

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 HOUSE BILL 2966

 By: Thomsen

7 AS INTRODUCED

8 An Act relating to public safety; amending 22 O.S.
9 2011, Section 196, which relates to warrantless
10 arrest procedures; modifying circumstance that allows
11 for a warrantless arrest; updating statutory
12 reference; amending 47 O.S. 2011, Sections 1-142 and
13 1-168, which relate to definitions; expanding scope
14 of certain definitions; amending 47 O.S. 2011,
15 Section 2-106, which relates to the Driver License
16 Examining Division of the Department of Public
17 Safety; changing name of division; stating the
18 service position of division director; modifying
19 salary requirements for Driver License Examining
20 Division employees; amending 47 O.S. 2011, Sections
21 6-111, 6-205 and 6-209, which relate to the issuance
22 and cancellation of driver licenses; updating
23 statutory references; clarifying circumstances that
24 require mandatory revocation; providing for the
 surrender of driver licenses under certain
 circumstances; amending 47 O.S. 2011, Section 7-503,
 which relates to self-insurers of motor vehicles;
 clarifying procedures for the issuance of self-
 insurance certificates; amending 47 O.S. 2011,
 Sections 7-602, 7-602.1, 7-603, 7-605 and 7-606,
 which relate to compulsory liability insurance;
 clarifying purpose of security verification form
 requirement; authorizing use of Insurance
 Commissioner records for insurance verification
 purposes; deleting property interest statement
 relating to driver licenses; amending 47 O.S. 2011,
 Sections 14-109, 14-116 and 14-120.2, which relate to
 size, weight and loads of vehicles; providing
 statutory reference to certain federal weight

1 formulas; deleting vehicle weight table; stating fee
2 for certain permit cancellation or revision requests;
3 updating statutory reference; stating entity that
4 will provide superload escort services; defining
5 term; providing fee amount; amending 47 O.S. 2011,
6 Section 40-102, which relates to traffic collision
7 reports; expanding list of persons who may request
8 collision reports; amending 47 O.S. 2011, Sections
9 751 and 754, which relate to complied consent tests
10 and surrender of driver licenses; modifying
11 circumstances that require consent to test blood or
12 breath for alcohol concentration; providing an
13 effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 2011, Section 196, is
amended to read as follows:

Section 196. A peace officer may, without a warrant, arrest a
person:

1. For a public offense, committed or attempted in the
officer's presence;

2. When the person arrested has committed a felony, although
not in the officer's presence;

3. When a felony has in fact been committed, and the officer
has reasonable cause to believe the person arrested to have
committed it;

4. On a charge, made upon reasonable cause, of the commission
of a felony by the party arrested;

1 5. When the officer has probable cause to believe that the
2 party was driving or in actual physical control of a motor vehicle
3 involved in an accident upon the public highways, streets or
4 turnpikes, upon a parking lot or other public place, or upon any
5 private road, street, alley or lane which provides access to one or
6 more single or multifamily dwellings, and was under the influence of
7 alcohol or intoxicating liquor or who was under the influence of any
8 substance included in the Uniform Controlled Dangerous Substances
9 Act, ~~Sections~~ Section 2-101 et seq. of Title 63 of the Oklahoma
10 Statutes;

11 6. Anywhere, including a place of residence of the person, if
12 the peace officer has probable cause to believe the person within
13 the preceding seventy-two (72) hours has committed an act of
14 domestic abuse as defined by Section 60.1 of this title, although
15 the assault did not take place in the presence of the peace officer.
16 A peace officer may not arrest a person pursuant to this section
17 without first observing a recent physical injury to, or an
18 impairment of the physical condition of, the alleged victim;

19 7. When a peace officer, in accordance with the provisions of
20 Section 60.9 of this title, is acting on a violation of a protective
21 order offense; or
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1 8. When the officer has probable cause to believe that the
2 person has threatened another person as defined in subsection B of
3 Section ~~14~~ 1378 of ~~this act~~ Title 21 of the Oklahoma Statutes.

4 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1-142, is
5 amended to read as follows:

6 Section 1-142. ~~(a)~~ A. Park or parking means the standing of a
7 vehicle, whether occupied or not, otherwise than temporarily for the
8 purpose of and while actually engaged in loading or unloading
9 merchandise or passengers.

10 ~~(b)~~ B. A public parking lot is any parking lot ~~on right-of-way~~
11 ~~dedicated~~ to which the general public has access or use or which is
12 owned by the state or a political subdivision thereof.

13 SECTION 3. AMENDATORY 47 O.S. 2011, Section 1-168, is
14 amended to read as follows:

15 Section 1-168. A state, territory or possession of the United
16 States, the District of Columbia, the Commonwealth of Puerto Rico or
17 a province of the Dominion of Canada. In addition, "state" shall
18 include Indian country as defined in Section 1151 of Title 18 of the
19 United States Code, for the purposes of recording and reporting
20 convictions and collisions on the driving record of a person, as
21 required by Section 6-117 of this title and for the purposes of
22 suspension, revocation or disqualification of the driving privileges
23 of a person, as provided for in this title.

1 SECTION 4. AMENDATORY 47 O.S. 2011, Section 2-106, is
2 amended to read as follows:

3 Section 2-106. A. There is hereby established in the
4 Department of Public Safety the Driver License Examining Division
5 ~~and the Driver Compliance Division~~ and such other divisions as the
6 Commissioner of Public Safety may direct.

7 B. The Driver License Examining Division shall consist of
8 noncommissioned classified employees of the Department who may
9 administer tests for the purpose of issuing driver licenses pursuant
10 to Chapter 6 of this title; provided, the position of division
11 director of the Division shall be in the unclassified service.

12 C. Any employee appointed to the position of Driver License
13 Examiner shall be not less than twenty-one (21) nor more than
14 sixty-five (65) years of age and any person appointed to the
15 position of Senior Driver License Examiner shall have held the
16 position of Driver License Examiner with the Department for not less
17 than three (3) years immediately preceding such appointment.

18 D. 1. Any person appointed to any position created pursuant to
19 this section shall:

- 20 a. be a citizen of the State of Oklahoma,
- 21 b. be of good moral character,
- 22 c. possess a high school diploma or General Educational
23 Development equivalency certificate, and

1 d. meet physical and mental standards as the Commissioner
2 may prescribe. The scope of the physical and mental
3 examinations for persons appointed as a Driver License
4 Examiner or Senior Driver License Examiner shall be as
5 prescribed by the Commissioner.

6 2. Any person appointed to the position of Driver License
7 Examiner shall be required to complete satisfactorily a course of
8 training as prescribed by the Commissioner.

9 E. Drunkenness, being under the influence of an intoxicating
10 substance or any conduct not becoming an officer or public employee
11 shall be sufficient grounds for the removal of any employee
12 appointed pursuant to this section.

13 F. Effective ~~January 1, 2007~~ July 1, 2012, the annual salaries
14 ~~of the following~~ employees of the Driver License Examining Division
15 of the Department of Public Safety shall be in accordance with the
16 ~~following salary schedule~~ Office of Personnel Management job family
17 descriptors and salary bands, exclusive of longevity pay, as
18 authorized by Section 840-2.18 of Title 74 of the Oklahoma Statutes:

19	1. Driver License Examiner	\$34,023.00;
20	2. Senior Driver License Examiner	\$40,686.00;
21	3. Administrative Programs Officer I	\$37,202.00;
22	4. Administrative Programs Officer II	\$43,308.00; and
23	5. Training Specialist	\$40,686.00.

1 Provided, however, no such employee shall receive less than the
2 salary the employee was receiving on ~~December 31, 2006~~ June 30,
3 2012.

4 SECTION 5. AMENDATORY 47 O.S. 2011, Section 6-111, is
5 amended to read as follows:

6 Section 6-111. A. 1. The Department of Public Safety shall,
7 upon payment of the required fee, issue to every applicant
8 qualifying therefor a Class A, B, C or D driver license or
9 identification card as applied for, which license or card shall bear
10 thereon a distinguishing alphanumeric identification assigned to the
11 licensee or cardholder, date of issuance and date of expiration of
12 the license or card, the full name, signature or computerized
13 signature, date of birth, residence address, sex, a color photograph
14 or computerized image of the licensee or cardholder and security
15 features as determined by the Department. The photograph or image
16 shall depict a full front unobstructed view of the entire face of
17 the licensee or cardholder. When any person is issued both a driver
18 license and an identification card, the Department shall ensure the
19 information on both the license and the card are the same, unless
20 otherwise provided by law.

21 2. A driver license or identification card issued by the
22 Department on or after March 1, 2004, shall bear thereon the county
23 of residence of the licensee or cardholder.

1 3. The Department may cancel the distinguishing number, when
2 that distinguishing number is another person's Social Security
3 number, assign a new distinguishing alphanumeric identification, and
4 issue a new license or identification card without charge to the
5 licensee or cardholder.

6 4. The Department may promulgate rules for inclusion of the
7 height and a brief description of the licensee or cardholder on the
8 face of the card or license identifying the licensee or cardholder
9 as deaf or hard-of-hearing.

10 5. It is unlawful for any person to apply, adhere, or otherwise
11 attach to a driver license or identification card any decal,
12 sticker, label, or other attachment. Any law enforcement officer is
13 authorized to remove and dispose of any unlawful decal, sticker,
14 label, or other attachment from the driver license of a person. The
15 law enforcement officer, the employing agency of the officer, the
16 Department of Public Safety, and the State of Oklahoma shall be
17 immune from any liability for any loss suffered by the licensee,
18 cardholder, or the owner of the decal, sticker, label, or other
19 attachment caused by the removal and destruction of the decal,
20 sticker, label, or other attachment.

21 6. The Department of Public Safety shall develop by rule an
22 alternative procedure whereby a person applying for a renewal or
23 replacement Class D license or identification card, when the person
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1 satisfactorily demonstrates to the Department the inability to
2 appear personally to be photographed because the person is not in
3 the state at the time of renewal or at a time a replacement is
4 required by the person, may be issued a license or card; provided,
5 immediately upon returning to Oklahoma, the person shall obtain a
6 replacement license or card as provided in Section 6-114 of this
7 title.

8 B. The Department may issue a temporary permit to an applicant
9 for a driver license permitting such applicant to operate a motor
10 vehicle while the Department is completing its investigation and
11 determination of all facts relative to such applicant's privilege to
12 receive a license. Such permit must be in the immediate possession
13 of the driver while operating a motor vehicle, and it shall be
14 invalid when the applicant's driver license has been issued or for
15 good cause has been refused.

16 C. 1. The Department may issue a restricted commercial driver
17 license to seasonal drivers eighteen (18) years of age or older for
18 any of the following specific farm-related service industries:

- 19 a. farm retail outlets and suppliers,
- 20 b. agri-chemical businesses,
- 21 c. custom harvesters, and
- 22 d. livestock feeders.

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1 The applicant shall hold a valid Oklahoma driver license and
2 shall meet all the requirements for a commercial driver license.
3 The restricted commercial driver license shall not exceed a total of
4 one hundred eighty (180) days within any twelve-month period.

5 2. The restricted commercial driver license shall not be valid
6 for operators of commercial motor vehicles beyond one hundred fifty
7 (150) miles from the place of business or the farm currently being
8 served. Such license shall be limited to Class B vehicles. Holders
9 of such licenses who transport hazardous materials which are
10 required to be placarded shall be limited to the following:

- 11 a. diesel fuel in quantities of one thousand (1,000)
12 gallons or less,
- 13 b. liquid fertilizers in vehicles with total capacities
14 of three thousand (3,000) gallons or less, and
- 15 c. solid fertilizers that are not mixed with any organic
16 substance.

17 No other placarded hazardous materials shall be transported by
18 holders of such licenses.

19 D. 1. The Department shall develop a procedure whereby a
20 person applying for an original, renewal or replacement Class A, B,
21 C or D driver license or identification card who is required to
22 register as a convicted sex offender with the Department of
23 Corrections pursuant to the provisions of the Sex Offenders

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

1 Registration Act and who the Department of Corrections designates as
2 an aggravated or habitual offender pursuant to ~~subsection J of~~
3 Section 584 of Title 57 of the Oklahoma Statutes shall be issued a
4 license or card bearing the words "Sex Offender".

5 2. The Department shall notify every person subject to
6 registration under the provisions of Section 1-101 et seq. of this
7 title who holds a current Class A, B, C or D driver license or
8 identification card that such person is required to surrender the
9 license or card to the Department within one hundred eighty (180)
10 days from the date of the notice.

11 3. Upon surrendering the license or card for the reason set
12 forth in this subsection, application may be made with the
13 Department for a replacement license or card bearing the words "Sex
14 Offender".

15 4. Failure to comply with the requirements set forth in such
16 notice shall result in cancellation of the person's license or card.
17 Such cancellation shall be in effect for one (1) year, after which
18 time the person may make application with the Department for a new
19 license or card bearing the words "Sex Offender". Continued use of
20 a canceled license or card shall constitute a misdemeanor and shall,
21 upon conviction thereof, be punishable by a fine of not less than
22 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars
23 (\$200.00). When an individual is no longer required to register as
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1 a convicted sex offender with the Department of Corrections pursuant
2 to the provisions of the Sex Offenders Registration Act, the
3 individual shall be eligible to receive a driver license or
4 identification card which does not bear the words "Sex Offender".

5 E. Nothing in subsection D of this section shall be deemed to
6 impose any liability upon or give rise to a cause of action against
7 any employee, agent or official of the Department of Corrections for
8 failing to designate a sex offender as an aggravated or habitual
9 offender pursuant to ~~subsection J~~ of Section 584 of Title 57 of the
10 Oklahoma Statutes.

11 F. The Department shall develop a procedure whereby a person
12 subject to an order for the installation of an ignition interlock
13 device shall be required by the Department to submit their driver
14 license for a replacement. The replacement driver license shall
15 bear the words "Interlock Required" and such designation shall
16 remain on the driver license for the duration of the order requiring
17 the ignition interlock device. The replacement license shall be
18 subject to the same expiration and renewal procedures provided by
19 law. Upon completion of the requirements for the interlock device,
20 a person may apply for a replacement driver license.

21 G. The Department shall develop a procedure whereby a person
22 applying for an original, renewal or replacement Class D driver
23 license who has been granted modified driving privileges under this
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1 title shall be issued a Class D driver license which identifies the
2 license as a modified license.

3 SECTION 6. AMENDATORY 47 O.S. 2011, Section 6-205, is
4 amended to read as follows:

5 Section 6-205. A. The Department of Public Safety shall
6 immediately revoke the driving privilege of any person, whether
7 adult or juvenile, upon receiving a record of conviction in any
8 municipal, state or federal court within the United States of any of
9 the following offenses, when such conviction has become final:

10 1. Manslaughter or negligent homicide resulting from the
11 operation of a motor vehicle;

12 2. Driving or being in actual physical control of a motor
13 vehicle while under the influence of alcohol, any other intoxicating
14 substance, or the combined influence of alcohol and any other
15 intoxicating substance, any violation of paragraph 1, 2, 3 or 4 of
16 subsection A of Section 11-902 of this title or any violation of
17 Section 11-906.4 of this title. However, the Department shall not
18 additionally revoke the driving privileges of the person pursuant to
19 this subsection if the driving privilege of the person has been
20 revoked because of a test result or test refusal pursuant to Section
21 753 or 754 of this title arising from the same circumstances which
22 resulted in the conviction unless the revocation because of a test
23 result or test refusal is set aside;

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1 3. Any felony during the commission of which a motor vehicle is
2 used;

3 4. Failure to stop and render aid as required under the laws of
4 this state in the event of a motor vehicle accident resulting in the
5 death or personal injury of another;

6 5. Perjury or the making of a false affidavit or statement
7 under oath to the Department under the Uniform Vehicle Code or under
8 any other law relating to the ownership or operation of motor
9 vehicles;

10 6. A misdemeanor or felony conviction for unlawfully
11 possessing, distributing, dispensing, manufacturing, trafficking,
12 cultivating, selling, transferring, attempting or conspiring to
13 possess, distribute, dispense, manufacture, traffic, sell, or
14 transfer of a controlled dangerous substance as defined in the
15 Uniform Controlled Dangerous Substances Act while using a motor
16 vehicle;

17 7. Failure to pay for gasoline pumped into a vehicle pursuant
18 to Section 1740 of Title 21 of the Oklahoma Statutes;

19 8. A misdemeanor conviction for a violation of Section 1465 of
20 Title 21 of the Oklahoma Statutes;

21 9. A misdemeanor conviction for a violation of Section 609 of
22 Title 37 of the Oklahoma Statutes;

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1 10. Reckless driving without regard for the safety of others
2 ~~pursuant to~~ or any violation of Section 11-901 of this title;

3 11. Failure to obey a traffic control device as provided in
4 Section 11-202 of this title, or as provided in an equivalent
5 municipal ordinance or an equivalent law from any state, or failure
6 to obey a stop sign when such failure results in great bodily injury
7 to any other person; or

8 12. Failure to stop or to remain stopped for school bus loading
9 or unloading of children ~~pursuant to~~ or any violation of Section 11-
10 705 or 11-705.1 of this title.

11 B. The first license revocation under any provision of this
12 section, except for paragraph 2, 6, or 7 of subsection A of this
13 section, shall be for a period of one (1) year. Such period shall
14 not be modified.

15 C. A license revocation under any provision of this section,
16 except for paragraph 2, 6, or 7 of subsection A of this section,
17 shall be for a period of three (3) years if a prior revocation under
18 this section, except under paragraph 2 of subsection A of this
19 section, commenced within the preceding five-year period as shown by
20 the records of the Department. Such period shall not be modified.

21 D. The period of license revocation under paragraph 2 or 6 of
22 subsection A of this section shall be governed by the provisions of
23 Section 6-205.1 of this title.

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1 E. The first license revocation under paragraph 7 of subsection
2 A of this section shall be for a period of six (6) months. A second
3 or subsequent license revocation under paragraph 7 of subsection A
4 of this section shall be for a period of one (1) year. Such periods
5 shall not be modified.

6 F. As used in this section, "great bodily injury" means bodily
7 injury which creates a substantial risk of death or which causes
8 serious, permanent disfigurement or protracted loss or impairment of
9 the function of any bodily member or organ.

10 SECTION 7. AMENDATORY 47 O.S. 2011, Section 6-209, is
11 amended to read as follows:

12 Section 6-209. A. The Department of Public Safety upon
13 canceling or denying a person's driver license or upon suspending or
14 revoking a person's driving privilege shall require that such
15 person's license be surrendered to the Department. ~~Such~~ No person
16 shall have a property interest in a driver license issued pursuant
17 to the laws of this state and it shall be the duty of every person
18 whose driving privilege has been canceled, denied, suspended or
19 revoked to forthwith surrender his or her driver license upon the
20 request of any law enforcement officer or representative of the
21 Department. Any driver license so surrendered, unless said driver
22 license has expired, shall be returned to the licensee, destroyed by
23 the Department. The licensee may, when statutory requirements for
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1 reinstatement or for issuance of a driver license are met in
2 accordance with Oklahoma Statutes, apply to the Department for
3 reinstatement or for licensing; provided the Department has
4 determined that the licensee is a person not prohibited from holding
5 a driver license under Section 6-103 of this title, and has
6 successfully completed the customary written, physical and driving
7 tests, if such tests are required.

8 B. The Department, upon entering an order canceling or denying
9 a driver license or suspending or revoking a person's driving
10 privilege, shall forward a copy of said order to the licensee
11 pursuant to the provisions of Section 2-116 of this title and
12 request the immediate return of the license to the Department of
13 Public Safety, Oklahoma City, Oklahoma, or the order may be served
14 upon the licensee by an authorized member of the Department.
15 Failure to comply with the order of the Department shall constitute
16 a misdemeanor, and upon conviction thereof such person so convicted
17 shall be punished by a fine of not less than Fifty Dollars (\$50.00)
18 nor more than One Hundred Dollars (\$100.00).

19 C. Any peace officer of this state may seize the license of any
20 person who, according to Department records, is under suspension,
21 cancellation, revocation or denial under the provisions of this
22 title. The officer shall immediately forward the license to the
23 Department of Public Safety, Oklahoma City, Oklahoma.

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1 SECTION 8. AMENDATORY 47 O.S. 2011, Section 7-503, is
2 amended to read as follows:

3 Section 7-503. ~~(a)~~ A. Any person in whose name more than
4 twenty-five vehicles are registered in this state may qualify as a
5 self-insurer by obtaining a certificate of self-insurance issued by
6 the ~~Department~~ Insurance Commissioner as provided in subsection ~~(b)~~
7 B of this section.

8 ~~(b)~~ B. The ~~Department~~ Insurance Commissioner may, in ~~its~~ his or
9 her discretion, upon the application of ~~such~~ a person described in
10 subsection A of this section, issue a certificate of self-insurance
11 when ~~it is~~ satisfied that ~~such~~ the person is possessed and will
12 continue to be possessed of ability to pay judgment obtained against
13 ~~such~~ person. ~~Such~~ The certificate of self-insurance may be issued
14 authorizing a person to act as a self-insurer for ~~either property~~
15 ~~damage or bodily injury, or both~~ the purpose of complying with this
16 chapter.

17 ~~(c)~~ C. Upon not less than five (5) ~~days~~ days of notice and a
18 hearing pursuant to such notice, the ~~Department~~ Insurance
19 Commissioner may upon reasonable grounds cancel a certificate of
20 self-insurance. Failure to pay any judgment within thirty (30) days
21 after ~~such~~ judgment shall have become final shall constitute a
22 reasonable ground for the cancellation of a certificate of
23 self-insurance.

1 SECTION 9. AMENDATORY 47 O.S. 2011, Section 7-602, is
2 amended to read as follows:

3 Section 7-602. A. 1. The owner of a motor vehicle registered
4 in this state shall carry in the vehicle at all times a current
5 owner's security verification form listing the vehicle or an
6 equivalent form which has been issued by the Department of Public
7 Safety as proof of financial responsibility or by the Insurance
8 Commissioner as proof of self-insurance, and the operator of the
9 vehicle shall produce the form upon request for inspection by any
10 law enforcement officer or representative of the Department and, in
11 case of an accident, the form shall be shown upon request to any
12 person affected by the accident.

13 2. a. Every person registering a motor vehicle in this
14 state, except a motor vehicle which is not being used
15 upon the public highways or public streets, or a
16 manufactured home while on a permanent foundation, at
17 the time of registration of the vehicle, shall certify
18 the existence of security with respect to the vehicle
19 by surrendering to a motor license agent or other
20 registering agency a current owner's security
21 verification form from an insurance carrier authorized
22 to do business in this state or an equivalent form
23 issued by the Department of Public Safety as proof of

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1 financial responsibility or by the Insurance
2 Commissioner as proof of self-insurance. A motor
3 license agent or other registering agency shall
4 require the surrender of the form prior to processing
5 an application for registration or renewal.

6 b. Every motor license agent or other registering agency
7 shall use the online verification system to certify
8 the existence of security with respect to the vehicle
9 from an insurance carrier authorized to do business in
10 this state unless the online verification system is
11 not online or the required information is otherwise
12 not available. In such a case, the license agent or
13 other registering agency may accept verification as
14 provided in subparagraph a of this paragraph to
15 certify the existence of the required insurance prior
16 to processing any application for motor vehicle
17 registration.

18 3. Fleet vehicles operating under the authority of the
19 Corporation Commission, the Federal Highway Administration, or
20 vehicles registered pursuant to the provisions of Section 1120 of
21 this title, shall certify the existence of security with respect to
22 each vehicle at the time of registration by submitting one of the
23 following:

- 1 a. a current owner's security verification form verifying
2 the existence of security as required by the
3 Compulsory Insurance Law, or
4 b. a permit number verified by the Corporation Commission
5 indicating the existence of a current liability
6 insurance policy. Provided, in the event the
7 Corporation Commission is unable to verify the
8 existence of insurance as provided herein in a prompt
9 and timely fashion, the Corporation Commission may
10 accept a current single state registration form issued
11 by the Corporation Commission or any other regulating
12 entity with which the Corporation Commission has
13 entered into a reciprocal compact or agreement
14 regarding the regulation of motor vehicles engaged in
15 interstate or foreign commerce upon and over the
16 public highways.

17 4. The following shall not be required to carry an owner's or
18 operator's security verification form or an equivalent form from the
19 Department of Public Safety as proof of financial responsibility or
20 by the Insurance Commissioner as proof of self-insurance during
21 operation of the vehicle and shall not be required to surrender a
22 security verification form for vehicle registration purposes:
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- 1 a. any vehicle owned or leased by the federal or state
2 government, or any agency or political subdivision
3 thereof,
4 b. any vehicle bearing the name, symbol, or logo of a
5 business, corporation or utility on the exterior and
6 which is in compliance with the provisions of the
7 Compulsory Insurance Law according to records of the
8 Corporation Commission which reflect a deposit or
9 fleet policy,
10 c. fleet vehicles maintaining current vehicle liability
11 insurance as required by the Corporation Commission or
12 any other regulating entity,
13 d. any licensed taxicab, and
14 e. any vehicle owned by a licensed used motor vehicle
15 dealer.

16 5. Any person who knowingly issues or promulgates false or
17 fraudulent information in connection with either an owner's or
18 operator's security verification form or an equivalent form which
19 has been issued by the Department of Public Safety as proof of
20 financial responsibility or by the Insurance Commissioner as proof
21 of self-insurance shall be guilty of a misdemeanor and upon
22 conviction shall be subject to a fine not exceeding Five Hundred
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1 Dollars (\$500.00), or imprisonment for not more than six (6) months,
2 or by both such fine and imprisonment.

3 B. Each motor license agent is authorized to charge a fee of
4 One Dollar and fifty cents (\$1.50) to each person to whom the agent
5 issues a certificate of registration and who is required to
6 surrender proof of financial responsibility, or for whom the motor
7 license agent certifies the existence of financial responsibility
8 through an authorized online certification system, pursuant to the
9 provisions of the Compulsory Insurance Law. The fee may be retained
10 by the agent as compensation for services in processing the proof of
11 financial responsibility and for processing the driver license
12 information, insurance verification information, and other
13 additional information furnished to the agent pursuant to Section
14 1112 of this title, if such agent does not receive the maximum
15 compensation as authorized by law.

16 SECTION 10. AMENDATORY 47 O.S. 2011, Section 7-602.1, is
17 amended to read as follows:

18 Section 7-602.1 Every operator of a motor vehicle registered in
19 this state shall, while operating or using such vehicle, carry
20 either an operator's or an owner's security verification form issued
21 by an insurance carrier or an equivalent form issued by the
22 Department of Public Safety as proof of financial responsibility or
23 by the Insurance Commissioner as proof of self-insurance, reflecting
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1 liability coverage. An owner's security verification form issued to
2 the owner of a motor vehicle may be used as an operator's security
3 verification form by an operator who is not the owner of the motor
4 vehicle, if the operator is not excluded from coverage on the motor
5 vehicle liability policy for the vehicle. Any exclusions from the
6 policy shall be included on the owner's security verification form.

7 SECTION 11. AMENDATORY 47 O.S. 2011, Section 7-603, is
8 amended to read as follows:

9 Section 7-603. A. From its own records, the Department of
10 Public Safety may verify the existence of security made in the form
11 of a deposit ~~or of self-insurance~~ for which a certification has been
12 made ~~to~~. From the records of the Insurance Commissioner, the
13 Department may verify the existence of security made in the form of
14 self-insurance for which a certification has been made.

15 B. The Department may at any time verify, using the online
16 verification system provided for in Section 7-600.2 of this title,
17 the existence of security certified to in policies issued by
18 insurance companies.

19 SECTION 12. AMENDATORY 47 O.S. 2011, Section 7-605, is
20 amended to read as follows:

21 Section 7-605. A. 1. Whenever any person forfeits a bond,
22 fails to appear, or is convicted in any state or municipal court for
23 permitting the operation in this state of a motor vehicle owned by
24

1 the person without the security required by this title, for
2 operating a motor vehicle in this state without the security
3 required by this title, or for failure to carry a security
4 verification form, the Department of Public Safety shall suspend the
5 driving privilege of the person.

6 2. The suspension of the driving privilege shall remain in
7 effect until payment is made of the fees provided for in Section 6-
8 212 of this title and proof of security is furnished to the
9 Department of Public Safety which complies with the requirements of
10 the Compulsory Insurance Law; provided, for purposes of this
11 section, proof of security shall not mean a binder policy but shall
12 mean an owner's policy or an operator's policy, as defined in
13 Section 7-600 of this title; provided further, a suspension for
14 failure to appear shall remain in effect until proof of appearance
15 is received by the Department from the reporting court. Suspension
16 under this section shall be effective when notice thereof is given
17 pursuant to Section 2-116 of this title.

18 3. Any person whose driving privilege has been suspended
19 pursuant to the provisions of this subsection shall surrender to the
20 Department his or her driver license. Any person failing to
21 voluntarily relinquish his or her driver license to the Department
22 within thirty (30) days of receipt of the notice specified in
23 paragraph 2 of this subsection shall pay a fee of Fifty Dollars

1 (\$50.00) in addition to the fees provided for in Section 6-212 of
2 this title.

3 4. If a person furnishes proof to the satisfaction of the
4 Department that security was in effect at the time of the alleged
5 offense, the Department shall vacate the suspension order and shall
6 not require the filing of a certificate of insurance nor payment of
7 either of the above fees.

8 B. 1. When suspending the driving privilege for violation of
9 the Compulsory Insurance Law, or for violation of a municipal
10 ordinance requiring security or the carrying of a security
11 verification form, the Department may rely upon court records which
12 indicate that a person was either convicted or failed to appear upon
13 the charge when the record is obtained from any court of competent
14 jurisdiction which indicates one of the following:

- 15 a. a conviction, or
- 16 b. a notice of bond forfeiture.

17 2. A court record is sufficient under paragraph 1 of this
18 subsection which includes a statement such as "No Security Form",
19 "No Insurance" or other term indicating lack of security.

20 3. The Department may continue to rely on such records until
21 proof is submitted from the issuing court clerk which indicates that
22 the record either:

- 23 a. was issued in error, or

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1 b. was not related to a violation of:

2 (1) the Compulsory Insurance Law,

3 (2) a security verification form as required by this
4 article, or

5 (3) a municipal ordinance requiring security or the
6 carrying of a security verification form.

7 C. If a nonresident's driving privilege is suspended pursuant
8 to subsection A of this section, the Department shall transmit
9 notice of the suspension to the licensing agency in the state in
10 which the nonresident resides.

11 D. Whenever any person's driving privilege has been suspended
12 pursuant to this section or Section 7-612 of this title, the
13 Department may notify any law enforcement officer of the suspension.
14 Any law enforcement officer who has been notified that the driving
15 privilege of a person has been suspended, upon observing the person
16 or motor vehicle anywhere upon a public street, highway, roadway,
17 turnpike, or public parking lot, shall stop the person or motor
18 vehicle, seize the driver license of the person, seize the vehicle
19 being operated by the person and cause the vehicle to be towed and
20 stored as provided in subsection B of Section 955 of this title, if
21 the officer has probable cause to believe that the vehicle is not
22 insured as required by the Compulsory Insurance Law of this state.

1 ~~E. No person shall have a property interest in a driver license~~
2 ~~issued pursuant to the laws of this state and it shall be the duty~~
3 ~~of every person whose driving privilege has been suspended to~~
4 ~~forthwith surrender his or her driver license upon the request of~~
5 ~~any law enforcement officer or representative of the Department.~~

6 ~~F.~~ Any person upon a public street, highway, roadway, turnpike,
7 or public parking lot, within this state, who willfully refuses to
8 surrender possession of a driver license after being informed by a
9 peace officer or representative of the Department that his or her
10 driving privilege is currently under suspension according to the
11 records of the Department, shall be guilty of a misdemeanor,
12 punishable as provided in Section 17-101 of this title.

13 ~~G.~~ F. Any driver license surrendered to or seized by a law
14 enforcement officer pursuant to the Compulsory Insurance Law shall
15 be submitted to a representative of the Department in a manner and
16 with a form or method approved by the Department.

17 ~~H.~~ G. The Department shall deposit fees collected pursuant to
18 paragraph 3 of subsection A of this section or pursuant to
19 subsection E of Section 7-612 of this title in a special account of
20 the Department maintained with the office of the State Treasurer.
21 The State Treasurer shall credit these fees to this special account
22 to be distributed as hereinafter provided.

1 ~~F.~~ H. The Department shall identify the name of the employing
2 law enforcement agency from which a suspended driver license has
3 been received pursuant to this section, and determine that the fee
4 required by paragraph 3 of subsection A of this section has been
5 paid. The Department shall reimburse the law enforcement agency so
6 identified the sum of Twenty-five Dollars (\$25.00) for each driver
7 license from the special account.

8 ~~J.~~ I. Any unencumbered monies remaining in the special account
9 at the close of each calendar month shall be transferred by the
10 Department to the General Revenue Fund of the State Treasury.

11 ~~K.~~ J. The State of Oklahoma, the departments and agencies
12 thereof, including the Department of Public Safety, all political
13 subdivisions, and the officers and employees of each, shall not be
14 held legally liable in any suit in law or in equity for any
15 erroneous entry of a suspension upon the records of the Department,
16 nor for the enforcement of the provisions of the Compulsory
17 Insurance Law performed in good faith.

18 SECTION 13. AMENDATORY 47 O.S. 2011, Section 7-606, is
19 amended to read as follows:

20 Section 7-606. A. 1. An owner or operator who fails to comply
21 with the Compulsory Insurance Law, or who fails to produce for
22 inspection a valid and current security verification form or
23 equivalent form which has been issued by the Department of Public
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1 Safety as proof of financial responsibility or by the Insurance
2 Commissioner as proof of self-insurance upon request of any peace
3 officer, representative of the Department of Public Safety or other
4 authorized person, shall be guilty of a misdemeanor and upon
5 conviction shall be subject to a fine of not more than Two Hundred
6 Fifty Dollars (\$250.00), or imprisonment for not more than thirty
7 (30) days, or by both such fine and imprisonment, and in addition
8 thereto, shall be subject to suspension of the driving privilege of
9 the person in accordance with Section 7-605 of this title. Upon
10 issuing a citation under this paragraph, the law enforcement officer
11 issuing the citation may seize the vehicle being operated by the
12 person and cause the vehicle to be towed and stored as provided by
13 subsection B of Section 955 of this title, if the officer has
14 probable cause to believe that the vehicle is not insured as
15 required by the Compulsory Insurance Law of this state. If the
16 operator of the vehicle produces what appears to be a valid security
17 verification form and the officer is unable to confirm compliance
18 through the online verification system or noncompliance by a
19 subsequent investigation, the officer shall be prohibited from
20 seizing the vehicle and causing such vehicle to be towed and stored.
21 Further, no vehicle shall be seized and towed under the provisions
22 of this paragraph if said vehicle is displaying a temporary license

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1 plate that has not expired pursuant to the provisions of Sections
2 1137.1 and 1137.3 of this title.

3 2. An owner other than an owner of an antique or a classic
4 automobile as defined by the Oklahoma Tax Commission who files an
5 affidavit that a vehicle shall not be driven upon the public
6 highways or public streets, pursuant to Section 7-607 of this title,
7 who drives or permits the driving of the vehicle upon the public
8 highways or public streets, shall be guilty of a misdemeanor and
9 upon conviction thereof shall be subject to a fine of not more than
10 Five Hundred Dollars (\$500.00), or imprisonment for not more than
11 thirty (30) days, or by both such fine and imprisonment, and in
12 addition thereto, shall be subject to suspension of the driving
13 privilege of the person in accordance with Section 7-605 of this
14 title.

15 B. A sentence imposed for any violation of the Compulsory
16 Insurance Law may be suspended or deferred in whole or in part by
17 the court.

18 C. Any person producing proof in court that a current security
19 verification form or equivalent form which has been issued by the
20 Department of Public Safety as proof of financial responsibility or
21 by the Insurance Commissioner as proof of self-insurance reflecting
22 liability coverage for the person was in force at the time of the
23 alleged offense shall be entitled to dismissal of the charge. If

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1 proof of security verification is presented to the court by no later
2 than the business day preceding the first scheduled court appearance
3 date, the dismissal shall be without payment of court costs. The
4 court may access information from the online verification system to
5 confirm liability coverage. The court shall not dismiss the fine
6 unless proof that liability coverage for the person was in force at
7 the time of the alleged offense is presented to the court.

8 D. Upon conviction, bond forfeiture or deferral of sentence,
9 the court clerk shall forward an abstract to the Department of
10 Public Safety within ten (10) days reflecting the action taken by
11 the court.

12 E. For purposes of this section, "court" means any court in
13 this state.

14 SECTION 14. AMENDATORY 47 O.S. 2011, Section 14-109, is
15 amended to read as follows:

16 Section 14-109. A. On any road or highway:

17 1. No single axle weight shall exceed twenty thousand (20,000)
18 pounds; and

19 2. The total gross weight in pounds imposed thereon by a
20 vehicle or combination of vehicles shall not exceed the value ~~given~~
21 ~~in the following table~~ as provided in Section 127, 23 C.F.R., Part
22 658 of Title 23 of the United States Code, and the publications
23 related thereto of the Federal Highway Administration of the United

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1 States Department of Transportation including, but not limited to
 2 "Bridge Formula Weights" (FHWA-HOP-06-105) corresponding to the
 3 distance in feet between the extreme axles of the group measured
 4 longitudinally to the nearest foot.

5 ~~Distance in Feet~~
 6 ~~Between the Extremes of~~ Maximum Load in Pounds
 7 ~~Any Group of 2 or More~~ Carried on Any Group of 2 or
 8 ~~Consecutive Axles~~ More Consecutive Axles

	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles
9					
10	4 34,000	-----	-----	-----	-----
11	5 34,000	-----	-----	-----	-----
12	6 34,000	-----	-----	-----	-----
13	7 34,000	-----	-----	-----	-----
14	8 34,000	42,000	-----	-----	-----
15	9 39,000	42,500	-----	-----	-----
16	10 40,000	43,500	-----	-----	-----
17	11 -----	44,000	-----	-----	-----
18	12 -----	45,000	50,000	-----	-----
19	13 -----	45,500	50,500	-----	-----
20	14 -----	46,500	51,500	-----	-----
21	15 -----	47,000	52,000	-----	-----
22	16 -----	48,000	52,500	58,000	-----
23	17 -----	48,500	53,500	58,500	-----

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

1	18	-----	49,500	54,000	59,000	-----
2	19	-----	50,000	54,500	60,000	-----
3	20	-----	51,000	55,500	60,500	66,000
4	21	-----	51,500	56,000	61,000	66,500
5	22	-----	52,500	56,500	61,500	67,000
6	23	-----	53,000	57,500	62,500	68,000
7	24	-----	54,000	58,000	63,000	68,500
8	25	-----	54,500	58,500	63,500	69,000
9	26	-----	56,000	59,500	64,000	69,500
10	27	-----	57,500	60,000	65,000	70,000
11	28	-----	59,000	60,500	65,500	71,000
12	29	-----	60,500	61,500	66,000	71,500
13	30	-----	62,000	62,000	66,500	72,000
14	31	-----	63,500	63,500	67,000	72,500
15	32	-----	64,000	64,000	68,000	73,500
16	33	-----	-----	64,500	68,500	74,000
17	34	-----	-----	65,000	69,000	74,500
18	35	-----	-----	66,000	70,000	75,000
19	36	-----	-----	68,000	70,500	75,500
20	37	-----	-----	68,000	71,000	76,000
21	38	-----	-----	69,000	72,000	77,000
22	39	-----	-----	70,000	72,500	77,500
23	40	-----	-----	71,000	73,000	78,000

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1	41	-----	-----	72,000	73,500	78,500
2	42	-----	-----	73,000	74,000	79,000
3	43	-----	-----	73,280	75,000	80,000
4	44	-----	-----	73,280	75,500	80,500
5	45	-----	-----	73,280	76,000	81,000
6	46	-----	-----	73,280	76,500	81,500
7	47	-----	-----	73,500	77,500	82,000
8	48	-----	-----	74,000	78,000	83,000
9	49	-----	-----	74,500	78,500	83,500
10	50	-----	-----	75,500	79,000	84,000
11	51	-----	-----	76,000	80,000	84,500
12	52	-----	-----	76,500	80,500	85,000
13	53	-----	-----	77,500	81,000	86,000
14	54	-----	-----	78,000	81,500	86,500
15	55	-----	-----	78,500	82,500	87,000
16	56	-----	-----	79,500	83,000	87,500
17	57	-----	-----	80,000	83,500	88,000
18	58	-----	-----	-----	84,000	89,000
19	59	-----	-----	-----	85,000	89,500
20	60	-----	-----	-----	85,500	90,000

21 B. Except as to gross limits, the ~~table in~~ provisions of
22 subsection A of this section shall not apply to a truck-tractor and
23 dump semitrailer when used as a combination unit. In no event shall

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1 the maximum load in pounds carried by any set of tandem axles exceed
2 thirty-four thousand (34,000) pounds for vehicles exempt from the
3 ~~table~~ provisions of subsection A of this section; however, any
4 vehicle operating with split tandem axles or tri-axles shall adhere
5 to the table.

6 C. Special permits may be issued as provided in this title for
7 divisible loads for vehicle configurations in excess of six (6)
8 axles. The permits may not exceed the ~~Table "B"~~ federal weights
9 formula imposed by ~~Title 23, U.S. Code,~~ Section 127, 23 C.F.R., Part
10 658 of Title 23 of the United States Code, and the publications
11 related thereto of the Federal Highway Administration of the United
12 States Department of Transportation including, but not limited to,
13 "Bridge Formula Weights" (FHWA-HOP-06-105). Vehicles moving under
14 the permits shall not traverse H-15 bridges or less without the
15 express approval of the Secretary of Transportation.

16 D. Except for loads moving under special permits as provided in
17 this title, no department or agency of this state or any county,
18 city, or public entity thereof shall pay for any material that
19 exceeds the legal weight limits moving in interstate or intrastate
20 commerce in excess of the legal load limits of this state.

21 E. Exceptions to this section will be:

22 1. Utility or refuse collection vehicles used by counties,
23 cities, or towns located in Oklahoma or by private companies

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1 contracted by counties, cities, or towns located in Oklahoma if the
2 following conditions are met:

3 a. calculation of weight for a utility or refuse
4 collection vehicle shall be "Gross Vehicle Weight".
5 The "Gross Vehicle Weight" of a utility or refuse
6 collection vehicle may not exceed the otherwise
7 applicable weight by more than fifteen percent (15%).
8 The weight on individual axles must not exceed the
9 manufacturer's component rating which includes axle,
10 suspension, wheels, rims, brakes, and tires as shown
11 on the vehicle certification label or tag, and

12 b. utility or refuse collection vehicles operated under
13 these exceptions will not be allowed to operate on
14 interstate highways;

15 2. Vehicles transporting timber, pulpwood, and chips in their
16 natural state, vehicles transporting oil field fluids, oil field
17 equipment, or equipment used in oil and gas well drilling or
18 exploration, and vehicles transporting grain, if the following
19 conditions are met:

20 a. the vehicles are registered for the maximum allowable
21 rate,

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1 b. the vehicles do not exceed five percent (5%) of the
2 gross limits ~~set forth~~ as provided in subsection A of
3 this section, and

4 c. the vehicles operating pursuant to the provisions of
5 this paragraph will not be allowed to operate on the
6 National System of Interstate and Defense Highways;

7 3. Vehicles transporting rock, sand, gravel, coal, and flour if
8 the following conditions are met:

9 a. the vehicles are registered for the maximum allowable
10 rate,

11 b. the vehicles do not exceed five percent (5%) of the
12 axle limits ~~set forth~~ as provided in subsection A of
13 this section, and

14 c. the vehicles operating pursuant to the provisions of
15 this paragraph will not be allowed to operate on the
16 National System of Interstate and Defense Highways;
17 and

18 4. A combination of a wrecker or tow vehicle and another
19 vehicle or vehicle combination if:

20 a. the service provided by the wrecker or tow vehicle is
21 needed to remove disabled, abandoned, or accident-
22 damaged vehicles, and

1 b. the wrecker or tow vehicle is towing the other vehicle
2 or vehicle combination directly to the nearest
3 authorized place of repair, terminal, or vehicle
4 storage facility.

5 Vehicles operating pursuant to the provisions of this paragraph will
6 not be allowed to operate on the National System of Interstate and
7 Defense Highways.

8 F. 1. Any vehicle utilizing an auxiliary power or idle
9 reduction technology unit in order to promote reduction of fuel use
10 and emissions because of engine idling shall be allowed an
11 additional four hundred (400) pounds total to the total gross weight
12 limits set by this section.

13 2. To be eligible for the exception provided in this
14 subsection, the operator of the vehicle must obtain written proof or
15 certification of the weight of the auxiliary power or idle reduction
16 technology unit and be able to demonstrate or certify that the idle
17 reduction technology is fully functional.

18 3. Written proof or certification of the weight of the
19 auxiliary power or idle reduction technology unit must be available
20 to law enforcement officers if the vehicle is found in violation of
21 applicable weight laws. The additional weight allowed cannot exceed
22 four hundred (400) pounds or the actual proven or certified weight
23 of the unit, whichever is less.

1 G. Utility or refuse collection vehicles, vehicles transporting
2 timber, pulpwood, and chips in their natural state, vehicles
3 transporting oil field fluids, oil field equipment or equipment used
4 in oil and gas well drilling or exploration, vehicles transporting
5 rock, sand, gravel, coal, and flour and vehicles transporting grain,
6 operating under exceptions shall purchase an annual special overload
7 permit for One Hundred Dollars (\$100.00). This fee shall be
8 apportioned as provided for in Section 1104 of this title.

9 H. For purposes of this section, "utility vehicle" shall mean
10 any truck used by a private utility company, county, city, or town
11 for the purpose of installing or maintaining electric, water, or
12 sewer systems.

13 SECTION 15. AMENDATORY 47 O.S. 2011, Section 14-116, is
14 amended to read as follows:

15 Section 14-116. A. The Commissioner of Public Safety shall
16 charge a minimum permit fee of Forty Dollars (\$40.00) for any permit
17 issued pursuant to the provisions of Section 14-101 et seq. of this
18 title. In addition to the permit fee, the Commissioner shall charge
19 a fee of Ten Dollars (\$10.00) for each thousand pounds in excess of
20 the legal load limit. The Commissioner of Public Safety shall
21 establish any necessary rules for collecting the fees. Provided,
22 for any permit which is canceled or revised by the requester for
23 reasons other than an error in the permit caused by the Department

1 of Public Safety, the Commissioner shall charge and the requester
2 shall pay a cancellation or revision fee of Twenty Dollars (\$20.00).
3 The proceeds from each cancellation or revision fee shall be
4 deposited to the credit of the Department of Public Safety Revolving
5 Fund.

6 B. The Department of Public Safety is authorized to establish
7 an escrow account system for the payment of permit fees. Authorized
8 motor carriers meeting established credit requirements may
9 participate in the escrow account system for permits purchased from
10 all size and weight permit offices in this state. Carriers not
11 choosing to participate in the escrow account system shall be
12 required to make payment of the required fee or fees upon purchase
13 of each permit as required by law. All monies collected through the
14 escrow account system shall be deposited to a special account of the
15 Department of Public Safety and placed in the custody of the State
16 Treasurer. Proceeds from permits purchased using the escrow account
17 system shall be distributed as provided for in subsection G of this
18 section. However, fees collected through such accounts for the
19 electronic transmission, transfer or delivery of permits, as
20 provided for in Section 14-118 of this title, shall be credited to
21 the Department of Public Safety Revolving Fund.

22 C. 1. Application for permits shall be made a reasonable time
23 in advance of the expected time of movement of such vehicles. For
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1 emergencies affecting the health or safety of persons or a
2 community, permits may be issued for immediate movement.

3 2. Size and weight permit offices in all districts where
4 applicable shall issue permits to authorize carriers by telephone
5 during weekdays.

6 3. The Commissioner of Public Safety shall develop a system for
7 provisional permits for authorized carriers which may be used in
8 lieu of a regular permit for the movement of oversize and overweight
9 loads when issued an authorization number by the Department of
10 Public Safety. Such provisional permits shall include date of
11 movement, general load description, estimated weight, oversize
12 notation, route of travel, truck or truck-tractor license number,
13 and permit authorization number.

14 D. No overweight permit shall be valid until all license taxes
15 due the State of Oklahoma have been paid.

16 E. No permit violation shall be deemed to have occurred when an
17 oversize or overweight movement is made pursuant to a permit whose
18 stated weight or size exceeds the actual load.

19 F. The first deliverer of motor vehicles designated truck
20 carriers or well service carriers manufactured in Oklahoma shall not
21 be required to purchase an overweight permit when being delivered to
22 the first purchaser.

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1 G. Except as provided in Section 4 14-122 of this ~~act~~ title,
2 the first One Million Two Hundred Sixteen Thousand Dollars
3 (\$1,216,000.00) of proceeds from both the permit fees and the
4 overweight permit fees imposed pursuant to subsection A of this
5 section collected monthly shall be apportioned as provided in
6 Section 1104 of this title. All proceeds collected from both the
7 permit fees and the overweight permit fees imposed pursuant to
8 subsection A of this section in excess of One Million Two Hundred
9 Sixteen Thousand Dollars (\$1,216,000.00) shall be deposited in the
10 Weigh Station Improvement Revolving Fund as provided in Section 1167
11 of this title for the purpose set forth in that section and may be
12 used for motor carrier permitting systems and motor carrier safety
13 and enforcement.

14 SECTION 16. AMENDATORY 47 O.S. 2011, Section 14-120.2,
15 is amended to read as follows:

16 Section 14-120.2 A. Every person required by the ~~Oklahoma~~
17 Department of Transportation, the Oklahoma ~~Transportation~~ Turnpike
18 Authority, or any federal agency or commission to have a law
19 enforcement escort provided by the Oklahoma Highway Patrol Division
20 of the Department of Public Safety for the transport of any
21 oversized load or hazardous shipment by road or rail shall pay to
22 the Department of Public Safety a fee covering the full cost to
23 administer, plan, and carry out the escort within this state;

1 provided, the Oklahoma Highway Patrol shall be the sole provider of
2 an escort for a superload. For purposes of this section,
3 "superload" means any vehicle, load, or combination thereof which is
4 twenty (20) feet or greater in width. The fee shall be a
5 contractually obligated payment and shall include, but not be
6 limited to:

- 7 1. The cost of each escort unit; and
- 8 2. One and one-half (1 1/2) times the rate of pay for a Highway
9 Patrolman (Trooper) Step 7, as provided in Section 2-105.4 of this
10 title.

11 B. If the Highway Patrol provides an escort to accompany the
12 transport of an oversized load or hazardous shipment by road or rail
13 at the request of any person that is not required to have a law
14 enforcement escort pursuant to subsection A of this section, then
15 the requestor shall pay to the Department of Public Safety a fee
16 covering the full cost to administer, plan, and carry out the escort
17 within this state.

18 C. The Department of Public Safety shall adopt by rule a
19 schedule of fees necessary to implement this section.

20 D. All fees collected by the Department pursuant to this
21 section shall be deposited to the credit of the Department of Public
22 Safety Revolving Fund.

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1 SECTION 17. AMENDATORY 47 O.S. 2011, Section 40-102, is
2 amended to read as follows:

3 Section 40-102. A. 1. Every law enforcement officer who, in
4 the regular course of duty, investigates or receives a report of a
5 traffic collision resulting in injury to or death of a person or
6 total property damage to an apparent extent of Five Hundred Dollars
7 (\$500.00) or more shall prepare a written report of the collision on
8 the standard collision report form supplied by the Department of
9 Public Safety. The reports shall be forwarded within thirty (30)
10 days of the collision or, if the collision results in the death of
11 any person, then within twenty (20) days of the death of the person,
12 whichever time period is lesser, by the law enforcement agency
13 preparing the report to the Department of Public Safety.

14 2. Reports of collisions shall be kept confidential for a
15 period of sixty (60) days after the date of the collision; provided,
16 the reports shall be made available as soon as practicable upon
17 request to any:

- 18 a. party involved in the collision,
- 19 b. legal representatives of a party involved in the
20 collision,
- 21 c. state, county or city law enforcement agency,
- 22 d. the Department of Transportation or any county or city
23 transportation or road and highway maintenance agency,

- e. licensed insurance agents of a party involved in the collision,
- f. insurer of a party involved in the collision,
- g. insurer to which a party has applied for coverage,
- h. person under contract with an insurer, as described in subparagraph e, f or g of this paragraph, to provide claims or underwriting information,
- i. prosecutorial authority,
- j. newspaper as defined in Section 106 of Title 25 of the Oklahoma Statutes,
- k. radio or television broadcaster,
- l. licensed private investigators employed by a party involved in the collision, ~~or~~
- m. provider of health services to a party involved in the collision, or
- n. lienholder of a party involved in the collision.

3. Any person who knowingly violates this section and obtains or provides information made confidential by this section is guilty of a misdemeanor and shall be fined no more than Two Thousand Five Hundred Dollars (\$2,500.00). Second and subsequent offenses shall carry a penalty of imprisonment in the county jail for not more than thirty (30) days.

1 B. 1. No public employee or officer shall allow a person to
2 examine or reproduce a collision report or any related investigation
3 report if examination or reproduction of the report is sought for
4 the purpose of making a commercial solicitation. Any person
5 requesting a collision report may be required to state, in writing,
6 under penalty of perjury, that the report will not be examined,
7 reproduced or otherwise used for commercial solicitation purposes.
8 It shall be unlawful and constitute a misdemeanor for any person to
9 obtain or use information from a collision report or a copy thereof
10 for the purpose of making a commercial solicitation.

11 2. As used in this subsection:

12 a. "commercial solicitation" means any attempt to use, or
13 offer for use, information contained in a collision
14 report to solicit any person named in the report, or a
15 relative of the person, or to solicit a professional,
16 business, or commercial relationship. "Commercial
17 solicitation" does not include publication in a
18 newspaper, as defined in Section 106 of Title 25 of
19 the Oklahoma Statutes, or broadcast of information by
20 news media for news purposes, or obtaining information
21 for the purpose of verification or settlement of
22 claims by insurance companies, and

23

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1 b. "collision report" means any report regarding a motor
2 vehicle collision which has been submitted by an
3 individual or investigating officer on a form
4 prescribed or used by the Department of Public Safety
5 or local police department.

6 3. Publication in a newspaper, as defined in Section 106 of
7 Title 25 of the Oklahoma Statutes, or broadcast by news media for
8 news purposes shall not constitute a resale or use of data for trade
9 or commercial solicitation purposes. Because publication by a
10 newspaper, broadcast by news media for news purposes, or obtaining
11 information for verification or settlement of claims by insurance
12 companies is not a resale or use of data for commercial solicitation
13 purposes, an affidavit shall not be required as a condition for
14 allowing a member of a newspaper or broadcast news media, or
15 allowing an agent, or business serving as an agent, to insurance
16 companies, to examine or obtain a copy of a collision report. Any
17 agent or business obtaining information for verification or
18 settlement of claims involving persons named in a report shall
19 secure an affidavit annually from each client stating the
20 information provided to the client shall not be used for commercial
21 solicitation purposes under penalty of law.

22 4. The Department and local police departments shall include
23 the following or a similar notice upon any copy of a collision
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1 report furnished to others: "Warning - State Law. Use of contents
2 for commercial solicitation is unlawful."

3 C. As used in this section:

4 1. "Newspaper" means a legal newspaper as defined in Section
5 106 of Title 25 of the Oklahoma Statutes, provided that the primary
6 purpose of the newspaper is not the publication of personally
7 identifying information concerning parties involved in the traffic
8 collision; and

9 2. "Provider of health services" means any person that provides
10 health care services to the injured person under a license,
11 certification or registration issued pursuant to Title 59 of the
12 Oklahoma Statutes, or any hospital or related institution that
13 offers or provides health care services under a license issued
14 pursuant to Section 1-702 et seq. of Title 63 of the Oklahoma
15 Statutes.

16 SECTION 18. AMENDATORY 47 O.S. 2011, Section 751, is
17 amended to read as follows:

18 Section 751. A. 1. Any person who operates a motor vehicle
19 upon the public roads, highways, streets, turnpikes, parking lots or
20 any other public place or upon any private road, street, alley or
21 lane which provides access to one or more single or multifamily
22 dwellings within this state shall be deemed to have given consent to
23 a test or tests of such person's blood or breath, for the purpose of

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1 determining the alcohol concentration as defined in Section 756 of
2 this title, and such person's blood, saliva or urine for determining
3 the presence or concentration of any other intoxicating substance
4 therein as defined in this section, if arrested for any offense
5 arising out of acts alleged to have been committed while the person
6 was operating or in actual physical control of a motor vehicle upon
7 the public roads, highways, streets, turnpikes, parking lots or
8 other public place or upon any private road, street, alley or lane
9 which provides access to one or more single or multifamily dwellings
10 while under the influence of alcohol or other intoxicating
11 substance, or the combined influence of alcohol and any other
12 intoxicating substance, or if the person is involved in a traffic
13 accident that resulted in the immediate death or serious injury of
14 any person and is removed from the scene of the accident to a
15 hospital or other health care facility outside the State of Oklahoma
16 before a law enforcement officer can effect an arrest.

17 2. A law enforcement officer, having reasonable grounds to
18 believe that such person was operating or in actual physical control
19 of a motor vehicle while under the influence may direct the
20 administration of or administer the test or tests.

21 As used in this title, the term "other intoxicating substance"
22 shall mean any controlled dangerous substance as defined in the
23 Uniform Controlled Dangerous Substances Act and any other substance,
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1 other than alcohol, which is capable of being ingested, inhaled,
2 injected or absorbed into the human body and is capable of adversely
3 affecting the central nervous system, vision, hearing or other
4 sensory or motor functions.

5 B. The law enforcement agency by which the arresting officer is
6 employed may designate, in accordance with the rules of the Board of
7 Tests for Alcohol and Drug Influence, hereinafter referred to as the
8 Board, whether blood or breath is to be tested for the alcohol
9 concentration thereof, and whether blood, saliva or urine is to be
10 tested for the presence or concentration of any other intoxicating
11 substance therein.

12 In the event the law enforcement agency does not designate the
13 test to be administered, breath shall be the substance tested for
14 alcohol concentration. Blood may also be tested to determine the
15 alcohol concentration thereof in the event that breath cannot be
16 tested to determine the alcohol concentration thereof because of the
17 lack of an approved device or qualified person to administer a
18 breath test or because such breath test for any other reason cannot
19 be administered in accordance with the rules of the Board.

20 In the event the law enforcement agency does not designate the
21 test to be administered, blood, saliva or urine shall be the
22 substance tested for the presence or concentration of any other
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1 intoxicating substance or the combination of alcohol and any other
2 intoxicating substance.

3 C. In the event the person is incapable of submitting to and
4 successfully completing, by reason of illness or injury or other
5 physical disability, the test to be administered, an alternate test
6 may be administered in accordance with the rules of the Board.

7 D. Any person who is unconscious or otherwise incapable of
8 refusing to submit to a test of such person's blood or breath to
9 determine the alcohol concentration thereof, or to a test of such
10 person's blood, saliva or urine to determine the presence or
11 concentration of any other intoxicating substance therein, shall be
12 deemed not to have withdrawn the consent provided by subsection A of
13 this section, and such test may be administered as provided herein.

14 An unconscious person who has been issued a citation by a law
15 enforcement officer for one of the offenses listed in subsection A
16 of this section is arrested for purposes of this section. The
17 arresting officer must leave a copy of the citation with the
18 arrested person which may be accomplished by handing it to the
19 arrested person, or by leaving it with the personal effects of the
20 arrested party, so as to inform the unconscious person of the
21 arrest.

22 Any person who has been arrested for one of the offenses listed
23 in subsection A of this section who is unconscious or injured and
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1 who requires immediate medical treatment as determined by a treating
2 physician may be released on the person's own recognizance for
3 medical reasons by the arresting officer. The arresting officer who
4 releases an arrested person on the person's own recognizance must
5 indicate the release on the face of the citation. Any person
6 released on his or her own recognizance for medical reasons shall
7 remain at liberty pending the filing of charges.

8 E. In addition to any test designated by the arresting officer,
9 the arrested person may also designate any additional test to be
10 administered to determine the concentration of alcohol, or the
11 presence or concentration of any other intoxicating substance or the
12 combination of alcohol and any other intoxicating substance. The
13 cost of such additional test shall be at the expense of the arrested
14 person.

15 A sufficient quantity of any specimen obtained at the
16 designation of the arrested person shall be available to the law
17 enforcement agency employing the arresting officer. Such specimens
18 shall be treated in accordance with the rules applicable to the
19 specimens obtained by an arresting officer.

20 F. When a law enforcement officer has determined that the blood
21 alcohol content of an individual is to be tested for the presence or
22 concentration of alcohol, other intoxicating substance, or the
23 combination of alcohol and any other intoxicating substance, the law

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1 enforcement officer shall inform the individual to be tested that
2 the withdrawal of blood shall only be performed by certain medical
3 personnel as provided for in Section 752 of this title.

4 SECTION 19. AMENDATORY 47 O.S. 2011, Section 754, is
5 amended to read as follows:

6 Section 754. A. Any arrested person who is under twenty-one
7 (21) years of age and has any measurable quantity of alcohol in the
8 person's blood or breath, or any person twenty-one (21) years of age
9 or older whose alcohol concentration is eight-hundredths (0.08) or
10 more as shown by a breath test administered according to the
11 provisions of this title, or any arrested person who has refused to
12 submit to a breath or blood test, shall immediately surrender his or
13 her driver license, permit or other evidence of driving privilege to
14 the arresting law enforcement officer. The officer shall seize any
15 driver license, permit, or other evidence of driving privilege
16 surrendered by or found on the arrested person during a search.

17 B. If the evidence of driving privilege surrendered to or
18 seized by the officer has not expired and otherwise appears valid,
19 the officer shall issue to the arrested person a dated receipt for
20 that driver license, permit, or other evidence of driving privilege
21 on a form prescribed by the Department of Public Safety. This
22 receipt shall be recognized as a driver license and shall authorize
23 the arrested person to operate a motor vehicle for a period not to
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1 exceed thirty (30) days. The receipt form shall contain and
2 constitute a notice of revocation of driving privilege by the
3 Department effective in thirty (30) days. The evidence of driving
4 privilege and a copy of the receipt form issued to the arrested
5 person shall be attached to the sworn report of the officer and
6 shall be submitted by mail or in person to the Department within
7 seventy-two (72) hours of the issuance of the receipt. The failure
8 of the officer to timely file this report shall not affect the
9 authority of the Department to revoke the driving privilege of the
10 arrested person.

11 C. Upon receipt of a written blood or breath test report
12 reflecting that the arrested person, if under twenty-one (21) years
13 of age, had any measurable quantity of alcohol in the person's blood
14 or breath, or, if the arrested person is twenty-one (21) years of
15 age or older, a blood or breath alcohol concentration of eight-
16 hundredths (0.08) or more, accompanied by a sworn report from a law
17 enforcement officer that the officer had reasonable grounds to
18 believe the arrested person had been operating or was in actual
19 physical control of a motor vehicle while under the influence of
20 alcohol as prohibited by law, the Department shall revoke or deny
21 the driving privilege of the arrested person for a period as
22 provided by Section 6-205.1 of this title. Revocation or denial of
23 the driving privilege of the arrested person shall become effective

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1 thirty (30) days after the arrested person is given written notice
2 thereof by the officer as provided in this section or by the
3 Department as provided in Section 2-116 of this title.

4 D. Upon the written request of a person whose driving privilege
5 has been revoked or denied by notice given in accordance with this
6 section or Section 2-116 of this title, the Department shall grant
7 the person an opportunity to be heard if the request is received by
8 the Department within fifteen (15) days after the notice. The sworn
9 report of the officer, together with the results of any test or
10 tests, shall be deemed true, absent any facial deficiency, should
11 the requesting person fail to appear at the scheduled hearing. A
12 timely request shall stay the order of the Department until the
13 disposition of the hearing unless the person is under cancellation,
14 denial, suspension or revocation for some other reason. The
15 Department may issue a temporary driving permit pending disposition
16 of the hearing, if the person is otherwise eligible. If the hearing
17 request is not timely filed, the revocation or denial shall be
18 sustained.

19 E. 1. At any hearing held relevant to this section, a report
20 of the findings of the laboratory of the Oklahoma State Bureau of
21 Investigation, the medical examiner's report of investigation or
22 autopsy report, or a laboratory report from a forensic laboratory
23 operated by the State of Oklahoma or any political subdivision
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1 thereof, which has been made available to the person by the
2 Commissioner or an authorized representative at least five (5) days
3 prior to the hearing, with reference to all or part of the evidence
4 submitted, when certified as correct by the persons making the
5 report shall be received as evidence of the facts and findings
6 stated, if relevant and otherwise admissible in evidence. If the
7 report is deemed relevant by either party, the court shall admit the
8 report without the testimony of the person making the report, unless
9 the court, pursuant to this subsection, orders the person to appear.

10 2. When any alleged controlled dangerous substance has been
11 submitted to the laboratory of the OSBI for analysis, and the
12 analysis shows that the submitted material is a controlled dangerous
13 substance, the distribution of which constitutes a felony under the
14 laws of this state, no portion of the substance shall be released to
15 any other person or laboratory absent an order of a district court.
16 The defendant shall additionally be required to submit to the court
17 a procedure for transfer and analysis of the subject material to
18 ensure the integrity of the sample and to prevent the material from
19 being used in any illegal manner.

20 3. The court, upon motion of either party, shall order the
21 attendance of any person preparing a report submitted as evidence in
22 the hearing when it appears there is a substantial likelihood that
23 material evidence not contained in the report may be produced by the
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1 testimony of any person having prepared a report. The hearing shall
2 be held and, if sustained, an order issued not less than five (5)
3 days prior to the time when the testimony shall be required.

4 4. If within five (5) days prior to the hearing or during a
5 hearing, a motion is made pursuant to this section requiring a
6 person having prepared a report to testify, the court may hear a
7 report or other evidence but shall continue the hearing until such
8 time notice of the motion and hearing is given to the person making
9 the report, the motion is heard, and, if sustained, the testimony
10 ordered can be given.

11 F. The hearing before the Commissioner of Public Safety or a
12 designated hearing officer shall be conducted in the county of
13 arrest or may be conducted by telephone conference call. The
14 hearing may be recorded and its scope shall cover the issues of
15 whether the officer had reasonable grounds to believe the person had
16 been operating or was in actual physical control of a vehicle upon
17 the public roads, highways, streets, turnpikes, parking lots or
18 other public place, or upon any private road, street, alley or lane
19 which provides access to one or more single or multifamily
20 dwellings, of this state while under the influence of alcohol, any
21 other intoxicating substance, or the combined influence of alcohol
22 and any other intoxicating substance as prohibited by law, and
23 whether the person was placed under arrest.

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1 1. If the revocation or denial is based upon a breath or blood
2 test result and a sworn report from a law enforcement officer, the
3 scope of the hearing shall also cover the issues as to whether:

- 4 a. if timely requested by the person, the person was not
5 denied a breath or blood test,
6 b. the specimen was obtained from the person within two
7 (2) hours of the arrest of the person,
8 c. the person, if under twenty-one (21) years of age, was
9 advised that driving privileges would be revoked or
10 denied if the test result reflected the presence of
11 any measurable quantity of alcohol,
12 d. the person, if twenty-one (21) years of age or older,
13 was advised that driving privileges would be revoked
14 or denied if the test result reflected an alcohol
15 concentration of eight-hundredths (0.08) or more, and
16 e. the test result in fact reflects the alcohol
17 concentration.

18 2. If the revocation or denial is based upon the refusal of the
19 person to submit to a breath or blood test, reflected in a sworn
20 report by a law enforcement officer, the scope of the hearing shall
21 also include whether:

- 22 a. the person refused to submit to the test or tests, and
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1 b. the person was informed that driving privileges would
2 be revoked or denied if the person refused to submit
3 to the test or tests.

4 G. After the hearing, the Commissioner of Public Safety or a
5 designated hearing officer shall order the revocation or denial
6 either rescinded or sustained.

7 SECTION 20. This act shall become effective July 1, 2012.

8 SECTION 21. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

12
13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/09/2012 -
14 DO PASS, As Amended and Coauthored.