

1 2. Maintain fingerprint and other identification files
2 including criminal history records, juvenile identification files,
3 and DNA profiles;

4 3. Establish, coordinate and maintain the automated
5 fingerprinting identification system (AFIS) and the deoxyribonucleic
6 acid (DNA) laboratory;

7 4. Operate teletype, mobile and fixed radio or other
8 communications systems;

9 5. Conduct schools and training programs for the agents, peace
10 officers, and technicians of this state charged with the enforcement
11 of law and order and the investigation and detection of crime;

12 6. Assist the Director of the Oklahoma State Bureau of
13 Narcotics and Dangerous Drugs Control, the Chief Medical Examiner,
14 and all law enforcement officers and district attorneys when such
15 assistance is requested, in accordance with the policy determined by
16 the Oklahoma State Bureau of Investigation Commission established in
17 Section 150.3 of this title;

18 7. Investigate and detect criminal activity when directed to do
19 so by the Governor;

20 8. Investigate, detect, institute and maintain actions
21 involving vehicle theft pursuant to Section 150.7a of this title ~~or~~;

22 9. Investigate, detect, apprehend, institute and maintain
23 actions independently or jointly with the Department of Public
24 Safety involving larceny or theft of oil, gas or oil field equipment

1 ~~theft~~ pursuant to ~~Sections~~ Section 150.13 and Section 152.2 through
2 ~~152.9~~ et seq. of this title;

3 ~~9.~~ 10. Investigate any criminal threat made to the physical
4 safety of elected or appointed officials of this state or any
5 political subdivision of the state and forward the results of that
6 investigation to the Department of Public Safety, and provide
7 security to foreign elected or appointed officials while they are in
8 this state on official business;

9 ~~10.~~ 11. Investigate and detect violations of the Oklahoma
10 Computer Crimes Act; and

11 ~~11.~~ 12. Investigate and enforce all laws relating to any crime
12 listed as an exception to the definition of "nonviolent offense" as
13 set forth in section 571 of Title 57 of the Oklahoma Statutes that
14 occur on the turnpikes.

15 SECTION 2. AMENDATORY 74 O.S. 2011, Section 150.13, is
16 amended to read as follows:

17 Section 150.13. A. The Director of the Oklahoma State Bureau
18 of Investigation is hereby authorized to appoint, with the approval
19 of the Commission, not to exceed twenty (20) special officers, who
20 shall not be salaried employees of the Bureau of Investigation but
21 who shall at all times be subject to the orders and directions of
22 the Director; provided ~~that~~ the special officers shall not have
23 authority to enforce any laws except the provisions of the Oklahoma
24 Statutes relating to larceny of domestic animals, livestock or farm

1 and ranch equipment or supplies, with respect to which ~~they~~ each
2 officer shall have the same authority as any other peace officer.
3 These officers shall be known as rangers.

4 B. The Director of the Oklahoma State Bureau of Investigation,
5 with the approval of the Commission, or the Commissioner of Public
6 Safety is hereby authorized to appoint, not to exceed twenty (20)
7 special officers, who shall not be salaried employees of the Bureau
8 or Department of Public Safety but who shall at all times be subject
9 to the orders and directions of their appointing authority;
10 provided, the special officers shall not have authority to enforce
11 any laws except the provisions of the Oklahoma Statutes relating to
12 larceny or theft of oil, gas, or oil field equipment, with respect
13 to which each officer shall have the same authority as any other
14 peace officer. These special officers shall be known as oil and gas
15 investigators.

16 C. Rangers and oil and gas investigators shall not receive any
17 compensation or expenses from the State of Oklahoma or any of its
18 departments, agencies or subdivisions for their services. Before
19 the issuance of a special commission each ranger or oil and gas
20 investigator shall enter into a good and sufficient bond executed by
21 a surety company authorized to do business in the State of Oklahoma
22 in the sum of Five Hundred Thousand Dollars (\$500,000.00), and
23 approved by ~~the Director~~ their appointing authority, to indemnify
24 all persons against damages accruing as a result of any illegal or

1 unlawful acts on the part of ~~the~~ such rangers or oil and gas
2 investigator; provided ~~that~~ all special commissions shall expire on
3 January 1 of the odd-numbered year after the appointment. The
4 ~~Director special commission~~ may ~~renew, suspend or revoke any special~~
5 ~~commission~~ be renewed, suspended or revoked at any time by the
6 appointing authority.

7 SECTION 3. AMENDATORY 74 O.S. 2011, Section 152.2, is
8 amended to read as follows:

9 Section 152.2. For purposes of Section 152.2 et seq. of this
10 ~~act~~ title:

11 1. "Broker" means every person whose primary business is
12 buying, selling, or otherwise dealing in used materials as agent for
13 the seller of the used materials, or as agent for the buyer of the
14 used materials, or as agent for both;

15 2. "Bureau" means the Oklahoma State Bureau of Investigation;

16 3. "Dealer" means every person whose primary business is
17 buying, selling, or otherwise dealing in used materials and who has
18 a fixed, designated place or places of business within this state;

19 4. "Department" means the Department of Public Safety;

20 5. "Director" means the Director of the Oklahoma State Bureau
21 of Investigation;

22 ~~5.~~ 6. "Gas" means natural gas, including casinghead gas, and
23 any and all other hydrocarbons not defined as oil;

24

1 ~~6.~~ 7. "Load ticket" means an invoice or other shipping paper
2 described and required by Section 1013 of Title 68 of the Oklahoma
3 Statutes or other manifest required by state or federal law
4 describing the cargo;

5 ~~7.~~ 8. "Oil" means crude petroleum oil, and any other liquid
6 hydrocarbons, regardless of gravity, which are produced at the well
7 in liquid form by ordinary production methods;

8 ~~8.~~ 9. "Oil field equipment" means equipment, machinery or
9 materials that are part of or incident to drilling, well servicing,
10 exploration, development, maintenance, production, transportation
11 and operation of oil and gas properties and includes equipment and
12 materials that are part of or incident to the construction,
13 maintenance and operation of oil and gas wells, oil and gas leases,
14 gasoline plants and refineries;

15 ~~9.~~ 10. "Oil reclaimer" means any person who reclaims, salvages,
16 or in any manner removes or extracts oil from the waste products
17 associated with the production, storage, and transportation of oil,
18 including but not limited to salt water, and the residue from oil
19 storage tank bottoms;

20 ~~10.~~ 11. "Peddler" means every person who is not a dealer or
21 broker and whose primary business is buying, selling, or otherwise
22 dealing in used materials;

23

24

1 ~~11.~~ 12. "Person" means any individual, copartnership,
2 corporation, common law or statutory trust or association of
3 whatever character;

4 ~~12.~~ 13. "Pipeline equipment" means all pipes, fitting, pumps,
5 telephone and telegraph lines, and all other material and equipment
6 used as part of or incident to the construction, maintenance and
7 operation of a pipeline for the transportation of oil, gas, water,
8 or other liquid or gaseous substance;

9 ~~13.~~ 14. "Transportation" or "transport" means the movement of
10 oil or gas or salt water by any vehicle in this state. The term
11 does not include movement by railroad tank car or by pipeline. The
12 term transportation or transport shall not apply to the
13 transportation of oil or gas when such oil or gas is contained in
14 the ordinary equipment of a motor vehicle and is used only for the
15 operation of the motor vehicle in which contained;

16 ~~14.~~ 15. "Transporter" means any person who actually transports
17 oil or gas or salt water in any vehicle on any road, street, or
18 highway in this state;

19 ~~15.~~ 16. "Unlawful gas" means gas transported or taken in
20 violation of any law of this state;

21 ~~16.~~ 17. "Unlawful oil" means any oil transported or taken in
22 violation of any law of this state;

23

24

1 ~~17.~~ 18. "Used materials" means pipeline equipment or oil field
2 equipment after the equipment has once been placed in the use for
3 which it first was manufactured and intended; and

4 ~~18.~~ 19. "Vehicle" means every device upon or in which any
5 person or property is or may be transported or drawn.

6 SECTION 4. AMENDATORY 74 O.S. 2011, Section 152.3, is
7 amended to read as follows:

8 Section 152.3. In addition to the other powers and duties of
9 the Oklahoma State Bureau of Investigation or the Commissioner of
10 Public Safety provided by law, the Bureau and Commissioner, and
11 their commissioned special officers, shall have the power and duty
12 to:

13 1. Review records from any oil reclaimer to ensure that oil is
14 not stolen;

15 2. To enter upon any public or private property to conduct
16 inspections at reasonable hours to ensure that any operation of an
17 oil reclaiming facility is not a conduit for unlawful oil and for
18 the purpose of investigating oil or gas theft operations and to take
19 necessary action if any operation is found to be a conduit for
20 stolen oil or gas;

21 3. Advise, consult, and cooperate with other agencies of this
22 state, the federal government, other states and interstate agencies,
23 and with affected groups and political subdivisions concerning oil
24

1 reclaiming operations, the transportation of unlawful oil and
2 unlawful gas and stolen oil field equipment;

3 4. Institute and maintain or intervene in any action or
4 proceeding where deemed necessary ~~by the Bureau~~ to ensure that any
5 operation of an oil reclaiming facility is not a conduit for
6 unlawful oil or for the purpose of prosecuting persons involved in
7 oil field equipment theft;

8 5. Conduct investigations of organized oil or gas theft rings
9 and stolen oil field equipment rings;

10 6. Determine sources and outlets for unlawful oil or unlawful
11 gas or stolen oil field equipment;

12 7. Stop any vehicle transporting or appearing to transport any
13 oil, gas or salt water, for the purpose of inspecting, measuring,
14 and taking samples of the cargo and inspecting load tickets to
15 ensure that such vehicle is not transporting unlawful gas or
16 unlawful oil;

17 8. Stop any vehicle transporting or appearing to transport any
18 oil field equipment, for the purpose of inspecting the cargo being
19 transported and to inspect bills of lading to ensure that the
20 vehicle is not transporting stolen oil field equipment;

21 9. Investigate any theft of oil or gas or oil field equipment
22 of which the ~~agency~~ Bureau or Department receives notice;

23

24

1 10. Arrest or cause the arrest of any person when reasonable
2 grounds exist to believe such person is in possession of unlawful
3 oil, unlawful gas or stolen oil field equipment;

4 11. ~~Coordinate the~~ Develop state efforts ~~of this state~~ to
5 reduce oil, gas and oil field equipment theft with ~~local, state, and~~
6 ~~federal~~ other law enforcement agencies;

7 12. Develop educational programs on detection and prevention of
8 oil, gas and oil field equipment theft; ~~and~~

9 13. Exercise all incidental powers necessary and proper for the
10 administration ~~and enforcement of the provisions of this act,~~
11 investigation, detection, apprehension and prosecution of persons or
12 entities involved in oil, gas or oil field equipment larceny or
13 theft; and

14 14. Impose administrative fines or investigative fines not
15 exceeding Ten Thousand Dollars (\$10,000.00) per violation, which
16 shall be in addition to any criminal fine imposed for a crime of
17 oil, gas or oil field equipment larceny or theft.

18 SECTION 5. AMENDATORY 74 O.S. 2011, Section 152.4, is
19 amended to read as follows:

20 Section 152.4. The Director of the Oklahoma State Bureau of
21 Investigation, the Commissioner of Public Safety, duly appointed and
22 commissioned oil and gas investigators, and any ~~other agent of the~~
23 ~~Bureau~~ special officer duly appointed and commissioned by the Bureau
24 or Commissioner shall have the right at all times to go upon

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~~Strike thru~~ language denotes deletion from present Statutes.

1 property where oil is being reclaimed in order to inspect, gauge, or
2 take samples from pipelines, tank farms, pump stations, and any and
3 all other facilities used for the reclamation of oil.

4 SECTION 6. AMENDATORY 74 O.S. 2011, Section 152.5, as
5 amended by Section 837, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
6 2013, Section 152.5), is amended to read as follows:

7 Section 152.5. A. All monies received from administrative
8 fines and forfeitures for violations of the provisions of Section
9 152.2 et seq. of this act title on behalf of the Oklahoma State
10 Bureau of Investigation or the Department of Public Safety, when
11 collected by the court clerk, shall be deposited by such clerk as
12 follows:

13 1. Fifty percent (50%) thereof with the county treasurer to be
14 credited to the general fund of the county and so reported; and

15 2. Fifty percent (50%) shall be transmitted to the Oil and Gas
16 Theft Recovery Fund by cash voucher and so reported.

17 Provided, however, the court clerk is authorized to retain five
18 percent (5%) of any administrative fine collected, which shall be
19 deducted before division and deposit of the remaining amount
20 collected.

21 B. All transmittals of monies under this section shall be
22 accompanied by a report showing the name of the court, the number of
23 the case, the style of the case and the amount of administrative and
24 criminal fine and forfeiture in each separate instance.

1 C. The transmittal of monies by court case number, court name,
2 and style of case shall govern whether the monies are to be credited
3 to the OSBI Oil and Gas Theft Recovery Revolving Fund or the DPS Oil
4 and Gas Theft Recovery Revolving Fund or divided between the two
5 agency funds as determined by the style of the case.

6 D. There is hereby created in the State Treasury a revolving
7 fund for the Bureau, to be designated the "OSBI Oil and Gas Theft
8 Recovery Revolving Fund". The fund shall be a continuing fund, not
9 subject to fiscal year limitations, and shall consist of all monies
10 received by the Bureau, from administrative fines and forfeitures
11 received pursuant to Section 152.2 et seq. of this act title. All
12 monies accruing to the credit of said fund are hereby appropriated
13 and may be budgeted and expended by the Bureau for the purpose of
14 effectuating the provisions of Section 152.2 et seq. of this act
15 title. Expenditures from said fund shall be made upon warrants
16 issued by the State Treasurer against claims filed as prescribed by
17 law with the Director of the Office of Management and Enterprise
18 Services for approval and payment.

19 SECTION 7. AMENDATORY 74 O.S. 2011, Section 152.6, is
20 amended to read as follows:

21 Section 152.6. A. Each agent of the Oklahoma State Bureau of
22 Investigation, each agent of the Federal Bureau of Investigation,
23 each highway patrolman, each oil and gas investigator, each sheriff
24 and each state-certified peace officer in this state is authorized

1 to stop any vehicle transporting or appearing to transport oil, gas
2 or salt water, for the purpose of inspecting, measuring, and taking
3 samples of the cargo and inspecting the load ticket of such vehicle
4 to ensure that the cargo conforms to such load ticket. Except as
5 authorized in subsection C of this section, upon stopping any
6 vehicle pursuant to this section, such patrolmen, agents, oil and
7 gas investigators, sheriffs or peace officers are not authorized to
8 take any samples of the cargo of such vehicle until the vehicle
9 arrives at its destination as indicated on its load ticket.

10 B. Each agent of the Oklahoma State Bureau of Investigation,
11 each agent of the Federal Bureau of Investigation, each highway
12 patrolman, each oil and gas investigator, each sheriff and each
13 state-certified peace officer in this state is authorized to stop
14 any vehicle transporting or appearing to transport oil field
15 equipment, for the purpose of inspecting the cargo and inspecting
16 the bill of lading of the vehicle to ensure that the cargo conforms
17 to the bill of lading.

18 C. Such patrolmen, agents, oil and gas investigators, sheriffs
19 or peace officers may take samples of the cargo of such vehicle if
20 the vehicle has an out-of-state destination as indicated on its load
21 ticket or if no destination is indicated on the load ticket.

22 D. A rebuttable presumption that the cargo is unlawful oil or
23 unlawful gas and probable cause for the arrest of any person
24 transporting oil, gas or salt water and the seizure of the vehicle

1 and the oil or gas transported in the vehicle pursuant to Section
2 152.8 of this title shall be established if:

3 1. The person transporting oil or gas or salt water fails to
4 produce the load ticket upon proper request therefor;

5 2. The load ticket does not contain such information so as to
6 describe or otherwise evidence the cargo as required by state or
7 federal laws; or

8 3. The inspection, measuring, or taking samples of said oil or
9 gas or salt water reveals that the contents of the vehicle are not
10 the same as those described in the load ticket.

11 SECTION 8. AMENDATORY 74 O.S. 2011, Section 152.7, is
12 amended to read as follows:

13 Section 152.7. A. Each person transporting oil or gas or salt
14 water in this state who:

15 1. Willfully and knowingly fails to stop his or her vehicle
16 when commanded to do so by any person authorized to stop and inspect
17 a vehicle pursuant to Section ~~5~~ 152.6 of this ~~act~~ title; or

18 2. Willfully fails to permit inspection by such authorized
19 person of the contents of the vehicle or the load ticket in the
20 possession of such person or accompanying such vehicle,

21 upon conviction, shall be punished by a fine of not less than
22 One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars
23 (\$10,000.00), or by imprisonment in the county jail for ~~not more~~

24

1 ~~than~~ a term not exceeding six (6) months, or by both such fine and
2 imprisonment.

3 B. ~~Any monies received from fines pursuant to this section~~
4 ~~shall be deposited pursuant to Section 4 of this act~~ The Oklahoma
5 State Bureau of Investigation and the Department of Public Safety,
6 whichever was the investigative agency, or both, may assess an
7 administrative or investigative fine in the same amount as the court
8 ordered fine. The administrative or investigative fine may be
9 collected by the court clerk who shall be authorized to retain five
10 percent (5%) of the amount collected and shall transmit the balance
11 to the appropriate agency fund.

12 SECTION 9. AMENDATORY 74 O.S. 2011, Section 152.8, is
13 amended to read as follows:

14 Section 152.8. A. The transportation of all unlawful oil or
15 unlawful gas is hereby declared to be a public nuisance and such
16 unlawful gas or unlawful oil shall be forfeited to the state.
17 Except as provided by this section and Section ~~§~~ 152.9 of this ~~act~~
18 title all vehicles being used to transport ~~said~~ the unlawful oil or
19 unlawful gas shall also be forfeited to the state.

20 B. Except as authorized by subsection C of this section, all
21 property taken or detained under this section by any authorized
22 person shall not be repleviable, and shall be deemed to be in the
23 custody of the office of the district attorney of the county in
24 which such property was seized, subject only to the decree of a

1 court of competent jurisdiction. If sufficient evidence exists, as
2 determined by the district attorney, that any oil or gas seized is
3 unlawful oil or unlawful gas or that any vehicle seized was used to
4 transport such unlawful oil or unlawful gas, ~~said~~ the district
5 attorney shall follow the procedures provided in Section § 152.9 of
6 this ~~act~~ title dealing with notification of seizure, intent and
7 forfeiture, final disposition procedures, and release to innocent
8 claimants with regard to all property seized by such authorized
9 persons. If sufficient evidence does not exist, as determined by
10 the district attorney, that any oil or gas seized is unlawful oil or
11 unlawful gas or that any vehicle seized was used to transport such
12 unlawful oil or unlawful gas, the district attorney may release such
13 oil or gas or vehicle but shall notify any appropriate state or
14 federal agency of any possible permit or license violations.

15 C. 1. The owner of a vehicle, upon submission of a written
16 statement, under oath, to the office of the district attorney of the
17 county in which ~~said~~ the property was seized stating that such owner
18 had no knowledge of the unlawfulness of the oil or gas or that the
19 oil or gas became unlawful without his or her knowledge after the
20 creation of his or her interest or that the vehicle was being used
21 for the purpose charged without his or her knowledge, and upon
22 execution of a lien pursuant to this subsection and entry of the
23 lien on the certificate of title, shall be entitled to recover the
24 possession of the vehicle prior to the commencement of the action.

1 2. The office of the district attorney of the county in which
2 property was seized shall have a lien upon any vehicle seized
3 pursuant to this section. If the title to the vehicle is not with
4 the person from whom such vehicle was seized, the person having
5 title shall be given notice within five (5) days of such seizure and
6 of the opportunity to recover the vehicle pursuant to this
7 subsection. The lien on such vehicle shall be preferred to all
8 other liens or encumbrances which may attach to or upon such
9 vehicle.

10 3. The office of the district attorney claiming the lien within
11 ten (10) days of seizure of the vehicle shall file in the office of
12 the county clerk of the county in which such property was seized a
13 statement verified by affidavit setting forth:

- 14 a. the registration number of the seized vehicle~~+~~L
- 15 b. the name of the person having title to said vehicle~~+~~L
- 16 and
- 17 c. a description of the vehicle including its value.

18 In addition, the office of the district attorney claiming the
19 lien shall provide for the entry of the lien on the certificate of
20 title pursuant to the Motor Vehicle Title Act. Such statement shall
21 be filed and the lien recorded on the certificate of title prior to
22 the recovery of the vehicle by the owner pursuant to this
23 subsection.

24

1 4. Any person having title to the seized vehicle on which a
2 lien is claimed pursuant to this subsection may at any time
3 discharge the lien by depositing with the county clerk of the county
4 in which property was seized a corporate surety bond made payable to
5 the state in an amount not less than the value of the vehicle
6 seized. Within three (3) business days after the deposit of bond is
7 made, the county clerk shall serve upon the office of the district
8 attorney claiming the lien, written notice setting forth:

- 9 a. the number of the lien claim~~+~~L
- 10 b. the name of the vehicle owner~~+~~L
- 11 c. the property description shown on the lien claim~~+~~L
- 12 d. the names of the principal and surety~~+~~L and
- 13 e. the bond penalty.

14 The party seeking to discharge the lien shall prepare and
15 deliver the notice to the county clerk of the county in which the
16 property was seized and pay a fee of Five Dollars (\$5.00) to cover
17 the cost of filing and mailing. An abbreviated notice may be used
18 if the same refers to and encloses a copy of the lien claim and a
19 copy of the bond with the clerk's filing stamp thereon. The notice
20 shall be mailed by registered or certified mail at the option of the
21 county clerk.

22 If a bond is deposited, the district attorney shall have five
23 (5) days after the notice is mailed within which to file a written
24 objection with the county clerk of said county. If a written

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1 objection is not timely made, the county clerk shall immediately
2 show the lien released of record. If an objection is timely made,
3 the county clerk shall set a hearing within five (5) days thereafter
4 and notify by ordinary mail both the office of the district attorney
5 and the party making the deposit of the date and time thereof. The
6 only grounds for objection shall be that: The surety is not
7 authorized to transact business in this state; the bond is not
8 properly signed; the amount is less than the value of the vehicle
9 seized; the power of attorney of the surety's attorney-in-fact does
10 not authorize the execution; there is no power of attorney attached
11 if the bond is executed by anyone other than the surety's president
12 and attested by its secretary; or a cease and desist order has been
13 issued against the surety either by the Insurance Commissioner or a
14 court of competent jurisdiction. Within two (2) business days
15 following the hearing the county clerk shall either sustain or
16 overrule the objections and notify the parties of his ruling by
17 ordinary mail. If the objections are sustained, the ruling of the
18 county clerk shall be conclusive for lien release purposes unless
19 appealed within ten (10) days to the district court. If the
20 objections are overruled, the county clerk shall immediately show
21 the lien released of record.

22 The bond shall: Name the office of the district attorney in
23 which the property was seized as obligee and the party seeking the
24 release as principal; be executed by both the principal and the

1 surety; have a proper power of attorney attached if executed by an
2 attorney-in-fact; be executed by a corporate surety authorized to
3 transact business in this state; and be conditioned that the
4 principal and surety will pay the full amount of the claim as
5 established in any appropriate court proceeding, plus any court
6 costs, but in no event shall the liability of the principal or
7 surety under the bond exceed the bond penalty. The conditions of
8 any bond filed pursuant to this section shall be deemed to comply
9 with the requirements hereof, regardless of the language or
10 limitations set forth therein, if both the principal and surety
11 intend that the bond be filed to secure a lien release under this
12 section.

13 The bond shall stand in lieu of the released lien. The bond
14 shall stand liable for such principal, interest, and court costs.
15 The bond principal and surety are necessary parties to an action
16 against the substituted security, and by filing a bond the parties
17 subject themselves to personal jurisdiction in the court where the
18 action is properly filed and may be served with process as in other
19 cases.

20 5. If the district attorney fails to file a forfeiture
21 proceeding pursuant to Section ~~8~~ 152.9 of this ~~act~~ title, upon
22 application of the party filing the bond and the payment of a fee of
23 Ten Dollars (\$10.00), the county clerk shall appropriately note on
24 the bond that the same has been released. The clerk shall not incur

1 liability to any lien claimant for the release of a bond in good
2 faith.

3 6. Upon conviction of the owner of the vehicle for violating
4 ~~the provisions~~ any provision of Section 152.2 et seq. of this ~~act~~
5 title, the vehicle so seized upon which a lien has been filed
6 pursuant to this subsection or any bond posted for the discharge of
7 the lien on such vehicle shall be forfeited to the state pursuant to
8 forfeiture proceedings provided by Section & 152.9 of this ~~act~~
9 title.

10 7. Upon the acquittal of such person charged with violating the
11 provisions of this section or upon the dismissal with prejudice of
12 said charge against such person or it is shown that the owner of
13 such vehicle was not knowledgeable concerning the illegal use of his
14 or her vehicle, the lien on the vehicle shall be immediately
15 discharged in accordance with procedures for the discharge of liens,
16 or the bond posted shall be returned to the person posting such
17 bond.

18 SECTION 10. AMENDATORY 74 O.S. 2011, Section 152.9, is
19 amended to read as follows:

20 Section 152.9. A. Any person authorized to stop and inspect a
21 vehicle pursuant to Section 152.6 of this title shall seize any
22 unlawful oil or unlawful gas and shall seize any vehicle or trailer
23 which is being used to transport such unlawful oil or unlawful gas.
24 Except as authorized by Section 152.8 of this title, such property

1 shall be held as evidence until a forfeiture has been declared or a
2 release ordered.

3 B. Notice of seizure and intended forfeiture proceeding shall
4 be filed in the office of the clerk of the district court for the
5 county in which such unlawful oil or unlawful gas and vehicle or
6 trailer is seized and shall be given all owners and parties in
7 interest.

8 C. Notice shall be given to:

- 9 1. The Oklahoma Tax Commission Gross Production Division;
- 10 2. Each owner or party in interest whose rights, title, or
11 interest is of record in the Oklahoma Tax Commission, by mailing a
12 copy of the notice by certified mail to the address as given upon
13 the records of the Oklahoma Tax Commission;
- 14 3. Each owner or party in interest whose name and address is
15 known, by mailing a copy of the notice by registered mail to the
16 last-known address; and
- 17 4. All other owners, whose addresses are unknown, but who are
18 believed to have an interest in the unlawful oil or unlawful gas,
19 vehicle or trailer, by one publication in a newspaper of general
20 circulation in the county where the seizure was made.

21 D. Within sixty (60) days after the mailing or publication of
22 the notice, the owner of the unlawful oil or unlawful gas, vehicle
23 or trailer and any other party in interest or claimant may file a
24 verified answer and claim to the unlawful oil or unlawful gas,

1 vehicle or trailer described in the notice of seizure and of the
2 intended forfeiture proceeding.

3 E. If at the end of sixty (60) days after the notice has been
4 mailed or published there is no verified answer on file, the court
5 shall hear evidence upon the fact of the unlawful use and shall
6 order the unlawful oil or unlawful gas, vehicle or trailer forfeited
7 to the state, if such fact is proved.

8 F. If a verified answer is filed, the forfeiture proceeding
9 shall be set for hearing.

10 G. At the hearing, the state shall prove beyond a reasonable
11 doubt by competent evidence that the oil or gas seized is unlawful
12 oil or unlawful gas and that any vehicle or trailer seized was being
13 used to transport the unlawful oil or unlawful gas.

14 H. The claimant of any right, title, or interest in the
15 unlawful oil, unlawful gas, vehicle or trailer may prove that the
16 lien mortgage or conditional sales contract of the claimant is bona
17 fide and that such right, title, or interest was created without any
18 knowledge of the unlawfulness of the oil or gas or that the oil or
19 gas became unlawful without the knowledge of the claimant after the
20 creation of the interest of the claimant, or that the vehicle or
21 trailer was being used for the purpose charged without the knowledge
22 of the claimant.

23 I. In the event of such proof, the court shall order the
24 unlawful oil or unlawful gas, vehicle or trailer released to the

1 bona fide or innocent owner, lien holder, mortgagee, or vendor if
2 the amount due the person is equal to, or in excess of, the value of
3 the unlawful oil or unlawful gas, vehicle or trailer as of the date
4 of the seizure.

5 J. If the amount due to such person is less than the value of
6 the unlawful oil or unlawful gas, vehicle or trailer or if no bona
7 fide claim is established, the unlawful oil or unlawful gas,
8 vehicle, trailer or bond shall be forfeited to the state and the
9 unlawful oil or unlawful gas, vehicle or trailer shall be sold under
10 judgment of the court, as on sale upon execution.

11 K. The proceeds of the sale of any unlawful oil or unlawful
12 gas, vehicle, trailer or bond shall be distributed as follows, in
13 the order indicated:

14 1. All gross production and petroleum excise taxes due to the
15 Oklahoma Tax Commission;

16 2. To the bona fide innocent purchaser, conditional sales
17 vendor, or mortgagee of the unlawful gas or unlawful oil, vehicle or
18 trailer, if any, up to the amount of the interest of the person in
19 the unlawful gas or unlawful oil, vehicle or trailer, when the court
20 declaring the forfeiture orders a distribution to such person;

21 3. To the payment of the actual expenses of preserving the
22 property;

23 4. The remainder of ~~such~~ the proceeds shall be remitted by the
24 court clerk forthwith as follows:

1 a. fifty percent (50%) thereof with the county treasurer
2 to be credited to the general fund of the county and
3 so reported, and

4 b. fifty percent (50%) shall be transmitted to the State
5 Treasurer and shall be placed to the credit of the
6 agency bringing the action or on whose behalf the
7 action is brought; and

8 5. The sheriff executing the sale shall issue a bill of sale or
9 certificate to the purchaser of the oil or gas and the Tax
10 Commission, upon the presentation of the certificate of clearance,
11 shall issue a license, if a license is required, permitting the
12 purchaser of the oil or gas to move the same into commerce.

13 L. If the court finds that oil or gas seized is not unlawful,
14 the court shall order the oil or gas released to the owner and shall
15 order any vehicle or trailer used to transport the oil and gas
16 released to the owner as the right, title, or interest of the owner
17 appears on the record of the ~~Oklahoma~~ Tax Commission as of the date
18 of the seizure.

19 SECTION 11. AMENDATORY 74 O.S. 2011, Section 152.10, as
20 amended by Section 4, Chapter 153, O.S.L. 2012 (74 O.S. Supp. 2013,
21 Section 152.10), is amended to read as follows:

22 Section 152.10. The Oklahoma State Bureau of Investigation,
23 subject to the availability of funds, shall be granted an additional
24 two full-time-equivalent employees to be employed for the purpose of

1 conducting oil field theft and fraud investigations ~~except in cases~~
2 ~~of emergency.~~

3 SECTION 12. AMENDATORY 74 O.S. 2011, Section 152.11, is
4 amended to read as follows:

5 Section 152.11. A. Before purchasing or acquiring pipeline
6 equipment, oil field equipment or used oil or gas materials, a
7 dealer, broker, or peddler shall require that a bill of sale or
8 invoice for the used oil or gas materials be executed by the seller
9 or the person who acquires the pipeline equipment, oil field
10 equipment or used oil or gas materials. The dealer, broker, or
11 peddler shall keep a copy of each bill of sale or invoice at the
12 place of business of the dealer, broker or peddler.

13 B. The bill of sale or invoice shall include:

14 1. The name and address of the dealer, broker, or peddler;

15 2. The serial or other identifying number of the pipeline
16 equipment, oil field equipment or used oil or gas materials, if
17 available;

18 3. The kind, make, size, weight, length, and quantity of the
19 pipeline equipment, oil field equipment or used oil or gas materials
20 purchased or acquired;

21 4. The date of the purchase or acquisition, if different from
22 the date of the bill of sale or invoice;

23 5. The name and address of the seller; and
24

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

1 6. The legal description and well name or physical address of
2 the property at the time purchased or acquired.

3 C. A dealer, broker or peddler shall keep at the place of
4 business of the dealer, broker or peddler all records required to be
5 kept pursuant to this section for two (2) years after the date of
6 the purchase or acquisition of the materials.

7 D. A person, dealer, peddler or broker who violates the
8 provisions of this section shall, upon conviction, be punished by a
9 fine of not less than Five Hundred Dollars (\$500.00) for each
10 violation. In addition, an administrative or investigative fine
11 shall be imposed by the investigating agency, which shall be in the
12 same amount as the fine imposed upon conviction.

13 SECTION 13. AMENDATORY 74 O.S. 2011, Section 152.12, is
14 amended to read as follows:

15 Section 152.12. A. Any agent of the Oklahoma State Bureau of
16 Investigation, any agent of the Federal Bureau of Investigation, any
17 commissioned officer of the Department of Public Safety, any duly
18 appointed and commissioned oil and gas investigator, and each
19 sheriff in this state may enter the business premises of a dealer,
20 broker or peddler during normal business hours to inspect the
21 premises and the records of the dealer, broker or peddler to
22 determine whether the dealer, broker or peddler is in compliance
23 with the requirements provided in Section ~~6~~ 152.7 of this ~~act~~ title.

1 B. A dealer, broker or peddler must allow and shall not
2 interfere with inspections conducted pursuant to this section.

3 C. Each inspection conducted under this section shall be
4 commenced and completed with reasonable promptness and shall be
5 conducted in a reasonable manner.

6 D. Failure of any dealer, broker or peddler to permit the entry
7 and inspection of records during normal business hours shall be
8 punishable, upon conviction, by a fine of not less than Five Hundred
9 Dollars (\$500.00) per day when entry or inspection is denied. In
10 addition, an administrative or investigative fine shall be imposed
11 by the investigating agency, which shall be in the same amount as
12 the fine imposed upon conviction.

13 SECTION 14. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 108.4 of Title 47, unless there
15 is created a duplication in numbering, reads as follows:

16 A. The Commissioner of Public Safety is hereby vested with the
17 power to commission and appoint special investigators to be known as
18 "oil and gas investigators" pursuant to the authority of Section
19 150.13 of Title 74 of the Oklahoma Statutes, which special officers
20 shall investigate, detect, apprehend, institute and maintain actions
21 involving larceny and theft of oil, gas or oil field equipment
22 pursuant to Section 152.2 et seq. of Title 74 of the Oklahoma
23 Statutes. When exercising such power to appoint and commission oil
24 and gas investigators, the Commissioner shall advise the Director of

1 the Oklahoma State Bureau of Investigation of the names and
2 qualifications of each commissioned special investigator and
3 disclose the jurisdiction where primary investigative activities may
4 be or are being conducted, unless such disclosure would jeopardize
5 an investigation. The Commissioner shall have the authority, duty
6 and responsibility to coordinate investigations of larceny and theft
7 of oil, gas and oil field equipment within this state and between
8 all state and local agencies, and other state and federal law
9 enforcement agencies.

10 B. There is hereby created in the State Treasury a revolving
11 fund for the Department of Public Safety, to be designated the "DPS
12 Oil and Gas Theft Recovery Revolving Fund". The fund shall be a
13 continuing fund, not subject to fiscal year limitations, and shall
14 consist of all monies received by the Department, from
15 administrative fines and forfeitures received pursuant to Section
16 152.2 et seq. of Title 74 of the Oklahoma Statutes. All monies
17 accruing to the credit of said fund are hereby appropriated and may
18 be budgeted and expended by the Department for the purpose of
19 effectuating the provisions of Section 152.2 et seq. of Title 74 of
20 the Oklahoma Statutes. Expenditures from said fund shall be made
21 upon warrants issued by the State Treasurer against claims filed as
22 prescribed by law with the Director of the Office of Management and
23 Enterprise Services for approval and payment.

24

1 SECTION 15. This act shall become effective November 1, 2014.

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3 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/02/2014 -
4 DO PASS, As Amended and Coauthored.
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