount
16 established by the Corporation Commission pursuant to the provisions
17 of subsection A of Section 1167 of this title. Revenue from such
18 penalties shall be apportioned as provided in Section 1167 of this
19 title.

20 E. The Tax Commission, or Corporation Commission with respect
21 to vehicles registered under Section 1120 or Section 1133 of this
22 title, shall assess the registration fees and penalties for the year
23 or years a vehicle was not registered. For vehicles not registered
24

1 for two (2) or more years, the registration fees and penalties shall
2 be due only for the current year and one (1) previous year.

3 F. In addition to any other penalty prescribed by law, there
4 shall be a penalty of not less than Twenty Dollars (\$20.00) upon a
5 finding by an enforcement officer that:

6 1. The registration of a vehicle registered pursuant to Section
7 1132 of this title is expired and it is sixty (60) or more days
8 after the end of the month of expiration; or

9 2. The registration fees for a vehicle that is subject to the
10 registration fees pursuant to Section 1132 of this title have not
11 been paid.

12 Such penalty shall not exceed the amount established by the
13 Corporation Commission pursuant to the provisions of subsection A of
14 Section 1167 of this title. Revenue from such penalties shall be
15 apportioned as provided in Section 1167 of this title.

16 G. If a vehicle is donated to a nonprofit charitable
17 organization, the nonprofit charitable organization shall be exempt
18 from paying any current or past due registration fees, excise tax,
19 transfer fees, and penalties and interest. However, after the
20 donation, if the person donating the vehicle, or someone on behalf
21 of such person, purchases the same vehicle back from the nonprofit
22 charitable organization to which the vehicle was donated, such
23 person shall be liable for all current and past-due registration
24

1 fees, excise tax, title or transfer fees, and penalties and interest
2 on such vehicle.

3 SECTION 20. REPEALER 47 O.S. 2001, Section 1115, as last
4 amended by Section 1, Chapter 335, O.S.L. 2010 (47 O.S. Supp. 2010,
5 Section 1115), is hereby repealed.

6 SECTION 21. AMENDATORY 47 O.S. 2001, Section 1132, as
7 last amended by Section 19, Chapter 412, O.S.L. 2010 (47 O.S. Supp.
8 2010, Section 1132), is amended to read as follows:

9 Section 1132. A. For all vehicles, unless otherwise
10 specifically provided by the Oklahoma Vehicle License and
11 Registration Act, a registration fee shall be assessed at the time
12 of initial registration by the owner and annually thereafter, for
13 the use of the avenues of public access within this state in the
14 following amounts:

15 1. For the first through the fourth year of registration in
16 this state or any other state, Eighty-five Dollars (\$85.00);

17 2. For the fifth through the eighth year of registration in
18 this state or any other state, Seventy-five Dollars (\$75.00);

19 3. For the ninth through the twelfth year of registration in
20 this state or any other state, Fifty-five Dollars (\$55.00);

21 4. For the thirteenth through the sixteenth year of
22 registration in this state or any other state, Thirty-five Dollars
23 (\$35.00); and
24

1 5. For the seventeenth and any following year of registration
2 in this state or any other state, Fifteen Dollars (\$15.00).

3 The registration fee provided for in this subsection shall be in
4 lieu of all other taxes, general or local, unless otherwise
5 specifically provided.

6 B. For all-terrain vehicles and motorcycles used exclusively
7 for use off roads or highways purchased on or after July 1, 2005,
8 and for all-terrain vehicles and motorcycles used exclusively for
9 use off roads or highways purchased prior to July 1, 2005, which the
10 owner chooses to register pursuant to the provisions of Section
11 1115.3 of this title, an initial and nonrecurring registration fee
12 of Eleven Dollars (\$11.00) shall be assessed at the time of initial
13 registration by the owner. Nine Dollars (\$9.00) of the registration
14 fee shall be deposited in the Oklahoma Tax Commission Reimbursement
15 Fund. Two Dollars (\$2.00) of the registration fee shall be retained
16 by the motor license agent. The fees required by subsection A of
17 this section shall not be required for all-terrain vehicles or
18 motorcycles used exclusively off roads and highways.

19 C. For utility vehicles used exclusively for use off roads or
20 highways purchased on or after July 1, 2008, and for utility
21 vehicles used exclusively for use off roads or highways purchased
22 prior to July 1, 2008, which the owner chooses to register pursuant
23 to the provisions of Section 1115.3 of this title, an initial and
24 nonrecurring registration fee of Eleven Dollars (\$11.00) shall be

1 assessed at the time of initial registration by the owner. Nine
2 Dollars (\$9.00) of the registration fee shall be deposited in the
3 Oklahoma Tax Commission Reimbursement Fund. Two Dollars (\$2.00) of
4 the registration fee shall be retained by the motor license agent.
5 The fees required by subsection A of this section shall not be
6 required for utility vehicles used exclusively off roads and
7 highways.

8 D. There shall be a credit allowed with respect to the fee for
9 registration of a new vehicle which is a replacement for:

- 10 1. A new original vehicle which is stolen from the
11 purchaser/registrant within ninety (90) days of the date of purchase
12 of the original vehicle as certified by a police report or other
13 documentation as required by the Oklahoma Tax Commission; or
- 14 2. A defective new original vehicle returned by the
15 purchaser/registrant to the seller within six (6) months of the date
16 of purchase of the defective new original vehicle as certified by
17 the manufacturer.

18 The credit shall be in the amount of the fee for registration
19 which was paid for the new original vehicle and shall be applied to
20 the registration fee for the replacement vehicle. In no event will
21 the credit be refunded.

22 E. Upon every transfer or change of ownership of a vehicle, the
23 new owner shall obtain title for and, except in the case of salvage
24 vehicles and manufactured homes, register the vehicle within thirty

1 (30) days of change of ownership and pay a transfer fee of Fifteen
2 Dollars (\$15.00) in addition to any other fees provided for in this
3 act. No new decal shall be issued to the registrant. Thereafter,
4 the owner shall register the vehicle annually on the anniversary
5 date of its initial registration in this state and shall pay the
6 fees provided in subsection A of this section and receive a decal
7 evidencing such payment. Provided, used motor vehicle dealers shall
8 be exempt from the provisions of this section.

9 F. ~~In~~ Except as provided in subsection C of Section 1127 of
10 this title, in the event a new or used vehicle is not registered,
11 titled and tagged within thirty (30) days from the date of transfer
12 of ownership, the penalty for the failure of the owner of the
13 vehicle to register the vehicle within thirty (30) days shall be One
14 Dollar (\$1.00) per day, provided that in no event shall the penalty
15 exceed One Hundred Dollars (\$100.00). Of each dollar penalty
16 collected pursuant to this subsection:

17 1. Twenty-five cents (\$0.25) shall be apportioned as provided
18 in Section 1104 of this title;

19 2. Twenty-five cents (\$0.25) shall be retained by the motor
20 license agent; and

21 3. Fifty cents (\$.50) shall be deposited in the General Revenue
22 Fund for the fiscal year beginning on July 1, 2010, and for all
23 subsequent fiscal years, shall be deposited in the State Highway
24 Construction and Maintenance Fund.

1 SECTION 22. REPEALER 47 O.S. 2001, Section 1132, as last
2 amended by Section 3, Chapter 335, O.S.L. 2010 (47 O.S. Supp. 2010,
3 Section 1132), is hereby repealed.

4 SECTION 23. AMENDATORY Section 11, Chapter 504, O.S.L.
5 2004, as last amended by Section 1, Chapter 366, O.S.L. 2010 (47
6 O.S. Supp. 2010, Section 1135.2), is amended to read as follows:

7 Section 1135.2. A. The Oklahoma Tax Commission is hereby
8 authorized to design and issue appropriate official special license
9 plates to persons in recognition of their service or awards as
10 provided by this section.

11 Special license plates shall not be transferred to any other
12 person but shall be removed from the vehicle upon transfer of
13 ownership and retained. The special license plate may then be used
14 on another vehicle but only after such other vehicle has been
15 registered for the current year.

16 Special license plates shall be renewed each year by the Tax
17 Commission or a motor license agent. The Tax Commission shall
18 annually notify by mail all persons issued special license plates.
19 The notice shall contain all necessary information and shall contain
20 instructions for the renewal procedure upon presentation to a motor
21 license agent or the Tax Commission. The license plates shall be
22 issued on a staggered system except for legislative plates and
23 amateur radio operator license plates.

24

1 The Tax Commission is hereby directed to develop and implement a
2 system whereby motor license agents are permitted to accept
3 applications for special license plates authorized under this
4 section. The motor license agent shall confirm the applicant's
5 eligibility, if applicable, collect and deposit any amount
6 specifically authorized by law, accept and process the necessary
7 information directly into such system and generate a receipt
8 accordingly. For performance of these duties, motor license agents
9 shall retain the fee provided in Section 1141.1 of this title for
10 registration of a motor vehicle. The motor license agent fees for
11 acceptance of applications and renewals shall be paid out of the
12 Oklahoma Tax Commission Reimbursement Fund.

13 B. The special license plates provided by this section are as
14 follows:

15 1. Prisoner of War License Plates - such plates shall be
16 designed for honorably discharged or present members of the United
17 States Armed Forces and civilians who were former prisoners of war
18 held by a foreign country and who can provide proper certification
19 of that status. Such persons may apply for a prisoner of war
20 license plate for no more than two vehicles with each vehicle having
21 a rated carrying capacity of one (1) ton or less. The surviving
22 spouse of any deceased former prisoner of war, if the spouse has not
23 since remarried, or if remarried, the remarriage is terminated by
24 death, divorce, or annulment, may apply for a prisoner of war

1 license plate for one vehicle with a rated carrying capacity of one
2 (1) ton or less. The fee provided by this section for the special
3 license plate authorized by this paragraph shall be in addition to
4 all other registration fees provided by law, except the registration
5 fees levied by Section 1132 of this title;

6 2. National Guard License Plates - such plates shall be
7 designed for active or retired members of the Oklahoma National
8 Guard. Retirees who are eligible for such plates shall provide
9 proof of eligibility upon initial application, but shall not be
10 required to provide proof of eligibility annually;

11 3. Air National Guard License Plates - such plates shall be
12 designed for active or retired members of the Oklahoma Air National
13 Guard. Retirees who are eligible for such plates shall provide
14 proof of eligibility upon initial application, but shall not be
15 required to provide proof of eligibility annually;

16 4. United States Armed Forces - such plates shall be designed
17 for active, retired, former or reserve members of the United States
18 Armed Forces, and shall identify which branch of service, and carry
19 the emblem and name of either the Army, Navy, Air Force, Marines or
20 Coast Guard, according to the branch of service to which the member
21 belongs or did belong. Former members who have been dishonorably
22 discharged shall not be eligible for such plates. Persons applying
23 for such license plate must show proof of present or past military
24 service by presenting a valid Uniformed Services Identity Card or

1 the United States Department of Defense Form (DD)214. Retired or
2 former members who are eligible for such plates shall provide proof
3 of eligibility upon initial application, but shall not be required
4 to provide proof of eligibility annually;

5 5. Congressional Medal of Honor Recipient License Plates - such
6 plates shall be designed for any resident of this state who has been
7 awarded the Congressional Medal of Honor. Such persons may apply
8 for a Congressional Medal of Honor recipient license plate for each
9 vehicle with a rated carrying capacity of one (1) ton or less.
10 There shall be no registration fee for the issuance of this plate;

11 6. Missing In Action License Plates - such plates shall be
12 designed to honor members of the United States Armed Forces who are
13 missing in action. The spouse of such missing person, if the spouse
14 has not since remarried, or if remarried, the remarriage is
15 terminated by death, divorce, or annulment, and each parent of the
16 missing person may apply for a missing in action license plate upon
17 presenting proper certification that the person is missing in action
18 and that the person making the application is the qualifying spouse
19 or the parent of the missing person. The qualifying spouse and each
20 parent of the missing person may each apply for the missing in
21 action license plate for each vehicle with a rated carrying capacity
22 of one (1) ton or less;

23 7. Purple Heart Recipient License Plates - such plates shall be
24 designed for any resident of this state presenting proper

1 certification from the United States Department of Veterans Affairs
2 or the Armed Forces of the United States certifying that such
3 resident has been awarded the Purple Heart military decoration.
4 Such persons may apply for a Purple Heart recipient license plate
5 for vehicles having a rated carrying capacity of one (1) ton or
6 less. The surviving spouse of any deceased veteran who has been
7 awarded the Purple Heart military decoration, if such spouse has not
8 since remarried, or if remarried, the remarriage has been terminated
9 by death, divorce or annulment, may apply for such plate for one
10 vehicle with a rated carrying capacity of one (1) ton or less;

11 8. Pearl Harbor Survivor License Plates - such plates shall be
12 designed for any resident of this state who can be verified by the
13 United States Department of Veterans Affairs or the Armed Forces of
14 the United States as being:

- 15 a. a member of the United States Armed Forces on December
16 7, 1941,
17 b. stationed on December 7, 1941, during the hours of
18 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor,
19 the island of Oahu, or offshore at a distance not to
20 exceed three (3) miles, and
21 c. a recipient of an honorable discharge from the United
22 States Armed Forces.

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1 Such person may apply for a Pearl Harbor Survivor license plate
2 for each vehicle with a rated carrying capacity of one (1) ton or
3 less;

4 9. Iwo Jima License Plates - such plates shall be designed for
5 any resident of this state who can be verified by the United States
6 Department of Veterans Affairs or the Armed Forces of the United
7 States as being:

- 8 a. a member of the United States Armed Forces in February
9 of 1945,
- 10 b. stationed in February of 1945 on or in the immediate
11 vicinity of the island of Iwo Jima, and
- 12 c. a recipient of an honorable discharge from the United
13 States Armed Forces.

14 Such person may apply for an Iwo Jima license plate for each
15 vehicle with a rated carrying capacity of one (1) ton or less.

16 Such license plate shall have the legend "Oklahoma OK" and shall
17 contain three letters and three numbers. Between the letters and
18 numbers shall be a logo of the flag-raising at Iwo Jima. Below the
19 letters, logo and numbers, the plate shall contain the words "FEB."
20 at the left, "Iwo Jima" in the center and "1945" at the right. Such
21 plates shall not be subject to the design requirements of any other
22 license plates prescribed by law other than the space for the
23 placement of the yearly decals for each succeeding year of
24 registration after the initial issue;

1 10. D-Day Survivor License Plates - such plates shall be
2 designed for any resident of this state who can be verified by the
3 United States Department of Veterans Affairs or the Armed Forces of
4 the United States as being:

5 a. a member of the United States Armed Forces on June 6,
6 1944,

7 b. a participant in the Allied invasion of the coast of
8 Normandy on June 6, 1944; provided, if such
9 participation cannot be verified by the United States
10 Department of Veterans Affairs or the Armed Forces of
11 the United States, the Tax Commission may, in its
12 discretion, accept evidence of such participation from
13 the person applying for the license plate, and

14 c. a recipient of an honorable discharge from the United
15 States Armed Forces.

16 Such person may apply for a D-Day Survivor license plate for
17 each vehicle with a rated carrying capacity of one (1) ton or less;

18 11. Killed in Action License Plates - such plates shall be
19 designed to honor members of the United States Armed Forces who were
20 killed in action. The spouse of the deceased person, if the spouse
21 has not remarried, or if remarried, the remarriage is terminated by
22 death, divorce, or annulment, may apply for a killed in action
23 license plate upon presenting proper certification that the person
24 was killed in action and that the person making the application is

1 the qualifying spouse of the deceased person. The qualifying spouse
2 may apply for a killed in action license plate for no more than two
3 vehicles with each vehicle with a rated carrying capacity of one (1)
4 ton or less. The fee provided by this section for the special
5 license plate authorized by this paragraph shall be in addition to
6 all other registration fees provided by law, except the registration
7 fees levied by Section 1132 of this title;

8 12. Gold Star Parents License Plates - such plates shall be
9 designed to honor members of the United States Armed Forces who were
10 killed during a war. The parents of the deceased person may apply
11 for a gold star license plate upon presenting proper certification
12 that the person was killed during a war and that the person making
13 the application is the parent of the deceased person. The parent
14 may apply for a gold star parent license plate for no more than two
15 vehicles with each vehicle having a rated carrying capacity of one
16 (1) ton or less. The fee provided by this section for the special
17 license plate authorized by this paragraph shall be in addition to
18 all other registration fees provided by law, except the registration
19 fees levied by Section 1132 of this title;

20 13. Military Decoration License Plates - such plates shall be
21 designed for any resident of this state who has been awarded the
22 Distinguished Service Medal, the Distinguished Service Cross, the
23 Distinguished Flying Cross, the Bronze Star military decoration or
24 the Silver Star military decoration. Such persons may apply for a

1 military decoration license plate for each vehicle with a rated
2 carrying capacity of one (1) ton or less;

3 14. Vietnam Veteran License Plates - such plates shall be
4 designed for honorably discharged or present members of the United
5 States Armed Forces who served in the Vietnam Conflict. Such
6 persons may apply for a Vietnam veteran license plate for each
7 vehicle with a rated carrying capacity of one (1) ton or less;

8 15. Police Officer License Plates - such plates shall be
9 designed for any currently employed, reserve or retired municipal
10 police officer or full-time, reserve or retired university police
11 officer certified by the Council on Law Enforcement Education and
12 Training or common education police officer certified by the Council
13 on Law Enforcement Education and Training. Police officers may
14 apply for police officer license plates for vehicles with a rated
15 capacity of one (1) ton or less or for a motorcycle upon proof of
16 employment by or retirement from a municipal, university or common
17 education police department by either an identification card or
18 letter from the chief of the police department or the Oklahoma
19 Police Pension and Retirement Board. Retirees who are eligible for
20 such plates shall provide proof of eligibility upon initial
21 application, but shall not be required to provide proof of
22 eligibility annually. The license plates shall be designed in
23 consultation with municipal police departments of this state;
24 provided, the license plate for motorcycles may be of similar design

1 to the license plate for motor vehicles or may be a new design in
2 order to meet space requirements for a motorcycle license plate;

3 16. World War II Veteran License Plates - such plates shall be
4 designed to honor honorably discharged former members of the United
5 States Armed Forces who are residents of this state and who can be
6 verified by the Oklahoma Military Department, the Department of
7 Veterans Affairs or the Armed Forces of the United States as having
8 served on federal active duty anytime during the period from
9 September 16, 1940, to December 7, 1945. The former members may
10 apply for a World War II Veteran license plate for vehicles with a
11 rated carrying capacity of one (1) ton or less.

12 The license plate shall have the legend "Oklahoma" and shall
13 contain, in the center of the plate, either the Thunderbird Insignia
14 of the 45th Infantry Division in the prescribed red and gold
15 coloring or the emblem of the Army, Navy, Air Force, Marines or
16 Coast Guard according to the branch of service to which the member
17 belonged. For the purpose of license plate identification, the
18 plate shall contain four digits, two digits at the left and two
19 digits at the right of the insignia or emblem. Centered on the
20 bottom of the license plate shall be the words "WORLD WAR II";

21 17. Korean War Veteran License Plates - such plates shall be
22 designed to honor honorably discharged former members of the United
23 States Armed Forces who are residents of this state and who can be
24 verified by the Oklahoma Military Department, the Department of

1 Veterans Affairs or the Armed Forces of the United States as having
2 served on federal active duty anytime during the period from June
3 27, 1950, to January 31, 1955, both dates inclusive. The former
4 members may apply for a Korean War Veteran license plate for
5 vehicles with a rated carrying capacity of one (1) ton or less.

6 The license plate shall have the legend "OKLAHOMA" and shall
7 contain, in the center of the plate, either the Thunderbird Insignia
8 of the 45th Infantry Division in the prescribed red and gold
9 coloring or the emblem of the Army, Navy, Air Force, Marines or
10 Coast Guard according to the branch of service to which the member
11 belonged. For the purpose of license plate identification, the
12 plate shall contain four digits, two digits at the left and two
13 digits at the right of the insignia or emblem. Centered on the
14 bottom of the license plate shall be the word "KOREA";

15 18. Municipal Official License Plates - such plates shall be
16 designed for persons elected to a municipal office in this state and
17 shall designate the name of the municipality and the district or
18 ward in which the municipal official serves. The plates shall only
19 be produced upon application;

20 19. Red Cross Volunteer License Plates - such plates shall be
21 designed to honor American Red Cross volunteers and staff who are
22 residents of this state. Such persons must present an
23 identification card issued by the American Red Cross and bearing a
24 photograph of the person. The license plate shall be designed with

1 the assistance of the American Red Cross and shall have the legend
2 "Oklahoma OK!" in the color Pantone 186C Red. Below the legend the
3 symbol of the American Red Cross and no more than three letters and
4 three numbers shall be in the color Pantone 186C Red. Below the
5 symbol and letters and numbers shall be the words "American Red
6 Cross" in black. The plates shall not be subject to the design
7 requirements of any other license plates prescribed by law other
8 than the space for the placement of the yearly decals for each
9 succeeding year of registration after the initial issue;

10 20. Veterans of Foreign Wars License Plates - such plates shall
11 be designed to honor the veterans of foreign wars and issued to any
12 resident of this state who is a member of a Veterans of Foreign Wars
13 organization in this state. Such persons may apply for Veterans of
14 Foreign Wars license plates upon proof of membership in a Veterans
15 of Foreign Wars organization. The license plate shall be designed
16 in consultation with the Veterans of Foreign Wars organization;

17 21. Desert Storm License Plates - such plates shall be designed
18 and issued to any honorably discharged or present member of the
19 United States Armed Forces who served in the Persian Gulf Crisis and
20 the Desert Storm operation. Such persons may apply for a Desert
21 Storm license plate for each vehicle with a rated carrying capacity
22 of one (1) ton or less;

23 22. Military Reserve Unit License Plates - such plates shall be
24 designed and issued to any honorably discharged or present member of

1 a reserve unit of the United States Armed Forces. Such persons may
2 apply for a Military Reserve Unit license plate for each vehicle
3 with a rated carrying capacity of one (1) ton or less;

4 23. Oklahoma City Bombing Victims and Survivors License Plates
5 - such plates shall be designed and issued to any victim or survivor
6 of the bombing attack on the Alfred P. Murrah Federal Building in
7 downtown Oklahoma City on April 19, 1995;

8 24. Civil Air Patrol License Plates - such plates shall be
9 designed and issued to any person who is a member of the Civil Air
10 Patrol. Such persons may apply for a Civil Air Patrol license plate
11 for each vehicle with a rated carrying capacity of one (1) ton or
12 less upon proof of membership in the Civil Air Patrol. The license
13 plate shall be designed in consultation with the Civil Air Patrol;

14 25. Ninety-Nines License Plates - such plates shall be designed
15 and issued to members of the Ninety-Nines. Persons applying for
16 such license plate must show proof of membership in the Ninety-
17 Nines. The license plates shall be designed in consultation with
18 the Ninety-Nines;

19 26. Combat Infantryman Badge License Plates - such plates shall
20 be designed to honor recipients of the Combat Infantryman Badge.
21 The plate shall have the legend "Oklahoma OK". Below the legend
22 shall be the Combat Infantryman Badge and three numbers. Below the
23 badge and the numbers shall be the words "Combat Infantryman Badge".
24 Such persons may apply for a Combat Infantryman Badge license plate

1 for each vehicle with a rated carrying capacity of one (1) ton or
2 less;

3 27. Somalia Combat Veterans License Plates - such plates shall
4 be designed and issued to any honorably discharged or present member
5 of the United States Armed Forces who saw combat in the United
6 Nations relief effort. Such persons may apply for a Somalia Combat
7 Veteran license plate for each vehicle with a rated carrying
8 capacity of one (1) ton or less;

9 28. Police Chaplain License Plates - such plates shall be
10 designed and issued to members of the International Conference of
11 Police Chaplains (ICPC) who have completed the ICPC requirements for
12 basic certification as a police chaplain. The license plates shall
13 be designed in consultation with the ICPC;

14 29. Joint Service Commendation Medal License Plates - such
15 plates shall be designed and issued to any resident of this state
16 who has been awarded the Joint Service Commendation Medal by the
17 United States Secretary of Defense;

18 30. Merchant Marine License Plates - such plates shall be
19 designed, subject to criteria to be presented to the Tax Commission
20 by the Oklahoma Department of Veterans Affairs, and issued to any
21 person who during combat was a member of the Merchant Marines as
22 certified by the Oklahoma Department of Veterans Affairs. Such
23 license plate may be issued for each vehicle with a rated carrying
24 capacity of one (1) ton or less;

1 31. Legislative License Plates - such plates shall be designed
2 for persons elected to the Oklahoma Legislature and shall designate
3 the house of the Legislature in which the legislator serves and the
4 district number;

5 32. Disabled Veterans License Plates - such plates shall be
6 designed for persons presenting proper certification from the United
7 States Department of Veterans Affairs or the Armed Forces of the
8 United States certifying such veteran has a service-connected
9 disability rating of fifty percent (50%) or more, regardless which
10 agency pays the disability benefits, or that such veteran has been
11 awarded a vehicle by the United States government or receives a
12 grant from the United States Department of Veterans Affairs for the
13 purchase of an automobile due to a service-connected disability
14 rating or due to the loss of use of a limb or an eye. Such persons
15 may apply to the Tax Commission for a disabled veterans license
16 plate or to a motor license agent for a regular license plate for no
17 more than two vehicles with each vehicle having a rated carrying
18 capacity of one (1) ton or less. The surviving spouse of any
19 deceased disabled veteran, if the spouse has not since remarried, or
20 if remarried, the remarriage is terminated by death, divorce, or
21 annulment, may apply for a disabled veterans license plate for one
22 vehicle with a rated carrying capacity of one (1) ton or less. The
23 fee provided by this section for the special license plate
24 authorized by this paragraph shall be in addition to all other

1 registration fees provided by law, except the registration fees
2 levied by Section 1132 of this title. The total expense of this
3 license plate shall not exceed Five Dollars (\$5.00).

4 If the person qualifies for a disabled veterans license plate
5 and is also eligible for ~~an insignia as~~ a physically disabled ~~person~~
6 placard under the provisions of Section 15-112 of this title, the
7 person shall be eligible to receive a disabled veterans license
8 plate that also displays the international accessibility symbol,
9 which is a stylized human figure in a wheelchair. Upon the death of
10 the disabled veteran with a disabled veterans license plate with the
11 international accessibility symbol, the plate shall be returned to
12 the Tax Commission;

13 33. United States Air Force Association License Plates - such
14 plates shall be designed for members of the United States Air Force
15 Association. Persons applying for such license plate must show
16 proof of membership in the Association. The license plates shall be
17 designed in consultation with the Association;

18 34. Oklahoma Military Academy Alumni License Plates - such
19 plates shall be designed and issued to any resident of this state
20 who is an alumnus of the Oklahoma Military Academy. Such persons
21 may apply for an Oklahoma Military Academy Alumnus license plate for
22 each vehicle with a rated carrying capacity of one (1) ton or less.
23 The license plates shall be designed in consultation with the
24

1 Oklahoma Military Academy and shall contain the shield of the
2 Academy;

3 35. Amateur Radio Operator License Plates - such plates shall
4 be designed and issued to any person, holding a valid operator's
5 license, technician class or better, issued by the Federal
6 Communications Commission, and who is also the owner of a motor
7 vehicle currently registered in Oklahoma, in which has been
8 installed amateur mobile transmitting and receiving equipment.
9 Eligible persons shall be entitled to two special vehicle
10 identification plates as herein provided. Application for such
11 identification plates shall be on a form prescribed by the Tax
12 Commission and the plates issued to such applicant shall have
13 stamped thereon the word "Oklahoma" and bear the official call
14 letters of the radio station assigned by the Federal Communications
15 Commission to the individual amateur operator thereof. All
16 applications for such plates must be made to the Tax Commission on
17 or before the first day of October of any year for such plates for
18 the following calendar year and must be accompanied by the fee
19 required in this section together with a certificate, or such other
20 evidence as the Tax Commission may require, of proof that applicant
21 has a valid technician class or better amateur operator's license
22 and proof of applicant's ownership of a vehicle in which radio
23 receiving and transmitting equipment is installed. Applicants shall
24 only be entitled to one set of special identification plates in any

1 one (1) year, and such calendar year shall be stamped thereon. The
2 right to such special identification plates herein provided for
3 shall continue until the amateur radio operator's license of the
4 person to whom such plates are issued expires or is revoked;

5 36. American Legion License Plates - such plates shall be
6 designed for members of the American Legion. Persons applying for
7 such license plate must show proof of membership. The license
8 plates shall be designed in consultation with the American Legion of
9 Oklahoma;

10 37. Deputy Sheriff License Plates - such plates shall be
11 designed for any currently employed or retired county sheriff or
12 deputy sheriff. County sheriffs or deputy sheriffs may apply for
13 such plates for vehicles with a rated capacity of one (1) ton or
14 less upon proof of employment by or retirement from a county
15 sheriff's office by either an identification card or letter from the
16 county sheriff or a government-sponsored retirement board from which
17 the county sheriff or deputy sheriff may be receiving a pension.
18 Retirees who are eligible for such plates shall provide proof of
19 eligibility upon initial application, but shall not be required to
20 provide proof of eligibility annually. The license plates shall be
21 designed in consultation with the county sheriff offices of this
22 state;

23 38. Surviving Spouse License Plates - such plates shall be
24 designed for any resident of this state who is the surviving spouse

1 of an honorably discharged veteran who died due to or as a
2 consequence of a service-connected disability. Such surviving
3 spouse may, if not since remarried, or if remarried, the remarriage
4 is terminated by death, divorce or annulment, apply for a Surviving
5 Spouse license plate for one vehicle with a rated carrying capacity
6 of one (1) ton or less;

7 39. Gold Star Survivor License Plates - such plates shall be
8 designed to honor the surviving spouses of qualified veterans. As
9 used in this paragraph, "qualified veteran" shall mean:

10 a. any person honorably discharged from any branch of the
11 United States Armed Forces or as a member of the
12 Oklahoma National Guard, who died as a direct result
13 of the performance of duties for any branch of the
14 United States Armed Forces or Oklahoma National Guard
15 while on active military duty, or

16 b. any person honorably discharged from any branch of the
17 United States Armed Forces or as a member of the
18 Oklahoma National Guard, who died as a result of
19 injury, illness or disease caused by the performance
20 of such duties while on active duty, whether the death
21 occurred while on active duty or after the honorable
22 discharge of such person;

23 40. Korea Defense Service Medal License Plates - such plates
24 shall be designed and issued to any resident of this state who has

1 | been awarded the Korea Defense Service Medal by the United States
2 | Secretary of Defense. Such persons may apply for a Korea Defense
3 | Service Medal license plate for each vehicle with a rated carrying
4 | capacity of one (1) ton or less;

5 | 41. 180th Infantry License Plates - such plates shall be
6 | designed for members and prior members of the 180th Infantry.
7 | Persons applying for such license plate must obtain and provide
8 | proof of their membership from the 180th Infantry Association. The
9 | license plates shall be designed in consultation with the 180th
10 | Infantry;

11 | 42. Operation Iraqi Freedom Veteran License Plates - such
12 | plates shall be designed and issued to any honorably discharged or
13 | present member of the United States Armed Forces who served in
14 | Operation Iraqi Freedom. Such person may apply for an Operation
15 | Iraqi Freedom Veteran license plate for each vehicle with a rated
16 | carrying capacity of one (1) ton or less;

17 | 43. United States Air Force Academy Alumni License Plates -
18 | such plates shall be designed and issued to any resident of this
19 | state who is an alumnus of the United States Air Force Academy.
20 | Such persons may apply for a United States Air Force Academy Alumnus
21 | license plate for each vehicle with a rated carrying capacity of one
22 | (1) ton or less; and

23 | 44. Operation Enduring Freedom Veteran License Plate - such
24 | plates shall be designed and issued to any honorably discharged or

1 present member of the United States Armed Forces who served in
2 Operation Enduring Freedom on or after September 11, 2001. The
3 license plate shall be designed in consultation with the Military
4 Department of the State of Oklahoma. Such person may apply for an
5 Operation Enduring Freedom Veteran license plate for each vehicle
6 with a rated carrying capacity of one (1) ton or less.

7 C. Unless otherwise provided by this section, the fee for such
8 plates shall be Eight Dollars (\$8.00) and shall be in addition to
9 all other registration fees provided by the Oklahoma Vehicle License
10 and Registration Act. Such fees shall be deposited in the Oklahoma
11 Tax Commission Reimbursement Fund to be used for the administration
12 of the Oklahoma Vehicle License and Registration Act.

13 SECTION 24. REPEALER Section 11, Chapter 504, O.S.L.
14 2004, as last amended by Section 7, Chapter 302, O.S.L. 2010 (47
15 O.S. Supp. 2010, Section 1135.2), is hereby repealed.

16 SECTION 25. AMENDATORY Section 14, Chapter 504, O.S.L.
17 2004, as last amended by Section 3, Chapter 366, O.S.L. 2010 (47
18 O.S. Supp. 2010, Section 1135.5), is amended to read as follows:

19 Section 1135.5. A. The Oklahoma Tax Commission is hereby
20 authorized to design and issue appropriate official special license
21 plates to persons wishing to demonstrate support and provide
22 financial assistance as provided by this section.

23 Special license plates shall not be transferred to any other
24 person but shall be removed from the vehicle upon transfer of

1 ownership and retained. The special license plate may then be used
2 on another vehicle but only after such other vehicle has been
3 registered for the current year with a motor license agent.

4 Special license plates shall be renewed each year by the Tax
5 Commission or a motor license agent. The Tax Commission shall
6 annually notify by mail all persons issued special license plates.
7 The notice shall contain all necessary information and shall contain
8 instructions for the renewal procedure upon presentation to a motor
9 license agent or the Tax Commission. The license plates shall be
10 issued on a staggered system.

11 The Tax Commission is hereby directed to develop and implement a
12 system whereby motor license agents are permitted to accept
13 applications for special license plates authorized under this
14 section. The motor license agent shall confirm the applicant's
15 eligibility, if applicable, collect and deposit any amount
16 specifically authorized by law, accept and process the necessary
17 information directly into such system and generate a receipt
18 accordingly. For performance of these duties, motor license agents
19 shall retain the fee provided in Section 1141.1 of this title for
20 registration of a motor vehicle. The motor license agent fees for
21 acceptance of applications and renewals shall be paid out of the
22 Oklahoma Tax Commission Reimbursement Fund.

23 If fewer than one hundred of any type of special license plates
24 authorized prior to January 1, 2004, are issued prior to January 1,

1 2006, the Tax Commission shall discontinue issuance and renewal of
2 that type of special license plate. Any such authorized special
3 license plate registrant shall be allowed to display the license
4 plate upon the designated vehicle until the registration expiration
5 date. After such time the expired special license plate shall be
6 removed from the vehicle.

7 For special license plates authorized on or after July 1, 2004,
8 no special license plates shall be developed or issued by the Tax
9 Commission until the Commission receives one hundred prepaid
10 applications therefor. The prepaid applications must be received by
11 the Tax Commission within one hundred and eighty (180) days of the
12 effective date of the authorization or the authority to issue shall
13 be null and void. In the event one hundred prepaid applications are
14 not received by the Tax Commission within such prescribed time
15 period any payment so received shall be refunded accordingly.

16 B. The special license plates provided by this section are as
17 follows:

18 1. University or College Supporter License Plates - such plates
19 shall be designed and issued to any person wishing to demonstrate
20 support to any state-supported or private university or college. As
21 provided in this section, an amount of the fee collected shall be
22 apportioned as provided in Section 1104.1 of this title;

23 2. Environmental Awareness License Plates - such plates shall
24 be designed, subject to the criteria to be presented to the Tax

1 Commission by the Department of Environmental Quality in
2 consultation with the Oklahoma Arts Council, and issued to any
3 person wishing to demonstrate support to implement the statewide
4 general public environmental education program created pursuant to
5 the provisions of the Oklahoma Environmental Quality Code. Such
6 plates shall be designed and issued to any person in any combination
7 of numbers and letters from one to a maximum of seven, as for
8 personalized license plates. A dealer's license plate issued
9 pursuant to Section 1116.1 or 1128 of this title may be designated
10 an Environmental Awareness License Plate upon payment of the fee
11 imposed by this section and any other registration fees required by
12 the Oklahoma Vehicle License and Registration Act. As provided in
13 this section, an amount of the fee collected shall be apportioned
14 pursuant to Section 1104.2 of this title;

15 3. Firefighter License Plates - such plates shall be designed
16 for any career or retired firefighter, volunteer or paid.
17 Firefighters may apply for firefighter plates for up to four
18 vehicles with a rated capacity of one (1) ton or less or for a
19 motorcycle upon proof of a fire department membership by either an
20 identification card or letter from the chief of the fire department.
21 Retirees who are eligible for such plates shall provide proof of
22 eligibility upon initial application, but shall not be required to
23 provide proof of eligibility annually. The surviving spouse of any
24 deceased firefighter, if the spouse has not since remarried, may

1 apply for a firefighter license plate for one vehicle with a rated
2 carrying capacity of one (1) ton or less or for a motorcycle upon
3 proof that the deceased firefighter was a member of a fire
4 department by either an identification card or letter from the chief
5 of the fire department.

6 Except for motorcycles, the license plate shall have the legend
7 "Oklahoma" in the color Pantone 186C Red and shall contain no more
8 than three letters and three numbers in the color Pantone 301C Blue.
9 Between the letters and numbers shall be the Firefighter Maltese
10 Cross Logo in the color Pantone 186C Red outlined in the color
11 Pantone 301C Blue. Below the letters and the logo shall be the word
12 "Firefighter" in the color Pantone 186C Red. The license plate for
13 motorcycles may be of a similar design as space permits or a new
14 design in order to meet the space requirements of a motorcycle
15 license plate. The plates shall not be subject to the design
16 requirements of any other license plates prescribed by law other
17 than the space for the placement of the yearly decals for each
18 succeeding year of registration after the initial issue.

19 As provided in this section, an amount of the fee collected
20 shall be deposited to the Oklahoma State Firemen's Museum Building &
21 Memorial Fund for support of the Oklahoma Firefighter Fallen and
22 Living Memorial;

23 4. Wildlife Conservation License Plates - such plates shall be
24 designed, subject to the criteria to be presented to the Tax

1 Commission by the Oklahoma Department of Wildlife Conservation in
2 consultation with the Oklahoma Arts Council, and issued to any
3 person wishing to demonstrate support for wildlife conservation in
4 this state through the Wildlife Diversity Fund, provided for in
5 Section 3-310 of Title 29 of the Oklahoma Statutes. Such plates may
6 be designed and issued to any person as for personalized license
7 plates.

8 As provided in this section, an amount of the fee collected
9 shall be apportioned pursuant to subsection D of Section 3-310 of
10 Title 29 of the Oklahoma Statutes;

11 5. Child Abuse Prevention License Plates - such plates shall be
12 designed, subject to the criteria to be presented to the Tax
13 Commission by the Office of Child Abuse Prevention in the State
14 Department of Health and the Oklahoma Committee to Prevent Child
15 Abuse, and issued to any person wishing to demonstrate support for
16 the prevention of child abuse.

17 As provided in this section, an amount of the fee collected
18 shall be deposited in the Child Abuse Prevention Fund;

19 6. United States Olympic Committee Supporter License Plates -
20 such plates shall be designed and issued to any person wishing to
21 demonstrate support for the United States Olympic Committee. The
22 plates shall be issued to any person in any combination of numbers
23 and letters from one to a maximum of seven, as for personalized
24 license plates. The plate shall contain the official United States

1 Olympic Committee logo. The Tax Commission shall be authorized, if
2 necessary, to enter into a licensing agreement with the United
3 States Olympic Committee for any licensing fees which may be
4 required in order to use the United States Olympic Committee logo or
5 design. The licensing agreement shall provide for a payment of not
6 more than Twenty-five Dollars (\$25.00) for each license plate
7 issued;

8 7. Oklahoma History License Plates - such plates shall be
9 designed and issued to any person wishing to demonstrate interest in
10 Oklahoma history. As provided in this section, an amount of the fee
11 collected shall be deposited to the Oklahoma Historical Society
12 Revolving Fund to be used for educational purposes;

13 8. Historic Route 66 License Plates - such plates shall be
14 designed to honor historic Route 66, also known as the "Mother
15 Road". As provided in this section, an amount of the fee collected
16 shall be apportioned to the Oklahoma Historical Society Revolving
17 Fund to be distributed to the Route 66 Museum located in Clinton,
18 Oklahoma;

19 9. Heart of the Heartland License Plates - such plates shall be
20 designed and issued to any person wishing to honor the victims of
21 the terrorist bombing attack on the Alfred P. Murrah Federal
22 Building in downtown Oklahoma City on April 19, 1995. As provided
23 in this section, an amount of the fee collected shall be deposited
24

1 in the Heart of the Heartland Scholarship Fund, as established in
2 Section 2282 of Title 70 of the Oklahoma Statutes;

3 10. Emergency Medical Technician License Plates - such plates
4 shall be designed and issued to any person who is an emergency
5 medical technician. Such persons may apply for an emergency medical
6 technician license plate for each vehicle with a rated carrying
7 capacity of one (1) ton or less upon proof of an emergency medical
8 technician's license. The license plate shall be designed in
9 consultation with the state association of emergency medical
10 technicians. As provided in this section, an amount of the fee
11 collected shall be apportioned to the Emergency Medical Technician
12 Death Benefit Revolving Fund created in Section 1-2505.2 of Title 63
13 of the Oklahoma Statutes;

14 11. Fight Breast Cancer License Plates - such plates shall be
15 designed to demonstrate support for the prevention and treatment of
16 breast cancer in this state. As provided in this section, an amount
17 of the fee collected shall be apportioned to the Breast Cancer Act
18 Revolving Fund;

19 12. Crime Victims Awareness License Plates - such plates shall
20 be designed and issued to any person wishing to demonstrate
21 awareness of and support for victims of crimes. The license plates
22 shall be designed in consultation with the Oklahoma Crime Victims
23 Centre. As provided in this section, an amount of the fee collected
24 shall be apportioned to the Attorney General's Revolving Fund for

1 the Office of the Attorney General, which is hereby directed to use
2 such funds to contract with a statewide nonprofit organization to
3 provide services to crime victims;

4 13. Oklahoma Safe Kids Association License Plates - such plates
5 shall be designed and issued to any person wishing to demonstrate
6 support and awareness of the Oklahoma Safe Kids Association. The
7 license plate shall be designed in consultation with the Oklahoma
8 Safe Kids Association. As provided in this section, an amount of
9 the fee collected shall be deposited in the Children's Hospital -
10 Oklahoma Safe Kids Association Revolving Fund to be distributed to
11 the Oklahoma Safe Kids Association program;

12 14. Four-H Club License Plates - such plates shall be designed,
13 subject to criteria to be presented to the Tax Commission by the
14 Four-H Foundation, and issued to any person wishing to demonstrate
15 support of the Four-H Club. Such plates may be designed and issued
16 to any person as for personalized license plates. As provided in
17 this section, an amount of the fee collected shall be apportioned to
18 the OSU Extension Service License Plate Revolving Fund created in
19 Section 1104.4 of this title;

20 15. Agricultural Awareness License Plates - such plates shall
21 be designed, subject to criteria to be presented to the Tax
22 Commission, by the Oklahoma Department of Agriculture, Food, and
23 Forestry in consultation with the Oklahoma Arts Council, and issued
24 to any person wishing to demonstrate support of the Department's Ag

1 in the Classroom Education Program. As provided in this section, an
2 amount of the fee collected shall be apportioned as provided in
3 Section 1104.3 of this title;

4 16. Oklahoma Statehood Centennial License Plates - such plates
5 shall be designed and issued to any person wishing to commemorate
6 the centennial of Oklahoma's admission to statehood in 1907. The
7 license plates shall be designed in consultation with the Oklahoma
8 Capitol Complex and Centennial Commemoration Commission. As
9 provided in this section, an amount of the fee collected shall be
10 deposited in the Oklahoma Capitol Complex and Centennial
11 Commemoration Commission Revolving Fund created in Section 98.5 of
12 Title 73 of the Oklahoma Statutes;

13 17. Support Education License Plates - such plates shall be
14 designed, subject to criteria to be presented to the Tax Commission
15 by the State Department of Education in consultation with the
16 Oklahoma Arts Council, and issued to any person wishing to
17 demonstrate support for education in this state. All motor license
18 agents shall display a sample of the Support Education License plate
19 in the area of the business accessed by the public. Twenty-three
20 Dollars (\$23.00) of the fee collected shall be apportioned as
21 follows:

22 a. five percent (5%) shall be deposited to the Education
23 Reform Revolving Fund,

24

- 1 b. five percent (5%) shall be deposited to the Higher
2 Education Revolving Fund,
3 c. five percent (5%) shall be deposited to the State
4 Career Technology Fund, and
5 d. eighty-five percent (85%) of the fee shall be
6 deposited to the Teachers' Retirement Benefit Fund as
7 set forth in Section 17-108 of Title 70 of the
8 Oklahoma Statutes.

9 However, when the Teachers' Retirement Benefit Fund attains a
10 seventy percent (70%) funded ratio based on an annual actuarial
11 valuation as required by law, the amount of the fee shall be
12 apportioned equally pursuant to subparagraphs a, b and c of this
13 paragraph;

14 18. Retired Oklahoma Highway Patrol Officers License Plates -
15 such plates shall be designed and issued to any retired officer of
16 the Oklahoma Highway Patrol. The license plate shall have the
17 legend "Oklahoma" and shall contain, in the center of the plate, the
18 Highway Patrol Officers patch using the same colors and pattern as
19 used in the patch. Centered on the bottom of the license plate
20 shall be the word "Retired". The letters "TRP" shall be used in
21 combination with three numbers on either side of the insignia or
22 emblem. The color of the letters and numbers shall be brown.
23 Retirees who are eligible for such plates shall provide proof of
24 eligibility upon initial application, but shall not be required to

1 provide proof of eligibility annually. The surviving spouse of any
2 deceased retired officer of the Oklahoma Highway Patrol, if the
3 spouse has not since remarried, or if remarried, the remarriage is
4 terminated by death, divorce, or annulment, may apply for a Retired
5 Oklahoma Highway Patrol Officers license plate. As provided in this
6 section, an amount of the fee collected shall be deposited into the
7 Law Enforcement Retirement Fund;

8 19. Boy Scouts of America Supporter License Plates - such
9 plates shall be designed and issued to any person wishing to
10 demonstrate support for the Boy Scouts of America. The plates shall
11 be issued to any person in any combination of numbers and letters
12 from one to a maximum of seven, as for personalized license plates.
13 The plate shall contain the official Boy Scouts of America logo.
14 The Tax Commission shall be authorized, if necessary, to enter into
15 a licensing agreement with the Boy Scouts of America for any
16 licensing fees which may be required in order to use the Boy Scouts
17 of America logo or design. The licensing agreement shall provide
18 for a payment to the Boy Scouts of America of not more than Twenty
19 Dollars (\$20.00) for each license plate issued;

20 20. Urban Forestry and Beautification License Plates - such
21 plates shall be designed, subject to criteria to be presented to the
22 Tax Commission, by the Oklahoma Department of Agriculture, Food, and
23 Forestry in consultation with nonprofit organizations in this state
24 that develop and operate programs to encourage urban forestry and

1 beautification, and issued to any person wishing to demonstrate
2 support of such programs. As provided in this section, an amount of
3 the fee collected shall be apportioned as provided in Section 1104.5
4 of this title;

5 21. Oklahoma State Parks Supporter License Plates - such plates
6 shall be designed, subject to criteria to be presented to the Tax
7 Commission by the Oklahoma Tourism and Recreation Department, and
8 issued to any person wishing to demonstrate support for the Oklahoma
9 state parks system. Twenty-three Dollars (\$23.00) of the fee
10 collected shall be deposited in the Oklahoma Tourism and Recreation
11 Department Revolving Fund. Such money shall be designated for and
12 may only be expended for the support of Oklahoma state parks;

13 22. Adoption Creates Families License Plates - such plates
14 shall be issued to any person wishing to demonstrate support of
15 pregnant women who are committed to placing their children for
16 adoption and wishing to provide assistance to guardians, adoptive
17 parents and other created families to assist in the adoption and
18 placement of children in permanent, safe homes. The license plates
19 shall be designed and final terminology delivered in consultation
20 with the Oklahoma Adoption Coalition and the Department of Human
21 Services. Twenty-five Dollars (\$25.00) of the fee collected shall
22 be deposited in a revolving fund established in the State Treasury
23 for and to be used by the Department of Human Services for the

24

1 implementation of the Investing in Stronger Oklahoma Families Act
2 specifically for created families;

3 23. Choose Life License Plates - such plates shall be designed,
4 subject to criteria presented to the Tax Commission, by Choose Life,
5 Inc., and issued to any person who wishes to demonstrate support of
6 organizations that encourage adoption as a positive choice for women
7 with unplanned pregnancies. As provided in this section, an amount
8 of the fee collected shall be deposited in the Choose Life
9 Assistance Program Revolving Fund established in Section 1104.6 of
10 this title;

11 24. Future Farmers of America License Plate - such plates shall
12 be designed and issued to persons wishing to demonstrate support for
13 the Oklahoma FFA (formerly known as Future Farmers of America). The
14 license plates shall be designed in consultation with the Oklahoma
15 FFA Foundation Board of Directors. As provided in this section, an
16 amount of the fee collected shall be apportioned as provided in
17 Section 1104.7 of this title;

18 25. Lions Club License Plates - such plates shall be designed
19 and issued to persons wishing to demonstrate support for the Lions
20 Club of Oklahoma. The plates shall be issued to any person in any
21 combination of numbers and letters from one to a maximum of seven,
22 as for personalized license plates. The license plates shall be
23 designed in consultation with the Oklahoma Lions Service Foundation
24 and shall contain the official logo of the International Association

1 of Lions Clubs. The Tax Commission shall be authorized to enter
2 into a licensing agreement with the Oklahoma Lions Service
3 Foundation. The licensing agreement shall provide for a payment to
4 the Oklahoma Lions Service Foundation of not more than Ten Dollars
5 (\$10.00) for each license plate issued;

6 26. Color Oklahoma License Plates - such plates shall be
7 designed, subject to criteria to be presented to the Tax Commission
8 by the Oklahoma Native Plant Society, and issued to any person
9 wishing to demonstrate support for preserving and planting
10 wildflowers and native plants in Oklahoma and to promote Oklahoma's
11 wildflower heritage through education. As provided in this section,
12 an amount of the fee collected shall be apportioned as provided in
13 Section 1104.8 of this title;

14 27. Girl Scouts of the United States of America Supporter
15 License Plates - such plates shall be designed and issued to any
16 person wishing to demonstrate support for the Girl Scouts of the
17 United States of America. The plates shall be issued to any person
18 in any combination of numbers and letters from one to a maximum of
19 seven, as for personalized license plates. The plate shall contain
20 the official Girl Scouts of the United States of America logo. The
21 Tax Commission shall be authorized, if necessary, to enter into a
22 licensing agreement with the Girl Scouts of the United States of
23 America for any licensing fees which may be required in order to use
24 the Girl Scouts of the United States of America logo or design. The

1 licensing agreement shall provide for a payment to the Girl Scouts
2 of Magic Empire Council, acting on behalf of all Oklahoma Girl Scout
3 councils, of not more than Twenty Dollars (\$20.00) for each license
4 plate issued;

5 28. Oklahoma City Memorial Marathon License Plates - such
6 plates shall be designed and issued to any person wishing to
7 demonstrate support for the Oklahoma City Memorial Marathon. The
8 plate shall be designed in consultation with the Oklahoma City
9 Memorial Marathon. The Tax Commission shall be authorized to enter
10 into a licensing agreement with the Oklahoma City Memorial Marathon
11 for any licensing fees which may be required in order to use the
12 Oklahoma City Memorial Marathon logo or design. The licensing
13 agreement shall provide for a payment to the Oklahoma City Memorial
14 Marathon of not more than Twenty Dollars (\$20.00) for each license
15 plate issued;

16 29. Oklahoma Scenic Rivers License Plate - such plates shall be
17 designed to demonstrate support for the Oklahoma Scenic Rivers. The
18 plates shall be designed in consultation with the Oklahoma Scenic
19 Rivers Commission. Twenty-five Dollars (\$25.00) of the fee shall be
20 apportioned to the Oklahoma Scenic Rivers Commission;

21 30. Fight Cancer License Plate - such plates shall be designed
22 to demonstrate support for the Oklahoma Central Cancer Registry.
23 The plate shall contain the American Cancer Society logo. The
24 American Cancer Society logo shall be used in accordance with the

1 American Cancer Society's branding guidelines and shall only be
2 utilized to support the Oklahoma Central Cancer Registry. Twenty
3 Dollars (\$20.00) of the fee shall be apportioned to the Oklahoma
4 Central Cancer Registry Revolving Fund;

5 31. Animal Friendly License Plate - such plates shall be
6 designed and issued to any person wishing to demonstrate support for
7 controlling the overpopulation of dogs and cats through educational
8 and sterilization efforts. The plates shall be designed in
9 consultation with the Veterinary Medical Association. Twenty
10 Dollars (\$20.00) of the fee collected shall be designated by the
11 purchaser of the plate to be deposited in the Oklahoma Pet
12 Overpopulation Fund created in Section 2368.13 of Title 68 of the
13 Oklahoma Statutes or the Animal Friendly Revolving Fund created in
14 Section 1104.10 of this title;

15 32. Patriot License Plate - such plates shall be designed in
16 consultation with the Military Department of Oklahoma and issued to
17 any person wishing to demonstrate support for Oklahoma residents who
18 are members of the Oklahoma National Guard and deployed on active
19 duty. The plates shall be issued to any person in any combination
20 of numbers and letters from one to a maximum of seven, as for
21 personalized license plates. As provided in this section, a portion
22 of the fee collected shall be deposited in the Patriot License Plate
23 Revolving Fund created in Section 1104.11 of this title;

24

1 33. Global War on Terrorism License Plate - such plate shall be
2 designed in consultation with the Military Department of Oklahoma
3 and issued to any person wishing to demonstrate support for Oklahoma
4 residents who are members of the Armed Forces of the United States
5 or Oklahoma National Guard that have served in the Global War on
6 Terrorism. The plate shall be issued to any person in any
7 combination of numbers and letters from one to a maximum of six. As
8 provided in this section, a portion of the fee collected shall be
9 deposited in the 45th Infantry Division Museum Fund created in
10 Section 235.1 of Title 44 of the Oklahoma Statutes;

11 34. Boys and Girls Clubs of America Supporter License Plates -
12 such plates shall be designed and issued to any person wishing to
13 demonstrate support for the Boys and Girls Clubs of America. The
14 plates shall be issued to any person in any combination of numbers
15 and letters from one to a maximum of seven, as for personalized
16 license plates. The plate shall contain the official Boys and Girls
17 Clubs of America logo. The Tax Commission, if necessary, may enter
18 into a licensing agreement with the Boys and Girls Clubs of America
19 for any licensing fees which may be required in order to use the
20 Boys and Girls Clubs of America logo or design. The licensing
21 agreement shall provide for a payment to the Boys and Girls Clubs of
22 America of not more than Twenty Dollars (\$20.00) for each license
23 plate issued;

24

1 35. Oklahoma Quarter Horse License Plates - such plates shall
2 be designed and issued to any person wishing to demonstrate support
3 for the American Quarter Horse in Oklahoma. The plate shall be
4 designed in consultation with the Oklahoma Quarter Horse
5 Association. As provided in this section, a portion of the fee
6 collected shall be deposited in the Oklahoma Quarter Horse Revolving
7 Fund created in Section 1104.12 of this title;

8 36. Oklahoma Association for the Deaf License Plate - such
9 plates shall be designed in consultation with the Oklahoma
10 Association for the Deaf and issued to any person wishing to
11 demonstrate support for Oklahoma residents who are deaf. The plates
12 shall be issued to any person in any combination of numbers and
13 letters from one to maximum of seven, as for personalized license
14 plates. As provided in this section, a portion of the fee collected
15 shall be deposited in the Oklahoma Association for the Deaf License
16 Plate Revolving Fund created in Section 1104.15 of this title;

17 37. Oklahoma City Zoo License Plate - such plates shall be
18 issued to any person wishing to demonstrate support for the Oklahoma
19 City Zoo. The license plates shall be designed in consultation with
20 the Oklahoma Zoological Society, Inc. As provided in this section,
21 an amount of the fee collected shall be deposited in the Oklahoma
22 Zoological Society Revolving Fund created in Section 1104.13 of this
23 title;

24

1 38. March of Dimes License Plate - such plates shall be issued
2 to persons wishing to demonstrate support for the March of Dimes
3 mission to improve the health of babies by preventing birth defects,
4 premature birth and infant mortality. The license plates shall be
5 designed in consultation with the Oklahoma Chapter March of Dimes.
6 As provided in this section, an amount of the fee collected shall be
7 deposited in the Oklahoma Prevent Birth Defects, Premature Birth and
8 Infant Mortality Fund established in Section 1104.14 of this title;

9 39. Support Our Troops Supporter License Plates - such plates
10 shall be designed and issued to any person wishing to demonstrate
11 support for Support Our Troops Incorporated. The plates shall be
12 issued to any person in any combination of numbers and letters from
13 one to a maximum of six. The plate shall contain the official
14 Support Our Troops Incorporated logo which includes the mark
15 "Support Our Troops" across the bottom of the plate. The Tax
16 Commission, if necessary, may enter into a licensing agreement with
17 Support Our Troops Incorporated for any licensing fees which may be
18 required in order to use the Support Our Troops Incorporated logo or
19 design. The licensing agreement shall provide for a payment to
20 Support Our Troops Incorporated of Twenty-five Dollars (\$25.00) for
21 each license plate issued;

22 40. Folds of Honor Supporter License Plate - such plates shall
23 be designed and issued to any person wishing to demonstrate support
24 for Folds of Honor Incorporated, a nonprofit charitable organization

1 exempt from taxation pursuant to the provisions of the Internal
2 Revenue Code, 26 U.S.C., Section 501(c)(3), providing academic and
3 vocational training scholarships to dependents of military
4 servicemen and servicewomen who were either killed or wounded in
5 action due to military service in the war in Iraq or Afghanistan.
6 The plates shall be issued to any person in any combination of
7 numbers and letters from one to a maximum of six. The plate shall
8 be designed in consultation with Folds of Honor Incorporated and
9 shall contain the official Folds of Honor Incorporated logo which
10 includes the mark "Folds of Honor" across the bottom of the plate.
11 The Tax Commission, if necessary, may enter into a licensing
12 agreement with Folds of Honor Incorporated for any licensing fees
13 which may be required in order to use the Folds of Honor
14 Incorporated logo or design. The licensing agreement shall provide
15 for a payment to Folds of Honor Incorporated of Twenty-five Dollars
16 (\$25.00) for each license plate issued;

17 41. Downed Bikers Association License Plate - such plates shall
18 be designed and issued to any person wishing to demonstrate support
19 for the Downed Bikers Association, a nonprofit charitable
20 organization exempt from taxation pursuant to the provisions of the
21 Internal Revenue Code, 26 U.S.C., Section 501(c)(3), which provides
22 emotional and financial support for downed bikers. The license
23 plate shall be designed in consultation with the Central Oklahoma
24 Chapter of the Downed Bikers Association and shall contain any

1 official logo or design of the organization. The Tax Commission, if
2 necessary, may enter into a licensing agreement with the Downed
3 Bikers Association for any licensing fees which may be required in
4 order to use the organization's logo or design. The licensing
5 agreement shall provide for a payment to the Downed Bikers
6 Association of not more than Twenty Dollars (\$20.00) for each
7 license plate;

8 42. Armed Forces Veterans Motorcycle License Plate - such
9 plates shall be designed for use on a motorcycle in consultation
10 with A Brotherhood Aiming Toward Education of Oklahoma, Inc.
11 (ABATE), and issued to any honorably discharged former member of the
12 United States Armed Forces wishing to demonstrate support for the
13 45th Infantry Division Museum. Persons applying for such license
14 plate must show proof of past military service. As provided in this
15 section, a portion of the fee collected shall be deposited in the
16 45th Infantry Division Museum Fund created in Section 235.1 of Title
17 44 of the Oklahoma Statutes;

18 43. Buffalo Soldier License Plate - such plates shall be issued
19 to any person wishing to honor and celebrate the history and
20 contribution of the Buffalo Soldiers. The license plates shall be
21 designed in consultation with the Lawton-Fort Sill Chapter of the
22 Buffalo Soldiers 9th and 10th (Horse) Cavalry Association. As
23 provided in this section, an amount of the fee collected shall be
24

1 deposited in the Buffalo Soldier License Plate Revolving Fund
2 created in Section 4 of this act;

3 44. Prevent Blindness Oklahoma License Plate - such plates
4 shall be issued to any person wishing to provide financial support
5 for vision screening of school age children in this state. The
6 license plates shall be designed in consultation with Prevent
7 Blindness Oklahoma. As provided in this section, an amount of the
8 fee collected shall be deposited in the Prevent Blindness Oklahoma
9 License Plate Revolving Fund created in Section 5 of this act; ~~and~~

10 45. Oklahoma State Capitol Restoration License Plate - such
11 plates shall be designed and issued to any person wishing to
12 demonstrate support for restoration of the Oklahoma State Capitol
13 building. The license plates shall be designed in consultation with
14 the Friends of the Capitol corporation, created pursuant to Section
15 15.4 of Title 73 of the Oklahoma Statutes and the State Capitol
16 Preservation Commission created pursuant to Section 4102 of Title 74
17 of the Oklahoma Statutes. As provided in this section, an amount of
18 the fee collected shall be deposited in the Oklahoma Friends of the
19 Capitol License Plate Revolving Fund established in Section 6 of
20 this act; and

21 46. Eastern Red Cedar Tree License Plates - such plates shall
22 be designed, subject to criteria to be presented to the Tax
23 Commission and issued to any person wishing to demonstrate support
24 for the removal of Eastern Red Cedar trees from lands in the state

1 and to develop marketable uses for the harvested trees. The license
2 plate shall be designed in consultation with the Eastern Red Cedar
3 Registry Board. Twenty-three Dollars (\$23.00) of the fee collected
4 shall be deposited in the Eastern Red Cedar Revolving Fund created
5 in Section 18-407 of Title 2 of the Oklahoma Statutes. The money
6 shall be designated for and may only be expended for the purposes as
7 set forth in the Eastern Red Cedar Registry Board Act.

8 C. The fee for such plates shall be Thirty-five Dollars
9 (\$35.00) and shall be in addition to all other registration fees
10 provided by the Oklahoma Vehicle License and Registration Act. The
11 fee shall be apportioned as follows:

12 1. Twenty Dollars (\$20.00) or any other amount as provided in
13 this title of the fee shall be apportioned as provided or deposited
14 in a fund as specified within the paragraph authorizing the special
15 license plate;

16 2. Eight Dollars (\$8.00) of the fee shall be deposited in the
17 Oklahoma Tax Commission Reimbursement Fund to be used for the
18 administration of the Oklahoma Vehicle License and Registration Act;
19 and

20 3. Any remaining amounts of the fee shall be apportioned as
21 provided in Section 1104 of this title.

22 SECTION 26. REPEALER Section 14, Chapter 504, O.S.L.
23 2004, as last amended by Section 11, Chapter 454, O.S.L. 2010 (47
24 O.S. Supp. 2010, Section 1135.5), is hereby repealed.

1 SECTION 27. AMENDATORY 47 O.S. 2001, Section 1151, as
2 last amended by Section 20, Chapter 412, O.S.L. 2010 (47 O.S. Supp.
3 2010, Section 1151), is amended to read as follows:

4 Section 1151. A. It shall be unlawful for any person to commit
5 any of the following acts:

6 1. To lend or to sell to, or knowingly permit the use of by,
7 one not entitled thereto any certificate of title, license plate or
8 decal issued to or in the custody of the person so lending or
9 permitting the use thereof;

10 2. To alter or in any manner change a certificate of title,
11 registration certificate, license plate or decal issued under the
12 laws of this or any other state;

13 3. To procure from another state or country, or display upon
14 any vehicle owned by such person within this state, except as
15 otherwise provided in the Oklahoma Vehicle License and Registration
16 Act, any license plate issued by any state or country other than
17 this state, unless there shall be displayed upon such vehicle at all
18 times the current license plate and decal assigned to it by the
19 Oklahoma Tax Commission or the Corporation Commission or the vehicle
20 shall display evidence that the vehicle is registered as a
21 nonresident vehicle pursuant to rules promulgated by the Tax
22 Commission, with the concurrence of the Department of Public Safety.
23 A violation of the provisions of this paragraph shall be presumed to
24 have occurred if a person who is the holder of an Oklahoma driver

1 license operates a vehicle owned by such person on the public roads
2 or highways of this state and there is not displayed on the vehicle
3 a current Oklahoma license plate and decal, unless the vehicle is
4 owned by a member of the Armed Forces of the United States assigned
5 to duty in this state in compliance with official military or naval
6 orders or the spouse of such a member of the Armed Forces;

7 4. To drive, operate or move, or for the owner to cause or
8 permit to be driven or moved, upon the roads, streets or highways of
9 this state, any vehicle loaded in excess of its registered laden
10 weight, or which is licensed for a capacity less than the
11 manufacturer's rated capacity as provided for in the Oklahoma
12 Vehicle License and Registration Act;

13 5. To operate a vehicle without proper license plate or decal
14 or on which all taxes due the state have not been paid;

15 6. To buy, sell or dispose of, or possess for sale, use or
16 storage, any secondhand or used vehicle on which the registration or
17 license fee has not been paid, as required by law, and on which
18 vehicle the person neglects, fails or refuses to display at all
19 times the license plate or decal assigned to it;

20 7. To give a fictitious name or fictitious address or make any
21 misstatement of facts in application for certificate of title and
22 registration of a vehicle;

23 8. To purchase a license plate on an assigned certificate of
24 title. This particular paragraph shall be applicable to all persons

1 | except a bona fide registered dealer in used cars who are holders of
2 | a current and valid used car dealer license;

3 | 9. To operate a vehicle upon the highways of this state after
4 | the registration deadline for that vehicle without a proper license
5 | plate, as prescribed by the Oklahoma Vehicle License and
6 | Registration Act, for the current year;

7 | 10. For any owner of a vehicle registered on the basis of laden
8 | weight to fail or refuse to weigh or reweigh it when requested to do
9 | so by any enforcement officer charged with the duty of enforcing
10 | this law;

11 | 11. To operate or possess any vehicle which bears a motor
12 | number or serial number other than the original number placed
13 | thereon by the factory except a number duly assigned and authorized
14 | by the state;

15 | 12. For any motor license agent to release a license plate, a
16 | manufactured home registration receipt, decal or excise tax receipt
17 | to any unauthorized person or source, including any dealer in new or
18 | used motor vehicles. Violation of this paragraph shall constitute
19 | sufficient grounds for discharge of a motor license agent by the Tax
20 | Commission;

21 | 13. To operate any vehicle registered as a commercial vehicle
22 | without the lettering requirements of Section 1102 of this title; or

23 | 14. To operate any vehicle in violation of the provisions of
24 | Sections 7-600 through 7-606 of this title while displaying a yearly

1 decal issued to the owner who has filed an affidavit with the
2 appropriate motor license agent in accordance with Section 7-607 of
3 this title.

4 Any person convicted of violating any provision of this
5 subsection, other than paragraph 3 of this subsection, shall be
6 deemed guilty of a misdemeanor and upon conviction shall be punished
7 by a fine not to exceed Five Hundred Dollars (\$500.00). Any person
8 convicted of violating the provisions of paragraph 3 of this
9 subsection shall be deemed guilty of a misdemeanor and, upon
10 conviction, shall be punished by a fine of not less than One Hundred
11 Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00)
12 and shall be required to obtain an Oklahoma license plate.

13 Employees of the Corporation Commission may be authorized by the
14 Corporation Commission to issue citations to motor carriers or
15 operators of commercial motor vehicles, pursuant to the jurisdiction
16 of the Corporation Commission, for a violation of this subsection.
17 If a person convicted of violating the provisions of this subsection
18 was issued a citation by a duly authorized employee of the
19 Corporation Commission, the fine herein levied shall be apportioned
20 as provided in Section 1167 of this title.

21 B. Except as otherwise authorized by law, it shall be unlawful
22 to:

23 1. Lend or sell to, or knowingly permit the use of by, one not
24 entitled thereto any certificate of title issued for a manufactured

1 home, manufactured home registration receipt, manufactured home
2 registration decal or excise tax receipt;

3 2. Alter or in any manner change a certificate of title issued
4 for a manufactured home under the laws of this state or any other
5 state;

6 3. Remove or alter a manufactured home registration receipt,
7 manufactured home registration decal or excise tax receipt attached
8 to a certificate of title or attach such receipts to a certificate
9 of title with the intent to misrepresent the payment of the required
10 excise tax and registration fees;

11 4. Buy, sell, or dispose of, or possess for sale, use or
12 storage any used manufactured home on which the registration fees or
13 excise taxes have not been paid as required by law; or

14 5. Purchase identification, manufactured home registration
15 receipt, manufactured home registration decal or excise tax receipt
16 on an assigned certificate of title.

17 Anyone violating the provisions of this subsection, upon
18 conviction, shall be guilty of a felony.

19 C. ~~In~~ Except as provided in subsection C of Section 1127 of
20 this title, in the event a new vehicle is not registered within
21 thirty (30) days from date of purchase, the penalty for the failure
22 of the owner of the vehicle to register the vehicle within thirty
23 (30) days shall be One Dollar (\$1.00) per day; provided, that in no
24

1 event shall the penalty exceed One Hundred Dollars (\$100.00). Of
2 each dollar penalty collected pursuant to this subsection:

3 1. Twenty-five cents (\$0.25) shall be apportioned as provided
4 in Section 1104 of this title;

5 2. Twenty-five cents (\$0.25) shall be retained by the motor
6 license agent; and

7 3. Fifty cents (\$0.50) shall be deposited in the General
8 Revenue Fund for the fiscal year beginning on July 1, 2010, and for
9 all subsequent fiscal years, shall be deposited in the State Highway
10 Construction and Maintenance Fund. The penalty for new commercial
11 vehicles shall be equal to the license fee for such vehicles.

12 ~~If~~ Except as provided in subsection C of Section 1127 of this
13 title, if a used vehicle is brought into Oklahoma by a resident of
14 this state and is not registered within thirty (30) days, a penalty
15 of One Dollar (\$1.00) per day shall be charged from the date of
16 entry to the date of registration; provided, that in no event shall
17 the penalty exceed One Hundred Dollars (\$100.00). Of each dollar
18 penalty collected pursuant to this subsection:

19 1. Twenty-five cents (\$0.25) shall be apportioned as provided
20 in Section 1104 of this title;

21 2. Twenty-five cents (\$0.25) shall be retained by the motor
22 license agent; and

23 3. Fifty cents (\$0.50) shall be deposited in the General
24 Revenue Fund for the fiscal year beginning on July 1, 2010, and for

1 all subsequent fiscal years, shall be deposited in the State Highway
2 Construction and Maintenance Fund. The penalty for used commercial
3 vehicles shall be equal to the license fee for such vehicles.

4 D. Any owner who knowingly makes or causes to be made any false
5 statement of a fact required in this section to be shown in an
6 application for the registration of one or more vehicles shall be
7 deemed guilty of a misdemeanor and, upon conviction, shall be fined
8 not more than One Thousand Dollars (\$1,000.00), or shall be
9 imprisoned in the county jail for not more than one (1) year, or by
10 both such fine and imprisonment.

11 E. The following self-propelled or motor-driven and operated
12 vehicles shall not be registered under the provisions of the
13 Oklahoma Vehicle License and Registration Act or, except as provided
14 for in Section 11-1116 of this title, be permitted to be operated on
15 the streets or highways of this state:

16 1. Vehicles known and commonly referred to as "minibikes" and
17 other similar trade names; provided, minibikes may be registered and
18 operated in this state by food vendor services upon streets having a
19 speed limit of thirty (30) miles per hour or less;

20 2. Golf carts;

21 3. Go-carts; and

22 4. Other motor vehicles, except motorcycles, which are
23 manufactured principally for use off the streets and highways.

24

1 Transfers and sales of such vehicles shall be subject to sales
2 tax and not motor vehicle excise taxes.

3 F. Any person violating paragraph 3 or 6 of subsection A of
4 this section, in addition to the penal provisions provided in this
5 section, shall pay as additional penalty a sum equal to the amount
6 of license fees due on such vehicle or registration fees due on a
7 manufactured home known to be in violation and such amount is hereby
8 declared to be a lien upon the vehicle as provided in the Oklahoma
9 Vehicle License and Registration Act. In addition to the penalty
10 provisions provided in this section, any person violating paragraph
11 3 of subsection A of this section shall be deemed guilty of a
12 misdemeanor and shall, upon conviction, be punished by a fine of One
13 Hundred Dollars (\$100.00).

14 G. Each violation of any provision of the Oklahoma Vehicle
15 License and Registration Act for each and every day such violation
16 has occurred shall constitute a separate offense.

17 H. Anyone violating any of the provisions heretofore enumerated
18 in this section shall be guilty of a misdemeanor and upon conviction
19 shall be fined not less than Ten Dollars (\$10.00) and not to exceed
20 Three Hundred Dollars (\$300.00).

21 I. Any violation of any portion of the Oklahoma Vehicle License
22 and Registration Act where a specific penalty has not been imposed
23 shall constitute a misdemeanor and upon conviction thereof the
24

1 person having violated it shall be fined not less than Ten Dollars
2 (\$10.00) and not to exceed Three Hundred Dollars (\$300.00).

3 J. Any provision of Section 1101 et seq. of this title
4 providing for proportional registration under reciprocal agreements
5 and the International Registration Plan that relates to the
6 promulgation of rules and regulations shall not be subject to the
7 provisions of this section.

8 SECTION 28. REPEALER 47 O.S. 2001, Section 1151, as last
9 amended by Section 4, Chapter 335, O.S.L. 2010 (47 O.S. Supp. 2010,
10 Section 1151), is hereby repealed.

11 SECTION 29. AMENDATORY Section 1, Chapter 327, O.S.L.
12 2007, as amended by Section 2, Chapter 475, O.S.L. 2010 (62 O.S.
13 Supp. 2010, Section 46), is amended to read as follows:

14 Section 46. A. This act shall be known and may be cited as the
15 "Taxpayer Transparency Act".

16 B. As used in the Taxpayer Transparency Act:

17 1. "Single website" means a website that allows the public to
18 access information identified in subsection C of this section
19 without any fee or charge to the public for such access;

20 2. "Expenditure of state funds" means the disbursement of all
21 state funds regardless of amount of expenditure, whether
22 appropriated or nonappropriated, excluding:

23 a. the transfer of funds between two state agencies,
24

- b. payments of state or federal assistance to an individual,
- c. child support payments, and
- d. refunds issued by the Oklahoma Tax Commission resulting from the overpayment of tax;

3. "Incentive payments" means payments made under the Oklahoma Quality Jobs Program Act, Saving Quality Jobs Act, Oklahoma Quality Jobs Incentive Leverage Act, Small Employer Quality Jobs Incentive Act, Oklahoma Specialized Quality Investment Act and Oklahoma Quality Investment Act;

4. "Tax credit" means a credit pursuant to the Oklahoma Income Tax Act against tax liability which is taken by a taxpayer, excluding credits authorized under paragraphs 1 and 2 of subsection B of Section 2357 and Sections 2357.29 and 2357.43 of Title 68 of the Oklahoma Statutes; and

5. "Stimulus funds expenditure" means the disbursement by state agencies of federal funds received pursuant to the federal American Recovery and Reinvestment Act of 2009.

C. No later than January 1, 2008, the Office of State Finance shall develop and operate a single website accessible by the public. The website shall include aggregate information on state revenue, expenditures and incentive payments and information on state tax preferences as contained in the tax expenditure report published by the Oklahoma Tax Commission pursuant to subsection E of Section 205

1 of Title 68 of the Oklahoma Statutes. No later than January 1,
2 2009, the website shall include search capabilities.

3 D. Effective January 1, 2011, the Office of State Finance shall
4 update the website with "Open Books 2.0," an expanded online
5 database through which each individual expenditure shall be listed
6 individually separate of aggregated amount. The information shall
7 be searchable by term including name of recipient, entity making
8 expenditure and date of expenditure. The website shall allow
9 members of the public to export sets of data produced by search
10 query in a standardized exportable form. No later than eighteen
11 (18) months after "Open Books 2.0" is online, the Office of State
12 Finance shall create an online archive for each fiscal year,
13 beginning with Fiscal Year 2011, which shall be accessible and
14 searchable to online users.

15 E. As soon as practicable after January 1, 2008, such website
16 shall also include, but not be limited to:

- 17 1. For the expenditure of state funds or incentive payments:
- 18 a. the name and principal location of the entity and/or
19 recipients of the funds, excluding release of
20 information relating to an individual's place of
21 residence, release of information prohibited by
22 subsection D of Section 24A.7 of Title 51 of the
23 Oklahoma Statutes or by federal law relating to
24 privacy rights,

- b. the amount of state funds expended,
- c. the type of transaction,
- d. the funding or expending agency, and
- e. a descriptive purpose of the funding action or expenditure;

2. For stimulus fund expenditures:

- a. a link to the name and principal location of the entity and/or recipients of the funds regardless of amount,
- b. the amount of stimulus funds expended,
- c. the funding or expending agency, and
- d. a descriptive purpose of the funding action or expenditure; and

3. For each tax credit, information, including but not limited

to:

- a. the name of each taxpayer to which a credit has been granted,
- b. the amount of such credit, and
- c. the specific provision under which a credit has been granted.

~~E.~~ F. The single website provided for in subsection C of this section shall include data on state revenue, expenditures and incentive payments for the fiscal year 2007 and each fiscal year thereafter, on state tax credits for tax year 2007 and each tax year

1 thereafter, and on stimulus fund expenditures for the fiscal year
2 2009 and each fiscal year thereafter. Such data shall be available
3 on the single website no later than one hundred twenty (120) days
4 after the last day of the preceding fiscal year; provided, data on
5 stimulus fund expenditures for the fiscal year 2009 shall be
6 available on the single website within one hundred twenty (120) days
7 after the effective date of this act.

8 ~~F.~~ G. The Oklahoma Tax Commission, the Office of the State
9 Treasurer, all institutions of The Oklahoma State System of Higher
10 Education and any other state agency shall provide to the Office of
11 State Finance such information as is necessary to accomplish the
12 purposes of the Taxpayer Transparency Act.

13 ~~G.~~ H. So that the Tax Commission may fulfill its obligations as
14 required by this section, all recipients of tax credits, as that
15 term is defined herein, shall file their reports or returns claiming
16 the tax credits in an electronic format, as may be required by the
17 Tax Commission. The Tax Commission may disallow any claim of a
18 person for a tax credit due to its failure to file a report or
19 return as required under the authority of this subsection.

20 ~~H.~~ I. Nothing in the Taxpayer Transparency Act shall require
21 the disclosure of information which is required to be kept
22 confidential by state or federal law.

23 ~~I.~~ J. The disclosure of information required by this section
24 shall create no liability whatsoever, civil or criminal, to the

1 State of Oklahoma or any member of the Office of State Finance or
2 any employee thereof for disclosure of the information or for any
3 error or omission in the disclosure.

4 ~~J.~~ K. The State Auditor and Inspector shall maintain a website
5 providing public access to the documentation of stimulus funding
6 pursuant to the requirements of this section. The website shall
7 provide a list of all stimulus fund expenditures regardless of
8 amount. The entire list of stimulus fund expenditures and each of
9 the related content requirements as detailed in subsection D of this
10 section shall be available for export in standardized formats
11 including but not limited to eXtensible Markup Language (XML) and
12 Comma Separated Value (CSV) formats. The list of expenditures shall
13 include searchable functionality including but not limited to the
14 ability to search the expenditures by the name of the entity
15 receiving funding, name of entity processing funding and name of
16 entity benefiting from funding.

17 ~~K.~~ L. Information about tax credits subject to disclosure
18 pursuant to this section shall include the identity of all taxpayers
19 or organizations having any part in the chain of custody or claim to
20 the credit or credits at any time during the credit's existence.

21 SECTION 30. REPEALER Section 1, Chapter 327, O.S.L.
22 2007, as amended by Section 1, Chapter 459, O.S.L. 2010 (62 O.S.
23 Supp. 2010, Section 46), is hereby repealed.

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1 SECTION 31. REPEALER 68 O.S. 2001, Section 2358, as last
2 amended by Section 4, Chapter 94, O.S.L. 2010 (68 O.S. Supp. 2010,
3 Section 2358), is hereby repealed.

4 SECTION 32. AMENDATORY 68 O.S. 2001, Section 2370, as
5 last amended by Section 29, Chapter 327, O.S.L. 2010 (68 O.S. Supp.
6 2010, Section 2370), is amended to read as follows:

7 Section 2370. A. For taxable years beginning after December
8 31, 1989, for the privilege of doing business within this state,
9 every state banking association, national banking association and
10 credit union organized under the laws of this state, located or
11 doing business within the limits of the State of Oklahoma shall
12 annually pay to this state a privilege tax at the rate of six
13 percent (6%) of the amount of the taxable income as provided in this
14 section.

15 B. 1. The privilege tax levied by this section shall be in
16 addition to the Business Activity Tax levied in Section 1218 of this
17 title and the franchise tax levied in Article 12 of this title and
18 in lieu of the tax levied by Section 2355 of this title and in lieu
19 of all taxes levied by the State of Oklahoma, or any subdivision
20 thereof, upon the shares of stock or personal property of any
21 banking association or credit union subject to taxation under this
22 section.

23 2. Nothing in this section shall be construed to exempt the
24 real property of any banking associations or credit unions from

1 taxation to the same extent, according to its value, as other real
2 property is taxed. Nothing herein shall be construed to exempt an
3 association from payment of any fee or tax authorized or levied
4 pursuant to the banking laws.

5 3. Personal property which is subject to a lease agreement
6 between a bank or credit union, as lessor, and a nonbanking business
7 entity or individual, as lessee, is not exempt from personal
8 property ad valorem taxation. Provided further, that it shall be
9 the duty of the lessee of such personal property to return sworn
10 lists or schedules of their taxable property within each county to
11 the county assessor of such county as provided in Sections 2433 and
12 2434 of this title.

13 C. Any tax levied under this section shall accrue on the last
14 day of the taxable year and be payable as provided in Section 2375
15 of this title. The accrual of such tax for the first taxable year
16 to which this act applies, shall apply notwithstanding the prior
17 accrual of a tax in the same taxable year based upon the net income
18 of the next preceding taxable year; provided, however, any
19 additional deduction enuring to the benefit of the taxpayer shall be
20 deducted in accordance with the optional transitional deduction
21 procedures in Section 2354 of this title.

22 D. The basis of the tax shall be United States taxable income
23 as defined in paragraph 10 of Section 2353 of this title and any
24

1 adjustments thereto under the provisions of Section 2358 of this
2 title with the following adjustments:

3 1. There shall be deducted all interest income on obligations
4 of the United States government and agencies thereof not otherwise
5 exempted and all interest income on obligations of the State of
6 Oklahoma or political subdivisions thereof, including public trust
7 authorities, not otherwise exempted under the laws of this state;
8 and

9 2. Expense deductions claimed in arriving at taxable income
10 under paragraph 10 of Section 2353 of this title shall be reduced by
11 an amount equal to fifty percent (50%) of excluded interest income
12 on obligations of the United States government or agencies thereof
13 and obligations of the State of Oklahoma or political subdivisions
14 thereof.

15 E. 1. Except as otherwise provided in paragraph 2 of this
16 subsection, there shall be allowed a credit against the tax levied
17 in subsection A of this section in an amount equal to the amount of
18 taxable income received by a participating financial institution as
19 defined in Section 90.2 of Title 62 of the Oklahoma Statutes
20 pursuant to a loan made under the Rural Economic Development Loan
21 Act. Such credit shall be limited each year to five percent (5%) of
22 the amount of annual payroll certified by the Oklahoma Rural
23 Economic Development Loan Program Review Board pursuant to the
24 provisions of paragraph 3 of subsection B of Section 90.4 of Title

1 62 of the Oklahoma Statutes with respect to the loan made by the
2 participating financial institution and may be claimed for any
3 number of years necessary until the amount of total credits claimed
4 is equal to the total amount of taxable income received by the
5 participating financial institution pursuant to the loan. Any
6 credit allowed but not used in a taxable year may be carried forward
7 for a period not to exceed five (5) taxable years. In no event
8 shall a credit allowed pursuant to the provisions of this subsection
9 be transferable or refundable.

10 2. No credit otherwise authorized by the provisions of this
11 subsection may be claimed for any event, transaction, investment,
12 expenditure or other act occurring on or after July 1, 2010 for
13 which the credit would otherwise be allowable. The provisions of
14 this paragraph shall cease to be operative on July 1, 2012.
15 Beginning July 1, 2012, the credit authorized by this subsection may
16 be claimed for any event, transaction, investment, expenditure or
17 other act occurring on or after July 1, 2012, according to the
18 provisions of this subsection.

19 SECTION 33. REPEALER 68 O.S. 2001, Section 2370, as last
20 amended by Section 19, Senate Joint Resolution No. 61, p. 2206,
21 O.S.L. 2010, is hereby repealed.

22 SECTION 34. AMENDATORY 70 O.S. 2001, Section 3-132, as
23 last amended by Section 1, Chapter 290, O.S.L. 2010 (70 O.S. Supp.
24 2010, Section 3-132), is amended to read as follows:

1 Section 3-132. A. The Oklahoma Charter Schools Act shall apply
2 only to charter schools formed and operated under the provisions of
3 the act. Charter schools shall be sponsored only as follows:

4 1. By a school district with an average daily membership of
5 five thousand (5,000) or more and which all or part of the school
6 district is located in a county having more than five hundred
7 thousand (500,000) population according to the latest Federal
8 Decennial Census;

9 2. By a school district which has a school site listed on the
10 school improvement list as determined by the State Board of
11 Education pursuant to the Elementary and Secondary Education Act of
12 1965, as amended or reauthorized;

13 3. By a technology center school district if the charter school
14 is located in a school district served by the technology center
15 school district and the school district has an average daily
16 membership of five thousand (5,000) or more and which all or part of
17 the school district is located in a county having more than five
18 hundred thousand (500,000) population according to the latest
19 Federal Decennial Census;

20 4. By a technology center school district if the charter school
21 is located in a school district served by the technology center
22 school district and the school district has a school site listed on
23 the school improvement list as determined by the State Board of
24

1 Education pursuant to the Elementary and Secondary Education Act of
2 1965, as amended or reauthorized;

3 5. By a comprehensive or regional institution that is a member
4 of The Oklahoma State System of Higher Education if the charter
5 school is located in a school district that has an average daily
6 membership of five thousand (5,000) or more and which all or part of
7 the school district is located in a county having more than five
8 hundred thousand (500,000) population according to the latest
9 Federal Decennial Census. In addition, the institution shall have a
10 teacher education program accredited by the Oklahoma Commission for
11 Teacher Preparation and have a branch campus or constituent agency
12 physically located within the school district in which the charter
13 school is located;

14 6. By a comprehensive or regional institution that is a member
15 of the Oklahoma State System of Higher Education if the charter
16 school is located in a school district that has a school site listed
17 on the school improvement list as determined by the State Board of
18 Education pursuant to the Elementary and Secondary Education Act of
19 1965, as amended or reauthorized. In addition, the institution
20 shall have a teacher education program accredited by the Oklahoma
21 Commission for Teacher Preparation and have a branch campus or
22 constituent agency physically located within the school district in
23 which the charter school is located; ~~or~~

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1 7. By a federally recognized Indian tribe, operating a high
2 school under the authority of the Bureau of Indian Affairs as of the
3 effective date of this act, if the charter school is for the purpose
4 of demonstrating native language immersion instruction, and is
5 located within its former reservation or treaty area boundaries.
6 For purposes of this paragraph, native language immersion
7 instruction shall require that educational instruction and other
8 activities conducted at the school site are primarily conducted in
9 the native language; or

10 8. By the State Board of Education only when the applicant of
11 the charter school is the Office of Juvenile Affairs and the charter
12 school is for the purpose of providing education services to youth
13 in the custody or supervision of the Office of Juvenile Affairs.
14 Not more than one charter school shall be sponsored by the Board as
15 provided for in this paragraph during the period of time beginning
16 July 1, 2010, through July 1, 2016.

17 B. Any charter or enterprise school operating in the state
18 pursuant to an agreement with the board of education of a school
19 district on July 1, 1999, may continue to operate pursuant to that
20 agreement or may contract with the board of education of the school
21 district pursuant to the Oklahoma Charter Schools Act. Nothing in
22 the Oklahoma Charter Schools Act shall prohibit a school district
23 from applying for exemptions from certain education-related

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1 statutory requirements as provided for in the Educational
2 Deregulation Act.

3 C. For purposes of the Oklahoma Charter Schools Act, "charter
4 school" means a public school established by contract with a board
5 of education of a school district, an area vocational-technical
6 school district, a higher education institution, ~~or~~ a federally
7 recognized Indian tribe, or the State Board of Education pursuant to
8 the Oklahoma Charter Schools Act to provide learning that will
9 improve student achievement and as defined in the Elementary and
10 Secondary Education Act of 1965, 20 U.S.C. 8065.

11 D. A charter school may consist of a new school site, new
12 school sites or all or any portion of an existing school site. An
13 entire school district may not become a charter school site.

14 SECTION 35. REPEALER 70 O.S. 2001, Section 3-132, as
15 last amended by Section 1, Chapter 288, O.S.L. 2010 (70 O.S. Supp.
16 2010, Section 3-132), is hereby repealed.

17 SECTION 36. AMENDATORY 70 O.S. 2001, Section 3-134, as
18 last amended by Section 2, Chapter 288, O.S.L. 2010 (70 O.S. Supp.
19 2010, Section 3-134), is amended to read as follows:

20 Section 3-134. A. For written applications filed after January
21 1, 2008, prior to submission of the application to a proposed
22 sponsor seeking to establish a charter school, the applicant shall
23 be required to complete training which shall not exceed ten (10)
24 hours provided by the State Department of Education on the process

1 and requirements for establishing a charter school. The Department
2 shall develop and implement the training by January 1, 2008. The
3 Department may provide the training in any format and manner that
4 the Department determines to be efficient and effective including,
5 but not limited to, web-based training.

6 B. Except as otherwise provided for in Section 3-137 of this
7 title, an applicant seeking to establish a charter school shall
8 submit a written application to the proposed sponsor as prescribed
9 in subsection E of this section. The application shall include:

10 1. A mission statement for the charter school;

11 2. A description of the organizational structure and the
12 governing body of the charter school;

13 3. A financial plan for the first three (3) years of operation
14 of the charter school and a description of the treasurer or other
15 officers or persons who shall have primary responsibility for the
16 finances of the charter school. Such person shall have demonstrated
17 experience in school finance or the equivalent thereof;

18 4. A description of the hiring policy of the charter school;

19 5. The name of the applicant or applicants and requested
20 sponsor;

21 6. A description of the facility and location of the charter
22 school;

23 7. A description of the grades being served;

24

1 8. An outline of criteria designed to measure the effectiveness
2 of the charter school;

3 9. A demonstration of support for the charter school from
4 residents of the school district which may include but is not
5 limited to a survey of the school district residents or a petition
6 signed by residents of the school district; and

7 10. Documentation that the applicants completed charter school
8 training as set forth in subsection A of this section.

9 C. A board of education of a public school district, public
10 body, public or private college or university, private person, or
11 private organization may contract with a sponsor to establish a
12 charter school. A private school shall not be eligible to contract
13 for a charter school under the provisions of the Oklahoma Charter
14 Schools Act.

15 D. The sponsor of a charter school is the board of education of
16 a school district, the board of education of a technology center
17 school district, a higher education institution ~~or~~, the State Board
18 of Education, or a federally recognized Indian tribe which meets the
19 criteria established in Section 3-132 of this title. Any board of
20 education of a school district in the state may sponsor one or more
21 charter schools. The physical location of a charter school
22 sponsored by a board of education of a school district or a
23 technology center school district shall be within the boundaries of
24 the sponsoring school district. The physical location of a charter

1 school sponsored by the State Board of Education shall be located
2 where an Office of Juvenile Affairs facility for youth is located.

3 E. An applicant for a charter school may submit an application
4 to a proposed sponsor which shall either accept or reject
5 sponsorship of the charter school within ninety (90) days of receipt
6 of the application. If the proposed sponsor rejects the
7 application, it shall notify the applicant in writing of the reasons
8 for the rejection. The applicant may submit a revised application
9 for reconsideration to the proposed sponsor within thirty (30) days
10 after receiving notification of the rejection. The proposed sponsor
11 shall accept or reject the revised application within thirty (30)
12 days of its receipt.

13 F. A board of education of a school district, board of
14 education of a technology center school district ~~or~~, higher
15 education institution, or federally recognized Indian tribe sponsor
16 of a charter school shall notify the State Board of Education when
17 it accepts sponsorship of a charter school. The notification shall
18 include a copy of the charter of the charter school.

19 G. If a proposed sponsor rejects the revised application for a
20 charter school, the applicant may proceed to mediation or binding
21 arbitration or both mediation and binding arbitration as provided in
22 the Dispute Resolution Act and the rules promulgated pursuant
23 thereto. The applicant shall contact the early settlement program
24 for the county in which the charter school would be located. If the

1 parties proceed to binding arbitration, a panel of three arbitrators
2 shall be appointed by the director of the early settlement program
3 handling the dispute. The proposed sponsor shall pay the cost for
4 any mediation or arbitration requested pursuant to this section.

5 H. If a board of education of a technology center school
6 district, a higher education institution ~~or~~, the State Board of
7 Education, or a federally recognized Indian tribe accepts
8 sponsorship of a charter school, the administrative, fiscal and
9 oversight responsibilities of the technology center school district
10 ~~or~~, the higher education institution, or the federally recognized
11 Indian tribe shall be listed in the contract. No responsibilities
12 shall be delegated to a school district unless the local school
13 district agrees to assume the responsibilities.

14 SECTION 37. REPEALER 70 O.S. 2001, Section 3-134, as
15 last amended by Section 2, Chapter 290, O.S.L. 2010 (70 O.S. Supp.
16 2010, Section 3-134), is hereby repealed.

17 SECTION 38. REPEALER 70 O.S. 2001, Section 3-140, as
18 amended by Section 3, Chapter 290, O.S.L. 2010 (70 O.S. Supp. 2010,
19 Section 3-140), is hereby repealed.

20 SECTION 39. AMENDATORY 70 O.S. 2001, Section 3-142, as
21 last amended by Section 4, Chapter 288, O.S.L. 2010 (70 O.S. Supp.
22 2010, Section 3-142), is amended to read as follows:

23 Section 3-142. A. For purposes of funding, a charter school
24 sponsored by a board of education of a school district shall be

1 considered a site within the school district in which the charter
2 school is located. The student membership of the charter school
3 shall be considered separate from the student membership of the
4 district in which the charter school is located for the purpose of
5 calculating weighted average daily membership pursuant to Section
6 18-201.1 of this title and ~~state-aid~~ State Aid pursuant to Section
7 18-200.1 of this title. For charter schools sponsored by a board of
8 education of a school district, the sum of the separate calculations
9 for the charter school and the school district shall be used to
10 determine the total State Aid allocation for the district in which
11 the charter school is located. A charter school shall receive from
12 the sponsoring school district, the State Aid allocation and any
13 other state-appropriated revenue generated by its students for the
14 applicable year, less up to five percent (5%) of the State Aid
15 allocation, which may be retained by the school district as a fee
16 for administrative services rendered. For charter schools sponsored
17 by the board of education of a technology center school district, a
18 higher education institution ~~or~~, the State Board of Education, or a
19 federally recognized Indian tribe, the State Aid allocation for the
20 charter school shall be distributed by the State Board of Education
21 and not more than five percent (5%) of the State Aid allocation may
22 be charged by the sponsor as a fee for administrative services
23 rendered. The State Board of Education shall determine the policy
24 and procedure for making payments to a charter school. The fee for

1 administrative services as authorized in this subsection shall only
2 be assessed on the State Aid allocation amount and shall not be
3 assessed on any other appropriated amounts.

4 B. The weighted average daily membership for the first year of
5 operation of a charter school shall be determined initially by
6 multiplying the actual enrollment of students as of August 1 by
7 1.333. The charter school shall receive revenue equal to that which
8 would be generated by the estimated weighted average daily
9 membership calculated pursuant to this subsection. At midyear, the
10 allocation for the charter school shall be adjusted using the first
11 quarter weighted average daily membership for the charter school
12 calculated pursuant to subsection A of this section.

13 C. A charter school shall be eligible to receive any other aid,
14 grants or revenues allowed to other schools. A charter school
15 sponsored by the board of education of a technology center school
16 district, a higher education institution ~~or~~, the State Board of
17 Education, or a federally recognized Indian tribe shall be
18 considered a local education agency for purposes of funding. A
19 charter school sponsored by a board of education of a school
20 district shall be considered a local education agency for purposes
21 of federal funding.

22 D. A charter school, in addition to the money received from the
23 state, may receive money from any other source. Any unexpended
24

1 nonstate funds, excluding local revenue, may be reserved and used
2 for future purposes.

3 SECTION 40. REPEALER 70 O.S. 2001, Section 3-142, as
4 last amended by Section 4, Chapter 290, O.S.L. 2010 (70 O.S. Supp.
5 2010, Section 3-142), is hereby repealed.

6 SECTION 41. AMENDATORY 70 O.S. 2001, Section 6-194, as
7 last amended by Section 3, Chapter 457, O.S.L. 2010 (70 O.S. Supp.
8 2010, Section 6-194), is amended to read as follows:

9 Section 6-194. A. The district boards of education of this
10 state shall establish professional development programs for the
11 certified and licensed teachers and administrators of the district.
12 Programs shall be adopted by each board based upon recommendations
13 of a professional development committee appointed by the board of
14 education for the district. For the fiscal years ending June 30,
15 2011, and June 30, 2012, a school district board of education may
16 elect not to adopt and offer a professional development program for
17 certified and licensed teachers and administrators of the district.
18 If a school district elects not to adopt and offer a professional
19 development program, the district may expend any monies allocated
20 for professional development for any purpose related to the support
21 and maintenance of the school district as determined by the board of
22 education of the school district.

23 B. Each professional development committee shall include
24 classroom teachers, administrators and parents, guardians or

1 custodians of children in the school district and shall consult with
2 a higher education faculty. A majority of the members of the
3 professional development committee shall be composed of classroom
4 teachers. The teacher members shall be selected by a designated
5 administrator of the school district from a list of names submitted
6 by the teachers in the school district. The members selected shall
7 be subject to the approval of a majority vote of the teachers in the
8 district. At a minimum, once every four (4) years the committee
9 shall include at least one school counselor in its membership.

10 C. In developing program recommendations, each professional
11 development committee shall annually utilize a data-driven approach
12 to analyze student data and determine district and school
13 professional development needs. The professional development
14 programs adopted shall be directed toward development of
15 competencies and instructional strategies in the core curriculum
16 areas for the following goals:

- 17 1. Increasing the academic performance index scores for the
18 district and each school site;
- 19 2. Closing achievement gaps among student subgroups;
- 20 3. Increasing student achievement as demonstrated on state-
21 mandated tests and the ACT;
- 22 4. Increasing high school graduation rates; and
- 23 5. Decreasing college remediation rates.

24

1 Each program may also include components on classroom management
2 and student discipline strategies, outreach to parents, guardians or
3 custodians of students, special education, and racial and ethnic
4 education, which all personnel defined as teachers in Section 1-116
5 of this title shall be required to complete on a periodic basis.
6 The State Board of Education shall provide guidelines to assist
7 school districts in developing and implementing racial and ethnic
8 education components into professional development programs. At
9 least once a year a program shall be offered which includes a
10 component of teacher training on recognition and reporting of child
11 abuse and neglect which all teachers shall be required to complete.
12 Additionally at least one time per year, beginning in the 2009-2010
13 school year, training in the area of autism shall be offered and all
14 resident teachers of students in early childhood programs through
15 grade three shall be required to complete the autism training during
16 the resident year and at least one time every three (3) years
17 thereafter. All other teachers and education support professionals
18 of students in early childhood programs through grade three shall be
19 required to complete the autism training at least one time every
20 three (3) years. The autism training shall include a minimum
21 awareness of the characteristics of autistic children, resources
22 available and an introduction to positive behavior supports to
23 challenging behavior. Each adopted program shall allow school
24 counselors to receive at least one-third (1/3) of the hours or

1 credit required each year through programs or courses specifically
2 designed for school counselors.

3 Districts are authorized to utilize any means for professional
4 development that is not prohibited by law including, but not limited
5 to, professional development provided by the district, any state
6 agency, institution of higher education, or any private entity.

7 D. ~~Each~~ Except as otherwise provided for in this subsection,
8 each licensed or certified teacher in this state shall be required
9 by the district board of education to meet the professional
10 development requirements established by the board, or established
11 through the negotiation process. ~~Provided~~ Except as otherwise
12 provided for in this subsection, the professional development
13 requirements established by each board of education shall require
14 every teacher to annually complete a minimum number of the total
15 number of points required to maintain employment. Failure of any
16 teacher to meet district board of education professional development
17 requirements may be grounds for nonrenewal of such teacher's
18 contract by the board. Such failure may also be grounds for
19 nonconsideration of salary increments affecting the teacher. For
20 the fiscal years ending June 30, 2011, and June 30, 2012, a licensed
21 or certified teacher shall not be required to complete any points of
22 the total number of professional development points required.
23 Provided, a teacher may elect to complete some or all of the minimum
24 number of points required for the two (2) fiscal years and any

1 points completed shall be counted toward the total number of points
2 required to maintain employment. If a teacher does not complete
3 some or all of the minimum number of points required for one (1) or
4 both fiscal years, the total number of points required to maintain
5 employment shall be adjusted and reduced by the number of points not
6 completed.

7 E. Each district shall annually submit a report to the State
8 Department of Education on the district level professional
9 development needs, activities completed, expenditures, and results
10 achieved for each school year by each goal as provided in subsection
11 C of this section. If a school district elects not to adopt and
12 offer a professional development program as provided for in
13 subsection A of this section, the district shall not be required to
14 submit an annual report as required pursuant to this subsection but
15 shall report to the State Department of Education its election not
16 to offer a program and all professional development activities
17 completed by teachers and administrators of the school district.

18 F. Subject to the availability of funds, the Department shall
19 develop an online system for reporting as required in subsection E
20 of this section. The Department shall also make such information
21 available on its website.

22 SECTION 42. REPEALER 70 O.S. 2001, Section 6-194, as
23 last amended by Section 1, Chapter 455, O.S.L. 2010 (70 O.S. Supp.
24 2010, Section 6-194), is hereby repealed.

1 SECTION 43. AMENDATORY 70 O.S. 2001, Section 17-114.2,
2 as amended by Section 5, Chapter 392, O.S.L. 2010 (70 O.S. Supp.
3 2010, Section 17-114.2), is amended to read as follows:

4 Section 17-114.2. A. The executive ~~secretary~~ director,
5 assistant executive ~~secretary~~ director and secretary-treasurer of
6 the system shall be unclassified positions. Twenty-two (22)
7 full-time-equivalent employees of the system shall be unclassified
8 administrative assistants.

9 B. Beginning on the effective date of this act, all offices,
10 positions, and personnel of the Teachers' Retirement System of
11 Oklahoma shall be in the unclassified service, except as provided in
12 Section 840-4.2 of Title 74 of the Oklahoma Statutes. All future
13 appointees to positions in the Teachers' Retirement System of
14 Oklahoma shall be in the unclassified service.

15 SECTION 44. REPEALER 70 O.S. 2001, Section 17-114.2, as
16 amended by Section 7, Chapter 357, O.S.L. 2010 (70 O.S. Supp. 2010,
17 Section 17-114.2), is hereby repealed.

18 SECTION 45. AMENDATORY Section 1, Chapter 195, O.S.L.
19 2009, as last amended by Section 16, Chapter 291, O.S.L. 2010 (70
20 O.S. Supp. 2010, Section 1210.544), is amended to read as follows:

21 Section 1210.544. A. 1. The State Board of Education shall
22 establish a process to identify schools in the state that are
23 consistently listed as a persistently low-achieving school in
24 accordance with subsection (g)(6) of Section 1003 of Title I of the

1 Elementary and Secondary Education Act of 1965 (ESEA), as amended.
2 A school district board of education with a school identified as
3 being among the persistently lowest-achieving schools in the state
4 shall implement one of the following four intervention models for
5 the school:

6 a. turnaround model - replacing the principal and
7 rehiring not more than fifty percent (50%) of the
8 staff and granting to the principal sufficient
9 operational flexibility to fully implement a
10 comprehensive approach to substantially improve
11 student outcomes,

12 b. restart model - converting or closing the school and
13 reopening it as a charter school under an operator or
14 an education management organization that has been
15 selected through a rigorous review process. Except
16 for the average daily membership and county population
17 limitations specified in subsection A of Section 3-132
18 of this title, any charter school created pursuant to
19 this subparagraph shall be subject to the provisions
20 of the Oklahoma Charter Schools Act,

21 c. school closure - closing the school and enrolling the
22 students who attended that school in other schools in
23 the school district that are higher-achieving, or
24

1 d. transformation model - implementing each of the
2 following strategies:

- 3 (1) replace the principal,
- 4 (2) develop and increase teacher and school-leader
5 effectiveness,
- 6 (3) institute comprehensive instructional reform,
- 7 (4) increase learning time and create community-
8 oriented schools, and
- 9 (5) provide operational flexibility and sustained
10 support.

11 2. If a school identified as being among the persistently
12 lowest-achieving schools in the state has already implemented an
13 alternative governance arrangement within the last two (2) years
14 prior to the identification, the school may continue implementation
15 of the alternative governance arrangement.

16 B. 1. Notwithstanding any other provision of state law, for
17 schools that are identified for school improvement by the State
18 Board of Education for four (4) consecutive years, the district
19 board of education shall implement one of the following alternative
20 governance arrangements for the school in accordance with
21 subparagraph (B) of subsection (b) (8) of Section 1116 of Title I of
22 the Elementary and Secondary Education Act of 1965, as amended:

- 23 a. reopening the school as a public charter school.

24 Except for the average daily membership and county

1 population limitations specified in subsection A of
2 Section 3-132 of this title, any charter school
3 created pursuant to this subparagraph shall be subject
4 to the provisions of the Oklahoma Charter Schools Act,
5 b. replacing all or most of the school staff assigned to
6 the school, which may include the principal, who are
7 relevant to the failure to make adequate yearly
8 progress and by transferring the replaced staff to
9 another school or by dismissing or not reemploying the
10 replaced staff in accordance with the provisions of
11 the Teacher Due Process Act of 1990 or in accordance
12 with subsection C of this section, if applicable,
13 c. entering into a contract with an entity, such as a
14 private management company, with a demonstrated record
15 of effectiveness, to operate the public school,
16 d. turning the operation of the school over to the State
17 Board of Education, or
18 e. any other major restructuring of the governance
19 arrangement of the school that makes fundamental
20 reforms, such as significant changes in the staffing
21 and governance of the school, to improve student
22 academic achievement in the school and that has
23 substantial promise of enabling the school to make
24 adequate yearly progress. If the chosen governance

1 arrangement does not produce adequate yearly progress
2 within two (2) years from the date of implementation
3 of the restructured governance arrangement, the State
4 Board of Education shall assume control of the school
5 as provided for in paragraph 2 of this subsection.

6 2. For any school that fails to comply with the provisions of
7 paragraph 1 of this subsection by the end of the school year
8 following its identification for school improvement for four (4)
9 consecutive years, the State Board of Education shall assume control
10 of the management and operations of the school, including control of
11 the staff assigned to the school. The Board shall retain all funds
12 that otherwise would have been allocated to the school district
13 based on the average daily membership of the school which shall be
14 used to operate the school.

15 C. 1. A district board of education for a district with an
16 average daily membership of more than 30,000 which implements an
17 alternative governance arrangement as provided in paragraph 2 of
18 subsection A of this section may utilize the following procedures,
19 upon approval of the district board and concurrence of the executive
20 committee of the appropriate local bargaining unit:

21 a. any teacher not retained at the school site shall be
22 given status as a full-time substitute teacher within
23 the school district for a period of not to exceed two
24 (2) years,

1 b. if the teacher is not offered a contract teaching
2 position at a school in the district within the two-
3 year period specified in subparagraph a of this
4 paragraph, the district board shall be authorized to
5 not reemploy the teacher, and

6 c. the district board shall designate trained, certified,
7 instructional staff to provide teacher support,
8 development and evaluation, which may include
9 certified personnel other than administrators.

10 2. Any actions taken pursuant to this subsection shall not be
11 subject to the Teacher Due Process Act of 1990. The decision by the
12 district board for renewal or nonrenewal shall be final.

13 3. For purposes of this subsection, a full-time substitute
14 teacher shall perform the duties assigned by the district
15 superintendent and shall continue to receive the same salary,
16 benefits and step increases that the teacher would otherwise be
17 entitled to for the time period the teacher serves as a full-time
18 substitute.

19 D. 1. Each school district subject to the provisions of
20 subsection B of this section shall submit a plan for compliance with
21 this section to the State Department of Education, in a manner
22 prescribed by the Department.

23 2. Beginning December 31, 2010, and annually each year
24 thereafter, the State Department of Education shall submit a report

1 of the district plans received as provided in paragraph 1 of this
2 subsection to the members of the Senate and House Education
3 Committees.

4 SECTION 46. REPEALER Section 1, Chapter 195, O.S.L.
5 2009, as last amended by Section 1, Chapter 331, O.S.L. 2010 (70
6 O.S. Supp. 2010, Section 1210.544), is hereby repealed.

7 SECTION 47. REPEALER Section 3, Chapter 322, O.S.L.
8 2009, as amended by Section 3, Chapter 170, O.S.L. 2010 (74 O.S.
9 Supp. 2010, Section 85.33B), is hereby repealed.

10 SECTION 48. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14 Passed the Senate the 7th day of March, 2011.

15

16

Presiding Officer of the Senate

17

18 Passed the House of Representatives the ____ day of _____,
19 2011.

20

21

Presiding Officer of the House
of Representatives

22

23

24