

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1247

By: Nichols

4  
5  
6 AS INTRODUCED

7 An Act relating to Department of Public Safety funds;  
8 amending 43A O.S. 2011, Section 3-460, which relates  
9 to driver license revocation, 47 O.S. 2011, Sections  
10 2-122, 2-125, 2-144.1, 6-101, 6-212.3, 11-1007, 11-  
11 1112, 11-1403, 14-116, 14-118, 14-120.2, 230.9, 754.1  
12 and 953, which relate to motor vehicles, and 63 O.S.  
13 2011, Section 2-508, which relates to disposition of  
14 seized property; requiring deposit of certain monies  
15 in Department of Public Safety Restricted Revolving  
16 Fund; modifying monies to be deposited in Department  
17 of Public Safety Revolving Fund; modifying purposes  
18 for which monies deposited to Department of Public  
19 Safety Revolving Fund may be expended; providing an  
20 effective date; and declaring an emergency.

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

22 SECTION 1. AMENDATORY 43A O.S. 2011, Section 3-460, is  
23 amended to read as follows:

24 Section 3-460. A. The Department of Mental Health and  
Substance Abuse Services shall certify assessment personnel for the  
purpose of conducting alcohol and drug assessment and evaluation  
programs related to driver license revocation.

1 B. Application fees for certification of assessment personnel  
2 shall be set by the Department to defray the costs of administering  
3 the program and shall be:

4 1. Not less than One Hundred Dollars (\$100.00) and not more  
5 than Two Hundred Dollars (\$200.00) upon initial application; and

6 2. Not less than Twenty-five Dollars (\$25.00) and not more than  
7 One Hundred Fifty Dollars (\$150.00) upon triennial renewal.

8 C. The fee for those undergoing an assessment and evaluation  
9 pursuant to this section shall be One Hundred Sixty Dollars  
10 (\$160.00). A fee of Fifteen Dollars (\$15.00) shall be remitted by  
11 the individual undergoing an assessment and evaluation directly to  
12 the Department of Public Safety pursuant to Section 6-212 of Title  
13 47 of the Oklahoma Statutes.

14 1. The Department of Public Safety shall remit ninety percent  
15 (90%) of the Fifteen Dollar (\$15.00) fee collected pursuant to this  
16 section to the State Treasurer to be credited to the Community-based  
17 Substance Abuse Revolving Fund in the State Treasury and shall be  
18 used by the Department of Mental Health and Substance Abuse  
19 Services.

20 2. Ten percent (10%) of each Fifteen Dollar (\$15.00) fee  
21 collected by the Department of Public Safety pursuant to this  
22 section shall be deposited into the ~~Department of Public Safety~~  
23 ~~Revolving Fund, as created in Section 2-144.1~~ Department of Public  
24 Safety Restricted Revolving Fund, as created in Section 2-145 of

1 Title 47 of the Oklahoma Statutes, to be used for administrative  
2 costs associated with the duties imposed by this section.

3 D. The Board of Mental Health and Substance Abuse Services is  
4 authorized to promulgate such rules as are necessary to implement  
5 the provisions of ~~this act~~ Section 3-451 et seq. of this title.

6 Failure to comply with rules and standards promulgated by the Board  
7 shall be grounds for revocation, suspension or nonrenewal of  
8 certification.

9 E. The Director of the Office of State Finance shall transfer  
10 any unobligated monies generated by the fees in subsection C of this  
11 section, deposited before November 1, 2005, from the Department of  
12 Mental Health and Substance Abuse Services Revolving Fund to the  
13 Community-based Substance Abuse Revolving Fund, in amounts  
14 calculated by the Department.

15 F. No alcohol or drug assessment personnel shall operate or  
16 continue to operate as such unless the alcohol or drug assessment  
17 personnel comply with the rules promulgated by the Board and are  
18 certified as required by this section.

19 SECTION 2. AMENDATORY 47 O.S. 2011, Section 2-122, is  
20 amended to read as follows:

21 Section 2-122. A. The Commissioner of the Department of Public  
22 Safety is authorized to receive funds from gifts, federal and state  
23 agency sources, state and local agency employees, and tuition and  
24 fees for room and meals from users of the Robert R. Lester Training

1 Center and other training facilities of the Department of Public  
2 Safety. All amounts collected shall be deposited in the State  
3 Treasury to the credit of the Department of Public Safety Revolving  
4 Fund.

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

23 C. There is hereby created a petty cash fund for the Department  
24 of Public Safety. Said fund shall be used by the Department to

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

7 SECTION 3. AMENDATORY 47 O.S. 2011, Section 2-125, is  
8 amended to read as follows:

9 Section 2-125. The Commissioner of the Department of Public  
10 Safety shall deposit in the State Treasury to the credit of the  
11 ~~Department of Public Safety Revolving Fund~~ Department of Public  
12 Safety Restricted Revolving Fund any monies that are derived from  
13 user fees and installation costs paid by subscribers for terminals  
14 that are a part of the Oklahoma Law Enforcement Telecommunication  
15 Systems. In addition to other purposes authorized by law,  
16 expenditures from ~~said~~ the Fund shall be used for purchases of  
17 terminal equipment, installation costs, personnel, and other  
18 operating expenses of the Oklahoma Law Enforcement Telecommunication  
19 Systems.

20 SECTION 4. AMENDATORY 47 O.S. 2011, Section 2-144.1, is  
21 amended to read as follows:

22 Section 2-144.1. A. There is hereby created in the State  
23 Treasury a revolving fund for the Department of Public Safety to be  
24 designated the Department of Public Safety Revolving Fund. The fund

1 shall be a continuing fund, not subject to fiscal year limitations,  
2 and shall consist of all money received by the Department of Public  
3 Safety from:

4 1. Sale of surplus property;

5 2. Insurance and other reimbursements for damaged, lost or  
6 stolen property;

7 3. Reimbursement for services of Department personnel as  
8 approved by the Department if such personnel are representing the  
9 Department or are in any uniform of the Department;

10 ~~4. Reimbursement for turnpike enforcement;~~

11 ~~5.~~ Reimbursement for supplies or facsimile or data  
12 transmissions or for contractual services or products not otherwise  
13 provided by law;

14 ~~6.~~ 5. Fees and costs paid by subscribers to the Oklahoma Law  
15 Enforcement Telecommunications Systems;

16 ~~7.~~ 6. Refund of federal gasoline tax;

17 ~~8. Court-ordered forfeitures and the sale of forfeited  
18 property;~~

19 ~~9.~~ 7. Reimbursements by federal, state and municipal government  
20 agencies for the use of Department of Public Safety airplanes;

21 ~~10.~~ 8. Fees from users of the Robert R. Lester Training Center  
22 or other Department of Public Safety training facilities;

23 ~~11.~~ 9. Federal funds, unless otherwise provided by federal law  
24 or regulation; and

1       ~~12. Fines~~ 10. Any other funds received pursuant to the  
2 ~~provisions of subsection C of Section 11-1112 of this title~~ law and  
3 designated for deposit into the fund.

4       B. All monies accruing to the credit of the fund are hereby  
5 appropriated and may be budgeted and expended by the Department of  
6 Public Safety for the operating expenses of the Department ~~and for~~  
7 ~~vehicles, equipment, personnel and other operating expenses for~~  
8 ~~turnpike enforcement; provided, monies accruing pursuant to the~~  
9 ~~provisions of paragraph 12 of subsection A of this section shall be~~  
10 ~~used exclusively by the Oklahoma Highway Safety Office to promote~~  
11 ~~the use of child passenger restraint systems as provided in Section~~  
12 ~~11-1113 of this title.~~

13       C. The Director of State Finance shall provide a distinct  
14 numbering system for the identification and tracking of the  
15 expenditures of the various programs budgeted from the revolving  
16 fund.

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

20       SECTION 5.       AMENDATORY       47 O.S. 2011, Section 6-101, is  
21 amended to read as follows:

22       Section 6-101. A. No person, except those hereinafter  
23 expressly exempted in Section 6-102 of this title, shall operate any  
24 motor vehicle upon a highway in this state unless the person has a

1 valid Oklahoma driver license for the class of vehicle being  
2 operated under the provisions of this title. No person shall be  
3 permitted to possess more than one valid license at any time.

4 B. 1. No person shall operate a Class A commercial motor  
5 vehicle unless the person is eighteen (18) years of age or older and  
6 holds a valid Class A commercial license, except as provided in  
7 paragraph 5 of this subsection. Any person holding a valid Class A  
8 commercial license shall be permitted to operate motor vehicles in  
9 Classes A, B, C and D, except as provided for in paragraph 4 of this  
10 subsection.

11 2. No person shall operate a Class B commercial motor vehicle  
12 unless the person is eighteen (18) years of age or older and holds a  
13 valid Class B commercial license. Any person holding a valid Class  
14 B commercial license shall be permitted to operate motor vehicles in  
15 Classes B, C and D, except as provided for in paragraph 4 of this  
16 subsection.

17 3. No person shall operate a Class C commercial motor vehicle  
18 unless the person is eighteen (18) years of age or older and holds a  
19 valid Class C commercial license. Any person holding a valid Class  
20 C commercial license shall be permitted to operate motor vehicles in  
21 Classes C and D, except as provided for in paragraph 4 of this  
22 subsection.

23 4. No person under twenty-one (21) years of age shall be  
24 licensed to operate any motor vehicle which is required to be

1 placarded for hazardous materials pursuant to 49 C.F.R., Part 172,  
2 subpart F; provided, a person eighteen (18) years of age or older  
3 may be licensed to operate a farm vehicle which is required to be  
4 placarded for hazardous materials pursuant to 49 C.F.R., Part 172,  
5 subpart F.

6 5. A person at least seventeen (17) years of age who  
7 successfully completes all examinations required by law may be  
8 issued by the Department:

9 a. a restricted Class A commercial license which shall  
10 grant to the licensee the privilege to operate a Class  
11 A or Class B commercial motor vehicle for harvest  
12 purposes or a Class D motor vehicle, or

13 b. a restricted Class B commercial license which shall  
14 grant to the licensee the privilege to operate a Class  
15 B commercial motor vehicle for harvest purposes or a  
16 Class D motor vehicle.

17 6. No person shall operate a Class D motor vehicle unless the  
18 person is sixteen (16) years of age or older and holds a valid Class  
19 D license, except as provided for in Section 6-102 or 6-105 of this  
20 title. Any person holding a valid Class D license shall be  
21 permitted to operate motor vehicles in Class D only.

22 C. Any person issued a driver license pursuant to this section  
23 may exercise the privilege thereby granted upon all streets and  
24 highways in this state.

1 D. No person shall operate a motorcycle or motor-driven cycle  
2 without having a valid Class A, B, C or D license with a motorcycle  
3 endorsement. Except as otherwise provided by law, any new applicant  
4 for an original driver license shall be required to successfully  
5 complete a written examination, vision examination, and driving  
6 examination for a motorcycle as prescribed by the Department of  
7 Public Safety to be eligible for a motorcycle endorsement thereon.  
8 The driving examination for a motorcycle may be waived by the  
9 Department of Public Safety upon verification that the person has  
10 successfully completed a certified Motorcycle Safety Foundation  
11 rider course approved by the Department.

12 E. Except as otherwise provided by law, any person who lawfully  
13 possesses a valid Oklahoma driver license which is eligible for  
14 renewal shall be required to successfully complete a written  
15 examination, vision examination, and driving examination for a  
16 motorcycle as prescribed by the Department to be eligible for a  
17 motorcycle endorsement; provided, however, the Department may waive  
18 all such examinations until July 1, 2000, upon satisfactory proof  
19 that the applicant has regularly operated a motorcycle or motor-  
20 driven cycle for a minimum of two (2) years immediately preceding  
21 the application.

22 F. 1. Any person eighteen (18) years of age or older may apply  
23 for a restricted Class A, B or C commercial license. The  
24 Department, after the applicant has passed all parts of the

1 examination for a Class D license and has successfully passed all  
2 parts of the examination for a Class A, B or C commercial license  
3 other than the driving examination, may issue to the applicant a  
4 restricted driver license which shall entitle the applicant having  
5 immediate possession of the license to operate a Class A, B or C  
6 commercial motor vehicle upon the public highways solely for the  
7 purpose of behind-the-wheel training in accordance with rules  
8 promulgated by the Department.

9       2. This restricted driver license shall be issued for a period  
10 as provided in Section 6-115 of this title; provided, such  
11 restricted license may be suspended, revoked, canceled, or denied at  
12 the discretion of the Department for violation of the restrictions,  
13 for failing to give the required or correct information on the  
14 application, or for violation of any traffic laws of this state  
15 pertaining to the operation of a motor vehicle. Except as otherwise  
16 provided, the lawful possessor of a restricted license who has been  
17 issued a restricted license for a minimum of thirty (30) days may  
18 have the restriction requiring an accompanying driver removed by  
19 satisfactorily completing a driver's examination; provided, the  
20 removal of a restriction shall not authorize the operation of a  
21 Class A, B or C commercial motor vehicle if such operation is  
22 otherwise prohibited by law.

23       G. 1. The fee charged for an approved application for an  
24 original Oklahoma driver license or an approved application for the

1 addition of an endorsement to a current valid Oklahoma driver  
2 license shall be assessed in accordance with the following schedule:

3	Class A Commercial License	\$25.00
4	Class B Commercial License	\$15.00
5	Class C Commercial License	\$15.00
6	Class D License	\$ 4.00
7	Motorcycle Endorsement	\$ 4.00

8 2. Notwithstanding the provisions of Section 1104 of this  
9 title, all monies collected from the fees charged for Class A, B and  
10 C commercial licenses pursuant to the provisions of this subsection  
11 shall be deposited in the General Revenue Fund of this state.

12 H. The fee charged for any failed examination shall be Four  
13 Dollars (\$4.00) for any license classification. Notwithstanding the  
14 provisions of Section 1104 of this title, all monies collected from  
15 such examination fees pursuant to the provisions of this subsection  
16 shall be deposited in the General Revenue Fund of this state.

17 I. 1. In addition to any fee charged pursuant to the  
18 provisions of subsection G of this section, the fee charged for the  
19 issuance or renewal of an Oklahoma license which is not in a  
20 computerized image format shall be in accordance with the following  
21 schedule:

22	Class A Commercial License	\$40.50
23	Class B Commercial License	\$40.50
24	Class C Commercial License	\$30.50

1 Class D License \$20.50

2 Notwithstanding the provisions of Section 1104 of this title, of  
3 each fee charged pursuant to this paragraph:

4 a. Five Dollars and fifty cents (\$5.50) shall be  
5 deposited to the Trauma Care Assistance Revolving Fund  
6 created in Section 1-2530.9 of Title 63 of the  
7 Oklahoma Statutes, and

8 b. Five Dollars and seventy-five cents (\$5.75) shall be  
9 deposited to the Department of Public Safety Computer  
10 Imaging System Revolving Fund to be used solely for  
11 the purpose of administration and maintenance of the  
12 computerized imaging system of the Department.

13 2. In addition to any fee charged pursuant to the provisions of  
14 subsection G of this section, the fee charged for the issuance or  
15 renewal of an Oklahoma license which is in a computerized image  
16 format shall be in accordance with the following schedule:

17 Class A Commercial License	\$41.50
18 Class B Commercial License	\$41.50
19 Class C Commercial License	\$31.50
20 Class D License	\$21.50

21 Notwithstanding the provisions of Section 1104 of this title, of  
22 each fee charged pursuant to the provisions of this paragraph:

23 a. Five Dollars and fifty cents (\$5.50) shall be  
24 deposited to the Trauma Care Assistance Revolving Fund

1 created in Section 330.97 of Title 63 of the Oklahoma  
2 Statutes, and

3 b. Six Dollars and seventy-five cents (\$6.75) shall be  
4 deposited to the Department of Public Safety Computer  
5 Imaging System Revolving Fund to be used solely for  
6 the purpose of administration and maintenance of the  
7 computerized imaging system of the Department.

8 J. All original and renewal driver licenses shall expire as  
9 provided in Section 6-115 of this title.

10 K. Any person sixty-two (62) years of age or older during the  
11 calendar year of issuance of a Class D license or motorcycle  
12 endorsement shall be charged the following prorated fee:

13	Age 62	\$11.25
14	Age 63	\$ 7.50
15	Age 64	\$ 3.75
16	Age 65	-0-

17 L. No person who has been honorably discharged from active  
18 service in any branch of the Armed Forces of the United States or  
19 Oklahoma National Guard and who has been certified by the United  
20 States Department of Veterans Affairs, its successor, or the Armed  
21 Forces of the United States to be a disabled veteran in receipt of  
22 compensation at the one-hundred-percent rate for a permanent  
23 disability sustained through military action or accident resulting  
24 from disease contracted while in such active service shall be

1 charged a fee for the issuance or renewal of an Oklahoma driver  
2 license.

3 M. The Department of Public Safety and the Oklahoma Tax  
4 Commission are authorized to promulgate rules for the issuance and  
5 renewal of driver licenses authorized pursuant to the provisions of  
6 Sections 6-101 through 6-309 of this title. Applications, upon  
7 forms approved by the Department of Public Safety, for such licenses  
8 shall be handled by the motor license agents; provided, the  
9 Department of Public Safety is authorized to assume these duties in  
10 any county of this state. Each motor license agent accepting  
11 applications for driver licenses shall receive Two Dollars (\$2.00)  
12 to be deducted from the total collected for each license or renewal  
13 application accepted. The two-dollar fee received by the motor  
14 license agent shall be used for operating expenses.

15 N. Notwithstanding the provisions of Section 1104 of this title  
16 and subsection M of this section and except as provided in  
17 subsections G and I of this section, the first Sixty Thousand  
18 Dollars (\$60,000.00) of all monies collected pursuant to this  
19 section shall be paid by the Oklahoma Tax Commission to the State  
20 Treasurer to be deposited in the General Revenue Fund of the State  
21 Treasury.

22 The next Five Hundred Thousand Dollars (\$500,000.00) of monies  
23 collected pursuant to this section shall be paid by the Tax  
24 Commission to the State Treasurer to be deposited each fiscal year

1 under the provisions of this section to the credit of the ~~Department~~  
2 ~~of Public Safety Revolving Fund~~ Department of Public Safety  
3 Restricted Revolving Fund for the purpose of the Statewide Law  
4 Enforcement Communications System. All other monies collected in  
5 excess of Five Hundred Sixty Thousand Dollars (\$560,000.00) each  
6 fiscal year shall be apportioned as provided in Section 1104 of this  
7 title, except as otherwise provided in this section.

8 O. The Department of Public Safety shall implement a procedure  
9 whereby images displayed on licenses and identification cards issued  
10 pursuant to the provisions of Sections 6-101 through 6-309 of this  
11 title are maintained by the Department to create photographs or  
12 computerized images which may be used only:

13 1. By a law enforcement agency for purposes of criminal  
14 investigations, missing person investigations, or any law  
15 enforcement purpose which is deemed necessary by the Commissioner of  
16 Public Safety;

17 2. By the driver licensing agency of another state for its  
18 official purpose; and

19 3. As provided in Section 2-110 of this title.

20 The computer system and related equipment acquired for this  
21 purpose must conform to industry standards for interoperability and  
22 open architecture. The Department of Public Safety may promulgate  
23 rules to implement the provisions of this subsection.

24

1 SECTION 6. AMENDATORY 47 O.S. 2011, Section 6-212.3, is  
2 amended to read as follows:

3 Section 6-212.3. A. Whenever the records of the Department of  
4 Public Safety reflect the revocation of the driving privilege of a  
5 person as provided in subsection A of Section 6-205.1 of this title,  
6 the Department shall require the installation of an ignition  
7 interlock device, at the expense of the person, as provided in  
8 subsection D of this section, after the mandatory period of  
9 revocation, as prescribed by Section 6-205.1 of this title, for the  
10 following period, as applicable:

11 1. For a first revocation and if the person refused to submit  
12 to a test or tests, or had a blood or breath alcohol concentration  
13 of fifteen hundredths (0.15) or more, for a period of one and one-  
14 half (1 1/2) years following the mandatory period of revocation or  
15 until the driving privileges of the person are reinstated, whichever  
16 is longer;

17 2. For a second revocation, for a period of four (4) years  
18 following the mandatory period of revocation or until the driving  
19 privileges of the person are reinstated, whichever is longer; or

20 3. For a third or subsequent revocation, for a period of five  
21 (5) years following the mandatory period of revocation or until the  
22 driving privileges of the person are reinstated, whichever is  
23 longer.

24

1 B. Whenever the records of the Department of Public Safety  
2 reflect a person is classified as an excessive user of alcohol or of  
3 a combination of alcohol and any other intoxicating substance, and  
4 inimical to public safety, in accordance with rules promulgated by  
5 the Department, the person shall, upon request for reinstatement of  
6 driving privileges from revocation or suspension based upon the  
7 conviction or the status as an excessive user, provide proof of  
8 installation of an ignition interlock device approved by the Board  
9 of Tests for Alcohol and Drug Influence, at the expense of the  
10 person, as provided in subsection D of this section.

11 C. The Department shall require, as a condition of  
12 reinstatement, the device to be installed upon any vehicle owned or  
13 leased, as reflected on the vehicle registration, by an employer of  
14 the person for use by the person, except when the employer requests  
15 the ignition interlock device not be installed. The request shall  
16 be in writing and notarized on the official letterhead of the  
17 employer and provided by the person to the Department; provided, a  
18 request shall not be accepted by the Department under the following  
19 circumstances:

20 1. When the person is self-employed or owns part or all of the  
21 company or corporation, or exercises control over some part of the  
22 business which owns or leases the vehicle; or

23 2. When the person is employed by a relative who is within the  
24 first degree of consanguinity or who resides in the same household.

1 The person shall comply with all provisions of law and rule  
2 regarding ignition interlock devices.

3 D. 1. The requirements of subsection A or B, as applicable, of  
4 this section shall be a prerequisite and condition for reinstatement  
5 of driving privileges, in addition to other conditions for driving  
6 privilege reinstatement provided by law or by rule of the  
7 Department. Upon request and eligibility, the Department shall  
8 issue a restricted driver license to the person, upon payment of a  
9 restricted driver license fee of Fifty Dollars (\$50.00) and all  
10 other appropriate fees by the person. The restricted driver license  
11 and the driving record of the person shall indicate by an  
12 appropriate restriction that the person is only authorized to  
13 operate a vehicle upon which an ignition interlock is installed. If  
14 the person is operating a motor vehicle owned or leased by an  
15 employer who has not given permission for an ignition interlock  
16 device to be installed, the employer shall provide the person with a  
17 letter, on official letterhead of the employer, which the person  
18 shall carry in his or her immediate possession at all times when  
19 operating a motor vehicle and shall display for examination and  
20 inspection upon demand of a peace officer.

21 2. The restricted driver license fee authorized by this section  
22 shall be remitted to the State Treasurer to be credited to the  
23 ~~Department of Public Safety Revolving Fund~~ Department of Public  
24 Safety Restricted Revolving Fund. All monies accruing to the credit

1 of the ~~Department of Public Safety Revolving Fund~~ Department of  
2 Public Safety Restricted Revolving Fund from restricted driver  
3 license fees shall be budgeted and expended solely for the purpose  
4 of administering the provisions of this section.

5 3. The installation of an ignition interlock device, as  
6 required by this subsection, shall not be construed to authorize the  
7 person to drive unless the person is otherwise eligible to drive.

8 E. Installation of an ignition interlock device pursuant to  
9 subsection A or B of this section shall run concurrently with a  
10 court order, if any, for installation of an ignition interlock  
11 device, or devices pursuant to the same conviction.

12 F. The person shall pay the monthly maintenance fee, not to  
13 exceed Twenty-five Dollars (\$25.00) per month, for each ignition  
14 interlock device installed pursuant to this section. The person  
15 shall comply with all provisions of law regarding ignition interlock  
16 devices.

17 G. The ignition interlock device provider shall make available  
18 to the Department regular reports of violations, if any, for each  
19 ignition interlock device installed pursuant to this section.

20 H. Pursuant to Section 6-113 of this title, the Department may  
21 revoke or suspend the driving privileges of the person for reports  
22 from the provider which indicate attempts by the person to operate a  
23 motor vehicle when the person is under the influence of alcohol.

24

1 I. The Department shall promulgate rules necessary to implement  
2 and administer this section.

3 SECTION 7. AMENDATORY 47 O.S. 2011, Section 11-1007, is  
4 amended to read as follows:

5 Section 11-1007. A. 1. It shall be unlawful for any person to  
6 place or park a motor vehicle in any parking space that is  
7 designated and posted as a reserved area for the parking of a motor  
8 vehicle operated by or transporting a physically disabled person  
9 unless such person has applied for and been issued a detachable  
10 placard indicating physical disability under the provisions of  
11 Section 15-112 of this title, and such placard is displayed as  
12 provided in Section 15-112 of this title or in rules adopted  
13 pursuant thereto, or has applied for and been issued a physically  
14 disabled license plate pursuant to the provisions of Section 1135.1  
15 or 1135.2 of this title, and such license plate is displayed  
16 pursuant to the provisions of the Oklahoma Vehicle License and  
17 Registration Act.

18 2. It shall also be unlawful for any person to place or park a  
19 motor vehicle, whether with or without a physically disabled placard  
20 or plate, in any disabled parking space access aisle, wheelchair  
21 ramp, wheelchair loading/unloading area or any portion thereof.

22 B. 1. Violation of these provisions shall be a misdemeanor and  
23 upon conviction the person shall be fined Five Hundred Dollars  
24 (\$500.00). Provided, any person cited for a first offense of a

1 violation of this section who has displayed a placard which has  
2 expired pursuant to paragraph 4 or 5 of subsection D of Section 15-  
3 112 of this title shall be entitled to dismissal of such charge and  
4 shall not be required to pay the fine or court costs if the person  
5 presents to the court within thirty (30) days of the issuance of the  
6 citation a notice from the Department of Public Safety that the  
7 person has obtained a valid placard pursuant to the provisions of  
8 subsection D of Section 15-112 of this title. Fines collected  
9 pursuant to this section shall be distributed as follows:

- 10 a. eighty percent (80%) to the general fund of the  
11 municipality in which the citation was issued, subject  
12 to the provisions of subsection C of Section 15-115 of  
13 this title, and
- 14 b. twenty percent (20%) to a dedicated fund established  
15 by the Department of Public Safety for the  
16 development, implementation and maintenance of a  
17 system for the enforcement of the disability parking  
18 provisions of this title.

19 2. In addition, vehicles unlawfully parked in violation of  
20 these provisions shall be subject to immediate tow by a licensed tow  
21 truck operator at the request of the landowner or a duly appointed  
22 agent of the landowner, at the request of any person unable to  
23 lawfully gain access to or move their vehicle, at the request of any  
24 person unable to lawfully gain access to the area blocked by the

1 unlawfully parked vehicle, or at the request of appropriate law-  
2 enforcement personnel. The owner of any vehicle unlawfully parked  
3 in violation of these provisions shall pay any and all reasonable  
4 and necessary costs associated with towing and storage of the  
5 vehicle.

6 C. Upon the accumulation of the total necessary funds in the  
7 ~~Department of Public Safety Revolving Fund~~ Department of Public  
8 Safety Restricted Revolving Fund pursuant to subsection B of this  
9 section, the Department of Public Safety shall develop, implement,  
10 deploy and administer a database which identifies all persons to  
11 whom disabled parking permits have been issued. The database shall  
12 be available twenty-four (24) hours a day to any person authorized  
13 by statute to enforce disabled parking laws of this state, in order  
14 to verify the validity of a disabled parking permit and the person  
15 to whom it is issued.

16 SECTION 8. AMENDATORY 47 O.S. 2011, Section 11-1112, is  
17 amended to read as follows:

18 Section 11-1112. A. Every driver, when transporting a child  
19 under six (6) years of age in a motor vehicle operated on the  
20 roadways, streets, or highways of this state, shall provide for the  
21 protection of said child by properly using a child passenger  
22 restraint system. For purposes of this section and Section 11-1113  
23 of this title, "child passenger restraint system" means an infant or  
24

1 child passenger restraint system which meets the federal standards  
2 as set by 49 C.F.R., Section 571.213.

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

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

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

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

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

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

16 5. The transportation of a child who weighs more than forty  
17 (40) pounds and who is being transported in the back seat of a  
18 vehicle while wearing only a lap safety belt when the back seat of  
19 the vehicle is not equipped with combination lap and shoulder safety  
20 belts, or when the combination lap and shoulder safety belts in the  
21 back seat are being used by other children who weigh more than forty  
22 (40) pounds. Provided, however, for purposes of this paragraph,  
23 back seat shall include all seats located behind the front seat of a  
24 vehicle operated by a licensed child care facility or church.

1 Provided further, there shall be a rebuttable presumption that a  
2 child has met the weight requirements of this paragraph if at the  
3 request of any law enforcement officer, the licensed child care  
4 facility or church provides the officer with a written statement  
5 verified by the parent or legal guardian that the child weighs more  
6 than forty (40) pounds.

7 D. A violation of the provisions of this section shall be  
8 admissible as evidence in any civil action or proceeding for damages  
9 unless the plaintiff in such action or proceeding is a child under  
10 sixteen (16) years of age.

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

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

22 F. Any person convicted of violating subsection A or B of this  
23 section shall be punished by a fine of Fifty Dollars (\$50.00) and  
24 shall pay all court costs thereof. Revenue from such fine shall be

1 apporportioned to the ~~Department of Public Safety Revolving Fund~~  
2 Department of Public Safety Restricted Revolving Fund and used by  
3 the Oklahoma Highway Safety Office to promote the use of child  
4 passenger restraint systems as provided in Section 11-1113 of this  
5 title. This fine shall be suspended and the court costs limited to  
6 a maximum of Fifteen Dollars (\$15.00) in the case of the first  
7 offense upon proof of purchase or acquisition by loan of a child  
8 passenger restraint system. Provided, the Department of Public  
9 Safety shall not assess points to the driving record of any person  
10 convicted of a violation of this section.

11 SECTION 9. AMENDATORY 47 O.S. 2011, Section 11-1403, is  
12 amended to read as follows:

13 Section 11-1403. The Commissioner of Public Safety and the  
14 Oklahoma Transportation Authority are hereby authorized to enter  
15 into contracts and agreements for law enforcement on turnpikes. The  
16 Department of Public Safety is authorized to use any of its  
17 automotive and other equipment in policing turnpikes, and to charge  
18 the Authority for the use thereon on a rental basis to be agreed to  
19 by the Department and the Authority, and to perform such services in  
20 connection with policing turnpikes with its general personnel and  
21 equipment at such rates, salaries, expenses, and miscellaneous costs  
22 as may be agreed to by the Department and the Authority. It is the  
23 intent of this section that rental rates and other costs of policing  
24 turnpikes shall be determined on an average actual cost basis, and

1 in accordance with salaries and expenses paid by the Department of  
2 Public Safety in its regular operations. Payments shall be made by  
3 the Authority monthly and shall be remitted to the Department of  
4 Public Safety to be credited to the ~~Department of Public Safety~~  
5 ~~Revolving Fund~~ Department of Public Safety Restricted Revolving Fund  
6 in the State Treasury. Such monies shall be expended for vehicles,  
7 equipment, personnel and other operating expenses for turnpike  
8 enforcement.

9 SECTION 10. AMENDATORY 47 O.S. 2011, Section 14-116, is  
10 amended to read as follows:

11 Section 14-116. A. The Commissioner of Public Safety shall  
12 charge a minimum permit fee of Forty Dollars (\$40.00) for any permit  
13 issued pursuant to the provisions of Section 14-101 et seq. of this  
14 title. In addition to the permit fee, the Commissioner shall charge  
15 a fee of Ten Dollars (\$10.00) for each thousand pounds in excess of  
16 the legal load limit. The Commissioner of Public Safety shall  
17 establish any necessary rules for collecting the fees.

18 B. The Department of Public Safety is authorized to establish  
19 an escrow account system for the payment of permit fees. Authorized  
20 motor carriers meeting established credit requirements may  
21 participate in the escrow account system for permits purchased from  
22 all size and weight permit offices in this state. Carriers not  
23 choosing to participate in the escrow account system shall be  
24 required to make payment of the required fee or fees upon purchase

1 of each permit as required by law. All monies collected through the  
2 escrow account system shall be deposited to a special account of the  
3 Department of Public Safety and placed in the custody of the State  
4 Treasurer. Proceeds from permits purchased using the escrow account  
5 system shall be distributed as provided for in subsection G of this  
6 section. However, fees collected through such accounts for the  
7 electronic transmission, transfer or delivery of permits, as  
8 provided for in Section 14-118 of this title, shall be credited to  
9 the ~~Department of Public Safety Revolving Fund~~ Department of Public  
10 Safety Restricted Revolving Fund.

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

15 2. Size and weight permit offices in all districts where  
16 applicable shall issue permits to authorize carriers by telephone  
17 during weekdays.

18 3. The Commissioner of Public Safety shall develop a system for  
19 provisional permits for authorized carriers which may be used in  
20 lieu of a regular permit for the movement of oversize and overweight  
21 loads when issued an authorization number by the Department of  
22 Public Safety. Such provisional permits shall include date of  
23 movement, general load description, estimated weight, oversize  
24

1 notation, route of travel, truck or truck-tractor license number,  
2 and permit authorization number.

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

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

8 F. The first deliverer of motor vehicles designated truck  
9 carriers or well service carriers manufactured in Oklahoma shall not  
10 be required to purchase an overweight permit when being delivered to  
11 the first purchaser.

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

1 SECTION 11. AMENDATORY 47 O.S. 2011, Section 14-118, is  
2 amended to read as follows:

3 Section 14-118. A. 1. Pursuant to such rules as may be  
4 prescribed by Oklahoma agencies of jurisdiction, Oklahoma motor  
5 carriers may engage in any activity in which carriers subject to the  
6 jurisdiction of the federal government may be authorized by federal  
7 legislation to engage. Provided further, the Transportation  
8 Commission shall formulate, for the State Trunk Highway System,  
9 including the National System of Interstate and Defense Highways,  
10 and for all other highways or portions thereof, rules governing the  
11 movement of vehicles or loads which exceed the size or weight  
12 limitations specified by the provisions of this chapter.

13 2. Such rules shall be the basis for the development of a  
14 system by the Commissioner of Public Safety for the issuance of  
15 permits for the movement of oversize or overweight vehicles or  
16 loads. Such system shall include, but not be limited to, provisions  
17 for duration, seasonal factors, hours of the day or days when valid,  
18 special requirements as to flags, flagmen and warning or safety  
19 devices, and other such items as may be consistent with the intent  
20 of this section. The permit system shall include provisions for the  
21 collection of permit fees as well as for the issuance of the permits  
22 by telephone, electronic transfer or such other methods of issuance  
23 as may be deemed feasible.

24

1           3. The Department of Public Safety is authorized to charge a  
2 fee of Two Dollars (\$2.00) for each permit requested to be issued by  
3 facsimile machine or by any other means of electronic transmission,  
4 transfer or delivery. The fee shall be in addition to any other fee  
5 or fees assessed for the permit. The fee shall be deposited in the  
6 State Treasury to the credit of the ~~Department of Public Safety~~  
7 ~~Revolving Fund~~ Department of Public Safety Restricted Revolving Fund  
8 and the monies shall be expended by the Department solely for the  
9 purposes provided for in this chapter.

10           4. It is the purpose of this section to permit the movement of  
11 necessary overweight and oversize vehicles or loads consistent with  
12 the following obligations:

- 13           a. protection of the motoring public from potential  
14                traffic hazards,
- 15           b. protection of highway surfaces, structures, and  
16                private property, and
- 17           c. provision for normal flow of traffic with a minimum of  
18                interference.

19           B. The Transportation Commission shall prepare and publish a  
20 map of the State of Oklahoma showing by appropriate symbols the  
21 various highway structures and bridges in terms of maximum size and  
22 weight restrictions. This map shall be titled "Oklahoma Load Limit  
23 Map" and shall be revised periodically to maintain a reasonably  
24 current status and in no event shall a period of two (2) years lapse

1 between revisions and publication of same. Provided, further, the  
2 Secretary of the Department of Transportation shall prepare and  
3 publish a map of the State of Oklahoma showing the advantages of  
4 this state as a marketing, warehousing and distribution network  
5 center for motor transportation sensitive industries.

6 C. The Commissioner of Public Safety, or an authorized  
7 representative, shall have the authority, within the limitations  
8 formulated under provisions of this chapter, to issue, withhold or  
9 revoke special permits for the operation of vehicles or combinations  
10 of vehicles or loads which exceed the size or weight limitations of  
11 this chapter. Every such permit shall be carried in the vehicle or  
12 combination of vehicles to which it refers and shall be open to  
13 inspection by any law enforcement officer or authorized agent of any  
14 authority granting such permit, and no person shall violate any of  
15 the terms or conditions of such special permit.

16 D. It shall be permissible in the transportation of empty  
17 trucks on any road or highway to tow by use of saddlemounts; i.e.,  
18 mounting the front wheels of one vehicle on the bed of another  
19 leaving the rear wheels only of such towed vehicle in contact with  
20 the roadway. One vehicle may be fullmounted on the towing or towed  
21 vehicles engaged in any driveaway or towaway operation. No more  
22 than three saddlemounts may be permitted in such combinations. The  
23 towed vehicles shall be securely fastened and operated under the  
24 applicable safety requirements of the United States Department of

1 Transportation and such combinations shall not exceed an overall  
2 length of seventy-five (75) feet. Provided, a driveaway saddlemount  
3 with fullmount vehicle transporter combination may reach an overall  
4 length of ninety-seven (97) feet on the National Network of  
5 Highways.

6 E. The Commissioner of Public Safety, upon application of any  
7 person engaged in the transportation of forest products in the raw  
8 state, which is defined to be tree-length logs moving from the  
9 forest directly to the mill, or upon application of any person  
10 engaged in the transportation of overwidth or overheight equipment  
11 used in soil conservation work, or upon application of any person  
12 engaged in the hauling for hire or for resale, of round baled hay  
13 with a total outside width of eleven (11) feet or less, shall issue  
14 an annual permit, upon payment of a fee of Twenty-five Dollars  
15 (\$25.00) each year, authorizing the operation by such persons of  
16 such motor vehicle load lengths and widths upon the highways of this  
17 state except on the National System of Interstate and Defense  
18 Highways. Provided, however, the restriction on use of the National  
19 System of Interstate and Defense Highways shall not be applicable to  
20 persons engaged in the hauling of round baled hay with a total  
21 outside width of eleven (11) feet or less.

22 F. Farm equipment including, but not limited to, implements of  
23 husbandry as defined in Section 1-125 of this title shall be  
24 exempted from the requirement for special permits due to size. Such

1 equipment may move on any highway, except those highways which are  
2 part of the National System of Interstate and Defense Highways,  
3 during the hours of darkness and shall be subject to the  
4 requirements as provided in Section 12-215 of this title. In  
5 addition to those requirements, tractors pulling machinery over  
6 thirteen (13) feet wide must have two amber flashing warning lamps  
7 symmetrically mounted, laterally and widely spaced as practicable,  
8 visible from both front and rear, mounted at least thirty-nine (39)  
9 inches high.

10 G. Any rubber-tired road construction vehicle including rubber-  
11 tired truck cranes and special mobilized machinery either self-  
12 propelled or drawn carrying no load other than component parts  
13 safely secured to the machinery and its own weight, but which is  
14 overweight by any provisions of this chapter, shall be authorized to  
15 move on the highways of the State of Oklahoma. Movement of such  
16 vehicles shall be authorized on the Federal Interstate System of  
17 Highways only by special permit secured from the Commissioner of  
18 Public Safety or an authorized representative upon determination  
19 that the objectives of this section will be served by such a permit  
20 and that federal weight restrictions will not be violated. The  
21 special permit shall be:

22 1. A single-trip permit issued under the provisions of this  
23 section and Section 14-116 of this title; or  
24

1        2. A special annual overweight permit which shall be issued for  
2 one calendar year period upon payment of a fee of Sixty Dollars  
3 (\$60.00).

4 The weight of any such vehicle shall not exceed six hundred fifty  
5 (650) pounds multiplied by the nominal width of the tire. The  
6 vehicle shall be required to carry the safety equipment adjudged  
7 necessary for the health and welfare of the driving public. If any  
8 oversized vehicle does not come under the other limitations of the  
9 present laws, it shall be deemed that the same shall travel only  
10 between the hours of sunrise and sunset. The vehicle, being  
11 overweight but of legal dimension, shall be allowed continuous  
12 travel. The vehicles, except special mobilized machinery, shall be  
13 exempt from the laws of this state relating to motor vehicle  
14 registration, licensing or other fees or taxes in lieu of ad valorem  
15 taxes.

16        H. 1. When such machinery has a width greater than eight and  
17 one-half (8 1/2) feet, or a length, exclusive of load, of forty-five  
18 (45) feet, or a height in excess of thirteen and one-half (13 1/2)  
19 feet, then the permit may restrict movement to a fifty-mile radius  
20 from an established operating base, and may designate highways to be  
21 traveled, hours of travel and when flagmen may be required to  
22 precede or follow the equipment.

23        2. Possession of a permit shall in no way be construed as  
24 exempting such equipment from the authority of the Director of the

1 Department of Transportation to restrict use of particular highways,  
2 nor shall it exempt owners or operators of such equipment from the  
3 responsibility for damage to highways caused by movement of the  
4 equipment. Nothing in this subsection shall apply to machinery used  
5 in highway construction or road material production.

6 3. Upon the issuance of a special mobilized machinery driveaway  
7 permit as provided in this subsection, special mobilized machinery  
8 manufactured in Oklahoma shall be permitted to move upon the  
9 highways of this state from the place of manufacture to the state  
10 line for delivery and exclusive use outside the state, and may be  
11 temporarily returned to Oklahoma for modification and repair, with  
12 subsequent movement back out of the state. Special driveaway  
13 permits for such movements shall be issued by the Commissioner of  
14 Public Safety, who may act through designated agents, upon the  
15 payment of a fee in the amount of Fifteen Dollars (\$15.00) for each  
16 movement.

17 4. The size of the special mobilized machinery shall not be  
18 such as to create a safety hazard in the judgment of the  
19 Commissioner of Public Safety. Permits for such special mobilized  
20 machinery shall specify a maximum permissible road speed of sixty  
21 (60) miles per hour, designate safety equipment to be carried and  
22 may exclude use of highways of the interstate system.

23 5. When such equipment has a width greater than eight and one-  
24 half (8 1/2) feet, or a length exclusive of load of forty-five (45)

1 feet, or a height in excess of thirteen and one-half (13 1/2) feet,  
2 the permit may designate highways to be traveled, hours of travel  
3 and when flagmen may be required to precede or follow the equipment.

4 6. Possession of a special driveway permit shall in no way be  
5 construed as exempting such equipment from the authority of the  
6 Director of the Department of Transportation to restrict use of  
7 particular highways, nor shall it exempt the owners or operators of  
8 such equipment from the responsibility for damage to highways caused  
9 by the movement of such equipment.

10 SECTION 12. AMENDATORY 47 O.S. 2011, Section 14-120.2,  
11 is amended to read as follows:

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

20 B. If the Highway Patrol provides an escort to accompany the  
21 transport of an oversized load or hazardous shipment by road or rail  
22 at the request of any person that is not required to have a law  
23 enforcement escort pursuant to subsection A of this section, then  
24 the requestor shall pay to the Department of Public Safety a fee

1 covering the full cost to administer, plan, and carry out the escort  
2 within this state.

3 C. The Department of Public Safety shall adopt a schedule of  
4 fees necessary to implement this section.

5 D. All fees collected by the Department pursuant to this  
6 section shall be deposited to the credit of the ~~Department of Public~~  
7 ~~Safety Revolving Fund~~ Department of Public Safety Restricted  
8 Revolving Fund.

9 SECTION 13. AMENDATORY 47 O.S. 2011, Section 230.9, is  
10 amended to read as follows:

11 Section 230.9. A. The transportation of any property in  
12 commerce, including hazardous materials or the transportation of  
13 passengers for compensation or for hire by bus, that is not in  
14 compliance with the Oklahoma Motor Carrier Safety and Hazardous  
15 Materials Transportation Act or the rules issued pursuant thereto,  
16 is prohibited.

17 B. Pursuant to the provisions of this section and except as  
18 otherwise provided by subsection D of this section, any person who  
19 is determined by the Commissioner of Public Safety to have  
20 committed:

21 1. An act which is a violation of a recordkeeping requirement  
22 of this title or of any rule or regulation promulgated thereto or  
23 the Federal Motor Carrier Safety Act of 1984, such person shall be  
24 liable to the State of Oklahoma for an administrative penalty not to

1 exceed One Hundred Dollars (\$100.00) for each offense, provided that  
2 the total of all administrative penalties assessed against any  
3 violator pursuant to this paragraph for all offenses related to any  
4 single violation shall not exceed Five Hundred Dollars (\$500.00);

5 2. An act or acts other than recordkeeping requirements, which  
6 evidences a serious pattern of safety violations, as determined by  
7 the Commissioner, such person shall be liable to the State of  
8 Oklahoma for an administrative penalty not to exceed Two Hundred  
9 Dollars (\$200.00) for each offense, provided the maximum fine for  
10 each pattern of safety violations shall not exceed One Thousand  
11 Dollars (\$1,000.00). The Commissioner may consider present and  
12 prior offenses in determining a serious pattern of safety  
13 violations; or

14 3. An act or acts which evidences to the Commissioner, that a  
15 substantial health or safety violation exists or has occurred which  
16 could reasonably lead to or has resulted in serious personal injury  
17 or death, such person shall be liable to the State of Oklahoma for  
18 an administrative penalty not to exceed One Thousand Dollars  
19 (\$1,000.00) for each offense.

20 C. Each day of violation as specified in subsection B of this  
21 section shall constitute a separate single violation/offense.

22 D. Except for recordkeeping violations, no administrative  
23 penalty shall be assessed pursuant to the provisions of this  
24 section, against an employee of any person subject to the provisions

1 of the Oklahoma Motor Carrier Safety and Hazardous Materials  
2 Transportation Act for a violation unless the Commissioner  
3 determines that such actions of the employee constituted gross  
4 negligence or reckless disregard for safety in which case such  
5 employee shall be liable for an administrative penalty not to exceed  
6 One Thousand Dollars (\$1,000.00).

7 E. In determining the amount of any administrative penalty and  
8 the reasonable amount of time for abatement of the violation, the  
9 Commissioner shall include, but not be limited to, consideration of  
10 the nature, circumstances and gravity of the violation, and with  
11 respect to the person found to have committed the violation, the  
12 degree of culpability, history of prior offenses, effect on ability  
13 to continue to do business and such other matters as justice and  
14 public safety may require. In each case, the penalty shall be  
15 calculated to induce further compliance.

16 F. The Commissioner or his designated representative shall  
17 assess the amount of any administrative penalty, after notice and an  
18 opportunity for hearing, by written notice to the violator together  
19 with notice of findings in the case. An appeal therefrom may be  
20 made to the district court of Oklahoma County pursuant to the  
21 provisions of Sections 318 through 323 of Title 75 of the Oklahoma  
22 Statutes.

23 G. An administrative penalty assessed by the Commissioner may  
24 be recovered:

1           1. In an action brought by the Attorney General on behalf of  
2 the State of Oklahoma. However, before referral to the Attorney  
3 General, the administrative penalty may be compromised by the  
4 Commissioner;

5           2. By the Commissioner in the appropriate district court of the  
6 State of Oklahoma; or

7           3. By the Commissioner in an administrative hearing conducted  
8 by the Department of Public Safety.

9           H. The first One Hundred Thousand Dollars (\$100,000.00) of the  
10 administrative penalties collected each fiscal year pursuant to the  
11 provisions of the Oklahoma Motor Carrier Safety and Hazardous  
12 Materials Transportation Act shall be deposited in the General  
13 Revenue Fund of the State of Oklahoma. All other monies collected  
14 in excess of One Hundred Thousand Dollars (\$100,000.00) each fiscal  
15 year shall be deposited to the credit of the ~~Department of Public~~  
16 ~~Safety Revolving Fund~~ Department of Public Safety Restricted  
17 Revolving Fund for the purpose of administering the Oklahoma Motor  
18 Carrier Safety and Hazardous Materials Transportation Act.

19           SECTION 14.           AMENDATORY           47 O.S. 2011, Section 754.1, is  
20 amended to read as follows:

21           Section 754.1. A. The Department of Public Safety, prior to an  
22 administrative hearing for a revocation or denial arising under the  
23 provisions of Sections 751 through 754 or Section 761 of this title  
24 or under the provisions of Section 6-205.1 of this title, may modify

1 the revocation or denial when it is determined by the Department  
2 that no other adequate means of transportation exists for the person  
3 whose driving privilege has been revoked or denied; provided, any  
4 modification under this paragraph shall apply to Class D motor  
5 vehicles only.

6 B. As a prerequisite and condition of any modification, the  
7 person shall be required to have installed an ignition interlock  
8 device approved by the Board of Tests for Alcohol and Drug  
9 Influence, at the person's own expense, upon every motor vehicle  
10 operated by the person. The Department shall require, as a  
11 condition of modification, the device to be installed upon any  
12 vehicle owned or leased, as reflected on the vehicle registration,  
13 by an employer of the person for use by the person, except when the  
14 employer requests the ignition interlock device not be installed.  
15 The request shall be in writing and notarized on the official  
16 letterhead of the employer and provided by the person to the  
17 Department; provided, a request shall not be accepted by the  
18 Department under the following circumstances:

19 1. When the person is self-employed or owns part or all of the  
20 company or corporation, or exercises control over some part of the  
21 business which owns or leases the vehicle; or

22 2. When the person is employed by a relative who either is  
23 within the first degree of consanguinity or who resides in the same  
24 household.

1 The person shall comply with all provisions of law and rule  
2 regarding ignition interlock devices.

3 C. Upon the issuance of a modification order pursuant to this  
4 section or Section 755 of this title, or under the provisions of  
5 paragraph 1, 2, or 3 of subsection A or paragraph 1, 2, or 3 of  
6 subsection B of Section 6-205.1 of this title, for a violation of  
7 this title, the person shall pay a modification fee of One Hundred  
8 Seventy-five Dollars (\$175.00) to the Department. For each  
9 modification fee collected pursuant to the provisions of this  
10 subsection, One Hundred Dollars (\$100.00) shall be remitted to the  
11 State Treasurer to be credited to the General Revenue Fund in the  
12 State Treasury and Seventy-five Dollars (\$75.00) shall be remitted  
13 to the State Treasurer to be credited to the ~~Department of Public~~  
14 ~~Safety Revolving Fund~~ Department of Public Safety Restricted  
15 Revolving Fund. All monies accruing to the credit of the ~~Department~~  
16 ~~of Public Safety Revolving Fund~~ Department of Public Safety  
17 Restricted Revolving Fund from modification fees shall be budgeted  
18 and expended solely for the purpose of administering the provisions  
19 of this section and Section 755 of this title.

20 D. The Board of Tests for Alcohol and Drug Influence shall  
21 promulgate such rules as are necessary to implement and administer  
22 the provisions of this subsection relating to ignition interlock  
23 devices and the providers of such devices.

24

1 SECTION 15. AMENDATORY 47 O.S. 2011, Section 953, is  
2 amended to read as follows:

3 Section 953. A. No operator shall be permitted nor shall any  
4 employee of any operator be permitted, allowed or caused to solicit  
5 business or make service calls without the operator first having  
6 obtained from the Department of Public Safety a license to operate a  
7 wrecker or towing service. The number of the license shall be  
8 displayed, in conformance with rules of the Department, on both  
9 sides of every wrecker vehicle operated by the wrecker or towing  
10 service.

11 B. The license fee required by this section shall be in lieu of  
12 the motor carrier filing fee as required in Section 165 of this  
13 title. No applicant for a wrecker license shall be required to  
14 prove public convenience and necessity, file notices, nor shall a  
15 public hearing be held. The fee for such license shall be One  
16 Hundred Dollars (\$100.00), of which Ten Dollars (\$10.00) shall be  
17 allocated to the Department for the administration of ~~Section 951 et~~  
18 ~~seq. of this title~~ the Nonconsensual Towing Act of 2011.

19 C. All licenses shall expire on the last day of the calendar  
20 year and may be renewed annually at a cost of Fifty Dollars (\$50.00)  
21 upon application to the Department as prescribed by rule. No  
22 license fee shall be refunded in the event that the license is  
23 suspended or revoked.

24

1 D. The Department shall issue a letter of reprimand, cancel,  
2 suspend, revoke, or refuse to issue or renew the license of an  
3 operator when it finds the licensee or applicant has not complied  
4 with or has violated any of the provisions of ~~Section 951 et seq. of~~  
5 ~~this title~~ the Nonconsensual Towing Act of 2011, or any rules  
6 adopted by the Department. A suspension or revocation shall be for  
7 a period of time deemed appropriate by the Department for the  
8 violation. Any canceled, suspended, or revoked license shall be  
9 returned to the Department by the operator, and the operator shall  
10 not be eligible to apply for another license until the period of  
11 suspension or revocation has elapsed.

12 E. The provisions of the Oklahoma Administrative Procedures Act  
13 are expressly made applicable to ~~Section 951 et seq. of this title~~  
14 the Nonconsensual Towing Act of 2011.

15 F. In any civil action to enforce the equal application of the  
16 alternation or rotation of wrecker or towing services regulated by a  
17 political subdivision of the state, the prevailing party shall be  
18 allowed attorney fees determined by the court, to be taxed and  
19 collected as costs.

20 G. Fees collected pursuant to the provisions of this section  
21 shall be remitted to the State Treasurer to be credited to the  
22 General Revenue Fund in the State Treasury except as provided by  
23 subsection H of this section.

24

1 H. Fees allocated to the Department by this section shall be  
2 deposited in the ~~Department of Public Safety Revolving Fund~~  
3 Department of Public Safety Restricted Revolving Fund.

4 SECTION 16. AMENDATORY 63 O.S. 2011, Section 2-508, is  
5 amended to read as follows:

6 Section 2-508. A. Except as otherwise provided, all property  
7 described in paragraphs 1 and 2 of subsection A of Section 2-503 of  
8 this title which is seized or surrendered pursuant to the provisions  
9 of the Uniform Controlled Dangerous Substances Act shall be  
10 destroyed. The destruction shall be done by or at the direction of  
11 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
12 (OSBNDD), who shall have the discretion prior to destruction to  
13 preserve samples of the substance for testing. In any county with a  
14 population of four hundred thousand (400,000) or more according to  
15 the latest Federal Decennial Census, there shall be a located site,  
16 approved by the OSBNDD, for the destruction of the property. Any  
17 such property submitted to the OSBNDD which it deems to be of use  
18 for investigative training, educational, or analytical purposes may  
19 be retained by the OSBNDD in lieu of destruction.

20 B. 1. With respect to controlled dangerous substances seized  
21 or surrendered pursuant to the provisions of the Uniform Controlled  
22 Dangerous Substances Act, municipal police departments, sheriffs,  
23 the Oklahoma Bureau of Narcotics and Dangerous Drugs Control  
24 Commission, the Oklahoma Highway Patrol, and the Oklahoma State

1 Bureau of Investigation shall have the authority to destroy seized  
2 controlled dangerous substances when the amount seized in a single  
3 incident exceeds ten (10) pounds. The destroying agency shall:

- 4 a. photograph the seized substance with identifying case  
5 numbers or other means of identification,
- 6 b. prepare a report describing the seized substance prior  
7 to the destruction,
- 8 c. retain at least one (1) pound of the substance  
9 randomly selected from the seized substance for the  
10 purpose of evidence, and
- 11 d. obtain and retain samples of the substance from enough  
12 containers, bales, bricks, or other units of substance  
13 seized to establish the presence of a weight of the  
14 substance necessary to establish a violation of the  
15 Trafficking in Illegal Drugs Act pursuant to  
16 subsection C of Section 2-415 of this title, if such a  
17 weight is present. If such weight is not present,  
18 samples of the substance from each container, bale,  
19 brick or other unit of substance seized shall be  
20 taken. Each sample taken pursuant to this section  
21 shall be large enough for the destroying agency and  
22 the defendant or suspect to have an independent test  
23 performed on the substance for purposes of  
24 identification.

1        2. If a defendant or suspect is known to the destroying agency,  
2 the destroying agency shall give at least seven (7) days' written  
3 notice to the defendant, suspect or counsel for the defendant or  
4 suspect of:

5            a. the date, the time, and the place where the  
6                    photographing will take place and notice of the right  
7                    to attend the photographing, and

8            b. the right to obtain samples of the controlled  
9                    dangerous substance for independent testing and use as  
10                    evidence.

11        3. The written notice shall also inform the defendant, suspect  
12 or counsel for the defendant or suspect that the destroying agency  
13 must be notified in writing within seven (7) days from receipt of  
14 the notice of the intent of the suspect or defendant to obtain  
15 random samples and make arrangements for the taking of samples. The  
16 samples for the defendant or suspect must be taken by a person  
17 licensed by the Drug Enforcement Administration. If the defendant  
18 or counsel for the defendant fails to notify the destroying agency  
19 in writing of an intent to obtain samples and fails to make  
20 arrangements for the taking of samples, a sample taken pursuant to  
21 subparagraph d of paragraph 1 of this subsection shall be made  
22 available upon request of the defendant or suspect.

23        The representative samples, the photographs, the reports, and  
24 the records made under this section and properly identified shall be

1 admissible in any court or administrative proceeding for any  
2 purposes for which the seized substance itself would have been  
3 admissible.

4 C. All other property not otherwise provided for in the Uniform  
5 Controlled Dangerous Substances Act which has come into the  
6 possession of the Oklahoma State Bureau of Narcotics and Dangerous  
7 Drugs Control, the Department of Public Safety, the Oklahoma State  
8 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
9 Commission, the Department of Corrections, the Office of the  
10 Attorney General, or a district attorney may be disposed of by order  
11 of the district court when no longer needed in connection with any  
12 litigation. If the owner of the property is unknown to the agency  
13 or district attorney, the agency or district attorney shall hold the  
14 property for at least six (6) months prior to filing a petition for  
15 disposal with the district court except for laboratory equipment  
16 which may be forfeited when no longer needed in connection with  
17 litigation, unless the property is perishable. The Director or  
18 Commissioner of the agency, the Attorney General, or district  
19 attorney shall file a petition in the district court of Oklahoma  
20 County or in the case of a district attorney, the petition shall be  
21 filed in a county within the jurisdiction of the district attorney  
22 requesting the authority to:

23 1. Conduct a sale of the property; or  
24

1           2. Convert title of the property to the Oklahoma State Bureau  
2 of Narcotics and Dangerous Drugs Control, the Department of Public  
3 Safety, the Oklahoma State Bureau of Investigation, the Alcoholic  
4 Beverage Laws Enforcement Commission, the Department of Corrections,  
5 the Office of the Attorney General, or to the district attorney's  
6 office for the purposes provided for in subsection J, K or L of this  
7 section.

8           The Director, Commissioner, Attorney General or district  
9 attorney shall attach to the petition:

- 10           a. a list describing the property, including all  
11                 identifying numbers and marks, if any,
- 12           b. the date the property came into the possession of the  
13                 agency or district attorney, and
- 14           c. the name and address of the owner, if known.

15 For any item having an apparent value in excess of One Hundred  
16 Dollars (\$100.00), but less than Five Hundred Dollars (\$500.00), the  
17 notice of the hearing of the petition for the sale of the property,  
18 except laboratory equipment used in the processing, manufacturing or  
19 compounding of controlled dangerous substances in violation of the  
20 provisions of the Uniform Controlled Dangerous Substances Act, shall  
21 be given to every known owner, as set forth in the petition, by  
22 first-class mail to the last-known address of the owner at least ten  
23 (10) days prior to the date of the hearing. An affidavit of notice  
24 being sent shall be filed with the court by a representative of the

1 agency, the Director or Commissioner of the agency, the Attorney  
2 General or district attorney. For items in excess of Five Hundred  
3 Dollars (\$500.00), a notice of the hearing of the petition for the  
4 sale of said property shall be delivered to every known owner as set  
5 forth in the petition by certified mail. Notice of a hearing on a  
6 petition for forfeiture or sale of laboratory equipment used in the  
7 processing, manufacturing or compounding of controlled dangerous  
8 substances in violation of the Uniform Controlled Dangerous  
9 Substances Act shall not be required.

10 The notice shall contain a brief description of the property, and  
11 the location and date of the hearing. In addition, notice of the  
12 hearing shall be posted in three public places in the county, one  
13 such place being the county courthouse at the regular place assigned  
14 for the posting of legal notices. At the hearing, if no owner  
15 appears and establishes ownership of the property, the court may  
16 enter an order authorizing the Director, Commissioner, Attorney  
17 General, or district attorney to donate the property pursuant to  
18 subsection J, K or L of this section, to sell the property at a  
19 public auction to the highest bidder, or to convert title of the  
20 property to the Oklahoma State Bureau of Narcotics and Dangerous  
21 Drugs Control, the Department of Public Safety, the Oklahoma State  
22 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
23 Commission, the Department of Corrections, or the Office of the  
24 Attorney General for the purposes provided for in subsection J, K or

1 L of this section after at least ten (10) days of notice has been  
2 given by publication in one issue of a legal newspaper of the  
3 county. If the property is offered for sale at public auction and  
4 no bid is received that exceeds fifty percent (50%) of the value of  
5 the property, such value to be announced prior to the sale, the  
6 Director, Commissioner, Attorney General, or district attorney may  
7 refuse to sell the item pursuant to any bid received. The Director,  
8 Commissioner, Attorney General, or district attorney shall make a  
9 return of the sale and, when confirmed by the court, the order  
10 confirming the sale shall vest in the purchaser title to the  
11 property so purchased.

12 D. The money received from the sale of property by the Oklahoma  
13 State Bureau of Narcotics and Dangerous Drugs Control shall be used  
14 for general drug enforcement purposes. These funds shall be  
15 transferred to the Bureau of Narcotics Revolving Fund established  
16 pursuant to Section 2-107 of this title or in the case of a district  
17 attorney, the revolving fund provided for in paragraph 3 of  
18 subsection L of Section 2-506 of this title.

19 E. At the request of the Department of Public Safety, the  
20 district attorney or a designee of the district attorney may conduct  
21 any forfeiture proceedings as described in Section 2-503 of this  
22 title on any property subject to forfeiture as described in  
23 subsection A, B or C of Section 2-503 of this title. The money  
24 received from the sale of property by the Department of Public

1 Safety shall be deposited in the ~~Department of Public Safety~~  
2 ~~Revolving Fund~~ Department of Public Safety Restricted Revolving Fund  
3 and shall be expended for law enforcement purposes.

4 F. The money received from the sale of property by the  
5 Alcoholic Beverage Laws Enforcement Commission shall be deposited in  
6 the General Revenue Fund of the state.

7 G. The money received from the sale of property from the  
8 Oklahoma State Bureau of Investigation shall be deposited in the  
9 OSBI Revolving Fund and shall be expended for law enforcement  
10 purposes.

11 H. The Director of the Oklahoma Department of Corrections shall  
12 make a return of the sale and when confirmed by the court, the order  
13 confirming the sale shall vest in the purchaser title to the  
14 property so purchased. Twenty-five percent (25%) of the money  
15 received from the sale shall be disbursed to a revolving fund in the  
16 office of the county treasurer of the county wherein the property  
17 was seized, said fund to be used as a revolving fund solely for  
18 enforcement of controlled dangerous substances laws, drug abuse  
19 prevention and drug abuse education. The remaining seventy-five  
20 percent (75%) shall be deposited in the Department of Corrections  
21 Revolving Fund to be expended for equipment for probation and parole  
22 officers and correctional officers.

23 I. The money received from the sale of property from the Office  
24 of the Attorney General shall be deposited in the Attorney General

1 Law Enforcement Revolving Fund and shall be expended for law  
2 enforcement purposes. The Office of the Attorney General may enter  
3 into agreements with municipal, county or state agencies to return  
4 to such an agency a percentage of proceeds of the sale of any  
5 property seized by the agency and forfeited under the provisions of  
6 this section.

7 J. Any property, including but not limited to uncontaminated  
8 laboratory equipment used in the processing, manufacturing or  
9 compounding of controlled dangerous substances in violation of the  
10 provisions of the Uniform Controlled Dangerous Substances Act, upon  
11 a court order, may be donated for classroom or laboratory use by the  
12 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,  
13 Oklahoma Department of Public Safety, district attorney, the  
14 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma  
15 Department of Corrections, or the Office of the Attorney General to  
16 any public secondary school or technology center school in this  
17 state or any institution of higher education within The Oklahoma  
18 State System of Higher Education.

19 K. Any vehicle or firearm which has come into the possession  
20 and title vested in the Oklahoma State Bureau of Narcotics and  
21 Dangerous Drugs Control, the Oklahoma Department of Public Safety,  
22 the Oklahoma State Bureau of Investigation, or the Office of the  
23 Attorney General, may be transferred, donated or offered for lease  
24 to any sheriff's office, tribal law enforcement agency, campus

1 police department pursuant to the provisions of the Oklahoma Campus  
2 Security Act, or police department in this state on an annual basis  
3 to assist with the enforcement of the provisions of the Uniform  
4 Controlled Dangerous Substances Act. Each agency shall promulgate  
5 rules, regulations and procedures for leasing vehicles and firearms.  
6 No fully automatic weapons will be subject to the leasing agreement.  
7 All firearms leased may be utilized only by C.L.E.E.T. certified  
8 officers who have received training in the type and class of weapon  
9 leased. Every lessee shall be required to submit an annual report  
10 to the leasing agency stating the condition of all leased property.  
11 A lease agreement may be renewed annually at the option of the  
12 leasing agency. Upon termination of a lease agreement, the property  
13 shall be returned to the leasing agency for sale or other  
14 disposition. All funds derived from lease agreements or other  
15 disposition of property no longer useful to law enforcement shall be  
16 deposited in the agency's revolving fund, or in the case of the  
17 Department of Public Safety, the Department of Public Safety  
18 Restricted Revolving Fund, and shall be expended for law enforcement  
19 purposes.

20 L. Before disposing of any property pursuant to subsections C  
21 through I of this section, the Oklahoma State Bureau of Narcotics  
22 and Dangerous Drugs Control, the Department of Public Safety, the  
23 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma State  
24 Bureau of Investigation, the Department of Corrections, the Office

1 of the Attorney General, or a district attorney may transfer or  
2 donate the property to another state agency, tribal law enforcement  
3 agency, or school district for use upon request. In addition to the  
4 provisions of this section, the Oklahoma State Bureau of Narcotics  
5 and Dangerous Drugs Control may transfer or donate property for any  
6 purpose pursuant to Section 2-106.2 of this title. The agencies and  
7 any district attorney that are parties to any transfer of property  
8 pursuant to this subsection shall enter into written agreements to  
9 carry out any such transfer of property. Any such agreement may  
10 also provide for the granting of title to any property being  
11 transferred as the parties deem appropriate. If the transfer of  
12 property is to a school district, a written agreement shall be  
13 entered into with the superintendent of the school district. No  
14 weapons may be transferred to a school district except as provided  
15 for in subsection K of this section.

16 SECTION 17. This act shall become effective July 1, 2012.

17 SECTION 18. It being immediately necessary for the preservation  
18 of the public peace, health and safety, an emergency is hereby  
19 declared to exist, by reason whereof this act shall take effect and  
20 be in full force from and after its passage and approval.

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