

1 passenger restraint system requirements; deleting
2 authorization to give oral warnings for certain
3 violation; making certain persons exempt from civil
4 liability; amending 47 O.S. 2001, Section 40-101,
5 which relates to accident reports; directing
6 Department of Public Safety to prescribe standard
7 accident report forms; amending 47 O.S. 2001, Section
8 156.1, as last amended by Section 1, Chapter 248,
9 O.S.L. 2009 (47 O.S. Supp. 2010, Section 156.1),
10 which relates to private use of state-owned motor
11 vehicles; clarifying guidelines for using state-owned
12 vehicles; amending 47 O.S. 2001, Section 752, as last
13 amended by Section 1, Chapter 214, O.S.L. 2009 (47
14 O.S. Supp. 2010, Section 752), which relates to
15 administration of chemical tests; requiring costs
16 associated with collecting certain specimens be
17 included as court costs; and declaring an emergency.

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

19 SECTION 1. AMENDATORY 27A O.S. 2001, Section 2-9-104, is
20 amended to read as follows:

21 Section 2-9-104. A. The Board shall have the authority to
22 promulgate rules on the following: the establishment of standards
23 for safe levels of protection against radiation; the maintenance and
24 submission of records; the determination, prevention and control of
radiation hazards; the reporting of radiation accidents; the
handling, storage and registration of sources of radiation; periodic
inspections of facilities using sources of radiation; the review and
approval of plans, and the issuance and revocation of permits and
licenses, for the use of sources of radiation; prior to issuance of

1 any permit, requirements to post a bond or acceptable alternative
2 financial assurance guaranteeing proper on-site or off-site storage
3 or disposal; methods and facilities for disposal of sources of
4 radiation; constructive uses of radiation, and prevention and
5 control of its associated harmful effects; and other items deemed
6 necessary for the protection of the public health and safety in
7 radiation. Such rules shall be consistent with nationally
8 recognized standards, which may be included by reference in the
9 adopted rules.

10 B. Such rules shall not apply to the use of sources of
11 radiation by diagnostic x-ray facilities or by public safety bomb
12 squads within law enforcement agencies of this state or of any
13 political subdivision of this state.

14 SECTION 2. AMENDATORY 47 O.S. 2001, Section 2-105.4, as
15 last amended by Section 2, Chapter 83, 2nd Extraordinary Session,
16 O.S.L. 2006 (47 O.S. Supp. 2010, Section 2-105.4), is amended to
17 read as follows:

18 Section 2-105.4

19 A. 1. a. The annual salaries for the Commissioner of Public
20 Safety, the Assistant Commissioner of Public Safety
21 and the commissioned officers within the Highway
22 Patrol Division shall be in accordance and conformity
23 with the following salary schedule, exclusive of
24

1 longevity pay, as authorized by Section 840-2.18 of
2 Title 74 of the Oklahoma Statutes, expense allowance,
3 as authorized by Section 2-130 of this title, and
4 irregular shift pay, as authorized by Section 2-130.1
5 of this title:

6	Commissioner of Public Safety	\$89,100.00
7	Assistant Commissioner of Public Safety	\$83,314.00
8	Highway Patrol Colonel (Chief)	\$83,314.00
9	Highway Patrol Lieutenant Colonel	
10	(Assistant Chief)	\$74,827.00
11	Highway Patrol Lieutenant Colonel	
12	(Deputy Chief)	\$67,818.00
13	Highway Patrol Major	\$62,026.00
14	Highway Patrol Captain	\$57,243.00
15	Highway Patrol Lieutenant	\$53,306.00
16	Highway Patrolman (Trooper)	
17	Step 1	\$36,711.00
18	Step 2	\$38,377.00
19	Step 3	\$40,123.00
20	Step 4	\$41,953.00
21	Step 5	\$43,871.00
22	Step 6	\$45,881.00
23	Step 7	\$50,087.00

1 Probationary Highway Patrolman \$33,000.00

2 Cadet Highway Patrolman \$30,000.00

3 b. Each Highway Patrolman shall receive upon the
4 anniversary date of the Patrolman an annual salary
5 increase to the step of the salary schedule provided
6 for in subparagraph a of this paragraph which step
7 number corresponds to the number of completed years of
8 service the Patrolman has accumulated in the Highway
9 Patrol Division, including service in the former Lake
10 Patrol Division and the former Capitol Patrol Division
11 of the Department of Public Safety if the Patrolman,
12 within the preceding twelve-month period:

13 (1) has achieved a satisfactory Performance Rating
14 Score,

15 (2) has not received any disciplinary action which
16 has resulted in any suspension from the
17 Department for a period of ten (10) or more days,
18 and

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

21 Provided, if the number of completed years of service on
22 the anniversary date of the Patrolman is or exceeds seven
23 (7) years, said Patrolman shall be assigned to, and the

1 salary of the Patrolman adjusted to, Step 7 of said salary
2 schedule.

3 2. a. Effective January 1, 2007, the annual salaries for the
4 Commissioner of Public Safety, the Assistant
5 Commissioner of Public Safety and the commissioned
6 officers within the Highway Patrol Division shall be
7 in accordance and conformity with the following salary
8 schedule, exclusive of longevity pay, as authorized by
9 Section 840-2.18 of Title 74 of the Oklahoma Statutes,
10 expense allowance, as authorized by Section 2-130 of
11 this title, ~~and~~ irregular shift pay, as authorized by
12 Section 2-130.1 of this title, and any pay from
13 working shifts in addition to or in lieu of regularly
14 scheduled shifts that may result from a contractual
15 agreement entered into by the Department or from a
16 special enforcement assignment:

17 Commissioner of Public Safety	\$111,133.00
18 Assistant Commissioner of Public Safety	\$101,030.00
19 Highway Patrol Colonel (Chief)	\$101,030.00
20 Highway Patrol Lieutenant Colonel	
21 (Assistant Chief)	\$91,844.00
22 Highway Patrol Lieutenant Colonel	
23 (Deputy Chief)	\$83,495.00

1	Highway Patrol Major	\$75,904.00
2	Highway Patrol Captain	\$69,004.00
3	Highway Patrol Lieutenant	\$62,731.00
4	Highway Patrolman (Trooper)	
5	Step 1	\$38,000.00
6	Step 2	\$40,660.00
7	Step 3	\$43,506.00
8	Step 4	\$46,552.00
9	Step 5	\$49,810.00
10	Step 6	\$53,298.00
11	Step 7	\$57,028.00
12	Probationary Highway Patrolman	\$35,514.00
13	Cadet Highway Patrolman	\$33,192.00

14 b. On January 1, 2007, each Patrolman shall be assigned
15 and the salary of such Patrolman shall be adjusted to
16 the salary schedule provided for in subparagraph a of
17 this paragraph. Such initial adjustment of salaries
18 shall be to the step which step number corresponds to
19 the number of completed years of service the Patrolman
20 has accumulated in the Highway Patrol Division,
21 including service in the former Lake Patrol Division
22 and the former Capitol Patrol Division of the
23 Department of Public Safety. Provided, however, no

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

1 such Patrolman shall receive less than the salary the
2 Patrolman was receiving on December 31, 2006. If the
3 number of completed years of service of such Patrolman
4 exceeds seven (7) years on January 1, 2007, the
5 Patrolman shall be assigned to and the Patrolman's
6 salary adjusted to Step 7 of the salary schedule.

7 c. After January 1, 2007, each Highway Patrolman shall
8 receive upon the anniversary date of the Patrolman an
9 annual salary increase to the step of the salary
10 schedule provided in subparagraph a of this paragraph
11 which step number corresponds to the number of
12 completed years of service the Patrolman has
13 accumulated in the Highway Patrol Division, including
14 service in the former Lake Patrol Division and the
15 former Capitol Patrol Division of the Department of
16 Public Safety, if the Patrolman, within the preceding
17 twelve-month period:

18 (1) has achieved a satisfactory Performance Rating
19 Score,

20 (2) has not received any disciplinary action which
21 has resulted in any suspension from the
22 Department for a period of ten (10) or more days,
23 and
24

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

3 Provided, if the number of completed years of service on the
4 anniversary date of the Patrolman is or exceeds seven (7) years, the
5 Patrolman shall be assigned to, and the salary of the Patrolman
6 adjusted to, Step 7 of the salary schedule provided in subparagraph
7 a of this paragraph.

8 3. Except as provided in paragraphs 1 and 2 of this subsection,
9 in any twelve-month period no Highway Patrolman shall receive:

10 a. a salary increase which exceeds an increase to the
11 next higher step of the salary schedule provided for
12 in paragraphs 1 and 2 of this subsection, or

13 b. more than one such salary increase to the step of the
14 salary schedule provided for in paragraphs 1 and 2 of
15 this subsection, unless salary increases are
16 authorized by the Legislature.

17 Provided, however, such Patrolman shall receive the salary increase
18 which results from a promotion to another position within the
19 Highway Patrol Division.

20 4. The steps prescribed for the position of Highway Patrolman
21 in the salary schedule provided for in paragraphs 1 and 2 of this
22 subsection are for salary and compensation purposes only. No
23 Highway Patrolman shall be reassigned to another such step of said
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1 salary schedule for the purposes of demotion, discipline, promotion,
2 incentive, reward or for any other reason other than the salary
3 increases provided for in paragraphs 1 and 2 of this subsection.

4 5. Upon graduation from the Highway Patrol Academy, each Cadet
5 Highway Patrolman shall be promoted to and shall receive the salary
6 for the position of Probationary Highway Patrolman. Upon completion
7 of the one-year probationary period, as required in subsection C of
8 Section 2-105 of this title, each Probationary Highway Patrolman
9 shall be promoted to and shall receive the salary for Step 1 of the
10 position of Highway Patrolman, as provided for in paragraph 1 or 2
11 of this subsection, as applicable. Thereafter, the salary of such
12 Patrolman shall be subject to the provisions of this subsection.

13 B. The provisions of this section shall supersede all existing
14 laws covering the salaries for the Commissioner of Public Safety,
15 the Assistant Commissioner of Public Safety and the commissioned
16 officers in the Highway Patrol Division of the Department of Public
17 Safety.

18 C. Nothing in this section shall be construed to prohibit a
19 reduction in pay or salary due to involuntary leave without pay as
20 authorized in Section 840-2.27C of Title 74 of the Oklahoma
21 Statutes.

1 SECTION 3. AMENDATORY Section 1, Chapter 319, O.S.L.
2 2008 (47 O.S. Supp. 2010, Section 2-108.1), is amended to read as
3 follows:

4 Section 2-108.1 The Commissioner of Public Safety may enter
5 into interlocal agreements with any other government agency or any
6 state educational institution which is a member of The Oklahoma
7 State System of Higher Education, as prescribed in Section 3201 of
8 Title 70 of the Oklahoma Statutes, for the use of space for the
9 purpose of providing governmental services as required by law of the
10 Department of Public Safety. Such agreements shall be exempt from
11 The Oklahoma Central Purchasing Act. Such agreements shall be
12 exempt from the authority or oversight of the Department of Central
13 Services including, but not limited to, the terms and conditions of
14 The Oklahoma Central Purchasing Act, and Sections 63, 94 and
15 subsection C of Section 129.4 of Title 74 of the Oklahoma Statutes.

16 SECTION 4. AMENDATORY 47 O.S. 2001, Section 2-122, as
17 amended by Section 8, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2010,
18 Section 2-122), is amended to read as follows:

19 Section 2-122. A. The Commissioner of the Department of Public
20 Safety is authorized to receive funds from gifts, federal and state
21 agency sources, state and local agency employees, and tuition and
22 fees for room and meals from users of the Robert R. Lester ~~Law~~
23 ~~Enforcement Training Academy~~ Center and other training facilities of

1 the Department of Public Safety. All amounts collected shall be
2 deposited in the State Treasury to the credit of the Department of
3 Public Safety Revolving Fund.

4 B. The Commissioner or designee is authorized to receive
5 contributions, gifts and donations for the sole benefit and
6 operation of the education programs of the Department including, but
7 not limited to, the Drug Abuse Resistance Education (D.A.R.E.)
8 Program. All monies received by the Commissioner or designee
9 pursuant to this subsection shall be deposited to the credit of the
10 Department of Public Safety Revolving Fund and shall be expended by
11 the Department solely for the purposes of the operation of the
12 education programs of the Department. All other property received
13 by the Commissioner or designee pursuant to this subsection shall be
14 held by the Department in trust under the terms and conditions
15 imposed by the donors, and title to any and all property acquired,
16 granted or donated to the Department shall be taken in the name of
17 the state to be held for the use and benefit of such education
18 programs of the Department under the conditions of the grants or
19 donations. Provided, however, no real property shall be accepted by
20 the Commissioner or designee for the purposes of this subsection.

21 C. There is hereby created a petty cash fund for the Department
22 of Public Safety. Said fund shall be used by the Department to
23 operate cash drawers as necessary. The amount of the petty cash

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1 fund shall be determined by the Director of State Finance and the
2 Commissioner of Public Safety. Purchases from the petty cash fund
3 shall be prohibited. The Director of State Finance shall be
4 authorized to prescribe forms, systems and procedures for the
5 administration of the petty cash fund.

6 SECTION 5. AMENDATORY 47 O.S. 2001, Section 2-143, as
7 amended by Section 7, Chapter 461, O.S.L. 2003 (47 O.S. Supp. 2010,
8 Section 2-143), is amended to read as follows:

9 Section 2-143. There is hereby created in the State Treasury a
10 revolving fund for the Oklahoma Department of Public Safety, to be
11 designated the "Department of Public Safety Patrol Vehicle Revolving
12 Fund". The fund shall be a continuing fund, not subject to fiscal
13 year limitations. All monies accruing to the credit of ~~said the~~ the
14 fund are hereby appropriated and shall be budgeted and expended by
15 the Department for the ~~exclusive purpose of the purchase of~~
16 purchasing, equipping, and maintaining patrol vehicles, and patrol
17 aircraft, and the equipping of those vehicles and for any other
18 purpose related to the duties and responsibilities of the
19 Transportation Division of the Department. No monies shall be
20 expended from this fund without expressed authorization by the
21 Legislature. Expenditures from said fund shall be made upon
22 warrants issued by the State Treasurer against claims filed as

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1 prescribed by law with the Director of State Finance for approval
2 and payment.

3 SECTION 6. AMENDATORY Section 14, Chapter 397, O.S.L.
4 2002, as amended by Section 2, Chapter 361, O.S.L. 2005 (47 O.S.
5 Supp. 2010, Section 2-144.1), is amended to read as follows:

6 Section 2-144.1 A. There is hereby created in the State
7 Treasury a revolving fund for the Department of Public Safety to be
8 designated the Department of Public Safety Revolving Fund. The fund
9 shall be a continuing fund, not subject to fiscal year limitations,
10 and shall consist of all money received by the Department of Public
11 Safety from:

- 12 1. Sale of surplus property;
- 13 2. Insurance and other reimbursements for damaged, lost or
14 stolen property;
- 15 3. Reimbursement for services of Department personnel as
16 approved by the Department if such personnel are representing the
17 Department or are in any uniform of the Department;
- 18 4. Reimbursement for turnpike enforcement;
- 19 5. Reimbursement for supplies or facsimile or data
20 transmissions or for contractual services or products not otherwise
21 provided by law;
- 22 6. Fees and costs paid by subscribers to the Oklahoma Law
23 Enforcement Telecommunications Systems;

- 1 7. Refund of federal gasoline tax;
- 2 8. Court-ordered forfeitures and the sale of forfeited
- 3 property;
- 4 9. Reimbursements by federal, state and municipal government
- 5 agencies for the use of Department of Public Safety airplanes;
- 6 10. Fees from users of the Robert R. Lester ~~Law Enforcement~~
- 7 Training Academy Center or other Department of Public Safety
- 8 training facilities;
- 9 11. Federal funds, unless otherwise provided by federal law or
- 10 regulation; and
- 11 12. Fines received pursuant to the provisions of subsection G
- 12 of Section 11-1112 of this title.

13 B. All monies accruing to the credit of the fund are hereby

14 appropriated and may be budgeted and expended by the Department of

15 Public Safety for the operating expenses of the Department and for

16 vehicles, equipment, personnel and other operating expenses for

17 turnpike enforcement; provided, monies accruing pursuant to the

18 provisions of paragraph 12 of subsection A of this section shall be

19 used exclusively by the Oklahoma Highway Safety Office to promote

20 the use of child passenger restraint systems as provided in Section

21 11-1113 of this title.

22 C. The Director of State Finance shall provide a distinct

23 numbering system for the identification and tracking of the

1 expenditures of the various programs budgeted from the revolving
2 fund.

3 D. Expenditures from the fund shall be made upon warrants
4 issued by the State Treasurer against claims filed as prescribed by
5 law with the Director of State Finance for approval and payment.

6 SECTION 7. AMENDATORY 47 O.S. 2001, Section 10-113, is
7 amended to read as follows:

8 Section 10-113. ~~(a)~~ A. The Department shall prepare and ~~upon~~
9 ~~request supply~~ make available to police departments, coroners,
10 sheriffs, garages and other suitable agencies or individuals forms
11 for accident reports required hereunder, appropriate with respect to
12 the persons required to make such reports and the purposes to be
13 served. The written reports to be made by persons involved in
14 accidents and by investigating officers shall call for sufficiently
15 detailed information to disclose with reference to a traffic
16 accident the cause, conditions then existing and the persons and
17 vehicles involved.

18 ~~(b)~~ B. Every accident report required to be made in writing
19 shall be made on the appropriate form approved by the Department and
20 shall contain all of the information required therein unless not
21 available.

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1 SECTION 8. AMENDATORY 47 O.S. 2001, Section 11-1112, as
2 last amended by Section 26, Chapter 228, O.S.L. 2009 (47 O.S. Supp.
3 2010, Section 11-1112), is amended to read as follows:

4 Section 11-1112. A. Every driver, when transporting a child
5 under six (6) years of age in a motor vehicle operated on the
6 roadways, streets, or highways of this state, shall provide for the
7 protection of said child by properly using a child passenger
8 restraint system. For purposes of this section and Section 11-1113
9 of this title, "child passenger restraint system" means an infant or
10 child passenger restraint system which meets the federal standards
11 as set by 49 C.F.R., Section 571.213.

12 B. Children at least six (6) years of age but younger than
13 thirteen (13) years of age shall be protected by use of a child
14 passenger restraint system or a seat belt.

15 C. The provisions of this section shall not apply to:

16 1. The driver of a school bus, taxicab, moped, motorcycle, or
17 other motor vehicle not required to be equipped with safety belts
18 pursuant to state or federal laws;

19 2. The driver of an ambulance or emergency vehicle;

20 3. The driver of a vehicle in which all of the seat belts are
21 in use;

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1 4. The transportation of children who for medical reasons are
2 unable to be placed in such devices, provided there is written
3 documentation from a physician of such medical reason; or

4 5. The transportation of a child who weighs more than forty
5 (40) pounds and who is being transported in the back seat of a
6 vehicle while wearing only a lap safety belt when the back seat of
7 the vehicle is not equipped with combination lap and shoulder safety
8 belts, or when the combination lap and shoulder safety belts in the
9 back seat are being used by other children who weigh more than forty
10 (40) pounds. Provided, however, for purposes of this paragraph,
11 back seat shall include all seats located behind the front seat of a
12 vehicle operated by a licensed child care facility or church.
13 Provided further, there shall be a rebuttable presumption that a
14 child has met the weight requirements of this paragraph if at the
15 request of any law enforcement officer, the licensed child care
16 facility or church provides the officer with a written statement
17 verified by the parent or legal guardian that the child weighs more
18 than forty (40) pounds.

19 ~~D. A law enforcement officer is hereby authorized to stop a~~
20 ~~vehicle if it appears that the driver of the vehicle has violated~~
21 ~~the provisions of this section and to give an oral warning to said~~
22 ~~driver. The warning shall advise the driver of the possible danger~~

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1 ~~to children resulting from the failure to install or use a child~~
2 ~~passenger restraint system or seat belts in the motor vehicle.~~

3 ~~E.~~ A violation of the provisions of this section shall be
4 admissible as evidence in any civil action or proceeding for damages
5 unless the plaintiff in such action or proceeding is a child under
6 sixteen (16) years of age.

7 In any action brought by or on behalf of an infant for personal
8 injuries or wrongful death sustained in a motor vehicle collision,
9 the failure of any person to have the infant properly restrained in
10 accordance with the provisions of this section shall not be used in
11 aggravation or mitigation of damages.

12 E. A person who is certified as a Child Passenger Safety
13 Technician and who in good faith provides inspection, adjustment, or
14 educational services regarding child passenger restraint systems
15 shall not be liable for civil damages resulting from any act or
16 omission in providing such services, other than acts or omissions
17 constituting gross negligence or willful or wanton misconduct.

18 F. Any person convicted of violating subsection A or B of this
19 section shall be punished by a fine of Fifty Dollars (\$50.00) and
20 shall pay all court costs thereof. Revenue from such fine shall be
21 apportioned to the Department of Public Safety Revolving Fund and
22 used by the Oklahoma Highway Safety Office to promote the use of
23 child passenger restraint systems as provided in Section 11-1113 of

1 this title. This fine shall be suspended and the court costs
2 limited to a maximum of Fifteen Dollars (\$15.00) in the case of the
3 first offense upon proof of purchase or acquisition by loan of a
4 child passenger restraint system. Provided, the Department of
5 Public Safety shall not assess points to the driving record of any
6 person convicted of a violation of this section.

7 SECTION 9. AMENDATORY 47 O.S. 2001, Section 40-101, is
8 amended to read as follows:

9 Section 40-101. The Department shall ~~prepare and supply to~~
10 prescribe standard forms for accident reports for use by all police
11 departments and all other appropriate agencies ~~standard forms for~~.
12 The accident reports calling shall call for sufficiently detailed
13 information to disclose the cause, the conditions then existing, the
14 persons and vehicles involved and such other information as
15 prescribed by the Commissioner.

16 SECTION 10. AMENDATORY 47 O.S. 2001, Section 156.1, as
17 last amended by Section 1, Chapter 248, O.S.L. 2009 (47 O.S. Supp.
18 2010, Section 156.1), is amended to read as follows:

19 Section 156.1 A. It shall be unlawful for any state official,
20 officer, or employee, except any essential employees approved by the
21 Governor and those officers or employees authorized in subsection B
22 of this section, to ride to or from the ~~employee's~~ place of
23 residence of the employee in a state-owned automobile, truck, or

1 pickup, except in the performance of the ~~employee's~~ official duty of
2 the employee, or to use or permit the use of any such automobile,
3 truck, ambulance, or pickup for other personal or private purposes.
4 Any person convicted of violating the provisions of this section
5 shall be guilty of a misdemeanor and shall be punished by a fine of
6 not more than One Hundred Dollars (\$100.00) or by imprisonment in
7 the county jail for a period to not exceed thirty (30) days, or by
8 both said fine and imprisonment, and in addition thereto, shall be
9 discharged from state employment.

10 B. 1. Any state employee, other than the individuals provided
11 for in paragraph 2 of this subsection and any employee of the
12 Department of Public Safety who is an employee in the Driver License
13 Examining Division ~~and~~ or the Driver Compliance Division or a
14 wrecker ~~inspector/auditor~~ inspector or auditor of the Wrecker
15 Services Division as provided for in paragraph 3 of this subsection,
16 who receives emergency telephone calls regularly at the ~~employee's~~
17 residence of the employee when the employee is not on duty and is
18 regularly called upon to use a vehicle after normal work hours in
19 response to such emergency calls, may be permitted to use a vehicle
20 belonging to the State of Oklahoma to provide transportation between
21 the ~~employee's~~ residence of the employee and the assigned place of
22 employment, provided such distance does not exceed seventy-five (75)
23 miles in any round trip or is within the county where the assigned

1 place of employment is located. Provided further, an employee may
2 be permitted to use a state-owned vehicle to provide temporary
3 transportation between a specific work location other than the
4 assigned place of employment and the ~~employee's~~ residence of the
5 employee, if such use shall result in a monetary saving to the
6 agency, and such authorization shall not be subject to the distance
7 or area restrictions provided for in this paragraph. Authorization
8 for temporary use of a state-owned vehicle for a specific project
9 shall be in writing stating the justification for this use and the
10 saving expected to result. Such authorization shall be valid for
11 not to exceed sixty (60) days. Any state entity other than law
12 enforcement that avails itself of this provision shall keep a
13 monthly record of all participating employees, the number of
14 emergency calls received, and the number of times that a state
15 vehicle was used in the performance of such emergency calls.

16 2. Any employee of the Department of Public Safety, Oklahoma
17 State Bureau of Narcotics and Dangerous Drugs Control, Oklahoma
18 State Bureau of Investigation, Alcoholic Beverage Laws Enforcement
19 Commission, Oklahoma Horse Racing Commission, Oklahoma Department of
20 Agriculture, Food, and Forestry, Office of the Inspector General
21 within the Department of Human Services or Office of the State Fire
22 Marshal, who is a law enforcement officer or criminalist, Public
23 Information officer, Special Investigator or Assistant Director of

1 the Oklahoma State Bureau of Investigation, CLEET-certified
2 Investigator for a state board or any employee of a district
3 attorney who is a law enforcement officer, may be permitted to use a
4 state-owned vehicle to provide transportation between the ~~employee's~~
5 residence of the employee and the assigned place of employment and
6 between the residence and any location other than the assigned place
7 of employment to which the employee travels in the performance of
8 the ~~employee's~~ official duty of the employee.

9 3. Any employee of the Department of Public Safety who is an
10 employee in the Driver License Examining Division ~~or~~, an employee of
11 the Driver Compliance Division ~~or~~, a wrecker ~~inspector/auditor~~
12 inspector or auditor of the Wrecker Services Division, or a
13 noncommissioned pilot may be permitted, as determined by the
14 Commissioner, to use a state-owned vehicle to provide transportation
15 between the ~~employee's~~ residence of the employee and the assigned
16 place of employment and between the residence and any location other
17 than the assigned place of employment to which the employee travels
18 in the performance of the ~~employee's~~ official duty of the employee.

19 4. The Director, department heads and other essential employees
20 of the Department of Wildlife Conservation, as authorized by the
21 Wildlife Conservation Commission, may be permitted to use a state-
22 owned vehicle to provide transportation between the ~~employee's~~
23 residence of the employee and the assigned place of employment and
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1 between the residence and any location other than the assigned place
2 of employment to which the employee travels in the performance of
3 the ~~employee's~~ official duty of the employee.

4 C. The principal administrator of the state agency with which
5 the employee is employed shall so designate the ~~employee's~~ status of
6 the employee in writing or provide a copy of the temporary
7 authorization to the Governor, the President Pro Tempore of the
8 Senate, and the Speaker of the House of Representatives. Such
9 employee status report shall also be provided to the State Fleet
10 Manager of the Division of Fleet Management if the motor vehicle for
11 emergency use is provided by said Division.

12 SECTION 11. AMENDATORY 47 O.S. 2001, Section 752, as
13 last amended by Section 1, Chapter 214, O.S.L. 2009 (47 O.S. Supp.
14 2010, Section 752), is amended to read as follows:

15 Section 752. A. Only a licensed medical doctor, licensed
16 osteopathic physician, licensed chiropractic physician, registered
17 nurse, licensed practical nurse, physician's assistant, certified by
18 the State Board of Medical Licensure and Supervision, an employee of
19 a hospital or other health care facility authorized by the hospital
20 or health care facility to withdraw blood, or other qualified person
21 authorized by the Board of Tests for Alcohol and Drug Influence
22 acting at the request of a law enforcement officer may withdraw
23 blood for purpose of having a determination made of its

1 concentration of alcohol or the presence or concentration of other
2 intoxicating substance. Only qualified persons authorized by the
3 Board may collect breath, saliva or urine, or administer tests of
4 breath under the provisions of this title.

5 B. If the person authorized to withdraw blood as specified in
6 subsection A of this section is presented with a written statement:

7 1. Authorizing blood withdrawal signed by the person whose
8 blood is to be withdrawn;

9 2. Signed by a duly authorized peace officer that the person
10 whose blood is to be withdrawn has agreed to the withdrawal of
11 blood;

12 3. Signed by a duly authorized peace officer that the person
13 whose blood is to be withdrawn has been placed under arrest and that
14 the officer has probable cause to believe that the person, while
15 intoxicated, has operated a motor vehicle in such manner as to have
16 caused the death or serious physical injury of another person, or
17 the person has been involved in a traffic accident and has been
18 removed from the scene of the accident that resulted in the death or
19 great bodily injury, as defined in subsection B of Section 646 of
20 Title 21 of the Oklahoma Statutes, of any person to a hospital or
21 other health care facility outside the State of Oklahoma before the
22 law enforcement officer was able to effect an arrest for such
23 offense; or

1 4. In the form of an order from a district court that blood be
2 withdrawn, the person authorized to withdraw the blood and the
3 hospital or other health care facility where the withdrawal occurs
4 may rely on such a statement or order as evidence that the person
5 has consented to or has been required to submit to the clinical
6 procedure and shall not require the person to sign any additional
7 consent or waiver form. In such a case, the person authorized to
8 perform the procedure, the employer of such person, and the hospital
9 or other health care facility shall not be liable in any action
10 alleging lack of consent or lack of informed consent.

11 C. No person specified in subsection A of this section, no
12 employer of such person, and no hospital or other health care
13 facility where blood is withdrawn shall incur any civil or criminal
14 liability as a result of the proper withdrawal of blood when acting
15 at the request of a law enforcement officer by the provisions of
16 Section 751 or 753 of this title, or when acting in reliance upon a
17 signed statement or court order as provided in this section, if the
18 act is performed in a reasonable manner according to generally
19 accepted clinical practice. No person specified in subsection A of
20 this section shall incur any civil or criminal liability as a result
21 of the proper collection of breath, saliva or urine when acting at
22 the request of a law enforcement officer under the provisions of

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1 Section 751 or 753 of this title or when acting pursuant to a court
2 order.

3 D. The blood, breath, saliva or urine specimens obtained shall
4 be tested by the appropriate test as determined by the Board, or
5 tested by a laboratory that is exempt from the Board rules pursuant
6 to Section 759 of this title, to determine the alcohol concentration
7 thereof, or the presence or concentration of any other intoxicating
8 substance which might have affected the ability of the person tested
9 to operate a motor vehicle safely.

10 E. When blood is withdrawn or saliva or urine is collected for
11 testing of its alcohol concentration or other intoxicating substance
12 presence or concentration, at the request of a law enforcement
13 officer, a sufficient quantity of the same specimen shall be
14 obtained to enable the tested person, at his or her own option and
15 expense, to have an independent analysis made of such specimen. The
16 excess blood, saliva or urine specimen shall be retained by a
17 laboratory approved by the Board, in accordance with the rules and
18 regulations of the Board, or by a laboratory that is exempt from the
19 Board rules pursuant to Section 759 of this title, for sixty (60)
20 days from the date of collection. At any time within that period,
21 the tested person or his or her attorney may direct that such blood,
22 saliva or urine specimen be sent or delivered to a laboratory of his
23 or her own choosing and approved by the Board for an independent

1 analysis. Neither the tested person, nor any agent of such person,
2 shall have access to the additional blood, saliva or urine specimen
3 prior to the completion of the independent analysis, except the
4 analyst performing the independent analysis and agents of the
5 analyst.

6 F. When a test of breath is performed for the purpose of
7 determining the alcohol concentration thereof, except when such test
8 is performed by means of an automated analyzer as designated by the
9 Board, a sufficient quantity of breath, or of the alcohol content of
10 a fixed or measured quantity of breath, shall be obtained, in
11 accordance with the rules and regulations of the Board, to enable
12 the tested person, at his or her own option and expense, to have an
13 independent analysis made of such specimen. The excess specimen of
14 breath, or of its alcohol content, shall be retained by the law
15 enforcement agency employing the arresting officer, in accordance
16 with the rules and regulations of the Board, for sixty (60) days
17 from the date of collection. At any time within that period, the
18 tested person, or his or her attorney, may direct that such specimen
19 be sent or delivered to a laboratory of his or her own choosing and
20 approved by the Board for an independent analysis. Neither the
21 tested person, nor any agent of such person, shall have access to
22 the additional specimen of breath, or of its alcohol content, prior
23 to the completion of the independent analysis thereof, except the

1 analyst performing the independent analysis and agents of the
2 analyst.

3 G. The costs of collecting blood, breath, saliva or urine
4 specimens for the purpose of determining the alcohol or other
5 intoxicating substance thereof, by or at the direction of a law
6 enforcement officer, shall be borne by the law enforcement agency
7 employing such officer; provided, if the person is convicted for any
8 offense involving the operation of a motor vehicle while under the
9 influence of or while impaired by alcohol or an intoxicating
10 substance, or both, as a direct result of the incident which caused
11 the collection of blood, saliva or urine specimens, an amount equal
12 to the costs shall become a part of the court costs of the person
13 and shall be collected by the court and remitted to the law
14 enforcement agency bearing the costs. The cost of collecting,
15 retaining and sending or delivering to an independent laboratory the
16 excess specimens of blood, breath, saliva or urine for independent
17 analysis at the option of the tested person shall also be borne by
18 such law enforcement agency. The cost of the independent analysis
19 of such specimen of blood, breath, saliva or urine shall be borne by
20 the tested person at whose option such analysis is performed. The
21 tested person, or his or her agent, shall make all necessary
22 arrangements for the performance of such independent analysis other
23 than the forwarding or delivery of such specimen.

1 H. Tests of blood or breath for the purpose of determining the
2 alcohol concentration thereof, and tests of blood, saliva or urine
3 for the purpose of determining the presence or concentration of any
4 other intoxicating substance therein, under the provisions of this
5 title, whether administered by or at the direction of a law
6 enforcement officer or administered independently, at the option of
7 the tested person, on the excess specimen of such person's blood,
8 breath, saliva or urine, to be considered valid and admissible in
9 evidence under the provisions of this title, shall have been
10 administered or performed in accordance with the rules and
11 regulations of the Board, or performed by a laboratory that is
12 exempt from the Board rules pursuant to Section 759 of this title.

13 I. Any person who has been arrested for any offense arising out
14 of acts alleged to have been committed while the person was
15 operating or in actual physical control of a motor vehicle while
16 under the influence of alcohol, any other intoxicating substance or
17 the combined influence of alcohol and any other intoxicating
18 substance who is not requested by a law enforcement officer to
19 submit to a test shall be entitled to have an independent test of
20 his or her blood, breath, saliva or urine which is appropriate as
21 determined by the Board for the purpose of determining its alcohol
22 concentration or the presence or concentration of any other
23 intoxicating substance therein, performed by a person of his or her

1 own choosing who is qualified as stipulated in this section. The
2 arrested person shall bear the responsibility for making all
3 necessary arrangements for the administration of such independent
4 test and for the independent analysis of any specimens obtained, and
5 bear all costs thereof. The failure or inability of the arrested
6 person to obtain an independent test shall not preclude the
7 admission of other competent evidence bearing upon the question of
8 whether such person was under the influence of alcohol, or any other
9 intoxicating substance or the combined influence of alcohol and any
10 other intoxicating substance.

11 J. Any agency or laboratory certified by the Board or any
12 agency or laboratory that is exempt from the Board rules pursuant to
13 Section 759 of this title, which analyses breath, blood, or urine
14 shall make available a written report of the results of the test
15 administered by or at the direction of the law enforcement officer
16 to:

- 17 1. The tested person, or his or her attorney;
- 18 2. The Commissioner of Public Safety; and
- 19 3. The Fatality Analysis Reporting System (FARS) analyst of the
20 state, upon request.

21 The results of the tests provided for in this title shall be
22 admissible in civil actions.

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

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6 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
7 03-03-2011 - DO PASS, As Coauthored.
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